Republic of Bulgaria Defence and Armed Forces Act


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*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 15/15.02.2013

Text in Bulgarian: Закон за отбраната и въоръжените сили на Република България

Chapter One
GENERAL PROVISIONS


Article 2. (1) This Act shall apply to the Bulgarian citizens, state bodies, local authorities and local administration and legal persons registered under Bulgarian law.

(2) (Repealed, SG No. 16/2010, effective 26.02.2010).

Article 3. (1) The defence of the Republic of Bulgaria shall be a system of political, economic, military, social and other activities for ensuring a stable security environment and for preparing and implementing armed protection of the territorial integrity and the independence of the state.

(2) For the purpose of preparation and implementation of defence rights and obligations shall be assigned to the Armed Forces of the Republic of Bulgaria, to the state bodies, to the local authorities and the local administration, to legal persons and to citizens.

Article 4. (1) The defence of the Republic of Bulgaria shall be part of national security which shall be governed by the national interests.

(2) The defence of the Republic of Bulgaria shall be performed in conditions of collective defence of the allies in the North Atlantic Treaty Organisation (NATO) as well as within the European Security and Defence Policy.

Article 5. The defence related activities shall be performed in compliance with the Constitution, the laws and the international agreements to which the Republic of Bulgaria is a party.
Article 6. (1) The defence shall be ensured by:

1. creation, maintenance and use of the required resources of the country for forming and maintaining a stable security environment;

2. protection of the territory and the population in case of military threats and in wartime;

3. creation, maintenance and management of the national resources and the country's means for defence in addition to the resources and means in the strategic and operational plans of the Armed Forces.

(2) The activities under paragraph 1 shall be realised through:

1. joint actions with the NATO allies, with the European Union member-states and with international organisations for creation of a stable security environment;

2. prognostication of military threats and defence planning;

3. preparation and maintenance of the necessary combat, operational and mobilisation readiness as well as the capacity to deploy the Armed Forces of the Republic of Bulgaria;

4. preparation of the country's infrastructure for defence;

5. conducting surveillance and collecting intelligence;

6. logistical support and maintenance of the Armed Forces;

7. protection of the state border;

8. preparation of the population and of the economy for operation in case of military threats and/or in wartime;

9. maintenance and use of the Armed Forces in case of disasters;

10. participation in mastering and/or overcoming the consequences of disasters;

11. development and maintenance of an Integrated Communication Information System for governing the country and managing the Armed Forces in case of a state of emergency, martial law and/or a state of war;

12. maintenance of cooperation with allied and other states, international governmental and non-governmental organisations;

13. military patriotic education and training of the population of the country.

Article 7. (1) The maintenance of the country's defence capabilities shall be an obligation of the state bodies, the Armed Forces, the local authorities and the local administration as well as of citizens and legal persons, who have been assigned this task.

(2) The Republic of Bulgaria's defence shall be realised through efficient use of the national defence potential including the Armed Forces and non-military components.
Article 8. In the course of realising defence policy the Republic of Bulgaria shall participate in international organisations, political and military alliances for collective defence and other initiatives in the field of military-political and military cooperation.

Article 9. For the purpose of achieving the national defence policy objectives the Minister of Defence shall maintain international cooperation with the relevant authorities of other states and international organisations.

Article 10. (1) The state shall ensure the required human, financial, material, administrative and other resources and services for the implementation of the country's defence tasks.

(2) The provision of resources for defence shall be done through planning, management and control on a program principle.

Article 11. (1) Defence planning shall be the activity to determine, build and develop the necessary capabilities and the related human, financial, material, administrative and other resources and services for achieving the defence objectives and for performing the Republic of Bulgaria's obligations within the collective defence and security systems.

(2) Defence planning shall be done on the basis of:

1. the National Security Strategy of the Republic of Bulgaria;


3. the military doctrines;

4. the main strategies and acts of the European Union in the field of security and defence and the strategic concepts of NATO.

(3) The object of planning shall be the Armed Forces and the civilian resources of the transport and communications systems, healthcare, construction, the economy, the energy sector, agriculture and forestry and other elements of the civilian infrastructure.

(4) Planning of civilian resources shall include determining the wartime needs of the country for military and civilian production and services, assigning wartime tasks, developing plans and programmes and concluding contracts for their provision.

(5) The activities in paragraph 4 shall be determined with a regulation of the Council of Ministers.

(6) The management of the means and resources for providing the country's defence activities shall be done on the basis of reliability and comprehensiveness of the financial and other information, effectiveness, efficiency and frugality.

Article 12. (1) A State Wartime Plan for the preparation and work of the state administration and the local authorities and the local administration and of the civilian resources in case of war or martial law and a Wartime Budget shall be adopted under a procedure specified by the Council of Ministers.

(2) On the basis of the State Wartime Plan the government bodies, the local authorities and the local administration and the legal persons with wartime tasks shall draw up their own wartime plans.
(3) The wartime plans and the wartime budget shall be developed under terms and procedures determined by an act of the Council of Ministers.

Article 13. (1) The financial provision of the activities in the field of defence shall be done from the state budget and from other sources, provided for in an act of Parliament or an act of the Council of Ministers.

(2) For the purposes of ensuring its own operation the Ministry of Defence shall draw up a budget which shall be part of the state budget.

(3) The funds from the following sources shall be accounted for in the credit side of the Ministry of Defence budget:

1. the fees collected under the Stamp Duty Act for performing activities and services and for issuing documents, copies and duplicates of the Ministry's documents;

2. light fees for navigation security in the territorial sea under the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act;

3. (amended, SG No. 48/2011, effective 24.06.2011, supplemented, SG No. 20/2012, effective 10.06.2012) the fines imposed under this Act and the Military Police Act and the fines imposed under the Military Monuments Act and as per the Armed Forces of the Republic of Bulgaria Reserves Act;

4. services for leasing, sale of immoveable property and chattels granted for management to the Ministry;

5. proceeds from using and disposing with intellectual property objects of the Ministry;

6. donations;

7. other sources specified by law or by an act of the Council of Ministers.

(4) The Minister of Defence shall be a first level spending entity with respect to the budget of the Ministry.

Article 14. The state shall take care of the protection of the life and health of Bulgarian and foreign nationals and of stateless persons who are on the territory of the Republic of Bulgaria or are under its jurisdiction in time of war, martial law or a state of emergency.

(2) The State shall take special care of the citizens who have suffered during or in connection with the defence of the country.

Chapter Two
ORGANISATION OF DEFENCE

Section I
Defence Governing Bodies

Article 15. The governing of the Republic of Bulgaria's defence shall be performed by:
1. the National Assembly;
2. the President of the Republic;
3. the Council of Ministers;
4. the Minister of Defence.

**Article 16.** The National Assembly shall:

1. decide on the issues of declaring war and concluding peace;
2. declare martial law or another emergency situation on the entire territory of the country or on a part thereof on a proposal of the President of the Republic or of the Council of Ministers;
3. permit the presence of foreign troops on the country's territory or their passage through it;
4. ratify and denounce with an act of Parliament international agreements of a military nature;
5. adopt a National Security Strategy of the Republic of Bulgaria on a proposal of the Council of Ministers;
6. determine the number of the Armed Forces and adopt programmes for their development on a proposal of the Council of Ministers;
7. allocate funds from the state budget required for ensuring the defence of the country as well as for missions and operations beyond the country's territory;
7a. (New, SG No. 16/2010, effective 26.02.2010) adopt with a decision a programme and/or projects for investment expenditures for acquisition and/or modernisation of weapons, machinery and equipment for the needs of the Armed Forces when the value of each project is in excess of BGN 100 million, on a proposal of the Council of Ministers.
8. open, transform, rename and close down military academies and higher military schools as well as subsidiaries and faculties therein, in which teaching is carried out on specialties of regulated professions;
9. exercise parliamentary control over the executive authorities performing defence related functions.

**Article 17.** (1) The President of the Republic in his capacity of Head of State and in cooperation with other state authorities shall work for the creation of a stable security environment and for the development of the Republic of Bulgaria as a democratic state.

(2) The President of the Republic shall preside over the National Security Consultative Council. The statute of the Council shall be determined by an act of Parliament.

**Article 18.** (1) The President of the Republic shall be Supreme Commander of the Armed Forces of the Republic of Bulgaria in time of peace and war.

**Article 19.** The President of the Republic, on a proposal of the Council of Ministers shall:

1. endorse the strategic plans for operations of the Armed Forces;
2. bring the Armed Forces or a part thereof into a higher state of combat of operational alert;

3. declare general or partial mobilisation;

4. appoint and dismiss the senior command of the Armed Forces and award officers with senior military ranks.

**Article 20.** In case of military conflict or war the President of the Republic shall:

1. declare a state of war in case of an armed assault against the country or in case of need for immediate implementation of international obligations, in case of martial law or another state of emergency, when the National Assembly is out of session. In these cases it shall be convened immediately to sanction the decision;

2. coordinate foreign policy efforts for participation in international organisations and security structures with the aim to terminate the military conflict or the war;

3. command the Supreme Command, issue acts on the preparation of the country and the Armed Forces for war or on carrying out military operations;

4. bring into operation the wartime plans on a proposal by the Council of Ministers;

5. introduce a restrictive regime on the information, related to the defence of the country;

6. propose to the National Assembly conclusion of peace.

**Article 21.** (1) In order to implement his powers of a Supreme Commander the President of the Republic shall issue decrees and may address appeals and messages.

(2) The decrees of the President of the Republic devoted to the defence functions of the country shall be countersigned by the Prime-Minister.

(3) The President of the Republic shall be entitled to require from the Minister of Defence, from the Chief of Defence and from other state bodies the necessary full information for performing his functions as Supreme Commander of the Armed Forces.

**Article 22.** (1) The Council of Ministers shall conduct the general command of defence and of the Armed Forces.

(2) The Council of Ministers shall

1. guide and implement the state's defence policy.

2. develop and submit to the National Assembly a draft National Security Strategy of the Republic of Bulgaria;


4. guide and coordinate the country's defence planning;

5. propose to the National Assembly to determine the number and to adopt development
programmes for the country's Armed Forces;

6. (amended, SG No. 16/2010, effective 26.02.2010) adopt an Armed Forces development plan;

7. adopt strategic plans of operation of the Armed Forces and propose them for endorsement to the President of the Republic;

8. adopt a draft wartime budget on a proposal of the Minister of Finance and the Minister of Defence, submit it for adoption by the National Assembly and organise its implementation;

9. adopt on a proposal of the Minister of Defence a State Wartime Plan for ensuring and management of civilian resources of the country's defence, in addition to resources and means of the plans of the Armed Forces, and assign its implementation;

10. adopt programmes for establishing and equipping on the territory of the country defence facilities and zones and assign to the Minister of Defence control over their realisation;

11. (amended, SG No. 16/2010, effective 26.02.2010) adopt a strategy for developing a defence technological industrial base;

11a. (New, SG No. 16/2010, effective 26.02.2010) adopt with a decision a programme and/or projects for investment expenditures for acquisition and/or modernisation of weapons, machinery and equipment for the needs of the Armed Forces when the value of each project is between BGN 50 million and BGN 100 million.

11b. (New, SG No. 16/2010, effective 26.02.2010) propose for adoption by the National Assembly a programme and/or projects for investment expenditures for acquisition and/or modernisation of weapons, machinery and equipment for the needs of the Armed Forces when the value of each project is in excess of BGN 100 million.

12. guide the organisation of preparation of the population, the economy, wartime stocks and infrastructure for the country's defence.

13. propose to the President of the Republic to bring the Armed Forces to a higher state of combat and operational alert as well as to declare general or partial mobilisation;

14. adopt on a proposal of the Minister of Defence decisions on conducting a strategic defence review and/or periodic defence reviews;

15. adopt mobilisation plans and conduct overall guidance of mobilisation of the Armed Forces and bringing the country from a state of peace to a state of war;

16. specify norms, conditions and procedures for accumulating, keeping and using wartime stocks and other raw and other materials for wartime and specify requirements to the transport, power, communication and warehouse systems, to localities and industrial facilities for conformity to defence needs;

17. open, transform and close down faculties, subsidiaries and institutes at military academies and higher military schools, in addition to the cases under Article 16, item 8, on a proposal of the Minister of Defence;

18. approve, within the overall number of the Armed Forces, the number of servicemen by military rank, save for senior officer ranks;
19. submit proposals to the President of the Republic for appointment and discharge of senior command personnel of the Armed Forces and for awarding officers with senior military rank;

20. permit the presence of foreign and allied armed forces on the territory of the country or their passage through it in the cases specified by a special law;

21. approve the implementation of projects on the territory of the Republic of Bulgaria financed in whole or in part by the NATO Security Investment Programme;

22. (supplemented, SG No. 16/2010, effective 26.02.2010) assign wartime tasks for the defence of the country to government bodies, to local authorities and local administration and to legal persons on a proposal by the Minister of Defence;

(3) When exercising its powers under paragraphs 1 and 2 the Council of Ministers shall be assisted by a Security Council.

**Article 23.** The Council of Ministers shall submit annually by 31 March to the National Assembly a report on the state of defence and the Armed Forces on which the National Assembly shall adopt a decision.

**Article 24.** (1) (Amended, SG No. 16/2010, effective 26.02.2010) The Council of Ministers shall, on a proposal of the Minister of Defence, adopt a Classification of positions of servicemen at the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army which shall be published in the State Gazette.

(2) In the Classification under paragraph 1 positions for servicemen shall be determined by classes within the range of military ranks. In the course of its determination deviations shall be admissible from the Administration Act and the acts on its implementation.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) On the basis of the Classification under paragraph 1 the Minister of Defence or officials authorised by him shall endorse job schedules of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army.

**Article 25.** (1) The Minister of Defence shall guide and be responsible for state policy in the field of the country's defence.

(2) (Amended, SG No. 16/2010, effective 26.02.2010) In exercising his powers under this Act the Minister of Defence shall be assisted by Deputy-Ministers, a Permanent Secretary of Defence and a Chief of Defence.

**Article 26.** The Minister of Defence shall:

1. guide defence planning;

2. draw up a draft budget of the Ministry and direct its implementation;

3. guide the work on securing information for defence purposes;

4. conduct international cooperation in the field of defence and conclude international agreements;
5. participate in forming policy and in decision-making in NATO and the European Union on the level of ministers of defence of member-states;

6. direct personnel policy;

7. direct the implementation of healthcare policy and military medical and psychological support;

8. guide social policy;

9. (amended, SG No. 16/2010, effective 26.02.2010) control the work on establishing safe and healthy conditions for performing military service and working at the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army;

10. permit participation of military formations in mastering and/or overcoming the effects of disasters on the basis of a request by the respective state authority in compliance with plans for conducting rescue and emergency reconstruction works;

11. guide the standardisation, codification and certification of military and special products for the needs of the Armed Forces in compliance with the standardisation agreements in NATO and the European Union to which the Republic of Bulgaria is a party;

12. approve the Armed Forces military doctrines and operational plans on a proposal of the Chief of Defence;

13. (Amended, SG No. 16/2010, effective 26.02.2010) guide the work on protecting classified information at the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army pursuant to the Classified Information Protection Act;

13a. (New, SG No. 16/2010, effective 26.02.2010) announce a list of the categories of information subject to classification as official secret for the field of operation of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army;

14. (amended, SG No. 16/2010, effective 26.02.2010) appoint and recall representatives of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army in international organisations, defence attaches, military attaches and officers at their offices and guide their work;

15. (amended SG No. 74/2009) conduct the general guidance of military education and scientific work and propose the establishment, transformation and closure of military academies, higher military schools, faculties, subsidiaries and institutes therein and of scientific organisations in coordination with the Minister of Education, Youth and Science;

15a. (New, SG No. 16/2010, effective 26.02.2010) open and ensure the work of courses in initial and/or special military training at civilian higher education establishments, military academies, higher military schools and secondary schools in coordination with their administration, with the municipal mayors and with the Minister of Education, Youth and Science under terms and procedures specified in a regulation of the Council of Ministers;

16. (amended SG No. 74/2009) open and close kindergartens under the Ministry in coordination with the Minister of Education, Youth and Science;

17. organise the work on protecting and resorting the environment in deployment areas of military formations and in areas in the country where exercises and defence related events are carried out;
18. coordinate on a proposal of the Minister of Transport, Information Technology and Communications the procedure for introducing and the regulations of operation of the Integrated Airspace Civilian and Military Management System, conduct and control jointly with the Minister of Transport, Information Technology and Communications the use of the Republic of Bulgaria territorial sea and internal waterways for military purposes;

19. draw up a list of military airfields at which foreign aircraft may be received and draw up jointly with the Minister of Transport, Information Technology and Communications a list of military airfields which may be used as reserve airfields for Bulgarian civilian aircraft operating on international and domestic flights;

20. direct the work on ensuring aviation safety and airworthiness of military aircraft and issue a regulation on the terms and procedures for implementing this work;

21. specify the registration procedure for aircraft of the Armed Forces in the Republic of Bulgaria Military Aircraft Register and organise the maintenance of the Armed Forces aircraft therein;

22. determine the procedure for investigating air accidents with Bulgarian military aircraft and foreign military aircraft on the country's territory;

23. manage state properties granted to the Ministry and conduct the Ministry's investment policy;

24. coordinate infrastructure projects of national importance for their compliance with defence needs requirements of the Council of Ministers;

25. (amended, SG No. 16/2010, effective 26.02.2010) guide the sports activities at the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army and be in charge of the development of the sports base;

26. (amended, SG No. 16/2010, effective 26.02.2010) guide the information work of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army and public relations;

27. direct basic geodesic and mapping work related to the country's security and defence;

28. direct the work on supporting and caring for disabled soldiers and victims of war;

29. carry out cooperation with military patriotic unions, organisations and associations and determine the forms for conducting military patriotic education;

30. approve the statutes of the Armed Forces which shall be published in the State Gazette;

31. guide the building, development and maintenance of an Integrated Information and Communication System for governing the country and commanding the Armed Forces in case of a state of emergency, martial law or a state of war under terms and procedures determined with an act of the Council of Ministers;

31a. (New, SG No. 16/2010, effective 26.02.2010) approve a programme and/or projects for investment expenditures for acquisition and/or modernisation of weapons, machinery and equipment for the needs of the Armed Forces when the value of each project is in excess of BGN 50 million.

32. exercise other powers entrusted on him by law.
**Article 27.** The Minister of Defence shall submit to the Council of Ministers:

1. a draft of a National Defence Strategy;


3. a draft State Wartime Plan;

3a. (New, SG No. 16/2010, effective 26.02.2010) a proposal for assigning wartime tasks for the defence of the country to state bodies, local authorities and local administration and to legal persons; the proposal for assigning wartime tasks to legal persons shall be coordinated with the Chairman of the State Reserves and Wartime Stocks State Agency;

4. drafts of strategic plans for operation of the Armed Forces;

5. proposals for bringing the Armed Forces or a part thereof in a higher state of alert and/or for declaring general or partial mobilisation;

6. (amended, SG No. 16/2010, effective 26.02.2010) proposals for the positions at the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army requiring senior officer ranks, proposals for appointment to and discharge from senior command positions and for awarding officers with senior military ranks;

7. drafts for conducting strategic and/or periodic defence reviews;


8a. (New, SG No. 16/2010, effective 26.02.2010) programme and/or projects for investment expenditures for acquisition and/or modernisation of weapons, machinery and equipment for the needs of the Armed Forces when the value of each project is between BGN 50 million and BGN 100 million;

9. (repealed, SG No. 20/2012, effective 10.06.2012);

10. (New, SG No. 16/2010, effective 26.02.2010) drafts for building and developing an integrated communication and information system for governing the country and the Armed Forces in case of emergency, martial law or state of war.

**Article 28.** (1) The Minister of Defence shall allow on a proposal of the Chief of Defence the use of weapons and combat devices by Bulgarian military formations:

1. in case of capturing a Bulgarian and/or an allied combat device on the territory of the Republic of Bulgaria with the aim of perpetrating a terrorist or another act with dangerous consequences for the population and/or for the country's sovereignty;

2. (amended, SG No. 16/2010, effective 26.02.2010) in case of violation of the airspace or of the regulation for flights over the Republic of Bulgaria's territory by an aircraft flying in a way that can cause doubts that it may be used as a weapon for terrorist actions;

3. in case a foreign ship or another vessel enters internal sea waters and the territorial sea of the
Republic of Bulgaria and it refuses to stop or resists, or resorts to violent actions against its arrest;

4. in other cases when a threat from terrorist actions or a risk of using weapons for mass destruction on the territory of the Republic of Bulgaria arises.

(2) The use of weapons and combat means under paragraph 1 shall correspond to the threat or the risk.

(3) The Minister of Defence shall approve procedures and rules of engagement for the cases of use of weapons on a proposal of the Chief of Defence.

(4) The Minister of Defence shall notify forthwith the Prime-Minister and the President of the Republic of the actions taken pursuant to paragraphs 1 through 3.

(5) The Prime-Minister shall notify the NATO allies and the European Union member-states in case the threat from terrorist actions or the risk of using weapons for mass destruction presents a threat to them.

Article 29. (1) The Minister of Defence shall receive information directly related to national security and defence of the country, the Bulgarian Army, military academies and higher military schools as well as other units within the Ministry from the Military Information Service and the Military Police Service as well as information provided by the National Security State Agency and the National Intelligence Service.

(2) The Chief of Defence shall receive the respective information pursuant to paragraph 1 related to the performance of his functions under this Act.


Article 31. (1) In exercising his powers the Minister of Defence shall issue regulations, rules, instructions and orders.

(2) (Repealed, SG No. 16/2010, effective 26.02.2010).

Article 32. (1) A political office shall function under the Minister of Defence which shall be organised by the head of the office.

(2) The political office shall assist the Minister of Defence in determining and conducting defence policy and in exercising civilian control over the Armed Forces.

(3) The composition of the political office shall be determined pursuant to the Administration Act.

Article 33. (Amended, SG No. 16/2010, effective 26.02.2010) (1) (Amended, SG No. 23/2011, effective 1.07.2011) A Defence Council shall function under the Minister of Defence which shall be a collective advisory body of the Minister of Defence and which shall include the Deputy-Ministers of Defence, the Chief of the Political Office, the Permanent Secretary of Defence, the Chief of Defence and his deputies, the Commander of the Joint Forces Command, the Commanders of the Army, the Air Force and the Navy.

(2) Other persons in addition to the ones in paragraph 1 may also attend meetings of the Defence Council on a decision of the Minister of Defence.

(3) The Defence Council shall assist the Minister of Defence and the following shall be submitted to
it for consideration:

1. a draft of the National Defence Strategy;

2. a draft of the rules of organisation of the Ministry of Defence;

3. a draft budget of the Ministry;

4. a draft plan for the development of the Armed Forces;

5. the proposals for appointing and dismissing the senior command personnel and for awarding officers senior military ranks.

(4) The Minister of Defence shall submit for consideration by the Defence Council other matters too.

(5) The Minister of Defence shall determine the rules of work and the agenda of the meetings of the Defence Council.

(6) The Minister of Defence shall inform the Supreme Commander of the meetings of the Defence Council.

(7) The Minister of Defence shall determine with an order the composition of a Programme Council, a Defence Capabilities Council and an Armaments Council and shall adopt rules of their operation.

Section II
Other Bodies and Organisations in the Field of Defence

Article 34. The Ministries and other departments with wartime tasks shall draw up and maintain in readiness for implementation a mobilisation plan, a wartime plan and a plan for proceeding from a state of peace to a state of war under terms and conditions determined with an act of the Council of Ministers.

Article 35. (1) The Minister of the Interior shall, in coordination with the Minister of Defence, maintain in operational and mobilisation readiness the structures of the Ministry of the Interior for performing their wartime tasks.

(2) (New, SG No. 16/2010, effective 26.02.2010) The Minister of the Interior shall coordinate the work of the elements of the Unified Salvage System for protection of the population and shall implement activities and tasks pursuant to the State Wartime Plan.

(3) (Renumbered from Paragraph 3, amended, SG No. 16/2010, effective 26.02.2010) The bodies of the Ministry of the Interior shall, on their own or jointly with the bodies of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army and other specialised bodies, ensure the protection of activities and facilities that are strategic for the country as well as of the critical infrastructure.

(4) (Renumbered from Paragraph 3, SG No. 16/2010, effective 26.02.2010) The Minister of Defence and the Minister of the Interior shall issue joint instructions on cooperation between the two departments for carrying out activities assigned to them herein and for carrying out fire-protection and emergency rescue work.

Article 36. The Minister of Finance shall:
1. draw up and submit for approval by the Council of Ministers a methodology for drawing up and execution of the wartime budget;

2. draw up budget guidelines and instructions to state bodies and local authorities and local administrations related to drawing up drafts of their wartime budgets on the basis of the State Wartime Plan.

**Article 37.** The Minister of Foreign Affairs shall exercise within his competences the guidance and coordination of international obligations of the Republic of Bulgaria ensuing from its membership in the European Union in the areas of the Common Foreign and Security Policy and the European Security and Defence Policy as well as from the membership in the United Nations Organisation (UN), NATO and other international organisations and coalitions.

**Article 38.** The Minister of Transport, Information Technology and Communications jointly with the Minister of Defence shall:

1. submit to the Council of Ministers draft normative acts on maintenance and use of the rail, road and water transport as well as of civil aviation in time of war;

2. organise the preparation of rail, road and water transport as well as of civil aviation for transferring them from a state of peace to a state of war and maintain mobilisation readiness of structures with defence functions;

3. organise the establishment and maintenance of transport facilities for the needs of defence, ensure and maintain wartime capacities in the transport network.


**Article 40.** (Amended, SG No. 82/2009, effective 16.10.2009) The Minister of Transport, Information Technology and Communications jointly with the Minister of Defence shall:

1. organise and direct the preparation of postal and electronic communications networks for their transfferral into a higher state of alert and for communication provision for the Armed Forces and the country in peace and in wartime;

2. organise the establishment and maintenance of special facilities for the needs of defence and installed wartime capacities for defence needs.

3. establish, use, maintain and develop an electronic communications network and management stations related to national security and defence;

4. determine the terms and procedures for using electronic communications networks and ensure electronic communications for management in case a higher state of alert of the Armed Forces and in case martial law, state of war or a state of emergency are declared.

**Article 41.** The Chairman of the National Security State Agency, the Director of the National Intelligence Service and the Chief of the National Service for Protection shall perform their functions for protection of national security in coordination with the Minister of Defence by issuing joint instructions.
Article 42. The Bulgarian National Bank shall:

1. draw up regulations and norms for ensuring the operation of the banking system in time of war;

2. draw up, jointly with the Minister of Defence, a plan for bringing the Bulgarian National Bank in a state of readiness for operation in wartime;

3. guide methodologically the planning and transferral of the banking system into readiness for operation in wartime.

Article 43. (1) Regional governors and mayor of municipalities shall organise in the respective administrative territorial entities the implementation of defence tasks ensuing from the law and from the acts of defence command bodies.

(2) Regional governors and mayors of municipalities shall organise in the respective administrative territorial entities the preparation of the economy and the population for defence by:

1. (amended, SG No. 20/2012, effective 10.06.2012) assisting the bodies of the Ministry of Defense in keeping the military roster and in the summoning, call-up, dispatch and delivery of mobilized reservists and reserve equipment;

2. (amended, SG No. 20/2012, effective 10.06.2012) providing premises and administrative support for the operation of the bodies of the Ministry of Defense responsible for the military roster;

3. ensuring round-the-clock duty and notification for bringing to a higher state of alert and operational readiness under mobilisation and in wartime;

4. ensuring the functioning of the economy for the needs of defence in the respective administrative territorial entities in wartime;

5. in case of declaring mobilisation or war, by performing obligations assigned to them by defence command bodies;

6. organising and directing the work for protection of the population and the economy in case of disasters and in wartime;

7. maintaining a register of facilities and systems of the critical infrastructure in the respective administrative territorial entities;

8. (new, SG No. 20/2012, effective 10.06.2012) preparing, on an annual basis, proposals to the Minister of Defense for training of senior staff and officers on matters related to the Reserves.

(3) The funds for the performance of tasks assigned in paragraph 1 shall be ensured annually from the state budget.

Article 44. (1) When exercising their powers pursuant to Article 43, paragraph 2 regional governors and mayors of municipalities shall be assisted by security councils.

(2) (Amended, SG No. 93/2009, SG No. 88/2010, effective 1.01.2011, supplemented, SG No. 20/2012, effective 10.06.2012) Regional security councils shall consist of a chairman - the regional governor, and members - deputy-regional governors, heads of directorates in the regional administration, the head of the regional directorate of the Ministry of Interior, the head of the territorial directorate of the
State Agency for National Security, the head of the territorial branch of the Central Recruitment Office, the head of the territorial unit of Fire Safety and Protection of the Population General Directorate of the Ministry of Interior, the director of the emergency medical help centre and representatives of territorial units of the central executive administration.

(3) (Supplemented, SG No. 20/2012, effective 10.06.2012) Municipal security councils shall consist of a chairman - the mayor of the municipality, and members - deputy mayors, the head of the Security and Defence Mobilisation unit, a representative of the territorial branch of the Central Recruitment Office and representatives of territorial units of the central executive administration.

(4) The names and the work procedures of security councils shall be determined with an order of the mayor of the municipality, the regional governor respectively.

Article 45. (1) Legal persons which have been assigned wartime tasks shall draw up and maintain in readiness a mobilisation plan, a wartime plan and a plan for proceeding from a state of peace to a state of war under terms and procedures determined by an act of the Council of Ministers.

(2) Legal persons under paragraph 1 shall be determined based on terms and procedures specified in a regulation of the Council of Ministers.

(3) On declaring mobilisation or a state of war legal persons under paragraph 1 shall set in action the implementation of the respective plans and shall organise the protection of their workers and employees.

(4) Legal persons which have not been assigned wartime tasks and which do not draw a wartime plan:

1. (amended, SG No. 20/2012, effective 10.06.2012) on declaring mobilisation shall assist the bodies of the Ministry of Defence responsible for the military roster in calling up, dispatch and supply of mobilized reservists and reserve equipment;

2. shall organise the protection of their workers and employees in wartime;

(5) The provision of paragraph 4, item 2 shall apply also to legal persons with a seat and a registration in another country which operate on the territory of the country.

(6) Legal persons shall provide to the bodies of the Ministry of Defence the required information for keeping military registration and for preparing the country for defence.

Article 46. The Bulgarian Red Cross shall assist the state in preparing the population for work in a state of war, hostilities and disasters, train first aid formations and render such aid at home and abroad to victims of hostilities and disasters.

Article 47. Training of heads of the state and local administration and of legal persons for implementing defence related tasks shall be done under a procedure determined with an act of the Council of Ministers.

Chapter Three
ARMED FORCES OF THE REPUBLIC OF BULGARIA

Section I
General Provisions

Article 48. The Armed Forces shall be created by the State military and specialised formations and their amalgamations subordinated to a specific organisation and order of functioning which possess and use military and special means of operation for implementing the tasks of the country's defence.

Article 49. No military or other formations, which use military organisation or arms and combat equipment or in which military service is foreseen, may be created on the territory of the Republic of Bulgaria unless this is provided for by law or by an act of the Council of Ministers.

Article 50. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The Armed Forces of the Republic of Bulgaria shall include:

1. the Bulgarian Army;
2. the Military Police Service;
3. the Military Information Service;
4. military academies and higher military schools;
5. the Military Medical Academy;
6. the National Guard Unit;
7. the Reserve of the Armed Forces.
8. (new, SG No. 23/2011, effective 1.07.2011) the Military Geographic Service;
9. (new, SG No. 23/2011, effective 1.07.2011) the Stationary Communication And Information System;
10. (new, SG No. 20/2012, effective 10.06.2012) the Central Recruitment Office;

(2) (Amended, SG No. 82/2009, effective 16.10.2009) Structures from other forces of the national security system of the Republic of Bulgaria may be included in the Armed Forces in wartime under terms and procedures specified with an act of the Council of Ministers.

(3) (Supplemented, SG No. 23/2011, effective 1.07.2011) The servicemen from the Ministry of Defence and the structures directly subordinated to the Minister of Defence beyond the ones specified in paragraph 1 shall be part of the personnel of the Armed Forces.

Article 51. (1) The military formations of the Armed Forces shall be equipped with personnel, arms, combat and other equipment and property, means for command and control of operations in combat conditions ensuring the implementation of their tasks for the country's defence and their engagement in operations and missions outside the country.

(2) Specialised formations of the Armed Forces pursuant to Article 50, paragraph 2 shall be equipped with personnel, arms, combat and other equipment and property ensuring maintenance of
operational readiness to implement their tasks for the country's defence from the budget of the respective ministries and other departments.

**Article 52.** (1) The Armed Forces of the Republic of Bulgaria shall guarantee the sovereignty and independence of the country and shall protect its territorial integrity.

(2) No tasks of domestic political nature shall be assigned to the Armed Forces in peacetime.

**Article 53.** (1) The Armed Forces shall maintain capabilities for prevention, deterrence and response to possible threats against the Republic of Bulgaria and its allies and for achieving the objectives of the national defence policy.

(2) In time of war the implementation of the tasks of the Republic of Bulgaria Armed Forces may be done jointly and/or in coordination with forces of NATO and/or the member-states of the European Union under terms and procedures specified in an international agreement.

**Article 54.** (Amended, SG No. 16/2010, effective 26.02.2010) The Armed Forces of the Republic of Bulgaria shall perform their tasks on the basis of:

1. strategic plans for operation of the Armed Forces;
2. operational plans of the Armed Forces;

**Article 55.** (1) The Armed Forces shall be built and shall perform their tasks pursuant to the principles of organisational subordination, single command and hierarchy in the powers of commanders and superior officers specified in the statutes of the Armed Forces.

(2) The single command in the Armed Forces shall establish a procedure for issuing and executing orders and for realising the relations of authority and subordination between commander or superior officer and serviceman.

(3) The immediate command of formations in the Armed Forces shall be exercised by commanders and superior officers.

(4) Commanders and superior officers in the Armed Forces shall issue orders in exercising their powers.


**Article 56.** In peacetime the Armed Forces shall perform tasks related to:

1. the maintenance of combat capability, combat readiness and deployment capability in compliance with risks and threats;
2. the participation in multinational military formations and in operations and missions outside the country's territory;
3. the participation in initiatives and control activities for strengthening and deepening trust and cooperation in the field of defence;
4. the maintenance of readiness and performing humanitarian assistance and rescue works on the
territory and in the sea space of the country and beyond, in compliance with national law and the international agreements to which the Republic of Bulgaria is a party, on a decision of the respective government authority;

5. the preparation and training of formations for carrying out rescue and emergency reconstruction works for the purpose of mastering and/or mitigating disasters;

6. the participation in preventive and direct protection of the population and carrying out rescue and emergency reconstruction works under the procedure specified in the Protection from Disasters Act;

7. the neutralisation of unexploded munitions on the territory of the Republic of Bulgaria.

Article 57. The Armed Forces may also perform tasks on:

1. assisting security authorities in the fight against the proliferation of weapons of mass destruction, illegal arms trafficking and international terrorism;

2. participation in the protection of strategic facilities and systems of the critical infrastructure and in operations for neutralising terrorist acts.

Article 58. On declaring a martial law regime the Armed Forces shall:

1. increase the level of alert of the early warning and control system;

2. (amended, SG No. 16/2010, effective 26.02.2010) increase the readiness of the military formations and the structures under Article 50, paragraph 2 in compliance with the level of military threat;

3. set in operation strategic, operational and wartime plans.

Article 59. (1) In case of an armed attack against the Republic of Bulgaria and a declaration of a state or war the Armed Forces shall counter the attack and shall protect the territorial integrity and the independence of the country and shall guarantee its sovereignty.

(2) The implementation of tasks under paragraph 1 may be done independently, jointly and/or in coordination with forces and formations of NATO member-states under terms and conditions determined by an international agreement and in strategic and operational plans.

Article 60. The establishment and functioning of structures of political parties and political movements as well as engaging in political activity in the Armed Forces shall be prohibited.

Article 60a. (New, SG No. 16/2010, effective 26.02.2010) (1) The Bulgarian Army shall be a national military institution, a basis of the Bulgarian Armed Forces.

(2) (Amended, SG No. 23/2011, effective 1.07.2011) The Bulgarian Army shall include:

1. Joint Forces Command of the Forces and military formations directly subordinated to the Commander of the Joint Forces Command;

2. three Armed Forces services:
   a) Army;
b) Air Force;

c) Navy.


(2) The Commander of the Joint Forces Command shall exercise the command and the operational control of the military formations subordinated directly to him as well as the command of the formations of the Armed Forces services when joint operations are conducted.

**Article 60c.** (New, SG No. 16/2010, effective 26.02.2010, amended, SG No. 23/2011, effective 1.07.2011) (1) The commands of the Army, the Air Force and the Navy shall be headed by Commanders assisted by staffs.

(2) The Commanders of the Army, the Air Force and the Navy shall be directly subordinated to the Commander of the Joint Forces Command and shall exercise the command and the operational control of the military formations subordinated to them.

(3) The Joint Forces Command Staff and the staffs of the Army, the Air Force and the Navy shall be integrated functionally in a single operational control level.


**Article 60e.** (New, SG No. 23/2011, effective 1.07.2011) (1) The Joint Forces Command, the Army, the Air Force and the Navy shall be legal persons - second level budget credits spending units under the Minister of Defence who shall be responsible for:

1. the management and maintenance of the property assigned to them;

2. the spending of the funds for supplies, construction and services within the limit specified by the Minister of Defence unless this is done by the Minister;

3. the storage and disposal with the redundant or useless moveable property with the exception of the arms, the ammunition, the combat and special equipment.

(2) The military formations subordinated directly to the Joint Forces Command and to the Armed Forces services shall be lower level budget credits spending units under the Joint Forces Command, the Army, the Air Force and the Navy Respectively.

**Article 60f.** (New, SG No. 16/2010, effective 26.02.2010, redesignated from Article 60e, amended, SG No. 23/2011, effective 1.07.2011, amended, SG No. 20/2012, effective 10.06.2012) The organisational structure, command bodies, subordination, strength, deployment, armaments, machines and the material means of the military formations and the structures of the Armed Forces as well as the volunteer reserve of the Armed Forces shall be specified in the Armed Forces Development Plan.

**Section II**

**Sending and Using Armed Forces of the Republic of Bulgaria outside the Territory of the Country**
**Article 61.** Armed forces of the Republic of Bulgaria may be sent and used outside the territory of the country on their own or within international formations in compliance with Bulgarian law, the aims and principles of the United Nations Charter and other international agreements effective for the Republic of Bulgaria taking into account national interests.

**Article 62.** The National Assembly shall authorize the sending and use of armed forces outside the territory of the Republic of Bulgaria for political and military purposes.

**Article 63.** The Council of Ministers shall authorize the sending and use of armed forces outside the territory of the Republic of Bulgaria for the purpose of:

1. fulfilling allied obligations ensuing from an international agreement which has been ratified, promulgated and become effective in relation to the Republic of Bulgaria which establishes an alliance of a political and military nature;

2. participation in humanitarian missions;

3. participation in actions which have no political and military nature, save for cases pursuant to Article 64.

**Article 64.** The Minister of Defence shall authorize the sending and use outside the territory of the Republic of Bulgaria of:

1. (amended, SG No. 23/2011, effective 22.03.2011) up to 300 servicemen and/or military equipment and/or up to three military aircraft, and/or one naval ship with their crews for participation in activities under article 63, item 3;

2. (amended, SG No. 23/2011, effective 22.03.2011) up to 600 servicemen and/or military equipment, and/or up to three naval ships inclusive, and/or up to five military aircraft with their crews on the territory of an allied state for participation in activities under article 63, item 3;

3. military medical teams and field hospitals for medical backing of combat actions and/or for preventing and overcoming the effects of epidemics and other mass diseases, threatening a substantial part of the population of the respective territory.

**Article 65.** (1) The Council of Ministers and the Minister of Defence shall notify forthwith the National Assembly and the President of the Republic of their decision. In the cases under Article 64 the Minister of Defence shall notify immediately also the Council of Ministers.

(2) In case of doubt as to the purpose of sending and using armed forces outside the territory of the country the National Assembly shall decide.

**Article 66.** (1) The Minister of Foreign Affairs shall ensure the provision on a reciprocal basis of standing diplomatic permits with a duration of up to 12 months for carrying out especially important flights, logistical flights (transport of passengers and cargo), flights related to search and rescue operations, humanitarian flights, medical flights, rehabilitation flights and flights for the purpose of repairs, navigation flights, joint training, participation in military exercises and operations, technical landings and refuelling carried out by Bulgarian military aircraft or aircraft leased by the Ministry of Defence.

(2) Standing diplomatic permits under paragraph 1 shall be ensured by the Minister of Foreign
Affairs on request by the Minister of Defence and by heads of diplomatic missions accredited by the Republic of Bulgaria following consultations with competent structures of the Ministry of Defence and the Ministry of Transport, Information Technology and Communications.

**Article 67.** The state bodies shall inform the public of their decision to send and use armed forces outside the territory of the Republic of Bulgaria in compliance with national law on the protection of classified information and the international agreements to which the Republic of Bulgaria is a party.

**Article 68.** (1) The Armed Forces of the Republic of Bulgaria shall be used in compliance with the objectives and motives specified in the decision on their sending and in the operational plans for the respective missions and operations.

(2) For the purpose of determining the nature of the actions for which the Bulgarian armed forces are sent outside the territory of the Republic of Bulgaria bodies under Article 63 and 64 shall report the objectives and the motives for their implementation, the means for achieving these objectives as well as the procedures and the organisation of participating armed forces.

(3) An amendment of the objectives and the motives under paragraph 1 shall be allowed with a new decision.

**Article 69.** (1) When participating in missions and operations outside the territory of the Republic of Bulgaria the Bulgarian armed forces shall observe the provisions of Bulgarian law, the UN Charter, the international agreements to which the Republic of Bulgaria is a party and the norms of international humanitarian law taking into consideration national interests.

(2) The Chief of Defence shall draw up rules of engagement for each instance of participation of Bulgarian servicemen in operations and missions outside the territory of the Republic of Bulgaria.

(3) When Bulgarian servicemen participate in multinational formations where joint rules of engagement have been drawn up they shall apply to servicemen of the Bulgarian armed forces inasmuch as they do not contradict this act, the regulation on its implementation, the statutes of the Armed Forces of the Republic of Bulgaria and the rules under paragraph 2.

(4) Rules of engagement shall be obligatory for execution by servicemen of the Bulgarian armed forces. Persons violating the rules shall bear disciplinary responsibility and may be recalled from participation in the respective mission and operation.

**Article 69a.** (New, SG No. 23/2011, effective 22.03.2011) In case of participation in operations and mission outside the territory of the country the Minister of Defence or an official authorized by him/her shall allow the payment of compensation for property damages caused by Bulgarian servicemen to third persons on the territory of the state where the respective operation or mission is taking place.

(2) The total amount of the compensation due under paragraph 1 shall be determined within the budget of the respective operation or mission.

(3) The culpable serviceman shall be liable for the compensation paid under paragraph 1 pursuant to the rules in article 253.

**Article 70.** (1) (Amended, SG No. 20/2012, effective 10.06.2012) Bulgarian nationals who have a contract for service in the volunteer reserve may also participate in operations and missions outside the territory of the Republic of Bulgaria. The military rank required for occupying the position shall be awarded for the duration of the operation or mission.
(2) Officers of the National Security State Agency may take part in missions and operations pursuant to paragraph 1 under terms and procedures determined with a regulation of the Council of Ministers.

(3) In addition to the cases under paragraphs 1 and 2, Bulgarian nationals with the required education and qualification may participate in operations and missions outside the territory of the Republic of Bulgaria under terms and procedures determined with an act of the Council of Ministers.

(4) Persons under paragraphs 2 and 3 shall not be part of the Armed Forces. The status of persons under paragraph 3 shall be determined by the international agreements on the specific operation or mission and by Bulgarian law.

**Article 71.** (1) Bulgarian servicemen shall be dispatched for participation in operations and missions outside the territory of the Republic of Bulgaria by the Minister of Defence for a term not exceeding six months.

(2) Servicemen shall be dispatched for a subsequent participation in operations and missions outside the territory of the country not earlier than six months after.

(3) The term under paragraph 1 may be extended and the term under paragraph 2 may be reduced on the serviceman's prior written consent.

(4) (New, SG No. 16/2010, effective 26.02.2010) The term of the mission under paragraph 1 may be extended once without the consent of the serviceman for up to 30 calendar days with an order of the Minister of Defence on a substantiated proposal of the Chief of Defence.

**Article 72.** (1) The operational command of the Bulgarian armed forces sent and used on their own or within multinational formations in operations and missions outside the territory of the Republic of Bulgaria shall be exercised in compliance with the decisions of international organisations or international agreements on the mandate of the specific operation or mission.

(2) (Amended, SG No. 23/2011, effective 1.07.2011) National control over formations under paragraph 1 shall be exercised for the joint operations - by the Commander of the Joint Forces Command, for individual operations - by the respective commander of the Armed Forces service and the immediate command and control - by the respective commander in the operation zone.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) The transfer of powers for operational control of formations under paragraph 1 shall be done by the Chief of Defence.

**Article 73.** (1) On crossing the state border of the Republic of Bulgaria servicemen shall produce:

1. a military identity card or a passport;

2. order for individual or group movement issued by the Minister of Defence or by an official authorised by him, certifying the status of the person or the group as a member or members of the armed force as well as the ordered destination.

(2) The carried firearms, their system and number shall be recorded in the order under paragraph 1, item 2.

**Article 74.** (1) On crossing the state border of the Republic of Bulgaria goods owned by or under the control of the Ministry of Defence that are intended for use by the armed forces sent outside the territory
of the Republic of Bulgaria shall be declared under a procedure determined by an act of the Minister of Finance.

(2) The terms and procedures for simplifying customs formalities shall be determined with the act pursuant to paragraph 1.

Article 75. (Amended, SG No. 99/2009, effective 1.01.2010) (1) The financial resources for the participation of the Republic of Bulgaria in operations and missions outside the territory of the country shall be provided from the state budget through the approved budget of the Ministry of Defence for the corresponding year.

Article 76. The Minister of Defence shall organise and coordinate the entire work on the provision, equipment and preparation of the armed forces formations in relation to their dispatch and use outside the territory of the Republic of Bulgaria.

Chapter Four
CONTROL AND COMMAND OF THE MINISTRY OF DEFENCE, OF THE STRUCTURES DIRECTLY SUBORDINATED TO THE MINISTER OF DEFENCE AND THE BULGARIAN ARMY

(Title amended, SG No. 16/2010, effective 26.02.2010)

Article 77. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The Ministry of Defence shall assist the Minister of Defence in exercising his powers as a central single body of the executive and in his activity for command and control of the Armed Forces.

(2) The Ministry of Defence shall include:

1. a defence staff;

2. general administration;

3. specialised administration;

Article 78. (Amended, SG No. 16/2010, effective 26.02.2010, supplemented, SG No. 23/2011, effective 1.07.2011, SG No. 20/2012, effective 10.06.2012) The Military Information Service, the Military Police Service, the military academies and the higher military schools, the Military Medical Academy, the National Guard Unit, the Military Geographic Service, the Stationary Communication and Information System, the National Museum of Military History, the Central Recruitment Office and other structures established by an act of Parliament shall be structures directly subordinated to the Minister of Defence.

Article 79. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The Permanent Secretary of Defence shall be the most senior civil servant at the Ministry of Defence.

(2) A civil servant may be appointed Permanent Secretary of Defence, who has occupied a leading position in the state administration for at least three years, has received the highest grade during evaluations compared to the other candidates or has been a body of the executive in the meaning of the
Administration Act, who has occupied a leading position in the state administration for at least three years and has at least four years remaining until he acquires pension rights for length of social insurance contributions and age, so that he will be able to fulfil the mandate fully.

(3) The Permanent Secretary of Defence shall be appointed by the Minister of Defence after a selection for a term of four years in coordination with the Prime Minister.

(4) The Permanent Secretary of Defence shall be awarded the highest rank of a senior civil servant with the act of appointment.

(5) The Permanent Secretary of Defence shall have all rights under a service contract save for the ones that contradict or are incompatible with his legal status.

Article 80. (Amended, SG No. 16/2010, effective 26.02.2010) The Permanent Secretary of Defence shall assist the Minister of Defence in discharging his functions on formulating and implementing defence policy and the management of the human, material and financial resources for its realisation.

Article 81. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The Permanent Secretary of Defence shall direct and be responsible for:

1. the drawing up and updating of the legislative framework regulating the organisation and the operation of the Ministry of Defence;

2. the defence planning, programming and budgeting;

3. the control on the budget implementation;

4. the planning and control over the implementation of projects for construction, supplies and services for building planned defence capabilities;

5. the activities for international military cooperation;

6. the development and the efficiency of the administration and the administrative procedures and information provision of the Ministry of Defence;

7. the drawing up and the implementation of measures for preventing conflicts of interest and conditions for corruption;

8. the qualification and the career development of the civilian employees;

9. the interaction with non-governmental organisations, trade unions and trade associations;

10. the accountability and transparency in the defence policy implementation and its results.

(2) The Permanent Secretary of Defence shall also perform other functions assigned to him with the rules of organisation of the Ministry of Defence or with an order of the Minister of Defence.

(3) (Amended, SG No. 23/2011, effective 1.07.2011) The Permanent Secretary of Defence shall be entitled to receive the information needed for the performance of his functions and to be supported by the Defence Staff, by the Commander of the Joint Forces Command, by the commanders of Armed Forces services and the other structures subordinated directly to the Minister of Defence.
Article 82. (Amended, SG No. 16/2010, effective 26.02.2010) The powers of the Permanent Secretary of Defence shall be terminated ahead of schedule by the Minister of Defence in coordination with the Prime Minister in the following cases:

1. by mutual agreement expressed in writing;
2. on his request expressed in writing;
3. in case of an unsatisfactory evaluation of his work made by an evaluation commission appointed with an order of the Minister of Defence under terms and procedures specified in the rules of organisation of the Ministry of Defence;
4. in case he is unable to perform his functions for a period longer than six months;
5. (amended, SG No. 33/2012) in case an act enters into force which establishes a conflict of interests pursuant to the Conflict of Interests Prevention and Ascertainment Act;
6. in case a sentence enters into force which imposes a sanction for premeditated crime of a general nature;
7. in case of death or placement under interdiction.

Article 83. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The Chief of Defence shall be the most senior officer with senior military rank and shall be the direct commander of all servicemen in the Armed Forces.

(2) The Chief of Defence shall be appointed by the President of the Republic on a proposal by the Council of Ministers for a term of four years.

(3) The Chief of Defence shall be subordinated directly to the Minister of Defence.

(4) The Chief of Defence shall be subordinated to the President of the Republic when the latter exercises his powers as Supreme Commander of the Armed Forces.

(5) (Amended, SG No. 23/2011, effective 1.07.2011) The Chief of Defence shall exercise his powers directly or through the Commander of the Joint Forces Command or through the commanders of the Armed Forces services in conformity with the Constitution, the laws, the statutes of the Armed Forces and the orders of the Minister of Defence.

Article 84. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The Chief of Defence shall assist the Minister of Defence in the discharge of the latter's functions for drawing up and implementing defence policy and using the Armed Forces.

Article 85. (Amended, SG No. 16/2010, effective 26.02.2010) The Chief of Defence shall direct and be responsible for:

1. the preparation of orders of the Minister of Defence for using formations of the Bulgarian Army and proposals for bringing the Armed Forces or a part thereof into a higher state of combat alert;
2. the proposals to the Minister of Defence for declaring general or partial mobilisation;
3. the drawing up of rules and procedures for engagement with weapons or combat devices under
Article 28, paragraph 1;

4. the drawing up of a National Defence Strategy and strategic plans for operation of the Armed Forces;

5. the introduction and decommissioning of weapons and machines;

6. the drawing up of doctrines, concepts for conducting operations and training standards and for using troops and forces;

7. the definition of the required defence capabilities;

8. the combat training and the state of the operational capabilities of the Bulgarian Army;

9. the drawing up of the statutes of the Armed Forces;

10. the operation of the Defence Staff;

(2) The Chief of Defence shall perform also other functions assigned to him with the rules of organisation of the Ministry of Defence or with an order of the Minister of Defence.

(3) The Chief of Defence shall be entitled to receive the information needed for the discharge of his functions and to be supported by the general and specialised administration, by the services and the other structures subordinated directly to the Minister of Defence.

Article 86. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The powers of the Chief of Defence shall be terminated ahead of schedule by the President of the Republic on a proposal of the Council of Ministers in the following cases:

1. on his request stated in writing;

2. in case he is unable to perform his functions for a period longer than six months;

3. (amended, SG No. 33/2012) in case an act enters into force which establishes a conflict of interests pursuant to the Conflict of Interests Prevention and Ascertainment Act;

4. in case a sentence enters into force which imposes a sanction for premeditated crime of a general nature;

5. in case of death or placement under interdiction.

Article 87. (Amended, SG No. 16/2010, effective 26.02.2010) In the course of exercising his powers the Permanent Secretary and the Chief of Defence shall issue orders, directions and instructions.

Article 88. (Amended, SG No. 16/2010, effective 26.02.2010) The general administration shall carry out the administrative, informational, organisational and technical provision of the Ministry of Defence.

Article 89. (Amended, SG No. 16/2010, effective 26.02.2010) The specialised administration and the Defence Staff shall assist the Minister of Defence in exercising his powers.

Article 90. (Amended, SG No. 16/2010, effective 26.02.2010) The structure and the operation of the
general and specialised administration and the Defence Staff shall be regulated with rules of organisation of the Ministry of Defence adopted by the Council of Ministers.

**Article 91.** (Amended, SG No. 16/2010, effective 26.02.2010) The structures of the Defence Staff, the general and specialised administrations shall coordinate their work under terms and procedures specified with an instruction of the Minister of Defence.

**Article 92.** (Amended, SG No. 16/2010, effective 26.02.2010) (1) The Military Medical Academy shall be established and transformed with an act of the Council of Ministers on proposal by the Minister of Defence in coordination with the Minister of Health and shall apply the Medical-Treatment Facilities Act unless otherwise provided herein.

(2) The structure and operation of the Military Medical Academy shall be determined with a regulation adopted by the Council of Ministers on proposal by the Minister of Defence in coordination with the Minister of Health.

(3) The Military Medical Academy shall carry out postgraduate training of physicians, dentists and pharmacists and training of students in medical specialities which have been accredited under the Medical-Treatment Facilities Act.

(4) The Military Medical Academy shall conduct tuition for acquiring the educational and academic degree of "doctor" in academic specialities which have been accredited under the Higher Education Act.

**Article 93.** (Amended, SG No. 16/2010, effective 26.02.2010) (1) The military academies and the higher military schools shall be established with a decision of the National Assembly.

(2) The type, name, seat, purpose, managing bodies, organisational structure of the military academies and higher military schools and the real assets granted to them for management shall be determined with the acts of their establishment or transformation.

(3) Professional colleges for training sergeants (petty officers) for acquiring fourth grade of professional qualification under the Vocational Education and Training Act may be established with an order of the Minister of Education, Youth and Science on proposal of the Minister of Defence.

(4) Training centres for training soldiers (seamen) shall be established with an order of the Minister of Defence.

(5) A professional college under paragraph 3 and/or a training centre under paragraph 4 may be subordinated to the commander of a higher military school and may use real properties, training facilities, administrative and information services and teaching staff from the respective higher military school under terms and procedures specified in the order of its establishment.

**Article 94.** (Amended, SG No. 16/2010, effective 26.02.2010, SG No. 101/2010) (1) (Amended SG No. 74/2009) Military academies and higher military schools shall apply the provisions of the Higher Education Act and the Development of Academic Staff Act, and the professional colleges - the Vocational Education and Training Act and the Public Education Act unless this act and the acts for their establishment provide otherwise.

(2) (Amended, SG No. 23/2011, effective 22.03.2011) Specialised training shall be provided by and qualification and vocational training shall be acquired at the military academies, higher military schools and professional colleges of servicemen, civilian employees, civil servants from other ministries and institutions and citizens under terms and procedures determined by the Minister of Defence. The financial
resources for these activities shall be at the expense of the budget of the Ministry of Defence and the budgets of the respective ministries and institutions.

(3) Control over the drawing up and implementing the budgets of the military academies and higher military schools shall be exercised under a procedure specified with an act of the Minister of Defence.

**Article 95.** (Amended, SG No. 16/2010, effective 26.02.2010) (1) The regulations on the organisation and the operation of military academies and higher military schools shall be adopted by the Council of Ministers on a proposal of the Minister of Defence in coordination with the Minister of Education, Youth and Science.

(2) The regulations on the organisation and the operation of professional colleges shall be issued by the Minister of Defence.

(3) The specialities and curricula in military academies and higher military schools shall be approved by the Minister of Defence in coordination with the Minister of Education, Youth and Science.

(4) State educational standards, specialities, syllabi and curricula, and lists for state-planned intake of trainees to vocational colleges shall be approved by the Minister of Defence in coordination with the Minister of Education, Youth and Science.

(5) In the course of tuition in military specialities the military academies and higher military schools shall conduct education also in the respective accredited civilian specialty and shall award the respective educational and qualification degrees in the accredited military and civilian specialities.

(6) The military academies and the higher military schools may carry out education of students and postgraduates for acquiring the educational and qualification degrees of "bachelor" and "master" in specialities of the accredited professional domains and of an educational and academic degree of "doctor" in the accredited academic specialities.

(7) The documents for the acquired professional qualification in the professional colleges shall be issued by the headmasters of the professional colleges

**Article 96.** (Amended, SG No. 16/2010, effective 26.02.2010) (1) The military academies and higher military schools and the specialities therein for acquiring higher education in educational and qualification degrees as well as in academic specialities shall be accredited under terms and procedures specified in the Higher Education Act.

(2) The accreditation commissions for awarding accreditation under paragraph 1 shall include in their membership representatives of the Ministry of Defence appointed by the Minister.

**Article 97.** (Amended, SG No. 16/2010, effective 26.02.2010) (1) (Supplemented, SG No. 98/2010, effective 14.12.2010) Commanders and deputy-commanders of military academies and higher military schools and of the Military Medical Academy, heads of professional colleges and training centres shall be servicemen who shall be appointed and discharged under the procedures herein. The deputy head for diagnostics and treatment at the Military Medical Academy shall be appointed on a proposal of the head of the Military Medical Academy in coordination with the Minister of Health.

(2) The deputy-commanders for education and research of military academies and higher military schools as well as the deputy heads for education, diagnostics and treatment at the Military Medical Academy shall be persons with academic rank.
(3) Faculties within military academies and higher military schools shall be led by deans who shall be servicemen with academic rank. They shall be elected under terms and procedures specified in the Higher Education Act and shall be appointed by the commanders of the higher military schools.

(4) (Amended, SG No. 101/2010) The academic staff of military academies and higher military schools shall consist of servicemen and civilian employees occupying teaching and academic positions.

(5) (New, SG No. 23/2011, effective 22.03.2011) The instructors at the military academies and higher military schools shall be servicemen conducting vocational practical training.

(6) (Amended, SG No. 101/2010, renumbered from Paragraph 5, SG No. 23/2011, effective 22.03.2011) Military academies and higher military schools may employ foreign citizens for academic and teaching positions.

(7) (Renumbered from Paragraph 6, amended, SG No. 23/2011, effective 22.03.2011) The teaching staff at professional colleges shall be instructors-specialists - servicemen and civilian employees - with educational and qualification degrees in the respective specialities.

**Article 98.** (Amended, SG No. 16/2010, effective 26.02.2010) (1) Officers studying for acquiring educational and qualification degree of "master" in specialities of the professional course in military sciences shall be undergraduates.

(2) Persons studying at higher military schools in the regular form of education for the needs of the Ministry of Defence shall be cadets.

(3) Servicemen studying in professional colleges shall be trainees.

(4) Undergraduates, cadets and trainees shall not pay tuition fees.

(5) The rights and obligations of undergraduates, cadets and trainees shall be specified in the regulations on the organisation and operation of the military academies and higher military schools and professional colleges.

**Article 99.** (Amended, SG No. 16/2010, effective 26.02.2010) (1) Discharging students from military academies, and higher military schools and professional colleges shall be done under terms and procedures specified in the regulations on their organisation and operation.

(2) Persons discharged under a disciplinary procedure from military academies and higher military schools and professional colleges may not restore their rights and may not be accepted back for tuition.

**Article 100.** (Amended, SG No. 16/2010, effective 26.02.2010, SG No. 48/2011, effective 24.06.2011) (1) The Military Information Service shall be a legal entity supported by the state budget.

(2) The head of the service referred to in paragraph 1 shall be appointed by the Minister of Defence or on his nomination under a procedure specified herein and in the regulation on the implementation of this Act.

(3) The head of the service referred to in paragraph 1 shall be directly subordinated to the Minister of Defence.

(4) The Minister of Defence shall approve a code of ethics for the officers of the service referred to in paragraph 1.
The organisation and operation of the service referred to in paragraph 1, the specific terms for appointing personnel and for the performance of work and termination of employment therewith shall be specified in a regulation adopted by the Council of Ministers.

Article 101. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The Military Information Service shall collect, process, analyse, store and provide information in the interest of national security and the country's defence.

(2) The Military Information Service shall provide information which is equal in volume and with the same contents to the President of the Republic, the Speaker of the National Assembly, the Prime-Minister and the Minister of Defence.

(3) The Minister of Defence may assign also additional tasks to the Military Information Service related to national security and the country's defence.

(4) Servicemen from the Military Information Service may, in the course of performing their official duties, occupy as cover also positions in the state administration and in legal persons under terms and procedures specified with an act of the Council of Ministers.


Article 105. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The National Guard Unit shall be a representative military formation and shall be a legal person - second level spending unit with the Minister of Defence.

(2) The structure, the organisation and the procedure for using the National Guard Unit shall be determined with a regulation adopted by the Council of Ministers.

Article 105a. (New, SG No. 23/2011, effective 1.07.2011) The Military Geographic Service shall be a military formation for support and geo-information and for carrying out specialized activities pursuant to the Geodesy and Cartography Act.

(2) The Military Geographic Service shall be a legal person - second level budget credits spending unit with the Minister of Defence.

(3) The structure and the operation of the Military Geographic Service shall be determined with a regulation by the Minister of Defence.

Article 105b. (New, SG No. 23/2011, effective 1.07.2011) (1) The Stationary Communication and Information System shall be a military formation for providing communication and information support of the Armed Forced, the Ministry of Defence and the other departments and for ensuring the use and maintenance of the information environment in the interests of the country's defence and security.
(2) The Stationary Communication and Information System shall be a legal person - second level budget credits spending unit with the Minister of Defence.

(3) The structure and operation of the Stationary Communication and Information System shall be determined with a regulation of the Minister of Defence.

Article 106. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The Minister of Defence shall exercise his control functions in the field of defence through an Inspectorate.

(2) The Inspectorate shall be directed by an Inspector General of the Ministry of Defence who shall be subordinated to the Minister of Defence.

(3) The Inspectorate shall exercise control over compliance with normative acts and the Minister of Defence's orders and over the lawful conduct of administrative work in the structures of the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army.

(4) (Repealed, SG No. 23/2011, effective 1.07.2011).

(5) The Inspectorate shall conduct inspections on the recommendations, alerts and complaints of natural or legal persons to the Minister of Defence and shall notify them of the decisions made and the measures undertaken.

(6) (Amended, SG No. 33/2012) The inspectorate shall exercise control and conduct inspections pursuant to the Conflict of Interests Prevention and Ascertainment Act.

(7) The inspectorate shall assist and exercise control over implementing the recommendations and proposals of the Ombudsman of the Republic of Bulgaria.

(8) The inspectorate shall carry out its activity in compliance with this act and the Administration Act.

(9) The organisation of work of the Inspectorate, the types of inspections and the terms and procedures for their performance shall be determined with an act of the Minister of Defence.

Article 107. (Amended, SG No. 16/2010, effective 26.02.2010) (1) The National Museum of Military History shall be a cultural and scholarly institution which shall work for tracing, studying, preserving and presenting cultural objects and artefacts for informative, educational and aesthetic purposes related to Bulgaria's military history under the terms and procedures of the Cultural Heritage Act.

(2) The National Museum of Military History shall also carry out work on studying, registering, protecting and maintaining military monuments.

(3) The National Museum of Military History shall be a legal person - second level budget spending unit under the Minister of Defence.

(4) The structure and operations of the National Museum of Military History shall be determined with a regulation of the Minister of Defence in coordination with the Minister of Culture.

Chapter Five
STATE OF WAR, MARTIAL LAW AND SATE OF
EMERGENCY. MOBILISATION

Section I
State of War and Martial Law

Article 108. (1) State of war and martial law shall be declared with a decision of the National Assembly or with a decree of the President of the Republic under the procedure established in the Constitution and shall be announced on all media.

(2) The act on declaring a state of war or martial law shall specify the normative acts which shall be suspended.

Article 109. (1) State of war shall be declared in case of an armed attack against the country or in case of need to fulfill urgently international obligations.

(2) The hour and date of declaring war or the time of the actual start of hostilities shall be deemed the start of the state of war.

(3) The announced hour and date of ceasing hostilities and in case of their continuation after the announced hour and date - the time of their actual cessation shall be deemed the end of the state of war.

(4) Implementation of the tasks pursuant to strategic, operational and wartime plans shall start upon the declaration of a state of war.

Article 110. In case of a sudden military attack against the territory of the country the Armed Forces shall take all necessary measures to counter the attack without waiting for a state of war to be declared.

Article 111. (1) Martial law shall be declared in case of threat of an armed attack or of war on the entire or part of the country's territory.

(2) The hour and date of declaring martial law shall be deemed the start of martial law and the end - the hour and date of declaring a state of war or the cancellation of martial law.

Article 112. The implementation of the tasks pursuant to strategic, operational and wartime plans corresponding to the degree of threat shall start upon the declaration of martial law.

Article 113. On declaring a state of war or martial law the defence of the country and the protection of internal order shall pass under the command of the Supreme Commander and the bodies for command of defence established by him.

Article 114. (1) With the introduction of a state of war or of martial law or with the actual start of hostilities the President of the Republic shall form a Supreme Command.

(2) The Supreme Command shall assist the Supreme Commander in commanding the defence and the Armed Forces.

(3) (Amended, SG No. 82/2009, effective 16.10.2009) The Supreme Command shall include the Prime Minister, the Minister of Defence, the Minister of the Interior, the Minister of Foreign Affairs, the Minister of Transport, Information Technology and Communications, the Minister of Economy, Energy and Tourism, the Minister of Regional Development and Public Works, the Minister of Finance, the Chief
of Defence, the Chairman of the National Security State Agency, and other persons appointed by the Supreme Commander.

Article 115. (1) With the declaration of a state of war or of martial law the Chief of Defence shall be the Commander in Chief of the Armed Forces.

(2) A Staff shall be established with the Supreme Command which shall be joined by officers from the Defence Staff and from other structures specified by the Supreme Commander.

Article 116. (Amended, SG No. 20/2012, effective 10.06.2012) (1) From the hour and date of declaration of state of war or martial law the wartime service shall start for:

1. servicemen and employees from the structures under article 50, paragraph 2;

2. reservists who are in active service in the Armed Forces;

3. cadets.

(2) The reservists available for active service and the mobilized reservists shall be deemed in wartime service as of the time of being called up by the bodies in charge of the military roster.

(3) For persons who have not taken the military oath wartime service shall commence after the taking of oath.

(4) For the duration of their wartime service, the servicemen, reservists, mobilized reservists and their families may not be evicted from the homes, where they reside. The execution of eviction orders issued against them by a court of law shall be suspended until the expiry of the term of their wartime service.

Article 117. Wartime service shall be organised and performed pursuant to the statutes of the Armed Forces and the acts of the Supreme Commander.

Article 118. Disbursement of pay and allowances to servicemen in wartime military service shall be done under terms and procedures specified in a separate act of Parliament.

Article 119. The implementation of contracts for education of cadets in higher military schools shall be suspended for the term of their wartime service.

Article 120. Persons who are unfit for wartime military service shall be exempted from service in the Armed Forces.

Article 121. Wartime service in the Armed Forces shall be terminated under terms and conditions established with the act on demobilisation.

Section II
State of Emergency

Article 122. (1) On the occurrence of a threat that the Republic of Bulgaria might be involved in a military-political crisis or in an armed conflict in addition to the cases under Articles 109 and 111 a state of emergency may be declared on the entire territory of the country or on a part thereof.
(2) A state of emergency shall be declared with a decision of the National Assembly or with a decree of the President of the Republic in compliance with the Constitution and shall be announced on all media.

(3) The hour and date of the declaration of the state of emergency shall be deemed its start and for its end - the hour and date of its cancellation.

(4) With the decision or the decree under paragraph 2 the assignments, the number, the term of use and the command of formations in the Armed Forces shall be specified.

Section III
Measures and Restrictions in a State of War, Martial Law or a State of Emergency

Article 123. On the declaration of a state of war, martial law or a state of emergency state bodies and the Armed Forces shall:

1. conduct total mobilisation with the exception of cases where a state of emergency is declared;
2. undertake actions and measures to protect facilities that are threatened by terrorist acts;
3. restrict or prohibit flights of civilian aircraft and introduce a special regime of navigation in the territorial sea and internal waterways of the country.
4. control or prohibit the crossing of the state border of the Republic of Bulgaria;
5. restrict the traffic on the main roads;
6. restrict railway traffic and introduce control over passengers and freights;
7. restrict free movement and introduce control over citizens and vehicles;
8. control facilities of the critical infrastructure of the country;
9. restrict or prohibit access to state institutions;
10. should it be necessary to protect the national interest, the life and health of citizens other measures shall also be applied which do not contradict the international acts guaranteeing protection of human rights in wartime.

Article 124. On the declaration of a state of war or of martial law the Council of Ministers shall permit the use of the state reserves and the wartime stocks.

Article 125. (1) On the declaration of a state of war or of martial law the Minister of Defence, the Minister of the Interior, the Minister of Foreign Affairs, the Director of the National Intelligence Service and the Chairman of the National Security State Agency shall provide to the Supreme Commander full information related to the country's defence tasks.

(2) On the declaration of a state of emergency the heads of institutions under paragraph 1 shall
Article 126. On the declaration of a state of war or of martial law the Supreme Commander shall assign to legal persons with wartime tasks the implementation of orders for supplies or services for the needs of defence.

Article 127. The State and the Armed Forces shall not be liable for damages to third parties when they have been caused in the course of combat operations and the defence of the country during wartime.

Section IV
Mobilisation

Article 128. Mobilisation shall be a process of transferring the Armed Forces and the structures under Article 50, paragraph 2 from peacetime to wartime organisation and operations.

(2) The terms and procedures for carrying out mobilisation shall be determined with a regulation of the Council of Ministers.

Article 129. (1) Mobilisation may be total or partial.

(2) Total mobilisation shall be carried out in case of:

1. surprise attack of or invasion of foreign troops in the territory of the country;

2. declaration of a state of war;

3. threat of a military invasion or of war and declaration of martial law on the territory of the entire country.

(3) Partial mobilisation shall be carried out on declaration of martial law on a part of the country's territory and in other cases requiring mobilisation.

(4) For the period of participation in a mobilisation event reservists and their families may not be removed by force from the premises where they live. The enforcement of judicial decisions issued against them or takeaway orders shall be suspended until expiry of the term of the service.

Chapter Six
PROTECTION AND DEFENCE OF THE TERRITORY OF THE REPUBLIC OF BULGARIA AND OF FACILITIES OF THE CRITICAL INFRASTRUCTURE

Article 130. (1) The protection of the Republic of Bulgaria's airspace shall be done by the Bulgarian Army.

(2) New, SG No. 16/2010, effective 26.02.2010) When carrying out the activity under paragraph 1, control over air traffic in the Republic of Bulgaria's airspace shall be exercised by the Bulgarian Army jointly with specialised structures of the Ministry of Transport, Information Technologies and Communications, the Ministry of The Interior, the Ministry of Foreign Affairs and the National Security
State Agency under terms and procedures specified with a regulation of the Council of Ministers.

(3) (Renumbered from Paragraph 2, SG No. 16/2010, effective 26.02.2010) The protection of the state border of the Republic of Bulgaria shall be done by the respective structures of the Ministry of the Interior.

**Article 131.** (1) The defence of the territory, of the territorial sea and the airspace of the country shall be done by the Armed Forces on their own or jointly with formations from the armed forces of allied states.

(2) In the course of the country's defence the navigation regime for vessels in the territorial sea, internal waterways, ports and roadsteads shall be determined with an act of the Minister of Defence following consultations with the Minister of Transport, Information Technology and Communications and the Minister of the Interior.

(3) In the course of the country's defence the aviation regime in the Republic of Bulgaria's airspace shall be determined with an act of the Minister of Defence and the Minister of Transport, Information Technology and Communications.

**Article 132.** (1) The Armed Forces shall carry out tasks of protecting and defending facilities of the critical infrastructure under terms and procedures specified in operational plans.

(2) The participation of military formations in prevention of terrorist acts and in overcoming their effects shall be done in compliance with plans for actions in such conditions.

(3) Military formations of the Armed Forces may participate in the defence of critical infrastructure facilities of other states and in overcoming the effects of terrorist acts which have occurred on the territory of neighbouring states under terms and procedures specified in an international agreement.

**Chapter Seven**

**MILITARY SERVICE**

**Section I**

**General Provisions**

**Article 133.** (Amended, SG No. 16/2010, effective 26.02.2010) (1) Military service shall be a state service with a special purpose for preparation for and carrying out the armed defence of the country. Citizens enlisted for military service shall be servicemen.

(2) In peacetime military service shall be done as a profession at the Ministry of Defence, the Bulgarian Army, the structures subordinated directly to the Minister of Defence as well as at other state bodies and institutions under terms and procedures specified in this Act, in the regulation on its implementation, in the statutes of the Armed Forces and in the concluded contract.

**Article 134.** (1) (Amended, SG No. 16/2010, effective 26.02.2010) Military service shall be done on the territory of the country and outside of it.

(2) Military service outside the territory of the Republic of Bulgaria may be done:

1. within Bulgarian or multinational formations;
2. in missions of the Republic of Bulgaria abroad;

3. at national or international positions in staffs and/or bodies of international organisations or of other international initiatives.

**Article 134a.** (New, SG No. 16/2010, effective 26.02.2010) (1) The legal relation for doing military service shall occur on the basis of a military service contract.

(2) The military service contract shall specify obligatorily the designation of the position to which the serviceman is appointed, the corresponding military rank, the term of the service, the conditions for training and improving his qualifications, the terms and procedures for his career development, the rights, obligations and responsibilities of the parties to the contract.

**Article 135.** (Amended, SG No. 16/2010, effective 26.02.2010) Servicemen shall be officers, officer candidates, sergeants (petty officers), soldiers (seamen).

(2) Cadets shall be servicemen with a special status.

**Article 136.** (1) Officers occupying positions for which senior officer ranks are required shall be the senior command personnel.

(2) Positions for which senior officer ranks is required shall be approved by the President of the Republic on a proposal of the Council of Ministers.

**Article 137.** When enlisting for military service servicemen shall be awarded military ranks.

**Article 138.** (Amended, SG No. 16/2010, effective 26.02.2010) Military ranks shall be:

In the Army and the Air Force

1. Soldier ranks
   - Private – 1st class
   - Private – 2nd class
   - Private – 3rd class
   - Corporal – 1st class
   - Corporal – 2nd class

2. Non-commissioned officer ranks
   - Junior Sergeant
   - Sergeant
   - Senior Sergeant
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<th>Rank</th>
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<tr>
<td>Sergeant Major</td>
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<td>3. Warrant officer ranks</td>
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<td>Warrant officer – 1st class</td>
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<td>Warrant officer – 2nd class</td>
<td>Warrant officer – 2nd class</td>
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<td>3. Junior officer ranks</td>
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<td>Captain</td>
<td>Captain Lieutenant</td>
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<td>4. Senior officer ranks</td>
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<td>Major</td>
<td>Captain III rank</td>
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<td>Lieutenant-colonel</td>
<td>Captain II rank</td>
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<td>Colonel</td>
<td>Captain I rank</td>
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<td>5. Senior officer ranks</td>
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<td>Brigadier General</td>
<td>Commodore</td>
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<tr>
<td>Major General</td>
<td>Rear admiral</td>
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<tr>
<td>Lieutenant General</td>
<td>Vice admiral</td>
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<td>General</td>
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(2) Cadets in the higher military schools shall be awarded the following ranks:

1. cadet

2. cadet - junior sergeant (in the Navy - cadet - petty officer 2nd class)

3. cadet - sergeant (in the Navy - cadet - petty officer 1st class)

4. cadet - senior sergeant (in the Navy - cadet - chief petty officer)

5. cadet - sergeant-major (in the Navy - cadet - midshipman)
**Article 139.** (Amended, SG No. 16/2010, effective 26.02.2010) Enlistment for military service and its performance by servicemen shall be based on the principle of not allowing discrimination and ensuring equal opportunities for professional advancement according to requirements and criteria for occupying positions in the Armed Forces established in advance.

**Article 140.** (1) Only Bulgarian language shall be used in military service.

(2) Servicemen may use a different language for the performance of a specific task.

**Article 141.** (1) Bulgarian nationals shall be accepted for military service who comply with the following requirements:

1. (supplemented, SG No. 16/2010, effective 26.02.2010) have a university degree in the speciality for which they apply - for officers; and a high school or a higher education certificate - for officer candidates, sergeants (petty officers) and soldiers (seamen).

2. (supplemented, SG No. 16/2010, effective 26.02.2010) are under 40 years of age - for officers, 33 years - for officer candidates, sergeants (petty officers) and 32 years - for soldiers (seamen).

3. are fit for military service;

4. have not been convicted for a premeditated crime of a general nature, regardless of the exoneration;

5. have no criminal proceedings instituted against them for a premeditated crime of a general nature;

6. have no other citizenship;

7. have not been dismissed from military service due to the disciplinary sanction of dismissal;

8. cover the norms for physical fitness specified with an act of the Minister of Defence.


(2) (Amended, SG No. 16/2010, effective 26.02.2010) Fitness for military service under paragraph 1, item 3 shall be determined by military medical authorities under terms and procedures specified with an act of the Minister of Defence.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) Mental fitness for military service shall be determined by special units and bodies on psychological support under terms and procedures specified by the Minister of Defence.

(4) The Minister of Defence may specify positions for soldiers (seamen) which shall be occupied by persons with elementary education when no requirement for access to classified information exists to occupy the position.

(5) (Amended, SG No. 16/2010, effective 26.02.2010) The Minister of Defence may specify positions for servicemen to be occupied by Bulgarian citizens with dual citizenship in compliance with the requirements of the Classified Information Protection Act.

**Article 142.** (Amended, SG No. 16/2010, effective 26.02.2010) (1) The terms and procedures for
enlistment to military academies and higher military schools and professional colleges shall be determined with a regulation of the Minister of Defence.

(2) Cadets shall conclude military service contracts in which the term of training shall be included. During their training at the higher military schools cadets shall be prepared for doing military service as a profession and they shall be provided with:

1. full subsistence by the state;
2. free medical care;
3. opportunities for election to the collective management bodies at the higher military school;
4. leave of 30 calendar days per school year under terms and procedures specified in the regulations on the organization and operation of the higher military schools;
5. scholarships under terms and procedures and in amounts specified with an act of the Minister of Defence;
6. obligatory insurance against death and incapacity as a result of an accident during or in relation to the implementation of obligations connected to their training for doing military service

(3) The tuition time of cadets shall not be recognised as length of service.

(4) Cadets shall be promoted in rank pursuant to Article 138, paragraph 3 with an order of the commander of the higher military school under terms and procedures specified in the regulation on its organisation and operation.

(5) Cadets who have graduated their tuition under paragraph 1 shall be obliged to perform military service for a period of at least ten years.

(6) The rights and obligations of the students under paragraph 1 shall be determined in the regulations on the organisation and operation of the military academies and the higher military schools and in the military service contract.

Article 143. (1) (Amended, SG No. 16/2010, effective 26.02.2010) For the needs of defence the Minister of Defence or an official authorised by him may conclude a contract with high school students in the country or abroad on providing a scholarship and other facilities related to tuition with a view of obtaining professional qualification for serving at the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army for a period of at least ten years.

(2) A contract under the terms of paragraph 1 may be concluded also with a pupil in a secondary school or a professional college. The contract shall be concluded with the pupil and if he is under age - also with his parents or guardian's consent.

(3) Selection of students and pupils under paragraphs 1 and 2 shall be done under a procedure specified with an act of the Minister of Defence.

Article 144. (1) (Amended, SG No. 16/2010, effective 26.02.2010) On the basis of a competition persons who have graduated from civilian secondary or higher schools shall also be accepted for military service. They shall undergo initial and specialised military training at a higher military school, at a professional college or in a training centre unless they have served military service.
(2) The terms and procedures for organising the competitions as well as for acquiring and improving military qualifications of persons under paragraph 1 shall be specified in the regulation on the implementation of this Act.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) The term of the contract with the persons under paragraph 1 shall be at least seven years - for officers, five years - for officer candidates and sergeants (petty officers) and three years - for soldiers (seamen).

(4) (Repealed, SG No. 16/2010, effective 26.02.2010).


**Article 145.** (1) After graduation from tuition for the needs of the Ministry of Defence, with a view of improving the qualification or of acquiring a new qualification by servicemen, the time limits under Article 142, paragraph 5, Article 143, paragraph 1 and Article 144, paragraph 3 shall be extended after:

1. graduation from a military academy - by five years;
2. acquiring an educational and academic degree of doctor - by five years;
3. acquiring an educational and scholarly degree of master in a civilian speciality - by four years;
4. acquiring an educational and scholarly degree of bachelor in a civilian speciality - by three years;
5. graduation from a professional college - by five years;
6. completing a course with a duration of over six months - by two years.

(2) Should a serviceman be culpable of not fulfilling his obligation under paragraph 1 he shall reimburse to the Ministry of Defence commensurate tuition costs.

**Section II**

**Enlistment for, Performance of and Discharge from Military Service**

**Article 146.** Enlistment for military service, appointment and discharge from office and from military service as well as promotion and demotion of servicemen in rank shall be done:

1. of officers from the senior command personnel - with a decree of the President of the Republic on a proposal of the Council of Ministers; the President's decree shall be countersigned by the Prime-Minister; the implementation of the decree shall be assigned to the Minister of Defence;

2. of the remaining officers - with an order of the Minister of Defence or of officials authorised by him;

3. (amended, SG No. 16/2010, effective 26.02.2010) of officer candidates, of sergeants (petty officers) and of soldiers (seamen) - with an order of the Minister of Defence or of officials authorised by him.
Article 147. (1) (Amended, SG No. 16/2010, effective 26.02.2010) In order to enlist for military service at the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army the candidate shall submit a written application.

(2) Required documents for occupying the respective position determined with an act of the Minister of Defence shall be attached to the application under paragraph 1.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) When submitting the application the candidate shall attach a criminal record certificate and shall sign a statement on the existence of the circumstances under Article 141, paragraph 1, items 5 through 7.

(4) (Amended, SG No. 16/2010, effective 26.02.2010) In order to enlist for training at the higher military schools the candidate shall attach a criminal record certificate and shall sign the statement under paragraph 3.

Article 148. (Amended, SG No. 16/2010, effective 26.02.2010) (1) Military service contracts shall be signed by the Minister of Defence or by officials authorised by him.

(2) The procedure and the additional conditions for concluding the military service contract shall be determined in the regulation on the implementation of this Act.

Article 148a. (New, SG No. 16/2010, effective 26.02.2010) (1) On signing the military service contract servicemen shall submit a statement of their property status and incomes, a statement that they are not members of any political party, and a statement that there are no circumstances under Article 188.

(2) In case of change in the property status servicemen shall submit a statement within one month of its occurrence.

Article 149. (1) (Amended, SG No. 16/2010, effective 26.02.2010) Servicemen shall report for military service at the designated location within ten days after the conclusion of the contract and shall take a military oath which shall be ascertained by signing an oath paper and an act of assuming the position.

(2) The content of the military oath shall be the following: "I swear in the name of the Republic of Bulgaria to serve honestly my people, to observe the Constitution, the laws of the land and the statutes of the Armed Forces, to implement unequivocally the orders of my commanders and superiors, to defend bravely the integrity and independence of the my Fatherland and if need be to sacrifice my life for it, for military honour and for the glory of the combat colours. I swore!".

(3) (Amended, SG No. 16/2010, effective 26.02.2010) Should the serviceman fail to report for service or to take the military oath within the term under paragraph 1 for reasons beyond his control a new term for assuming the position shall be specified.

Article 150. (Repealed, SG No. 16/2010, effective 26.02.2010).

Article 151. (Repealed, SG No. 16/2010, effective 26.02.2010).

Article 152. (Amended, SG No. 16/2010, effective 26.02.2010) (1) Should the serviceman fail to submit the statements under Article 148a, paragraph 1, to report for service or to take the oath the legal relation on serving military service shall be deemed non-existent unless this is due to reasons beyond his control.
(2) The serving of military service shall start with the taking of the military oath and assuming the position.

Article 153. The assuming of positions by servicemen, the acquisition and the improvement of their professional qualification, their career and personnel development shall be done with regard to their interests and to the interests of the military service.

Article 154. (1) Servicemen shall be promoted in military rank consecutively.

(2) (Repealed, SG No. 16/2010, effective 26.02.2010).

(3) Servicemen may be promoted in military rank posthumously once and by one degree.

(4) The terms and procedures for promotion in military rank and the maximum term for staying in a military rank and in a position shall be determined in the regulation on the implementation of this Act.

Article 155. (1) Servicemen shall be demoted in military rank in the order it was awarded under terms specified in the regulation on the implementation of this Act.

(2) Divestment of military rank shall be done only through a judicial procedure.

(3) (Supplemented, SG No. 16/2010, effective 26.02.2010) The military ranks of soldier 1st class and seaman 1st class may not be withdrawn.

Article 156. (1) The terms and procedures for reappointment and discharge from office of servicemen and for rotation of senior officers shall be specified in the regulation on the implementation of this Act.

(2) Rotation shall mean the transition of senior officers through different positions at one or different command levels in order to acquire management experience.

Article 157. (1) Servicemen shall be evaluated annually with a view of ensuring their career and personnel development.

(2) The evaluation shall take place according to a system of criteria through which personal characteristics, the attainment of professional objectives agreed in advance, the level of performance of the obligations and professional competences of servicemen are assessed.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) The criteria, terms and procedures for conducting evaluation shall be determined with an act of the Minister of Defence.

Article 158. (1) Servicemen may be suspended from office under the terms and procedures of the Criminal Procedure Code.

(2) When the criminal procedures against a serviceman are terminated, he is acquitted or is sentenced for an unintentional crime of a general nature he shall be restored to the position. The time of suspension shall be considered as length of service under this Act and compensation shall be payable amounting to the pay for the time of the suspension.

Article 159. (1) The commander or the superior officer may suspend a serviceman who appears in a
state preventing him from performing the official duties or after alcohol or drug abuse.

(2) The terms and procedures for preventing, control and establishing fitness for military service in case of alcohol or drug abuse and/or dependence shall be determined with a regulation of the Minister of Defence.

Article 160. (1) The age limits for military service shall be:

1. (amended, SG No. 16/2010, effective 1.03.2010) for soldiers (seamen) - 45 years;

2. (supplemented, SG No. 16/2010, effective 1.03.2010, amended, SG No. 100/2011, effective 1.01.2012) for sergeants (petty officers), officer candidates and junior officers - 52 years;

3. (amended, SG No. 100/2011, effective 1.01.2012) for officers with the rank of major (captain III rank) - 54 years;

4. (amended, SG No. 100/2011, effective 1.01.2012) for officers with the rank of lieutenant colonel (captain II rank) - 54 years;

5. (amended, SG No. 100/2011, effective 1.01.2012) for officers with the rank of colonel (captain I rank) - 56 years;

6. (amended, SG No. 100/2011, effective 1.01.2012) for officers with the rank of brigadier general (commodore) - 58 years;

7. (amended, SG No. 16/2010, effective 1.03.2010) for officers with the rank of major general (rear admiral) - 58 years;

8. (amended, SG No. 16/2010, effective 1.03.2010) for officers with the rank of lieutenant general (vice admiral) - 59 years;

9. (amended, SG No. 100/2011, effective 1.01.2012) for officers with the rank of general (admiral) - 62 years.

(2) (Amended, SG No. 16/2010, effective 1.03.2010) The age limit for officers with a military rank of colonel who occupy a position for which an academic degree is required shall be 57 years.

(3) (Amended, SG No. 16/2010, effective 1.03.2010, SG No. 101/2010) Subject to a decision by the Minister of Defence, those with the academic rank of "professor" or "associate professor" may continue to occupy their positions until they are 60 years of age.

Article 161. (Amended, SG No. 16/2010, effective 26.02.2010) The military service contract shall be terminated:

1. for officers of the senior command personnel - with an order of the Minister of Defence on the basis of a decree of the President of the Republic for discharge from military service on a proposal of the Council of Ministers;

2. for the remaining officers - with an order of the Minister of Defence or of officials authorised by him;

3. for officer candidates, sergeants (petty officers) and soldiers (seamen) - with an order of the
Minister of Defence or of officials authorised by him.

Article 162. (Amended, SG No. 16/2010, effective 26.02.2010) The military service contract shall be terminated and the serviceman shall be discharged from military service without any of the parties owing a notification:

1. on mutual consent of the parties expressed in writing; the party to which the proposal is addressed shall be obliged to express its attitude towards it and to notify the other party within 30 days; in case it fails to do so it shall be deemed that the proposal has not been accepted;

1a. (New, SG No. 16/2010, effective 26.02.2010) on the expiry of the agreed term;

2. when the serviceman reaches the age limit;

3. (amended, SG No. 16/2010, effective 26.02.2010) in case the serviceman becomes unfit for military service or psychologically unfit and this is certified by the military medical authorities, by the authorities under Article 141, paragraph 3, respectively;

4. when the serviceman moves to paid elected position with the exception of cases under Article 187, paragraph 3;

5. when the serviceman refuses to accept the position he was proposed under the procedure of Article 206, paragraph 3;

6. when the serviceman fails to report for occupying the position within the term in Article 172, paragraph 2 unless this is due to valid reasons;

7. when the serviceman dies.

Article 163. (1) (Amended, SG No. 16/2010, effective 26.02.2010) The military service contract shall be terminated and the serviceman shall be discharged from military service with a written notification by the serviceman to the Minister of Defence, to officials authorised by him under Article 161, items 2 and 3 respectively.

(2) The term of the notification shall be three months and shall start running as of the date following the receipt of the notification. It may be withdrawn before its expiry with the approval of the Minister of Defence, officials authorised by him under Article 161, items 2 and 3 respectively.

Article 164. (Amended, SG No. 16/2010, effective 26.02.2010) The military service contract may be terminated and the serviceman may be discharged from military service if the Minister of Defence, officials authorised by him under Article 161, items 2 and 3 respectively, address to the serviceman a six-month notification in case of:

1. organisational changes in the personnel or a full or partial liquidation on the basis of an act of the Council of Ministers or in case of cuts in the numbers of the Armed Forces or of individual formations thereof with a decision of the National Assembly unless this decision envisages another term for the notification;

2. (amended, SG No. 16/2010, effective 26.02.2010) amendments to the requirements for occupying the position pursuant to the Classification of positions of servicemen at the Ministry of Defence, the structures subordinated to the Minister of Defence and the Bulgarian Army, if the serviceman does not meet them;
3. (amended, SG No. 16/2010, effective 26.02.2010) expiry of the maximum term for staying in senior military rank and lack of possibility to offer the serviceman a position requiring a higher military rank and corresponding to the serviceman's education and qualification;

4. expiry of the maximum term for staying in a position and lack of possibility to offer a position corresponding to the serviceman's education and qualification;

5. acquisition of right to a pension under the terms of Article 69 of the Social Insurance Code.

**Article 165.** (Amended, SG No. 16/2010, effective 26.02.2010) The military service contract shall be terminated and the serviceman shall be discharged from military service without a notification:

1. (supplemented, SG No. 16/2010, effective 26.02.2010) when the grounds for enlisting for military service under Article 141, paragraph 1, item 6 are no longer valid save for the cases under Article 141, paragraph 5;

2. when after enlisting for military service the person fails to graduate his training to acquire military qualification;

3. when the disciplinary sanction of dismissal is imposed;

4. as of the date of registering the serviceman as a candidate for elected office by a political party or a coalition in elections for president, vice-president of the Republic of Bulgaria, member of Parliament, member of the European Parliament from the Republic of Bulgaria, municipal councillor or mayor;

5. (amended, SG No. 16/2010, effective 26.02.2010) when incompatibility is established pursuant to Article 188;

6. (repealed, SG No. 16/2010, effective 26.02.2010);

7. (amended, SG No. 16/2010, effective 26.02.2010) when a clearance for access to classified information is refused or withdrawn or when the serviceman refuses to submit documents for examination under the terms and procedures of the Classified Information Protection Act;

8. (amended, SG No. 16/2010, effective 26.02.2010) on the expiry of the maximum term for staying in senior military rank and a refusal of the serviceman to occupy the position proposed to him requiring higher military rank and corresponding to his education and professional qualification;

9. on the expiry of the maximum term for staying in a position and a refusal of the serviceman to occupy the position proposed to him corresponding to his education and qualification;

10. (repealed, SG No. 16/2010, effective 26.02.2010);

11. (amended, SG No. 33/2012) when a conflict of interests is established with an effective act pursuant to the Conflict of Interests Prevention and Ascertainment Act.

**Article 166.** (Amended, SG No. 16/2010, effective 26.02.2010, SG No. 48/2011, effective 24.06.2011) (1) The Chief of the Military Information Service shall terminate or shall propose to the Minister of Defence to terminate the military service contract and discharge from military service without notification in the following cases:
1. ineffective performance in the position occupied under cover;
2. behavior which is incompatible with the requirements of the code of ethics applicable to the officers of the service.

(2) The procedure for terminating the legal relationship under paragraph 1 shall be specified with the regulation referred to in article 100, paragraph 5.

Article 167. (1) (Amended, SG No. 16/2010, effective 26.02.2010) In the cases under Article 164, item 1 servicemen may apply within the term of the notification to occupy a new position.

(2) The Terms and procedures for applying and for appointment to positions under paragraph 1 shall be specified with the regulation on the implementation of this Act.

Article 168. (Amended, SG No. 16/2010, effective 26.02.2010) The party that is entitled to terminate the military service contract with a notification may terminate it also before the expiry of the notification term and in this case it shall owe the other party compensation amounting to the gross monthly pay for the unobserved notification term.

Article 169. (Amended, SG No. 16/2010, effective 26.02.2010) Servicemen who have acquired pension rights pursuant to Article 69 of the Social Security Code may be discharged from military service on their own application by the Minister of Defence or by the officials authorised by him under Article 161, items 2 and 3.

Article 170. (1) (Amended, SG No. 16/2010, effective 26.02.2010) The military service contract shall be terminated as of the date of handing over the order for discharge from military service except in the cases pursuant to:

1. Article 162, item 2 - as of the date of completing the age limit;
2. Article 162, item 7 - as of the date of the death.

(2) The discharge order shall be handed over to the serviceman against a signature and the date of handing over shall be recorded. In case the serviceman refuses to sign the order the refusal shall be attested with the signatures of two witnesses and in case he refuses to appear the order shall be sent to his permanent address by registered mail with a return receipt.

Article 171. (Amended, SG No. 16/2010, effective 26.02.2010) (1) Servicemen may appeal against the order for termination of the military service contract and discharge from military service under the Administrative Procedure Code.

(2) The appeal against an order for termination of the military service contract and for discharge from military service shall not suspend its implementation.

(3) No state fees shall be collected for the proceedings under paragraph 1.

Article 172. (1) When the discharge is revoked by the court the serviceman shall be entitled to compensation amounting to the monthly pay for the period during which he has been unemployed but for not longer than six months. When during this time he has been employed at a lower-paid job he will be entitled to the balance in the remunerations.
When the discharge order is revoked the serviceman shall be reinstalled within two months to the
previous or to another position corresponding to the military rank and professional qualification possessed
by him if he applies in writing to the Minister of Defence within 14 days after the court decision becomes
effective.

Article 173. The serviceman may file claims for compensation for tangible and intangible damages
he has been caused in the course of or in relation to the performance of the military service.

and insignia specified with an order of the Minister of Defence.

(2) The rules for wearing uniform and insignia shall be determined with the statutes of the Armed
Forces.

(3) (New, SG No. 16/2010, effective 26.02.2010) The Minister of Defence shall determine with an
order under paragraph 1 the rules for wearing uniform and insignia by retired servicemen, war veterans
and military disabled persons.

Article 175. (1) A service file shall be drawn up and maintained for every serviceman.

(2) Facts and circumstances shall be recorded in the service file related to enlistment for and
discharge from military service, the career and personnel development, the evaluations, the awards and
decorations received, the sanctions imposed, the changes in qualifications as well as other facts and
circumstances related to his activity as serviceman.

(3) the service files shall be kept and used under a procedure specified with the regulation on the
implementation of this Act.

(4) Servicemen shall be entitled to familiarise themselves with their service files as well as to receive
a certified copy of them on discharge from military service in compliance with the Classified Information
Protection Act.

Article 176. Issues that have not been regulated herein on the procedure for enlisting for, serving and
discharge from military service shall be settled with the regulation on the implementation of this Act and
the statutes of the Armed Forces.

Section III
Status of Servicemen

Article 177. (1) Servicemen shall enjoy the protection of the state in the course of fulfilling their
official duties.

(2) Respect for the dignity and honour of servicemen shall be an obligation of state bodies and
officials on the territory of the Republic of Bulgaria and outside of it.

Article 178. (1) (Amended, SG No. 16/2010, effective 26.02.2010) Servicemen shall be obliged to
comply with the statutes, normative and administrative acts on directing the defence, of the officials
directing the defence and the Armed forces as well as the orders of commanders and superiors.

(2) Orders shall be issued in relation to the service and if need be shall be accompanied by
instructions on their implementation. They may not infringe upon the personal dignity of subordinates or
force them to commit an obvious breach of law.

Article 179. (1) Commanders and superiors shall be responsible for the life and health of servicemen
in the course of carrying out their military service obligations.

(2) During peacetime military service servicemen shall be provided with safe and healthy conditions
for implementing their official duties.

(3) Servicemen may be assigned tasks in conditions of immediate threat to their life and health under
terms and procedures specified in the statutes of the Armed Forces. In such cases measures shall be taken
to reduce dangerous factors.

(4) Commanders and superiors shall be obliged to respect the rights, to protect the honour and the
dignity of their subordinates, to take care of them and to require conscientious, precise and timely
performance of their duties.

Article 180. The status of servicemen performing military service on the territory of another country
shall be determined in compliance with this Act, the applicable international agreement and the rules of
engagement.

Article 181. Servicemen who have been interned in the course of combat operations to the territory
of another state or have been taken prisoner shall preserve their servicemen status under this Act.

Article 182. (1) Servicemen shall not b

(2) Servicemen may not engage in propaganda and agitation in favour of or against political parties,
movements or coalitions with political ends, trade union organisations and candidates for elected office.

(3) (Supplemented, SG No. 16/2010, effective 26.02.2010) Servicemen may not participate in
meetings, rallies and demonstrations of political parties, movements or coalitions with political ends when
in uniform.

(4) Servicemen may not be obliged to declare their political, religious or ideological beliefs in
relation to the occupation or implementation of the service.

Article 183. (Supplemented, SG No. 16/2010, effective 26.02.2010) (1) Servicemen may not refuse
to fulfil their official duties on the grounds of religious, atheistic, political and ideological motives or to
engage in religious or atheistic propaganda when they perform their official duties.

(2) The creation of religious, atheistic, political and ideological associations in the military formation
or facilities shall not be allowed.

Article 184. Servicemen shall not be entitled to strike and to engage in trade union activities.

Article 185. Servicemen who are physicians, dentists, master-pharmacists, nurses, midwives and
associated medical specialists by profession may be members of the respective professional organisations.

Article 186. (1) (Amended and supplemented, SG No. 16/2010, effective 26.02.2010) In peacetime
servicemen may associate to carry out activities of mutual interest. These activities shall take place outside
office hours and may not infringe upon combat readiness, training, discipline, morale of personnel and upon the established order and the single command at the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army.

(2) Issues related to the state's defence policy, military structuring, training, combat readiness and mobilisation of the Armed Forces, their equipment with personnel, arms, hardware and other assets may not be the purpose of the activity under paragraph 1.

(3) The associations may be members of similar international organisations.


Article 187. (1) A serviceman may run for president, vice-president of the Republic, member of Parliament, member of the European Parliament from the Republic of Bulgaria, member of the municipal council or a mayor under terms specified by an act of Parliament.

(2) (Supplemented, SG No. 16/2010, effective 26.02.2010) Servicemen who have been registered as candidates for elected office by a political party or a coalition shall be discharged from military service after the announcement of the registration by the respective election commission.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) A serviceman who has been elected President, Vice-President of the Republic, member of Parliament, member of the European Parliament from the Republic of Bulgaria, municipal councillor or mayor on an independent list shall be deemed on unpaid leave for the term in office and shall be provided with the same or equal position corresponding to his military rank after the termination of his powers.

Article 188. (1) A serviceman may not take another public office save for the cases provided for by law.

(2) (Amended, SG No. 16/2010, effective 26.02.2010) There shall be incompatibility with military service at the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army when the serviceman:

1. consists in a direct hierarchical relationship of command and control with another serviceman such as: spouse, relative in direct line without limitations, on collateral line up to the second degree inclusive and by marriage up to the second degree inclusive;

2. (amended, SG No. 16/2010, effective 26.02.2010) is a sole trader, partner in a commercial company, manager, trade agent, procurator, trade representative, trade broker, receiver, trustee in bankruptcy member of managing or control bodies of a commercial company or a cooperative.

3. (supplemented, SG No. 16/2010, effective 26.02.2010) engages in commercial activities or works under an employment contract;

4. (amended, SG No. 16/2010, effective 26.02.2010) works under a civil contract save for engaging in teaching, research and development, sports or another creative activity;

5. is registered as a candidate for elected office by a political party or coalition.

(3) (New, SG No. 16/2010, effective 26.02.2010) In case incompatibility is established under paragraph 2, item 1 the serviceman shall be proposed another position corresponding to his military rank.
and qualification. Should he refuse to assume the proposed position or in case there is no possibility to propose one within one month of establishing the incompatibility the military service contract shall be terminated under the procedure of Article 165, item 5.

(4) (Renumbered from Paragraph 3, SG No. 16/2010, effective 26.02.2010) Possession of stocks, participation in cooperatives with agricultural lands or forests and in residential construction cooperatives shall not be deemed commercial activity in the meaning of paragraph 2, item 3.

(5) (Renumbered from Paragraph 4, SG No. 16/2010, effective 26.02.2010) There shall be no incompatibility with the service for participation in non-profit legal persons.

(6) (Renumbered from Paragraph 5, SG No. 16/2010, effective 26.02.2010) Servicemen shall submit a statement on the circumstances under paragraphs 1 and 2, items 1 through 4 within seven days after their occurrence. For the circumstance in paragraph 2, item 5 the statement shall be submitted together with the statement for the registration in the respective election commission.

Article 188a. (New, SG No. 16/2010, effective 26.02.2010) (1) (Amended, SG No. 33/2012) Servicemen shall be obliged to declare under the procedure of the Conflict of Interests Prevention and Ascertaining Act any private interest they have in relation to the functions of the structure or the military formation in which they serve military service.

(2) Servicemen shall be obliged not to participate in discussing, preparing or making decisions when they or the persons related to them are interested in the respective decision or when they have relations with the interested persons arousing justified doubts in their impartiality.

(3) In the cases under paragraph 2 the servicemen shall notify in writing the Minister of Defence, the officials authorized by him under Article 146, items 2 and 3 respectively.

(4) If the circumstances under paragraph 1 exist servicemen shall be suspended from exercising their official duties related to the conflict of interests under paragraph 1.

Article 188b. (New, SG No. 16/2010, effective 26.02.2010) (1) Servicemen must not accept or facilitate the acceptance either for themselves or for persons related to them gifts, donations, travel, hotel accommodation, hospitality, rebates from payments due, preferential loans or other benefits or favours leading to exerting influence on the performance of their official duties to the advantage of the persons that have offered the benefit or favour.

(2) Servicemen must not use their official position for the purpose of obtaining favours either for themselves or for persons related to them even when the acceptance of the favours will not affect the performance of their official duties.

(3) Servicemen must not give or offer gifts or perform other services that might lead to exerting influence on the performance of the official duties of the receiving person.

(4) To accept or offer gifts or favours on the basis of official position shall be deemed corruption practice.

(5) (Amended, SG No. 99/2011, effective 1.01.2012) Servicemen may accept gifts with a value of up to BGN 100 once in a calendar year.

Article 189. (1) Servicemen shall be issued with official cards which shall certify their official status when they fulfil their official duties.
(2) The official card shall contain the card number, a photograph, the full name, the place of birth, the personal identification number, the military rank, the locality of serving military service, the blood type, the validity term and other data.

(3) The information in paragraph 2 shall be written in Bulgarian and English language.

(4) The procedure for issuing, recording and destroying official cards under paragraph 1 shall be specified with an act of the Minister of Defence.

Article 190. Servicemen shall be entitled to bear and to use service firearms under a procedure determined with the statutes of the Armed Forces.

Article 191. (1) In peacetime servicemen may use service firearms as a last resort in case of an armed attack or in case of an immediate threat with arms.

(2) Servicemen shall be obliged to protect if possible the life of the person against whom the use of service firearms is directed and not to threaten the life and health of other persons.

(3) After using firearms in the cases under paragraph 1 servicemen shall be obliged to report in writing to their immediate commander or superior officer.

(4) The use of firearms by servicemen participating in international operations and missions outside the territory of the country shall be regulated in the rules of engagement.

Article 192. (1) Servicewomen shall enjoy special protection for females under the Labour Code with the exception of the right to work at home and protection from dismissal.

(2) Pregnant servicewomen and women using expectancy and birth leave shall enjoy special protection under the Labour Code in case of dismissal.

(3) (New, SG No. 16/2010, effective 26.02.2010) In the case of paragraph 2 the pregnancy and maternity leave shall be used under a procedure specified in the regulation on the implementation of this Act.

Section IV
Obligation for Service Time and Obligation to be at Disposal

Article 193. (1) Servicemen shall be obliged to be at disposal at any time of day and night to fulfil their obligations related to military service.

(2) The obligation to be at disposal in case of introducing the degrees of alert of the Armed Forces shall be determined with the statutes of the Armed Forces.

(3) When on leave servicemen shall be obliged to indicate precisely their location and on being summoned to report for the performance of their official duties within the term indicated by the commander or the superior officer under terms and procedures specified with the regulation on the implementation of this Act and the statutes of the Armed Forces.

Article 194. (1) The normal length of service time for servicemen shall be eight hours per day and 40
hours per week under a five-day week.

(2) The total length of service time for servicemen per 24 hours may not exceed by more than one half the normal daily length of the service time.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) In case the overall service time under paragraph 2 is exceeded servicemen shall be paid supplementary pay under Article 214, paragraph 1, item 3.

(4) (Amended, SG No. 16/2010, effective 26.02.2010) For carrying out the service during days-off servicemen shall be paid a supplementary pay amounting to 50 percent calculated on their basic pay and for the official holidays - a supplementary pay amounting to 100 percent calculated on their basic pay.

(5) (Supplemented, SG No. 16/2010, effective 26.02.2010) Paragraphs 1 through 4 shall not apply in case of military exercises, events and mobilisation planned to last longer than 24 hours as well as in case of scheduled duties, emergency situation, martial law or state of war.

(6) The time for rest of servicemen shall not be included in the duration of service time.

(7) The procedure for distribution of service time and for its accounting outside the normal length shall be determined with an act of the Minister of Defence.

Article 195. (1) Servicemen may be appointed on duty under terms and procedures specified in the statutes of the Armed Forces and other normative and administrative acts issued by the Minister of Defence.

(2) The maximum duration of the duty may not exceed 24 hours and in an entire month - 168 hours.

(3) The duty time shall be service time.

Article 196. (Amended, SG No. 16/2010, effective 26.02.2010) In the cases when servicemen carry out duty on schedule they shall receive supplementary pay under Article 214, paragraph 1, item 1.

Section V
Rests and Leaves

Article 197. (1) Servicemen shall be entitled to:

1. a basic paid annual leave amounting to 30 workdays;

2. a supplementary paid annual leave amounting to one workday for each served year but not more than ten workdays;

(2) Servicemen in certain fields and activities shall be entitled to supplementary paid annual leave under terms and procedures specified with an act of the Minister of Defence. This leave shall not be included in the amount of the supplementary leave under paragraph 1.

(3) Servicemen shall be entitled to supplementary paid leave for applying and for tuition in higher schools within the duration specified in the Labour Code.

(4) Servicemen certified as chronically ill shall be entitled to supplementary paid leave of up to five
workdays per annum.

**Article 198.** (Amended, SG No. 16/2010, effective 26.02.2010) (1) Commanders and superiors shall be obliged to ensure that servicemen use their annual leave within the respective calendar year. Postponement of annual leave shall be allowed as an exception if there is no possibility to ensure its use within the respective calendar year.

(2) Commanders and superiors shall bear disciplinary responsibility should they fail to ensure the use of the paid annual leave of servicemen under the terms of paragraph 1.

**Article 199.** Compensating for leave with monetary pay shall be prohibited except on discharge from military service.

**Article 200.** (1) Servicemen shall be entitled to a leave for temporary disability in an amount determined by military medical expert authorities or by expert authorities on capacity to work.

(2) During the leave under paragraph 1 servicemen may not be dismissed from military service except by mutual consent of the parties, on completing the age limit or on imposing the disciplinary sanction of dismissal.

**Article 201.** (1) (Previous Article 201, SG No. 16/2010, effective 26.02.2010) Servicemen shall be entitled to a paid leave amounting to seven calendar days:

1. on marriage;
2. on birth or adoption of a child in the family;
3. in case of serious illness or death of a spouse, child, parent or other relatives in the direct line, brother, sister and parent of the other spouse;
4. when the family has suffered from a disaster, accident or other emergency;
5. on moving the service to another locality.

(2) (New, SG No. 16/2010, effective 26.02.2010) The leave under paragraph 1 shall not be included in the other leaves specified herein.

**Article 202.** (1) Servicemen shall be entitled to leave when:

1. they have been summoned to a court or to other authorities as a party, witness or expert;
2. they are blood donors - for the day of the examination and the blood donation as well as for two days after that;

(2) The leave under paragraph 1 shall not be included in the other leaves specified herein.

**Article 202a.** (New, SG No. 16/2010, effective 26.02.2010) (1) After the return from an operation or mission outside the territory of the country servicemen and their families shall be entitled to a seven-day free vacation at the recreation facilities of the Ministry of Defence or to a seven-day free recuperation at a
hospital for supplementary, prolonged treatment and rehabilitation at the Military Medical Academy. For the time of the vacation and recuperation servicemen shall be allowed additional paid leave and the employer or the appointing authority of the spouses shall allow spouses the use of paid leave.

(2) The resources required under paragraph 1 for the free vacation and recuperation shall be planned in the budget of the mission.

Article 203. (1) Female servicemen shall be entitled to leave for pregnancy, birth and adoption, for rearing a child, for breastfeeding, for caring for a sick child and to additional leave for two or more living children in the amount and under the terms specified in the Labour Code.

(2) Servicemen may use leave for rearing a child in the cases under paragraph 1 in case of death of a serious illness of the mother.

Article 204. (Amended, SG No. 16/2010, effective 26.02.2010) For the duration of the paid annual leave servicemen shall receive the gross monthly pay, which shall include the basic monthly pay and the standing supplementary allowances at the moment of the start of the leave.

Article 205. (1) Servicemen shall be entitled to unpaid leave up to 30 working days per year which shall be allowed by the respective commander or superior officer in case of important personal or family reasons and if the interests of the service allow.

(2) Servicemen shall be entitled also to unpaid leave up to six months which may be used once during the entire duration of the service and which shall be allowed by the Minister of Defence provided they have at least 10 years of service in the Armed Forces.

(3) During the paid leave servicemen shall preserve their status and the leave time shall be considered as length of service under this act.

(4) Unpaid leave may be used after the paid leave due has been exhausted.

Article 206. (1) With the permission of the Minister of Defence servicemen may apply to occupy positions under a concluded contract for a limited time in international governmental organisations in the field of defence and security in which the Republic of Bulgaria is a member.

(2) For the duration of the contract under paragraph 1 servicemen shall be appointed to an overseas secondment and shall be deemed on unpaid leave.

(3) After the expiry of the term of the contract under paragraph 1 servicemen shall be offered a position corresponding to the possessed military rank and qualification.

(4) Servicemen may apply to occupy again positions under paragraph 1 after expiry of at least five years after termination of the preceding contract and during this period have performed military service on the territory of the country or in operations and missions outside of it.

(5) During the unpaid leave servicemen shall preserve their status and the duration of the leave shall be considered as length of service of the third category.

Article 207. (1) Leaves shall be used after applying in writing to the respective commander or superior officer.
(2) Leaves for temporary work incapacity, pregnancy, birth and adoption of a child shall be used after presenting a patient's chart and after notifying the respective commander or superior officer.

(3) When during the paid annual leave the serviceman is allowed a different type of paid leave the use of paid annual leave shall be terminated on his request and the remainder shall be used later.

**Article 208.** The procedure for allowing and using leave, for its postponement and termination shall be specified in the regulation on the implementation of this Act.

**Article 209.** In peacetime servicemen shall be provided with a meals break during the 24 hours of their service time.

**Article 210.** Servicemen shall be entitled to a minimal uninterrupted inter-week rest of 48 hours duration. When the rest cannot be used due to service reasons servicemen shall be provided with rest at a time specified by the commander or the superior officer.

**Article 211.** (Amended, SG No. 16/2010, effective 26.02.2010) The Minister of Defence may announce holidays for servicemen and civilian employees of the Ministry of Defence, the structures subordinated directly to the Minister of defence and the Bulgarian Army in addition to the ones announced in the Labour Code.

**Section VI**

**Pay, Health Insurance and Social Security of Servicemen**

**Article 212.** (1) Servicemen shall be entitled to a basic monthly pay in compliance with the awarded military rank and the degree within the military rank.

(2) The amount of the basic monthly pay under paragraph 1 shall be determined with an act of the Council of Ministers on a proposal of the Minister of Defence.

(3) The basis for determining the amount of the basic monthly pay for the lowest position shall be set annually with the Republic of Bulgaria Budget Act and the monthly pay shall be increased with a factor of the base as follows:

1. for officers - of at least 2.2;

2. (supplemented, SG No. 16/2010, effective 26.02.2010) for officer candidates and sergeants - of at least 1.75;

3. for soldiers - of at least 1.6.

**Article 213.** (Amended, SG No. 16/2010, effective 26.02.2010) Servicemen shall receive supplementary pay for length of service in addition to the basic monthly pay amounting to 2 percent for each year of service but not exceeding 40 percent.

**Article 214.** (1) Servicemen shall be paid supplementary allowances for:

1. special conditions for carrying out military service;

2. risks for life and health which cannot be eliminated, limited or reduced;
3. implementation of tasks assigned outside the established service time;

4. (amended, SG No. 16/2010, effective 26.02.2010) educational or academic degree of "doctor" or academic degree "doctor of science" required for the position they occupy;

5. (amended, SG No. 16/2010, effective 26.02.2010) high performance in the service;

6 other cases specified with a normative act.

(2) Supplementary allowances under paragraph 1, items 1 through 5 shall be set under terms and procedures and in the amounts determined by an act of the Minister of Defence.

(3) (Repealed, SG No. 16/2010, effective 26.02.2010).

(4) For servicemen of the Military Police Service and the Military Information Service supplementary allowances under paragraph 1, items 1, 2 and 5 shall be paid under terms, procedures and in the amounts determined by an act of the Minister of Defence on a proposal of the head of the respective service.

(5) Servicemen from the Military Medical Academy shall also receive pay for work on clinical paths pursuant to the National Framework Agreement and/or for work on contract with the National Social Security Institute.

**Article 215.** (1) Servicemen shall be entitled to supplementary pay for substituting an absentee serviceman for more than 30 workdays.

(2) The substitution under paragraph 1 shall be done with an order of the commander or superior officer who is entitled to appoint to the position of the absentee.

(3) For the duration of the substitution the serviceman shall continue to perform the obligations of his main position.

(4) The substitution may not exceed one year.

(5) The amount of the supplementary pay under paragraph 1 shall be 25 percent of the basic monthly pay of the person being substituted.

(6) The pay under paragraph 1 shall not be paid to a serviceman whose position is a deputy of the absentee or act for their subordinate employees.

**Article 216.** (1) Servicemen shall be entitled to supplementary pay in case of provisionally filling in of a vacant position amounting to 25 percent of the basic pay of the vacant position.

(2) The appointment shall be done by the commander or the senior officer who have the powers to appoint to the vacant position.

(3) The term under paragraph 1 may not exceed one year.

**Article 217.** Servicemen shall not be entitled to pay for the time during which they have deviated from military service or have been removed from office.
Article 218. (Supplemented, SG No. 16/2010, effective 26.02.2010) The gross monthly pay of servicemen shall consist of a basic monthly pay and supplementary payments of a standing and occasional nature.

Article 219. When servicemen are on business trips they shall receive travel, per diem and accommodation allowances in addition to their basic pay under terms and procedures specified with an act of the Council of Ministers.

Article 220. (Amended, SG No. 16/2010, effective 26.02.2010) The obligatory social security and health insurance of servicemen shall be covered by the state budget.

Article 221. Medical aid, military medical expert opinions and prevention of diseases of servicemen which are performed at the Military Medical Academy shall be covered by the budget of the Ministry of Defence from its portion for the Military Medical Academy.

Article 222. On retirement the work of servicemen shall be considered of the first category.

Article 223. (1) Servicemen shall be insured obligatorily against death and work disability as a result of accident which has occurred during or in relation to the performance of their official duties at the expense of the state budget.

(2) Obligatory insurance shall not prevent the conclusion of other insurance contracts by the interested persons.

(3) (New, SG No. 16/2010, effective 26.02.2010) The Minister of Defence shall, in coordination with the Minister of Finance, specify the positions for servicemen which shall be insured obligatorily for civil liability at the expense of the state budget.

Section VII
Material Provision of Servicemen

Article 224. (Amended, SG No. 16/2010, effective 26.02.2010) (1) Servicemen shall be provided with:

1. uniform attire or its equivalent in cash;

2. ration money;

3. free food and refreshing drinks while on duty, at exercises, training and camps and while performing activities of special nature;

4. personal means of protection and work clothes and other personal belongings and equipment.

(2) Allowances under paragraphs 1 and 2 shall be tax exempt and shall be ensured in amounts and under terms and procedures specified with an act of the Minister of Defence.


Article 226. Travel costs of servicemen and their families to and from paid annual leave on the territory of the country once per year shall be covered by the Ministry of Defence. The terms, procedures
for paying the funds and their specific amount shall be determined with an act of the Minister of Defence.

**Article 226a.** (New, SG No. 16/2010, effective 26.02.2010) (1) The Minister of Defence may establish special kitchens, homes for retired servicemen, veterans and war victims, military clubs, centres at them as well as other units.

(2) The organization and operation of the structures and units under paragraph 1 shall be determined with an act of the Minister of Defence

**Article 226b.** (New, SG No. 16/2010, effective 26.02.2010) (1) The Ministry of Defence shall establish a residential fund for meeting servicemen's needs consisting of built with own resources, leased and acquired ministry homes, studios and garages.

(2) The terms and procedures for using the properties under paragraph 1 shall be determined with an act of the Minister of Defence.

(3) Servicemen shall pay rent for the homes, studios and garages used by them under the terms and procedures of Chapter Four of the Regulation on the Implementation of the State Property Act (promulg. in SG, No. 78/2006; amended SG No. 26 and 51/2007, No. 64, 80 and 91/2008 and No. 7, 25, 62 and 93/2009) as well as hire for the provided movable property.

**Article 226c.** (New, SG No. 16/2010, effective 26.02.2010) (1) Servicemen to whom the Ministry of Defence is unable to offer a home and who live in homes leased on the free market shall be paid compensation sums under terms and procedures determined with an act of the Minister of Defence.

(2) No compensation sums shall be paid if the serviceman has refused in writing a home from the Ministry's fund that has been proposed to him.

**Article 226d.** (New, SG No. 16/2010, effective 26.02.2010) (1) Servicemen from the Ministry of Defence, from the structures subordinated to the Ministry of Defence and the Bulgarian Army as well as the members of their families shall use the medical, recreational and prophylactic facilities, the military clubs, the holiday and sports facilities of the Ministry under terms and procedures determined with an act of the Minister of Defence.

(2) Part of the costs for ensuring the recreation and health of servicemen and their families may be spent within the resources provided for in the Ministry of Defence's budget for social, public and cultural services for the respective year under terms and procedures determined with an act of the Minister of Defence.

**Article 226e.** (New, SG No. 16/2010, effective 26.02.2010) (1) A system of adaptation shall be established and maintained at the Ministry of Defence for the purpose of ensuring successful transition to civilian life of the persons discharged from military service through:

1. professional orientation;
2. motivational training;
3. qualification courses;
4. training to start private business;
5. assistance for finding a job;
6. information on the opportunities under items 1-5.

(2) Financing of the activities under paragraph 1 shall be distributed as follows:

1. under item 3 - 70 percent at the expense of Ministry of Defence's budget and 30 percent at the expense of the serviceman;

2. under items 1, 2, 4 - 6 - at the expense of Ministry of Defence's budget

(3) The terms and procedures for carrying out the activities under paragraph 1 shall be determined with a regulation of the Minister of Defence

Article 226f. (New, SG No. 16/2010, effective 26.02.2010) (1) On discharge from military service with the exception of discharge due to the disciplinary sanction "dismissal" servicemen may avail themselves of the rights under Article 226e, paragraph 1, items 1, 2, 4 - 6.

(2) Persons that are subject to discharge from military service on the grounds of Articles 162, item 2, 164 and 169 as well as persons who have become unfit for military service during or in relation to the performance of their official duties shall be entitled once also to a qualification course.

(3) The duration of the qualification courses shall be up to six months.

(4) Servicemen shall be provided with additional paid leave for the duration of the training under paragraph 3.

Article 226g. (New, SG No. 16/2010, effective 26.02.2010) (1) Retired and disabled servicemen, war victims and war veterans as well as the members of their families shall use medical establishments, sanatoria and prophylactic facilities, the holiday and sports facilities and the military clubs of the Ministry of Defence under terms and procedures determined with an act of the Minister of Defence.

(2) Retired servicemen and disabled servicemen, war victims and war veterans may use the social kitchens of the Ministry of Defence free of charge.

(3) The persons under paragraph 2 may use the homes for retired servicemen and the war veterans - the homes for war veterans and war victims under terms and procedures determined with an act of the Minister of Defence.

Article 226h. (New, SG No. 16/2010, effective 26.02.2010) Servicemen from the ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army as well as retired servicemen, war veterans, disabled servicemen and war victims who have fallen into difficult material circumstances may be supported with financial resources under terms and procedures determined with a regulation of the Minister of Defence.

Article 226i. (New, SG No. 16/2010, effective 26.02.2010) (1) Children of servicemen who have died during or in relation to carrying out the service and the surviving parent shall have the rights under Article 226

(2) The Ministry of Defence shall provide scholarships to children under the age of 26 under paragraph 1 at elementary, secondary schools and in regular form of tuition at the higher schools in the country for the period of the tuition under terms, procedures and in amounts specified with an act of the Minister of Defence.

servicemen shall be at the expense of the Ministry of Defence. With the agreement of the relatives last honours shall be paid to the serviceman.

**Article 226k.** (New, SG No. 16/2010, effective 26.02.2010) The surviving spouse, the children and the parents of a serviceman who has died during or in relation to carrying out the service shall be entitled to free medical and psychological care under a procedure specified with an act of the Minister of Defence.

**Article 226l.** (New, SG No. 16/2010, effective 26.02.2010) (1) (Supplemented, SG No. 20/2012, effective 10.06.2012) The Minister of Defence may support military patriotic associations, non-governmental organisations in the field of security and defence, associations of servicemen, reservists, mobilized reservists, war veterans, disabled servicemen and war victims established as legal persons to carry out activity to the benefit of society by providing financial or material assistance.

(2) The Minister of Defence may provide to the associations and organisations under paragraph 1 the use of properties managed by the Ministry of Defence for the purposes of their activity under the terms and procedures of the State Property Act.

**Section VIII**

**Compensations of Servicemen**

**Article 227.** (1) On discharge from military service servicemen shall be entitled to a one-off monetary compensation amounting to the number of gross monthly payments equal to the years served but not exceeding 20.

(2) On subsequent discharge from military service the gross monthly payments received under paragraph 1 shall be deducted from the amount of the compensation due.

(3) When a serviceman has served ten and more years and has been dismissed as unfit for military service due to illness or disability during or in relation to serving military service the amount of the one-off monetary compensation under paragraph 1 may not be less than 15 gross monthly payments.

(4) In the cases under paragraph 3 when the time served is less than ten years the serviceman shall be entitled to a one-off monetary compensation amounting to ten gross monthly payments.

(5) (Amended, SG No. 16/2010, effective 26.02.2010) On discharge from military service after having served for ten and more years servicemen shall be entitled to a one-off monetary allowance under Article 224, paragraph 1, item 1.

(6) Paragraphs 1 and 5 shall not apply in case of disciplinary dismissal.

(7) In case of death of a serviceman the compensations under paragraphs 1 through 6 shall be paid in bulk to his heirs.

(8) (Amended, SG No. 16/2010, effective 26.02.2010) Compensations under paragraphs 1 through 7 shall be tax exempt.

**Article 228.** (1) Years served without the additional length of service made equal shall be taken into account for determining the amount of the one-off cash compensation on discharge from military service.

(2) On discharge of servicemen due to retirement, who have served the last 13 years and 4 months as regular servicemen the amount of the compensation shall be determined by the sum of:
1. the years of regular military service served;

2. the years of the length of work and service made equal to the first category of labour.

**Article 229.** (1) On transferring a serviceman to service in another locality he and every member of his family shall be paid a one-off allowance under terms and procedures specified in an act of the Minister of Defence.

(2) Travel costs for the transfer shall be covered by the Ministry of Defence.

**Article 230.** (1) (Amended, SG No. 99/2011, effective 1.01.2012) Spouses of servicemen who have joined them in the transfer to another locality and who because of this have terminated their employment or service contracts shall be paid compensation in the amount specified annually with the Republic of Bulgaria Budget Act.

(2) The compensation under paragraph 1 shall be paid by the National Social Security Institute and covered by the state budget for the period during which the persons are unemployed but for not more than twelve months if they have registered at the relevant territorial division of the Employment Agency within one month of the transfer.

(3) The time during which the compensation is received shall be considered as length of service depending on the nature of the terminated employment relationship per paragraph 1.


**Article 231.** (1) (Amended, SG No. 99/2011, effective 1.01.2012) Unemployed spouses of servicemen participating in international operations and missions shall be paid compensation in the amount specified annually with the Republic of Bulgaria Budget Act.

(2) The compensation under paragraph 1 shall be paid by the National Social Security Institute and covered by the state budget under terms and procedures specified with an act of the Council of Ministers.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) Children under the age of 26 of servicemen participating in international operations and missions who study in elementary and secondary schools, in a regular form of tuition in high schools at home and abroad shall be entitled to a scholarship for the duration of the operation or mission. The amount of the scholarship shall be determined with an act of the Minister of Defence and the required resources shall be allocated to the budget of the operation or mission and shall be paid by the Ministry of Defence.

**Article 232.** In case of cuts of the number of the Armed Forces under a decision of the National Assembly compensations that are paid to servicemen shall be determined in the act on the cuts independently of the sums due herein.

**Article 233.** (1) Servicemen shall be paid a one-off monetary compensation amounting to ten gross monthly payments in case of heavy bodily injury and six gross monthly payments in case of medium bodily injury caused during or in relation to performing military service.

(2) The spouse, children and parents of a serviceman who has died during or in relation to performing his official duties shall be paid a one-off monetary compensation amounting to twelve gross
monthly payments to every entitled person. The receipt of the compensation shall not be deemed reception of inheritance.

(3) Compensations under paragraphs 1 and 2 shall not be taxed.

(4) No compensation under paragraphs 1 and 2 shall be paid if the bodily injury or the death have occurred during leave, in case of wilful evasion of military service or in case the death or the injury are caused intentionally.

(5) Persons under paragraphs 1 and 2 may seek compensation under the general procedure for claims. In this case the difference shall be payable between the adjudicated sum and the amount received as compensation from the Ministry of Defence and from the insurer.

(6) The compensation due shall be reduced if the victim has contributed to the injury.

(7) (Amended, SG No. 16/2010, effective 26.02.2010) The Ministry of Defence shall be entitled to a claim against the person who is culpable of causing the injury or the death or may require the issue of a writ of execution under the procedure of Article 410 of the Civil Procedure Code against such person when his culpability has been established with an effective sentence.

Article 234. (Supplemented, SG No. 16/2010, effective 26.02.2010) Compensations for servicemen under this act shall be determined on the basis of the gross monthly pay payable as of the date of discharge from military service, of the transfer, of the injury or the death of the serviceman, which shall include:

1. basic monthly pay;

2. (amended, SG No. 16/2010, effective 26.02.2010) supplementary monthly allowances for time served, for specific conditions of serving military service of a standing nature and for educational and academic degree of "doctor" or academic degree of "doctor of sciences".

Article 235. (Amended, SG No. 16/2010, effective 26.02.2010) Servicemen shall be entitled to pay and compensations pursuant to this Act under terms and procedures specified with an act of the Minister of Defence.

Article 236. Servicemen shall not pay back sums they have received in good faith. The culpable officials who have ordered or allowed payment of sums without grounds shall bear property liability.

Article 237. (1) No deductions shall be made from their pay without the consent of servicemen unless for:

1. received advance payments;

2. overcharged sums as a result of technical mistakes;

3. taxes which may be deducted from the pay pursuant to special laws;

4. injunctions imposed through a judicial procedure;

5. deductions imposed for limited property liability;

(2) The total amount of the monthly deductions under paragraph 1 may not exceed the amount established in the Civil Procedure Code.
Section IX
Training and Professional Qualification

Article 238. (1) Servicemen may apply to and study in a military or civilian high school and for a doctors degree in Bulgaria and abroad under terms and procedures specified in the regulation on the implementation of this Act.

(2) Soldiers (seamen) and sergeants (petty officers) may apply to and study in a military or civilian high schools and professional colleges after having served three years of military service under terms and procedures specified in the regulation on the implementation of this Act.

Article 239. (1) Initial and special military training of soldiers (seamen) and of reservists shall be conducted in training centres.

(2) (New, SG No. 23/2011, effective 22.03.2011) Soldiers (seamen) may also be trained in the training centres for awarding the first sergeant (petty officer) rank.

(3) (Renumbered from Paragraph 2, SG No. 23/2011, effective 22.03.2011) Soldiers (seamen) and reservists shall not pay any fees for tuition at the centres.

Section X
Awards and Decorations

Article 240. (1) Servicemen may be awarded by the Minister of Defence or by an official authorised by him for high performance in the service and for merits to defence with awards and decorations under terms and procedures specified in the regulation on the implementation of this Act.

(2) (Amended, SG No. 16/2010, effective 26.02.2010) For special contribution to defence servicemen may be awarded by the Minister of Defence with personal arms which shall be registered under the established procedure.

(3) For special contribution and services to the defence of the country Bulgarian and foreign nationals may be decorated or awarded by the Minister of Defence in kind.

(4) (New, SG No. 16/2010, effective 26.02.2010) Retired servicemen, war veterans and war victims may be awarded with distinctions and prizes under terms and procedures specified in the regulation on the implementation of this Act.


Section XI
Disciplinary Liability

Article 241. The culpable failure to fulfil official duties by servicemen shall constitute a breach of military discipline.
Article 242. Breaches of military discipline shall be:

1. the failure to fulfill a duty related to military service;
2. the breach of the subordination rules;
3. the breach of the rules for military courtesy and saluting;
4. the abuse of official position;
5. the damage to property which is state-owned, waste of raw and other materials, energy or other resources;
6. exceeding granted disciplinary authority;
7. the breach of the classified information protection rules;
8. unauthorised deviation from military service.

Article 243. (1) Violators of military discipline shall be penalised with disciplinary sanctions provided herein regardless of the property, administrative penal or criminal liability if any.

(2) Only one disciplinary sanction may be imposed for the same breach of military discipline.

Article 244. Disciplinary sanctions shall be the following:

a) censure
b) reprimand
c) strict reprimand
d) caution on demotion in military rank by one grade for a period from six months to one year;
e) demotion in military rank by one grade for a period from six months to one year;
f) caution on dismissal;
g) dismissal.

Article 245. (1) The disciplinary sanction of dismissal shall be imposed obligatorily in the following cases:

1. conviction for a premeditated crime of a general nature or divestment of the right to take public office or practice the profession or the activity;
2. violation of the prohibitions under Articles 182 and 184;
3. (amended, SG No. 16/2010, effective 26.02.2010) failure to submit a statement under Article 188, paragraph 6;
4. (amended, SG No. 16/2010, effective 26.02.2010) systematic breaches of the classified
information protection rules which have led to unauthorised access in the meaning of the Classified Information Protection Act;

5. failure to report for work without valid reasons in two consecutive workdays;

6. abuse of office;

7. damage to property which is state-owned, waste of raw and other materials, energy or other resources from which serious damages to the state have ensued;

8. reporting in a state that does not allow the serviceman to perform his official duties caused by abuse of alcohol or drugs;

9. when by the fault of the serviceman death or heavy bodily injury occurs of any of his subordinate servicemen.

(2) The disciplinary sanction of dismissal can be imposed also for other serious violations of military discipline.

(3) In the cases of suspension from office under the Criminal Procedure Code when the serviceman has been convicted for a committed premeditated crime of a general nature the disciplinary sanction of dismissal shall be imposed as of the date of suspension.

Article 246. (1) Disciplinary offences shall be established by immediate commanders or senior officers of the perpetrators.

(2) When the disciplinary sanction of dismissal is imposed on a serviceman the respective commander or superior officer shall institute an official inquiry to collect evidence on the committed offence, shall hear the perpetrator or receive his written explanation. The materials of the official inquiry shall be sent to the sanctioning body.

(3) The official inquiry under paragraph 2 shall not be obligatory if the offence has been established by means of financial audit, internal inspection or a sentence that has become effective.

(4) The commander or the superior officer shall be obliged before the imposition of the disciplinary sanction to hear the serviceman or receive his written explanation unless due to the fault of the serviceman he cannot be heard or give written explanations.

Article 247. Before determining the disciplinary sanction, the seriousness of the offence, the circumstances under which it was perpetrated and the behaviour of the serviceman before the perpetration of the offence shall be taken into consideration.

Article 248. Disciplinary sanctions shall be imposed by the officials determined with the regulation on the implementation of this Act.

Article 249. (1) (Amended, SG No. 16/2010, effective 26.02.2010) The disciplinary sanctions of censure, reprimand and strict reprimand shall be imposed within 10 days after the establishment of the offence but not later than three months after its perpetration.

(2) (Amended, SG No. 16/2010, effective 26.02.2010) The remaining disciplinary sanctions shall be imposed within two months after the establishment of the offence but not later than six months after its perpetration.
(3) A disciplinary offence shall be deemed established as of the moment it has become known to the disciplinary sanctioning body.

(4) The terms under paragraphs 1 and 2 shall be suspended while the serviceman is on leave, when a detention measure has been imposed on him or he is suspended from office and also until the completion of instituted proceedings for imposing criminal or administrative liability.

**Article 250.** (1) The order for a disciplinary sanction shall be handed to the serviceman against a signature and the date of handing shall be recorded. If it is impossible to hand the order in person to the serviceman the sanctioning body shall send it to his permanent address by registered mail with a return receipt.

(2) The order for imposing a disciplinary sanction shall be subject to execution as of the date of its handover to the serviceman or of the date of its receipt when it has been sent by registered mail with a return receipt.

**Article 251.** The order for imposing a disciplinary sanction may be appealed against under the procedure of the Administrative Procedure Code. The appeal shall not suspend the execution.

**Article 252.** The procedure for conducting disciplinary proceedings, for imposing, executing and cancelling disciplinary sanctions shall be determined with the regulation on the implementation of this Act.

**Section XII**

**Property Liability**

**Article 253.** (1) Servicemen shall bear property liability for damages they have caused to the state due to negligence in the course of or in relation to the performance of their official duties.

(2) For damages caused deliberately or as a result of a crime or not caused in the course of or in relation to fulfilling official duties the liability shall be determined in compliance with civil law.

(3) The property liability of servicemen shall be applied regardless of the disciplinary, administrative and criminal liability for the same act.

(4) Servicemen shall not bear property liability for damages that have occurred as a result of military or other risky activity related to the performance of their official duties.

(5) For compensations paid for damages caused to citizens by illegal acts, actions or inactions of servicemen the Ministry of Defence shall be entitled to claims against servicemen who have caused deliberately damages per the provisions under paragraphs 1 or 2.

**Article 254.** (1) Servicemen shall be responsible for damages sustained but not for lost profit.

(2) The amount of the damages shall be determined as of the day of their occurrence and if this cannot be established - as of the day of their detection.

**Article 255.** (1) For damages caused due to negligence in the course of or in relation to the performance of official duties servicemen shall be liable for up to the amount of the damages but for not
more than three gross monthly payments calculated against the amount of the pay received on the date of establishing the damage.

(2) The property liability under paragraph 1 may not be invoked when three years have elapsed from the date of causing the damage.

**Article 256.** (1) Servicemen who have been assigned the official duty to collect, keep, spend or account monetary or material assets shall be liable:

1. to the amount of the damages but for not more than the threefold amount of the gross monthly pay;

2. for missing assets - to the full amount together with the legal interest from the date of causing the damage, and if this cannot be established - from the date of discovering that assets are missing.

(2) Persons who have received something from the perpetrator of the damage without cause or have benefited from the damage under paragraph 1, item 1 shall owe jointly with the perpetrator of the damage the return of the received to the amount of the benefit. The persons shall also owe the return of what has been received as donation by the perpetrator of the damage when the donation is with funds from the damage caused.

(3) The liability under paragraph 1, item 2 shall lapse with the expiration of 10-year prescription from the date the damage was caused.

**Article 257.** When the damage is caused by several persons they shall be liable:

1. in the cases of limited property liability - according to everyone's participation in causing the damage and when this cannot be determined - proportionately to the gross monthly pay; the sum of the compensations may not exceed the amount of the damages;

2. in cases of full property liability - jointly.

**Article 258.** (1) In case of limited property liability the commander or the superior officer shall determine with an order the grounds and the amount of the liability. When damages have been caused by a commander or a superior officer the order shall be issued by the respective superior commander or officer.

(2) The order shall be issued within one month after the discovery of the damages but not later than three years after their occurrence and when the damages have been caused in the course of performing command or accounting functions - within three months of their discovery but not later than five years after their occurrence. These terms shall not run if proceedings for full property liability have been instituted while these proceedings are pending.

(3) If the serviceman within one month after the issuing of the order challenges in writing the grounds or the amount of the liability the Ministry of Defence may bring a claim against him in court.

(4) The sum payable shall be deducted from the pay of the serviceman and/or from the compensations due to him on his discharge from military service in an amount determined by the Civil Procedure Code.

(5) The limited property liability may be realised also by the competent bodies under the Public Financial Inspection Act if the damages have been discovered under the procedure of that Act.
Article 259. (1) Full property liability shall be realised through a judicial procedure. The serviceman may pay in the sum voluntarily before the court proceedings.

(2) Claims for full property liability under paragraph 1 shall lapse after a ten-year prescription period which shall start running on the date of the occurrence of the damage. In this case the prescription shall be terminated with an act drawn up by a control body as of the date of its handing to the serviceman.

Article 260. (1) Servicemen discharged from military service on the grounds of Articles 163, 165 and 166 before the expiry of the initial period of military service under Article 142, paragraph 5, Article 143, paragraph 1 and Article 144, paragraph 3 and the extended period under Article 145, paragraph 1 shall owe reimbursement of the costs for living, tuition, qualification and/or re-qualification proportionately to the period of non-compliance.

(2) (Amended, SG No. 16/2010, effective 26.02.2010) Cadets discharged from tuition under the procedure specified in the regulations of the higher military schools or ones who have left on their own wish during training shall reimburse the subsistence and tuition costs for the period during which they have received tuition.

(3) Trainees discharged from tuition under the procedure specified in the regulations of the professional colleges or who have left on their own wish during the tuition period shall reimburse the living and tuition costs for the period during which they have received tuition.

(4) (New, SG No. 23/2011, effective 22.03.2011) The Minister of Defence shall determine the method of calculating the subsistence, training, qualification and re-qualification costs.

(5) (Renumbered from Paragraph 4, amended, SG No. 23/2011, effective 22.03.2011) The sum under paragraphs 1 and 3 shall be fully deducted from the compensation and the other receivables the indebted person is entitled to obtain.

(6) (New, SG No. 23/2011, effective 22.03.2011) In case the sum under paragraphs 1 and 3 cannot be collected under the procedure of paragraph 5 and in the cases of paragraph 2 the receivable shall be collected pursuant to the procedure of the Civil Procedure Code on the basis of an excerpt of the ledgers or a document certifying the amount of the receivable issued under the procedure of paragraph 4.

Section XIII
Liability of the State for Damages Caused by Servicemen

Article 261. (1) The State shall be liable for tangible and intangible damages to third parties caused by negligence by servicemen during or in relation to the performance of their duties when the caused damage is not the result of a crime.

(2) For damages paid the culpable servicemen shall be liable under the rules of Article 253.

(3) For damages caused by servicemen to third parties other than the cases under paragraph 1 the general procedure shall apply.

Section XIV
Military Service at the Military Courts and Prosecution Offices

Article 262. (1) Military service at military courts and military prosecution offices shall be
performed under terms and procedures specified herein and in the Judiciary System Act.

(2) Servicemen at military courts and military prosecution offices shall be enlisted for and discharged from military service following a decision of the Supreme Judicial Council on their appointment and dismissal as judges, prosecutors and investigators pursuant to the Judiciary System Act. In compliance with the decision the administrative head of the respective court or prosecution office shall issue an order of enlistment for or discharge from military service in coordination with the Minister of Defence. The requirement of Article 141, paragraph 1, item 2 shall not apply to servicemen at military courts and military prosecution offices.

(2) The administrative head of the respective court or prosecution office shall award military rank, promote to a higher, respectively demote to a lower military rank servicemen at military courts and military prosecution offices under the terms specified herein and in the regulation on the implementation of this Act in coordination with the Minister of Defence.

(3) The powers under paragraph 3 in relation to administrative heads of military courts and military prosecution offices shall be exercised by heads of superior courts and prosecution offices.

(5) The appointment to and dismissal from office and to and from military service of servicemen at military courts and military prosecution offices who are senior command personnel as well as the award of senior military ranks to them, their promotion and demotion in military rank shall be done with a decree of the President of the Republic on a proposal of the Council of Ministers. The decree shall be countersigned by the Prime-Minister. The implementation of the decree shall be assigned to the administrative head of the respective court or prosecution office.

(6) Uniforms and insignia of servicemen at military courts and military prosecution offices shall be approved by the Supreme Judicial Council on a proposal of the Chairman of the Supreme Court of Cassation and the Prosecutor General of the Republic of Bulgaria in coordination with the Minister of Defence.

(7) Servicemen at military courts and military prosecution offices shall receive at the expense of the budget of the Judiciary:

1. basic and supplementary monthly pay determined by the Supreme Judicial Council;

2. material provision and compensation pursuant to this Act unless the Judiciary System Act provides otherwise.

(8) Any and all matters not regulated in the Judiciary System Act related to the rights, obligations and limitations of the rights of servicemen at military courts and military prosecution offices shall be regulated by this Act.

Chapter Eight
RESERVE OF THE ARMED FORCES. MILITARY REGISTRATION OF CITIZENS
(Repealed, SG No. 20/2012, effective 10.06.2012)

Article 263. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 264. (Repealed, SG No. 20/2012, effective 10.06.2012).
Article 265. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 266. (Amended, SG No. 16/2010, effective 26.02.2010, repealed, SG No. 20/2012, effective 10.06.2012).


Article 268. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 269. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 270. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 271. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 272. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 273. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 274. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 275. (Repealed, SG No. 20/2012, effective 10.06.2012).


Article 278. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 279. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 280. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 281. (Repealed, SG No. 20/2012, effective 10.06.2012).

Article 282. (Repealed, SG No. 20/2012, effective 10.06.2012).

Chapter Nine
CIVILIAN EMPLOYEES AT THE MINISTRY OF
DEFENCE, THE STRUCTURES SUBORDINATED DIRECTLY TO THE MINISTER OF DEFENCE AND THE BULGARIAN ARMY

(Title amended, SG No. 16/2010, effective 26.02.2010)

Section I

Status of Civilian Employees

Article 283. (1) The status of civilian employees under a service contract shall be regulated by this Act and the Civil Servants Act.

(2) The status of civilian employees under an employment contract shall be regulated by the Labour Code and by this Act.

Article 284. (Amended, SG No. 16/2010, effective 26.02.2010) Civilian employees may not engage in political activity at the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army. They may not express political views during working hours and in formations and facilities of the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army.

Article 285. Civilian employees may establish and be members of trade union organisations. They shall not be entitled to strike effectively.

Article 285a. (New, SG No. 16/2010, effective 26.02.2010) (1) (Amended, SG No. 33/2012) Civilian employees shall be obliged to declare under the procedure of the Conflict of Interests Prevention and Ascertainment Act any private interest they have related to the functions of the structure or the military formation in which they perform their official duties or work.

(2) Civilian employees must not participate in the discussion, preparation and making decisions when they or the persons related to them are interested in the respective decision or when they have relations with the interested persons arousing justified doubts in their impartiality.

(3) In the cases under paragraph 2 civilian employees shall notify in writing the appointing body or the employer.

(4) In case there are circumstances pursuant to paragraph 1 civilian employees shall be suspended from performing official duties related to the arising conflict of interests.

Article 285b. (New, SG No. 16/2010, effective 26.02.2010) (1) Civilian employees must not accept or facilitate the acceptance either for themselves or for persons related to them gifts, donations, travel, hotel accommodation, hospitality, rebates from payments due, preferential loans or other benefits or favours leading to exerting influence on the performance of their official duties to the advantage of the persons that have offered the benefit or favour.

(2) Civilian employees must not use their official position for the purpose of obtaining favours either for themselves or for persons related to them even when the acceptance of the favours will not affect the performance of their official duties.
(3) Civilian employees must not give or offer gifts or perform other services that might lead to exerting influence on the performance of the official duties of the receiving person.

(4) To accept or offer gifts or favours on the basis of official position shall be deemed corruption practice.

(5) Civilian employees may accept gifts to the amount of 50% of the minimal wage established for the country once in a calendar year.

**Article 286.** (1) Civilian employees shall be provided with:

1. free cooked food and refreshing drinks during night duty;
2. free food when performing activities of a specific nature;
3. personal protective equipment, special and work clothes.

(2) Allowances under paragraph 1 shall be tax exempt and shall be provided in a shape and under such norms and terms as determined in an act of the Minister of Defence.

**Article 287.** Travel costs of civilian employees to and from paid annual leave on the territory of the country once per year shall be covered by the funds for social and cultural services. The terms, amount of funds and the payment procedure shall be specified with an act of the Minister of Defence.

**Article 288.** Civilian employees may be decorated or awarded by the Minister of Defence or by an official authorised by him under terms and procedures specified with the regulation on the implementation of this Act.

**Article 289.** The Minister of Defence shall determine in coordination with the Minister of Finance the categories of civilian employees who shall be insured obligatorily for civil liability at the expense of the state budget.

**Article 290.** (1) Service relations with civilian employers under service contracts shall occur, be amended and terminated under the terms and procedures of the Civil Servants Act and this Act.

(2) (Amended, SG No. 16/2010, effective 26.02.2010, SG No. 23/2011, effective 22.03.2011) Appointment bodies for civilian employees under a service contract shall be the Minister of Defence and the heads of the structures subordinated directly to the Minister of Defence.

(3) (Amended, SG No. 48/2011, effective 24.06.2011) In addition to the cases provided for in the Civil Servants Act the service contract with a civilian employee occupying a position in the service referred to in article 100, paragraph 1 shall be terminated without notification by the head of the service also in the cases under article 166, paragraph 1.

**Article 290a.** (New, SG No. 38/2012, effective 1.07.2012) The Minister of Defence, after obtaining the written consent of the relevant civilian employee working under a service contract, may temporarily commission such employee to a position with another administration for a period of up to two years, with an option of extension of such period by another two years.

contracts with civilian employees under an employment legal relationship shall be concluded, amended and terminated under the terms and procedures of the Labour Code and with those occupying teaching and academic positions at military academies and higher military schools - under the procedure of the Development of Academic Staff in the Republic of Bulgaria Act.

**Article 292.** (1) Tuition, qualification and professional training of civilian employees shall be conducted under terms and procedures specified in the regulation on the implementation of this Act.

(2) When the educational and qualification requirements and the nature of the activities performed require an improvement of the professional qualification and re-qualification of the persons under paragraph 1 the costs shall be covered by the Ministry.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) Civilian employees sent for training under the terms of paragraph 2 with a total duration of more than one month within a single calendar year shall be obliged to work at the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army for a period of one to three years after the training. The terms and the period shall be determined by the appointing body or by the employer.

(4) On terminating the service or employment contract on the request of the employee or due to his/her culpable behaviour he/she shall reimburse the commensurate training costs based on the non-compliance. The sum that has not been reimbursed shall be deducted entirely from the compensation and other receivables to which the indebted person is entitled and if the sum payable cannot be collected in this manner the receivable shall be collected under the procedure of the Civil Procedure Code on the basis of an excerpt from the accounting books.

**Article 293.** (1) A civilian employee may be suspended from office:

1. under the terms of the Criminal Procedure Code;

2. when he reports in a state preventing him/her to perform his/her official duties; in the latter case the suspension shall be done by the immediate or the higher superior officer and shall last until the employee become fit to perform his/her official duties.

(2) The employee under paragraph 1 shall not receive pay for the period of suspension.

**Article 294.** When criminal proceedings against a civilian employee have been terminated, he/she is acquitted, or has been convicted for an unintended crime of a general nature the civilian employee shall be restored to the position. The time of suspension shall be considered as service or employment length of service and the employee shall be paid compensation amounting to the pay for the period of suspension.

**Section II**

**Pay and Leave of Civilian Employees**

**Article 295.** The gross monthly pay of civilian employees shall consist of a basic monthly pay and supplementary allowances.

**Article 296.** (1) Supplementary allowances shall be paid in addition to the basic monthly pay of civilian employees for:

1. length of service and professional experience - amounting to at least 1 percent of the basic
monthly pay for each year length of service;

2. specific work conditions;

3. risks for life and health which cannot be eliminated, limited or reduced in spite of the measures taken;

4. overtime;

5. (amended, SG No. 16/2010, effective 26.02.2010) educational and academic degree of "doctor" or academic degree of "doctor of sciences", required for the position they occupy;

6. high performance of official duties;

7. other cases established in a normative act.

(2) Supplementary allowances under paragraph 1, items 1 through 6 shall be paid under terms, in amounts and under procedures specified with an act of the Minister of Defence.

(3) (Repealed, SG No. 16/2010, effective 26.02.2010).

(4) Supplementary allowances under paragraph 1, items 2, 3 and 6 of civilian employees at the Military Police Service and the Military Information Service shall be paid under terms, in amounts and under procedures specified with an act of the Minister of Defence on a proposal of the head of the respective service.

(5) Civilian employees from the Military Medical Academy shall receive pay for work on clinical paths pursuant to the National Framework Agreement and/or for work under contract with the National Social Security Institute.

**Article 297.** (1) (Amended, SG No. 16/2010, effective 26.02.2010) Civilian employees shall receive an allowance for work at the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army under terms, procedures and in amounts specified with an act of the Minister of Defence. This shall not apply to workers whose pay is determined according to the work done.

(2) (Repealed, SG No. 23/2011, effective 22.03.2011).

(3) (Repealed, SG No. 23/2011, effective 22.03.2011).

**Article 298.** (1) Civilian employees shall be paid an allowance for representative attire.

(2) (Amended, SG No. 16/2010, effective 26.02.2010) Civilian employees shall be provided with ration money.

(3) Allowances under paragraphs 1 and 2 shall be tax exempt and shall be ensured in amounts and under terms and procedures specified with an act of the Minister of Defence.

**Article 298a.** (New, SG No. 16/2010, effective 26.02.2010) (1) Civilian employees shall enjoy the rights under Articles 226b, 226c, 226d and 226h.

(2) Members of families of civilian employees shall enjoy the rights under Article 226d.
Article 299. To all matters not regulated in this chapter the provisions of the Civil Servants Act and the Labour Code shall apply.

Chapter Ten
SOCIAL POLICY CONDUCTED BY THE MINISTRY OF DEFENCE

(Repealed, SG No. 16/2010, effective 26.02.2010)

Article 300. (Repealed, SG No. 16/2010, effective 26.02.2010).

Article 301. (Repealed, SG No. 16/2010, effective 26.02.2010).


Article 305. (Repealed, SG No. 16/2010, effective 26.02.2010).


Article 308. (Repealed, SG No. 16/2010, effective 26.02.2010).

Article 309. (Repealed, SG No. 16/2010, effective 26.02.2010).

Article 310. (Repealed, SG No. 16/2010, effective 26.02.2010).

Article 311. (Repealed, SG No. 16/2010, effective 26.02.2010).

Article 312. (Repealed, SG No. 16/2010, effective 26.02.2010).

Article 313. (Repealed, SG No. 16/2010, effective 26.02.2010).


Chapter Eleven
DEFENCE INFRASTRUCTURE

Section I
Immoveable property and Facilities

Article 316. (1) The defence infrastructure shall include:

1. real estate, facilities and installations for the deployment of military formations;

2. real estate, facilities and installations intended for conducting military exercises, for testing combat hardware and armaments;

3. real estate, facilities and installations intended for carrying out specific functions and tasks for the defence of the country;

4. real estate for the logistics of the Armed Forces;

5. facilities and installations for the needs of the communication and information provision of defence;

6. real estate for deploying, building or installing facilities and other moveable property which are financed entirely or partially under the NATO Security Investment Programme;

7. real estate, facilities and installations intended for ensuring the needs in wartime;

8. real estate and facilities - public or private state property which are no longer needed;

9. (amended, SG No. 16/2010, effective 26.02.2010) properties intended for satisfying the residential and social needs of servicemen and civilian employees of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army.

(2) Immoveable properties, facilities and installations under paragraph 1, items 1 through 7 shall be intended for the direct performance of defence and shall be public state property.

(3) Amendments to the designation of properties granted for management to the Ministry may be done only upon the consent of the Minister of Defence with detailed urban plans.

Article 317. (1) Buildings may be built for residential, public, sports and cultural purposes for the needs of servicemen and civilian employees of the Ministry on properties that are not built up and are private state property which are granted for management to the Ministry of Defence.

(2) For construction of facilities under paragraph 1 leasehold may be instituted with an order of the Minister of Defence or of an official authorised by him.

(3) The leasehold shall be instituted after a tender under terms and procedures determined by the Council of Ministers. The terms for the tender may envisage the payment for the leasehold to be done through equivalent property compensation in the constructed or another location on the basis of an evaluation performed by an independent surveyor.

(4) No tender shall be organised when instituting a leasehold under paragraph 2 for the benefit of legal persons supported by the budget or to municipalities.

(5) On the basis of the order and after completing the procedure under paragraph 3 the Minister of Defence or an official authorised by him shall conclude a contract.
(6) Newly built residential facilities obtained as compensation under paragraph 3 shall be included in the residential fund of the Ministry.

**Article 318.** (1) Immoveable properties and installations intended to ensure the immediate needs of defence in wartime shall be maintained according to wartime plans.

(2) Funds for building, maintaining and modernising immoveable properties and installations needed for the immediate performance of defence shall be provided from the state budget through the budget of the Ministry of Defence.

(3) Facilities and installations granted to the Ministry of Defence for the immediate performance of defence shall be used under terms and procedures specified in an act of the Minister of Defence.

(4) The purpose and the ownership of facilities deployed, built or installed which are moveable or immoveable property, which are financed entirely or partially under the NATO Security Investment Programme cannot be changed until these facilities are conveyed to the Bulgarian state.

**Article 319.** (1) For immoveable properties or installations that are no longer needed for defence the Minister may:

1. (amended, SG No. 16/2010, effective 26.02.2010) grant them for construction of facilities for meeting the residential or social needs of servicemen and civilian employees at the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army;

2. jointly with the Minister of Regional Development and Public Works offer them to the Council of Ministers for granting them free of charge to other departments, municipalities or legal persons supported by the budget under the procedure of the State Property Act;

(2) (Amended, SG No. 16/2010, effective 26.02.2010) The Minister of Defence may sell homes, studios and garages from the Ministry of Defence residential fund in locations where there are no structures of the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army under terms and procedures specified with an act of the Council of Ministers.

**Article 320.** Properties granted to the Ministry of Defence for management which are private state property may be sold to investors which possess a certificate of an investment class under the terms and procedures of the Investment Promotion Act.

**Article 321.** (1) (Amended, SG No. 16/2010, effective 26.02.2010) Sports facilities and installations shall be built and maintained for the needs of physical training of servicemen and civilian employees of the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army to prepare them for performing the service.

(2) (Repealed, SG No. 16/2010, effective 26.02.2010).

(3) (Repealed, SG No. 16/2010, effective 26.02.2010).

**Article 322.** The Minister of Defence shall form or give consent for participation in commercial companies with property which is private state property and which has been granted to the Ministry for Management.

**Section II**
Armaments, Special Equipment, Hardware and Other Means

Article 323. The Armed Forces and military formations shall be provided with modern armaments, hardware, special equipment and other means for the purpose of implementing the tasks of the country's defence as well as for carrying out operations and missions outside the territory of the Republic of Bulgaria.

Article 324. (1) Armaments, hardware, special equipment and other means shall be provided pursuant to the plan for the development of the Armed Forces.

(2) The funds under paragraph 1 shall be allocated by the state budget to the budget of the Ministry of Defence and by other sources.

Article 325. The maintenance and repairs of armaments, combat hardware and special equipment shall be done in compliance with the need to ensure their permanent readiness for use in combat conditions under the terms and procedures for public procurement.

Section III
Requirements for Conducting Procedures for Constructing Infrastructure
Facilities for the Needs of Defence, Management of Properties and Moveable Things and Supply of Armaments, Hardware and Other Equipment

Article 326. (1) The procedures for constructing infrastructure facilities and for supplying armaments, hardware and other equipment for defence needs shall be assigned by the Ministry of Defence in compliance with the following principles:

1. publicity;

2. exact implementation of the requirements of the law;

3. achievement of high efficiency in conducting state policy in the field of defence;

4. carrying out a policy of accelerated development of the national economy.

(2) The principles under paragraph 1 shall be applied also when managing immoveable and moveable properties, when instituting leaseholds on immoveable properties which are managed by the Ministry of Defence and when disposing with shares and stocks in commercial companies in which the Minister of Defence exercises the powers of shareholder.

(3) The principles under paragraph 1 shall be applied also when disposing with shares in commercial companies incorporated with capital from companies under paragraph 2.

Article 327. (Amended, SG No. 16/2010, effective 26.02.2010) (1) For participation in the procedures under Article 326 the Minister of Defence or an official authorised by him shall require from
candidates to present a statement on the origin and owner of the capital.

(2) The members of the commission, the jury and the consultants participating in the procedures under the Public Procurement Act related to the construction of infrastructure facilities and to supplies of weapons, machines and other equipment for the needs of defence shall be obliged to declare that:

1. they have no material interest to assign the public procurement to a specific candidate or participant;

2. (amended, SG No. 33/2012) are not "related persons" with a candidate or participant in the procedure or with the subcontractors appointed by him, or with members of their managing and control bodies;

3. (amended, SG No. 33/2012) have no private interest in the meaning of the Conflict of Interests Prevention and Ascertainment Act in the public procurement;

(3) The members of the commissions, the jury and the consultants under paragraph 2 shall be obliged to keep in confidence the circumstances they have become aware of in relation to their work in the commission.

(4) The members of the commissions, the jury and the consultants shall present to the assignor a declaration on compatibility of the circumstances under paragraph 2 and on compliance with the requirements in paragraph 3 after they receive the list with candidates or participants an at every stage of the procedure when there is a change in the declared circumstances.

(5) The failure to comply with the obligations in paragraphs 2 -4 shall present grounds to seek disciplinary responsibility.

(6) (Amended and supplemented, SG No. 48/2011, effective 24.06.2011, amended, SG No. 20/2012, effective 10.06.2012, SG No. 33/2012) Where there is a decision by the Minister of Defence to that effect, representatives of the Military Police Service shall be included in the commissions reviewing tenders in public procurement procedures held by the Ministry of Defence and by second-level spending units under the Ministry of Defence.

Article 327a. (New, SG No. 16/2010, effective 26.02.2010) Servicemen or civilian employees who perform actions related to management, disposal or control at the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army shall not be entitled, within three years after their discharge from military service or after the termination of their service contracts, to conclude employment or other contracts with commercial companies or cooperatives in relation to which during the last year of their service they have engaged in management, disposal and control or have concluded contracts with them, neither shall they be partners, own shares or stocks, or be managers or members of managing or control bodies of such commercial companies or cooperatives.

Article 327b. (New, SG No. 16/2010, effective 26.02.2010) (1) Servicemen or civilian employees who perform actions related to management, disposal or control at the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army, who in the last year of the fulfilment of their official duties or powers have participated in public procurement procedures or in procedures related to absorbing resources belonging to the European Union or provided by the European Union to the Bulgarian state, shall not be entitled within three years after their discharge from military service or after the termination of their service contracts to participate in or to represent natural or legal persons in such procedures before the structures in which they have served.

(2) The prohibition of participation in public procurement procedures of in procedures related to
absorbing resources belonging to the European Union or provided by the European Union to the Bulgarian state shall apply also to legal persons in which persons under paragraph 1 have become partners, own shares or are managers or members of managing and control bodies after their discharge from military service or the termination of their employment contracts.

Chapter Twelve
REGISTERS

Article 328. (1) (Amended, SG No. 16/2010, effective 26.02.2010) The following registers shall be created and maintained at the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army:

1. register of servicemen;

2. register of immoveable properties managed by the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army, which are:
   a) public state property;
   b) private state property;
   c) residential fund;

3. register of commercial companies in which the powers of the state are exercised by the Minister of Defence;

4. register of properties included as non-monetary contribution in the equity of commercial companies in which the Minister of Defence exercises the powers of the state;

5. central register of military disabled persons and war victims;

6. other registers.

(2) The Minister of Defence or an official authorised by him shall determine the rules for keeping the registers under paragraph 1.

(3) Registers shall also be automated.

Article 329. (1) Registers under Article 328, paragraph 1 shall be information systems part of which shall be structured as a set of personal data.

(2) Administrators of personal data pursuant to the Personal Data Protection Act shall be the Minister of Defence and officials authorised by him who shall assign the processing of personal data to officials appointed by them.

(3) (Amended, SG No. 16/2010, effective 26.02.2010) Any person shall be entitled to require access to the personal data processed in the registers of the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army related to him.

(4) Administrators of personal data under paragraph 2 shall decide within 14 days of the receipt of the request for access.
(5) On request administrators of personal data under paragraph 2 shall provide to the serviceman a hard copy of the personal data related to him.

(6) (Amended, SG No. 16/2010, effective 26.02.2010) Administrators of personal data under paragraph 2 shall refuse entirely or partially to provide personal data if this would bring about a risk for defence or for national security, for the protection of classified information, for revealing sources of information or covert methods for its collection or if the provision of this data might jeopardise the performance of the tasks of the Ministry of Defence, the structures subordinated directly to the Minister of Defence and the Bulgarian Army specified by law.

(7) The terms and procedures for collecting, storage, processing and providing personal data and for access to the register under Article 328, paragraph 1, item 1 shall be determined with a regulation of the Minister of Defence.

(8) (Repealed, SG No. 48/2011, effective 24.06.2011).

(9) The control over protection of the rights of natural persons in processing their personal data and in allowing access to these data shall be exercised by the Commission for the Protection of Personal Data and under the Personal Data Protection Act.

Chapter Thirteen
ADMINISTRATIVE PENAL PROVISIONS

Article 330. (1) A person who violates the provisions herein or the normative acts on the implementation of this Act shall be sanctioned with a fine from BGN 250 to BGN 2500 if he/she is not subject to a heavier sanction.

(2) When the violation under paragraph 1 is perpetrated by a legal person a property sanction from BGN 500 to BGN 5000 shall be imposed.

(3) For a repeated violation under paragraph 1 the fine shall be from BGN 500 to BGN 3000 and the property sanction - from BGN 1000 to BGN 7000.

Article 331. (1) An official who fails to fulfil an obligation ensuing from a normative or an administrative act of a defence command body shall be sanctioned with a fine from BGN 300 to BGN 3500 if he/she is not subject to a heavier sanction.


Article 333. (Repealed, SG No. 48/2011, effective 24.06.2011).

Article 334. Violations under this chapter shall be ascertained with acts which shall be drawn up by officials authorised by the Minister of Defence.

(2) Penal ordinances shall be issued by the Minister of Defence or by an official authorised by him other than the ones under paragraph 1.

(3) Drawing up of acts, issuing, appealing against and execution of penal ordinances shall be done under the procedure of the Administrative Violations and Sanctions Act.
Chapter Fourteen
ENFORCEMENT ADMINISTRATIVE MEASURES

Article 335. In order to prevent and stop violations of this Act the Inspectorate General at the Council of Ministers may apply the following enforcement administrative measures:

1. obligatory instructions to state bodies, local authorities and local administrations and to heads of legal persons on drawing up wartime plans and on performing the tasks on maintaining their mobilisation readiness;

2. terminating the construction and commissioning of facilities and installations of the transport, energy, communications and storage system and of other facilities in the cases when the special requirements for defence provided for in normative acts have not been complied with;

3. terminating the use of transport vehicles, production sites and other facilities when the special requirements provided for in a normative act to maintain them in mobilisation readiness have not been complied with.

(2) In order to prevent and stop violations the Minister of Defence or an official authorised by him may terminate the construction, commissioning and use of facilities, installations and devices of the Ministry of Defence as well as other activities at the Ministry which create a risk of fires and industrial accidents.

Article 336. Enforcement administrative measures may be appealed against under the procedure of the Administrative Procedure Code.

SUPPLEMENTARY PROVISION

§ 1. Per the meaning herein:

1. "Repeated" shall be a violation which has been perpetrated within one year after a penal ordinance has become effective with which a sanction was imposed for the same type of violation.

1a. (New, SG No. 16/2010, effective 26.02.2010) "Peacetime" shall mean the time during which no "state of war" or "martial law" has been declared.

1b. (New, SG No. 16/2010, effective 26.02.2010) "Wartime" shall mean the time during which a "state of war" or "martial law" has been declared.

1c. (New, SG No. 16/2010, effective 26.02.2010, amended, SG No. 20/2012, effective 10.06.2012) "Forces of the Republic of Bulgaria national security system" shall mean the Armed Forced, the structural units of the Ministry of the Interior, the National Security State Agency, the National Intelligence Service, the National Guard Service, the Military Courts and Prosecution Offices.

2. "Difficult material circumstances" shall be such material circumstances under which citizens are unable to satisfy their basic living needs on their own or with the help of persons who are obliged by law to take care of them.

3. "Fitness for military service" shall be a state of the physical and mental health in which the person
is able to perform military service.

4. (Amended, SG No. 20/2012, effective 10.06.2012) "Fitness for wartime military service" shall be a state of physical and mental health in which the person is able to perform wartime service.

5. "Operational readiness" shall be the level of preparedness of formations to perform operational tasks.

6. "Mobilisation readiness" shall be the level of preparedness of formations to proceed within specified time-limits to wartime staff and organisation.


8. "Died or suffered bodily injury in the course of performing the service" shall mean when the death or the bodily injury have occurred as a result of actions or inactions which constitute the substance of military service or a specific task which is set.

9. "Died or suffered bodily injury in relation to performing the service" shall mean when the death or the bodily injury have occurred a result of actions or inactions which are not an element of the substance of military service but precede it or succeed it in time and have a direct causal relation to it.

10. "Military formation" shall mean platoon, company, battery, battalion, division, squadron, regiment, brigade, base or another structure of the Armed Forces which is autonomous in organisational and economic terms.

11. "Rules of engagement" shall mean a set of norms based on international and/or Bulgarian law which determine the actions and/or inactions of servicemen in the course of performing their tasks in relation to a specific operation or mission.

12. "Allied state" shall mean a state which is a party to an international agreement ratified, promulgated and become effective for the Republic of Bulgaria with which an alliance of a political and military nature is created.

13. (Amended, SG No. 16/2010, effective 26.02.2010) "Allied obligations" shall mean obligations ensuing from an international agreement under item 12.

14. "Goods" shall mean any Articles carried across the state border of the Republic of Bulgaria necessary for the Bulgarian Armed Forces for performance of the tasks with which they are sent outside its territory pursuant to this Act.

15. "Humanitarian mission" shall mean an organised action of the international community, an individual state or an international organisation for the prevention and controlling crises of no political and/or military nature as well as for overcoming their effects.

16. "Direct superior" shall mean a superior officer to whom the serviceman is subordinated under the chain of command of the military formation reflected in its staff as well as under the chain of command between military formations.

17. "Immediate superior" shall be the first direct superior officer of the serviceman.

17a. (New, SG No. 16/2010, effective 26.02.2010) "Direct hierarchical relationship" shall mean the relationship of command and control between the serviceman and his immediate superior.
17b. (New, SG No. 16/2010, effective 26.02.2010, amended, SG No. 33/2012) "Related persons" shall mean the persons specified in § 1, item 1 of the Conflict of Interests Prevention and Ascertainment Act.

18. "Critical infrastructure" shall mean a system of facilities, services and information systems whose stoppage, irregular functioning or destruction would have a serious negative effect on the health and security of the population, the environment, the national economy and the efficient functioning of the government of the state.

19. (New, SG No. 16/2010, effective 26.02.2010) Supplementary allowances of a standing nature" shall mean the supplementary allowances which are paid monthly together with the basic monthly pay for factors that exist permanently, which make the conditions for doing military service in the respective position harder.

20. (New, SG No. 16/2010, effective 26.02.2010) "Crisis" shall mean instability in the political and the public field causing a drastic change of the established state of the economy and of public life.

21. (New, SG No. 16/2010, effective 26.02.2010) "Psychologically fit for military service" shall mean a state of mind when the person commands psychic resources and mechanisms required for the efficient handling of the requirements of military service.

22. (New, SG No. 16/2010, effective 26.02.2010) "Protection of the Republic of Bulgaria's airspace" shall mean the task of ensuring the air sovereignty of the country and for preventing violations by aircraft conducting illegal entry, use and flight through the Republic of Bulgaria's airspace or violate flight rules.

23. (New, SG No. 16/2010, effective 26.02.2010) "Control over air traffic in the Republic of Bulgaria's airspace" shall mean the constant activity of monitoring, tracking and identifying aircraft and in case of need the introduction of prohibitions, restrictions and other actions to ensure the safety of air navigation and compliance with the established rules and procedures for carrying out flights in the Republic of Bulgaria's airspace.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. This Act shall repeal:


§ 3. (1) Officers, sergeants (petty officers) and soldiers, who are serving career military service at the date of entry into force of this Act shall be deemed servicemen in the meaning herein.
(2) The employment relations with servicemen who are in service as of the date of entry into force of this Act shall be transformed into service legal relations.

(3) Proceedings instituted for enforcing disciplinary sanctions, for discharging from service and for imposing property sanctions against servicemen shall be completed under the existing procedures.

(4) Until the entry into force of the Plan for the development the of Armed Forces pursuant to Article 22, paragraph 2, item 6, the Classification in Article 24, paragraph 1 and until the approval of the posts requiring senior officer rank, servicemen shall occupy the posts to which they were appointed as of the date of the Act's entry into force.

(5) Until the entry into force of the act pursuant to Article 212, paragraph 2 the persons under paragraph 1 shall receive their existing pay.

(6) When determining the amount of the compensations due under this act the length of career military service under the repealed Republic of Bulgaria Defence and Armed Forces Act shall be deemed military service.

§ 4. The military ranks of persons in the standing and mobilization reserve pursuant to the repealed Republic of Bulgaria Defence and Armed Forces Act shall be preserved.

§ 5. The Chief of the General Staff of the Bulgarian Army who is serving career military service on the date of the Act's entry into force shall be appointed Chief of Defence until the expiry of the term under Article 75, paragraph 1 of the repealed Republic of Bulgaria Defence and Armed Forces Act.

§ 6. Civilian personnel pursuant to the repealed Republic of Bulgaria Defence and Armed Forces Act serving on the date of the Act's entry into force shall acquire the status of civilian employees.

§ 7. The job positions and the pay of employees of the National Museum of Military History shall become equal to the job positions and the pay of civilian employees under an employment or service contract at an executive agency under the Minister of Defence.

§ 8. A career serviceman who has been dismissed from service due to the disciplinary sanction of dismissal under the procedure of the repealed Republic of Bulgaria Defence and Armed Forces Act may not be appointed to military service pursuant to this Act.

§ 9. (Repealed, SG No. 16/2010, effective 1.01.2011).

§ 10. (Repealed, SG No. 20/2012, effective 10.06.2012).

§ 11. (1) This Act and the Regulation on its implementation shall apply in relation to the National Intelligence Service and the National Service for Protection, to the powers of their chiefs and to the status of their officers, unless otherwise provided herein, until the adoption of acts of Parliament on the organization and the operations of these services. The Chiefs of the National Intelligence Service and the National Service for Protection shall have the powers of Minister under this act in relation to the respective services.

(2) The prohibition under Article 49 shall not apply to the services in paragraph 1 until the adoption of acts of Parliament on their organization and operations.

(3) The services in paragraph 1 shall be legal persons supported by the budget.
(4) The appointment and dismissal of officers with general officer rank, as well as conferring general officer rank in the services in paragraph 1 shall be done pursuant to the procedure herein.

(5) The age limit for military service in the National Intelligence Service shall be the following:

1. for officers with a rank of major - 54 years;
2. for officers with a rank of lieutenant colonel - 56 years;
3. for officers with a rank of colonel - 60 years;
4. for officers with a rank of brigadier general - 62 years;
5. for officers with a rank of major general - 63 years;
6. for officers with a rank of lieutenant general - 64 years;
7. for officers with a rank of general - 65 years;

(6) The age limit for military service in the National Service for Protection shall be the following:

1. for sergeants (petty officers) - 53 years;
2. for officers with the rank of major, (lieutenant commander) - 53 years;
3. for officers with the rank of lieutenant-colonel, (commander) - 54 years;
4. for officers with the rank of colonel, (captain) - 55 years;
5. for officers with the rank of brigadier general, (commodore) - 57 years;
6. for officers with the rank of major general, (rear admiral) - 58 years;
7. for officers with the rank of lieutenant general, (vice admiral) - 59 years.

(7) Servicemen from the National Intelligence Service may, in the course of performing their duties, occupy for the sake of cover positions also in the state administration and in legal entities under terms and procedures determined by an act of the Council of Ministers.

§ 12. The following amendments and supplements shall be made to the Act on Passage through and Presence within the Territory of the Republic of Bulgaria of Allied and of Foreign Armed Forces (SG, No. 102/2005):

1. Article 13, paragraph 1 shall be amended as follows:

"(1) The Minister of Defence shall allow the passage through and/or the presence within the territory of the Republic of Bulgaria of a non-military nature of:

1. individual servicemen and/or formations of allied armed forces up to 1000 men;
2. foreign armed forces consisting of up to 120 men;
3. Naval ships and/or naval submarine vessels and/or up to 15 military aircraft, including from allied armed forces, with their standard equipment without nuclear and energy devices on board, with their crews, in connection with their participation in events and military exercises, related to performing obligations ensuing from Bulgaria's membership in international organisations and alliances, under agreements which have been ratified, promulgated and have become effective for the Republic of Bulgaria.

4. Up to five naval ships and/or one submarine vessel, and/or up to three aircraft, including from foreign armed forces with their standard equipment without nuclear and energy devices on board, with their crews."

2. A new Article 18a shall be created in Chapter Two:

"Article 18a. (1) The Minister of Defence shall determine the terms and procedures for passage through and/or presence on the territory of the country of foreign and/or allied armed forces when this is in compliance with an international agreement which has been ratified, promulgated and has become effective for the Republic of Bulgaria and which specifies the purposes, the duration of the presence and the composition of the armed forces.

(2) In the cases under paragraph 1 the requests pursuant to Article 14 shall arrive through diplomatic channels and shall be considered by the Minister of Defence."


1. In Article 14 after the words "the Minister of Defence" the words "or an official authorised by him/her" shall be added.

2. In Article 17, paragraph 1, item 2 the words "crises in the meaning of the Crisis Management Act" shall be replaced by the words "disaster in the meaning of the "Protection from Disasters Act".

3. In Article 20, paragraph 1, item 14 the word "crisis" and the comma shall be deleted.

4. In Article 40, paragraph 2 the words "the defence and the crisis management" shall be replaced by the words "and the defence".

5. In Article 73, paragraph 3, item 7e the words "crises in the meaning of the Crisis Management Act" shall be replaced by the words "disasters in the meaning of the "Protection from Disasters Act".

6. In Article 106, item 12 the words "crises in the meaning of the Crisis Management Act" shall be replaced by the words "disasters in the meaning of the "Protection from Disasters Act".

7. In Article 120, paragraph 1, item 1 the word "crises" shall be replaced by the word "disasters".

8. In the name of Chapter Eighteen the word "crisis" shall be replaced by the word "disasters".

9. Article 300 paragraph 1 shall be repealed.

10. In Article 301, paragraph 1 the words "crises in the meaning of the Crisis Management Act" shall be replaced by the words "disasters in the meaning of the "Protection from Disasters Act".
11. In Article 303, paragraphs 1 and 2 the words "crises in the meaning of the Crisis Management Act" shall be replaced by the words "disasters in the meaning of the "Protection from Disasters Act".

§ 14. The following amendments shall be made to Article 24, paragraph 2 of the Income Taxes on Natural Persons Act (promulgated in the SG No. 95/2006, amended, No. 52, 64 and 113/2007, No. 28,43 and 106/2008 and No. 25/2009):

1. In item 1:
   a) in item "d" the words "Article 234, paragraphs 3 and 4" shall be replaced by the words "Article 225, paragraph 1, items 1 and 2 and Article 286, paragraph 1, items 1 and 2".
   b) in item "e" the words "Article 234, paragraph 2 and Article 275, paragraph 6" shall be replaced by the words "Article 224, paragraph 2 and Article 298, paragraph 2".

2. In item 7 the words "Article 240, paragraph 4" shall be replaced by the words "Article 303, paragraph 1".

3. In item 8 the words "Articles 235, 237 and 239" shall be replaced by the words "Articles 227, 229 and 232".

4. In item 16 the words "the monetary allowance under Article 245, paragraph 1" shall be replaced by the words "the monetary resources under Article 312".


1. In Article 4, paragraph 1, item 4 the words "career servicemen" shall be replaced by the words "servicemen".

2. In Article 26a, item 3 the words "Article 233" shall be replaced by the words "Article 230".

3. In Article 26b the words "Article 233" shall be replaced by the words "Article 230".

4. In Article 42, paragraph 3 the words "career military service contracts" shall be replaced by the words "service legal relations for serving military service".

5. In Article 54b, paragraph 3 the words "Article 128, items 1, 7 and 8, Article 128a and Article 128c, item 2" shall be replaced by the words "Article 162, items 1 and 6, Article 163 and Article 165, items 2 and 3".

6. In Article 54f, paragraph 1 the words "Article 134, paragraph 1" shall be replaced by the words "Article 172, paragraph 1".

7. In Article 69:
   a) in the title the words "career servicemen" shall be replaced by the word "servicemen";
b) paragraph 1 shall be amended as follows:

"(1) Servicemen shall be entitled to a pension in case of dismissal, regardless of their age, if they have 25 years social security time of which two-thirds was actually served as servicemen under the Republic of Bulgaria Defence and Armed Forces Act."

c) in paragraph 3 the word "career" shall be deleted.

d) in paragraph 4 the words "Career servicemen and the persons under paragraphs 2 and 3" shall be replaced by the words "Persons under paragraphs 1, 2 and 3".

8. In Article 104:

a) in paragraph 7 the words "who participate directly in combat operations in time of war" shall be replaced by the words "in case of participation in operations and missions outside the country's territory with a high level of risk, as well as in case of participation in combat operations in time of war".

b) a new paragraph 8 shall be created:

"(8) For the persons under Article 69 in case of participation in operations and missions outside the country's territory with a low level of risk one year actually served time shall be deemed two years social security time of category three."

9. In Article 230, paragraph 3, item 3c the words "career servicemen" shall be replaced by the word "servicemen".

10. In Article 262, paragraph 1, item 4 the words "career servicemen" shall be replaced by the word "servicemen".

11. In Article 282, paragraph 1, item 3c the words "career servicemen" shall be replaced by the word "servicemen".

12. In Article 287, paragraph 2 the words "Article 128, items 1, 7 and 8, Article 128a and Article 128c, item 2" shall be replaced by the words "Article 162, items 1 and 6, Article 163 and Article 165, items 2 and 3".

13. § 8a shall be created in the Transitional and Final Provisions:


1. In Article 11, paragraph 3:

a) in the text before item 1 the words "and the Bulgarian Army" shall be deleted;

b) in item 1 the word "career" shall be deleted, the words "civilian personnel" shall be replaced by the words "civilian employees" and the words "and the Bulgarian Army as well as in the second level spending units under the Minister of Defence" shall be deleted.

c) in item 2 the words "the Ministry of Defence and the Bulgarian Army, as well as in the second level spending units under the Minister of Defence" shall be replaced by the words "the structures of the Ministry of Defence".

d) in item 3 the words "the Ministry of Defence and the Bulgarian Army, as well as in the second level spending units under the Minister of Defence" shall be replaced by the words "the structures of the Ministry of Defence".

2. In Article 18, paragraph 5 the words "the civilian personnel from the Ministry of Defence and the Bulgarian Army" shall be replaced by the words "civilian employees in the structures of the Ministry of Defence".

3. In Article 22, paragraph 3 the words "the Ministry of Defence and the Bulgarian Army" shall be replaced by the words "the structures of the Ministry of Defence".

4. In Article 51 the words "the Ministry of Defence and the Bulgarian Army" shall be replaced by the words "the structures of the Ministry of Defence".

5. In § 1, item 3 of the Supplementary Provisions the words "the structures of the Ministry of Defence pursuant to Article 77, paragraph 2 of the Republic of Bulgaria Defence and Armed Forces Act" shall be added after the word "administrations" and the words "as well as the Armed Forces of the Republic of Bulgaria" shall be deleted.


1. In Article 2, paragraphs 1 and 2 the word "crisis" shall be replaced by the words "crisis situation".

2. In Article 7, paragraph 2:

a) a new item 12 shall be created:

"12. draws up and submits pursuant to the respective procedure proposals for assignment of wartime tasks for manufacturing basic military products for the armed forces and basic civilian products";

b) the current item 12 shall become item 13.

3. In Article 14 the words "and the Chairman of the Agency" shall be added after the words "the Minister of Defence".

4. Article 19, paragraph 5 shall be amended as follows:

"(5) The orders of the Chairman of the Agency on releasing state reserves, on their handing over or
their transfer shall be binding for traders and organisations which keep them and shall be subject to immediate implementation. The orders shall not be subject to appeal."

5. In Article 22 a comma shall be placed after the words "wartime tasks" and the words "or to traders and organisations determined by the Agency on the principle of competitiveness" shall be added.

6. In Article 24:

   a) in paragraph 1 in the text before item 1 the first and second sentences shall be amended as follows: "The release of wartime stocks shall be done following a decision of the Council of Ministers or an agency authorised by it on a proposal of the Chairman of the Agency. On the basis of the decision the Chairman of the Agency shall issue a subsequent release order.";

   b) paragraph 5 shall be amended as follows:

   "(5) The orders of the Chairman of the Agency on releasing wartime stocks, on their handing over or their transfer shall be binding for traders and organisations which keep them and shall be subject to immediate implementation. The orders shall not be subject to appeal."


1. In Article 10:

   a) a new paragraph 3 shall be created:

   "(3) The kindergartens under the Ministry of Defence intended for education, upbringing and rearing children of servicemen and civilian employees of the Ministry of Defence and financed from the Ministry's budget shall also be state-owned. The properties granted for their use shall be public state property.";

   b) the current paragraphs 3, 4 and 5 shall become 4, 5 and 6 respectively;

   c) the current paragraph 6 shall become paragraph 7 and a second sentence shall be included in it: "The state-owned kindergartens under paragraph 3 shall be opened, transformed and closed following an order of the Minister of Defence in coordination with the Minister of Education and Science.";

   d) the current paragraph 7 shall become paragraph 8;

2. Paragraph 4 shall be created in Article 19:

   "(4) Servicemen and civilian employees of the Ministry of Defence who are parents of children placed in state-owned kindergartens under the Ministry of Defence shall not pay the fees pursuant to paragraph 2."

3. In Article 20a:

   a) the words "Article 10, paragraph 3 and" shall be added after the words "the cases under" in paragraph 1;
b) paragraph 3 shall be created:

"(3) Children of servicemen and civilian employees of the Ministry of Defence shall have priority of admittance to the state-owned kindergartens under the Ministry of Defence."

4. In Article 37:

a) at the end of paragraph 3 the words "and for the kindergartens pursuant to Article 10, paragraph 3 - the Minister of Defence" shall be added;

b) at the end of paragraph 8 the words "of the heads of state-owned kindergartens pursuant to Article 10, paragraph 3 - the Minister of Defence" shall be added after the words "the Minister of Education and Science".

§ 19. In the Consultative Council on National Security Act (promulgated in the SG, No. 13/1994, amended, No.28/2008) in Article 2, paragraph 2, item 8 the words "the General Staff of the Bulgarian Army" shall be replaced by the word "Defence".


1. In Article 144, item 2 the words "crises or" shall be deleted.

2. In Article 158, paragraph 3 the words "the preceding paragraph" shall be replaced by the words "paragraph 2" and the words "the Ministry of Defence" shall be replaced by "the agency that conducts it".

3. In Article 218:

a) In the title the word "crisis" shall be replaced by "disaster";

b) in paragraphs 1 and 2 the words "crisis or" shall be deleted.


1. Paragraph 1, item 6 in Article 62 shall be amended as follows:

"6. in case of summons to a training mobilisation muster - for the duration of the muster, including the days of travel to and from the muster; if the training mobilisation muster continues for 15 and more days the civil servant shall be entitled to a paid leave of two calendar days before the departure and two days after the return.";

2. In Article 77:

a) in the title the word " crisis" shall be replaced by "disaster".
b) in paragraphs 1 and 2 the words "crisis or" shall be deleted.


1. In Article 7, paragraph 1, item 6 the words "crises and" shall be deleted.

2. In Article 31 paragraph 1:
   a) the words "and crises" shall be deleted.
   b) in item 10 the words "and crisis management" shall be replaced by "security".


1. Item 1 shall be repealed.

2. In item 12 the words "and crisis management" shall be deleted.

§ 24. The following amendments and supplements shall be made to the Disaster Protection Act (promulgated in the SG No. 102/2006, amended, No. 41 and 113/2007, No. 69 and 102/2008):

1. Paragraph 1 of Article 30 shall be repealed.

2. Article 50a shall be created:

"Article 50a. The Council of Ministers shall declare an emergency situation by virtue of a decision on the territory of more than one region or on the territory of the entire country on a proposal of the Minister of Emergency Situations."

3. In Article 51:
   a) in paragraph 1 the words "and in the decision under Article 50a" shall be added after the words "under Article 50, paragraph 1";
   b) paragraphs 2, 3 and 4 shall be amended as follows:

"(2) In case of need the validity term of the emergency situation may be extended:

1. by the mayor of the municipality following consultations with the regional governor;
2. by the regional governor following consultations with the Minister of Emergency Situations;
3. with a decision of the Council of Ministers.

(3) The emergency situation shall be lifted ahead of schedule by the body which declared it if the
circumstances that served as a basis to introduce it are no longer valid.

   (4) The acts under paragraphs 2 and 3 shall become effective forthwith and shall be publicised through the media."

4. Article 53 shall be repealed.

5. In Article 62, paragraph 2:
   a) a new item 4 shall be created:

   "4. Introduce a National Early Warning and Information System for the executive bodies and the population in case of disasters and specify with a regulation the terms and procedures for its operation on a proposal of the Minister of Emergency Situations."

   b) the current item 4 shall become item 5.

§ 25. The following amendments and supplements shall be made to the War Invalids and Victims Act (promulgated in the SG No. 27/2005, amended, No. 88/2005, No. 110/2008):

1. In Article 3, paragraph 1 the words "career or conscription" shall be replaced by "military".

2. In Article 4, item 1 the words "career or conscription" shall be replaced by "military".

3. in Article 21 the words "Articles 243 and 245" shall be replaced by "Article 311, paragraphs 1, 2 and 4 and Article 312".

4. Item 2 shall be created in § 1 of the Supplementary Provision:


1. In Article 38, paragraph 1, item 11 the words "The General Staff of the Bulgarian Army" shall be replaced by the word "Defence".

2. In Article 39a the words "the Ministry of Defence, the Bulgarian Army and the structures subordinate to the Minister of Defence" shall be replaced by the words "the structures of the Ministry of Defence".

§ 27. Article 3, paragraph 1, item 15 of the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence
Services of the Bulgarian Popular Army Act (promulgated in the SG No. 102/2006; amended, No. 41, 57 and 109/2007, No. 69/2008 and No. 25/2009) shall be amended as follows:

"15. the Chief and Deputy-Chief of Defence, the Commander of the Joint Operational Command, the Chiefs and Deputy-Chiefs of Staffs for training of the Army, the Air Force and the Navy and the Chief of Staff for provision and support."

§ 28. The following amendments shall be made to the State Protocol Act (SG, No. 32/2000):

1. In Article 9, paragraph 3, item 21 the words "General Staff of the Bulgarian Army" shall be replaced by the word "Defence".

2. In Article 10 the words "General Staff of the Bulgarian Army" shall be replaced by the words "Defence Staff".


§ 30. In Article 73 of the Administrative Procedure Code (promulgated in the SG No. 30/2006; amended, No. 59 and 64/2007, No. 94/2008) the words "or for crisis management" shall be deleted.


1. In Article 16 the word "crises" shall be replaced by the word "disasters";

2. In Article 45 the word "crises" shall be replaced by the word "disasters";


§ 33. The following amendments shall be made to the National Security State Agency Act (promulgated in the SG No. 109/2007; amended No. 69 and 94/2008, No. 22/2009):

1. In Article 4, paragraph 1 in the text preceding item 1 the words "the Ministry of Defence, the Bulgarian Army and the structures subordinated to the Minister of Defence" shall be replaced by the words "the structures of the Ministry of Defence pursuant to Article 77, paragraph 2 of the Republic of Bulgaria Defence and Armed Forces Act".

2. In Article 12, paragraph 2, item 5 the words "crises and" shall be deleted.

3. Everywhere in Article 123, paragraph 3 the words "the Ministry of Defence, the Bulgarian Army
and the structures subordinated to the Minister of Defence” shall be replaced by the words "the structures of the Ministry of Defence pursuant to Article 77, paragraph 2 of the Republic of Bulgaria Defence and Armed Forces Act".


1. In Article 5, paragraph 4 the words "crises of a military or non-military nature" shall be replaced by the words "disasters also in wartime".

2. In Article 75, paragraph 1, item 4 the word "crises" shall be replaced by "disasters".


1. In Article 27 the words "crisis situations (natural disasters, terrorist actions and military conflicts)" shall be replaced by the words "disasters, terrorist actions and military conflicts".

2. In Article 32, paragraph 2 the words "crises and" shall be deleted.

3. In Article 115e, paragraph 5, item 11 the words "and crises" shall be deleted.

§ 36. The following amendments shall be made to Article 6 of the Labour Inspection Act (SG No. 102/2008):

1. In item 2d the word "crises" shall be replaced by "disasters".

2. In item 8 the words "the Ministry of Defence, the Bulgarian Army and the structures subordinated to him" shall be replaced by the words "the structures of the Ministry of Defence pursuant to Article 77, paragraph 2 of the Republic of Bulgaria Defence and Armed Forces Act".

§ 37. The following amendments shall be made to the Chamber of Builders Act (promulgated in the SG No. 108/2006, amended, No. 19/2009):

1. In Article 15, paragraph 1, item 4d the words "crisis management" shall be replaced by the words "protection from disasters".

2. In Article 27, item 4 the words "crisis management" shall be deleted.

§ 38. In Article 31, paragraph 1, item 9 of the Corporate Income Tax Act (promulgated in the SG No. 105/2006, amended, No. 52, 108 and 110/2007, No. 69 and 106/2008) the words "crises in the meaning of the Crisis Management Act" shall be replaced by the words "disasters in the meaning of the Protection from Disasters Act".

§ 40. Article 5, item 7 of the Liability for Prevention and Remediying of Environmental Damage Act (promulgated in the SG No. 43/2008; amended, No. 12/2009) shall be amended as follows:

"7. activities during declared emergency situation pursuant to the Protection from Disasters Act."


§ 42. The following amendments shall be made to the Act to Transform the Construction Corps, the Transport Ministry Troops and the Posts and Telecommunications Committee Troops into State-Owned Enterprises (promulgated in the SG No. 57/2000; amended, No. 45/2002):

1. In Article 3, paragraph 2, item 2 the words "the area, regional and municipal crisis management plans" shall be replaced by "and the regional plans for conducting rescue and urgent emergency and reconstruction works".

2. In Article 4, paragraph 2, item 2 the words "the area, regional and municipal crisis management plans" shall be replaced by "and the regional plans for conducting rescue and urgent emergency and reconstruction works".

3. In Article 5, paragraph 2, item 2 the words "the area, regional and municipal crisis management plans" shall be replaced by "and the regional plans for conducting rescue and urgent emergency and reconstruction works".


§ 44. Within three months of the entry into force of this Act the Council of Ministers on a proposal of the Minister of Defence in coordination with the Minister of Labour and Social Policy shall submit to the National Assembly a bill on amending and supplementing the Social Insurance Code pursuant to which a military pension fund shall be established for paying supplements to servicemen's pensions.

§ 45. (1) Within six months of the entry into force of this Act the Council of Ministers shall adopt the regulation and the other secondary normative acts on its implementation and shall determine criteria for the levels of risk of participation in operations and missions outside the country pursuant to Article 104, paragraphs 7 and 8 of the Social Insurance Code.

(2) Within one year of the entry into force of this Act the Council of Ministers shall adopt a State Wartime Plan.

(3) Until the adoption of secondary normative acts on the Act's implementation secondary normative acts issued pursuant to the repealed Republic of Bulgaria Defence and Armed Forces Act shall apply, inasmuch as they do not contradict this Act.

§ 46. This Act shall become effective as of the date of its promulgation in the State Gazette.
This Act has been adopted by the 40th National Assembly on 29 April, 2009 and has been stamped with the official seal of the National Assembly.

TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the Vocational Education and Training Act

(SG No. 74/2009, effective 15.09.2009)

§ 39. In the Republic of Bulgaria Defence and Armed Forces Act (SG, No. 35/2009) the words "Minister of Education and Science" shall be replaced by "Minister of Education, Youth and Science".

Act to Amend and Supplement the Republic of Bulgaria Defence and Armed Forces Act

(SG No. 82/2009, effective 16.10.2009)

SUPPLEMENTARY PROVISION

§ 5. Throughout the text of the Act the following replacements shall be made: "the Minister of Transport", "Minister of Transport" and "the Ministry of Transport" shall be replaced by "the Minister of Transport, Information Technology and Communications", "Minister of Transport, Information Technology and Communications" and "the Ministry of Transport, Information Technology and Communications".

TRANSITIONAL AND FINAL PROVISIONS

§ 6. The statutory instruments of secondary legislation issued until the entry of this Act into force, which do not conflict with this Act, shall retain the effect thereof.

Act to Amend and Supplement

The Ministry of Interior Act

(State Gazette No. 93/2009, effective 24.11.2009)

Supplementary Provision

§ 59. (Effective 24.11.2009, SG No. 93/2009) This Act introduces:

2. Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.

Transitional and Final Provisions

§ 60. Upon entry into force of this Act, existing civil service relations of civil servants employed in the Ministry of Interior shall be retained as per Article 87a of the Civil Servants Act.

§ 61. Upon entry into force of this Act, existing employment relations of persons working in the Ministry of Interior under employment contracts shall not be terminated, in accordance with Article 123 of the Labour Code.

§ 62. (Effective 24.11.2009, SG No. 93/2009) Incumbent investigating police officers who do not comply with the requirements set out in Article 217(1) shall perform the investigation functions assigned to them in the course of two years from the date of entry into force of this Act.

§ 63. (Effective 24.11.2009, SG No. 93/2009) The Ministry of Interior shall be the legal successor of assets, liabilities, rights and obligations of the Ministry of Emergency Situations rendered defunct by the National Assembly's Decision adopting the structure of the Council of Ministers of the Republic of Bulgaria (SG No. 60/2009), as well as of any documents which are not subject to archiving under the procedure of the National Archives Stock Act.

§ 64. (Effective 24.11.2009, SG No. 93/2009) The following persons shall be appointed to the Ministry of Interior without a competition held to this effect and without the special requirements of Article 179, Paragraphs 1(4) and 3 being met: civil servants employed under civil service relations and officials employed under employment relations with the Minister of Emergency Situations who perform functions relating to protection in cases of disasters and enabling citizens' access to the emergency services via the National Emergency Call System Employing the Single European Number "112" prior to the date of entry into force of the National Assembly's Decision adopting the structure of the Council of Ministers of the Republic of Bulgaria (SG No. 60/2009), which rendered the Ministry of Emergency Situations defunct.

§ 65. (Effective 24.11.2009, SG No. 93/2009) Prior to 31 December 2009, employees under § 64 shall be paid their relevant remunerations, benefits and clothing allowances, as set according to the existing statutory procedure.

§ 66. (Effective 24.11.2009, SG No. 93/2009) Upon entry into force of this Act, existing civil service relations of civil servants, as well as employment relations of persons working in the Special Courier Service under employment contracts shall not be terminated. The aforementioned relations shall be transformed, accordingly, into civil service or employment relations as employees of the Ministry of Interior, whereby the persons concerned shall be appointed to the same positions which they held prior to the employment relation transformation.

Act to Amend and Supplement the Republic of Bulgaria Defence and Armed Forces Act

(SG No. 16/2010, effective 26.02.2010, supplemented, SG No. 23/2011, effective 22.03.2011)

SUPPLEMENTARY PROVISION
§ 138. In the remaining texts of this act the words

1. "specialized formations/specialized formation of the Armed Forces" shall be replaced with "structures"

2. "the plan for the organizational structure and development of the Armed Forces" shall be replaced with "the plan for development of the Armed Forces".

TRANSITIONAL AND FINAL PROVISIONS

§ 139. (1) Within three months after the entry into force of this Act contracts shall be concluded with the servicemen already doing military service under the terms and procedures herein and the Minister of Defence or the officials authorised by him may not refuse to conclude a contract. The contracts with servicemen who during this period perform official duties outside the territory of the country or use their statutory leave shall be concluded after their return to the country or after the conclusion of their permitted leave.

(2) Contracts for military service with the persons under paragraph 1 shall be concluded for the terms specified in Article 142, paragraph 5, Article 144, paragraph 3 respectively but not later than the date of reaching the age limit for the respective military rank. In the cases when the term of the assumed obligation to do military service under Article 142, paragraph 5, Article 144, paragraph 3 or Article 145, paragraph 1 has not expired the military service contract shall be concluded until the expiry of the specific term.

(3) The refusal to conclude a military service contract shall be deemed notification by the serviceman of termination of the relationship to do military service under the procedure of Article 163.

§ 140. Servicemen who are already doing military service at the date of this Act's entry into force shall preserve the amount of the received supplementary benefits for length of service inasmuch as this is more favourable for them.

§ 141. Servicemen who are already doing military service at the date of this Act's entry into force with military ranks of "private" ("seaman"), "corporal" (senior seaman) and "officer candidate" shall be deemed servicemen with military rank "private 1st class ("seaman 1st class"), "corporal 1st class" (senior seaman 1st class) and "officer candidate 1st class".

§ 142. Cadets who are already studying at the higher military school at the date of this Act's entry into force shall be deemed servicemen with a special status under this Act. Military service contracts shall be concluded with them pursuant to this Act which shall include the tuition term. They shall continue and complete their tuition in compliance with the curricula and syllabi approved for the entire training course.

§ 143. The Chief of Defence who is already occupying this position at the date of this Act's entry into force shall carry out his powers for the term provided for in the repealed Article 82, paragraph 1.

§ 144. Incomplete proceedings by the date of this Act's entry into force for sale/exchange of homes, studios and garages from the residential fund of the Ministry of Defence, for which an order has been issued by the Minister of Defence for sale/exchange including by servicemen and civilian employees, whose relations with the Ministry of Defence have bee terminated, shall be concluded within six months after the entry into force of this Act at prices, under terms and procedures specified pursuant to the normative framework effective at the time of issuing the order.

§ 145. Incomplete proceedings for imposing disciplinary sanctions, for terminating the relationship for serving military service and discharge from military service, for restoring servicemen to the position in
case the discharge from military service has been revoked by the court and for indictment for property responsibility against servicemen shall be concluded under the existing procedure.

§ 146. (Supplemented, SG No. 23/2011, effective 22.03.2011) The job positions and the pay of the civilian employees at the National Guards Unit shall be made equal to the job positions and the pay of the civilian employees under a service or an employment contract at the executive agency with the Minister of Defence.

§ 154. (1) The administrative acts on the implementation of this Act shall be brought into compliance with it within nine months after its entry into force and until their adoption the already issued administrative normative acts shall apply insofar as they do not contradict this Act.

(2) The administrative acts issued on the implementation of the repealed Articles 102 and 103 shall apply until the adoption of the regulations under Article 100, paragraph 5.

§ 155. This act shall enter into force on the date of its promulgation in the State Gazette with the exception of the provision of § 74, which shall enter into force on 1 March 2010 and of § 135, which shall enter into force on 1 January 2011.
with the regulation on the implementation of this Act.

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§ 37. This Act shall enter into force on the date of its promulgation in the State Gazette with the exception of 1 - 8, § 11 - 14, § 17, 18 and § 29 which shall enter into force as of 1 July 2011.

TRANSITIONAL AND FINAL PROVISIONS to the Military Police Act

(SG, No. 48/24.06.2011, effective 24.06.2011)

§ 3. To the matters not regulated herein the provisions of the Republic of Bulgaria Defence and Armed Forces Act shall apply.

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TRANSITIONAL AND FINAL PROVISIONS to the Budget Act on State Social Insurance for 2012

(SG No. 100/2011, effective 1.01.2012)

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§ 11. Cash benefits for temporary disability, maternity, unemployment and labor adjustment granted a starting date to December 31, 2011, continue to be paid within the set so far up to the expiration of their term.

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TRANSITIONAL AND FINAL PROVISIONS to the Armed Forces of the Republic of Bulgaria Reserves Act

(SG No. 20/2012, effective 10.06.2012)

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§ 3. Within 6 months from the date of adoption of the secondary legislation as per §2, the Minister of Defense shall instruct the enlistment authorities to bring the structure, organization, training and roster of the Reserve, as well as the military rosters of Bulgarian citizens, in line with the provisions of this Act.

§ 4. (1) Persons who have been assigned military ranks shall keep those after being discharged from military or reservist service.

(2) The correspondence between the categories of officers as per the Ministry of Interior Act and the ranks of officers of the State Agency for National Security (Res.), on the one hand, and the ranks of military personnel as per the Republic of Bulgaria Defense and Armed Forces Act, on the other, shall be governed by an act of the Council of Ministers subject to a proposal by the Minister of Interior and the Chairman of the State Agency for National Security, in coordination with the Minister of Defense.

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Act to Amend and Supplement the Civil Servants Act

(Promulgated, SG No. 38/2012, effective 1.07.2012)

TRANSITIONAL AND FINAL PROVISIONS

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§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;

2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention andAscertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;

2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.
(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;

2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.