

Republic of Bulgaria Defence and Armed Forces Act
Promulgated SG No. 35/12.05.2009, effective 12.05.2009

Chapter One

GENERAL PROVISIONS

Article 1. (1) This Act shall regulate social relations connected to the defence of the Republic of Bulgaria, the bodies that manage defence, the Armed Forces, the structure and government of the Ministry of Defence, the status of servicemen and the civilian employees in its structures.

(2) The defence related activities shall be performed by the Ministry of Defence on its own or in cooperation with the state bodies, the local authorities and the local administration, legal persons and citizens.

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) This act shall also apply to foreign nationals and to stateless persons in the cases and according to the procedures provided for herein.

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;

2. the National Military Strategy;

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. the fines imposed by the Director of the Military Police Service under this Act and the fines imposed under the Military Monuments Act;

4. services for leasing, sale of immovable 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. (1) 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;
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. 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 or operational alert;
3. declare general or partial mobilisation;
4. appoint and dismiss the general command of the Armed Forces and award officers with general 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;

3. adopt the National Military Strategy;

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. adopt an Armed Forces organisational structuring and 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. adopt armament and rearmament programmes for the Armed Forces and for building and developing a defence technological industrial base;

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 general officer ranks;

19. submit proposals to the President of the Republic for appointment and discharge of general command personnel of the Armed Forces and for awarding officers with general 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. assign wartime tasks for the defence of the country to government bodies, to local authorities and local administration and to legal persons;

(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) 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 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) 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.

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

(2) In exercising his powers under this Act the Minister of Defence shall be assisted by a Chief of Defence and by Deputy-Ministers.

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. control the work on establishing safe and healthy conditions for performing military service and working at the Ministry;

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. guide the work on protecting classified information at the Ministry pursuant to the Classified Information Protection Act;

14. appoint and recall representatives of the Ministry in international organisations, defence attaches, military attaches and officers at their offices and guide their work;

15. 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 and Science;

16. open and close kindergartens under the Ministry in coordination with the Minister of Education 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 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 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 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. guide the sports activities at the Ministry and be in charge of the development of the sports base;

26. guide the Ministry's information work 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;

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 Military Strategy;

2. a draft Plan for Organisational Structuring and Development of the Armed Forces and on their numbers;

3. a draft State Wartime Plan;

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. proposals for the positions at the Ministry requiring general 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;

8. draft armament and rearmament programmes for the Armed Forces and jointly with the Minister of Economy and Energy - draft programmes and projects for building and developing a technological industrial defence base;

9. proposals for the numbers of the standing and mobilisation reserve.

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. in case of violation of the airspace or of the regulation for flights over the Republic of Bulgaria's territory by a foreign 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 30. The Minister of Defence shall, on a proposal of the Chief of Defence:

1. form the military-technical policy for equipping the Armed Forces with weapons, combat

hardware, munitions and special equipment;

2. determine with an instruction the procedure for operation of commanders, superiors and/or the leading officers in case of incidents in the Ministry's structures;

3. determine the procedure for using cryptographic methods and means of protection and for certifying the means of protection of the information in the Armed Forces;

4. organise the protection of information from unauthorised access to the automated management systems of formations in combat and to information and telecommunication systems of the Armed Forces;

5. determine the procedure for exercising interdepartmental control for protecting classified information in the Armed Forces;

6. determine the procedure for using actual and covert names of military formations in the Armed Forces, including for protection of the military infrastructure from actions to reveal its parameters and facilities;

7. approve job descriptions of the Defence Staff, of the Joint Operational Command, of the Training Staffs and the Provision and Support Staff.

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

(2) Administrative acts of the Minister of Defence which are directly related to defence shall not be subject to judicial appeal.

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. (1) 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 Chief of Defence, members of the political office, the Deputy-Chief of Defence, the Commander of the Joint Operational Command, the Chiefs of Staff for training of the Land Forces, the Air Force and the Navy, the Chief of Staff for provision and support as well as other members specified by the Minister of Defence.

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

(3) The Defence Council shall assist the Minister of Defence on issues related to:

1. defence policy and planning;

2. drafts of the National Military Strategy;
3. the structure and operation of the Ministry;
4. the Ministry's budget;
5. the plan for organisational set-up and development of the Armed Forces, their structure and numbers.
6. logistical provision for the Ministry;
7. financial and material provision of the Ministry's personnel;
8. appointment and discharge of general command personnel and award of officers with general military ranks;
9. other matters within the competence of the Minister of Defence.

(4) The Minister of Defence shall determine the rules of operation and the agenda of Defence Council meetings.

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

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) The bodies of the Ministry of the Interior shall, on their own or jointly with the bodies of the Ministry of Defence and other specialised bodies, ensure the protection of activities and facilities that are strategic for the country as well as of the critical infrastructure.

(3) 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 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 39. (1) The Minister of Emergency Situations shall coordinate the work of the components of the Integrated Rescue System for protection of the population.

(2) The Minister of Emergency Situations shall perform also activities and tasks pursuant to the State Wartime Plan.

Article 40. The Chairman of the Information Technologies and Communications State Agency jointly with the Minister of Defence shall:

1. organise and direct the preparation of postal and electronic communications networks for their transferral 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. assisting the bodies of the Ministry of Defence in keeping military registration of the Armed Forces reserve and in notifying, sending and bringing reservists and equipment for mobilisation purposes;

2. provide premises and support administratively the work of the Ministry of Defence's bodies with mobilisation resources;

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

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

5. on declaring mobilisation or war perform obligations assigned to them by defence command bodies;

6. organise and direct the work for protection of the population and the economy in case of disasters and in wartime;

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

- (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) 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 civil protection directorate of the Ministry of Emergency Situations, the director of

the emergency medical help centre and representatives of territorial units of the central executive administration.

(3) 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 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. on declaring mobilisation shall assist the bodies of the Ministry of Defence in notifying, sending and supplying reservists and equipment with mobilisation purposes;

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. (1) The Armed Forces of the Republic of Bulgaria in peacetime shall include servicemen from:

1. the Bulgarian Army;
2. the Military Information and Military Police Services;
3. the administration of the Ministry of Defence;
4. military academies and military schools;
5. the National Guard Unit;
6. other structures under the Minister of Defence established by law or by an act of the Council of Ministers.

(2) The Armed Forces of the Republic of Bulgaria in wartime shall include in addition to servicemen from the structures pursuant to paragraph 1 also specialised formations consisting of the personnel of services and units from the Ministry of the Interior, the National Intelligence Service, the National Service for Protection, the National Security State Agency, the Ministry of Transport and of the Information Technologies and Communications State Agency and the servicemen from military courts and military prosecution offices.

(3) Services and units that are included in specialised formations under paragraph 2 shall be determined with an act of the Council of Ministers.

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. (1) The Armed Forces of the Republic of Bulgaria shall perform their tasks on the basis of:

1. strategic plans for using military formations in time of peace and war for the country's defence and for participation in missions and operations outside the country's territory developed on the basis of the Republic of Bulgaria National Security Strategy, the National Military Strategy and the international agreements to which the Republic of Bulgaria is a party;

2. operational plans for joint participation in the defence of the Republic of Bulgaria of Bulgarian military formations and allied forces in conditions of collective defence of a NATO member-state;

3. operational plans for joint participation of Bulgarian military formations in the defence of a NATO member-state in conditions of collective defence;

4. operational plans for participation in operations and missions outside the territory of the country developed on the basis of strategic plans under item 1;

5. operational and tactical plans establishing the objectives and the procedures for operation of the Armed Forces when participating in mastering and/or overcoming the effects of disasters;

6. operational plans for defence of the state border and of strategic facilities and facilities and systems of the critical infrastructure;

7. mobilisation plans for enhancing defence capabilities of the Armed Forces for the purposes of the country's defence.

(2) The bodies and the procedures for developing and approving plans under paragraph 1 shall be determined with this Act, with the regulation on its implementation and in compliance with applicable international agreements to which the Republic of Bulgaria is a party.

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.

(5) The orders of commanders and superior officers which are directly related to defence activities shall not be subject to judicial appeal.

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 Disaster Protection Act;

7. the neutralization 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 command system;

2. increase the readiness of military and specialised formations 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 of 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.

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. up to 300 servicemen and/or military equipment without arms and/or up to three military aircraft, and/or one naval ship up to frigate type with their crews for participation in activities under article 63, item 3;

2. up to 200 servicemen and/or military equipment, and/or up to three naval ships up to frigate type 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.

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 70. (1) Bulgarian nationals who have a contract for service in the standing 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.

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) National control over formations under paragraph 1 shall be exercised by the Commander of the Joint Operational Command and the immediate command and control - by the respective commander.

(3) The transfer of powers for operational subordination 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 management 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. (1) Financing of the participation of the Republic of Bulgaria in operations and missions outside the territory of the country shall be done from the state budget in addition to the funds allocated to the debit side of the Ministry of Defence's budget.

(2) The Minister of Defence shall be responsible for spending the budget credits pursuant to paragraph 1.

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

MINISTRY OF DEFENCE

Article 77. (1) The Ministry of Defence shall be structured and shall function as a unified centralised system for ensuring the country's defence and for guidance and command of the Armed Forces in peacetime.

(2) The Ministry of Defence shall include:

1. the central administration;
2. the Bulgarian Army;
3. military academies and high military schools;
4. the Military Information and Military Police Services;
5. other structures under the Minister of Defence, established by law or by an act of the Council of Ministers.

Article 78. (1) The central administration of the Ministry of Defence shall include a Defence Staff, specialised and general administrations organised in directorates.

(2) An Inspectorate shall function within the central administration which shall be subordinated directly to the Minister of Defence.

(3) A Secretary General shall coordinate the work of the Ministry's specialised and general administrations.

Article 79. The general administration shall assist the Minister of Defence in exercising his powers by supporting his work in organisational and technical terms and the work of the Defence Staff and of the specialised administration of the Ministry.

Article 80. (1) The specialised administration and the Defence Staff shall assist the Minister of Defence in exercising his powers.

(2) The Defence Staff shall draw up strategic forecasts, analyses, military evaluations and recommendations for decision-making in the field of defence and shall prepare strategic plans for the operation of the Armed Forces.

Article 81. (1) The structure and the work of the central administration shall be stipulated in the structural regulation of the Ministry of Defence adopted by the Council of Ministers.

(2) Deviations from the Administration Act shall be admissible in the Regulation pursuant to paragraph 1.

Article 82. (1) The Chief of Defence shall be appointed by the President of the Republic on a proposal by the Council of Ministers for a three-year term. This term may be extended for up to two years.

(2) The Chief of Defence shall be subordinated to the President of the Republic in exercising his powers of a Supreme Commander of the Armed Forces.

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

(4) The position of Chief of Defence shall be occupied from amongst the Deputy-Chief of Defence, the Commander of the Joint Operational Command, the representative of the Chief of Defence in the NATO and European Union military committees, the Chiefs of Staff for training of the Land Forces, the Air Force and the Navy and the Chief of Staff for provision and support.

Article 83. (1) The Chief of Defence shall have a deputy. The presence of either one of them on the territory of the country shall be obligatory.

(2) In exercising his functions the Chief of Defence shall be assisted by the Defence Staff, by the specialised and general administrations of the Ministry of Defence.

(3) A Military Council may be established with the Chief of Defence as an advisory body.

Article 84. (1) The Chief of Defence shall be the most senior serviceman in terms of position and shall be the direct commander of the personnel of the Bulgarian Army.

(2) The Chief of Defence shall command the Bulgarian Army and shall be responsible before the Minister of Defence for its state and readiness to implement the tasks assigned to it.

(3) The Chief of Defence shall exercise his command powers directly or through the Commander of the Joint Operational Command, the Chiefs of Staff for training of the Land Forces, the Air Force and the Navy and the Chief of Staff for provision and support.

Article 85. The Chief of Defence shall assist the Minister of Defence by:

1. analysing and evaluating security risks and military threats for the Republic of Bulgaria, making recommendations for their elimination and drawing up drafts for creating capabilities of the Armed Forces for ensuring the independence of the country and implementing the tasks ensuing from the international agreements to which the Republic of Bulgaria is a party;

2. participating in defence planning and in the organisation and development of the Armed Forces;

3. coordinating with NATO military authorities the planning and use of allied forces when they participate in the defence of the country and the participation of Bulgarian armed forces in the collective defence of member-states;

4. participation in the development of the National Military Strategy, military doctrines, strategic and operational plans of the Armed Forces;

5. bearing responsibility for the combat preparedness in the Bulgarian Army;

6. drawing up recommendations to the Minister of Defence for bringing the Armed Forces or a part thereof into different levels of alert and for carrying out general or partial mobilisation;

7. commanding strategic and mobilisation deployment of the Armed Forces when a higher level of alert, martial law or a state of war are declared;

8. representing on a strategic military level the Republic of Bulgaria at meetings of the European Union Military Committee or the NATO Military Committee;

9. organising the integration of the Bulgarian Army into the forces of NATO, the European Union and other international organisations in case of participation in international missions and operations;

10. participating in the development of plans and programmes for armament and rearmament of the Bulgarian Army;

11. directing the military registration of personnel, equipment and other reserve resources;

12. proposing to the Minister of Defence:

a) to appoint and discharge senior command personnel and to award senior military rank to officers of the Defence Staff and the Bulgarian Army;

b) to appoint officers of the Bulgarian Army as defence attaches, military attaches, to their offices and for work in international organisations;

c) to appoint a military representative to the NATO Military Committee and to the Military Committee of the European Union as well as national military representatives to allied strategic staffs of NATO;

d) to enlist for military service, to award first officer rank, to promote and demote in rank and to discharge from military service officers from the Defence Staff and from the Bulgarian Army;

13. performing methodological guidance of the work of the Georgi Stoykov Rakovski Military Academy and high military schools;

14. being responsible for the drawing up of the statutes of the Armed Forces;

15, organising the participation of military formations of the Bulgarian Army in eliminating the effects of disasters on a decision of the competent authority;

16. directing military intelligence in the Bulgarian Army;

17. organising and bearing responsibility for the establishment and maintenance of the Integrated Communication and Information System for governing the country and commanding the Armed Forces in case of a state of emergency, martial law and/or war and bearing responsibility for the communication and information provision of the Bulgarian Army.

Article 86. (1) In exercising his powers the Chief of Defence shall issue orders, directions and instructions.

(2) Acts of the Chief of Defence pursuant to paragraph 1 which are directly related to defence shall not be subject to judicial appeal.

Article 87. (1) The Bulgarian Army shall be the basis of the Armed Forces for achieving the objectives of the country's defence and for participating in operations and missions outside the territory of the Republic of Bulgaria.

(2) The Bulgarian Army shall be a professional army in peacetime.

Article 88. (1) The Bulgarian Army shall consist of:

1. command and staffs;

2. military formations subordinated directly to the command and the staffs;

(2) The Command and the staffs in the Bulgarian Army shall be the following:

1. Joint Operational Command;

2. the Staff for Training of the Land Forces;

3. the Staff for Training of the Air Force;

4. the Staff for Training of the Navy;

5. The Staff for Provision and Support.

Article 89. (1) The Joint Operational Command shall be a structure for planning and conducting operations on the territory of the country and outside of it.

(2) the Joint Operational Command shall:

1. draw up operational plans for the operation of the Armed Forces in time of peace and of war;

2. plan and command operations on the territory of the country and exercise national control

over the armed forces in the course of their participation in operations outside of it;

3. conduct joint training of the Bulgarian Army;

4. coordinate the participation of formations of the Bulgarian Army in joint training with allied forces from NATO and from European Union member-states;

5. collect, analyse and summarise the experience of the participation of the armed forces in missions, operations, exercises and training with a view to use it in the training of the Armed Forces;

Article 90. (1) The staffs for training shall be structures for organisation and command of the combat, tactical and mobilisation preparation, mobilisation deployment and equipment of military formations of the Land Forces, the Air Force and the Navy to implement tasks on the territory of the country and outside of it.

(2) The Staff for Provision and Support shall be a structure for organisation and command of the logistic provision and the communication and information support of military formations on the territory of the country and outside of it. The Staff for Provision and Support shall conduct mobilisation deployment of the formations subordinated to it.

(3) The staffs for training and the Staff for Provision and Support shall ensure the implementation of the experience from the participation of the armed forces in missions, operations, exercises and training.

Article 91. The structure of the Bulgarian Army and the territorial deployment of military formations shall be determined with an act of the Council of Ministers.

Article 92. (1) The military academies shall be:

1. the Military Medical Academy which shall be a medical establishment under article 5, paragraph 1 of the Medical Treatment Facilities Act with a seat in the city of Sofia;

2. the Georgi Stoykov Rakovski Military Academy with a seat in the city of Sofia;

(2) The Military Medical Academy shall be a medical treatment facility for outpatient and hospital treatment, for drawing up military medical expert opinions and for carrying out military medical research and education.

(3) The Georgi Stoykov Rakovski Military Academy shall be a state high school for education to acquire educational and qualification degree of master and educational and academic degree of doctor in accredited military and civilian subjects, for improving the qualification of experts and for carrying out science and applied research in the field of national security, defence and military sciences.

Article 93. (1) The military high schools shall be:

1. The Vassil Levski National Military University with a seat in Veliko Turnvo with a faculty Artillery, Air Defence and Communication and Information Systems in the town of Shumen;

2. The Nikola Yonkov Vaptsarov High Naval School with a seat in Varna;

3. The Georgi Benkovski Air Force High School with a seat in the town of Dolna Mitropoliya.

(2) The Vassil Levski National Military University shall be a state high military school for education to acquire educational and qualification degrees in accredited military and civilian subjects, for improving the qualification of experts and for carrying out science and applied research in the field of national security, defence and military sciences.

(3) The Nikola Yonkov Vaptsarov High Naval School shall be a specialised state high military school for education to acquire educational and qualification degrees in accredited military and civilian subjects, for improving the qualification of experts and for carrying out science and applied research in the field of naval sciences and the defence of the country.

(4) The Georgi Benkovski Air Force High School shall be a specialised state high military school for education to acquire educational and qualification degrees in accredited military and civilian subjects in the field of military and civil aviation, the air force and the defence of the country.

(5) Professional colleges may be established within the structure of the high military schools under paragraph 1 for training sergeants (petty officers) to acquire fourth degree of professional qualification pursuant to the Vocational Education and Training Act and training centres for training soldiers (seamen).

Article 94. (1) Military academies and military high schools shall be established with a decision of the National Assembly, professional colleges - with an order of the Minister of Education and Science on a proposal of the Minister of Defence, and training centres - with an order of the Minister of Defence.

(2) Military academies, high military schools and professional colleges shall apply the provisions of the Higher Education Act, the Vocational Education and Training Act and the Public Education Act unless this Act and the acts for their establishment provide otherwise.

(3) The Military Medical Academy shall be established and transformed by the Council of Ministers on a proposal of the Minister of Health in coordination with the Minister of Defence and shall apply the Medical Treatment Facilities Act unless otherwise provided herein.

(4) Control on the drawing up and the implementation of the budgets of military academies and high military schools shall be exercised under a procedure specified with an act of the Minister of Defence.

Article 95. (1) The regulations on the organisation and the operation of military academies and high 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 and Science and in relation to the Military Medical Academy - in coordination with the Minister of Health.

(2) The regulations on the organisation and the operation of professional colleges shall be issued by the Minister of Defence on a proposal of the commanders of higher military schools.

(3) Subjects and curricula in military academies and high military schools shall be approved by the Minister of Defence in coordination with the Minister of Education and Science.

(4) State educational standards, specialties, 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 and Science.

(5) In the course of tuition in military specialties high 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 specialties.

Article 96. (1) The Georgi Stoykov Rakovski Military Academy and high military schools and the specialties therein for acquiring higher education in educational and qualification degrees as well as in science specialties 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.

(3) The Military Medical Academy shall conduct education for acquiring educational and science academic degree of doctor in science and scholarly specialties which have been accredited pursuant to the Higher Education Act.

Article 97. (1) Commanders and deputy-commanders of military academies and high military schools, heads of professional colleges and training centres shall be servicemen who shall be appointed and discharged under the procedures herein.

(2) Commanders and deputy-commanders for education and research of military academies and high military schools shall be persons with academic rank.

(3) Faculties within 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 higher military schools.

(4) The academic staff of military academies and high military schools shall consist of servicemen and civilian employees occupying teaching, academic and research positions.

(5) At military academies and high military schools academic titles of assistant and research associate shall be awarded to servicemen with university degree under the age of 45 and to servicemen with academic degree under the age of 47. The terms and procedures for awarding academic degrees and for occupying academic and teaching positions by the academic staff of military academies and high military schools shall be specified in the Regulation on the implementation of this Act.

(6) The teaching staff at professional colleges shall be instructors.

(7) Military academies and high military schools may invite foreign nationals to academic

and teaching positions.

(8) The Minister of Defence may appoint for a duration not exceeding one year on a provisional basis acting commanders and deputy-commanders of military academies and high military schools who may not comply with the requirements in paragraph 2.

Article 98. (1) Officers studying at the Georgi Stoykov Rakovski Military Academy for acquiring educational and qualification degree of master in specialities of the professional course in military sciences shall be undergraduates.

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

(3) Servicemen studying at sergeant (petty officer) professional colleges shall be trainees.

(4) Cadets shall receive uniforms, insignia and stipend in an amount and under terms and procedures specified in an order of the Minister of Defence.

(5) During tuition cadets may be assigned tasks related to their training for military service.

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

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

Article 99. (1) Discharging students from military academies, 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, higher military schools and professional colleges may not restore their rights and may not be accepted back for tuition.

Article 100. (1) The Military Information Service shall be a special service and the Military Police Service shall be a specialised service at the Ministry of Defence. They shall be legal persons supported by the state budget.

(2) Heads of services under 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) Heads of services under paragraph 1 shall be directly subordinated to the Minister of Defence.

(4) The Minister of Defence shall approve codes of ethics for officers in the services under paragraph 1.

(5) The structure and the organisation of work of the services under paragraph 1, the specific terms for appointing personnel and for carrying out and terminating service in them shall be

specified in regulations adopted by the Council of Ministers.

Article 101. (1) The Military Information Service shall collect, process, analyse, keep 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 102. (1) The Military Police Service shall be a specialised service of the Ministry of Defence for:

1. protection of the order and security at the Ministry and the safety of personnel on its own or jointly with other security and public order protection services;

2. prevention and detection of crimes of a general nature perpetrated by or in complicity with employees of the Ministry and/or on the territory of facilities and installations of the Ministry, as well as investigation of crimes in cases and under the procedure of the Criminal Procedure Code;

3. protection and/or control over the protection of events, facilities and persons from the Ministry, of vehicles carrying personnel, property, money, combat equipment, arms, munitions and other hazardous means, of warehouses with arms, munitions and hazardous means, as well as of foreign military formations and servicemen, delegations and inspections under terms and procedures specified with an act of the Minister of Defence;

4. participation in maintaining order in military formations within operations and missions outside the country's territory;

5. engaging in anti-terrorist activities in the Armed Forces on its own and/or in cooperation with other bodies;

6. investigation of air incidents and incidents with military aircraft;

7. collection, processing, keeping, analysing, using and providing information related to the implementation of the service's functions;

8. exercising fire-prevention control at the facilities of the Ministry.

(2) The Military Police Service shall carry out its work on its own and/or jointly with other state bodies, organisations and citizens who shall be obliged to cooperate and to provide it with the required information related to the performance of its functions under paragraph 1.

(3) The bodies of the Military Police Service, in exercising their legitimate powers, shall be independent from the commanders and chiefs of structures at the Ministry. The procedure for exercising the powers of the Military Police Service in the structures of the Military Information Service shall be determined with an act of the Minister of Defence.

Article 103. (1) Bodies of the Military Police Service shall be servicemen and civilian employees on service contract through whom the service shall perform its functions.

(2) When exercising their functions the bodies of the Military Police Service shall be entitled to:

1. perform operational and investigation work through specific ways and means, as well as through using special intelligence means under a procedure established by the Special Intelligence Means Act and through engaging servicemen and citizens as voluntary collaborators under terms and procedures specified with an act of the Minister of Defence.

2. detain in custody for not more than 24 hours:

a) servicemen at the Ministry of whom there is data that they have perpetrated a crime;

b) persons of whom there is data that they have perpetrated a crime in complicity with employees of the Ministry and/or on the territory of facilities and installations of the Ministry;

c) persons who after due warning consciously prevent military police bodies from performing their official duties, disturb public order and fail to terminate their actions;

d) persons located on the territory of facilities and installations of the Ministry and whose identity cannot be established by the methods specified in article 61, paragraph 2 of the Ministry of the Interior Act;

e) in other cases specified by law or an international agreement to which the Republic of Bulgaria is a party.

3. carry out personal searches of persons under item 2; the search may be carried out only by a person of the same gender as the searched person; a protocol shall be drawn up for each case of search;

4. detect and investigate crimes of a general nature under article 102, paragraph 1, item 2;

5. require, collect and provide information related to maintaining order and security at the Ministry of Defence under a procedure specified with an act of the Minister of Defence;

6. collect and keep information for carrying out police registration of persons under article 102, paragraph 1, item 2 who have been indicted as defendants for a perpetrated crime of a general nature under a procedure specified with an act of the Minister of Defence;

7. carry out inspections to establish the identity and identification actions of persons under

article 102, paragraph 1, item 2 of whom there is data that they have perpetrated crimes or violations of the order at the Ministry;

8. use physical force and auxiliary means as well as firearms as a last resort in performing their official functions only if they cannot be done in a different way under terms and procedures specified with an act of the Minister of Defence ;

9. control compliance with the traffic rules by drivers of military vehicles and by organised groups of servicemen.

(3) From the time of detention persons under paragraph 2, tem 2 shall be entitled to:

1. a defence attorney;

2. be informed immediately of the grounds for their detention in a language comprehensible for them;

3. appeal before the court the lawfulness of their detention and the court shall rule on the appeal forthwith.

(4) The bodies of the Military Police Service shall be obliged to notify of the detention immediately a person specified by the detainee.

(5) The bodies of the Military Police Service may issue written or oral instructions to the employees of the Ministry of Defence within their powers.

(6) Servicemen and civilian employees under a service contract from the Military Police Service may carry service firearms under terms and procedures specified with an instruction of the commander of the service.

Article 104. (1) The National Guard Unit shall be a representative military formation and shall be a legal person.

(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 105. (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.

(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.

(4) The Inspectorate shall conduct inspections of combat training, defence and mobilisation readiness, army order and discipline and operational capabilities of formations in the Bulgarian Army.

(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) The Inspectorate shall engage in cooperation in and control over the implementation of the recommendations and proposal of the Ombudsman of the Republic of Bulgaria.

(7) 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 106. (1) The Minister of Defence may establish military sports formations, centres and schools for sport excellence in which military service may be performed.

(2) The structure, the organisation of work and the numbers of structures under paragraph 1 shall be determined with a regulation by the Minister of Defence.

Article 107. (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 artifacts 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, approved by the Minister of Culture.

Chapter Five

STATE OF WAR, MARTIAL LAW AND STATE 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) 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, the Minister of Economy and Energy, the Minister of Regional Development and Public Works, the Minister of Emergency Situations, the Minister of Finance, the Chief of Defence, the Chairman of the National Security State Agency, the Chairman of the Information Technologies and Communications 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. (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 specialised formations of the Armed Forces under article 50, paragraph 2;

2. reservists who are at the time in the Armed Forces;

3. cadets.

(2) For persons who have not taken the military oath wartime service shall start after the oath.

(3) Reservists with mobilisation designation shall be deemed in wartime military service as of the moment of their notification.

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 high 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 provide to the Minister of Defence full information related to the country's defence tasks.

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. (1) Mobilisation shall be a process of transferring the Armed Forces and specialised formations 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) 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 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.

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. (1) Military service shall be a state service for preparation for and carrying out the armed defence of the country.

(2) Military service shall be performed under a service contract under terms and procedures specified herein and in the regulation on the implementation of this Act and the statutes of the Armed Forces.

Article 134. (1) Military service shall be performed as a profession in military formations and structures of the Ministry of Defence on the territory of the country and outside of it.

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

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 135. Servicemen shall be officers, sergeants (petty officers) and soldiers (seamen).

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

(2) Positions for which general officer ranks are 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

3. Junior officer ranks

Article 139. Enlistment for military service and its performance by servicemen shall be based on the following principles:

1. centralised planning and management of selection and professional development of servicemen;
2. equal opportunities based on requirements and criteria established in advance for occupying positions in the Armed Forces;
3. using incentives and public procedures for appointment, career and personnel development and for terminating the contract for military service.

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) Only Bulgarian nationals shall be accepted for military service who comply with the following requirements:

1. have a university degree in the speciality for which they apply - for officers and a high school or a higher education certificate - for sergeants (petty officers) and soldiers (seamen).

2. are under 40 years of age - for officers, 33 years - for 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) Fitness for military service under paragraph 1, item 3 shall be determined by military medical authorities and psychologists under terms and procedures specified with an act of the Minister of Defence.

(3) The Minister of Defence may accept to military service also persons with special merits for the Republic of Bulgaria in the public and economic field, in the field of science, technology, culture or sport who do not comply with the requirements of paragraph 1, items 1, 2 and 8.

(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) The Minister of Defence may specify positions for servicemen to be occupied by persons with dual of foreign citizenship or stateless persons in compliance with the requirements of the Classified Information Protection Act.

Article 142. (1) The terms and procedures for enrolment to military academies and high military schools shall be determined annually with a regulation of the Minister of Defence. The number of persons accepted to high military schools shall be determined in compliance with the needs of the Armed Forces for ten-year periods.

(2) Persons accepted to high military schools for the needs of the Ministry of Defence shall conclude tuition contracts with the commander of the school.

(3) Tuition at high military schools of persons who have not come of age shall be done after concluding a contract which shall be signed with their parents or guardians' consent.

(4) The rights and obligations of trainees under paragraph 1 shall be determined in the regulation on the organisation and operation of military academies and high military schools and

in the tuition contract.

(5) Persons who have graduated from the regular form of tuition at high military schools for the needs of the Ministry of Defence shall be obliged to perform military service for a period of at least ten years.

(6) Enlistment orders of persons who have graduated from high military schools shall be issued after the completion of tuition.

Article 143. (1) 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 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) On the basis of a competition persons who have graduated from civilian secondary or high schools shall also be accepted for military service. They shall undergo initial military training at a high military school, at a professional college or in a training centre.

(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) Persons under paragraph 1 shall be obliged to perform military service for a period of at least ten years - for officers, five years - for sergeants (petty officers) and three years - for soldiers (seamen).

(4) On entering military service the period under paragraph 3 for officers and sergeants (petty officers) shall include a one-year trial period as of the date of occupying the position. Within the trial period the Minister of Defence or an official authorised by him may terminate the contract for serving military service without prior notification.

(5) The trial period shall run during the tuition also when the serviceman is on leave.

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 general 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. of sergeants (petty officers) and of soldiers (seamen) - with an order of officials authorised by the Minister of Defence.

Article 147. (1) In order to enlist for military service at the Ministry of Defence 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) When submitting the application the candidate shall sign a statement on the existence of circumstances under article 141, paragraph 1, items 4 through 7 and of the absence of circumstances under article 188.

(4) in order to enlist for military service persons who have graduated from a high military school shall sign statements under paragraph 3.

Article 148. (1) The legal relation for serving military service shall start on the basis of an order on enlistment for military service.

(2) The order under paragraph 1 shall be issued in writing and shall contain:

1. the legal grounds for the appointment to a position;

2. the names and the position of the person issuing the order;

3. the full name of the appointed person;
4. the awarded military rank;
5. the name of the position to which the appointment is made;
6. the amount of the basic monthly pay and supplementary allowances;
7. the date of issue;
8. the signature of the person issuing the order.

(3) The location of the service and additional terms related to the specificities of the position may be determined in the order.

(4) The order shall be handed to the appointed person against a signature.

Article 149. (1) After being handed the enlistment order the serviceman shall be obliged to take a military oath which shall be attested to by signing an oath paper.

(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) The text of the military oath for persons with foreign citizenship or of stateless persons shall be determined by the Minister of Defence.

Article 150. (1) On enlistment for military service the serviceman shall submit a statement on his property and income and a statement that he is not a member of a political party.

(2) Every year by 31 March servicemen shall submit a statement on their property and income.

(3) Should there be a change in the circumstances under paragraphs 1 and 2 servicemen shall submit a statement within one month of their occurrence.

Article 151. (1) Servicemen shall occupy the position of their designation within ten days after receiving the enlistment order. This shall be certified with an act on assuming the position.

(2) Military service shall start with occupying a position.

(3) Should the serviceman fail to take an oath or to assume his position within the term of paragraph 1 due to good reasons a new deadline for taking the position shall be determined.

Article 152. Should the serviceman fail to appear at his designation within the term under article 151, paragraph 1, to take an oath or to submit the statements under article 150, paragraph 1 the issued enlistment order shall be cancelled. In this case the legal relation on serving military

service shall be deemed non-existent.

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) For merits to the defence of the country servicemen may be promoted in military rank in addition to the case under paragraph 1 on a decision of the Minister of Defence. Only first officer rank may be awarded or only one rank may be passed over under the procedure of this paragraph.

(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) The military ranks of soldier and seaman 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) The terms and procedures for conducting evaluation shall be determined with an act of the Council of Ministers.

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. for soldiers (seamen) - 49 years;
2. for sergeants (petty officers) and junior officers - 50 years;
3. for officers with the rank of major (captain III rank) - 51 years;
4. for officers with the rank of lieutenant colonel (captain II rank) - 52 years;
5. for officers with the rank of colonel (captain I rank) - 55 years;
6. for officers with the rank of brigadier general (commodore) - 57 years;
7. for officers with the rank of major general (rear admiral) - 60 years;
8. for officers with the rank of lieutenant general (vice admiral) - 60 years;
9. for officers with the rank of general (admiral) - 60 years.

(2) The age limit for officers with a military rank up to colonel inclusive who occupy a position for which an academic degree or a doctoral degree is required shall be 57 years.

(3) On a decision of the Minister of Defence persons under paragraph 2 may continue to occupy their positions after completing the age limit but not longer than:

1. two years - for persons with an academic and educational degree of doctor or PhD;
2. three years - for persons with an academic rank of associate professor or senior research associate 2nd degree;
3. five years - for persons with an academic rank of professor or senior research associate 1st degree;

Article 161. The legal relationship for serving military service shall be terminated:

1. with officers of the general command staff - with a decree of the President of the Republic on a proposal of the Council of Ministers; the decree of the President shall be countersigned by the Prime-Minister; the implementation of the decree shall be assigned to the Minister of Defence;

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

3. with sergeants (petty officers) and soldiers (seamen) - with an order of officials authorised

by the Minister of Defence.

Article 162. The legal relationship for serving military service shall be terminated 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 this it shall be deemed that the proposal has not been accepted;

2. when the serviceman reaches the age limit;

3. in case the serviceman becomes unfit for military service and this is certified by military medical authorities and psychologists;

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) The legal relationship for serving military service may be terminated 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. The legal relationship for serving military service may be terminated 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. amendments to the requirements for occupying the position if the serviceman does not meet them;

3. expiry of the maximum term for staying in a military rank and lack of possibility to offer a position 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. The legal relationship for serving military service shall be terminated without a notification:

1. when the grounds for enlisting for military service under article 141, paragraph 1, item 6 are no longer valid;

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. when incompatibility is established pursuant to article 188; when the incompatibility is pursuant to article 188, paragraph 2, item 1 the legal relationship shall be terminated by the decision of the appointing body with one of the two servicemen;

6. when the serviceman fails to cover for more than three months the standards for physical fitness specified by the Minister of Defence;

7. when the clearance for access to classified information is withdrawn;

8. on the expiry of the maximum term for staying in military rank and a refusal of the serviceman to occupy the position proposed to him corresponding to his education and 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. when there is incompatibility with the requirements for occupying the position established pursuant to the regulation on the implementation of this Act;

11. when a conflict of interests is established with an effective act pursuant to the Conflict of Interests Prevention and Disclosure Act.

Article 166. (1) The Chiefs of the Military Information Service and the Military Police Service shall terminate or shall propose to the Minister of Defence to terminate legal relationships for serving 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 officers of the respective service.

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

Article 167. (1) In the cases under article 164, item 1 the Minister of Defence shall announce vacant positions in the reorganised or in other military formations for which 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. The party that is entitled to terminate the legal relationship for serving military service 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. Servicemen who have acquired pension rights pursuant to article 69 of the Social Insurance Code may be discharged from service on their own application with the consent of the Minister of Defence.

Article 170. (1) The legal relationship for serving military service 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. (1) Servicemen may appeal against the order pursuant to article 161, item 3 under an administrative procedure before the Minister of Defence pursuant to the Administrative Procedure Code.

(2) The order pursuant to article 161, items 2 and 3 may be appealed against under a judicial procedure through the body that has issued it.

(3) The appeal against an order for discharge from military service shall not suspend its implementation.

(4) No state fees shall be collected for the proceedings under paragraph 2.

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.

(2) When the discharge order is revoked the serviceman shall be reinstated 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.

Article 174. (1) Servicemen shall wear uniform and insignia approved by the Minister of Defence.

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

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) Servicemen shall be obliged to comply with the statutes, normative and administrative acts of bodies of the Ministry of Defence 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 on the territory of another state or have been taken prisoner shall preserve their servicemen status under this Act.

Article 182. (1) Servicemen shall not be entitled to be members of political parties, movements or coalitions with political ends and to take official actions infringing on their political neutrality.

(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) Servicemen may not participate in meetings, rallies and demonstrations of political parties, movements or coalitions with political ends.

(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. (1) Servicemen may not refuse to fulfil their official duties on the grounds of religious motives or to engage in religious or atheistic propaganda when they perform their official duties.

(2) The creation of religious 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) In peacetime servicemen may associate to carry out activities of mutual interest outside their official duties. 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.

(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.

(4) The operation of associations at the Ministry shall be regulated through agreements between the association and the Minister of Defence.

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) Servicemen who have been registered as candidates for elected office by a political party or a coalition shall be dismissed from military service.

(3) Servicemen who have been elected as members of Parliament or mayors 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 after termination of their powers.

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

(2) There shall be incompatibility with military service at the Ministry 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. is a sole trader, partner in a commercial company, manager or member of managing bodies of a commercial company or a cooperative, trade representative, procurator, receiver or trustee in bankruptcy unless he was assigned to participate in management bodies of companies ex officio.

3. engages in commercial activities;

4. works under an employment relationship or under a civil contract save for engaging in teaching, medical, research and development, sports or another creative activity;

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

(3) 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.

(4) There shall be no incompatibility with the service for participation in non-profit legal persons.

(5) 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 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.

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) In case the service time under paragraph 2 is exceeded servicemen shall be paid supplementary pay under article 214, paragraph 1, item 3.

(4) For carrying out the service during national holidays servicemen shall receive supplementary pay amounting to 100 percent calculated on their basic pay.

(5) 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 emergency situation, martial law or a state of war is declared.

(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. In the cases when servicemen carry out duty on schedule they shall receive supplementary pay under article 214, paragraph 1, item 1 for the hours exceeding the service time under article 194, paragraph 2 or for holidays.

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. Commanders and superiors shall be obliged to ensure the use of annual leave within the respective calendar year. Postponement of annual leave shall be allowed in case of service need with the consent of the serviceman but for not more than one year.

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. 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.

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;
3. participate in meetings as municipal councillors or as jurors.

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

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. For the duration of the paid annual leave servicemen shall receive the gross monthly pay determined by their service contract 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. The Minister of Defence may announce holidays for servicemen and civilian employees of the Ministry of Defence 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. for sergeants - of at least 1.75;
3. for soldiers - of at least 1.6.

Article 213. (1) Servicemen shall receive supplementary pay for length of service in addition to the basic monthly pay as follows:

1. two percent - for the first year of service;
2. five percent - for two years of service;
3. ten percent - for three and four years of service;
4. 20 percent - for five and six years of service;
5. 25 percent - for seven to nine years of service;
6. 30 percent - for ten and eleven years of service;
7. 35 percent - for twelve to 14 years of service;
8. 40 percent - after 15 years of service.

(2) When determining the amount of supplementary pay for length of service the entire length of service equal to first category labour shall be taken into account.

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. educational or academic degree;
5. high performance in the service on the basis of an evaluation;

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) The supplementary allowance under paragraph 1, item 5 shall be paid quarterly.

(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. The gross monthly pay of servicemen shall consist of a basic monthly pay and supplementary payments.

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. 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.

Section VII

Material Provision of Servicemen

Article 224. (1) Servicemen shall be paid for uniform attire.

(2) Servicemen shall be provided with food. When it is objectively impossible to ensure food in kind servicemen shall be paid its cash equivalent.

(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 225. (1) Servicemen shall be ensured with:

1. free cooked food and refreshment drinks when on night duty and when they participate in classes, exercises, trainings and camps;

2. free food when they perform functions of a special nature;

3. personal protective equipment, special and work clothes;

4. other articles and equipment.

(2) Allowances under paragraph 1 shall be tax exempt and shall be ensured in the shape and under norms 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.

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) 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.

(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) Compensations under paragraphs 1 through 8 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) 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 amounting to the minimum pay established for the country.

(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) Unemployed spouses of servicemen participating in international operations and missions shall be paid compensation amounting to the minimum pay established for the

country for the duration of the operation or mission.

(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) Children under the age of 27 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) The Ministry of Defence shall be entitled to a claim against the person which is culpable of causing the injury or the death.

Article 234. 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 injury or the death of the serviceman, which shall include:

1. basic monthly pay;

2. supplementary monthly allowances for time served, for specific conditions of serving military service and for educational and academic degree.

Article 235. (1) Servicemen shall be entitled to pay and compensations under terms and

procedures specified with an act of the Minister of Defence.

(2) Compensations under this Section shall be paid within 45 days after the occurrence of the grounds for payment under a procedure 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 Code of Civil Procedure.

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) 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) 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. The cash equivalent of the award shall be tax free.

(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.

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 fulfil 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:

1. censure
2. reprimand
3. strict reprimand
4. caution on demotion in military rank by one grade for a period from six months to one year;
5. demotion in military rank by one grade for a period from six months to one year;

6. caution on dismissal;

7. 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. failure to submit a statement under article 188, paragraph 5;

4. breach of the classified information protection rules which has led to unauthorised access;

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) The disciplinary sanctions of censure and reprimand shall be imposed within 10 days after the establishment of the offence but not later than six months after its perpetration.

(2) The remaining disciplinary sanctions shall be imposed within two months after the establishment of the offence but not later than one year 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 benefitted 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 Code of Civil Procedure.

(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) Cadets discharged from tuition under the procedure specified in the regulations of the high military schools, the ones who have left on their own wish prior to graduation as well as the ones who have graduated from the high military school whose orders for enlistment for military service have been repealed under the procedure of article 152 shall reimburse the living 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) 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 and if the sum payable cannot be collected in this manner and in the cases under paragraph 2 the receivable shall be collected under the procedure of the Code of Civil Procedure on the basis of an excerpt from the accounting books.

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.

(3) 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.

(4) 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 general 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 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

Article 263. (1) A reserve of the Armed Forces shall function in peace and wartime for the purpose of enhancing defence capabilities of the Armed Forces.

(2) The reserve of the Armed Forces shall be the human resources and hardware specified herein.

(3) The numbers of human resources of the reserve under paragraph 2 shall be determined with an act of the Council of Ministers.

Article 264. (1) The human resources reserve of the Armed Forces shall be standing and mobilisation, it shall be formed pursuant to the organisational structure of the Armed Forces and shall be subject to military registration.

(2) Military ranks shall be awarded to and withdrawn from persons from the standing and mobilisation reserve. They shall be promoted in military rank consecutively under terms and procedures specified with the regulation on the Armed Forces reserve.

(3) The reserve of hardware shall be the equipment that is subject to military registration and is intended for mobilisation purposes.

Article 265. (1) The standing reserve shall be intended for manning military formations in peacetime.

(2) The human resources mobilisation reserve shall be intended for manning the Armed Forces during mobilisation and shall include Bulgarian nationals fit for military service in the Armed Forces who have military training or a certain civilian speciality and have received a mobilisation designation under wartime staffs.

(3) The hardware mobilisation reserve shall be the equipment which has mobilisation designation for equipping the Armed Forces under wartime staffs.

Article 266. (1) The formation and use of the Armed Forces reserve in peacetime shall be planned, organised, trained and commanded by the Minister of Defence.

(2) The formation and use of the reserve of the special formations of the Armed Forces in peacetime shall be planned, organised, trained and commanded by the head of the respective department.

(3) The formation and use of the Armed Forces reserve in wartime shall be commanded by the Supreme Commander.

Article 267. (1) The military registration of nationals of the Republic of Bulgaria shall include the registration of the standing and the mobilisation reserve as well as the registration of:

1. all males over the age of 18;

2. females who practice professions and specialities specified in the regulation on the Armed Forces reserve.

(2) Including in and excluding from military registration shall be done ex officio under terms and procedures specified in the regulation on the Armed Forces reserve.

(3) Bulgarian nationals who have been entered in the military register, have not received a mobilisation designation, and have not concluded a service contract for the standing reserve shall be persons subject to military registration.

(4) Military registration obligations of persons under paragraph 3 shall be terminated on:

1. reaching the age limit for military registration;

2. becoming unfit for wartime military service;

3. enlistment for military service;

4. concluding a service contract under the Ministry of the Interior Act and The State Agency for National Security Act as well as on concluding a service or an employment contract at the Ministry of Emergency Situations and the Ministry of Transport;

5. death;

6. release or divestment from Bulgarian citizenship.

(5) The age limit for military registration of the persons under paragraph 3 shall be:

1. for persons subject to military registration without military training - 35 years of age;

2. for persons subject to military registration with military training:

a) for soldiers and sergeants (petty officers) - 55 years of age;

b) for junior officers - 55 years of age;

c) for senior officers - 60 years of age;

d) for officers with general military ranks - 63 years of age;

3. for persons subject to military registration who have terminated their service contracts under the Ministry of the Interior Act and The State Agency for National Security Act - 62 years of age.

Article 268. (1) The military registration of hardware shall include the registration of vehicles, trailers, tractors, engineering machines, elevators and hoists, the specialised rolling stock, aircraft, ships and other equipment which is in good working order and is needed by the Armed Forces.

(2) Including in and excluding hardware from military registration shall be done ex officio under terms and procedures specified in the regulation on the Armed Forces reserve.

(3) Hardware entered in the military registration without a mobilisation designation shall be hardware subject to military registration.

(4) The hardware under paragraph 3 shall be removed from the military register in case of destruction, damage and changes in the construction which render it unusable.

Article 269. The service in the reserve of the Armed Forces shall be a service with a special purpose which shall be performed pursuant to this Act and the acts on its implementation.

Article 270. Bulgarian nationals who meet the following requirements shall be enlisted in the standing reserve:

1. have not completed the age limit for service in the mobilisation reserve;

2. are fit for military service;

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

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

5. have no other citizenship;

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

Article 271. (1) The service in the standing reserve shall be performed under terms and procedures specified in the regulation on the Armed Forces reserve and in the concluded contract between the reservist and the Minister of Defence or an official authorised by him.

(2) The service in the standing reserve shall include the duty to implement the contract actively and the obligations to be available for active implementation of the contract.

(3) During the active implementation of the standing reserve service contract citizens shall

have the status of servicemen and when they are available - of reservists.

Article 272. (1) The standing reserve service contract shall specify the term of the contract, the locality of the service, the pay of the reservist, the rights and obligations of the parties to the contract and the effects of the failure to implement it.

(2) The standing reserve service contract shall have a term of up to three years which shall be subject to extension by mutual consent of the parties.

Article 273. (1) On being summoned for active implementation of the standing reserve service contract citizens who work under an employment or service contract shall be entitled to a leave under the provisions of Article 158 of the Labour Code, Article 62, paragraph 1, item 6 and paragraph 2 of the Civil Servants Act respectively.

(2) Employers, respectively the appointing bodies shall not be entitled to terminate the employment or service contracts with workers or employees during the active implementation of the standing reserve service contract.

(3) Travel costs of citizens to and from the locality of the active implementation of the standing reserve service contract shall be covered by the Ministry of Defence and shall be paid under terms and procedures specified in the regulation on the Armed Forces reserve.

Article 274. The time during which citizens perform active service in the standing reserve shall be considered as length of service of the first category.

Article 275. The standing reserve service contract shall be terminated:

1. on the expiry of the contract term;
2. on mutual consent of the parties;
3. when some of the circumstances for concluding the contract are no longer valid;
4. on failure to implement obligations under the contract;
5. enlistment for military service;
6. death of the reservist.

Article 276. (1) The service in the mobilisation reserve shall include performance of the duties to maintain mobilisation readiness, to acquire a military or other registration speciality and to improve the military or other special qualification.

(2) The persons below who have received mobilisation designation shall have obligations to the mobilisation reserve:

1. persons discharged from military service;
2. civil servants at the National Security State Agency, civil servants at the Ministry of Emergency Situations and at the Ministry of Transport after the termination of their service or employment contracts;

3. males over the age of 18 who are fit for wartime military service;

4. females in military registration who are fit for wartime military service.

(3) Fitness for wartime military service shall be ascertained by bodies of the Ministry of Defence whose composition and organisation of work shall be specified in the regulation on the Armed Forces reserve.

(4) Citizens who have not taken a military oath before they have been registered in the mobilisation reserve shall sign an oath paper.

Article 277. Discharge from the mobilisation reserve shall take place for:

1. persons who have reached the age limit for the mobilisation reserve;

2. persons established as unfit for wartime military service;

3. persons serving a prison sentence and defendants detained in custody or under house arrest - for the period of serving the sentence or for the period of the measure taken;

4. servicemen and employees of the special formations of the Armed Forces under article 50, paragraph 2;

5. persons who have been excluded from mobilisation designation;

6. on the death of the reservist.

Article 278. (1) The age limit for the mobilisation reserve for the officers shall be:

1. for junior officers - 55 years of age;

2. for senior officers - 60 years of age;

3. for general command personnel - 63 years of age.

(2) The age limit for the mobilisation reserve for soldiers and sergeants (petty officers) shall be 55 years of age.

(3) The age limit for the mobilisation reserve for persons under article 276, paragraph 2, item 2 shall be 62 years of age.

Article 279. (1) Reservists may be summoned once a year for not more than 20 days to training musters, command-staff exercises, command trainings and other mobilisation training events.

(2) Reservists may be summoned also to courses for acquiring a speciality and improving qualifications for a period from 30 to 90 days once every five years.

(3) Hardware from the mobilisation reserve may be used once a year for not longer than 30 days at training musters, command-staff exercises, command trainings and other mobilisation

training events.

(4) Reservists and owners of hardware shall be notified of the events under paragraphs 1 through 3 at least 30 days in advance.

Article 280. In case a reservist is prevented from reporting for a training mobilisation event and an owner of hardware is prevented from providing the hardware they shall be obliged to notify the military registration body and to comply with its instructions.

Article 281. (1) Travel costs for reservists and owners of hardware for participation in a training mobilisation event shall be covered by the department that is organising it.

(2) From the date of reporting at the locality where the training mobilisation event is held until its completion reservists shall have the status of servicemen or civil servants from the department which is holding the event.

(3) Reservists and owners of hardware who have taken part in training mobilisation events shall receive pay in an amount and under terms and procedures specified with an act of the Council of Ministers.

(4) A staff payroll shall be drawn up for each training mobilisation event. Reservists shall be enlisted to positions which correspond to the positions in the wartime staff.

Article 282. The composition of the reserve, the performance of the service in the reserve, the registration procedure for citizens and the related rights and obligations of citizens and the bodies of the Ministry of Defence shall be regulated with rules of the Armed Forces reserve adopted by the Council of Ministers.

Chapter Nine

CIVILIAN EMPLOYEES AT THE MINISTRY OF DEFENCE

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. Civilian employees may not engage in political activity at the Ministry of Defence. They may not express political views during working hours and in formations and facilities of the Ministry.

Article 285. Civilian employees may establish and be members of trade union organisations. They shall not be entitled to strike effectively.

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) Appointment bodies for civilian employees under a service contract shall be the Minister of Defence, executive officers of the executive agencies under the Minister of Defence and heads of services and structures under article 77, paragraph 2, items 4 and 5.

(3) In addition to the cases provided for in the Civil Servants Act the service contract with a civilian employee occupying a position in the services under article 100, paragraph 1 shall be terminated without notification by the head of the respective service also in the cases under article 166, paragraph 1.

Article 291. Employment 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 this 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) 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 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 Code of Civil Procedure 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. educational or academic degree;

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) The supplementary allowance under paragraph 1, item 6 shall be paid quarterly.

(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) Civilian employees shall receive an allowance for work at the Ministry of Defence 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) When civilian employees and servicemen occupy positions with the same functional or educational and qualification requirements their basic monthly pay shall be equal.

(3) The Minister of Defence shall determine the positions to which paragraph 2 shall apply.

Article 298. (1) Civilian employees shall be paid an allowance for representative attire.

(2) Civilian employees shall be provided with food. When it is objectively impossible to ensure food in kind servicemen shall be paid its cash equivalent.

(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 299. To all matters not regulated in this chapter the provisions of the Civil Servants Act and Labour Code shall apply.

Chapter Ten

SOCIAL POLICY CONDUCTED BY THE MINISTRY OF DEFENCE

Article 300. (1) The Ministry of Defence shall conduct a social policy aimed at improving the social environment for the functioning of military formations and of the conditions for work and life of servicemen, civilian employees and their families.

(2) The social policy shall be conducted on the basis of a social strategy adopted by the Minister of Defence for a ten-year period.

Article 301. (1) The social policy shall be conducted by:

1. ensuring the use of a home for the period of service;
2. providing the right to purchase a home from the stock of the Ministry of Defence;
3. ensuring the use of recreational and sports facilities;
4. creating conditions for sporting activities of servicemen, civilian employees and members of their families;
5. supporting the families of servicemen and civilian employees;
6. developing cultural activities and military patriotic education;

7 maintaining a system of activities for social adaptation of persons discharged from military service;

8. care for retired servicemen and civilian employees;

9. supporting servicemen and civilian employees in difficult material circumstances and their families by the Ministry of Defence.

(2) For the purpose of conducting social policy under paragraph 1 the Minister of Defence may establish:

1. centres for individual social services;

2. kindergartens and child daycare;

3. social kitchens;

4. retired servicemen homes;

5. veterans' homes;

6. departmental sports organisation and military sports clubs;

7. other units.

(3) The organisation and the operation of structures, units, clubs and the departmental sports organisation under paragraph 2 shall be determined with an act of the Minister of Defence.

Article 302. (1) A housing fund shall be established at the Ministry of Defence consisting of:

1. departmental homes, studios and garages;

2. homes, studios and garages for sale or exchange.

(2) The Ministry of Defence may rent homes, studios and garages for leasing with the purpose to satisfy the housing needs of servicemen and of civilian employees of the Ministry.

(3) Servicemen of the Ministry of Defence shall not pay rent for the housing used under paragraph 1, item 1 and paragraph 2.

(4) The terms and procedures for settling in the properties under paragraph 1, item 1 and paragraph 2 shall be specified with a regulation of the Minister of Defence.

(5) The terms and procedures for selling or exchange of properties of the Ministry's housing fund shall be determined with a regulation of the Council of Ministers.

Article 303. (1) The Ministry of Defence shall pay compensation sums under terms and procedures determined with an act of the Minister of Defence to servicemen and civilian

employees to whom the Ministry cannot offer housing and who pay rent on the free market.

(2) No compensation sums shall be paid if the serviceman or the civilian employee has rejected a home proposed by the Ministry's fund.

Article 304. (1) Servicemen from the Ministry of Defence may acquire through purchase or exchange against their own property one home, studio or garage from the Ministry's housing fund during the entire term of service if they have served in the Ministry at least 15 years. The requirement for length of service shall not apply in the cases of termination of the contract for performing military service on the grounds of article 164, paragraph 1.

(2) Servicemen from the Ministry of Defence who have taken part in operations and missions outside the territory of the country with a high level of risk shall acquire the entitlement under paragraph 1 if they have served at the Ministry for at least ten years, and if they have taken part in operations and missions outside the territory of the country with a low level of risk - for at least twelve years.

(3) The succeeding spouse and the children of a serviceman who has died during or in relation to performing military service may acquire through purchase or exchange for their own property one home, studio or garage from the Ministry's housing fund if the serviceman has not used the entitlement under paragraphs 1 and 2.

(4) Civilian employees of the Ministry of Defence shall acquire the entitlement under paragraph 1 if they have served at the Ministry for at least 15 years unless a law provides otherwise.

Article 305. (1) Servicemen and civilian employees from the Ministry of Defence and members of their families shall use medical, recreational and prevention facilities, holiday and sports facilities, centres for individual social services, child daycare and kindergartens at the Ministry under terms and procedures specified with an act of the Minister of Defence.

(2) The use of centres for individual social services, child daycare and kindergartens under paragraph 1 shall be free of charge for servicemen and civilian employees of the Ministry of Defence.

(3) The costs for ensuring recreation and rehabilitation of the health of servicemen, civilian employees and their families shall be covered by the funds of the Ministry of Defence's budget allocated for social and cultural services for the respective year.

Article 306. (1) The Ministry of Defence shall ensure to servicemen 7-day physical training free of charge before their departure for participation in an operation or a mission outside the territory of the country for the purpose of which they shall be allowed additional paid leave.

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

Article 307. (1) After returning from an operation or a mission outside the territory of the country the serviceman and the members of his family shall be entitled to a 7-day free holiday at holiday facilities of the Ministry of Defence. For the time of the holiday the serviceman shall be allowed additional paid leave and to the spouse - the employer or the appointment body shall allow to use paid leave.

(2) Funds required for vacation free of charge under paragraph 1 shall be provided from the budget of the operation or mission.

Article 308. (1) In order to ensure a smooth transition to civilian life of persons discharged from military service the Ministry of Defence shall establish and maintain a system for adaptation through:

1. professional orientation;
2. motivation training;
3. tuition at a high civilian school for acquiring the next or different educational or qualification degree;
4. qualification courses;
5. training for starting business;
6. assistance for finding a job;
7. information on the possibilities under items 1 through 6.

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

1. under item 3 - 70 percent covered by the Ministry of Defence and 30 percent covered by the serviceman;
2. under items 1, 2, 4 through 7 covered by the budget of the Ministry of Defence.

(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 309. (1) The rights under article 308, paragraph 1, items 3 and 4 shall be used by the serviceman once for the entire period of the service if he has served three years.

(2) On discharging from military service with the exception of discharging due to the imposition of the disciplinary sanction of dismissal servicemen shall be entitled to use the rights under article 308, paragraph 1, items 1, 2, 5, 6 and 7.

(3) Servicemen who are subject to discharge from military service on the grounds of article 162, item 2, articles 164 and 169 as well as the ones who have become unfit for military service due to or in relation to the performance of their official duties shall be entitled also to a qualification course if they have not used their rights under article 308, paragraph 1, items 3 and 4 during the period of the service.

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

Article 310. (1) The Minister of Defence may assist nationally represented military patriotic unions and organisations by rendering them financial or material aid.

(2) The Minister of Defence may grant to unions under paragraph 1 for use free of charge premises at military clubs or other suitable premises or buildings managed by the Ministry of Defence for performing their patriotic activity.

(3) The terms and procedures for granting financial or material aid and for the free use of premises or buildings shall be determined with an act of the Minister of Defence.

(4) The terms, procedures and criteria for the recognition of military patriotic unions and organisations as nationally represented shall be specified with an act of the Council of Ministers on a proposal of the Minister of Defence.

Article 311. (1) Retired servicemen, military disabled person, war victims and war veterans shall use medical facilities at the Ministry of Defence under a procedure determined by the Minister of Defence.

(2) Persons under paragraph 1 shall use sanatoria, prevention facilities, recreational and sports facilities, social kitchens and daycare at the Ministry of Defence under the terms for servicemen taking into account the rights provided for in the War Invalids and Victims Act and the War Veterans Act.

(3) Family members of retired servicemen may use sanatoria and prevention facilities under the terms and procedures provided for their spouses.

(4) Persons under paragraph 1 and retired civilian employees may use homes for retired servicemen and veterans may use homes for veterans under terms and procedure determined with an act of the Minister of Defence.

Article 312. Servicemen, civilian employees, retired servicemen, military disabled persons and war victims who are in difficult material circumstances may be assisted with monetary funds under terms and procedure determined with a regulation of the Minister of Defence.

Article 313. Children of persons who have died during or in relation to performing the service shall have the rights under article 305. For the period of their tuition in elementary, secondary schools and in regular form of tuition in high schools in the country until they complete 27 years of age the Ministry of Defence shall ensure to them scholarships under terms and procedure determined with an act of the Minister of Defence.

Article 314. The costs for the funeral of a serviceman or a civilian employee shall covered by the Ministry of Defence. Military honours shall be paid with the consent of the relatives.

Article 315. The succeeding spouse, the children and the parents of a serviceman who has died during or in relation to performing military service shall be entitled to free medical and psychological aid under terms and procedures determined with an act of the Minister of Defence.

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. properties intended for satisfying the residential and social needs of servicemen and civilian employees of the Ministry of Defence.

(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. grant them for construction of facilities for meeting the residential or social needs of servicemen and civilian employees at the Ministry;

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) Immoveable properties granted to the Ministry of Defence for management may not be exchanged for immoveable properties owned by natural or legal persons or by municipalities save for the cases under article 304.

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) 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 to prepare them for performing the service.

(2) For the purpose of fulfilling the objectives under paragraph 1 sports facilities and installations may be granted for use:

1. to legal non-profit persons for carrying out activity for the public good whose main purpose corresponds to the purpose of the property and when this main purpose helps physical training, military sport and social policy of the Ministry of Defence under the terms of article 50a of the Physical Education and Sports Act; the period for granting properties to licensed sports organisations or to sports clubs which are members thereof, engaging in activities related to the Armed Forces shall be up to ten years;

2. for a period of up to 20 years under the terms of article 50b of the Physical Education and Sports Act if sports organisations carry out activities related to defence and to the Armed Forces of the country.

(3) Sports facilities and installations granted under the procedure of paragraph 2 shall be used only for their purpose and business in them may be done under the Non-Profit Legal Persons Act. When sports facilities and installations are not used according to their purpose the Minister of Defence shall terminate the concluded contract unilaterally.

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 in compliance with the plan for the organisational structuring 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 immovable and moveable properties, when instituting leaseholds on immovable 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. (1) Candidates with unclear origin and owner of the capital, registered immediately before the participation in the conducted procedures, with a capital stock smaller than the initial (tender) price in the announced procedure as well as commercial companies in which the capital consists of bearer stocks shall not be admitted to participation in the procedures under article 326.

(2) The Minister of Defence may introduce additional requirements in the conducted procedures to achieve the objectives in article 326.

Chapter Twelve

REGISTERS

Article 328. (1) The following registers shall be created and maintained at the Ministry of Defence:

1. register of servicemen;
2. register of immovable properties managed by the Ministry of Defence 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) Any persons shall be entitled to require access to the personal data processed in the registers of the Ministry of Defence 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) 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 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) The terms and procedures for collecting, storage, processing and providing personal data by the Military Police Service shall be determined with an act of the Minister of Defence.

(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. 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 332. A person who fails to comply with a written instruction of a body of the Military Police Service under article 103, paragraph 5 or an order under article 335, paragraph 2 shall be sanctioned with a fine from BGN 100 to BGN 500.

Article 333. A person who illegally prevents a body of the Military Police Service to perform its functions shall be sanctioned with a fine from BGN 200 to BGN 1000 if he/she is not subject to a heavier sanction.

Article 334. (1) 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. (1) 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.

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. "Fitness for wartime military service" shall be a state of physical and mental health in which the person is able to perform service in the reserve.

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.

7. "Wartime" shall be the period after the declaration of war and martial law or the actual start of hostilities.

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. "Allied obligations" shall mean obligations ensuing from an international agreement under item 13.

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.

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.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. This Act shall repeal:

1. The Republic of Bulgaria Defence and Armed Forces Act (promulgated in the State Gazette, No. 112/1995, amend. No. 67/1996, No. 122/1997, No. 70, 93, 152 and 153/1998, No. 12, 67 and 69/1999, No. 49 and 64/2000, No. 25 and 34/2001, No. 1, 40, 45 and 119/2002, No. 50, 86, 95 and 112/2003, No. 93 and 111/2004, No. 27, 38, 76, 88 and 105/2005, No. 30, 36, 56, 82, 91 and 102/2006, No. 11, 41, 46 and 59/2007, Decision No. 9 of the Constitutional Court of 2007 - No. 68/2007, amend. No. 89 and 109/2007, No. 13/2008, Decision No. 2 of the Constitutional Court of 2008 - No. 28/2008; amend. No. 36, 43 and 102/2008).

2. The Act on Commitment and Employment of Bulgarian Armed Forces Outside the Territory of the Republic of Bulgaria (promulgated in SG, No. 102/2005, amend. No/ 46/2007).

3. The Crisis Management Act (promulgated in SG, No. 19/2005; amend. No. 17, 30 and 102/2006, No. 11, 41 and 78/2007, No. 102/2008).

§ 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 Armed Forces Organisational Structuring and Development Plan pursuant to article 22, paragraph 2, item 6, the Classification in article 24, paragraph 1 and until the approval of the posts requiring general 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. (1) Until 2012 the Minister of Defence shall be entitled to extend with a year the longest term for which senior military officers can occupy a certain military rank or a position but not more than three times.

(2) Until 2015 the age limit for military service of sergeants from the Ministry of Defence shall be 52 years.

§ 10. Until the adoption of a regulation on the reserve of the Armed Forces the responsibilities for keeping military registration shall be performed by Regional Military Commands.

§ 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."

§ 13. The following amendments and supplements shall be made to the Electronic Communications Act (promulgated in the SG, No. 41/2007, amend., No. 109/2007, No. 36, 43 and 69/2008, No. 17/2009):

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, amend., 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".

§ 15. The following amendments and supplements shall be made to the Social Insurance Code (promulgated in the SG, No. 110/1999; Decision of the Constitutional Court No. 5 of 2000 - No. 55/2000; amend., No. 64/2000, No. 1, 35 and 41/2001, No. 1, 10, 45, 74, 112, 119 and 120/2002, No. 8, 42, 67,95, 112 and 114/2003, No. 12, 21, 38, 52, 53,69, 70, 112 and 115/2004, No. 38, 39, 76, 102, 103, 104 and 105/2005, No. 17, 30, 34, 56, 68, 80, 82, 95, 102 and 105/2006, No. 41, 52, 53, 64, 77, 97, 100, 109 and 113/2007, No. 33, 43, 67, 69, 89 and 102/2008 and No. 23 and 25/2009):

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:

"§ 8a. When acquiring entitlement under this Code the length of career military service under the repealed Republic of Bulgaria Defence and Armed Forces Act (promulgated in the State Gazette, No. 112/1995, amend. No. 67/1996, No. 122/1997, No. 70, 93, 152 and 153/1998, No. 12, 67 and 69/1999, No. 49 and 64/ 2000, No. 25 and 34/2001, No. 1, 40, 45 and 119/2002, No. 50, 86, 95 and 112/2003, No. 93 and 111/2004, No. 27, 38, 76, 88 and 105/2005, No. 30, 36, 56, 82, 91 and 102/2006, No. 11, 41, 46 and 59/2007, Decision No. 9 of the Constitutional Court of 2007 - No. 68/2007, amend. No. 89 and 109/2007, No. 13/2008, Decision No. 2 of the Constitutional Court of 2008 - No. 28/2008; amend. No. 36, 43 and 102/2008; repealed No. 35/2009) shall be deemed military service.

§ 16. The following amendments and supplements shall be made to the Classified Information Protection Act (promulgated in the SG, No. 45/2002; amend. No. 5/2003; amend. No. 31/2003, No. 52, 55 and 89/2004, No. 17 and 82/2006, No. 46, 57, 95 and 109/2007, No. 36, 66, 69 and 109/2008):

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.

§ 17. The following amendments and supplements shall be made to the State Contingency Reserves and Wartime Stocks Act (promulgated SG, No. 9/2003; amend. No. 37/2003; amend. No. 19, 69 and 105/2005, No. 30 and 102/2006, No. 54/2008):

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."

§ 18. The following amendments and supplements shall be made to the Public Education Act (promulgated in the SG, No. 86/1991, amend. No. 90/1996. No. 36, 124 and 153/1998, No. 67 and 68/1999, No. 90 and 95/2002, No. 29, 71, 86 and 114/2003, No. 40/2004, No. 28, 94, 103 and 105/2005, No. 41 and 105/2006, No. 113/2007, No. 50/2008):

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, amend., 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".

§ 20. The following amendments shall be made to the Labour Code (promulgated in the SG No. 26 and 27/1986, amend., No. 6/1988, No. 21,30 and 94/1990, No. 27, 32 and 104/1991, No. 23, 26, 88 and 100/1992, Decision № 12 of the Constitutional Court of 1995 - No. 69/1995; amend., No. 87/1995, No. 2, 12 and 28/1996, No. 124/1997, No. 22/1998; Decision № 11 of the Constitutional Court of 1998 - No. 52/1998; No. 56, 83, 108 and 133/1998, No. 51, 67 and 110/1999, No. 25/2001, No. 1, 105 and 120/2002, No. 18, 86 and 95/2003, No. 52/2004, No. 19, 27, 46, 76, 83 and 105/2005, No. 24, 30, 48, 57, 68, 75, 102 and 105/2006, No. 40, 46, 59, 64 and 104/2007, No. 43, 94, 108 and 109/2008):

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.

§ 21. The following amendments shall be made to the Civil Servants Act (promulgated, SG, No. 67/1999; amend., No. 1/2000, No. 25, 99 and 110/2001, No. 45/2002, No. 95/2003, No. 70/2004, No. 19/2005, No. 24, 30 and 102/2006, No. 59 and 64/2007, No. 43, 94 and 108/2008)

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.

§ 22. The following amendments shall be made to the Administration Act (promulgated, SG, No. 130/1998, Decision No. 2 of the Constitutional Court of 1999 - No. 8/1999; amend., No. 67/1999, No. 64 and 81/2000, No. 99 and 101/2001, No. 95/2003, No. 19/2005, No. 24, 30, 69 and 102/2006, No. 46 and 78/2007, No. 43 and 94/2008):

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".

§ 23. The following amendments shall be made to article 44, paragraph 1 of the Local Self-government and Local Administration Act (promulgated in SG No. 77/1991; amend., No. 24, 49 and 65/1995, No. 90/1996, No. 122/1997, No. 33, 130 and 154/1998, No. 67 and 69/1999, No. 26 and 85/2000, No. 1/2001, No. 28, 45 and 119/2002, No. 69/2003, No. 19 and 34/2005, No. 30 and 69/2006, No. 61 and 63/2007, No. 54 and 108/2008, No. 6 and 14/2009)

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, amend., 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, amend., 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:

"2. "Military service" in the meaning herein shall be both the career and conscription military service pursuant to the repealed Republic of Bulgaria Defence and Armed Forces Act (promulgated in the State Gazette, No. 112/1995, amend. No. 67/1996, No. 122/1997, No. 70, 93, 152 and 153/1998, No. 12, 67 and 69/1999, No. 49 and 64/ 2000, No. 25 and 34/2001, No. 1, 40, 45 and 119/2002, No. 50, 86, 95 and 112/2003, No. 93 and 111/2004, No. 27, 38, 76, 88 and 105/2005, No. 30, 36, 56, 82, 91 and 102/2006, No. 11, 41, 46 and 59/2007, Decision No. 9 of the Constitutional Court of 2007 - No. 68/2007, amend. No. 89 and 109/2007, No. 13/2008, Decision No. 2 of the Constitutional Court of 2008 - No. 28/2008; amend. No. 36, 43 and 102/2008; repealed No. 35/2009)."

§ 26. The following amendments shall be made to the Bulgarian Identity Documents Act (promulgated in the SG No. 93/1998; amend., No. 53, 67, 70 and 113/1999, No. 108/2000, No. 42/2001, No. 45 and 54/2002, No. 29 and 63/2003, No. 96, 103 and 111/2004, No. 43, 71, 86, 88 and 105/2005, No. 30, 82 and 105/2006, No. 29, 46 and 52/2007, No. 66, 88 and 110/2008):

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; amend., 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 Land Forces, 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, item 10 the words "General Staff of the Bulgarian Army" shall be replaced by the words "Defence Staff".

§ 29. In article 40, paragraph 3, item 10 of the Health Insurance Act (promulgated in the SG No. 70/1998; amend., No. 93 and 153/1998, No. 62, 65, 67, 69, 110 and 113/1999, No. 64/2000, No. 41/2001, No. 1, 54, 74, 107, 112, 119 and 120/2002, No. 8, 50, 107 and 114/2003, No. 28, 38, 49, 70, 85 and 111/2004, No. 39, 45, 76, 99, 102, 103 and 105/2005, No. 17, 18, 30, 33, 34, 59, 80, 95 and 105/2006, No. 11/2007; Decision No. 3 of the Constitutional Court of 2007 - No. 26/2007; amend., No. 31, 46, 53, 59, 97, 100 and 113/2007, No. 37, 71 and 110/2008) the words "career servicemen" shall be replaced by the word "servicemen" and the words "article 233" shall be replaced by the words "article 230".

§ 30. In article 73 of the Administrative Procedure Code (promulgated in the SG No. 30/2006; amend., No. 59 and 64/2007, No. 94/2008) the words "or for crisis management" shall be deleted.

§ 31. The following amendments shall be made to the Veterinary Practice Act (promulgated in the SG, No. 87/2005; amend No. 30, 31, 55 and 88/2006, No. 51 and 84/2007, No. 13, 36 and 100/2008 and No. 27/2009):

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";

§ 32. In article 44, paragraph 1, item 2 of the Water Act (promulgated in the SG No. 67/1999; amend., No. 81/2000, No. 34, 41 and 108/2001, No. 47, 74 and 91/2002, No. 42, 69, 84 and 107/2003, No. 6 and 70/2004, No. 18, 77 and 94/2005, No. 29, 30, 36, 65, 66, 105 and 108/2006, No. 22 and 59/2007, No. 36, 52 and 70/2008, No. 12/2009) the word "crisis" shall be replaced by the word "disaster" and the words "Crisis Management Act" shall be replaced by the words "Protection from Disasters Act".

§ 33. The following amendments shall be made to the National Security State Agency Act (promulgated in the SG No. 109/2007; amend. 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".

Bulgaria Defence and Armed Forces Act".

§ 34. The following amendments shall be made to the Energy Act (promulgated in the SG No. 107/2003; amend., No. 18/2004, No. 18 and 95/2005, No. 30, 65 and 74/2006, No. 49, 55 and 59/2007, No. 36, 43 and 98/2008):

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".

§ 35. The following amendments shall be made to the Railway Transport Act (promulgated in the SG No. 97/2000; amend., No. 47 and 96/2002, No. 70 and 115/2004, No. 77 and 88/2005, No. 36, 37, 62, 92 and 108/2006, No. 22/2009):

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, amend., 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, amend., 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".

§ 39. In article 116, paragraph 1 of the Environment Protection Act (promulgated in the SG No. 91/2002; amend., No. 98/2002; amend., No. 86/2003, No. 70/2004, No. 74, 77, 88, 95 and 105/2005, No. 30, 65, 82, 99, 102 and 105/2006, No. 31, 41 and 89/2007, No. 36, 52 and 105/2008, No. 12 and 19/2009) the words "and crisis management" shall be deleted.

§ 40. Article 5, item 7 of the Liability for Prevention and Remedying of Environmental Damage Act (promulgated in the SG No. 43/2008; amend., No. 12/2009) shall be amended as follows:

"7. activities during declared emergency situation pursuant to the Protection from Disasters

Act."

§ 41. Everywhere in article 12 of the Postal Services Act (promulgated in the SG No. 64/2000; amend., No. 112 /2001, No. 45 and 76 /2002, No. 26 /2003, No. 19, 88, 99 and 105 /2005, No. 34, 37, 80 and 86 /2006, No. 41, 53 and 109 /2007 ; amend., No. 109 /2008) the word "crises" shall be replaced by "disasters".

§ 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; amend., 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".

§ 43. In article 50, paragraph 3 of the Civil Aviation Act (promulgated in the SG No. 94/1972; amend., No. 30/1990, No. 16/1997, No. 85/1998, No. 12/2000, No. 34 and 111/2001, No. 52 and 70/2004, No. 88 and 102/2005, No. 30, 36, 37, 105 and 108/2006, No. 10, 41 and 109/2007, No. 36, 66 and 67/2008) the words "Act on Sending and Using Bulgarian Armed Forces outside the Territory of the Republic of Bulgaria" shall be replaced by "Republic of Bulgaria Defence and Armed Forces Act"

§ 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.

*Note: An update of the English text of this Act is being prepared

following the amendments in SG No. 74/15.09.2009, effective 15.09.2009

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