

Ministry of the Interior Act (repealed)

Promulgated, SG 122/19.12.1997, Decision No. 3 of the Constitutional Court of Bulgaria of 7.03.1998 - SG No. 29/13.03.1998, amended, SG No. 70/19.06.1998, amended and supplemented, SG No. 73/26.06.1998, SG No. 153/23.12.1998 - effective 1.01.1999, amended, SG No. 30/2.04.1999, effective 3.10.1999, SG No. 110/ 18117.12.1999 - effective 1.01.2000, SG No. 1/4.01.2000, amended and supplemented SG No. 29/7.04.2000, SG No. 28/23.03.2001, amended SG No. 45/30.04.2002, supplemented, SG No. 119/27.12.2002 - effective 1.01.2003, amended and supplemented, SG No. 17/21.02.2003, amended, SG No. 26/21.03.2003 - effective 1.01.2003, SG No. 95/28.10.2003, amended and supplemented SG No. 103/25.11.2003, amended SG No. 112/23.12.2003 - effective 1.01.2004, SG No. 114/30.12.2003, SG No. 15/24.02.2004, SG No. 70/10.08.2004 - effective 1.01.2005, amended and supplemented, SG No. 89/12.10.2004, SG No. 11/1.02.2005, amended, SG No. 19/1.03.2005, supplemented, SG No. 27/29.03.2005, amended, SG No. 86/28.10.2005, effective 29.04.2006, supplemented, SG No. 103/23.12.2005, effective 1.01.2006, amended and supplemented SG No. 105/29.12.2005, effective 1.01.2006, repealed, SG No. 17/24.02.2006, effective 1.05.2006

Part One

PRINCIPLES OF MINISTRY OF THE INTERIOR ACTIVITY

Chapter One

GENERAL PROVISIONS

Article 1. (1) This act regulates the principles, activities, structure and managing bodies of the Ministry of the Interior (MoI), the means employed by MoI, the rights, obligations and responsibilities of MoI personnel, and the MoI resource management, aimed at protecting the nation a security and maintaining public order in the Republic of Bulgaria.

(2) MoI bodies shall carry out its national security and public order activity independently or jointly with other authorized state bodies.

Article 2. (1) The activity of MoI shall be subject to civil control the bodies stipulated in the Constitution and this Act.

(2) Civil control guarantees the rule of the civil society over MoI bodies which ensure the constitutional order in the country.

Article 3. The Ministry of the Interior is a legal entity supported by the national budget.

Chapter Two

BASIC PRINCIPLES OF ACTIVITY

Article 4. MoI activity shall be carried out on the basis of the following basic principles:

1. Respecting the Constitution, the laws and the international treaties signed by the Republic of Bulgaria;
2. Respecting the rights and freedoms of the citizens and their personal dignity;
3. Centralized organization and management;
4. Publicity;
5. Secrecy combining both overt and covert methods and means, as prescribed by the act;
6. Cooperation with the citizens.

Article 5. In the course of their official duties MoI officials represent the whole society. They shall be inviolable and under the protection of the act. The inviolability is expressed in special protection of their life and health.

Chapter Three

MAIN OBJECTIVES

Article 6. The main objectives of MoI are:

1. To protect national security and public order;
2. To tackle crime;
3. To protect the rights and freedoms of the citizens as well as their life, health and property;
4. To ensure fire and emergency safety;
5. (Amended - SG No. 29/2000) To control and protect the state border;
6. To protect the economic and financial and credit system of the state and its cultural treasures;
7. To provide information to MoI and the state administration;
8. To provide assistance to other state bodies;
9. International cooperation.

Chapter Four

BASIC ACTIVITIES

Article 7. MoI shall perform the following basic activities in fulfilment of the objectives set in Article 6:

1. Providing information, assessment, analysis and prognosis for development of strategic national security and the public order policies;
2. Preventing any forcible changes in the constitutional state and public system in the Republic of Bulgaria;
3. Taking action against organized crime and corruption;
4. Organizing and conducting investigative work;
5. Prevention;
6. Fight against crime through detection and prevention of crimes and participation in the investigation thereof, in accordance with the procedures stipulated by the act;
7. (Amended - SG No. 29/2000) Guarding and protecting the state border, implementing the border regime and passport and visa control;
8. Guarding strategic and especially important sites and preventing terrorist acts;
9. Fire protection and assistance in natural calamities and industrial disasters;
10. Providing and implementing special investigative techniques, and using and storing the acquired data;
11. (Supplemented - SG No. 17/2003) Developing information databases, designing, developing and implementing automated information systems, managing the information activity and determining the mechanism for information control;
12. (Supplemented - SG No. 17/2003) Acquiring, analysing and storing information, including processing of personal data, and providing that information, as prescribed by the act;
13. Performing technical operations related to provision of special communication facilities to state bodies;

14. (Amended - SG No. 45/2002) Managing and controlling the cryptographic protection of classified information in the Republic of Bulgaria and its diplomatic and consular missions, as well as providing information security for the communication facilities to protect state secrets;
 15. Licensing and controlling activities, as provided for by act;
 16. (Amended - SG No. 29/2000) Controlling the residence regime for foreigners;
 17. Producing identity documents, license documents and seals, and controlling the use thereof;
 18. Monitoring the safety of road traffic, the technical fitness of motor vehicles and the registration of motor vehicles;
 19. Escorting;
 20. Cooperating with other state and international bodies and organizations;
 21. Imposing and implementing administrative coercion measures;
 22. Administrative penalties.
- Article 8.** MoI may be assigned other functions only by act.

Chapter Five

STRUCTURE AND MANAGING BODIES

Section I

Structure

Article 9. (Amended, SG No. 29/2000) (1) (Renumbered from Article 9, SG No. 17/2003, supplemented, SG No. 103/2003) MoI includes the following basic structural units: the central and regional services, the Migration Directorate, the directorates of the specialized and general administration, the training establishments, the research and development institutes, the applied science institutes and the Specialized Anti-Terrorism Squad (SATS).

(2) (New, SG No. 17/2003) A functional contact point shall be established at MoI, subordinated to the Chief Secretary, for the purposes of international operative police cooperation. The contact point shall be active when it is necessary to implement the provisions of an international agreement signed by the Republic of Bulgaria. The organization and the structure of the functional contact point shall be arranged by the minister of the interior.

Article 10. (1) The MoI National Services are:

1. National Security Service;
2. National Police Service;
3. National Service for Combating Organized Crime;
4. National Fire and Emergency Safety Service;
5. National Border Police Service;
6. National Gendarmery Service.

(2) The establishment, organization and activity of the National Services shall be according to this act.

(3) The National Services under paragraph 1 are legal entities.

(4) The National Services under paragraph 1 (1) -(4) are structured into directorates and regional units.

Article 11. (1) The MoI regional services are:

1. Metropolitan Directorate of the Ministry of the Interior;
2. Regional Directorates of the Ministry of the Interior.

(2) Regional services shall be established at the proposal of the minister of the interior by the Council of Ministers, which determines the area of their jurisdiction and their headquarters.

(3) The organization, structure the activity of the regional services shall be arranged as determined by the minister of the interior.

(4) The regional services are legal entities.

(5) (Amended, SG No. 11/2005) The Metropolitan and the regional directorates shall include as part of their structures, regional units "Police", "Combating Organized Crime" and "Fire and Emergency Safety".

Article 12. (1) The minister of the interior may establish in the Metropolitan and the regional directorates of the Ministry of the Interior local police stations and local regional fire and emergency safety services.

(2) The territories to be covered by the units under paragraph 1 shall be determined on the basis of the situation with criminality, public order and fire safety.

(3) The minister of the interior may establish police and fire offices in select settlements on the territory covered by the local police stations and the local fire and emergency safety services, in the framework of the approved number of personnel and budget.

(4) The minister of the interior may establish in the Metropolitan and the regional directorates of the Ministry of the Interior specialized units consisting of military conscripts for fire fighting and additional support in natural calamities and industrial disasters.

(5) The organization and activity of the units under paragraph 4 shall be arranged as determined by the minister of the interior, in co ordination with the minister of defence.

Article 12a. (New - SG No. 103/2003) (1) The Migration Directorate is a legal entity.

(2) The minister of the interior may establish regional migration units within the Metropolitan and regional directorates of the Ministry of the Interior.

Article 12b. (New, SG No. 11/2005) The structure of the National Security Service shall consist of:

1. Security Directorate;
2. Regional Security Units.

Article 13. The structure of the National Border Police Service consists of:

1. Border Police Directorate;
2. Regional Border Sectors;
3. Border Stations;
4. (Repealed - SG No. 17/2003)
5. Border Control Checkpoints.

Article 14. The structure of the National Gendarmery Service consists of:

1. National Gendarmery Directorate;
2. Formations;
3. Units;
4. Subdivisions;
5. Specialized Aviation Detachment.

Article 15. (1) (Amended, SG No. 11/2005) The jurisdiction and the headquarters of the units of the directorates under Articles 12b, 13 and 14 shall be determined by the minister of the interior at the proposal of the respective National Service Director.

(2) The National Border Police Service and the National Gendarmery Service shall recruit military conscripts.

Article 16. (Amended and supplemented, SG No. 29/2000) (1) The specialized administration of MoI includes:

1. Technical Information Directorate;
2. Communications Directorate;

3. Communications Protection Directorate;
4. Outdoor Surveillance Directorate;
5. Inspectorate Directorate;
6. Information and Archive Directorate;
7. National Central Bureau of Interpol, which is a legal entity;
8. (Amended, SG No. 19/2005) Crisis Management, Defence and Mobilisation Preparedness Directorate;
9. Caretaker Directorate.

(2) The organization, structure and activity of the directorates under paragraph 1 shall be arranged as determined by the minister of the interior.

Article 17. (Amended - SG No. 29/2000) (1) The general administration of MoI includes:

1. Coordination and Information Analysis Directorate;
2. Legal Services Directorate;
3. International Cooperation Directorate;
4. Press Centre and Public Relations Directorate;
5. Human Resources Directorate;
6. Financial Resource Management Directorate;
7. Material Supply and Social Services Directorate, which is a legal entity;
8. Audit Directorate.

(2) The organization, structure and activity of the directorates under paragraph 1 shall be arranged as determined by the minister of the interior.

Article 18. The training establishments of MoI are:

1. MoI Academy;
2. (Repealed - SG No. 17/2003)
3. (Amended - SG No. 17/2003) Centres for Specialization and Professional Training.

Article 19 (1) The MoI Academy is a legal entity established by a decision of the National Assembly.

(2) The Rules of Structure and Procedure of the MoI Academy shall be adopted by the Council of Ministers at the proposal of the minister of the interior.

Article 20. (1) The research and development institutes and applied science institutes ("scientific institutes") shall be established, transformed and closed by the Council of Ministers at the proposal of the minister of the interior.

(2) The structure and activity of the institutes under paragraph 1 shall be arranged as determined by the minister of the interior.

Article 21. (1) The Specialized Anti-Terrorism Squad is a specialized MoI service. Its organization and structure shall be determined by the minister of the interior.

(2) The Specialized Anti-Terrorism Squad is a legal entity.

Section II

System Management

Article 22. (1) The managing bodies of MoI are established by this act.

(2) (Amended - SG No. 29/2000) MoI shall be managed by minister, deputy ministers and chief secretary.

Article 23. (1) The minister of the interior shall be in charge of the general and immediate management of the Ministry by:

1. Implementing the state policy on national security and public order in the country;

2. (Supplemented - SG No. 17/2003) Organizing the interaction with other state bodies, as well as with non-governmental organizations working in the same area as the Ministry;
3. Implementing international cooperation in the field of national security and public order;
4. Approving the structure and the full-time positions, opening and closing structural units in the framework of the approved budget and number of personnel;
5. Drafting and proposing the MoI budget;
6. (Amended - SG No. 17/2003) Allocating the MoI budget, managing the financial, material and technical, and supervising the billing officers in the structure of MoI;
7. (Amended - SG No. 29/2000) Managing the human resources;
8. Managing and ensuring the implementation of the social policy;
9. Managing the economic policy, to include establishing business companies using state-owned property with the objective of providing services and auxiliary activities to the Ministry;
10. Being responsible for the management and administration of state owned property;
11. Issuing rules, regulations, instructions and orders and ensuring legal support for the activity;
12. (Amended - SG No. 29/2000) Carrying out other functions stipulated by act.

(2) The minister of the interior is a civilian.

Article 24. (1) (Amended - SG No. 29/2000) The minister of the interior shall perform his/her functions directly and with the support of the deputy ministers and the chief secretary.

(2) (Amended - SG No. 29/2000) In the event of absence the minister of the interior shall be substituted by a deputy minister designated in writing, or by the chief secretary.

(3) In cases of prolonged absence of the minister of the interior the Council of Ministers shall appoint a substitute.

(4) (Amended - SG No. 29/2000) In the course of implementing his/her functions the minister of the interior shall be assisted by political cabinet.

Article 25. The minister of the interior shall issue orders imposing measures for administrative coercion in the cases stipulated by the act.

Article 26. (Renumbered from Article 28 - amended, SG No. 29/2000) (1) The deputy ministers are civilians. They shall assist the minister in the implementation of government policies and his/her ministerial powers.

(2) The minister shall delegate powers to the deputies in writing determining their functions.

(3) In the course of implementing their powers the deputy ministers shall issue orders.

Article 27. (Renumbered from Article 26 - amended, SG No. 29/2000) (1) Chief secretary is the topmost professional law enforcement position at MoI.

(2) The chief secretary shall:

1. (Amended - SG No. 29/2000) Organize, coordinate and supervise the investigative work, the handling of informants and undercover, and the security;
2. Organize the coordination between the law enforcement services in the Ministry;
3. Coordinate the activities with partner services from other countries and other international bodies and organizations;
4. Issue orders in support of the implementation of his/her functions.

Article 28. (Renumbered from Article 27 - SG No. 29/2000) The position of chief secretary requires higher education and at least 5 years professional experience with MoI, the armed forces or the criminal justice system.

Article 29. (Amended - SG No. 29/2000) (1) The political cabinet is directly subordinated to the minister of the interior, it has advisory and analytical functions and maintains MoI's relations with the public.

(2) The political cabinet shall assist the minister of the interior in formulating and developing concrete decisions in support of government policies, as well as in presenting the latter to the public.

(3) The political cabinet shall be composed of the deputy ministers, the chief of cabinet, the parliamentary secretary and the Press Centre and Public Relations director.

(4) The work of the political cabinet shall be organized by the chief of cabinet.

(5) The chief of cabinet and the parliamentary secretary shall be appointed by employment contract and shall be directly subordinated to the minister of the interior.

(6) The expert and technical assistants supporting the political cabinet shall not have managing functions.

(7) The expert and technical assistants shall be appointed by the minister of the interior by employment contract. They shall not have civil servant status, and their legal terms of employment shall be terminated by an order of the minister of the interior or by the termination of the minister's mandate.

(8) The resources for the activity of the political cabinet and the salaries of its staff shall be provided under a separate budget line in the MoI budget.

Section III

Management of the National Services

Article 30. National services shall be headed by directors.

Article 31. (1) The directors shall carry out general and immediate management of the services by:

1. Organizing, managing and be responsible for the activities of the services;
2. (Amended - SG No. 29/2000) Following the orders of the MoI leadership and reporting to it on the individual areas of responsibility;
3. Providing methodological guidance to the structural units established at the regional services;
4. Coordinating their services' activities with other state bodies through the Ministry leadership;
5. Managing the information databases, ensuring and overseeing informational consistency between the national service and the respective regional units;
6. (Amended - SG No. 29/2000) Managing the participation and the international cooperation with partner services from other countries and with international bodies and organizations, in coordination with the International Cooperation Directorate;
7. Allocating the budgets of the services and managing their financial, material and technical resources;
8. (Amended - SG No. 29/2000) Being responsible for the management of the human resources;
9. Being responsible for the maintenance and management of the state property used by the services;
10. Issuing penalty decrees and applying measures for administrative coercion, according to a legally prescribed procedure;
11. Representing the legal entity.

(2) In support of their functions under paragraph 1 the directors shall issue orders.

(3) (Amended - SG No. 29/2000) Directors of national services shall be subject to Article 28.

Article 32. Deputy directors shall perform managing functions, as assigned in writing by the director.

Section IV

Management of the Regional Services

Article 33. MoI regional services shall be headed by directors.

Article 34. (1) The regional service director shall be in charge of the general and immediate management of the activity of the service by:

1. Implementing the state policy on national security and public order on the respective territory;

2. (Amended, SG No. 29/2000) Reporting to the MoI leadership on the entire activity of the service;

3. (Amended, SG No. 11/2005) Coordinating and managing the activity of the regional police, combating organized crime and fire and emergency safety units, as well as the auxiliary forces of the Ministry under their command;

4. (New, SG No. 11/2005) Coordinating the interaction between the units referred to in (3) above and the regional security units;

5. (Amended, SG No. 29/2000, renumbered from item 4, SG No. 11/2005) Organizing the accomplishment of the orders of the MoI management;

6. (Renumbered from item 5, SG No. 11/2005) Managing the information databases;

7. (Renumbered from item 6, SG No. 11/2005) Allocating the budget of the service and managing the material and technical resources;

8. (Renumbered from item 7, SG No. 11/2005) Being responsible for the maintenance and management of the state property used by the service;

9. (Amend, SG No. 29/2000, renumbered from item 8, SG No. 11/2005) Being responsible for the management of the human resources;

10. (Renumbered from item 9, SG No. 11/2005) Ensuring cooperation with the local and other bodies of state;

11. (Renumbered from item 10, SG No. 11/2005) Representing the legal entity;

12. (Renumbered from item 11, SG No. 11/2005) Issuing penalty decrees and applying measures for administrative coercion, according to the legally prescribed procedures.

(2) In support of their functions under paragraph 1 the directors shall issue orders.

Article 35. (1) In the course of their functions regional service directors may be supported by deputy directors.

(2) The deputy directors shall have managing functions assigned in writing by the director.

Section V

Management of the Specialized and General Administration

(Title amended, SG No. 29/2000)

Article 36. (Amended - SG No. 29/2000) The directorates under Article 16 and 17 shall be headed by directors.

Article 37. (Amended - SG No. 29/2000) (1) The directors shall be in charge of the general and direct management and shall be accountable to the MoI leadership for the entire activity of the directorates.

(2) The directors, according to the functions of their directorates, shall provide methodological oversight and control of the activity of their affiliate units in the structure of the Ministry.

Article 38. (Amended - SG No. 29/2000) (1) In their functions directors may be supported by deputy directors.

(2) Deputy directors shall have managing functions assigned to them in writing by the director.

Article 39. (Amended - SG No. 29/2000) The directors of the Material Supply and Social Services Directorate and the National Central Bureau of Interpol shall represent the legal entities.

Section VI

Management of the Training Establishments and Scientific Institutes

Article 40. (1) The MoI Academy shall be headed by Academic Board and Rector.

(2) The academic board shall manage the training and research activities of the Academy by:

1. adopting the curriculum for each specialty and training level, as well as the syllabi for the respective courses, as developed by the departments;
2. adopting the research and development, applied science, editorial and publishing plans;
3. taking decisions for announcing competitions for assistants and full-time lecturers;
4. selecting assistants based on the competitions;
5. promoting part-time lecturers to a higher academic rank;
6. carrying out other functions ensuing from the science- and higher education-related legislation, which are implemented in compliance with this act and its implementing regulations.

(3) The Rector shall be directly in charge of the personnel of the Academy, the cadets and the officers sent for training by their organizations, in terms of fulfilment of their duties related to the training process, the internal order and the discipline at the Academy. The Rector shall:

1. determine the agenda of the academic board meetings;
2. make decisions regarding all issues related to cadets' admission, leaving or transfer;
3. fulfil other functions entrusted by law or assigned by the minister of the interior;
4. represent the legal entity.

(4) The Rector must be a full faculty member and shall be appointed by the minister of the interior.

(5) The members of the academic board shall be appointed by the minister of the interior based on the proposal of the Rector of the Academy.

Article 41. (1) (Amended - SG No. 17/2003) The centres for specialization and professional training shall be managed by Directors and Trainers' Councils. The Combat Training and Sports Centre shall be managed by a Head.

(2) (Amended - SG No. 17/2003) The directors under paragraph 1 shall organize, manage and be responsible for the entire activity of the centres. They shall:

1. Manage the instructional and methodological process;
2. Implement the unified pedagogical requirements for fulfilment of the syllabi;
3. (Amended - SG No. 17/2003) control the holding of examinations, the keeping and storage of documentation.

(3) The Trainers' Councils shall:

1. Adopt the syllabi;
2. Take decisions regarding the results from the training;

(4) (Amended - SG No. 17/2003) The members of the Trainers' Councils shall be appointed by the Rector of the MoI Academy based on the proposal of the directors under paragraph 1.

Article 42. (1) The Medical Institute and the other scientific institutes shall be headed by Directors, who:

1. Organize, manage, control and are responsible for the activity of the institutes;
2. Manage and control the development of the current and long-term action plans, and ensure their fulfilment;
3. Organize the exchange with other institutes and services of the Ministry;
4. Are responsible for the choice, training, further qualification and efficient use of the research personnel;
5. Are responsible for the maintenance and management facilities and materiel placed at their disposal.

(2) The Directors under paragraph 1 must be full-time trainers.

Section VII

Management of the Specialized Counter-Terrorism Squad

Article 43. The Specialized Counter-Terrorism Squad shall be headed by a Commander who shall:

1. Be in charge of the general and immediate management and activity of the organization;
2. Take command from the minister of the interior.

Part Two TASKS, ACTIVITIES, LEGAL POWERS AND BODIES OF THE BASIC STRUCTURAL

UNITS OF THE MINISTRY OF THE INTERIOR

Chapter Six

NATIONAL SECURITY SERVICE

Section I

Tasks and Activities

Article 44. The National Security Service is a specialized counterintelligence and information service of MoI for protection of the national security against the activities of foreign intelligence service, organizations and persons directed against the national interests, for detection and neutralization of processes threatening the constitutional order, the unity of the nation, the country's regional integrity and sovereignty.

Article 45. The National Security Service shall be occupied with counterintelligence, information analysis and prognostication, as well as provide control, coordination and methodological services.

Article 46. (1) The National Security Service shall be engaged in counterintelligence activity, independently or jointly with other state bodies, aimed at watching for, detecting, tacking, preventing and curbing, any intended, planned or effected threats to the national security related to:

1. Reconnaissance for foreign forces;
2. Danger to the national and regional integrity and the sovereignty of the country;
3. Anti-constitutional activity;

4. Use of force or hazardous devices for political purposes;
5. Involvement of foreign services or organizations which may undermine the economic and financial security of the country;
6. Danger to the environmental security;
7. (Amended - SG No. 45/2002) Subversion of the national system for protection of the information classified as state or official secret;
8. Danger to the security of the country's strategic sites and activities;
9. Corruption and other threats undermining the security of the state, which involve foreign services or organizations;
10. International terrorism and extremism;
11. Illegal international trade in arms;
12. Illegal production and supply of hazardous devices, strategic precursors or narcotic drugs, supported, organized or effected by foreign services or organizations;
13. Illegal migration that threatens the national security.

(2) The National Security Service shall engage in counterintelligence activity aimed at foreign intelligence services, foreign organizations and persons whose activities threaten the national security.

Article 47. The informational activity of the National Security Service shall include:

1. Information analysis and prognostication based on collection, processing and storage of vital information for the national security and the national interests, which information is used to support the activities of the government and the service itself;
2. Making counterintelligence-based assessments of the national security situation generated from own information and information received from other specialized state bodies working in the sphere of national security and law enforcement;
3. Informing the high bodies of state and government about the national security situation, the risks and potential threats thereto.
4. Preparing informational materials of referential, analytical or prognostic nature and providing them to other state bodies, organizations and persons, as prescribed by law.

Article 48. (1) (Amended, SG No. 11/2005) The National Security Service shall ensure the protection of activities and sites of strategic importance to the country individually or jointly with other specialised bodies.

1. Ensuring protection for country-strategic activities and sites, independently or jointly with other specialized bodies;
2. Providing the Regional Security Units with methodological guidance, support and control in fulfilment of their national security protection functions;

(2) The National Security Service shall act in coordination and cooperation with foreign intelligence services, in compliance with the international obligations of the Republic of Bulgaria and to the interest of the national security, in the fights against international terrorism and other forms of international organized crime.

(3) The National Security Service shall interact with other state bodies, within the scope of their competences.

Section II

Legal Powers of the Bodies

Article 49. (1) The bodies of the National Security Service are its officers, sergeants and non-official employees.

(2) The legal powers of the non-official employees shall be determined by the minister of the interior.

Article 50. (1) In carrying out their activity the bodies under Article 49 shall have the following legal powers:

1. To place under surveillance and control persons, sites and activities related to any encroachments of or threats to, the national security;
2. To apply and use intelligence practices and techniques, under terms and conditions determined by the minister of the interior;
3. To draw in citizens for voluntary collaboration;
4. To use special investigative techniques, under the terms and conditions determined by act;
5. (Supplemented - SG No. 17/2003) Under terms and conditions determined by Council of Ministers Regulation, to place undercover agents in and receive assistance from, state bodies, organizations and legal entities;
6. To gather, process, keep and use data in order to check up facts, persons and sites, in relation to the security of the country;
7. To receive information from state bodies, organizations and persons in connection with the protection of the national security;
8. To submit information to the high bodies of state and government through the MoI leadership;
9. To submit information to other state bodies, organizations and persons, as prescribed by act.

(2) The President of the Republic, the President of the National Assembly and the prime minister shall be provided with the same information, equal in volume and subject matter.

Article 51. (1) (Amended - SG No. 45/2002) The National Security Service shall carry out activity in connection with the functioning of the national system for protection of the information classified as state or official secret, according to the Classified Information Protection Act.

(2) The instructions of the director or bodies under paragraph 1 authorized by him shall be obligatory for the officials.

Article 52. (1) (Amended - SG No. 45/2002) The violation of the legal order for protection of classified information shall be sanctioned by acts issued by the security bodies.

(2) On the grounds of the issued acts, the director of the National Security Service or persons authorized by him shall deliver penalty decrees.

Article 53. (Repealed - SG No. 45/2002)

Article 54. (1) (Amended, SG No. 11/2005) The National Security Service shall exercise control with respect to the stay of foreigners in the Republic of Bulgaria.

(2) (Amended - SG No. 29/2000) The director of the National Security Service shall impose temporary restriction to leave the country, in accordance with Article 75 of the Bulgarian Identity Documents Act, to persons whose travel would threaten the security of the Republic of Bulgaria.

Article 55. (1) The bodies of the National Security Service may issue a verbal or written warning to persons who are sufficiently suspected of possible engagement in criminal or other activities threatening the national security.

(2) The bodies of the National Security Service may summon citizens to official premises for the purposes under paragraph 1.

Article 56. The bodies of the National Security Service shall not have the policing authority under Chapter Seven, Section II.

Article 57. The state bodies, the organizations, the legal entities and the citizens must assist the security bodies in the fulfilment of their functions.

Article 58. (Amended, SG No. 11/2005) The state bodies and the legal entities must report to the National Security Service and its regional units about any circumstances, activities, objects, events or facts they have come across, which are bear importance to the national security.

Chapter Seven

NATIONAL POLICE SERVICE

Section I

Tasks and Activities of the National Police

Article 59. (1) The National Police Service is a specialized investigative and protective service of MoI for protection of public order, prevention, detection and participation in the investigation of crimes.

(2) The National Police shall carry out its activity independently or jointly with other state bodies, organizations and citizens.

Article 60. (1) (Renumbered from Article 60, SG No. 29/2000) In fulfilment of the tasks under Article 59 the National Police shall:

1. Organize and carry out the protection of the public order;
2. Prevent and detect crimes and other violations of the public order, and participate in the investigation of crime;
3. Defend the rights and freedoms of the citizens and assist for their exercising;
4. Protect the property of the citizens, the state, the municipalities and the organizations;
5. Organize and provide security to administrative buildings and sites;
6. Control the road traffic safety and the technical fitness of motor vehicles as well as organize the registration of motor vehicles, drivers and traffic accidents;
7. Give permission for and control the use of hazardous devices;
8. (Supplemented, , SG No. 29/2000) Give permission for and control the activity of legal entities and individuals in the security business;
9. (Amended, SG No. 29/2000, SG No. 103/2003) Issue identity documents and ensure administrative control thereof;
10. Investigate suspects, accused and court defendants who hide from criminal prosecution, convicts who evade penalty, missing persons, as well as other persons in cases stipulated by the act;
11. Organize and provide escort for persons in the country and abroad;
12. Assist and take the necessary measures for abidance of the acts and the orders of the state bodies;
13. Study and analyse the reasons and conditions for the criminal situation;
14. Collect, process, use and provide information on the law enforcement situation, the fight against crime and the road traffic safety;
15. Provide methodological guidance, assistance and control to the regional units, in respect of their activities;
16. (Amended, SG No. 29/2000) Independently and jointly with other services and directorates of the Ministry, as well as with other empowered state bodies, carry out operative and other activities related to protection of the security of the country;

17. Draw in citizens who, voluntarily, may assist with the protection of the public order as well as the private, state and cooperative property;

18. (Supplemented, SG No. 17/2003) Carry out preventive activity by studying and analysing the reasons and conditions favouring the perpetration of crimes and other legal offences, alert for physical persons and legal entities with regard to eliminating those reasons.

19. (New, SG No. 29/2000) Carry out activities related to identification of persons.

20. (New, SG No. 17/2003, repealed, SG No. 103/2003, new, SG No. 103/2005) submit to the National Bureau of Bulgarian Motor Insurers and to the Information Centre at the Guarantee Fund the information, as specified under the Insurance Code and the subdelegated legislation on its implementation, and exercise the control over the conclusion and renewal of the compulsory Third Party Liability of Motorists Insurance, where shall implement the coercive measures provided for and shall impose administrative penalties.

21. (New, No. SG 17/2003) Carry out international police cooperation.

(2) (New, SG No. 29/2000) The administrative bodies and the bodies which assign the escort under paragraph 1 (11) shall ensure the necessary documents and financial resources for the escort.

Section II

Legal Powers of the National Police Bodies

Article 61. (1) The bodies of the National Police are its officers, sergeants and contingent staff.

(2) The legal powers of the contingent staff shall be determined by the minister of the interior.

Article 62. (1) The police bodies may issue orders to citizens, state bodies, organizations and legal entities whenever necessary for the fulfilment of their assigned functions. The orders shall be given verbally or in writing.

(2) Should it be impossible to issue orders under paragraph 1 the orders may be conducted through actions whose meaning is understandable for the persons whom they regard.

(3) In fulfilment of the functions for control of road traffic safety, the orders may be effected through actions or signs, as stipulated by act.

(4) The orders of a police body shall be obligatory unless they do not force a person explicitly to commit a crime.

(5) The orders issued in writing may be contested in accordance with the Administrative Procedure Act.

Article 63. (1) Police bodies shall issue a verbal or written warning to persons who are sufficiently suspected of possible commission of crime or violation of public order.

(2) Written warnings shall be included in a notice to the person informing them of the liability related to the respective crime or violation of the public order.

(3) (Supplemented, SG No. 27/2005) The notice of warning shall be issued in the presence of the person and one witness, and signed by the police body, the person and the witness after reviewing its contents. Should the person refuse to sign the notice, the fact shall be certified by signature of the witness. In cases of domestic violence a copy of the notice of warning shall be made available to the victim upon request.

Article 64. (1) Should the police bodies detect any conditions or grounds for incidence of crime and other violations of public order, they shall take measures to eliminate them.

(2) When the measures are within the authority of other bodies or organizations, the police bodies shall inform them thereof in writing.

(3) The competent bodies under paragraph 2 must inform the police bodies in writing within one month about the measures taken.

Article 65. Police bodies shall detect and participate in the investigation of crimes under terms and conditions and by the order stipulated by the Criminal Procedure Code.

Article 66. (Amended - SG No. 17/2003) (1) Police bodies shall register the persons who are under criminal prosecution for felony. The state bodies conducting the criminal prosecution are obliged to take the necessary steps to complete police registration. The procedure for the police registration shall be determined by a regulation of the minister of the interior.

(2) The registration constitutes processing of personal data of the persons in paragraph 1 which is carried out in compliance with this Act.

(3) For the purposes of registration the police bodies shall:

1. Gather from the persons their personal data as per Article 18 (1) (20) of the Bulgarian Identity Documents Act;

2. Take the persons' fingerprints and photographs;

3. Seize samples for DNA profiling of the persons, as appropriate.

(4) (New - SG, No. 89/2004) No consent from the individuals concerned shall be required to proceed with actions under paragraph 3, items 2 and 3.

Article 67. (1) Police bodies may summon at the official premises citizens in order to exercise the legal powers assigned to them by this act.

(2) Police bodies shall inform the citizens in writing about the summoning. The notification shall explicitly state the purpose of the summoning, the time and the place of appearance.

(3) (New - SG No. 17/2003) In urgent cases the subpoena may be carried out by telephone, telex, fax or cable. Subpoenas sent by telephone or fax shall be officially confirmed in writing by the official who completed it; subpoenas sent by cable shall be confirmed by a notice or delivery; and subpoenas sent by telex shall be verified by a written confirmation of receipt.

Article 68. (1) Police bodies may launch personal identification inspections:

1. In respect of persons who, reportedly, have perpetrated crimes or other violations of the public order;

2. When required for the purpose of detecting or investigating crimes, and in cases of opened administrative penalty proceedings;

3. (Amended - SG No. 29/2000) When supervising the validity of identification documents and residence in the country;

4. At a checkpoint established by the police;

5. When requested as assistance by another state body under terms and conditions stipulated by act.

(2) (Amended - SG No. 29/2000) Personal identity shall be established by presentation of an identification document, information by citizens with known identity who know the person, or in another manner of collecting reliable data.

Article 69. (1) Police bodies may conduct personal identification procedures when:

1. The identity of a person cannot be established under the order of Article 68, paragraph 2;

2. (Amended - SG No. 29/2000) The person has committed a crime or there is information that the person has committed a crime.

3. (New - SG No. 17/2003) Foreigners seeking protection under the Asylum and Refugees Act have entered the country illegally or are residing illegally in the Republic of Bulgaria.

(2) The identification procedures shall include:

1. Taking fingerprints and palm prints;
2. Taking photographs of the person;
3. Establishing characteristic features;
4. Taking measurements and samples for comparative testing.
5. (New - SG, No. 29/2000) Taking biological samples for comparative DNA identification.

(3) (New - SG, No. 89/2004) No consent from the concerned individual shall be required to proceed with the actions under paragraph 2.

(4) (Renumbered from paragraph 3 - SG, No. 89/2004) When the grounds under Article 68, paragraph 1 cease to apply the collected material shall be destroyed, at the request of the person.

Article 70. (1) Police bodies may detain persons:

1. (Amended - SG, No. 17/2003) Who, reportedly, have committed a crime;
2. Who, having been duly warned, deliberately hamper a police body from fulfilling their official duties;
3. Who demonstrate serious mental disorder and whose behaviour transgresses public order or who expose their life to obvious danger;
4. Who are underage offenders who have left their homes, custodians, guardians or the public establishment where they were accommodated;
5. Whose identity is impossible to establish in the cases and with the procedures in Article 68;
6. Who have evaded a prison sentence or the premises where they were detained as accused by virtue of a police administrative measure or by an order of a judicial body;
7. (New - SG No. 17/2003) Who are announced for international search by request of another country for the purpose of extradition;
8. (Renumbered from item 7 - SG No. 17/2003) In cases stipulated by act.

(2) In the cases under paragraph 1 the persons may be accommodated in special premises and may be placed under personal security measures if their conduct and the purpose of detention so require.

(3) (New, SG No. 11/2005) Where the detained person does not understand Bulgarian, he/she shall immediately be informed of the grounds for the detention in a language that he/she understands.

(4) (Renumbered from Paragraph 3, SG No. 11/2005) The detained person shall have the right to appeal before the court against the lawfulness of the detention. The court shall review the appeal and pass a judgment immediately.

(5) (Renumbered from Paragraph 4, SG No. 11/2005) From the moment of detention the persons shall be entitled to defence by a lawyer.

Article 71. To persons, detained under the conditions of Article 70, paragraph 1 (1)-(5), may not be imposed restrictions of other rights except the right of free movement. The term of detention in these cases may not be longer than 24 hours.

Article 72. (1) Police bodies shall issue written orders in order to take detainees to the locations designated for such purposes.

(2) Police bodies must release immediately the detainee if the grounds for detention have ceased to be valid.

Article 73. (1) Police bodies shall carry out personal search of persons:

1. Detained under the conditions of Article 70, paragraph 1;
2. Who are reportedly in the possession of hazardous or prohibited objects;

3. Found at a scene of crime or violation of the public order when there is sufficient evidence that they are in possession of objects related to the crime.

(2) Personal search may be carried out only by a person of the same sex with the searched person.

Article 74. (1) Police bodies may search the belongings of persons:

1. In the cases under Article 68 - 70;

2. When there is sufficient evidence of concealment of physical evidence of crime;

(2) Motor vehicles may be searched in cases when there is evidence of violation of the public order.

Article 75. (1) The police body shall issue a written statement about every occasion of personal search, inspection of possessions and transport vehicles; the statement shall be signed by the police body, one witness and the respective person, who shall receive a copy thereof.

(2) The personal search, the inspection of belongings and transport vehicles shall be carried in a manner that is not derogatory to the personal esteem and dignity of the citizens.

Article 76. (1) Police bodies may carry out inspections in premises without the consent of the owner or the occupant, or in the absence thereof, only when:

1. That would prevent an imminent or ongoing serious crime;

2. There is evidence that a serious crime perpetrator is hiding in the premises;

3. It is necessary to give urgent aid to persons whose lives, health or personal freedom are endangered, or another case of ultimate necessity is at hand.

(2) Police bodies, upon conclusion of the inspection of the premises, must draw a written statement indicating the name, position and organization of the officer, the identity of the owner/occupant, the grounds, time and location of the inspection, and the results thereof. The written statement shall be signed by the police body, one witness and the owner/occupant of the premises if available. The owner/occupant's refusal to sign the written statement shall be confirmed by the signature of the witness. A copy of the written statement shall be given to the owner/occupant of the premises.

(3) Prosecution authorities shall be informed of the inspection immediately.

Article 77. In the course of action under Article 68, 70, 73, 74 and 76 police bodies shall take the necessary personal safety precautions.

Article 78. (1) Police bodies may use force and auxiliaries in the course of their official functions only if the latter are not achievable otherwise in the following cases:

1. Counteraction or refusal to obey a legal order;

2. Detention of offender who does not obey or resists a police body;

3. Escorting a person or when the person attempts to escape or take his/her life or the life of other persons;

4. Providing assistance to other state bodies or officials who are illegally impeded from fulfilling their duties;

5. Attacks on citizens and police bodies;

6. Liberation of hostages;

7. Group violations of the public order;

8. Attacks on buildings, premises, facilities and vehicles;

9. Release of illegally occupied sites, if so ordered by a competent body.

(2) (Amended - SG No. 17/2003) Auxiliaries are: handcuffs; strait jackets; rubber, plastic, assault and electric shock batons and devices; chemical substances approved by the minister of health; service animals - dogs, horses; blank cartridges, rubber/plastic/shock cartridges;

roadblock applications; forced entry devices, diverting flash and sound devices; water canons and air jet machines; armoured vehicles and helicopters.

(3) The procedure of using the devices under paragraph 2 shall be determined by the minister of the interior.

Article 79. (1) Force and auxiliaries shall be used following an obligatory warning, with the exception of the cases of sudden attack and release of hostages.

(2) The use of force and auxiliaries shall take into consideration the specific circumstances, the nature of the public order violation and the identity of the offender.

(3) In using force and auxiliaries police bodies must, when possible, protect the targets' health and take all possible measures to protect the targets' lives.

(4) The use of force and auxiliaries shall be terminated immediately after achieving the objective of the applied measure.

(5) Force and auxiliaries shall not be used on apparently underage persons and pregnant women. The prohibition shall not apply in a situation of mass disturbances, when all alternatives have failed.

Article 80. (1) Police bodies may use firearms as a final resort:

1. In cases of armed attack or threat with firearms;

2. In the course of releasing hostages and kidnapped persons;

3. In unavoidable self-defence;

4. (Supplemented - SG No. 17/2003) Having issued a warning while apprehending a felon who is resisting or trying to escape;

5. Having issued a warning to prevent the flight of a legally detained felon.

(2) In using firearms, if possible, police bodies must protect the life of the target person and ensure that the life and the health of other persons is not jeopardized.

(3) Having used firearms, police bodies must draw a report in writing, according to the established procedure.

Article 81. (1) Police bodies shall issue permits and certificates in the cases and by the order stipulated by act or another regulatory instrument.

(2) (Amended - SG No. 29/2000) For the issued permits and certificates under paragraph 1 fees shall be collected in amount determined by the Council of Ministers.

(3) (Amended - SG No. 29/2000) Refusals to issue the documents under paragraph 1 may be contested as provided for in the Administrative Procedure Act.

Article 81a. (New - SG No. 29/2000) (1) (Amended, SG No. 17/2003) MoI may conclude contracts to provide police security to sites.

(2) (New - SG No. 17/2003) MoI may conclude contracts to provide police security to sites with electronic security equipment.

(3) (New - SG No. 17/2003) MoI may conclude contracts to provide police security to sport events and other mass happenings, as well as other short-term events or activities.

(4) (New - SG No. 17/2003) In support of the activity under paragraph 1, MoI may, within the framework of approved number of personnel, appoint additional staff for the duration of the contract.

(5) (Remembered from paragraph 2 - amended, SG No. 17/2003) The revenue and the expenses from the activities under paragraph 1, 2 and 3 shall be accounted under the MoI budget.

Article 81b. (New - SG No. 29/2000; supplemented, SG No. 28/2001, amended, SG No. 17/2003, repealed, SG No. 15/2004)

Article 81c. (New - SG No. 29/2000) (1) (repealed - SG No. 15/2004)

(2) (Amended - SG No. 15/2004) Entrepreneurs and legal entities whose business is related to the Private Security Business Act may conclude contracts with the Metropolitan Directorate of the Ministry of the Interior or regional directorates of the Ministry of the Interior to perform any of the following activities:

1. Security clearance of sites;
2. Selection and training of the staff of self-security units;
3. Assistance with security organization and participation in the methodological guidance of self-security units.

(3) (Repealed - SG No. 15/2004)

Article 82. (1) Police bodies may send to sobering institutions persons who, due to use of alcohol or other intoxicating substances, are unable to control their behaviour and violate the public order, or are found helpless in public places.

(2) Police bodies shall inform within 24 hours the prosecutor about the persons accommodated in the institutions under paragraph 1.

(3) (New - SG No. 17/2003, amended - SG No. 70/2004) Sobering institutions shall be established by the Ministry of the Interior, in accord with municipalities.

(4) (New - SG No. 17/2003) The organization, functions and activity of the sobering institutions shall be settled by a regulation of the minister of the interior and the minister of health.

Article 83. (1) With prosecutorial approval, police bodies may accommodate vagabonds or beggars in temporary homes for adults.

(2) Adults persons may be accommodated in temporary homes for up to 30 days depending on the necessary time to be admitted in a hospital, boarding-houses, homes for aged or disabled persons, or to place them under interdiction.

Article 84. The organization, functions and activities of the homes for temporary accommodation of adults shall be settled by a regulation of the minister of the interior, in accord with the prosecutor general.

Section III

Specialized Police Units and Electronic Security Services

(Title repealed - SG No. 29/2000)

Article 85. (Repealed - SG No. 29/2000)

Article 86. (Amended - SG No. 1/2000, repealed - SG No. 29/2000)

Article 87. (Repealed - SG No. 29/2000)

Article 88. (Repealed - SG No. 29/2000)

Chapter Eight

NATIONAL SERVICE FOR COMBATING ORGANIZED CRIME

Section I

Objectives and Activities

Article 89. The National Service for Combating Organized Crime is a MoI specialized policing organization conducting investigative work aimed at tackling and eliminating local and transnational criminal structures.

Article 90. (1) In fulfilment of the tasks under Article 89 the National Service for Combating Organized Crime shall carry out independently or jointly with other specialized

bodies investigative, informational and organizational activities aimed at counteracting organized criminality related to:

1. (Amended - SG No. 17/2003) Property, customs regime, monetary, credit, financial, tax and insurance systems;
2. (Amended - SG No. 17/2003) Terrorist activities;
3. (Amended - SG No. 17/2003) Corruption;
4. (Amended - SG No. 17/2003) Illegal trafficking in people;
5. (Amended - SG No. 17/2003) Illegal trafficking in plants containing narcotic substances, narcotic drugs and precursors and their analogues;
6. (Amended - SG No. 17/2003) Illegal trafficking in explosives, firearms, chemical, biological or nuclear weapons or munitions, nuclear material, nuclear installations or other sources of ionising radiation, toxic and chemical substances and their precursors, biological agents and toxins, as well as excise goods and dual-use goods and technologies;
7. (Amended - SG No. 17/2003) Computer crimes;
8. (Amended - SG No. 17/2003) Intellectual property rights;
9. (Amended - SG No. 17/2003) Participation in a criminal organization or enterprise which concludes transactions or benefits through the use of force or inflicting fear;
10. (Amended - SG No. 17/2003) Organization of or participation in gambling.

(2) The Combating Organized Crime Directorate shall establish in support of its activity information databases.

(3) The Combating Organized Crime Directorate shall provide methodological guidance, assistance and control to the regional units for combating organized crime in respect of their activities.

Section II

Legal Powers of the Bodies

Article 91. (1) The bodies of the National Service for Combating Organized Crime are its officers, sergeants and contingent staff.

(2) The legal powers of the contingent staff shall be determined by the minister of the interior.

Article 92. (1) In the course of their functions the bodies under Article 91 shall:

1. (Supplemented - SG No. 17/2003) Carry out surveillance, identify and control persons where there is evidence that they are connected with the criminal activity of local and transnational criminal structures;
2. Carry out investigative work for implementation of their functions, including in the border control zone;
3. Conduct controlled deliveries jointly with the customs bodies;
4. Collect, process and store information about persons, events and facts related to organized crime;
5. Prevent and detect organized crime activity and participate in its investigation;
6. Utilize specialized investigative techniques under terms and conditions determined by the act.
7. (New - SG No. 17/2003) Be assisted to organize the placement of undercover agents at state institutions, organizations and legal entities, in accordance with Council of Ministers Regulation.

(2) MoI services shall provide the National Service for Combating Organized Crime with information regarding organized crime.

(3) The National Service for Combating Organized Crime shall collect, analyse, keep and provide information related to organized crime, and carry out prognostic activity, according to its competence.

Article 93. The bodies under Article 91 shall have the policing authority of the bodies under Chapter Seven, Section II, according to their competence.

Chapter Nine

NATIONAL BORDER POLICE SERVICE

Section I

Objectives and Activities

Article 94. (1) (Renumbered from Article 94, SG No. 103/2003) The National Border Police Service is a specialized security, investigative police service of MoI which protects the state border and oversees the implementation of the border regime. The National Border Police Service performs its functions in the border zone, in border checkpoint precincts, the international airports and ports, the internal sea waters, the maritime territory, the adjacent zone, the continental shelf, the Bulgarian portion of the River Danube, the order border rivers and water basins.

(2) (New, SG No. 103/2003) In order to prevent, disclose or investigate crimes related to illegal migration or trafficking in people the bodies of the National Border Police Service may conduct tasks outside the zones in paragraph 1.

(3) (New, SG No. 103/2003) By an act the Council of Ministers shall determine:

1. The depth of the border strip and the border zone;
2. The opening and closing of border control checkpoints.

(4) (New, SG No. 103/2003) By an act the minister of the interior shall determine:

1. The order of implementing passport and visa control at border control checkpoints;
2. The methods and organization of providing security to land, maritime and watercourse sectors of the state border.

Article 95. (1) In fulfilment of their objectives the border police shall:

1. Guard the state border and the other zones and sites under Article 94;
2. Detect and detain transgressors of the state border, wanted persons and vehicles, and deliver them to the competent authorities, prevent persons who have an imposed prohibition to enter or leave the country from crossing at border control checkpoints;
3. Independently and jointly with other state bodies, implement the border regime and control of persons and vehicles crossing the state border, including in the zones and sites under Article 94;
4. Independently and jointly with other state bodies, prevent, detect and participate in the investigation of crimes and other offences perpetrated in the zones and sites under Article 94, as prescribed by law;
5. Implement controls for arms, explosives and other hazardous devices in respect of persons and vehicles crossing the state border and civil aviation flights;
6. Collect, process, use, keep and provide to other state bodies, according to their competence, national security information concerning any violations at the state border and of the border regime of the country;
7. Study and analyse the reasons and conditions for state border violations and propose counter measures;

8. Place and maintain the border signs, designate the line of the state border and suppress its damage or shifting whatsoever or any other action affecting the territorial integrity of the Republic of Bulgaria;

9. (Amended - SG No. 103/2003) Receive and deliver transgressors of the entry and residence regime from and to other countries, in compliance with the act and the international treaties signed by the Republic of Bulgaria;

10. Monitor the compliance of Bulgarian and foreign ships or other vessels with the regulations on navigation and stay in the maritime territory of the country, the internal sea waters and the Bulgarian portion of the River Danube;

11. Jointly with other state authorities, participate in the protection of public order, defend the rights and freedoms of the citizens, protect their property in the border area, border checkpoint areas, at the international airports and ports;

12. In complicated circumstances in the border area, inform local administrative bodies on intended measures and coordinate joint action in the interest of state border security;

13. Individually and jointly with the Bulgarian army, combat armed or other provocation at the state border;

14. Render assistance to competent authorities in the areas and sites listed in Article 94 in the implementation of legal instruments regulating the protection of the environment, the lives and health of the population;

15. In the process of carrying out its goals, seek cooperation from border security authorities of other countries.

16. (New - SG No. 103/2003) Carry out state border surveillance;

17. (New - SG No. 103/2003) Draw large-scale maps and documentation of the state border, create and maintain a geodetic and cartography fund.

(2) State and municipal administrative bodies must assist and the border police in the course of implementation of their duties under paragraph 1.

Section II

Legal Powers of the Bodies

Article 96. (1) (Amended - SG No. 103/2003) The bodies of the border police shall be its officers, sergeants and contingent staff.

(2) (Amended - SG No. 103/2003) The legal powers of the contingent staff shall be determined by the minister of the interior.

Article 97. (1) In implementation of their goals under Section I, border police bodies shall be empowered to:

1. Deploy forces and utilities, build, use and remove technical engineering structures and other border security outfit;

2. Use intelligence techniques and means under terms and conditions determined by the Minister of the Interior;

3. Implement passport and visa controls of persons and check the goods and the transport vehicles at border crossing checkpoints;

4. Halt, detain and check Bulgarian and foreign ships and other vessels which violated the regulations on stopping and staying in the maritime territory, the internal sea waters, the adjacent zone, the continental shelf and the Bulgarian portion of the River Danube;

5. In cooperation with the specialized units, halt, detain and check Bulgarian and foreign aircraft when established that border regime is violated and flight security is endangered;

6. Jointly with other MoI bodies, pursue border violators beyond the border area;

7. Detain smugglers, illegally smuggled goods and transport vehicles having crossed the border at places other than those officially designated, and conduct checks jointly with the customs authorities;

8. Temporarily restrict or prohibit the movement of persons and transport vehicles in the areas and sites listed in Article 94 when launching an operation targeted at persons or transport vehicles, and if the health and lives of the public are in danger;

9. Accept, convoy and deliver border transgressors from and to the border authorities of the neighbouring countries and other countries, in compliance with the act and the international agreements signed by the Republic of Bulgaria;

10. (New - SG No. 103/2003) Locate and use electronic surveillance and video recording equipment; the collected material shall be used only to prevent and disclose crimes or offences, as well as to prevent and disclose state border transgression, crimes or offences committed on the territory of border control checkpoints crimes or offences related to the passport and visa regime, or security threats to the personnel, buildings and structures of the service;

11. (New - SG No. 103/2003) Coerce into special premises or homes foreign nationals who having transgressed the border regime are to be escorted to the border or expelled, in accordance with legally established procedure.

(2) In implementation of their goals under paragraph 1 above, border police officials must respect the personal dignity and human rights of the citizens.

Article 98. Border police bodies shall also have the policing authority of the bodies under Chapter Seven, Section II, according to their competence, which is exercised in the zones and sites of operation.

Article 99. Article 99. (1) In the course of their functions, the officers, sergeants and military conscript staff shall use firearms, force and auxiliaries under terms and conditions determined by act.

(2) Firearms shall be used without warning:

1. In the event of apparent attack by foreign armed groups or other armed persons who have entered our territory;

2. In the event of armed attack against border police officials;

3. Against persons putting up armed resistance;

4. Against persons trying to cross the state border when all interdiction alternatives have proven ineffective.

(3) In the event of detained persons' attempt to escape firearms shall be used after warning when there is no alternative to preventing the escape.

(4) (Amended - SG No. 29/2000) Within the limits of the internal sea waters and the maritime territory of the Republic of Bulgaria, the bodies of the Border police shall have the right to use firearms according to the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria act.

(5) Each event of use of firearms shall be reported according to the established procedure.

Article 100. (1) In support of its activity the Border Police Directorate shall develop and maintain information databases of:

1. Persons and sites related to state border transgression;

2. The number of persons and vehicles crossing the border of the Republic of Bulgaria.

(2) The information under paragraph 1 shall be provided to other state bodies in accordance with the procedure determined by the minister of the interior.

Article 101. The other MoI services shall provide to the National Border Police Service information regarding violations of the state border in the border zone and in the border checkpoint precincts.

Article 102. The National Border Police Director shall, in coordination with the minister of foreign affairs and in compliance with the international agreements, appoint border representatives (border commissioners) in charge of settling any border transgressions.

Article 103. In support of their official functions border police bodies may enter into cooperation with state bodies, organizations and citizens.

Chapter Ten

NATIONAL GENDARMERY SERVICE

Section I

Objectives and Activities of the National Gendarmery

Article 104. (1) The National Gendarmery Service is a specialized security and investigative police service of MoI which is tasked to provide security to strategic and high profile sites, fight against terrorist and sedition groups, protect public order and fight against crime.

(2) The strategic and high profile sites under paragraph 1 shall be determined by the Council of Ministers.

Article 105. (1) In fulfilment of their objectives under Article 104 the National Gendarmery shall, independently or jointly with other services of MoI:

1. Organize and carry out security of strategic and high profile sites;
2. Neutralize terrorist and sedition groups;
3. Participate in the organization of the activity for protection of public order outside populated areas;
4. Participate in the prevention, detection and investigation of crime and other violations of public order outside populated areas;
5. Investigate and detain persons in cases stipulated by the act;
6. Collect, process, use and provide information acquired in the course of fulfilling their functions;
7. Detect and eliminate the reasons and conditions for the occurrence of crime and other violations of public order, in compliance with their competence, and provide assistance to the citizens in terms of protecting their life, health and property, as well as other rights and legitimate interests;
8. Provide assistance to other state bodies or officials when their activity is illegally obstructed;
9. Take all necessary steps within the scope of their legal powers in the presence of evidence of crime or another violation of public order;
10. Provide assistance to victims of crime and other violations of public order in the event of disasters, calamities and accidents, as well as to helpless persons.

(2) The utilization of the National Gendarmery for protection of public order in the populated areas, jointly with other MoI services, shall be authorized in writing on a case-by-case basis by the minister of the interior.

Section II

Legal Powers of the National Gendarmery Bodies

Article 106. (1) The bodies of the National Gendarmerie shall be its officers, sergeants, military conscripts and contingent staff.

(2) The legal powers of the military conscripts and the contingent staff shall be determined by the minister of the interior.

Article 107. (1) National Gendarmerie bodies shall have the following legal powers:

1. To deploy forces and utilities, to build, use and remove technical engineering structures and other means of protecting strategic and high profile sites;

2. To pursue, independently and jointly with other state bodies, violators of public order outside populated areas;

3. To block areas, restrict temporarily or prohibit the movement of persons and vehicles;

4. To use state, public and personal vehicles for fulfilment of urgent official duties in the event of mass disturbances, natural calamities, accidents, catastrophes, pursuit of offenders, and for assisting persons in helpless or critical condition;

5. To use communication channels or sever such.

(2) National Gendarmerie bodies shall be entitled to policing authority under Chapter Seven, Section II, within their competence.

(3) The state bodies, the organizations, the legal entities and the citizens must comply with the orders of the National Gendarmerie bodies and assist the National Gendarmerie in the fulfilment of their legal powers.

Chapter Eleven

NATIONAL FIRE AND EMERGENCY SAFETY SERVICE

Section I

Objectives and Activities

Article 108. (1) (Renumbered from Article 108, SG No. 17/2003) The National Fire and Emergency Safety Service is a specialized MoI service in charge of public fire prevention control, fire extinguishing and emergency rescue activities.

(2) (New - SG No. 17/2003) The procedure to carry out the activities under paragraph 1 shall be determined in writing by the minister of the interior.

Article 109. In fulfilment of its objectives under Article 108 the National Fire and Emergency Safety Service shall engage in:

1. Fire extinguishing;

2. Emergency rescue;

3. Public fire prevention control;

4. Research and development;

5. Collection, processing, use and provision of information related to fire and emergency safety.

Article 110. Fire extinguishing shall include:

1. Determining the methods, ways and means of fire extinguishing;

2. Developing plans to quench the accidents;

3. Rapidly deploying forces and utilities in response to a fire alert;

4. Containing and extinguishing the fire;

5. Rescuing people and property;

6. Applying first aid to the injured;

7. Securing transportation for the injured to a medical establishment.

Article 111. Emergency rescue shall include:

1. Determining the methods, ways and means to be used for emergency rescue activities;
2. Rapidly deploying forces and utilities in response to calamity, disaster and catastrophe alerts;
3. Containing and extinguishing the consequences from calamities, disasters and catastrophes.
4. Rescuing people and property;
5. Applying first aid to the injured;
6. Securing transportation of the injured to a medical establishment.

Article 112. (1) (Previous Article 112 - SG 17/03) Public fire prevention control shall include:

1. Fulfilment of the fire prevention rules and standards in the process of designing, constructing, reconstructing, modernizing and utilizing populated areas, territories outside populated areas, buildings and technological equipment and installations;
2. Production and import of and trade in articles, machines and equipment with regard to their fire safety;
3. Participation in the procedure of approval of sites and constructions by the state;
4. (Repealed - SG No. 17/2003)
5. (Supplemented - SG No. 17/2003) Inspecting certifications and issuing certificates of site compliance with fire safety requirements. Certificates shall be issued only in the event of changing the functional design of the site, which, according of the Spatial Development Act, does not require a usage permission;
6. Coordinating the projects and giving opinion about the permissions for use of construction sites;
7. (Amended - SG No. 17/2003) Controlling the compliance of assessed products, equipment, automates, fire extinction equipment, etc. with fire and emergency safety requirements;
8. (Amended - SG No. 17/2003) Issuing permits to businesses carrying out fire and emergency safety activities and controlling compliance with the conditions under which the permit has been issued.

(2) (New - SG No. 17/2003) The minister of the interior and the minister of regional development and public works shall issue regulations determining the rules and standards for fire and emergency safety in designing, constructing, reconstructing, modernizing and utilizing sites and populated areas and territories outside populated areas.

Article 113. Research and development shall include:

1. Developing rules and standards for fire and emergency safety;
2. Researching the reasons and conditions underpinning the occurrence and spread of fires, disasters and calamities;
3. Developing methods and techniques to prevent and quench fires and emergencies;
4. (Amended - SG No. 17/2003) Researching and identifying the combusive characteristics of substances;
5. Determining the degree of combustion and the fireproof limit of construction materials and elements;
6. Technical analyses of fires and disasters;
7. Discussing and developing projects and types of fire extinguishing equipment, installations, devices and installations, fire extinction and fireproof provisions in the legislation;
8. (Amended - SG No. 17/2003) Discussing and developing draft standards;
9. Developing applied science products for the needs of MoI;

10. Providing research information services in the sphere of fire and emergency safety.

Article 114. Collection, processing, keeping, analysing, use and provision of information about fire and emergency safety shall include:

1. Registering and taking account of the fires, disasters and calamities dealt with by the national service;
2. Registering and taking account of the preventive and administrative penalty measures;
3. Keeping a register of fire and emergency safety services in the country and their personnel;
4. Registering and taking account of fire extinguishing and emergency rescue equipment, armament and extinguishing utilities;
5. Registering and taking account of the plans for elimination of disasters;
6. (Amended - SG No. 17/2003) Analysing the information collected by the public fire safety control, the fires, disasters and calamities eliminated by the bodies of the national service and planning measures for their prevention;
7. Analysing the condition of the fire extinguishing and emergency rescue equipment, armament and extinguishing utilities, and forecasting the type and quantities needed by the national service;
8. Analysing and assessing the necessity to send the staff to the MoI educational establishments for training and qualification to meet the needs of the national service;
9. Processing and providing information for use by the Ministry;
10. Processing and providing to interested state bodies, organizations and legal entities information related to fire and emergency safety and past accidents.

Section II

Legal Powers of the Bodies

Article 115. (1) Bodies of the National Fire and Emergency Safety Service shall be its officers, sergeants, military conscripts and contingent staff.

(2) The legal powers of military conscript and contingent staff shall be determined by the minister of the interior.

Article 116. In the course of extinguishing fires, rescuing people and property in fires, disasters, calamities and catastrophes, the bodies under Article 115, paragraph 1 shall:

1. Enter, at any time, housing, production and other buildings and premises of legal entities and physical persons;
2. Destroy buildings or parts thereof, disassemble constructions, remove, destroy or damage property, trees or other plants, when there is no alternative course of action;
3. Use rescue, extinguishing, transport, communication and other technical utilities owned by physical persons and legal entities;
4. Draw in officials and citizens for assistance;
5. Change traffic regulations in the area of rescue and extinguishing activities until the arrival of the respective competent bodies;
6. Use, free of charge, water sources and water supply networks in a way ensuring the necessary quantity of water for extinguishing.

Article 117. (1) (Renumbered from Article 117 - SG No. 17/2003) In the course of implementing public fire prevention control fire and emergency safety bodies shall:

1. Control the compliance with fire and emergency safety rules and standards in the process of design, construction and utilization of sites and populated areas;

2. Upon receipt of a written report of violation of the fire and emergency safety rules and standards, or by permission of the respective prosecutor's office, carry out inspections in the homes of the citizens during the day, in the presence of their occupants;

3. Issue written instructions to state bodies, organizations, legal entities and citizens concerning the rules of fire and emergency safety;

4. Apply preventive and administrative penalty measures in cases of establishing violations of the fire and emergency safety rules and standards;

5. Alert state bodies, organizations, legal entities and citizens in cases of violation of the fire and emergency safety rules and standards;

6. In the event of evidence of crime, seize the prosecution authorities;

7. Request from state bodies, organizations, legal entities and citizens documents and information related to fire and emergency safety, in compliance with the rules for protection of state, official, corporate and personal secrets;

8. Request documents certifying qualification to handle jobs and activities related to fire and explosives;

9. Issue permissions to traders and companies whose work is related to fire and explosives;

10. Issue certificates of site compliance with fire safety requirements;

11. (Amended - SG No. 17/2003) Give written consent permitting the use of construction sites under the conditions of Article 177 of the Spatial Development Act;

12. (Amended - SG No. 17/2003) Exercise control over the materials, installations, etc. used on the sites for compliance with the fire and emergency safety requirements;

13. Issue permissions to traders and companies whose work is related to fire and emergency safety, and oversee the compliance with the conditions in the permission.

(2) (New - SG No. 17/2003) The issuance of certificates and written consents shall be subject to the collection of fees whose amount shall be determined by the Council of Ministers.

Article 117a. (New - SG No. 17/2003) National Fire and Emergency Safety Service bodies shall not be engaged in:

1. Fire extinguishing and emergency rescue activity in the underground sites of the mining industry;

2. Public fire prevention control in the underground sites of the mining industry, in the Ministry of Defence sites and in transport vehicles.

Article 118. The Fire and Emergency Safety Directorate shall exercise methodological guidance and oversight with regard to the regional fire and emergency safety units.

Article 119. State bodies, organizations, legal entities and citizens shall be obliged to comply with the orders of the National Fire and Emergency Safety bodies and provide assistance in support of their legal duties.

Section III

Specialized Fire and Emergency Safety Units

(Title repealed - SG No. 29/20000)

Article 120. (Repealed - SG No. 29/2000)

Section III

(New - SG No. 17/2003)

Providing Fire and Emergency Safety Services under Contracts and by

Entities Other Than the National Fire and Emergency Safety bodies

Article 120a. (New - SG No. 17/2003) (1) MoI may conclude contracts with interested entities for fire and emergency safety services at sites performed by the bodies of the National Fire and Emergency Safety Service.

(2) MoI may conclude contracts with interested persons for fire and emergency safety services by the bodies of the National Fire and Emergency Safety Service during mass events or other short-term events or activities.

(3) In support of the activities under paragraph 1 for the duration of the contract MoI may appoint employees within the approved number of personnel.

(4) The revenue and expenses under paragraph 1 and 2 shall be accounted under the MoI budget.

Article 120b. (New - SG No. 17/2003) (1) The minister of the interior or officials authorized by him shall issue or withdraw permissions to entrepreneurs for carrying out activities related to fire and emergency safety.

(2) The persons whose business is immediately related to fire and emergency safety shall meet the following criteria:

1. Possession of the necessary professional qualification;
2. Clean criminal record regarding felony convictions under Chapter One, Chapter Two, Sections I and VIII, Chapter Three, Section IV, Chapter Five, Chapter Six, Section Ia and III, Chapter Seven, Chapter Eight, Chapter Ten or Chapter Eleven of the Special Part of the Criminal Code, unless they have been rehabilitated;
3. To be free of psychological diseases.

(3) The issued permission for activities under paragraph 1 shall be withdrawn in the cases when:

1. Within three months of the receipt of the permission the entrepreneur does not ensure the necessary minimum of technical devices or personnel to carry out the fire and emergency safety activities;
2. In the course of the activity the entrepreneur does not maintain a minimum of technical devices or personnel or employs a person in violation of the requirements of paragraph 2 and, within one month from receipt of the written warning does not remove the established discrepancies.

(4) The order of carrying out fire and emergency safety activities, of assessing the necessary professional qualification, as well as the minimum of technical devices and personnel, shall be determined in writing by the minister of the interior.

(5) The issuance of permissions under paragraph 1 shall be subject to the collection of fees whose amount shall be determined by the Council of Ministers.

Article 120c. (New - SG No. 17/2003) Upon receipt of permission under Article 120b, paragraph 1 entrepreneurs may conclude contracts with the National Fire and Emergency Safety Service, the Metropolitan Directorate of the Ministry of the Interior or the regional directorates of the Ministry of the Interior for:

1. Fire safety clearance of the sites;
2. Selection and training of the persons immediately occupied with fire and emergency safety activities;
3. Methodological guidance in the organization of fire safety services at the sites.

Article 120d. (New - SG No. 17/2003) By an order determined by the Council of Ministers, municipalities may establish, on the territories of the populated areas voluntary

formations for assistance to the bodies of the National Fire and Emergency Safety Service tasked to:

1. Prevent, restrict and eliminate fires;
2. Contain and eliminate the consequences from calamities, disasters and catastrophes;
3. Rescue people and property.

Chapter Twelve

REGIONAL SERVICES

Article 121. The objectives, activities, bodies and legal powers of the regional MoI services shall be determined by the general functions of the Ministry implemented on their designated territory.

Chapter Twelve "A"

(New - SG No. 103/2003, effective 26.02.2004)

MIGRATION DIRECTORATE

Section I

Objectives and Activities

Article 121a. (New - SG No. 103/2003) (1) The Migration Directorate is a specialized MoI unit in charge of implementing administrative control on the foreign nationals residing in the Republic of Bulgaria.

(2) The Migration Directorate shall:

1. Control the compliance with the conditions and the procedure for residence of foreigners in the Republic of Bulgaria;
2. Issue, deny and withdraw permissions for long-term residence and extend the term of residence;
3. Execute coercion orders for accommodation in special temporary homes of foreigners who are subject to compulsory escort to the border of the Republic of Bulgaria or expulsion;
4. Undertake actions to identify illegally staying foreigners;
5. In compliance with the legal procedures, cooperate and exchange information with other state bodies, government, non-governmental and international organizations regarding migration processes;
6. Carry out the procedures related to the issuance of travel documents to foreigners by the foreign diplomatic and consular missions in the Republic of Bulgaria;
7. Organize and carry out the escort of foreigners subject to expulsion or coercive escort to the borders of the Republic of Bulgaria;
8. Gather, process, analyse and summarize information on migration processes;
9. Propose measures for regulation of migration processes;
10. Provide methodological guidance, assistance and control of the regional units in respect of their activity;
11. Independently or jointly with other MoI services and directorates, as well as with other authorized state bodies, carry out inspections related to the fight against illegal migration;
12. Study and analyse the reasons and conditions causing illegal migration, alert for individuals and legal entities with regard to eliminating these reasons;

13. Be in charge of the management, exploitation and protection of the special homes for temporary accommodation of foreigners subject to coercive escort to the borders of the Republic of Bulgaria or expulsion;

14. Direct proposals to the competent National Police bodies to issue Bulgarian identity documents to foreigners.

Section II

Legal Powers of the Bodies

Article 121b. (New - SG No. 103/2003, effective 26.06.2004) (1) The bodies of the Migration Directorate shall be the its civil servants: officers and sergeants.

(2) The bodies under paragraph 1 shall have the following legal powers:

1. To permit, deny and withdraw long-term residence rights and extend the term of residence, of foreigners in the Republic of Bulgaria;

2. To disclose administrative offences;

3. To provide temporary accommodation in special homes to foreigners subject to coercive escort to the border or expulsion from the Republic of Bulgaria;

4. To request from the other MoI services, within the their competences, to conduct investigative activities for the purpose of establishing facts and circumstances related to illegal migration;

5. To express opinion on foreigners' applications for acquisition or restitution of Bulgarian citizenship, issuance of visas and other legally prescribed permissions;

6. In the event of a foreigner breaching the legal regulations, to cancel or reduce the validity period of the visa;

7. In cooperation with the competent MoI services, to participate in the prevention of and fight against illegal migration and trafficking in people;

8. To propose to the competent National Police bodies to issue Bulgarian identity documents to foreigners.

(3) The bodies under paragraph 1, within their competences, shall have the policing authority of the bodies under Chapter Seven, Section II.

Chapter Thirteen

SPECIALIZED ADMINISTRATION

(Title amended - SG No. 29/2000)

Section I

Objectives and Activities

Article 122. (Amended - SG No. 29/2000) The Technical Information Directorate is a specialized MoI unit for covert technical operations such as:

1. Providing, developing and applying special investigative techniques and preparing material evidence;

2. Surveillance, forced entry, photographing, recording video and audio materials, filming, marking of objects and producing psychological analyses in respect of collecting evidence about crimes and for the purpose of protecting the national security and the public order;

3. Technical inspection of postal and other correspondence for the purpose of protecting the life, health and security of the citizens, protecting the national security and the public order;

4. Controlling the transfer of data and receiving information through cable communications;

5. Preventing through technical equipment of terrorist activities directed against state bodies, organizations, legal entities and citizens, as well as against strategic activities and sites;

6. Information activity;

7. Participating in the activities of the units set up in the regional services and ensuring oversight and control thereof.

Article 123. (Amended - SG No. 29/2000) The Communications Directorate is a specialized MoI unit providing the necessary special communications for the state leadership and the Ministry by:

1. Studying, designing, developing and implementing new systems, technical installations and utilities within the communications network;

2. Providing the special and operative communications used by the state leadership and MoI throughout the whole territory of the country;

3. Planning and organizing the operation of the communication system and ensuring the management, control and automation thereof;

4. Utilizing, maintaining and servicing the technical equipment and devices in the communication system;

5. Organizing the communications during events and exercises carried out in the country by the government and the MoI services;

6. (Amended - SG No. 17/2003) Organizing the lease of equipment and services from the licensed telecommunication operators;

7. Ensuring the preparation of the communication system for times of war, natural calamities and industrial disasters;

8. Interacting with the other MoI services, with state bodies, organizations and legal entities with regard to implementing its functions;

9. Dealing with information.

Article 124. (Amended - SG No. 29/2000, No. 45/2002) the Communications Protection Directorate is a specialized MoI unit for cryptographic protection of classified information in the Republic of Bulgaria and in its diplomatic and consular mission, for acquisition, collation and processing of information from foreign sources which is importance to the national security, and operative monitoring of the national radio frequencies by:

1. Assessing and developing cryptographic algorithms and devices for cryptographic protection of classified information; creating and distributing the used cryptographic keys; permitting and controlling the use, production and import of cryptographic protection devices;

2. Granting certificates for security of the automated information systems or networks used for handling of classified information; coordinating and controlling the protection of the technical devices processing, storing and transferring classified information against parasitic electromagnetic emissions;

3. Organizing and implementing the communications of the Republic of Bulgaria with its diplomatic and consular missions, as well as the cryptographic protection of the exchanged information, and providing the competent personnel to the government institutions and the diplomatic and consular missions;

4. Acquiring, processing and collating by technical means from technical sources of other countries information of importance to the national security and submitting it to users determined by an order of the minister of the interior and by law;

5. Detecting and preventing the use of the national radio frequencies against the security of the country or in violation of the laws, and interacting with the competent state bodies;

6. Providing and applying special investigative techniques and preparing material evidence under terms and conditions determined by the law;

7. Conducting investigative work;

8. Cooperating, within its competences, with the other MoI services and with specialized state bodies, as well as with similar foreign services of other countries;

9. Dealing with information.

(2) Government institutions shall provide financial resources for the activities of the units under paragraph 1 (3) and in the diplomatic and consular missions.

(3) The activity under paragraph 1 (3) shall be organized according to a Council of Ministers Regulation.

Article 125. (Amended - SG No. 29/2000) The Outdoor Surveillance Directorate is a specialized MoI unit for covert technical operations aimed at detecting and putting on record crimes, including at preparing material evidence, by:

1. Carrying out surveillance of persons and sites and assisting for prevention of criminal acts;

2. Shadowing persons;

3. Recording, filming and photographing persons and sites;

4. Controlling telephone conversations made from public telephone posts;

5. Protecting the property and the life of physical persons and witnesses by using specific methods and special investigative techniques;

6. Making operative inquiries into persons and sites;

7. Participating in the activities of the units set up in the regional services and ensuring oversight and control thereof;

8. Participating in joint actions with the other MoI services aimed at detecting and preventing crimes;

9. Participating in the training of members of other national intelligence and counterintelligence services;

10. Building and using its own information databases as a part of the MoI information system;

11. (Amend - SG No. 29/2000) Keeping the material evidence prepared by the directorate and providing it to the judiciary bodies, at their request.

Article 125a. (New - SG No. 29/2000) The Inspectorate Directorate shall:

1. (Amended - SG No. 17/2003) Exercise control of the implementation of the acts delivered by the minister of the interior, the deputy ministers and the chief secretary;

2. Advise as to elimination of the infringements and omissions allowed by the services in the work;

3. Aid the senior management of the directorates and the services in respect of working organization, style and the methods.

4. (New - SG No. 17/2003) Exercise control and provide methodological guidance in support of the work of the national and regional services for prevention of corrupt practices in MoI.

Article 125b. (New - SG No. 29/2000) (1) The Information and Archive Directorate shall:

1. Receive, register and handle documents created by MoI services and directorates, and establish temporary and permanent storage records;

2. Propose to the minister of the interior archive documents for declassification;

3. Engage in collection of documents and objects related to the history of MoI, and organize exhibitions;

4. Restore and preserve archive documents and create archive funds;

5. Provide information and documents, according to an established procedure, to the leadership of the Ministry, to MoI services and directorates, to the state bodies, organizations and legal entities;

6. (Supplemented - SG No. 17/2003) Issue certificates and provide documents to citizens, according to an established procedure, for which fees shall be collected in amount determined by the Council of Ministers;

7. Exercise methodological guidance and control over the condition and storage of documents and the way registries are organized within the directorates and the services;

8. Propose to the minister of the interior the order and the way of destroying documents by the directorates and the services;

9. Jointly with other directorates and services, draft legislation in the area of its competence.

(2) The Information and Archive Directorate shall organize and keep MoI's informant reports by:

1. Drawing up analytical and statistical memorandums and reports based on informant data and providing them to the needs of MoI leadership and operative units;

2. Provide organizational and methodological guidance, control and assistance to the similar units in the other MoI services.

(3) (New - SG No. 17/2003) The archive fund of the Ministry shall be stored in the Information and Archive Directorate and in the regional directorates of the Ministry of The Interior.

(4) (Renumbered from paragraph 3 - SG No. 17/2003) The minister of the interior, through the Information and Archive Directorate, shall manage the archive fund of the Ministry.

Article 125c. (New - SG No. 29/2000) The National Central Bureau of Interpol shall:

1. Organize and coordinate the international exchange of police information under terms and conditions determined by the minister of the interior;

2. Interact with the other law enforcement bodies and organizations engaged in the prevention and fight against crime;

3. Create and maintain its own information databases;

4. Collect, process and store information about persons, objects, events and activities related to transnational crime;

5. Coordinate the searches of persons and objects conducted by other police bodies, upon their request;

6. (Supplemented - SG No. 17/2003) Provide information under terms and conditions determined by the minister of the interior to state bodies, organizations, legal entities and citizens who have legal interest in obtaining it. The legal entities which are not supported by the national budget, and the citizens shall pay fees in amounts determined by the Council of Ministers.

Article 125d. (New, SG No. 29/2000; amended, SG No. 17/2003, amended, SG No. 19/2005) The Crisis Management, Defence and Mobilisation Preparedness Directorate shall:

1. Develop and update the Ministry of Interior Preparedness Plan for Operation in Warlike Situations, the Mobilisation Plan, the Wartime Plan and the Crises Management Plan of the Ministry;

2. Plan the involvement of the Ministry of Interior in the country's defence;

3. Organise the setup and operation of a system of Ministry management posts and their maintenance in operational and technical readiness for use;
4. Develop and submit for endorsement proposals for wartime structures and staff positions in accordance with Ministry of Interior functions in times of war;
5. Set up and control the creation and maintenance of crisis and wartime stocks of the Ministry of Interior;
6. Plan, distribute and account for the financial resources destined for defence and mobilisation preparedness and make arrangements for drafting the wartime draft budget of the Ministry of Interior;
7. Set up and control the activity of operational duty centres and forces in order to maintain notification readiness of the Ministry where it needs to enter operational readiness during crises and state of war, a warlike or emergency situation;
8. Assist the operations of Ministry of Interior management for the deployment of Ministry forces and capabilities during crises and a state of war, a warlike or emergency situation;
9. Plan, organise, manage, and control the mobilisation preparedness and the way mobilisation is conducted by the Ministry of Interior structural units;
10. Organise and carry out training for the command staff of the Ministry of Interior to deploy the forces and capabilities of the Ministry when entering readiness for operation during crises and state of war, a warlike or emergency situation;
11. Plan, organise, manage, and control the preparations of the Ministry of Interior structural units for operation during crises and state of war, a warlike or emergency situation;
12. Maintain communication on behalf of the Ministry of Interior with other state authorities on matters of operational readiness during crises and state of war, a warlike or emergency situation;
13. Control the level of readiness of the Ministry of Interior structural units for operation during crises and state of war, a warlike or emergency situation;
14. When entering readiness for operation in times of war, carry out planned events, enter into operation the wartime plan and budget, organise the operation of management posts, the protection of their security and provide for their defence;
15. Organise, manage, and control the operations of the Ministry of Interior structural units in planning, expending and reporting on financial resources for crises response and draft a summary report of the funds expended by the Ministry of Interior during crises, which are subject to reimbursement from the national budget.

Article 125e. (New, SG No. 29/2000) The Commandant Directorate shall:

1. Organize and provide security, protection and admission regime in MoI buildings and sites determined by the minister of the interior;
2. Organize and provide security during events with MoI leadership participation;
3. During the transition of the country from peacetime to wartime, organize and fulfil tasks supporting the administration of the Ministry and its services and directorates from wartime and peacetime stations.

Section II

Legal Powers of the Bodies

Article 126. (1) (Amended - SG No. 29/2000) The bodies of the directorates in the specialized administration are their civil servants: civilians and contingent employees.

(2) The legal powers of the contingent staff shall be determined by the minister of the interior.

Article 127. (1) (Redesignated from Article 127 - amended, SG No. 29/2000) In fulfilment of their functions the directorates under Article 122 - 125 shall:

1. Prepare material evidence under terms and conditions determined by the act;
2. Issue compulsory instructions to state bodies, organizations, legal entities and citizens for assistance;
3. Provide information to the other MoI services, state bodies and organizations under terms and conditions determined by the minister of the interior;
4. Receive information from the other MoI services, state bodies, organizations, legal entities and citizens;
5. Request access to technical devices and equipment owned by state bodies, organizations, legal entities and citizens.

(2) (New - SG No. 29/2000) In fulfilment of their functions the directorates under Article 125a - 125e shall:

1. Exercise methodological guidance and control over the similar units in other directorates and services;
2. Request information and use the MoI information system.

Chapter Fourteen

GENERAL ADMINISTRATION

(Title amended - SG No. 29/2000)

Section I

Objectives and Activities

Article 128. (Amended - SG No. 29/2000) The Coordination and Information Analysis Directorate shall organize the compliance with the orders of MoI leadership, coordinate action plans and interaction between services by:

1. Collecting and processing, arranging, keeping, analysing and assessing, using and providing the information received at the Ministry to the management of the services, including by establishing and utilizing electronic databases;
2. Defining the priorities in MoI information policy;
3. Building the necessary information and system environment for operation of the automated information databases;
4. Implementing new information technologies;
5. Ensuring interaction with automated information systems in other state bodies and institutions;
6. Executing registration of automated information databases within MoI;
7. Drafting legislation in the areas of information analysis and computer information technologies;
8. Organizing and controlling Ministry correspondence, as well as compliance with the legal requirements for confidentiality in the handling of documents and other information media;
9. Providing operative, organizational and methodological oversight of MoI duty units;
10. Organizing MoI reception premises;
11. Exercising methodological guidance and control of similar units in the services, according to their competences.

Article 129. (Amended - SG No. 29/2000) The Legal Services Directorate shall:

1. (Amended - SG No. 29/2000) Defend the interests of the Ministry before judicial and other state bodies by organizing, distributing and assigning such activities to similar units within the directorates of MoI specialized and general administration, which are not legal entities;
2. Participate in the elaboration of draft legislation as well as produce comments thereon;
3. Render legal assistance to the leadership of the Ministry;
4. Carry out comparative legal research and legal analysis;
5. Participate in the negotiations on agreements on behalf of the Ministry of the Interior and provide expert opinion thereon in terms of lawfulness;
6. (Amended - SG No. 29/2000) Exercise methodological guidance, assistance and control of similar units in the other MoI services and directorates;
7. Organize the study of the results from the implementation of the legislation and extend proposals to the leadership for improvement or measures for correct implementation of that legislation.

Article 130. (Amended - SG No. 29/2000) The International Cooperation Directorate shall:

1. Organize the interaction of the Ministry with the respective services of other countries;
2. Organize and carry out the cooperation between MoI and international organizations;
3. Collect, process, keep and provide information about the bilateral and multilateral cooperation of the Ministry;
4. Jointly with other services, carry out preparation, analysis, assessment of international agreements on behalf of the Ministry and propose conclusion thereof;
5. Coordinate MoI's international activity with the Ministry of Foreign Affairs.

Article 131. (Amended - SG No. 29/2000) The Press Centre and Public Relations Directorate shall:

1. Organize the work of the Ministry with the structures of the civil society;
2. Explicate the functions of the Ministry and inform of the implementation thereof;
3. Perform editorial, publishing, cultural and information activities.

Article 132. (Repealed - SG No. 29/2000)

Article 133. (Amended - SG No. 29/2000) The Human Resources Directorate shall:

1. (Amended - SG No. 29/2000) Assist the MoI leadership in the management of human resources;
2. Organize cadre formation in compliance with the principles of MoI bodies' structure and management;
3. Provide centralized methodological oversight for selection, screening and development of the staff;
4. Plan and organize the professional training of the staff;
5. Work out projects for the structure of and job positions within the services and proposing them for approval;
6. Analyse and control compliance with discipline and disciplinary practices in the services;
7. (Supplemented - SG No. 29/2000) Keep record of the staff of the services and directorates;
8. Collect, process and keep information regarding the MoI personnel by means of establishing and maintaining an automated information system and the necessary files;
9. Consider claims and appeals filed by employees on personnel issues and draw up proposals for their settlement;
10. Issue certificates.

Article 134. (Amended - SG No. 29/2000) The Financial Resource Management Directorate shall:

1. Support the minister of the interior in his capacity as primary administrator of the MoI budget;
2. Draft the budget and put together the periodical financial reports;
3. Draw up the annual funding plans for MoI services and exercise current financial control;
4. (Supplemented - SG No. 29/2000) Develop legislation related to the supply of materials and finances to the services and directorates and the implementation of the legal mechanisms for remuneration of the personnel.

Article 135. (Repealed - SG No. 29/2000)

Article 136. (Amended - SG No. 29/2000) The Material Supply and Social Services Directorate shall:

1. (Supplemented - SG No. 29/2000) Supply the services and directorates of the Ministry with armament, materials, technical equipment and wares, in peace and wartime;
2. Be in charge of the use, repair and storage of armament, equipment and the rest of MoI property;
3. Provide social and other services to the personnel;
4. Be in charge of the construction and use of the buildings and housing estates and facilities and utilities of the Ministry;
5. Keep account, title deeds and control the management MoI's state property, including keep a register of the companies established with privately state-owned property, where the minister exercises the rights of sole owner of the capital;
6. Organize capital construction and design thereof, construction of sites for the official needs of MoI, as well as housing, recreation and medical facilities.

Article 137. (1) (Amended - SG No. 29/2000) The Audit Directorate shall examine:

1. The lawfulness and authenticity of the property collected, kept, managed and expended at the Ministry, and the accounting of such property;
2. The lawfulness and authenticity of the accountancy;
3. The payment of budgetary dues;
4. The preservation of the proprietary interests of MoI in connection with sale lease of used, unnecessary and stale materials, technical equipment, environs, etc.
5. The compliance with the foreign currency regime;
6. The compliance of the audited units with the legislation settling the budgetary, financial, economic and accounting activities.

(2) (New - SG No. 17/2003) At the order of the minister of the interior or an official authorized by him, the Audit Directorate shall perform audit and control of the billing officers in all MoI structures.

(3) (Amended - SG No. 29/2000; renumbered from paragraph 2 - SG No. 17/2003) In carrying out the activities under paragraph 1 the bodies of the Audit Directorate shall have the right to:

1. Free access to the audited units;
2. Examine the cash and tangible assets, the accountancy, the documents and the technical information media, as well as the purpose of processing the latter and the used software applications;
3. Appoint experts on issues requiring special training and knowledge; the remuneration of the experts shall be covered by the audited units;

4. Request information, copies of documents, abstracts from accounts and other similar documents from legal entities and sole traders external to the audited unit, as well as subject them to counter audit whenever necessary for primary audit.

Article 138 - 140. (Repealed - SG No. 29/2000)

Section II

Legal Powers of the Bodies

Article 141. (Amended - SG No. 29/2000) The bodies of the directorates under Article 128 - 137 shall be their civil servants, civilians.

Article 142. (1) (Amended - SG No. 29/2000) In fulfilment of their functions the directorates of the general administration shall:

1. Exercise methodological guidance and control of the similar units set up in the other directorates and services;

2. Request information and use the information system of MoI.

(2) The central expert medical committee shall prepare medical statements of the health condition of the employees.

Chapter Fifteen

TRAINING ESTABLISHMENTS AND SCIENTIFIC INSTITUTES

Article 143. The MoI Academy is a specialized higher-education school for training of specialists and scientific research supporting the needs of the Ministry.

Article 144. (1) In support of the functions under Article 143 the MoI Academy shall:

1. Train officers with higher education;

2. (Amended - SG No. 17/2003) Provide professional qualification for MoI's newly recruited civil servants: officers, sergeants and civilians;

3. Improve the qualification of the employees of the Ministry;

4. Carry out theoretical and applied scientific research;

5. Carry out editorial and publishing activities;

6. Develop applied science, sports and other capacities, in accordance with its specific competences.

(2) The specialties and the term of education in the Academy, as well as the criteria for graduation, shall be determined by the Council of Ministers at the proposal of the minister of the interior and the minister of education and science.

Article 145. (1) (Supplemented - SG No. 17/2003) The trainees admitted for regular training at the MoI Academy shall have the status of cadets and shall receive uniforms and allowance determined by the minister of the interior.

(2) The conscripts admitted as cadets in the MoI Academy shall serve their time as soldiers during the period of their training. In the event of dismissal or leaving at their own choice, if they have not exceeded the term of the regular service, such cadets shall serve the remaining time in the MoI structures which accept military conscripts.

(3) During their training the cadets shall not be employed by the bodies of the Ministry except for training purposes for a period not exceeding 2 months per each calendar year.

(4) Upon graduating from the Academy the cadets shall be granted an officer rank and appointed to positions in the respective services of the Ministry.

Article 146. (1) The full-time graduates of the Academy are obliged to work for the Ministry for at least 10 years, which shall be included as a clause in contract signed upon their admission to the Academy.

(2) (Amended - SG No. 17/2003) Those dismissed from their training due to poor performance, breach of discipline, conviction for felony; those who leave in mid-training at their own choice; as well as those who graduate but refuse to occupy the assigned position, shall reimburse the expenses for their allowance, training, uniforms, qualification and/or re-qualification incurred during the period of training. The same expenses shall be reimbursed by the officers released from service at their own choice or for breach of discipline before completing the term under paragraph 1, proportionally to the time of non fulfilment.

Article 147. (Amended - SG No. 17/2003) (1) The MoI Academy and the national services of the Ministry may establish centres for specialization and professional training.

(2) The organization and activity of the centres for specialization and professional training shall be determined by the minister of the interior.

Article 148. (Repealed - SG No. 17/2003)

Article 149. (Repealed - SG No. 17/2003)

Article 150. (1) (New - SG No. 17/2003) The terms and conditions for admission of students in the educational establishments of MoI shall be determined annually by regulation of the minister of the interior.

(2) (Renumbered from Article 150 - SG No. 17/2003) The training establishments of MoI may train specialists for the needs of other government institutions on the basis of a contract concluded between their leaders.

Article 151. (1) The MoI Medical Institute is a scientific institute providing health services for MoI.

(2) The MoI Medical Institute is a legal entity.

Article 152. The MoI Medical Institute shall organize and provide health services by ensuring:

1. Medical services for the employees of the Ministry and other persons, specified in this act;

2. Hospitalisation, rehabilitation and out-patient treatment;

3. Prophylaxis;

4. Research and development and educational activity;

5. Expert activity;

6. Cooperation with the medical universities and the other health institutions in the country;

7. Methodological development;

8. Training and retraining of medical personnel working for MoI and the civilian health care system.

9. (New - SG No. 17/2003) Medical certification of the applicants for employment in MoI.

Article 153. The scientific institutes are specialized units of MoI covering objectives for:

1. Design, development and implementation of new automated technologies based on modern computing, communication and software applications;

2. Development of specific technical devices, identification insignia, stamps and seals;

3. Collection, study and assessment of traces and material evidence;

4. Psychological selection and psychologically-based assessment and evaluation of the staff of the Ministry;

5. Fire and emergency safety.

Article 154. (1) (Renumbered from Article 154 - SG No. 17/2003) For fulfilment of the objectives under Article 153 the scientific institutes shall:

1. Develop applied science and expertise;

2. Produce applied science products;
3. Carry out certification;
4. Establish information databases: of data, bullets, registers, etc.
5. Perform criminological and forensic tests;
6. Participate in investigations, as stipulated by the act;
7. Develop methodologies for prevention and detection of crimes;
8. Exercise methodological guidance and control of the technical science laboratories in the regional services.

(2) (New - SG No. 17/2003) When an expert from the institutes under Article 153 is appointed to carry out an expert procedure, the government institutions and the bodies which requested the procedure shall pay MoI the expenses for work, consumables and overheads.

Article 155. (1) (Amended - SG No. 29/2000) The bodies under Article 143 and 147 shall be the officers, sergeants and the persons working under employment contract who make expert assessments, experiments and conclusions.

(2) (New - SG No. 29/2000) The bodies under Article 151 and 153 shall be the civil servants: civilians and persons working under employment contract who make expert assessments, experiments and conclusions.

(3) (Renumbered from paragraph 2 - SG No. 29/2000) The Medical Institute, the scientific institutes and the central expert medical committee, when issuing respective permissions and making expert conclusions, shall also be bodies.

Chapter Sixteen

SPECIALIZED ANTI-TERRORISM SQUAD

Section I

Objectives and Activities

Article 156. The Specialized Anti-Terrorism Squad (SATS) is a specialized MoI service for countering terrorist activity, protection of strategic and high profile sites and prevention and detection of serious crimes.

Article 157. (1) For fulfilment of the objectives under Article 156 SATS shall:

1. Prevent terrorist activity;
2. Interdict or neutralize perpetrators of very serious crimes who put up or are likely to put up, armed resistance;
3. Release hostages;
4. Implement measures related to protection of national and public interests from criminal aggression and terrorist acts.

(2) SATS shall be put into operation by a written order of the minister of the interior on a case-by-case basis.

(3) The organization and activity of the squad shall be settled in regulations approved by the minister of the interior.

Section II

Legal Powers of the Bodies

Article 158. (1) The SATS bodies shall be its officers, sergeants and contingent staff.

(2) The legal powers of the contingent staff shall be determined by the minister of the interior.

Article 159. (1) In support of their functions SATS bodies shall have the following legal powers:

1. To use firearms and other legal weapons, according to the specific operational and tactical situation, as well as special means of protection ensuring personal safety and cover of identity;
2. To establish the identity of persons under the terms and conditions provided for police bodies;
3. According to the situation, to block areas, halt or divert the traffic of motor vehicles and interrupt temporarily communications;
4. To provide security for MoI bodies, state bodies and organizations while implementing their functions;
5. To issue compulsory orders to state bodies, organizations, legal entities and citizens; in cases of non-compliance SATS bodies shall draw up penal statements;
6. To provide assistance to state bodies and organizations while implementing their functions, as well as ensure the security of the citizens;
7. To effect physical arrest of persons and deliver them immediately to the competent authorities;
8. To carry out search and seizure of detained persons and inspect personal effects and vehicles under the terms and conditions provided for police bodies.

(2) SATS members and their families shall enjoy a special regime of address registration, vehicle registration and telephones, determined by the minister of the interior.

(3) The identity of the SATS members in the course of implementing their duties shall be kept secret.

Chapter Seventeen

INVESTIGATIVE WORK

Section I

Principles of the Investigative Work

Article 160. (1) The investigative work is a specific kind of activity carried out by MoI for protection of the national security and the public order in the Republic of Bulgaria, the health, the life, the rights and freedoms and the property of the citizens against criminal encroachment.

(2) The activity under paragraph 1 shall be carried out by the investigative and technical structural units of MoI by overt and covert means and ways, in compliance with their competences, under terms and conditions determined by the act, a Council of Ministers act and the minister of the interior.

(3) The activity under paragraph 1 shall be carried out in compliance with the Constitution and the act, through respect to the rights and freedoms of the citizens and their personal dignity, as well as using secrecy and combination of overt and covert methods, ways and means.

Article 161. The investigative work shall be aimed at:

1. Detecting, preventing, curbing and neutralizing crimes and other violations related to the national security and public order;
2. Disclosing and identifying persons who contemplate or perpetrate or have perpetrated criminal activity;
3. Investigating persons hiding from the bodies of the preliminary investigation or from the court, who have evaded service of punishment in felony cases, as well as searching for missing persons;

4. Obtaining information about actions threatening the national interests, the military economy or the environmental safety;

5. Preparing and keeping material evidence and submitting it to the judiciary authorities.

Article 162. (1) The investigative work shall be carried out through:

1. Taking explanations from citizens;

2. Searching in the information databases data about persons involved in criminal activities;

3. Taking samples for comparative analysis;

4. Marking objects and sites;

5. Studying objects and documents;

6. Carrying out surveillance;

7. Identifying persons and objects;

8. Breaking into and scrutinizing premises, buildings, installations, parts of areas and vehicles;

9. Monitoring postal, telegraph and other correspondence;

10. Monitoring telephone calls;

11. Collecting information from technical communication channels;

12. Operative infiltration;

13. Operative experiment;

14. Causing a warning effect on persons through verbal and written admonitions seeking to curb breaches of the rule of law in the country and prevent their growth into criminal activity;

15. Operative examination of collected data and documentation thereof;

16. (Supplemented - SG No. 17/2003) Carrying out controlled deliveries and purchases;

17. Carrying out documentary counterchecks.

18. (New - SG No. 17/2003) Controlling the radio frequency spectrum.

(2) The activities under paragraph 1 shall be carried out through specific methods and techniques, as well as through using special investigative techniques and citizens who have volunteered to support the functions of the bodies of MoI.

(3) (Repealed - SG No. 45/2002)

Article 163. The terms and conditions of using special investigative techniques shall be determined by a act.

Article 164. (1) Only the specialized bodies of MoI authorized by this act may work with voluntary collaborators.

(2) The minister of the interior shall provide for the organization of the cooperation with the citizens in support of the functions of the Ministry.

(3) The persons under paragraph 1 shall be drawn in for collaboration and act on the basis of:

1. Voluntary in enlistment, services and release;

2. Protection during and on occasion of the cooperation;

3. Keeping identity and activity secret.

(4) (New - SG No. 17/2003) Data of persons who have agreed to assist voluntarily the bodies of MoI may be provided to the court, the prosecution service and the investigation service only with prior written consent of the persons.

Article 165. Investigative work shall be carried out on the following grounds:

1. Data about persons contemplating, perpetrating or having perpetrated illegal activities, where there is not enough evidence to open preliminary proceedings;

2. Data about events or activities causing a threat to the national security, the public order or the environmental safety;

3. A search for persons hiding from the bodies of the preliminary proceedings and the court or who have evaded servicing of punishment;

4. A search for missing persons and identification of unidentified corpses;

5. Request of the bodies of the preliminary proceedings and the court;

6. Request of state bodies and organizations, according to their competences under this act;

7. Fulfilment of international agreements signed by the Republic of Bulgaria.

Article 166. The material evidence prepared and collected in the course of the investigative work shall be submitted to the judiciary bodies under terms and conditions determined by act.

Article 167. In the course of the investigative work it shall be unacceptable to harm the health and the life of the citizens, as well as to pollute or destroy the environment.

Section II

Legal Powers of the Bodies of MoI Carrying Out Investigative Work

Article 168. (Amended - SG No. 29/2000) The MoI bodies carrying out investigative work shall be the persons under Article 192, paragraph 1 (1) serving in the investigative and technical units of the directorates under Article 122 - 125, and in the respective services of the Ministry.

Article 169. (1) The bodies carrying out investigative work shall issue compulsory instructions to state bodies, organizations, legal entities and citizens, within their competences.

(2) The state bodies and organizations must provide the investigative and technical bodies with access to official premises, technical junctions and other property.

Chapter Eighteen

CRIME PREVENTION

Article 170. MoI bodies shall work in the area of overall and individual crime prevention by issuing instructions to state bodies, organizations, legal entities and citizens when it is in support of their assigned functions.

Article 171. (1) In fulfilment of the functions under Article 170 the minister of the interior, at the proposal of the directors of the regional services, shall issue written orders for introduction of temporary restrictions to activities if they threaten the national security or the public order.

(2) The orders under paragraph 1 shall be issued:

1. To prevent the perpetration of crime or violation of public order at specific public places;

2. In the event of disturbances or immediate danger of occurrence of disturbances;

3. For protection of the life and property of the citizens in the event of general danger of calamities or industrial disasters;

4. During quarantines requested by the health authorities.

(3) The restrictions under paragraph 1 shall not apply to strikes, assemblies, meetings and manifestations carried out in compliance with the established order.

(4) The mayor of the municipality or the populated area shall be informed immediately about the orders under paragraph 1. The orders shall be announced in the mass media or in another suitable manner.

(5) The orders under paragraph 1 may be contested by the affected persons and organizations within 7 days before the Supreme Administrative Court via the minister of the interior. The minister of the interior may revoke his order within 24 hours of receiving the

complaint, and if he finds the latter unfounded, he shall forward it immediately to the court. The court shall consider the complaint in an open session and shall adjudicate the case within 3 days of its registration with the court.

(6) The effect of the orders shall be discontinued with the expiration of their term, upon invalidation of the grounds for issuance or based on a court decision under paragraph 5.

Article 172. (1) When MoI bodies identify reasons and the conditions for perpetration of crimes and other offences they shall take the necessary measures to eliminate them.

(2) When it is other bodies and organizations that are competent to take measures the MoI bodies shall inform them thereof in writing.

(3) The bodies under paragraph 2 must provide information within one month of the measures taken.

Chapter Nineteen

INFORMATION POLICIES

Section I

Principles of the Information Policies

Article 173. The organization of the information policies of MoI, the bodies in charge of its management and control, and the use of the information shall be settled by this act.

Article 174. (1) (Redesignated from Article 174 - SG No. 17/2003) The information policies shall consist in the collection, processing, arrangement, keeping, analysis, use and provision of information to Ministry users, to state bodies, organizations, legal entities and citizens, in compliance with the functional competence of MoI.

(2) (New - SG No. 17/2003) For fulfilment of the objectives and activities under this act the basic structural units under Article 9 may gather personal data as well.

Article 175. (1) Information policies shall be based on information covered or due to be covered, in the information media elaborated by MoI bodies.

(2) Informational policies shall be based on information from the information media elaborated by other state bodies, organizations, legal entities and citizens, as well as by the specialized law enforcement services of foreign countries, with which the Republic of Bulgaria has signed cooperation agreements.

Section II

Principles, Purposes and Functions of the Information Policies

Article 176. Information policies shall be based on the principles of:

1. lawfulness;
2. objectivity, completeness and timeliness;
3. secrecy, according to the legislative regulations;
4. accessibility, in compliance with the order established by this act;
5. organizational and economic expediency;
6. balance between centralization and decentralization in its storage and use;
7. informational interaction and obligation to inform the services according to their functions;
8. protection of the information, the documents and the other means of handling them, and the information media;

9. possibility for integration with information databases and between them, taking into account the specifics of the activity of the services;

10. (Amended - SG No. 17/2003) protection of citizens' personal data while processing them.

Article 177. The basic objectives of the information policies are related to the provision of information:

1. For the professional needs of the Ministry and its services;
2. For the parliamentary and internal control on the handling of information by the Ministry;
3. To support the services in the fulfilment of their activity;
4. To support the management of the bodies of the state administration and the local self-government in the area of security and public order;
5. To outside users.

Article 178. (1) (Amended - SG No. 17/2003) It shall be prohibited to gather information about the citizens solely on the basis of race or ethnic origin, political, religious or philosophical beliefs, membership in political parties, organizations, religious, philosophical, political or trade union societies, or regarding the health condition or sexual life.

(2) (New - SG No. 17/2003) If, in the process of exercising an individual's right of access it is likely that a third person's personal data be disclosed, the administrator of personal data must provide to the respective individual access only to the part of the data regarding him/herself.

(3) (Renumbered from paragraph 2 - SG No. 17/2003) MoI officials shall be prohibited to provide information to state bodies, organizations, legal entities and citizens except under the terms stipulated by the act.

Article 179. (Amended - SG No. 17/2003) The information and data contained in the documentary media shall be assigned levels of security classification determined under the terms and conditions of the Classified Information Protection Act.

Section III

Information Databases

Article 180. (1) MoI shall draw up and develop informative and analytical documents and products intended for:

1. The leadership of the Ministry;
2. (Supplemented - SG No. 29/2000) The services and directorates of the Ministry;
3. External users.

(2) The informative and analytical documents and products intended for external users shall be consistent with the latter's functions and objectives, with their allowed access to information and with the requirements for its obtaining.

Article 181. (1) (Renumbered from Article 181 - SG No. 17/2003) MoI shall establish information units and databases for collection, processing, arrangement, storage, analysis, elaboration and provision of information.

(2) (New - SG No. 17/2003) Personal data may be processed in the information databases of MoI. With regard to processing personal data related to the activities for protection of the national security, protection of the public order and fight against crime the MoI bodies shall:

1. Not request the consent of the individual;
2. Not inform the respective individual before and during the processing of his/her personal data;
3. Not provide personal data to third persons;

4. Store the data even after their processing has been terminated for a period determined by the administrator of personal data.

(3) (New - SG No. 17/2003) Personal data processed by other bodies may also be processed in the information databases of MoI, whereas the data obtained in such a way may not be used for purposes other than for protection of the national security, protection of the public order and fight against crime. Such data shall not be transferred.

(4) (New - SG No. 17/2003) Internal identification codes, encoding and cryptography of the data may be used in the process of building information databases and data processing.

(5) (New - SG No. 17/2003) Personal data under paragraph 2 and 3 shall be deleted if there is no further reason for their preservation according to the act or in execution of a court sanction.

(6) (New - SG No. 17/2003) Upon deletion of personal data, it shall be taken into account the age of the individual, the nature of the processed data, the necessity of further processing until the concrete investigation or legal procedure have been completed, effectuation of a sentence or court decision, amnesty, rehabilitation or expiration of a term of prescription.

(7) (New - SG No. 17/2003) Personal data from the information databases may be provided only to the bodies for protection of national security and public order, as well as to the bodies of the judiciary for the purpose of a specifically indicated criminal case.

(8) (New - SG No. 17/2003) The data under paragraph 7 may also be provided to foreign police bodies by virtue of an international treaty signed by the Republic of Bulgaria.

Article 181a. (New - SG No. 17/2003) (1) The data from the police registration of persons shall be used only for prevention and detection of crime or for activities related to protection of the national security and the public order.

(2) The police registration shall be removed by virtue of a written order signed by the administrator of personal data or by officials authorized by him, ex-officio or on the basis of a motivated written request of the registered person when:

1. The registration was made in violation of the act;
2. (amended, SG No. 86/2005) The criminal proceedings have been terminated, with the exception of the cases in Article 24, paragraph 3 of the Criminal Procedure Code;
3. An acquittal has entered into force;
4. The person has been released from criminal liability and has been imposed an administrative penalty;
5. The person is deceased; in such case the request may be made by his/her beneficiaries.

Article 182. (1) (Supplemented - SG No. 29/2000) The information databases shall be established with the respective services and directorates of the Ministry, in compliance with their functional competences.

(2) The databases under paragraph 1 may also be automated.

(3) The information databases shall be built, used, controlled and closed down under terms and conditions determined by the minister of the interior and according to this act.

(4) (New - SG No. 17/2003) Every person shall be entitled to request access to his/her personal data processed in the information databases of MoI and gathered without his/her knowledge.

(5) (New - SG No. 17/2003) The administrator of personal data shall announce his/her decision within 14 days of the receipt of the request for access.

(6) (New - SG No. 17/2003) By his/her own request, the individual shall be provided with a hard copy of the processed personal data.

(7) (New - SG No. 17/2003) MoI bodies shall refuse entirely or in part to provide data if that would endanger the national security or the public order, the security of information

classified as state or official secret, the sources of information or the covert collection methods and techniques, or if the provision of such data to the person would derogate the fulfilment of the legally defined objectives of the MoI bodies.

(8) (New - SG No. 17/2003) The requesting citizens shall be notified of the refusal under paragraph 7 in writing, whereas it shall indicate only the legal grounds. The lack of notification within the legally prescribed period shall also be considered as refusal.

(9) (Renumbered from Paragraph 4, amended, SG No. 17/2003) The order of access to the databases under paragraph 1 shall be determined by a regulation of the minister of the interior.

Section IV

Information Policy Managing Bodies

Article 183. (1) (Amended and supplemented - SG No. 29/2000) The information policies of MoI shall be administered by the minister of the interior assisted by the Coordination and Information Analysis Directorate.

(2) The deputy ministers and the chief secretary shall administer the information policies in compliance with their assigned leading functions.

(3) The direct organization and management of the information policies shall be carried out by the directors of services and directorates assisted by the specialized information units.

Article 184. (Amended - SG No. 17/2003) (1) Administrator of personal data, within the meaning of Article 3, paragraph 1 of the Personal Data Protection Act, shall be the minister of the interior who shall assign the processing of personal data to officials designated by him.

(2) The procedure for processing of personal data shall be laid down by an instruction of the minister of the interior.

Section V

Control of the Information Policies

Article 185. (1) Parliamentary control over the automated information databases shall be carried out by a standing committee of the National Assembly.

(2) The committee under paragraph 1 shall inspect the criteria and the technical standards for databases and may require representative abstracts with extracted names and other data which may reveal the identity of specific persons.

(3) The committee may order the deletion of data collected in violation of the act.

Article 185a. (New - SG No. 17/2003) The process of protecting the individuals in the processing of personal data and providing access to such data shall be monitored by the Personal Data Protection Commission, under terms and conditions determined by the Personal Data Protection Act.

Article 186. Internal control over the information policies shall be enforced by the leadership of the Ministry, by the senior and lower management, in compliance with their legal capacities.

Article 187. (Amended - SG No. 45/2002) In the course of control enforcement over the information policies the respective control body shall comply with the rules for protection of classified information.

Chapter Twenty

INTERNAL COOPERATION WITHIN THE MINISTRY OF THE INTERIOR

Article 188. (Supplemented - SG No. 29/2000) The organization of the interaction and the coordination between the services and directorates, as well as inside them, in the course of implementation of their legally assigned functions shall be aimed at:

1. More efficient and expedient fulfilment of their objectives;
2. Economy of forces and resources;
3. Avoiding duplication or creation of working difficulties and obstructions.

Article 189. The interaction shall be carried out in compliance with the principles of centralism, lawfulness, secrecy, independence and equality.

Article 190. (1) (Amended - SG No. 29/2000) The interaction and internal coordination processes in MoI shall be overseen and controlled by the deputy ministers, the chief secretary and the directors of services and directorates.

(2) The chief secretary shall carry out general and direct management and control over the interaction and co-ordination between the services.

(3) (Amended - SG No. 29/2000) The deputy ministers shall organize the interaction and coordinate the activities of the services which have been placed under their management by the minister of the interior.

(4) (Amended and supplemented - SG No. 29/2000) The directors of services and directorates shall organize and carry out direct and immediate management and coordination of the interaction between the structural units in their services and directorates.

Article 191. (Supplemented - SG No. 29/2000) The interaction and coordination between the services and directorates shall be conveyed in the following main directions:

1. Exchange of information;
2. Use of the information databases of the services;
3. Technical support for operations through coordinated action for investigation of signals and fulfilment of objectives of their functional competences.

Part Three

CIVIL SERVICE IN THE MINISTRY OF THE INTERIOR

Chapter Twenty-One

PERSONNEL

Section I

Personnel Requirements

Article 192. (1) (Amended - SG No. 29/2000) The personnel of MoI shall consist of:

1. civil servants who may be officers, sergeants or civilians;
2. persons working under an employment contract.

(2) (New - SG No. 29/2000) Only civil servants: civilians and persons under an employment contract shall work at the directorates of the specialized and general administration, the Medical Institute, and the scientific institutes of MoI.

(3) (New - SG No. 29/2000, amended - SG No. 17/2003) The civilian civil servants' terms of employment (recruitment, content and termination) at MoI shall be governed by this Act, and for the unsettled issues shall apply the Civil Servants Act.

(4) (New - SG No. 29/2000) The rights and obligations of the persons working under employment contract shall be settled under the terms and conditions stipulated in the Labour Code and this Act.

(5) (Renumbered from paragraph 2 - SG No. 29/2000) The military conscript staff do their service in compliance with the Defence and Armed Forces of the Republic of Bulgaria Act and the statutes of the armed forces. Their legal powers as bodies in the context of this act shall be determined by the minister of the interior.

Article 193. (1) (Amended - SG No. 29/2000, No. 17/2003) Only Bulgarian citizens, male and female, who meet the general and the specific requirements for age, education, psychological and physical fitness and professional training, determined by the Council of Ministers, shall be appointed as civil servants at MoI.

(2) (Amended - SG No. 17/2003) MoI shall appoint as civil servants persons who:

1. Have not completed their conscript military service (applicable to the men applying for an officer or sergeant position);

2. Have been convicted for felony, regardless of a subsequent rehabilitation, as well as exonerated from criminal responsibility for the commission of a felony by imposition of an administrative penalty under Article 78a of the Criminal Code;

3. Are subject to current criminal prosecution for felony;

4. Would fall into a direct hierarchical relation of supervision and management with a spouse, relative of the direct line of descent, without restriction, or of the lateral branch or by marriage up to the fourth degree, inclusive;

5. Are sole traders, partners in a company with unlimited liability, managers or executive members of a company, business proxies, procurators, trade representatives;

6. Are members of parliament or mayors;

7. Work under an employment contract elsewhere, except for lecturers in higher-education schools.

(3) (New - SG No. 29/2000, amended - SG No. 17/2003) Only persons holding a bachelor's degree and higher may be appointed to managerial positions.

(4) (Renumbered from paragraph 3 - amended, SG No. 29/2000) Persons who are Bulgarian citizens and meet the remaining requirements under paragraph 1 and paragraph 2 (2) and (3) shall be appointed to work under an employment contract.

Article 194. (1) (Supplemented - SG No. 29/2000) The structure and the personnel of the services and directorates of the Ministry shall be approved by the minister of the interior, within the limitations of approved number of personnel and budget.

(2) (Supplemented - SG No. 29/2000) The full-time positions catalogue shall include the jobs, the necessary education and the number of personnel in each service and directorate of the Ministry.

(3) (Amended - SG No. 29/2000) The total number of the staff under Article 192, paragraph 5 shall be determined by the Council of Ministers and shall not exceed 10,000 military conscripts.

Article 195. With regard to the established positions, the personnel of the Ministry shall consist of:

1. (Amended - SG No. 29/2000) Senior management officials - the deputy ministers, the chief secretary and the directors under Article 30;

2. Managers - from head of section and up;

3. Subordinate staff.

Article 196. (1) MoI employees are obliged to be loyal to the political institutions in the Republic of Bulgaria.

(2) (Amended - SG No. 17/2003) Civil servants shall not participate in organized political activity, carry out propaganda or act on an official basis and thereby violate their political neutrality.

(3) (Amended - SG No. 29/2000, No. 17/2003) The persons working under an employment contract shall not engage in political activity or express political views at the workplace.

Section II

Appointment

Article 197. (Amended - SG No. 29/2000) The chief secretary and the directors of the national services shall be appointed by the President of the Republic of Bulgaria at the proposal of the Council of Ministers.

Article 198. (Repealed - SG No. 29/2000)

Article 199. (1) The minister of the interior shall appoint:

1. (Supplemented - SG No. 103/2003) The Director of the Migration Directorate, the directors of the Metropolitan Directorate of the Ministry of the Interior and of the regional directorates of the Ministry of the Interior, as well as their deputies, the rector of the MoI Academy, the deputy directors of the national services and the SATS commander;

2. (Repealed - SG No. 29/2000)

3. (Repealed - SG No. 17/2003)

4. the officials whose positions require an officer rank (upon initial recruitment).

5. (New - SG No. 29/2000) The civilian civil servants to managerial posts in the specialized and the general administration of the Ministry, in the Medical Institute and the scientific institutes of MoI;

6. (New - SG No. 29/2000) The civilian civil servants appointed to positions requiring a specialist qualification, bachelor's degree, master's degree and PhD (upon initial recruitment).

(2) (Amended - SG No. 29/2000, No. 17/2003) The proposals for appointment shall be made:

1. By the chief secretary of MoI in respect of employees under paragraph 1 (1);

2. By the bodies under Article 200, paragraph 1 in respect of the persons under paragraph 1 (4).

(3) (New - SG No. 29/2000) The directors of the Metropolitan Directorate of the Ministry of the Interior and the regional directorates of the Ministry of the Interior shall always seek the opinion of the directors of the respective national services, according to the respective area of competence, when making proposals under paragraph 2 for initial recruitment of managerial staff in the structural units under Article 11, paragraph 5.

Article 200. (1) (Amended - SG 29/2000, No. 103/2003) The director of the Migration Directorate, the directors of the national and regional services, the SATS commander and the rector of the MoI Academy shall appoint and reappoint the sergeant staff.

(2) (New - SG 29/2000) The directors of directorates of the specialized and general administration, the directors of the Medical Institute and the scientific institutes of MoI shall:

1. Appoint and reappoint the civilian civil servants to positions which require secondary education;

2. Reappoint the civil servants under Article 199, paragraph 1 (6).

(3) (Renumbered from paragraph 2 - amended, SG No. 29/2000) The bodies under paragraph 1 and 2 shall conclude employment contracts with the persons working under employment contracts under the terms and conditions stipulated in the Labour Code.

Article 200a. (New - SG No. 28/2001) (1) Civil servants, under Article 192, paragraph 1 (1) may be reappointed from officer and sergeant positions to civilian positions, as well as from civilian positions to officer and sergeant positions, in compliance with the procedures in Article 199 and 200.

(2) (Amended - SG No. 17/2003) The reappointment of the civil servants under paragraph 1 shall be made on the basis of a written application filed by them.

(3) (New - SG No. 17/2003) In the event of reappointment to officer or sergeant position, the civilian civil servants shall preserve their ranks if they have been conferred any such rank by virtue of this act or by virtue of the Defence and Armed Forces of the Republic of Bulgaria Act. In the conferment of the rank it shall be taken into account the length of service as a civilian civil servant.

Article 201. (1) When recruited to MoI the officers and sergeants take an oath and sign a declaration for political neutrality and a declaration of their assets.

(2) The refusal to take an oath or to sign the declarations under para 1 shall be an obstacle for the employment.

(3) The declaration of assets shall be filed on an annual basis. Failure to submit such a declaration shall be grounds for release from service under Article 253, paragraph 1 (5).

Article 202. The appointment in MoI shall be effective on the day of signing an act of assumption of office.

Article 203. (1) The sergeants and the officers shall be awarded the following ranks:

1. Sergeants: sergeant, senior sergeant and chief sergeant of MoI;
2. Junior officers: second lieutenant, lieutenant, first lieutenant and captain of MoI;
3. Senior officers: major, lieutenant colonel and colonel of MoI;
4. High-ranking officers: major general, lieutenant general and general of MoI.

(2) Awarding of sergeant and officer ranks and promotion to a higher rank shall be made:

1. With sergeants, by the leading officials who appointed them;
2. With junior and senior officers, by the minister of the interior;
3. With the high-ranking officers, by the President of the Republic at the proposal of the Council of Ministers.

(3) The rank limitations for each position and the term of service in each rank shall be determined by the minister of the interior.

(4) (New - SG No. 17/2003) The civilian civil servants MoI shall be awarded civil ranks by the employing body.

(5) (New - SG No. 17/2003) Promotion to a higher civil rank shall be made by the employing body periodically, once in every three years, based on an evaluation of performance, under terms and conditions determined by the minister of the interior.

Article 204. (1) For achieved high results in their service sergeants may be conferred the lowest officer rank.

(2) Officers who perish during or in relation to their official duties may be promoted to the next higher rank post mortem, and sergeants may be conferred the lowest officer rank.

Article 205. (1) The reappointment of officers to managerial positions shall be made by the minister of the interior, and with the rest of the positions by the persons under Article 200, paragraph 1.

(2) (Supplemented - SG No. 17/2003) In the event of reappointing officers to managerial positions they may be promoted to a higher rank ahead of time once during the service.

(3) (Amended - SG No. 17/2003) The proposals for reappointment shall be made by:

1. The Council of Ministers in respect of the chief secretary of MoI and of the directors under Article 30;

2. The chief secretary of MoI in respect of the employees under Article 199, paragraph 1 (1);

3. The bodies under Article 200, paragraph 1 in respect of the managerial staff under Article 195 (2);

4. The managers in respect of the subordinate staff under Article 195 (3).

(4) (New - SG 29/2000, amended - SG No. 17/2003) The proposals for reappointment of employees as heads of structural units under Article 11, paragraph 5 shall be made by the directors of the regional services and shall be coordinated with the directors of the respective national services, according to area of competences.

(5) (Renumbered from paragraph 4 - SG No. 29/2000, amended - SG No. 17/2003) The reappointment of officers to lower positions shall be made as under paragraph 1 - 4.

Article 206. (1) Officers and sergeants shall be inviolable while implementing their functions.

(2) (Declared anti-constitutional by Constitutional Court Decision No. 3 of 1998 - SG No. 29/1998, repealed - SG No. 17/2003)

(3) Cases of taking into custody persons caught in the perpetration of a serious crime shall immediately be reported to the minister of the interior.

Article 207 (1) Orders issued by the MoI bodies during or on occasion of their duties shall be compulsory.

(2) The heads of state bodies and organizations, of the local administration and the citizens must assist the officials of the Ministry in the fulfilment of their functional duties.

Article 208. (1) (Amended - SG No. 17/2003) In fulfilment of their legal powers the civil servants of MoI shall identify themselves with an official card or personal badge. The appearance of the official card and the personal badge shall be determined by the minister of the interior.

(2) (New - SG No. 17/2003) The minister of the interior shall determine the categories of employees who are to work in uniform, the type and model of the uniform, the procedure for provision of uniforms, as well as the other accessories related to the official duties of the employees bearing the symbols and insignia of the structural units of MoI.

(3) (Amended - SG No. 29/2000, renumbered from paragraph 2 - SG No. 17/2003) The persons under Article 192, paragraph 1 (1) shall have the right to carry firearms.

Article 209. (1) When fulfilling official duties outside their workplace the officers and the sergeants shall be obliged to keep contact with their supervisor.

(2) Outside the organization and off the working hours, the officers and the sergeants must act in compliance with their duties ensuing from the functions of the Ministry. They must interfere and help persons in danger, and prevent or restrain illegal activities.

Article 210. The rights and obligations of the military conscript staff during their service shall be determined by the Defence and Armed Forces of the Republic of Bulgaria Act and statutes of the armed forces.

Article 211. (Repealed - SG No. 29/2000)

Section III

Service Regulations

Article 212. (Amended - SG No. 17/2003) (1) The normal duration of a workday for civil servants of MoI shall be 8 hours. The workweek shall consist of five days with a normal duration of 40 working hours per week.

(2) Civil servants who work under harmful, dangerous or specific conditions shall be entitled to reduced working hours.

(3) The working hours for civil servants shall be calculated in workdays, on a daily basis, and for those working in 8-, 12- or 24 hour shifts as a sum total for a three-month period.

(4) The civil servants at MoI, except for those under paragraph 2 and those working in shifts, shall not have fixed working hours. They shall, where necessary, fulfil their official duties after the regular working hours, as well.

(5) Work in excess of the regular working hours shall be compensated by:

1. Extra paid annual leave for the work on workdays and extra work remuneration for the work on non-working days and holidays (applicable to the employees under paragraph 4);

2. Extra work remuneration for up to 50 hours of the accounting period and extra leave for the extra time over 50 hours (applicable to the civil servants under paragraph 3).

(6) The extra work under paragraph 5 shall be paid with a 50 percent increase over the base monthly remuneration.

(7) The minister of the interior shall determine the allocation of the working hours, their accounting and the compensation of the work of the civil servants for extra work in non-working time.

Article 213. (1) (Amended - SG No. 17/2003) The civil servants shall not be employed elsewhere in a state body except in the cases determined by this or another act.

(2) (Amended - SG No. 17/2003) The civil servants shall not engage in activities causing conflict of interest.

(3) (Amended - SG No. 17/2003) Conflict of interest at MoI means when the civil servant:

1. Is a sole trader, partner in a company with unlimited liability, manager or executive member of a company, trade proxy, procurator, trade representative;

2. Carries out business;

3. Works under an employment contract or civil contract, with the exception of lecturing, scientific research or other creative activity, under terms and conditions determined by the minister of the interior.

4. Participates in the managing and supervisory bodies of companies, unless officially assigned to;

(4) (New - SG No. 17/2003) Conflict of interest at MoI shall also be present in the cases when the civil servant is elected member of parliament or mayor.

(5) (Renumbered from paragraph 4 - amended, SG No. 17/2003) Participation in the privatisation process with privatisation bonds and in cooperatives with restituted arable lands shall not be considered business activity within the meaning of paragraph 3 (1).

Article 214. (1) The officers and the sergeants shall be prohibited to participate wearing a uniform in assemblies, meetings and manifestations of political parties and organizations, including when off duty, unless they thus exercise their trade union rights under this Act.

(2) (Declared anti-constitutional, Constitutional Court - SG No. 29/1998, repealed - SG No. 17/2003)

Section IV

Education, Qualification and Professional Training

Article 215. (1) (Amended - SG No. 17/2003) The education, qualification and professional training of civil servants at MoI shall be carried out at the educational establishments of the Ministry, in military academies and schools and in civilian institutes.

(2) (Amended - SG No. 17/2003) The employees providing expert services shall receive specialized training in the Forensic Science and Criminology Research Institute.

(3) (Amended - SG No. 17/2003) MoI employees may be educated at peer academies and training establishments in other countries.

Article 216. (Amended - SG No. 17/2003) The minister of the interior shall approve a list of MoI civil servant positions which do not require doing the obligatory initial training course.

Article 217. (Repealed - SG No. 17/2003)

Section V

Material and Social Benefits

Article 218. (1) The officers and the sergeants shall receive base monthly remuneration which is composed of salary for position and salary for rank.

(2) (Amended, SG No. 105/2005) The amounts of the salaries for position and rank shall be determined by the Council of Ministers by a motion of the Interior Minister.

(3) (New, SG No. 105/2005) The basis for determining the amount of the base monthly remuneration for the lowest position shall be endorsed annually with the State Budget of the Republic of Bulgaria Act, the monthly remuneration being increased by a base factor as follows:

1. For officers - no less than 2.0;
2. For sergeants - no less than 1.3.

Article 218a. (New - SG No. 29/2000) (1) Civilian civil servants shall receive base monthly remuneration which is composed of salary for position and salary for rank.

(2) (Amended, SG No. 105/2005) The salary for position and the salary for rank shall be determined by the Council of Ministers by a motion of the Interior Minister.

(3) (New, SG No. 105/2005) The basis for determining the amount of the base monthly remuneration for the lowest position shall be endorsed annually with the State Budget of the Republic of Bulgaria Act, the monthly remuneration being increased by a base factor as follows:

1. For positions requiring a specialist qualification, bachelor's degree, master's degree and PhD - no less than 2.0;
2. For positions requiring secondary education - no less than 1.3.

(4) (Renumbered from Paragraph (3), SG No. 105/2005) Civilian civil servants shall receive bonuses paid over the base monthly salary:

1. For continuous service - 2 percent of the base monthly salary for every year of service, but no more than 40 percent;

2. (Repealed - SG No. 95/2003);

3. For specific working conditions - under conditions and in amount determined by the minister of the interior;

4. For work in MoI - in amount determined by the minister of the interior;

5. For work in unhealthy conditions - under conditions and in amount determined by the Council of Ministers;

6. (Repealed - SG No. 95/2003);

7. (New - SG No. 17/2003) For work under Article 124, paragraph 1 (1), (2) and (4) - in amount determined by the minister of the interior.

(5) (Renumbered from Paragraph (4), SG No. 105/2005) The bonus under paragraph 3 (1) shall be determined on the basis of the entire time of service equalized with first category of labour.

(6) (Renumbered from Paragraph (5), SG No. 105/2005) The gross monthly remuneration of civilian civil servants shall include the base monthly remuneration under paragraph 1 and the bonuses under paragraph 3.

(7) (Renumbered from Paragraph (6), SG No. 105/2005) Civilian civil servants shall be paid ration money which shall not be subject to taxation and shall not be included in the gross monthly remuneration. The amount of the portion money shall be determined annually by the minister of the interior.

Article 219. (1) (Amended - SG No. 29/2000) The persons working under employment contract shall receive base monthly remuneration composed of salary for position and an allowance for working in MoI.

(2) (Amended, SG No. 17/2003, No. 105/2005) The basis for determining the amount of the base monthly remuneration for the lowest position shall be endorsed annually with the State Budget of the Republic of Bulgaria Act, the monthly remuneration being increased by a base factor as follows:

1. For higher education - no less than 1.5;
2. For secondary education - no less than 1.0.

(3) The amount of the allowances for working in MoI shall be determined by the minister of the interior.

(4) (New - SG No. 28/2001) The persons under paragraph 1 shall be paid an annual non-taxable allowance for clothes, under terms and conditions determined by the minister of the interior.

Article 220. (1) Officers and sergeants shall be paid a bonus for continued service over the base monthly remuneration amounting to 2 percent for each year of service but no more than 40 percent.

(2) The bonus under paragraph 1 shall be determined on the basis of the entire time of service equalized with the time of service as officer or sergeant.

Article 221. Officers and sergeants shall be paid extra remuneration for:

1. Specific working conditions - in amounts and under conditions determined by the minister of the interior;
2. Work in unhealthy conditions - in amounts and under conditions determined by the Council of Ministers.

Article 222. The gross monthly remuneration for officers and sergeants shall include the base monthly remuneration and the other bonuses, and shall serve as basis for payment of compensations, as provided for in this Act.

Article 222a. (New - SG No. 17/2003) MoI staff shall be entitled to extra remuneration for substitution, the order and amount determined by the minister of the interior.

Article 223. (1) MoI staff shall be paid ration money which shall be nontaxable.

(2) (Amended - SG No. 153/1998, No. 28/2001, No. 17/2003) Civil servants shall be provided with food or its equivalent in BGN, free of charge working attire, uniforms and other wares and gear, or the BGN equivalent of the uniform for those who do not have to wear a uniform, which shall be nontaxable.

(3) (Supplemented - SG No. 28/2001) The officers, the sergeants and the civilian civil servants who work under unhealthy conditions shall be provided with free protective food and antidotes.

(4) (Amended - SG No. 17/2003) Civil servants who are commissioned to another place, as well as each member of their families, shall be entitled to a one-time compensation. The transport expenses for the moving shall be covered by MoI.

(5) (New - SG No. 17/2003) Employees and members of the families of civil servants who perished while doing their official duties, who experience grave financial difficulties, shall receive financial support, as determined by the minister of the interior.

(6) (Amended - SG No. 28/2001, renumbered from paragraph 5 - amended, SG No. 17/2003) The amount of the sums and supplies under paragraph 1 - 5, the terms and conditions for receipt thereof, and the positions shall be determined annually by the minister of the interior.

Article 223a. (New - SG No. 17/2003) MoI shall bear the costs for the funeral of a deceased civil servant: officer or sergeant.

Article 224. (Repealed - SG No. 70/1998, New - SG No. 119/2002) The obligatory health insurance of the civil servants: officers, sergeants and civilians shall be paid from the national budget.

Article 225. (Amended - SG No. 17/2003) The Ministry shall pay compensations to civil servants who live on a free rent under terms and conditions determined by the Council of Ministers.

Article 226. (1) (Amended - SG No. 29/2000) For retirement purposes, the service of the employees under Article 192, paragraph 1 (1) shall be considered as first category.

(2) The retirement of the employees under Article 192, paragraph 1 (1) and the granting of pensions shall be settled by act.

(3) The pension insurance resources for the employees under Article 192, paragraph 1 (1) shall be covered by the national budget.

Article 227. (1) MoI employees shall be made obligatory insurance against accidents covered by the national budget.

(2) The obligatory insurance shall not be an obstacle for other insurance contracts concluded by the interested party.

Article 228. (Amended - SG No. 29/2000, repealed - SG No. 114/2003)

Section VI

Leaves

Article 229. (1) (Amended - SG No. 17/2003) The civil servants of MoI shall be entitled to the following type of leaves:

1. (Amended - SG No. 28/2001) Paid leave of 30 working days;
2. (Amended - SG No. 28/2001, No. 17/2003) Additional paid annual leave: one day for each year of service, including for the equalized time of service, but no more than 10 working days;

3. (Repealed - SG No. 110/1999);

4. (Repealed - SG No. 110/1999);

5. Unpaid leave: up to 6 months once for the entire time of service;

6. Unpaid leave: for the time of participation in international missions;

7. Unpaid leave under Article 267.

8. (New - SG No. 103/2003) Unpaid leave: up to three months for probation service under Article 163 of the Judicial System Act;

9. (New - SG No. 17/2003, renumbered from item 8 - SG No. 103/2003) Additional paid annual leave under Article 212, paragraph 5: up to 12 working days.

(2) The leaves under paragraph 1 shall be recognized as time of service.

(3) (Amended - SG No. 110/1999, No. 17/2003) During paid annual leave MoI civil servants shall receive their gross remuneration, according to its amount at the moment of taking the leave.

(4) (Amended - SG No. 17/2003) Unused leaves under paragraph 1 (1), (2) and (8) shall not be subject to cash compensation, except on release from service.

(5) (Supplemented - SG No. 28/2001, amended - SG No. 17/2003) Once a year MoI employees shall be covered the expenses of a return trip during their paid annual leave inside the country.

Article 230. (Amended - SG No. 110/1999, supplemented SG No. 29/2000; amended, SG No. 17/2003) The civil servants of MoI shall be entitled to a leave for working in unhealthy conditions, for fulfilment of public and civil duties; for temporary incapacity due to pregnancy, childbirth and adoption, infant raising, breastfeeding and infant feeding, death or serious illness of a parent, two or more living children, entrance examination in an educational establishment, and education, as well as to an unpaid leave, with terms, conditions and amounts provided for in the Labour Code.

Article 230a. (New - SG No. 28/2001, repealed - SG No. 17/2003)

Section VII

Awards

Article 231. MoI employees may be rewarded for distinguished service and for specific contribution to their organization or for long-term service at the Ministry.

Article 232. (1) The employees shall receive the following awards:

1. Written commendation;
2. Official gratitude;
3. Money or an object;
4. Firearm;
5. Badge of honour.

(2) The awards under paragraph 1 (4) and (5) shall be presented by the minister of the interior, and the rest by managing officials designated by the minister of the interior.

Article 233. Officials from other government bodies and citizens may be granted the awards under Article 232, paragraphs 1 (1) -(4) for their assistance and substantial help to MoI.

Chapter Twenty-Two

DISCIPLINARY LIABILITY

Article 234. The culpable non-implementation of the provisions of this Act and the by-laws based thereon, the orders and instructions of the MoI leadership and heads of services, as well as the actions breaching the established public order, shall constitute violation of the service discipline.

Article 235. (1) (Amended - SG No. 17/2003) The civil servants of MoI who violate the service discipline shall be imposed the disciplinary penalties stipulated in this Act regardless of the property, administrative or criminal liability, if any is provided for.

(2) Only one disciplinary penalty may be imposed for the same offence.

Article 236. Disciplinary penalties shall be imposed within up to 2 months following the detection of the disciplinary offence but no later than one year from the perpetration.

Article 237. The types of discipline offences, the bodies empowered to impose the respective penalties, their effect in time and the official consequences of their imposition shall be determined by the regulations for implementation of this Act.

Article 238. (Amended - SG No. 17/2003) Civil servants shall be subject to the following disciplinary sanctions for breach of service discipline:

1. Reprimand;

2. Written warning;
3. Censure;
4. (Supplemented - SG No. 17/2003) Demotion in rank for a period of 6 months to one year;
5. Dismissal.

Article 239. (1) Dismissal as a disciplinary penalty shall be imposed obligatorily in the following cases:

1. For conviction for felony or deprivation of the right to serve in a state organization;
2. For violation of Article 196, paragraph 2;
3. For failure to go to work on two consecutive days without any valid reasons;
4. For ostentatious disobedience or instigation thereto, threats or violence towards a supervisor or a subordinate;
5. For conduct incompatible with morality and actions depreciating the prestige of the service.

(2) Dismissal as a disciplinary penalty shall also be imposed for other grave offences of the service discipline which make further remaining in service indecorous.

(3) In the cases of temporary suspension from service under the provisions of the Criminal Procedure Code for premeditated crimes and the trial ends in an effective conviction, the disciplinary dismissal shall be effective from the day of suspension.

Article 240. (1) Disciplinary offences shall be evidenced by the perpetrators' supervisors who shall be obliged to hear them out or take down their written explanations.

(2) Penalties shall be imposed by written orders, as follows:

1. By the minister of the interior - for all penalties without dismissal and demotion in rank if the position is grantable or the rank was conferred by a decree;
2. (Amended - SG No. 17/2003) By the bodies under Article 200 - for the penalties under Article 238 (1) - (3), and in respect of sergeants and civilian civil servants with secondary education - under Article 238 (4) and (5) as well;
3. (Amended - SG No. 17/2003) By the managing officials - for the penalties under Article 238 (1) - (3).

(3) (Amended - SG No. 17/2003) The graveness of the offence and its consequences, the circumstances in which it was committed, the guilt and the overall conduct of the civil servant in the course of his/her service shall be taken into consideration in determining the type and the size of the disciplinary penalties.

(4) (Amended - SG No. 17/2003) The body under paragraph 2 shall be obliged, before imposing the disciplinary sanction, to hear out the civil servant or accept his/her written explanations, unless for reasons beyond the control of the civil servant he/she cannot be heard or present written explanations.

(5) (Amended - SG No. 17/2003) The body under paragraph 2 shall be obliged to gather and assess all evidence, including that gathered through audits or other internal departmental inspections.

(6) (New - SG No. 17/2003) The notice of disciplinary penalty shall be dispensed to the civil servant in consideration of signature indicating the date of dispensation. In case of impossibility to dispense the notice to the civil servant the punishing body shall send it to his/her permanent address by registered mail.

Article 241. Disciplinary penalties may be contested administratively before the supervisor within 7 days of their dispensation.

Article 242. De-ranking shall only be administered by the court.

Chapter Twenty-Three

MATERIAL LIABILITY

Article 243. (1) (Amended - SG No. 17/2003) The civil servants of MoI shall bear material liability for any damage they have done to the state by negligence during or in relation to fulfilment of their official duties.

(2) (Amended - SG No. 17/2003) For damages caused to citizens under the conditions of paragraph 1 civil servants shall not bear material liability to the affected persons. In such cases the state must indemnify the affected persons for all material or non-material damages, according to the general rules of civil law.

(3) (Amended - SG No. 17/2003) If the damage is caused deliberately to the state or to citizens, or results from a crime, or is not caused during or in relation to fulfilment of the official duties, the liability of the civil servants shall be determined by the civil laws.

(4) (Amended - SG No. 17/2003) If applicable, the material liability of civil servants shall apply regardless of the disciplinary, administrative or criminal liability for the same deed if so stipulated.

Article 244. (1) (Amended - SG No. 17/2003) Civil servants shall not bear material liability for the damage caused as a result of military or another risk activity related to the discharge of official duties.

(2) (Amended - SG No. 17/2003) The state and the civil servants shall not be liable for damages to third persons if they were caused by activities related to the protection of the national security and public order or in the course of a fire extinguishing or emergency rescue operation, in a state of urgency.

Article 245. (1) The Ministry shall have the right to claim any compensations paid to citizens who suffered a damage through the illegal acts, actions or lack thereof back from the guilty officials who caused the damage, as under Article 243, paragraph 1.

(2) The state shall have the right to claim any compensation paid to an affected party back from the guilty officials who caused the damage, as under Article 243, paragraph 2.

(3) If the official was precise in executing his/her official duties, the state shall be liable for all material and non-material damages caused by the official to citizens, without having the right to claim from the agent of the damage indemnification of what has been paid.

Article 246. (1) (Amended - SG No. 17/2003) The civil servants of MoI shall be liable for caused damage but not for lost interest.

(2) The extent of caused damage shall be considered as at the day of occurrence, and if that is impossible to determine, at the date of discovery.

Article 247. (1) For the damage under Article 243, paragraph 1 the official shall be liable for the extent of the damage but by no more than one monthly gross salary.

(2) For the damage under paragraph 1 caused by high-ranking officials the liability shall be equal to the value of the damage but no more than three gross monthly salaries.

Article 248. (1) (Amended - SG No. 17/2003) The civil servants of MoI whose official duty is to collect, keep, spend or account cash or valuables shall be liable:

1. Within the damage value but by no more than 3 gross monthly salaries;
2. For deficiency in the full amount thereof, together with the due interest incurred from the day of causing the damage, and, if that is impossible to determine, from the day of discovering the deficiency.

(2) The persons who received an unfounded benefit from the agent of the damage or who take advantage of the damage under paragraph 1 (1) shall be liable jointly with the agent of the

damage to indemnification of the received up to the full size of the benefit. The persons shall also be liable to return any donation received from the agent of the damage when the donation is generated from resources obtained from the caused damage.

(3) The claims under paragraph 1 (2) shall be indemnified with the expiration of a 10-year prescription from the date of causing the damage.

Article 249. When the damage is caused by several persons they shall be liable:

1. In the case of limited material liability, according to the participation of each of them in the infliction of damage, and, if that is impossible to determine, proportionally to the salary for position; the sum total of the due indemnifications shall not exceed the value of the damage;

2. Jointly, in the cases of full material liability.

Article 250. (1) The officials under Article 240, paragraph 2 shall issue orders regarding the grounds and the extent of liability of the employee.

(2) The order shall be issued within one month of discovering the damage but no later than 1 year and, if the damage is caused by a managing official, no later than 5 years from causing the damage.

(3) If the employee contests in writing the grounds or the extent of the liability within one month of the service of the order, the Ministry may claim against him before the court.

Article 251. (1) The full material liability shall be effected by court order and the person may voluntarily deposit the sum prior to the court proceedings.

(2) Claims for full material liability under paragraph 1 shall be indemnified with a 10-year prescription term which begins on the day of causing the damage. In such cases the prescription shall be discontinued by an act issued by a control body on the day of serving it to the employee.

Article 252. Issues regarding the material liability of the employees which are not settled in this section shall be subject to the provisions of the civil law.

Chapter Twenty-Four

RELEASE FROM SERVICE

Article 253. (1) (Amended and supplemented - SG No. 29/2000, amended SG No. 17/2003) The civil servants of MoI shall be released from service:

1. On reaching the age limit for service in MoI as an officer or sergeant - 55 years for women and 60 years for men;

2. At the employee's request upon acquiring the right to pension based on retirement insurance and age limit;

3. For health reasons;

4. Voluntarily;

5. For reasons rendering the person unfit to fulfil his/her official duties;

6. For redundancy;

7. When the employee fails or refuses to occupy the position to which he/she has been reinstated within 14 days of enactment of the court decision revoking the illegal discharge order, unless this term is not complied with for valid reasons;

8. Due to dismissal as a disciplinary penalty.

9. (Amended - SG No. 103/2003) On the initiative of the administrative body, upon acquiring the right to pension under the conditions of Article 69 of the Compulsory Public Insurance Code.

10. Upon transfer to an elected position;

11. Upon termination of a contract or reduction of the number of personnel employed under a contract concluded pursuant to Article 81a or 120a.

12. (New - SG No. 103/2003) For objective inability to fulfil official duties.

(2) The circumstances in paragraph 1 (3) shall be verified by the central expert medical committee, and the circumstances under paragraph 1 (5) shall be verified by this act and regulations.

(3) (New - SG No. 29/2000, repealed - SG No. 17/2003)

Article 254. (Amended - SG No. 17/2003) The orders for release from service of the officers and the civilian civil servants appointed to positions requiring a specialist qualification and higher shall be issued by the minister of the interior, and those concerning sergeants and civilian civil servants appointed to positions requiring secondary education shall be issued by the employing body.

Article 255. (1) (Amended - SG No. 17/2003, SG No. 103/2003) Upon release from service under Article 253, paragraph 1 (3), (5), (6), (9) and (12) the body under Article 254 shall extend a 30-day written notice. Upon release from service without prior notification or when the term of the notice is not observed, the employees shall be paid a compensation for the period of non-compliance with the preliminary notification.

(2) (Amended - SG No. 17/2003) Upon voluntary release from service under Article 253, paragraph 1 (2) and (4) the order shall be issued within the term under paragraph 1.

(3) (Supplemented - SG No. 17/2003) Upon release from service under Article 253, paragraph 1 (1) and (11) no preliminary notification shall be required.

Article 256. (1) (Amended - SG No. 17/2003) The civil servants of MoI shall not be released from service during their leave, except in the cases under Article 253, paragraph 1 (1) and if they are sentenced to imprisonment for felony.

(2) The sick leave shall be considered valid if the medical certificate is issued by the health institutions of MoI or by other medical institutions in the country. Health certificates issued by other medical institutions shall be endorsed by CEMC or by the health services of the Ministry.

Article 257. (Amended - SG No. 29/2000) (1) (Supplemented - SG No. 17/2003) The order for release from service shall be subject to immediate execution from the day of its serving, and in the cases under Article 253, paragraph 1 (3), (7) and (10), from the date of issuance.

(2) Appealing against the order shall not stop its execution.

Article 258. The order for release from service may be contested in the court through the issuing body within the timeframes laid down in the Administrative Procedure Act.

Article 259. (Amended, SG No. 17/2003, SG No. 86/2005) The civil servants of MoI may be temporarily suspended from service under Article 69 and Article 403 of the Criminal Procedure Code.

Article 260. (Amended - SG No. 17/2003) Upon revocation of illegal discharge the civil servants of MoI shall be reinstated to the previous or another equal position in the Ministry, and they may take over the position if within two weeks of enactment of the court decision they appear at the respective service.

Chapter Twenty-Five

COMPENSATIONS

Article 261. (1) (Supplemented - SG No. 153/1998, amended, No. 29/2000, No. 112/2003) Upon release from service the employees under Article 192, paragraph 1 (1) shall be paid one-time compensation amounting to a number of gross monthly salaries equal to their years of service, but no more than 20.

(2) In case of repeated release from service the compensation under paragraph 1 received for the previous discharge shall be deducted from the total due compensation.

(3) (Supplemented - SG No. 153/1998, amended, No. 29/2000, No. 112/2003) When the employees under Article 192, paragraph 1 (1) have 10 or more years of service and they are released from service for health reasons the amount of the one-time cash compensation shall not be less than 15 gross monthly salaries.

(4) (Supplemented - SG No. 153/1998, amended, No. 112/2003) On release from service under the conditions of paragraph 3, when the time of service is less than 10 years, the one-time cash compensation shall amount to 10 gross monthly salaries.

(5) (Amended - SG No. 153/1998, No. 29/2000) On discharge from service of the employees under Article 192, paragraph 1 (1), after 10 or more years of service, they shall be entitled to a one-time extra bonus for wares.

(6) (Repealed - SG No. 153/1998).

(7) The provisions of paragraph 1 and 5 shall not apply in cases of disciplinary dismissal.

Article 262. (1) (Amended - SG No. 29/2000) The years of service as civilian civil servant in MoI, as an officer or sergeant in MoI, as investigator or assistant investigator, as an employee under § 19 of the transitional and final provisions of the Implementation of Penal Sanctions Amending Act (SG, No 73 of 1998), as well as in regular military service without equalized time of service shall be taken into consideration in determining the size of the compensations under Article 261.

(2) Apart from the cases under paragraph 1 the equalized time of service shall be considered for determining the one-time cash compensation for release from service of the employees under Article 192, paragraph 1 (1) for reason of retirement, when they have spent the last 13 years and 4 months in the positions under paragraph 1.

(3) The one-time cash compensations under Article 261 shall be paid on the basis of the gross monthly remuneration as at the moment of release from service.

Article 263. (1) (Amended - SG No. 29/2000) In case of illegal discharge from service the employees under Article 192, paragraph 1 (1) shall be entitled to compensation, amounting to their gross remuneration received before the discharge for the period of unemployment, but no longer than 6 months. If during this time they did a lower-paid job they shall be entitled to receive the margin between the two remunerations.

(2) The provision of paragraph 1 shall also apply in the cases of suspension from service under the Criminal Procedure Code when the criminal prosecution against the suspended employees is terminated or they are acquitted or the grounds for suspension are invalidated.

Article 264. (1) (Amended - SG No. 29/2000) The employees under Article 192, paragraph 1 (1) who suffer a physical injury during or in relation to fulfilment of their official duties shall be paid a one-time cash compensation amounting to 10 gross monthly salaries for a serious physical injury and 6 gross monthly salaries for a moderate physical injury.

(2) (Amended - SG No. 29/2000) The spouse, the children and the parents of the civil servants under Article 192, paragraph 1 (1) who perished during or in relation to fulfilment of their official duties shall be paid a one-time cash compensation each amounting to 12 gross monthly salaries.

(3) (Amended - SG No. 29/2000) The level of the physical injury shall be determined by CEMC, and the circumstances under which it was caused or the employee under Article 192, paragraph 1 (1) perished shall be verified by the direct supervisor.

(4) In the case of death the beneficiaries shall also be entitled to the compensation for release from service.

(5) (Amended - SG No. 29/2000) Permission for the compensations under paragraph 1 - 2 shall be given by the directors of services and directorates and shall not be subject to taxation.

Chapter Twenty-Six

TRADE UNIONS

Article 265. (1) MoI employees may be organized for assistance and protection of their professional, social and economic rights.

(2) The officers and the sergeants may not be members of other trade unions, as well as accept in their organizations representatives of workers and personnel outside the Ministry. The organizations of the officers and the sergeants shall not have the right to join or participate in trade unions outside the Ministry.

(3) The organizations of the employees of the Ministry shall protect their interests without interfering with the management of the services.

Article 266. (1) The officers and the sergeants may hold meetings during non-service hours, including wearing a uniform:

1. In rooms or places belonging to the Ministry, which are provided by the respective management members who determine the conditions of use;

2. In premises closed for outsiders.

(2) During the working hours the officers and the sergeants may hold meetings with annual aggregate duration of maximum 10 hours, and the management shall have the right to determine the time and the place of the meeting.

Article 267. (1) The officers and the sergeants who are elected leaders in each of the most representative nationally organizations under Article 265 shall take unpaid leave.

(2) The time under paragraph 1 shall be recognized as time of service under this Act.

Article 268. (1) The Ministry of the Interior shall establish a Social Partnership Council which shall discuss and conclude agreements for ensuring the rights of the employees of the Ministry.

(2) The Social Partnership Council shall be headed by the minister of the interior or by a person authorized by him. Delegates of the organizations under Article 265 shall participate in it.

(3) (Amended - SG No. 29/2000) Agreements with the persons working under an employment contract shall be concluded on the grounds of the Labour Code.

Chapter Twenty-Seven

FINANCIAL RESOURCE MANAGEMENT

Article 269. (1) The Ministry of the Interior shall be supported by the national budget.

(2) The Ministry shall fund its activity based on a budget consisting of income and expenditure parts.

(3) The income part of the budget shall receive funds from:

1. own income from fees, services, rents, fines, sale of unfit or disposable long-term material assets, donations, aid, sponsorship and others, stipulated by a law;

2. National budget subsidy.

(4) The expenditure part of the budget shall be developed and approved in the following areas:

1. Current expenditure;

2. Capital expenditure.

(5) The activities of MoI may be financed from other sources in accordance with a procedure prescribed in an act or Council of Ministers instrument.

Article 270. The material and technical supply of the Ministry shall include:

1. Current financial support;

2. Delivery, production and repair of utilities, armament, equipment and other property;
3. Design and implementation of capital and defence construction work and construction of housing, office, recreation and medical facilities;
4. management of lands, buildings, installations and other security and public order sites;
5. Social and other services;
6. Other activities related to security and public order.

Article 271. Government procurement activities in the sphere of supply of material and technical resources shall be implemented with priority by the companies, organizations, firms and the citizens.

Article 272. The expenditure part of the MoI budget shall be developed on the basis of full budget classification.

Article 273. For security and public order purposes the Council of Ministers shall provide to the Ministry land, buildings, installations and other state-owned property for management and disposal.

Article 274. The real estates and the state-owned property provided to the Ministry for social and other services may be used for rendering services to outside bodies and organizations by an order determined by the minister of the interior.

Article 275. (1) For the preparation and the work of MoI in wartime the Council of Ministers shall adopt a draft wartime budget.

(2) MoI shall construct and maintain the necessary facilities for the purpose of ensuring the fulfilment of wartime tasks.

Article 276. (Repealed - SG No. 29/2000)

Article 277. (Amended - SG No. 29/2000) The Ministry of the Interior is an administrator of 10 percent of the revenue under Article 240, paragraph 2 of the Customs Act.

Part Four

ADMINISTRATIVE COERCION MEASURES

Chapter Twenty-Eight

ADMINISTRATIVE COERCION MEASURES

Article 278. In order to prevent and curb any violations related to the fulfilment of duties under this Act, as well as to eliminate the harmful consequences from them, the minister of the interior or persons authorized by him may stop the construction, introduction and use of sites, installations, devices and equipment, as well as other activities creating danger for the national security, the maintenance of the public order, the occurrence of fires and industrial disasters.

Article 279. (1) The administrative coercion measures may be contested under the provisions of the Administrative Procedure Act.

(2) An appeal shall not stop the application of measures, unless otherwise instructed by the enforcement body.

Chapter Twenty-Nine

ADMINISTRATIVE PENALTY PROVISIONS

Article 280. (1) Whoever does not comply with an order of MoI issued in fulfilment of its functions shall be fined BGN 50 to 200.

(2) For minor offences MoI bodies shall impose fines of up to BGN 10 which shall be collected against tickets.

Article 281. (1) (Amended and supplemented, SG No. 17/2003) Whoever having been regularly summoned does not appear at the places under Article 55, paragraph 2 and Article 67, paragraph 1 without any valid reasons shall be fined BGN 100.

(2) For repeated failure to appear without a valid reason the fine shall amount to 100 to 200 BGN.

Article 282. Whoever under the provisions of Chapter Seven, Section II, fails to cede to an MoI body a vehicle or communication device without any good reason shall be fined BGN 100 to 200.

Article 283. (Supplemented, SG No. 17/2003) Whoever does not fulfil the prescripts under Article 51, paragraph 2, Article 117, paragraph 1 (3) and Article 278 shall be fined BGN 200 to 500.

Article 284. (Amended, SG No. 17/2003) (1) (Amended, SG No. 15/2004) Physical persons who carry out activity under Article 120b without permission shall be fined BGN 1000 to 10,000.

(2) For a violation under paragraph 1 legal entities shall be punished by a material sanction amounting from BGN 10,000 to 50,000.

(3) For repeated violation under paragraph 1 the persons shall be fined BGN 10, 000 to 20,000, and under paragraph 2 by a material sanction amounting from BGN 50,000 to 100,000.

Article 285. Whoever illegally hampers a MoI body from fulfilling his functions shall be fined 500 to 1 000 BGN if the deed does not constitute a crime.

Article 286. (Amended, SG No. 17/2003) The heads of the state bodies, organizations, the local administration, the legal entities and the citizens who have neglected their duties stipulated in this Act or the regulations for its implementation shall be fined BGN 200 to 2000.

Article 287. A company manager, a head of organization, business people or citizens who do not fulfil with priority a government procurement order for supply or services for the needs of MoI shall be fined BGN 500 to 1,000 regardless of the civil law liability.

Article 288. An official who does not fulfil a duty assigned to him by this Act shall be fined BGN 200 to 500 unless liable to a more severe punishment.

Article 289. (New, SG No. 17/2003) (1) For violation of § 1a of the additional provisions of this Act legal entities and sole traders shall be sanctioned BGN 1,000 to 5,000.

(2) For repeated offences under paragraph 1 legal entities and sole traders shall be sanctioned BGN 5000 to 20 000.

(3) The belongings of the offender which served to commit an administrative offence or which were subject of offence under paragraph 1 and 2, shall be seized by the state.

Article 290. (New - SG No. 17/2003) (1) The acts for establishing offences shall be issued by the MoI bodies.

(2) Penal provisions shall be issued by the minister of the interior or by officials authorized by him.

(3) The detection of offences, the issuance, appeal and enforcement of penal provisions shall be carried out in compliance with the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISIONS

(Title amended - SG No. 17/2003)

§ 1. In the context of this act:

1. "General danger" is present when an indefinite number of people or a wide circle of targets are under threat, according to the way of occurrence, the affected target, the range of damage and the duration.

2. "In fulfilment of official duties" means such action or lack thereof which constitute the execution of duties ensuing directly from the current official position;

3. "In relation to fulfilment of official duties" means such action or lack thereof which does not constitute the execution of duties ensuing directly from the current official position but either precede or follow them in time and have been directly caused by them.

4. "Perished during or in relation to fulfilment of the official duties" means when death has occurred as a result of adverse circumstances or under the influence of an outside factor.

5. "Serious bodily harm", "moderate bodily harm", "unavoidable self defence" and "final resort" are described in Article 128, 129, 12 and 13 of the Criminal Code.

6. (New - SG No. 17/2003) "Removing police registration" means an operation or a set of operations causing the deletion of data processed during police registration or destruction of information media from documentary databases, or depersonalisation of the data making them available only for the purposes of statistics in the automated informational systems.

7. (New - SG No. 17/2003) "Repeated" is the offence committed within one year of the enactment of the penal provision imposing on the offender penalty for the same kind of offence.

§ 1a. (New - SG No. 17/2003) Individuals and legal entities without legal authorization shall be prohibited to use uniform attire, symbols and insignia, police lamps, mask hoods or signs officially adopted by the structural units of MoI and indicating affiliation with these structures.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. This Act revokes:

1. The Ministry of the Interior Act (Promulgated, SG, No. 57 of 1991; amended, No. 77 of 1991; No. 109 of 1993, No. 49 of 1994, No. 65, 68 of 1995, No. 22 and 100 of 1996 and No. 16 of 1997).

2. The National Police Act (Promulgated, SG, No. 109 of 1993; amended No. 64 of 1997).

3. The National Security Service Act (SG, No. 49 of 1994).

4. The Central Service for Combating Organized Crime Act (SG, No. 68 of 1995).

5. The Fire Security Act (Promulgated, SG, No. 89 of 1979; amended, No. 26 of 1988 and No. 87 of 1991).

§ 3. A second sentence shall be created in Article 46, paragraph 1 (8) of the Local Self-Government and Local Administration Act (promulgated, SG, No. 77 of 1991; amended, No. 24, 49 and 65 of 1995 and No. 90 of 1996):

"have the legal powers under Article 68, 70, 73, 74, 76, 78 and 80 of the Ministry of the Interior Act on the respective territory until the arrival of a police body;"

§ 4. The Higher Officer Training And Research Institute shall continue its activity and shall preserve its status under the current provisions until the decision of the National Assembly for establishing the MoI Academy is promulgated.

§ 5. (Amended, SG 73/1998; SG 29/2000; SG 17/2003, SG 26/2003) The provisions regarding the personnel of the Ministry of the Interior shall also apply to the officers and the sergeants of the Ministry of Justice General Penitentiary Administration, of the structure under Article 11 of the Postal Services Act, and the officers and the sergeants of the National Investigation Service.

§ 6. The civil administration employees shall be subject to the provisions of the civil laws inasmuch as it is not provided otherwise in this Act.

§ 7. The Council of Ministers shall adopt regulations for implementation of the Act.

§ 8. The implementation of the Act is assigned to the minister of the interior.

TRANSITIONAL AND FINAL PROVISIONS

to the Narcotic Drugs and Precursors Control Act
(SG No. 30/1999, effective 3.10.1999)

§ 4. Everywhere in the Ministry of the Interior Act (Promulgated, SG No. 122/1997; No. 29/1998, Constitutional Court Decision No. 3/1998; amended No. 70/1998, No. 73/1998 and No. 153/1998) the words "drugs and psychotropic substances" shall be replaced with "narcotic drugs".

LEV RE-DENOMINATION ACT

Promulgated, SG No. 20/5.05.1999, supplemented, SG No. 65/20.07.1999
(effective 5.07.1999)

TRANSITIONAL AND FINAL PROVISIONS

.....
§ 4. (1) (Supplemented, SG No. 65/1999) Upon the entry of this Act into force, all figures expressed in old lev terms as indicated in the laws which will have entered into force prior to the 5th day of July 1999 shall be replaced by figures expressed in new lev terms, reduced by a factor of 1,000. The replacement of all figures expressed in old lev terms, reduced by a factor of 1,000, shall furthermore apply to all laws passed prior to the 5th day of July 1999 which have entered or will enter into force after the 5th day of July 1999.

(2) The authorities, which have adopted or issued any acts of subordinate legislation which will have entered into force prior to the 5th day of July 1999 and which contain figures expressed in lev terms, shall amend the said acts to bring them in conformity with this Act so that the amendments apply as from the date of entry of this Act into force.

.....
§ 7. This Act shall enter into force on the 5th day of July 1999.

TRANSITIONAL AND FINAL PROVISIONS

to the Ministry of the Interior Amending Act (SG No. 29/2000)

§ 88. (1) The number of personnel of the specialized police units and the specialized units for fire and emergency safety established under the repealed Article 85, Article 86, paragraph 1 and 2 and Article 120, whose objective is to provide security to ministries, agencies, other state bodies funded from the national budget, the Bulgarian National Bank and sites of national importance, shall be transferred to the structure of MoI.

(2) Within three months of entering into force of this Act the contracts concluded under the repealed Article 86, paragraph 1 and Article 120, in connection with Article 86, paragraph 1, shall be terminated, and the employees shall be released from service due to redundancy, with the exception of ministries, agencies, other state bodies funded from the national budget, the Bulgarian National Bank and sites of national importance under paragraph 1.

§ 89. (1) The status quo officers and sergeants in the directorates and institutions under Article 192, paragraph 2 shall lose their ranks and they shall be transferred to the category of civilian civil servants. The employment of such persons shall not be terminated but transformed.

(2) Until the Council of Ministers has determined the salaries of the civilian civil servants, the persons under paragraph 1 shall receive the remuneration designated for their status quo positions.

(3) The persons under paragraph 1 whose base monthly salaries as civilian civil servants are lower shall retain the size of their remuneration under paragraph 2 until reaching the respective grade.

(4) The proceedings for disciplinary or material liability led against the persons under paragraph 1 shall be completed in accordance with the current procedure.

§ 90. The coefficient 1.45 shall also apply to the compensations under Article 261, paragraph 1 - 4 awarded or subject to payment before 1 January 1999 but paid off after this date.

§ 92. Within 6 months of the enactment of this Act the administration of MoI shall be brought in compliance with the requirements of the Act.

TRANSITIONAL AND FINAL PROVISIONS

to the Ministry of the Interior Amending Act (SG No. 17/2003)

§ 103. The officers from the National Security Service and the National Service for Combating Organized Crime, in fulfilment of their official duties and in case of proven operational necessity, may occupy positions in the state administration according to the Single Classifier of Administrative Positions, under terms and conditions determined by the Council of Ministers.

§ 104. (1) The proceedings for disciplinary or material liability instituted against civil servants: officers, sergeants and civilians shall be completed under the current procedure.

(2) Pending disputes regarding the revocation of illegitimate dismissal from service shall be completed under the current procedure.

§ 105. Within 6 months of the enactment of this Act police bodies must bring the existing police registrations in compliance with the requirements of this Act.

§ 106. The current procedure shall apply until the instruments under Article 112, paragraph 2 have been enacted.

TRANSITIONAL AND FINAL PROVISIONS

to the Ministry of the Interior Amending act (SG No. 103/2003)

§ 15. Within three months of the enactment of this Act the Council of Ministers and the minister of the interior shall bring the by-laws in compliance with its provisions.

§ 16. The provisions in § 8 and 14 shall enter into force three months after the promulgation of this Act in the State Gazette.

FINAL PROVISION

to the Ministry of the Interior Amending Act (SG No. 11/2005)

§ 9. The Council of Ministers and the Minister of the Interior shall bring the acts of secondary legislation related to the implementation of the Act in compliance with this Act within three months of its entry into force.