

LAW ON DEFENCE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA

In force from 12.05.2009

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Chapter one. GENERAL PROVISIONS

Art. 1. (amend. - SG 16/10, in force from 26.02.2010) This law shall provide for the public relations, related to the defence and armed forces of the Republic of Bulgaria.

Art. 2. (1) The law shall be applied to the Bulgarian nationals, state bodies, the local self-government and local administration bodies, legal persons, registered in accordance with the Bulgarian legislation.

(2) (Revoked - SG 16/10, in force from 26.02.2010)

Art. 3. (1) The defence of the Republic of Bulgaria shall be a system of political, economic, military, social and other activities for providing a stable environment of security and for preparation and realization of military defence of the territory entirety and independence of the state.

(2) For the preparation and realization of the country's defence, rights and obligations shall be assigned to the Republic of Bulgaria's military forces, to the state bodies, the local self-government and local administration bodies, to legal persons and nationals.

Art. 4. (1) The Republic of Bulgaria's defence shall be a part of the national security, which shall be determined by the national interests.

(2) The Republic of Bulgaria's defence shall also be realized under the conditions of joint defence of the allies of the North-Atlantic Treaty Organization (NATO). As well as within the frames of the European security and defence policy.

Art. 5. The activities, related to defence shall be realized in compliance with the constitution, the laws and the international agreements, on which the Republic of Bulgaria is a party.

Art. 6. (1) The defence shall provide:

1. creation, maintenance and use of the needed resources of the country for formation and maintaining stable security environment;

2. defence of the territory and population in case of military threats and during war time;

3. creation, maintenance and governing the national resources and means for defence of the country out of the resources and means on the strategic and operation plans of the military forces.

(2) The activities under Para. 1 shall be realized through:

1. mutual actions with the NATO allies, with the EU Member States and with international organizations for creating a stable environment for security.

2. forecasting military threats and defence planning;
3. preparation and maintenance of the needed militant, operative and mobilization readiness, as well as capacity for deploying the military forces of the Republic of Bulgaria;
4. preparation of the country's infrastructure for defence;
5. keeping monitoring and reconnaissance;
6. logistic provisions and support of the military forces;
7. guarding the state border;
8. preparation of the population and economy for action in case of military threats and/or in martial law;
9. maintaining and use of the military forces in cases of disasters;
10. participation in mastering and/or overcoming the results of disasters;
11. building up and maintaining an Integrated communication-information system for governing the country and the military forces in cases of emergency situations, martial law and/or war time;
12. maintaining cooperation with allies and other states, international governmental and non-governmental organizations;
13. military-patriotic training and education of the population in the country.

Art. 7. (1) Maintaining the country's defence capacity shall be obligation of the state bodies, the military forces, the local self-government and local administration bodies, as well as of the nationals and legal persons, who have been assigned with this.

(2) The Republic of Bulgaria's defence shall be implemented in effective use of the national defence potential, including the military forces and non-military components.

Art. 8. While realizing the defence policy, the Republic of Bulgaria shall participate in international organizations, political-military unions for collective defence and other initiatives in the area of the military-political and the military cooperation.

Art. 9. For achieving the aims of the national policy in the area of defence, the Minister of Defence shall carry out international cooperation with the relevant bodies of other states and international organizations.

Art. 10. (1) The state shall provide the needed human, financial, material, administrative and other resources and services for implementation of the tasks on the country's defence.

(2) The resource provision of the defence shall be carried out through planning, management and control on a programme principle.

Art. 11. (1) The defence planning shall be an activity for determining, building up and development of the needed capacities and related with the human, financial, material and other resources and services for achieving the objectives of defence and for implementation of the Republic of Bulgaria's obligations in the systems of the collective security and defence.

(2) The defence planning shall be performed on the basis of:

1. The strategy for national security of the Republic of Bulgaria;
2. (amend. - SG 16/10, in force from 26.02.2010) The National defence strategy;
3. the military doctrines;
4. the basic strategies and acts of the European Union in the area of security and defence and the strategic concepts of NATO.

(3) Subject of planning shall be the military forces and the civil resources from the transport and communication system, healthcare, construction, economy, energy, agriculture and forestry and other elements of the civil infrastructure.

(4) The planning of the civil resources shall include the determination of the wartime needs of the country of military and civil production and services, assigning wartime tasks, development of plans and programmes and signing contracts for their provision.

(5) the activities under Para. 4 shall be determined by an ordinance of the Council of Ministers.

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

Art. 12. (1) For the preparation and operation of the state administration and the bodies of the local self-government and local administration and of the civil resources in a war state or martial law, a state wartime plan and wartime budget shall be adopted in a procedure, determined by an act of the Council of Ministers.

(2) On the basis of the state wartime plan, the state bodies, the local self-government and local administration bodies and the legal persons with wartime tasks shall develop own wartime plans.

(3) The wartime plans and wartime budget shall be develop under terms and conditions, determined by the Council of Ministers.

Art. 13. (1) The financial provision of the activities in the defence area shall be carried out by the state budget and other sources, provided by a law or act of the Council of Ministers.

(2) For the financial provision of its activity, the Ministry of Defence shall develop a budget, which shall be part of the state budget.

(3) To the revenue part of the budget of the Ministry of Defence, resources shall also come in from:

1. fees, collected under the Law on the State Fees for carrying out actions and services for issuing documents, duplicates and copies of documents by the Ministry;

2. light fees for navigation provision in the territorial sea under the Law on the Sea Territories, inland water ways and ports of the Republic of Bulgaria;

3. fines, imposed by the Director of the Military Police office under this law and the fines, imposed under the law on the Military Monuments;

4. services, letting and sale of immovable properties and movable items, given for management to the Ministry;

5. revenues from using and disposal of the intellectual property objects of the Ministry;

6. donations;

7. other sources, provided by a law or act of the Council of Ministers;

(4) The Minister of Defence shall be first level spending unit of budget credits about the budget of the Ministry.

Art. 14. (1) The state shall take care of life protection and health of the Bulgarian and foreign nationals and persons without nationality, which are on the territory of the Republic of Bulgaria or under its jurisdiction during war, military and emergency situation.

(2) The state shall lay special care for nationals, victims during, or in relation to the country's defence.

Chapter two.
ORGANIZATION OF THE DEFENCE

Section I.
Defence governing bodies

Art. 15. Governing the defence of the Republic of Bulgaria shall be carried out by:

1. The National Assembly;
2. The President of the Republic;
3. The Council of Ministers;
4. The Minister of Defence.

Art. 16. The National Assembly shall:

1. decide issues for declaring war and for concluding peace treaties;
2. declare military or other state of emergency on the whole territory of the country or on part of it, upon proposal of the President of the Republic or of the Council of Ministers;
3. permit location of foreign troops on the territory of the country or passing through it;
4. ratify and denounce by a law the international agreements of military nature.
5. adopt Strategy for national security of the Republic of Bulgaria upon proposal of the Council of Ministers;
6. determine the strength of the military forces and adopt programmes for their development upon proposal of the Council of Ministers;
7. determine the resources of the state budget, needed for providing the country's defence, as well as for participation in operations and missions outside the territory of the country;
- 7a. (new - SG 16/10, in force from 26.02.2010) adopts by a decision programmes and/or projects for investment expenses for acquisition or modernization of armaments, machinery and equipment for the needs of the armed forces, if the costs of each of the projects exceeds BGN 100 million upon proposal by the Council of Ministers;
8. open, reorganize, rename and close military academies and higher military schools, as well as branches and faculties in them, in which training on subjects of the regulated professions are carried out;
9. exercise parliamentary control over the executive bodies, implementing functions in the defence area.

Art. 17. (1) The President of the Republic, in his capacity of Head of state and in cooperation with the other state bodies shall perform activity for creation of a stable environment for security and for development of the Republic of Bulgaria as a democratic state.

(2) The President of the Republic shall be Chief of the Consultative council for national security. The council statute shall be determined by law.

Art. 18. The President of the Republic shall be supreme commander-in-chief of the armed forces of the Republic of Bulgaria in peace and wartime.

Art. 19. The President of the Republic, upon proposal of the Council of Ministers, shall:

1. confirm the strategic plans of action of the military forces;
2. set the military forces, or part of them to a higher level of militant and operative readiness for action;
3. declare general or partial mobilization;
4. appoint and dismiss the high commanding staff of the armed forces and honour officers with high military ranks.

Art. 20. In case of a military conflict or war, the President of the Republic shall:

1. declare war state in case of armed attack against the country or in case of necessity of immediate implementation of international obligations, in case of military or other emergency situation, in which the National Assembly is not in session; in these cases it is summoned immediately, in order to pronounce on the decision;
2. coordinate the foreign political efforts for participation in the international organizations and structures of security in view to interrupt the military conflict or the war;
3. govern the High commanding, issue acts for preparation of the country and the armed forces for war and for leading military actions;
4. set in implementation the wartime plans upon proposal of the Council of Ministers;
5. introduce restrictive regime over the information, related with the country's defence;
6. introduce proposal to the National Assembly for signing peace treaty.

Art. 21. (1) The President of the Republic, implementing his competences of Head of state shall issue decrees and may address appeals and messages.

(2) The decrees of the President of the Republic, which refer to functions of the country's defence, shall also be signed by the Prime Minister.

(3) The President of the Republic shall have the right to request from the Minister of Defence, from the Chief of defence and from other state bodies the necessary and complete information for implementing his functions as a supreme chief commander of the armed forces.

Art. 22. (1) The Council of Ministers shall carry out the general governance of the defence and the armed forces.

(2) The Council of Ministers shall:

1. direct and carry out the state policy of the country in the defence area;
2. develop and introduce to the National Assembly a draft Strategy for national security of the Republic of Bulgaria;
3. (amend. - SG 16/10, in force from 26.02.2010) adopt the National defence strategy;
4. direct and coordinate the defence planning of the country;
5. propose to the National Assembly to determine the strength and adopt programmes for the armed forces development of the country;
6. (amend. - SG 16/10, in force from 26.02.2010) adopt a plan for organizational development of the armed forces;
7. adopt strategic plans of action of the armed forces and propose them for confirmation to the President of the Republic;

8. adopt draft wartime budget upon proposal of the Minister of Finance and the Minister of Defence, introduce it for confirmation by the National Assembly and organize its implementation;

9. adopt upon proposal of the Minister of Defence a state wartime plan for provision and direction of the civil resources for defence of the country out of the resources and means on the plans of the armed forces and assign its implementation;

10. adopt programmes for creation and equipment on the territory of the country of sites and zones for defence purposes and assign the control for their realization to the Minister of Defence.

11. (amend. - SG 16/10, in force from 26.02.2010) adopt strategy for development of defence-technological industrial basis;

11a. (new - SG 16/10, in force from 26.02.2010) adopts by a decision a programme and/or projects for investment expenses for acquisition or modernization of armaments, machinery and equipment for the needs of the armed forces, if the cost of each of the projects is from BGN 50 million to BGN 100 million;

11b. (new - SG 16/10, in force from 26.02.2010) proposes for adoption by the National Assembly a programme and/or projects for investment expenses for acquisition or modernization of armaments, machinery and equipment for the needs of the armed forces, if the cost of each of the projects exceeds BGN 100 million;

12. direct the organization of the preparation of the population, economy, wartime reserves and infrastructure for defence of the country;

13. propose to the President of the Republic setting the armed forces to a higher level of military and operative readiness, as well as declaring of general or partial mobilization;

14. adopt upon proposal of the Minister of Defence decisions for conducting strategic military inspection of the defence and/or periodic inspections of the defence;

15. adopt mobilization plans and realize general direction of the armed forces mobilization and setting the country from peace to war state.

16. determine rules, conditions and order for creation, preservation and use of wartime reserve and other raw materials for wartime and determine requirements for the transport, energy, communication and storage system, the populated places and economic sites for compliance with the defence needs;

17. open, reorganize and close faculties, branches and institutes at the military academies and higher military schools, apart from the cases under Art. 16, item 8, upon proposal of the Minister of Defence;

18. within the frames of the general strength of the armed forces, confirm the strength of the military service on military ranks, with the exception of the higher officers ranks;

19. propose to the President of the Republic for appointment and suspension high command staff of the armed forces and for honouring officers with high military titles.

20. permit placing of foreign and allied armed forces on the territory of the country, or their passing through it in cases, indicated in a special law;

21. approve implementation of projects on the territory of the Republic of Bulgaria, funded thoroughly or partially on the NATO programme for investments in the security;

22. (suppl. - SG 16/10, in force from 26.02.2010) assign wartime tasks on the country defence to the state bodies, the local self-government and local administration bodies and to legal persons upon proposal by the Minister of Defence.

(3) While carrying out its competences under Para 1 and 2, the Council of Minister shall be assisted by the Security council.

Art. 23. The Council of Ministers by 31 March shall introduce annually to the National Assembly a report on the situation of the defence and the armed forces, on which the National Assembly shall pronounce with a decision.

Art. 24. (1) (amend. - SG 16/10, in force from 26.02.2010) Upon proposal of the Minister of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army the Council of Ministers shall adopt Classifier of the positions of the military staff in the Ministry of Defence, which shall be published in the State Gazette.

(2) The positions for the military staff in the Classifier under Para 1 shall be determined in ranks in the scope of the military titles. For their determination, diversions from the Law on the Administration shall be admissible.

(3) (amend. - SG 16/10, in force from 26.02.2010) On the basis of the Classifier under Para 1, the Minister of Defence, or officials, authorized by him, shall confirm the positions of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army.

Art. 25. (1) The Minister of Defence shall direct and be responsible for conducting the state policy in the area of the defence of the country.

(2) (amend. - SG 16/10, in force from 26.02.2010) While implementing his competences in compliance with this law, the Minister of Defence shall be assisted by Deputy Ministers, permanent secretary of defence and chief of defence.

Art. 26. The Minister of Defence shall:

1. direct the defence planning;
2. draw up a draft budget of the Ministry and direct its implementation;
3. direct the activity on providing information in the interest of the defence;
4. carry out international cooperation in the defence area and sign international agreements;
5. participate in the formation of the policy and decision taking in NATO and in the European Union at the EU Member State Ministry of Defence level;
6. direct the human resource policy;
7. direct realization of the health policy and of the military-medical and psychological provision;
8. direct the social policy;
9. (amend. - SG 16/10, in force from 26.02.2010) control the activities on creation of safe and healthy conditions of carrying out the military service and for laying labour at the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army;
10. permit the participation of military formations in mastering or/and overcoming the consequences of disasters on the basis of a request by a relevant state body, in compliance with the plans for conducting rescue and urgent emergency-reconstruction works;
11. direct the standardization, codification and certification of the military and specialized production for the needs of the armed forces in compliance with the standardization agreements of NATO and the European Union, on which the Republic of Bulgaria is a party;
12. confirm the military doctrines and operative plans of the armed forces upon proposal of the Chief of the defence;
13. (amend. - SG 16/10, in force from 26.02.2010) manage the activity on protection of the classified information in the Ministry of Defence, the units directly subordinate to the

Minister of Defence and the Bulgarian Army in compliance with the Law on Protection of Classified Information;

13a. (new - SG 16/10, in force from 26.02.2010) announce a list of the categories of information subject to classification as an official secret in the sphere of activity of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army;

14. (amend. - SG 16/10, in force from 26.02.2010) appoint and dismiss the representatives of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army in international organizations, the defence attaches, the military attaches and the employees in their offices and shall direct their activity;

15. (amend. – SG 74/09, in force from 15.09.2009) carry out the general managing body of the military education and of the scientific activity and propose the establishment, reorganization and closure of military academies, higher military schools, faculties, branches and institutes under them and of scientific organizations, in coordination with the Minister of Education, Youth and Science;

15a. (new - SG 16/10, in force from 26.02.2010) initiate and provide primary an/or special military training at civil higher schools, military academies and secondary schools in coordination with their governing bodies, by the mayors of municipalities and the Minister of Education, Youth and Science under terms and following the procedure laid down in an ordinance by the Council of Ministers;

16. (amend. – SG 74/09, in force from 15.09.2009) open and close kindergartens under the Ministry in coordination with the Minister of Education, Youth and Science;

17. organize the activity on protection and recovery of the environment in the regions of dislocation of military formations and in the places for conducting exercises and events, related to the country's defence;

18. (amend. – SG 82/09, in force from 16.10.2009) coordinate upon proposal of the Minister of Transport, Information Technology and Communications the procedure for introducing and the rules for operation of the Single system for civil and military service management of the air space, direct and control jointly with the Minister of transport, Information Technologies and Communications the use of the territorial sea of the Republic of Bulgaria and the domestic sea waters for military purposes;

19. (amend. – SG 82/09, in force from 16.10.2009) draw up a list of the military airports, which may accept foreign military air force means, and in cooperation with the Minister of Transport, Information Technologies and Communications, shall draw up a list of the military airports, which may be determined for stand by airports of Bulgarian civil airplanes, executing international and domestic public carriages;

20. direct the activity on providing aviation safety and flight capability for the military air force means and issue an ordinance for the terms and conditions for carrying out this activity;

21. determine the procedure for registration of the air force means of the armed forces in the Register of the military air force means of the Republic of Bulgaria and shall organize the keeping the air force means of the armed forces in it;

22. determine the procedure for investigation of aviation accidents with Bulgarian military air force means, as well as of foreign military air force means on the territory of the country;

23. direct the given to the Ministry state properties and shall direct the investment policy in the Ministry;

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

25. (amend. - SG 16/10, in force from 26.02.2010) direct the sport activity in the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army and shall be responsible for the sport base development;

26. (amend. - SG 16/10, in force from 26.02.2010) direct the information activity of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army and the public relations;

27. direct basic geodesic and cartographic activities, related to the country security and defence;

28. direct the activities for assistance and cares for the disabled ex-service people and military victims;

29. carry out cooperation with the military-patriotic unions, organizations and associations of military people and shall determine the forms for conducting the military-patriotic education;

30. confirm the statutes of the armed forces, which shall be published in the State Gazette;

31. direct the building up, development and maintenance of Integrated communication – information system for governing the country and the armed forces in cases of emergency situations, martial law or war state under terms and conditions, determined by an act of the Council of Ministers;

31a. (new - SG 16/10, in force from 26.02.2010) approve a programme and/or projects for investment expenses for acquisition or modernization of armaments, machinery and equipment for the needs of the armed forces, if the cost of each of the projects does not exceed BGN 50 million.

32. implement other competences, assigned to him by law.

Art. 27. The Minister of Defence shall introduce to the Council of Ministers:

1. (amend. - SG 16/10, in force from 26.02.2010) draft of National defence strategy;

2. (amend. - SG 16/10, in force from 26.02.2010) draft plan for development of the armed forces;

3. draft of a state wartime plan;

3a. (new - SG 16/10, in force from 26.02.2010) proposal for assignment of war-time tasks related to the defence of the state to state authorities, local governments and local administration as well as to legal persons, provided that the proposal for assigning war-time tasks to legal persons shall be approved by the chairperson of the State Agency "State Reserve and War-Time Stocks";

4. drafts of strategic action plans of the armed forces;

5. proposals for setting the armed forces, or a part of them into higher level of combat readiness and/or declaring of a general or partial mobilization;

6. (amend. - SG 16/10, in force from 26.02.2010) proposals for the positions in the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army, requiring officers' ranks, proposals for appointment and suspension of high command positions and for honouring officers of the Ministry in higher military ranks;

7. project for conducting strategic and/or periodical examinations of the defence;

8. (amend. – SG 82/09, in force from 16.10.2009) draft strategy for development of the defence and technological industrial base jointly with the Minister of Economy, Energy and Tourism;

8a. (new - SG 16/10, in force from 26.02.2010) programme and/or projects for investment expenses for acquisition and/or modernization of armaments, machinery and equipment for the needs of the armed forces, if the cost of each of the projects exceeds BGN 50 million;

9. proposals for the strength of the permanent and mobilization reserve;
10. (new - SG 16/10, in force from 26.02.2010) projects for setting up and development of integrated communication and information system intended for management of the state and the armed forces in emergency situations or in war time.

Art. 28. (1) The Minister of Defence, upon proposal of the Chief of defence, shall permit the use of arms and ammunitions by Bulgarian military formations:

1. in cases of capturing Bulgarian and/or allied combat means on the territory of the Republic of Bulgaria aiming at carrying out a terrorist or another act with dangerous outcome for the population and/or for the country's sovereignty;

2. (amend. - SG 16/10, in force from 26.02.2010) in cases of violation the airspace or the rules of the flights above the territory of the Republic of Bulgaria by air force means, moving in a way, arousing doubts, that may be used as a weapon for terrorist acts;

3. in cases of entering the domestic sea waters and in the territorial sea of the Republic of Bulgaria by a foreign ship or other sailing means, which refuses to stop or objects, or turns to forceful acts against its capture;

4. in other cases of occurring threat of terrorist acts or danger of use of weapons for mass destruction on the territory of the Republic of Bulgaria.

(2) The use of weapons or the combat means under Para 1 shall be corresponding to the threat or danger.

(3) For the cases of using weapons, the Minister of Defence shall confirm procedures and rules upon proposal of the Chief of defence.

(4) The Minister of Defence shall immediately notify the Prime Minister and the President of the Republic for the acts, undertaken under Para 1-3.

(5) The Prime Minister shall notify the allies of NATO and the EU Member States in case that the threat of terrorist acts or the danger of using weapon for mass destruction is a threat for them.

Art. 29. (1) The Minister of Defence shall receive direct information on the national security and the country's defence, the Bulgarian army, the military academies and higher military schools and other structures in the Ministry, received from the Military Information service and Military Police service, as well as the information, provided by the Natural Security State Agency and the National Investigation Office

(2) The Chief of defence shall receive the relevant information under Para. 1, related to the implementation and his functions under this law.

Art. 30. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 31. (1) In exercising his competence, the Minister of Defence shall issue rules, ordinances, instructions and orders.

(2) (Revoked - SG 16/10, in force from 26.02.2010)

Art. 32. (1) Political cabinet shall function under the Minister of Defence, which shall be organized by the Chief of the cabinet.

(2) The political cabinet shall assist the Minister of Defence in determining and conducting the policy in the area of defence and realization of the civil control on the armed forces.

(3) The staff of the political cabinet shall be determined in compliance with the Law on the Administration.

Art. 33. (amend. – SG 16/10, in force from 26.02.2010) (1) At the Minister of Defence shall be established a Defence council, which is a collective consultative body and shall include the deputy ministers of defence, the Chief of the political cabinet, the permanent secretary of defence, the Chief of defence and his/her deputies, the commander of the Joint operative command, the Chiefs of land forces, the Military air forces and the Military sea forces.

(2) In the Council sessions, upon proposal of the Minister of Defence, other persons may also participate, except the persons under Para 1.

(3) The Defence council shall assist the Minister of Defence on the following issues, which shall be introduced for discussion:

1. draft National defence strategy;
2. draft Regulations of the system of the Ministry of Defence;
3. draft budget of the Ministry;
4. draft plan for development of the armed forces;
5. proposals for appointment and shedding off the high command staff and honouring officers with high military ranks.

(4) The Minister of Defence shall also introduce for discussion to the Defence council other issues.

(5) The Minister of Defence shall determine the rules of operation and the agenda of the Defence council sessions.

(6) The Minister of Defence shall inform the Supreme Chief commander about the Defence council sessions.

(7) The Minister of Defence shall determine the members of Programme council, Defence capacity council and Armaments council and shall adopt regulations for their operation

Section II.

Other bodies and organizations in the defence area

Art. 34. The Ministries and other institutions with war time tasks shall develop and maintain ready for implementation a mobilization plan, war time plan and plan for passing from peace to war state under terms and conditions, determined by the Council of Ministers act.

Art. 35. (1) Minister of Interior, in coordination with the Minister of Defence shall maintain in operative and mobilization readiness the Ministry of Interior structures for implementation of war time tasks.

(2) (new - SG 16/10, in force from 26.02.2010) The Minister of Interior shall coordinate the activity of the integral parts of the Unified rescue system in protection of the population and shall perform activities and tasks in accordance with the wartime plan.

(3) (prev. text of para 2, amend. - SG 16/10, in force from 26.02.2010) The Ministry of Interior bodies independently or jointly with the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army and other specialized bodies shall provide defence of strategic for the country activities and sites, as well as of those, declared for critical infrastructure.

(4) (prev. text of para 3 - SG 16/10, in force from 26.02.2010) The Minister of Defence and the Minister of Interior shall issue joint instructions for interrelation between the

two institutions for implementation of the activities, assigned to them under this law and for conducting fire distinguishing and damage-rescuing activity.

Art. 36. The Minister of Finance shall:

1. develop and introduce for confirmation by the Council of Ministers methods for drawing up and implementation of the war time budget;
2. draw up budget directives and instructions to the state bodies and the local self-government and local administration bodies on drawing up drafts of their war time budgets on the basis of the state war time plan.

Art. 37. The Minister of Foreign Affairs within the frames of his competence shall realize direction and coordination of the implementation of the international obligations of the Republic of Bulgaria, arising from the EU membership in the area of the Common foreign policy and policy of security and the European policy for security and defence, as well as of the membership in the UNO, NATO and other international organizations and coalitions.

Art. 38. (amend. – SG 82/09, in force from 16.10.2009) The Minister of Transport, Information technologies and Communications jointly with the Minister of Defence shall:

1. introduce to the Council of Ministers drafts of legal acts for maintenance and use of the railroad, motor road and water transport, as well as of the civil aviation during war time;
2. organize the preparation of the railroad, motor road and water transport, as well as of the civil aviation for their passing from peace into war time and shall keep mobilization readiness of the structures with functions in the area of defence.
3. organize building up and maintenance of the transport sites for the defence needs, provide and maintain war time powers in the transport network.

Art. 39. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 40. (amend. – SG 82/09, in force from 16.10.2009) The Minister of Transport, Information technologies and Communication, in coordination with the Minister of Defence shall:

1. organize and direct the preparation of the post and electronic communication networks for their bringing into higher levels of readiness and for communication security of the armed forces and of the country in peace and war time;
2. organize the building up and maintenance of special sites for the defence needs and the installed for the defence needs powers for war time;
3. create, exploit, maintain and develop electronic communication network and points for direction in relation to the national security and defence;
4. determine the conditions and procedure for using the electronic communication networks and shall provide electronic communication for direction in cases of declaring higher levels of combat readiness of the armed forces and in declaring martial law, war state, or emergency situation.

Art. 41. The president of the National security state agency, the director of the National investigation office and the Chief of the National security service shall carry out their activity on protection of the national security in cooperation with the Minister of Defence, issuing mutual instructions.

Art. 42. The Bulgarian National Bank shall:

1. develop rules and norms for providing the activity of the bank system during war time;
2. in coordination with the Minister of Defence develop a plan for preparing the Bulgarian National Bank in readiness for work during war time;
3. direct methodically the planning for preparing the bank system ready for work during war time;

Art. 43. (1) The regional Governors and the municipality Mayors shall organize in the relevant administrative-territorial units implementation of tasks, related to the defence, which come as a result of the acts of the bodies for the defence direction.

(2) The regional Governors and municipality Mayors shall realize in the relevant administrative-territorial units the preparation of the economy and population for defence, where they shall:

1. assist the Ministry of Defence bodies in keeping the military account of the reserve of the armed forces and on communication, sending and providing of reservers and technique with mobilization significance;
2. ensure premises and provide administratively the activity of the Ministry of Defence bodies for work with the mobilization resources;
3. ensure 24-hour duty and communication in passing into higher level of combat and operative readiness, in mobilization and during war time;
4. ensure the functioning of the economy for the defence needs in the relevant administrative-territorial units during war time;
5. in cases of declared mobilization or war implement their assigned obligations by the bodies for the defence direction;
6. organize and direct the events for defence of the population and economy in disasters and during war time;
7. keep a register of the sites and systems of the critical infrastructure on the relevant administrative-territorial units.

(3) The funds for implementation of the assigned tasks under Para. 1 shall be provided annually from the state budget.

Art. 44. (1) While exercising their competences under Art. 43, Para. 2, the regional Governors and municipality Mayors shall be assisted by Security councils.

(2) (amend. – SG 93/09, in force from 25.12.2009) The regional Security councils shall consist of a chairperson – the regional Governor and members – the Deputy regional Governors, directors of directorates in the regional administration, the head of the territorial unit of Chief Directorate "Civil protection" at the Ministry of Interior, the directors of the centre for emergency medical help and representatives of the territorial units of the central administration and the executive.

(3) The municipal security councils shall consist of chairperson – the Mayor of the municipality and members – the Deputy Mayors, the chairperson of the Security and defence-mobilization preparation unit and representatives of the territorial units of the central administration and the executive.

(4) The names of the staff and the procedure for operation of the Security councils shall be determined by an order of the municipality Mayor, respectfully – the regional Governor.

Art. 45. (1) Legal persons with assigned wartime tasks shall develop and keep ready for implementation a plan for mobilization, wartime plan and a plan for passing from peace into martial law under terms and conditions, determined by an act of the Council of Ministers.

(2) The legal persons under Para. 1 shall be determined under terms and conditions, determined by an ordinance of the Council of Ministers.

(3) In case of declaring mobilization or wartime situation, the legal persons under Para 1 shall set into action the implementation of the relevant plans and shall organize defence of their workers and employees.

(4) Legal persons, who have not been assigned wartime tasks, and who do not develop wartime plan, shall:

1. in a declared mobilization assist the bodies of the Ministry of Defence on announcing, sending and supplying reservists and equipment with mobilization purposes;

2. organize defence of their workers and employees during wartime;

(5) The provision under Para. 4, p. 2 shall be also applied in reference to legal persons with seat and registration in another state, who will perform activity on the territory of the country.

(6) Legal persons shall provide for the Ministry of Defence bodies the needed information for keeping the military report and for preparation of the country for defence.

Art. 46. The Bulgarian Red cross shall assist the state in giving instructions to the population for actions in martial law, military conflicts and disasters, shall prepare formations for first aid and shall give such aid in this country and abroad to persons, victims of military conflicts and disasters.

Art. 47. The instruction of the chiefs of the state, local administration and legal persons for implementation of tasks, related to defence, shall be done in a procedure, determined by and act of the Council of Ministers.

Chapter three.

MILITARY FORCES OF THE REPUBLIC OF BULGARIA

Section I.

General Provisions

Art. 48. The military forces are established by the state military and specialized formations and their branches, submitted to specific organization and procedure of functioning, which possess and apply military special means of action for achieving the objectives of the country defence.

Art. 49. On the territory of the Republic of Bulgaria shall not be established other military and other formations, which use military organization or arms and arm equipment, or which in which military service is envisaged, unless when provided by law or act of the Council of Ministers.

Art. 50. (amend. - SG 16/10, in force from 26.02.2010) (1) The military forces of the Republic of Bulgaria shall include:

1. the Bulgarian army;

2. Military Police service;
3. Military Information service;
4. military academies and military high schools;
5. Military Medical Academy;
6. the National Guards Unit;
7. the reserve of the armed forces.

(2) The military forces in peacetime may also include units from the other forces from the national security system of the Republic of Bulgaria under terms and procedure set out by the Council of Ministers.

(3) The military servicemen from the Ministry of Defence shall be part of the personnel of the armed forces.

Art. 51. (1) The military formations of the armed forces shall be staffed and supplied with personnel, arms, combat and other equipment and property, means for commanding and management of the operations in combat conditions, providing implementation of the defence tasks of the country and the implementation of operations and missions outside the territory of the country.

(2) (amend. - SG 16/10, in force from 26.02.2010) The units under Art. 50, Para 2 shall be staffed with personnel, arms, special and other equipment and property, which shall provide for maintaining operative readiness for implementation of the defence tasks of the country from the budget of the relevant Ministries and other institutions.

Art. 52. (1) The armed forces of the Republic of Bulgaria shall guarantee the sovereignty and independence of the country and shall defend its territory entirely.

(2) The armed forces in peace time shall not be assigned with tasks of internal political character.

Art. 53. (1) The military forces shall maintain abilities for prevention, holding back and respond to the possible threats against the Republic of Bulgaria and its allies for achieving the objectives of the national policy in the defence area.

(2) In war time the task implementation by the armed forces of the Republic of Bulgaria may be realized jointly and/or in coordination with the NATO forces or by the EU Member States, under terms and conditions, determined by and international agreement.

Art. 54. (amend. – SG 16/10, in force from 26.02.2010) The military forces of the Republic of Bulgaria shall perform their tasks on the basis of:

1. strategic plans for actions of the armed forces;
2. plans for operations of the armed forces.

Art. 55. (1) The armed forces shall be built up and shall implement their tasks on the principle of organizational submissiveness, undivided authority and hierarchy in the competences of the commanders and chiefs, determined in the statutes of the armed forces.

(2) The undivided authority in the armed forces shall establish a procedure on issuing and execution of the orders and on realizing the interrelations of power and submission between the commander or chief and the military people.

(3) The direct guidance of the formations in the armed forces shall be realized by the commanders and the chiefs.

(4) the commanders and chiefs in the armed forces in realizing their authorities shall issue orders.

(5) (Revoked - SG 16/10, in force from 26.02.2010)

Art. 56. During peace time the armed forces shall implement tasks on:

1. maintenance of the combat capacity, readiness and capacity in compliance with the risks and threats of military nature;
2. participation in multinational military formations and in operations and mission outside the territory of the country;
3. participation in initiatives and control activities for strengthening and growing of the trust and cooperation in the defence area;
4. maintenance of readiness for humanitarian aid and rescue actions on the territory and in the sea area of the country and outside it in compliance with the national legislation and the international agreements, party to which is the Republic of Bulgaria, upon decision of the relevant state body;
5. preparation and training of formations for carrying out rescue and emergency accident-rescue works for mastering and/or overcoming disasters;
6. participation in prevention and direct defence of the population and conducting rescue and urgent emergency accident – rescue works in a procedure, provided by the Law on Protection in Disasters;
7. neutralizing of unexploded ammunitions on the territory of the republic of Bulgaria.

Art. 57. the armed forces may implement tasks on:

1. assistance for the security bodies in their fight against dissemination of arms for mass destruction, illegal traffic of arms and international terrorism;
2. participation in security of strategic sites and systems of critical infrastructure and in operations for interruption of terrorist actions.

Art. 58. In case of declaring martial law, the armed forces shall:

1. raise the readiness of the system for early warning and management;
2. (amend. - SG 16/10, in force from 26.02.2010) raise the readiness of the military formations and the units as per Art. 50, para 2 in compliance with the level of military threat;
3. set into action the strategic, operative and wartime plans.

Art. 59. (1) In case of armed attack against the Republic of Bulgaria and in declaring martial law, the armed forces shall repulse the attack and shall defend the territorial entirety and the independence of the country and shall guarantee its sovereignty. The task implementation under Para. 1 may be performed independently, jointly and/or in coordination with forces and formations of member-states of NATO, under terms and conditions, determined in an international agreement and in the strategic and operative plans.

Art. 60. Creation and functioning of structures of political parties and political movements, as well as performing political activity in the armed forces shall be forbidden

Art. 60a. (new - SG 16/10, in force from 26.02.2010) (1) The Bulgarian Army is a national military institution, a basis of the Bulgarian Armed Forces.

(2) The Bulgarian Army includes operative command, three types of armed forces and formations for preparation, maintenance and logistic security.

Art. 60b. (new - SG 16/10, in force from 26.02.2010) (1) The joint operative command is a unit intended for planning and conduct military operations on the territory of the state and abroad.

(2) The joint operative command shall:

1. draw up plans for military operations of the armed forces in peacetime and in wartime;
2. conduct joint preparation of the Bulgarian Army;
3. carry out the operative command of the duty forces and means from the Bulgarian Army;
4. coordinate the participation of formations of the Bulgarian Army in the joint preparation with the forces of NATO and European Union allies;
5. collect, analyze and summarize the experience from the involvement of the armed forces in missions, operations, exercises and practices so that it can be applied in the preparation of the armed forces.

Art. 60c. (new - SG 16/10, in force from 26.02.2010) (1) The types of armed forces according to Art. 60a, para 2 shall be the Land forces, the Air force and the Navy.

(2) The different armed forces shall be headed by Chiefs of the Land forces, of the Air force and of the Navy respectively, assisted by deputies and headquarters.

Art. 60d. (new - SG 16/10, in force from 26.02.2010) The formations for preparation, maintenance and logistic security as per Art. 60a, para 2 may be within the frames of the various types of armed forces or subordinate to the Chief of defence.

Art. 60e. (new - SG 16/10, in force from 26.02.2010) The organizational structure, managing bodies, subordination, the numbers, dislocation, armaments, the equipment and the materials of the Joint operative command, the types of armed forces and the formations for preparation, maintenance and logistic security of the Bulgarian Army, as well as the reserve of the armed forces shall be defined by the plan for development of the armed forces.

Section II.

Sending and using armed forces of the Republic of Bulgaria outside the territory of the country

Art. 61. Armed forces of the Republic of Bulgaria may be sent and used outside the territory of the country independently or in the staff of international formations while observing the Bulgarian legislation, the objectives and principles of the NATO Statute and other international agreements in force for the Republic of Bulgaria, while considering the national interests.

Art. 62. the National Assembly shall permit the sending and using armed forces outside the territory of the Republic of Bulgaria of political-military nature.

Art. 63. The Council of Ministers shall permit the sending and using armed forces outside the territory of the Republic of Bulgaria for:

1. implementation of allied obligations, comprising from an international agreement, ratified, published and entered into force for the Republic of Bulgaria, which is creating an alliance of political-military nature;
2. participation in humanitarian missions;
3. participation in activities of no political – military nature, with the exception of the cases under Art. 64.

Art. 64. The Minister of Defence shall permit sending and using outside the territory of the Republic of Bulgaria:

1. up to 300 military servicemen and/or military equipment without arms and/or up to 3 military air forces and/or one military ship of type with their crews for participation in the activities under Art. 63, p.3;
2. up to 200 military servicemen and/or military equipment and/or up to 3 military ships of Frigate type including, and/or up to 5 military air crafts with their crews on the territory of an allied state for participation in the activities under Art. 63, p.3;
3. military-medical teams and field hospital for medical provision of combat actions and/or prevention and overcoming results from epidemics and other mass illnesses, threatening large part of the population of a territory.

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

(2) In case of doubts about the nature of the sending and using armed forces outside the territory of the country, the National Assembly shall express an opinion.

Art. 66. (1) The Minister of Foreign Affairs shall ensure the provision on mutual basis of permanent diplomatic solutions for the period of 12 months for carrying out especially important flights, logistic flights (transportation of passengers and materials), flights, related to search and rescue operations, humanitarian flights, sanitary flights, recreation flights and flights with the purpose of repair, navigation flights, joint trainings, participation in military training and operations, technical landing and recharge of fuel, performed by Bulgarian military and/or hired by the Ministry of Defence air forces

(2) (amend. – SG 82/09, in force from 16.10.209) The permanent diplomatic solutions under Para 1 shall be provided by the Minister of Foreign Affairs upon requests of the Minister of Defence and of the chiefs of the diplomatic missions, accredited by the Republic of Bulgaria, after coordination with the competent units of the Ministry of Defence and the Ministry of Transport, Information technologies and Communications.

Art. 67. The state bodies shall inform the public about the decision for sending and using armed forces outside the territory of the Republic of Bulgaria while observing the national legislation for protection of the classified information and the international agreements, party to which is the Republic of Bulgaria.

Art. 68. (1) The armed forces of the Republic of Bulgaria shall be used in compliance with the objectives and motives, determined in the decision for their sending, and in the operative plans for the relevant missions and operations.

(2) for determining the nature of the actions, about which Bulgarian armed forces are being sent and used outside the territory of the Republic of Bulgaria, the bodies under Art.

63, and 64 shall account for the objectives and motives of their carrying out, the means for attaining these objectives, as well as the order and organization of the participating armed forces.

(3) Change of the objectives and motives under Para. 1 shall be admitted by a new decision.

Art. 69. (1) In their participation in missions and operations outside the territory of the Republic of Bulgaria, the Bulgarian armed forces shall observe the provisions of the Bulgarian legislation, the UNO Statute, the international agreements, to which the Republic of Bulgaria is a party and the principles and norms of the international humanitarian law, taking account of the national interests.

(2) For every participation of Bulgarian military servicemen in operations and missions outside the territory of the Republic of Bulgaria, the chief of defence shall draw up rules for using force.

(3) In case of participation of Bulgarian military servicemen in multinational formation, where joint rules have been drawn up for using force, they shall be applied by the military servicemen of the Bulgarian armed forces, as far as they do not contradict this law, the rules for its implementation, the statutes of the armed forces of the Republic of Bulgaria, and the rules under Para. 2.

(4) The rules for using force shall be obligatory for implementation by the military servicemen of the Bulgarian armed force. The violators of the rules shall bear disciplinary responsibility and may be suspended from participation in a certain mission and operation.

Art. 70. (1) In operations and missions outside the territory of the Republic of Bulgaria may also participate Bulgarian citizens, signed a contract for service in the permanent reserve. For the term of participation in the operation or mission, military rank shall be given, required for the position taken.

(2) Employees from the National Security State Agency may participate in missions and operations under Para. 1, under terms and conditions, determined by an ordinance of the Council of Ministers.

(3) Apart from the cases under Para. 1 and 2, Bulgarian nationals with the needed education and qualification may participate in operations and missions outside the territory of the Republic of Bulgaria, under terms and conditions, determined by an act of the Council of Ministers.

(4) The persons under Para. 2 and 3 shall not be part of the armed forces. The status of the persons under Para. 3 shall be determined by the international agreements for the concrete operation or mission and the Bulgarian legislation.

Art. 71. (1) For participation in operations or missions outside the territory of the Republic of Bulgaria, military servicemen shall be sent on missions by the Minister of Defence for the term not longer than 6 months.

(2) Military servicemen shall be sent for following participation in operations or missions outside the territory of the country at least after 6 months.

(3) the term under Para. 1 may be extended, and the term under Para. 2 – may be shortened after preliminary agreement in writing, given by the military serviceman.

(4) (new - SG 16/10, in force from 26.02.2010) The term of the missions under para 1 may be extended just the once without the consent of the military serviceman by a maximum of 30 calendar days by an order of the Minister of Defence upon a grounded request from the Chief of Defence.

Art. 72. (1) The operative direction of the Bulgarian armed forces, sent and used independently or in the staff of multinational formations in operations and missions outside the territory of the Republic of Bulgaria, shall be carried out in compliance with the decisions of the international organizations or international agreements for the mandate of the concrete operation or mission.

(2) The national control over the formation under Para. 1 shall be carried out by the commander of the Joint operative commanding, and the direct commanding and control – by the relevant commander.

(3) (amend. - SG 16/10, in force from 26.02.2010) Transfer of capacities for operative command of the formations under Para 1 shall be carried out by the Chief of defence.

Art. 73. (1) While passing the state border of the Republic of Bulgaria, the military serviceman shall produce:

1. military identification card or passport;
2. order for individual or group movement, issued by the Minister of Defence or an authorized by him official. Certifying the status of the person or group as a member or members of the armed force, as well as the ordered movement.

(2) The order under Para. 1, p. 2 shall have indicated holding of official arm, its system and number.

Art. 74. (1) While passing the state border of the Republic of Bulgaria, the goods – property, or in management of the Ministry of Defence, which have been intended for use in the armed forced, sent outside the territory of the Republic of Bulgaria, shall be declared in a procedure, determined by an act of the Minister of Finance.

(2) The terms and conditions for reliving the customs formalities shall be determined by the act under Para. 1.

Art. 75. (amend. – SG 99/09, in force from 01.01.2010) The financial provision of the Republic of Bulgaria’s participation in operations and missions outside the territory of the country, shall be carried out by the state budget through the approved annual budget of the Ministry of Defence.

Art. 76. The Minister of Defence shall organize and coordinate all the activities on the provision, staffing and preparation of the formation of the armed forces in reference to their sending and using outside the territory of the Republic of Bulgaria.

Chapter four.

MANAGEMENT OF THE MINISTRY OF DEFENCE, THE UNITS DIRECTLY SUBORDINATE TO THE MINISTER OF DEFENCE AND THE BULGARIAN ARMY (NEW - SG 16/10, IN FORCE FROM 26.02.2010)

Art. 77. (amend. - SG 16/10, in force from 26.02.2010) (1) The Ministry of Defence shall be assisted by the Minister of Defence in fulfillment of his/her functions as a central one-man executive authority and in his/her activity related to management and command of the armed forces.

(2) The Ministry of Defence shall include:

1. Defence headquarters
2. general administration;
3. specialized administration.

Art. 78. (amend. - SG 16/10, in force from 26.02.2010) Units directly subordinate to the Minister of Defence shall be "Military Information" service, "Military Police" service, the military academies and the military high schools, the Military Medical Academy, the National Guards Unit and the National Museum of Military History as well as other units established by a law or an act of the Council of Ministers.

Art. 79. (amend. - SG 16/10, in force from 26.02.2010) (1) The permanent secretary of defence is a senior official at the Ministry of Defence.

(2) As a permanent secretary of defence can be appointed a civil servant who has held a managerial position at the state administration for not less than three years and has received the highest certification among the other candidates or has been an executive authority within the meaning of the Law for the Administration, or who has held a managerial position at the state administration for not less than three years and has at least 4 years till entitlement to pension for assurance coverage and old age in order to complete the mandate in full.

(3) The permanent secretary of defence shall be appointed by the Minister of Defence following a selection for a period of 4 years and shall be approved by the Prime Minister.

(4) By the act with which the permanent secretary of defence is appointed, shall be defined the highest rank of senior civil servant.

(5) The permanent secretary of defence have all the rights included in official legal relations except those contradicting or incompatible with his/her legal standing.

Art. 80. (amend. - SG 16/10, in force from 26.02.2010) The permanent secretary of defence shall assist the Minister of Defence in fulfillment of his/her functions related to defining and conducting the defence policy and the management of human, material and financial resources for its implementation.

Art. 81. (amend. - SG 16/10, in force from 26.02.2010) (1) The permanent secretary of defence shall directly manage and be liable for the following:

1. drawing up and updating the legislation framework, regulating the structure and the activity of the Ministry of Defence;
2. defence planning, programming and budgeting;
3. the control over budget execution;
4. planning and control of implementation of projects for construction, deliveries and services for building up of planned defence capabilities;
5. activities related to international military cooperation;
6. development and efficiency of the administration and administrative procedures and of the informational security of the Ministry of Defence;
7. development and implementation of measures for avoiding conflict of interest and creating conditions for corruption;
8. qualification and career development of the civilian employee;
9. interaction with non-government organizations, trade unions and branch organizations;

10. accountancy and transparency of the conducting of the defence policy and its results.

(2) The permanent secretary of defence shall also fulfill other functions assigned to him/her by the Organizational Rules of the Ministry of Defence or by an order of the Minister of Defence.

(3) The permanent secretary of defence shall be entitled to receive the information necessary for performing his/her functions and to be supported by the Defence headquarters by the chiefs of the respective types of armed forces, services and the other units directly subordinate to the Minister of Defence.

Art. 82. (amend. - SG 16/10, in force from 26.02.2010) The powers of the permanent secretary shall be terminated ahead of term by the Minister of Defence in accordance with the Prime Minister in the following cases:

1. upon mutual agreement in writing;
2. upon his/her request in writing;
3. where the attestation committee appointed by an order of the Minister of Defence has assessed his/her work as unsatisfactory under terms and following a procedure laid down in the Organizational Rules of the Ministry of Defence;
4. in case the secretary is unable to fulfill his/her duties for a period longer than 6 months;
5. upon entry into force of an act with which a conflict of interest under the Law on Prevention and Disclosure of Conflict of Interests is established;
6. if a sentence imposing penalty for deliberate crime of general nature becomes effective;
7. upon death or placement under judicial disability.

Art. 83. (amend. - SG 16/10, in force from 26.02.2010) (1) The Chief of defence shall be the most senior military serviceman in position with a higher military rank and is an immediate superior to all military servicemen of the Bulgarian army.

(2) The Chief of defence shall be appointed by the President of the Republic upon proposal by the Council of Ministers for a period of 4 years.

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

(4) The Chief of defence shall be subordinate to the President of the Republic at carrying out his/her powers as a Supreme Commander-in-chief of the armed forces.

(5) The Chief of defence shall carry out his powers directly, through the commander of the Joint operative command, or via the Chiefs of the various types of armed forces in compliance with the Constitution, the laws, the statutes of the armed forces and the orders of the Minister of Defence.

Art. 84. (amend. - SG 16/10, in force from 26.02.2010) (1) The Chief of defence shall support the Minister of Defence in performing his/her functions related to drawing up and conducting the defence policy and using the armed forces.

Art. 85. (amend. - SG 16/10, in force from 26.02.2010) The Chief of defence shall directly administer and be liable for the following:

1. drawing up orders of the Minister of Defence for using formations of the Bulgarian Army and proposals for enrolling the armed forces, or part of them in increased combat readiness;

2. proposals to the Minister of Defence for announcing general or partial mobilization;
3. draw up rules and procedures for use of arms and ammunitions under Art. 28, para 1;
4. drawing up the National defence strategy and operative plans of the armed forces;
5. the bringing into service and decommissioning of armaments and technical equipment;
6. drawing up doctrines, conceptions for carrying out operations and standards for preparation and use of troops and armed forces;
7. definition of the required defence capacities;
8. combat training and the state of operative abilities of the Bulgarian army;
9. drawing up the statutes of the armed forces;
10. the activity of the Defence headquarters.

(2) The Chief of defence shall also perform other functions assigned to him/her by the Organizational Rules of the Ministry of Defence or by and order of the Minister of Defence.

(3) The Chief of defence shall be entitled to receive all the information necessary for carrying out his/her functions and to be assisted by the general and specialized administration, by the services and the other units directly subordinate to the Minister of Defence.

Art. 86. (amend. - SG 16/10, in force from 26.02.2010) (1) The powers of the Chief of Defence shall be terminated ahead of term by the President of the Republic upon proposal by the Council of Ministers in the following cases:

1. upon his/her request in writing;
2. in case the Chief of Defence is unable to fulfill his/her duties for a period longer than 6 months;
3. upon entry into force of an act with which a conflict of interest under the Law on Prevention and Disclosure of Conflict of Interests is established;
4. if a sentence imposing penalty for deliberate crime of general nature becomes effective;
5. upon death or placement under judicial disability.

Art. 87. (amend. - SG 16/10, in force from 26.02.2010) While conducting his authorities, the permanent secretary and the Chief of defence shall issue orders, commands and instructions.

Art. 88. (amend. - SG 16/10, in force from 26.02.2010) The general administration shall carry out the administrative, informational and organizational-technical provision of the Ministry of Defence.

Art. 89. (amend. - SG 16/10, in force from 26.02.2010) The specialized administration and the Defence headquarters shall assist the Minister of Defence in realizing his authorities.

Art. 90. (amend. - SG 16/10, in force from 26.02.2010) The structure and the activity of the general, specialized administration and of the Defence headquarters shall be defined by the Organizational Rules of the Ministry of Defence, adopted by the Council of Ministers..

Art. 91. (amend. - SG 16/10, in force from 26.02.2010) The units of the Defence headquarters, of the general and specialized administration shall coordinate their activities under terms and following procedures set forth in instructions by the Minister of Defence.

Art. 92. (amend. - SG 16/10, in force from 26.02.2010) (1) The Military Medical Academy shall be established and reorganized by a decision of the Council of Ministers upon proposal by the Minister of Defence in coordination with the Minister of Health according to the Law for the Medical Establishments, insofar as this Law does not provide otherwise.

(2) The structure and the activity Military Medical Academy shall be defined by Regulations adopted by the Council of Ministers upon proposal by the Minister of Defence in coordination with the Minister of Health.

(3) The Military Medical Academy shall organize and conduct postgraduate training for physicians, dental medicine doctors and pharmacists as well as training for students in medical specialties accredited according to the Law for the Medical Establishments.

(4) The Military Medical Academy shall conduct training for acquiring Doctor` degree in scientific specialties accredited according to the Law for the Medical Establishments.

Art. 92. (amend. - SG 16/10, in force from 26.02.2010) (1) Military academies shall be:

1. The Military-medical academy, which is a medical institution under Art. 5, Para 1 of the Law on the Medical Institutions, established in Sofia;

2. The Military academy Georgi Sava Rakovski – seated in Sofia.

(2) The Military-medical academy shall be a medical institution for out-of-hospital and hospital aid, for drawing up military-medical expertise and for conducting military scientific and military educational activity.

(3) The Military academy Georgi Sava Rakovski shall be a state higher school for conducting education for acquiring educational-qualification degree "Master" and educational and scientific degree "Ph.D" on accredited military and civil subjects, for raising the qualification of specialists and for conducting scientific and applied researches in the area of the national security, defence and military science.

Art. 93. (amend. - SG 16/10, in force from 26.02.2010) (1) The Military academies and the higher military schools shall be established by a decision of the General Assembly.

(2) The type, name, registered address, main activity managing bodies, organizational structure of the military academies and higher military schools as well as the real estate provided to them for management shall be defined by the acts for their establishment or reorganization.

(3) A Professional Colleges for training sergeants (sergeant-majors) can be established by an order of the Minister of Education, Youth and Science upon proposal by the Minister of Defence for the purpose of acquisition of fourth degree of professional qualification according to the Law for the Vocational Education and Training

(4) Educational Centres for Preparation of Solders (seamen) shall be established by an order of the Minister of Defence.

(5) The Professional colleges under para 3 or the Educational Centres under para 4 may be subordinate to the Head of a military higher school and may use real estate, training base, administrative and informational provision and teachers from the respective higher military school under terms and following a procedure laid down in the order for its establishment.

Art. 94. (amend. - SG 16/10, in force from 26.02.2010) (1) (amend. – SG 74/09, in force from 15.09.2009) Military academies and higher military schools shall apply the provisions of the Law for the Higher Education and the Law of the Academic Degrees and Academic Ranks, and the professional colleges – the Law for the Vocational Education and Training and the Law for the Public Education, insofar as this law and the acts related to their establishments do not provide otherwise.

(2) The military academies, higher military schools and professional colleges shall also carry out other activities related to training, qualification and professional preparation of military servicemen, civilian employees, employees of another ministries and departments and citizens under terms and following a procedure, set out by an act of the Minister of Defence. The financial funding of the said activities shall be at the expense of the budget of the Ministry of Defence, as well as for the account of the budgets of the respective ministries and departments.

(3) The control over the establishing and implementation of the budget of military academies and of higher military schools shall be exercised by a procedure, determined by an act of the Minister of Defence.

Art. 95. (amend. - SG 16/10, in force from 26.02.2010) (1) The rules of procedure and activity of the military academies and the higher military schools shall be adopted by the Council of Ministers upon proposal by the Minister of Defence in coordination with the Minister of Education, Youth and Science.

(2) The rules of procedure and activity of the professional colleges shall be issued by the Minister of Defence.

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

(4) The state educational requirements, the specialties, the educational plans and programmes and the lists for the state plan-admittance to the professional colleges shall be approved by the Minister of Defence, in coordination with the Minister of Education, Youth and Science.

(5) During education on a military subject, the higher military schools shall also conduct education on the relevant accredited civil subject and shall give the relevant educational-qualification degrees on accredited military and civil subjects.

(6) The military academies and the higher military schools may conduct training of students and PhD students for the purpose of acquiring a Bachelor's or Master's degree in specialties from accredited professional trends and educational and scientific Doctor's degree in accredited scientific specialties.

(7) The documents certifying professional qualification at the professional colleges shall be issued by the directors of professional colleges.

Art. 96. (amend. - SG 16/10, in force from 26.02.2010) (1) The Military academies and the higher military schools and the subjects studied therein for acquiring higher education in the educational-qualification degrees, as well as on scientific specialties, shall be accredited under the terms and conditions, provided by the Law on the Higher Education.

(2) In the staff of the accreditation commissions for conducting the accreditation under Para 1, representatives of the Ministry of Defence shall be included, determined by the Minister.

Art. 97. (amend. - SG 16/10, in force from 26.02.2010) (1) The chiefs and deputy-chiefs of military academies and of the higher military schools and of the Military Medical Academy, the directors of the professional colleges and of the educational centres shall be military servicemen, who shall be appointed and dismissed under the terms provided by this Law.

(2) The chiefs and deputy chiefs on the educational and scientific part of the military academies and of the higher military schools, as well as the deputy chiefs of the educational and scientific activity and the diagnostic and medicinal activity at the Military Medical Academy shall have academic ranks.

(3) The faculties in the military academies and the higher military schools shall be directed by deans, who shall be military servicemen and shall have academic ranks. They shall be selected under the terms and conditions, provided by the Law on the Higher Education and shall be appointed by the chiefs of the higher military schools.

(4) The academic staff of the military academies and of the higher military schools shall consist of military servicemen and civil persons, occupying teaching, scientific-teaching and research positions.

(5) The military academies and the higher military schools may attract foreign nationals to scientific-teaching and teaching positions.

(6) The teaching staff in the professional colleges shall be the instructors – military servicemen and civilian employees having relevant education and qualifications.

Art. 98. (amend. - SG 16/10, in force from 26.02.2010) (1) The persons trained to be officers, for acquiring educational-qualification degree "Master" on the subjects of professional direction Military science shall be attendants.

(2) Learners, taught at the higher military schools in regular form of education for the needs of the Ministry of Defence shall be military students.

(3) Military servicemen at professional colleges shall be cadets.

(4) The attendants, military students and cadets shall not pay fees for the education.

(4) The military students shall receive uniforms, insignia and scholarship in an amount according to a procedure, determined by an act of the Minister of Defence.

(5) The rights and duties of the attendants, military students and cadets shall be determined by the rules of procedure and activity of the military academies and the higher military schools and of the professional colleges.

Art. 99. (amend. - SG 16/10, in force from 26.02.2010) (1) Suspension of the learners from the military academies and higher military schools and professional colleges shall be performed under terms and conditions, determined by their rules of procedure and activity.

(2) Learners, suspended disciplinary from the academies, higher schools and professional colleges shall not be able to resume their rights and be admitted again to be taught.

Art. 100. (amend. - SG 16/10, in force from 26.02.2010) (1) The Military Information service shall be and the Military Police service shall be state-financed legal persons.

(2) The chiefs of the services under Para 1 shall be appointed by the Minister of Defence or on his proposal under procedure, determined by this law and by the rules for its implementation.

(3) The chiefs of services under Para 1 shall be directly submitted to the Minister of Defence.

(4) The Minister of Defence shall approve ethic codes of the staff in the services under Para 1.

(5) The organization of the activity of the services under para 1, the specific conditions and procedures for appointment of the staff and for execution and interruption of the service in them shall be determined by regulations, adopted by the Council of Ministers.

Art. 101. (amend. - SG 16/10, in force from 26.02.2010) (1) The Military Information service shall collect, proceed, analyze, keep and give information in the interest of the national security and the country defence.

(2) The Military Information service shall give equal in volume and equal in contents information to the President of the Republic, the President of the National Assembly, the Prime Minister and the Minister of Defence.

(3) The Minister of Defence may assign additional tasks to the Military Information service, related to the national security and the country defence.

(4) While implementing their official duties, the military servicemen from Military Information service may take positions under cover in the state administration and in legal persons under terms and conditions, determined by an act of the Council of Ministers.

Art. 102. (amend. - SG 16/10, in force from 26.02.2010) (1) The Military Police service shall be a service in the Ministry of Defence intended for:

1. keeping the order and security in the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army and the security of the personnel independently and jointly with other services for security and keeping the public order.

2. prevention and disclosure of criminal offences, committed by, or with military servicemen or civilian employees of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army and/or on the territory of sites and equipment of the Ministry, as well as investigation of crimes in the cases under the Penal Procedure Code;

3. security and control of guarding events, sites and persons of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army, of transport means, with which staff, property, cash, combat equipment, arms, ammunitions and dangerous items of general nature are transported, as well as foreign military formations and military servicemen, delegations and inspections;

4. participation in keeping the order in the military formations in operations and missions outside the territory of the country;

5. performing independently and/or in cooperation with other bodies of antiterrorist acts in the military forces;

6. investigation of aviation crashes and incidents with military air force crafts;

7. collecting, processing, keeping, analyzing, using and giving information, related to the execution of the service functions;

8. performing anti-fire control in the sites of the Ministry of Defence and the units directly subordinate to the Minister of Defence and the Bulgarian Army.

(2) The Military Police service shall perform its activity independently and/or jointly with other state bodies, organizations and nationals, who shall be obliged to give it assistance and the needed information, related to the implementation of its functions under Para 1.

(3) While implementing their legally established competences, the bodies of the Military Police service shall be independent from the chiefs, commanders and chiefs in the units directly subordinate to the Minister of Defence and the Bulgarian Army. The order for exercising their competences by the bodies of the Military Police service in the structures of the Military Information service, shall be determined by and act of the Minister of Defence.

(4) The Military Police Service consists of a governing body, regional services and military and police units.

Art. 103. (amend. - SG 16/10, in force from 26.02.2010) (1) The Military Police service bodies shall be military servicemen and the civil employees on civil legal relations, through whom the service performs its functions.

(2) While implementing their functions, the organs of the Military Police service shall have the right to:

1. perform operative-search activity through specific methods and means, as well as through using special intelligence ways in a procedure, provided by the Law on the Special Intelligence Means and through attracted as voluntary collaborators military servicemen and nationals;

2. detain for not more than 24 hours:

a) a military serviceman or a civilian employee from the Ministry of Defence, from the units directly subordinate to the Minister of Defence and the Bulgarian Army, about whom there is information, showing that he/she has committed a crime;

b) a person, about whom there is information that he/she has committed a crime in participation with employees of the Ministry of Defence, of the units directly subordinate to the Minister of Defence and the Bulgarian Army and/or on the territory of sites and facilities of the Ministry of defence and the units directly subordinate to the Minister of Defence;

c) a person, which after being duly warned, conscientiously hinders a military police body to perform the official duties, violates the public order and does not stop his/her acts;

d) a person, which is on the territory of sites and facilities of the Ministry of Defence or of the units directly subordinate to the Minister of Defence and whose identity cannot be established in the ways, indicated in Art. 61, Para 2 of the Law on the Ministry of Interior;

e) in other cases, determined by law or international agreements, a party to which is the Republic of Bulgaria;

3. conduct personal search of the persons under item 2; the search may be performed only by a person, who belongs to the sex of the searched person; for each conducted search, a protocol shall be drawn up;

4. disclose and investigate criminal offences under Art. 102, Para 1, item 2;

5. request, collect and provide information, related to keeping the order and security in the Ministry of Defence, the structures directly subordinate to the Minister of Defence and in the Bulgarian Army;

6. collect and keep information for performing police registration of the persons under Art. 102, Para 1, item 2, which have been attracted as defendants for committing premeditated criminal offence;

7. perform check - ups for establishing the identity and actions on the identification of persons under Art. 102, Para 1, item 2, about which there is information, that they have committed crimes or violations of the order at the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army;

8. use physical force and means, as well as arms as an end measure while implementing their official functions, only in case that they cannot be performed in another way;

9. control the observance of the traffic rules by the drivers of military vehicles and by organized groups of military servicemen.

(3) The terms and the procedure for carrying out the activities as per Art. 102 and 103 shall be defined by the regulations under Art. 100, para 5, and the terms and the procedure for enticement and work with volunteers shall be defined by an order of the Minister of Defence.

Art. 104. (amend. - SG 16/10, in force from 26.02.2010) (1) From the moment of their detention the persons referred to in Art. 103, para 2, item 1 shall be entitled to:

1. a defender;
2. be informed immediately about the reasons for their detention in an understandable by them language;
3. to appeal before the court the legality of their detention, where the court shall judge on the appeal immediately.

(2) The bodies of the Military Police service shall be obliged to inform immediately a person, indicated by the detained.

(3) The bodies of the Military Police service may issue written or oral orders to the employees of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army within the frames of their competences.

(4) The military and civil officials on civil legal relations from the Military Police service may bear official arms under the terms and conditions, determined by an instruction of the chief of service.

Art. 105. (amend. - SG 16/10, in force from 26.02.2010) (1) The National guard unit shall be a representative military formation and shall be a legal person – second-line spending administration at the Minister of Defence.

(2) (amend. - SG 16/10, in force from 26.02.2010) The structure, organization and procedure for using the National guard unit shall be determined by rules, adopted by the Council of Ministers.

Art. 106. (amend. - SG 16/10, in force from 26.02.2010) (1) The Minister of Defence shall perform his control functions in the area of the defence through Inspectorate.

(2) The Inspectorate shall be directed by chief inspector of the Ministry of Defence, who is directly subordinate to the Minister of Defence

(3) The Inspectorate shall inspect the observation of the legal acts and orders of the Minister of Defence and of the legally conducted administrative activities in the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army.

(4) The Inspectorate shall perform check-ups of the combat preparedness, the defence-mobilization preparedness, the army order and the discipline of the operative abilities of the Bulgarian army formations.

(5) The Inspectorate shall perform check-ups on the proposals, signals and appeals of natural or legal persons, sent to the Minister of Defence and shall inform them about the decisions taken and the measures undertaken.

(6) The Inspectorate shall exercise control carry out inspections pursuant to the Law on Prevention and Disclosure of Conflict of Interests.

(7) The Inspectorate shall render assistance and control the setting into implementation the recommendations and proposals of the Ombudsman of the Republic of Bulgaria.

(8) The Inspectorate shall carry out its activity in compliance with this Law and the Law for the Administration.

(9) The organization of the Inspectorate activity, the types of the check-ups,, as well as the terms and conditions for their performance shall be determined by an act of the Minister of Defence.

Art. 107. (amend. - SG 16/10, in force from 26.02.2010) (1) The National military-historical museum shall be a cultural scientific institute, which shall perform activities on searching, studying, preserving and representing cultural values and items with educational and aesthetic purpose, related to the military history of Bulgaria, under the terms and conditions as provide by the Law on the Cultural Heritage.

(2) The National military-historical museum shall also perform activities on studying, registering, preserving and maintaining the military monuments.

(3) The National military-historical museum shall be legal person – second level administrator of budget credits under the Minister of Defence.

(4) The National military-historical museum rules of procedure shall be determined by rules of the Minister of Defence, concerted by the Minister of Culture.

Chapter five.

STATE OF WAR, MARTIAL LAW AND STATE OF EMERGENCY, MOBILIZATION

Section I.

State of war and martial law

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

(2) With the act of declaring state of war or martial law, the legal acts, whose action is interrupted shall be indicated.

Art. 109. (1) State of war shall be declared in case of armed attack against the country or in necessity of urgent implementation of international obligations.

(2) For the beginning of state of war shall be accepted the hour and day of declaring the war or the time of the physical beginning of the combat actions.

(3) For the end of state of war shall be accepted the declared hour and day for interruption of the military actions, and in case of their continuation after the decaled hour and day – the time of their physical interruption.

(4)After declaring state of war, the implementation of the tasks shall begin in compliance with the strategic, operative and wartime plans.

Art. 110. In case of a sudden armed attack on the territory of the country, the armed forces shall undertake all necessary measures for driving back the attack, without waiting state of war to be declared.

Art. 111. (1) State of war shall be declared in case of threat of armed attack or of war on the whole or part of the territory of the country.

(2) For beginning of martial law shall be accepted the hour and the day of its declaring, and for its end – the hour and day for declaring state of war or lifting the martial law.

Art. 112. After declaring martial law the implementation of the tasks shall begin, according to the strategic, operative and war time plans or the part of them, corresponding to the level of threat.

Art. 113. In case of declared state of war or martial law, the defence of the country and the ensuring the internal order shall pass under the command of the Supreme chief commander and the bodies, established by him for commanding the defence.

Art. 114. (1) With the introduction of state of war or martial law or with the factual beginning of military actions, the President of the Republic shall form Supreme chief command.

(2) The Supreme chief command shall assist the Supreme chief commander while directing the defence and the armed forces.

(3) (amend. – SG 82/09, in force from 16.10.2009) The Supreme chief command shall include the Prime Minister, the Minister of Defence, the Minister of Interior, the Minister of Foreign Affairs, the Minister of Transport, Information technologies and Communications, the Minister of Economy, Energy and Tourism, the Minister of Regional Development and Public Works, the Minister of Finance, the Chief of Defence, the President of the National Security Agency, and other persons, determined by the Supreme chief commander.

Art. 115. (1) In case of declared state of war or martial law, the Chief of defence shall be Supreme commander of the armed forces.

(2) Under the Supreme command, a general staff shall be established, in which all the officials from the General staff of defence shall be included, as well as other structures, determined by the Supreme chief commander.

Art. 116. (1) From the hour and day of the declared state of war or martial law, the shall start the military service of:

1. (amend. - SG 16/10, in force from 26.02.2010) the military servicemen and the structures under Art. 50, Para 2;

2. the reserves, who are at that moment in the armed forces;

3. the military students.

(2) For the persons, who have not been sworn, the war time service shall start after they are sworn in.

(3) The reserves with mobilization appointment shall be considered at war time service from the moment of their notification.

Art. 117. The war time service shall be organized and serviced in compliance with the statutes of the armed forces and the acts of the Supreme chief commander.

Art. 118. The payment of remunerations and compensations of the military servicemen servicing war time service shall be done under the terms and conditions, determined by a separate law.

Art. 119. The implementation of the contracts for training the military students in the higher military schools shall be interrupted for the term of the war time service.

Art. 120. Persons, not apt for war time service shall be set free from service in the armed forces.

Art. 121. The war time service in the armed forces shall be interrupted under terms and conditions, provided by the act for demobilization.

Section II. State of Emergency

Art. 122. (1) In case of danger of drawing the Republic of Bulgaria into military and political crisis or into a military conflict, in other than the cases under Art. 109 and 111, on the territory of the country or on a part of it a regime of "state of emergency" may be declared.

(2) State of emergency shall be declared by a decision of the National Assembly or by a decree of the President of the Republic in an order established by the Constitution and shall be announced by all the mass media.

(3) As a beginning of the regime "state of emergency" shall be accepted the hour and the day of its announcement and for its end - the hour and the day of revoking the regime.

(4) The decision or the decree under Para. 2 shall determine the tasks, the number, the term of using and the chiefs of the formations of the armed forces

Section III. Measures and limitations in state of war, martial law and state of emergency

Art. 123. In case of declaring state of war, martial law or state of emergency the state bodies and the armed forces shall:

1. perform general mobilization with the exception of the cases of declaring state of emergency;
2. apply actions and measures for security of sites, threatened by terrorist acts;
3. restrict or ban flights of civil aircrafts and introduce a special regime of navigation in territorial sea and the inland sea waters of the country;
4. control or ban passing through the state border of the Republic of Bulgaria;
5. restrict the movement on major roads;
6. restrict the movement of trains and establish control over the passengers and loads;
7. restrict the free movements and establish control over the nationals and transport;
8. control sites of the critical infrastructure of the country;
9. restrict or ban the access to state institutions;
10. in need of defence of the national interest, the life and health of nationals, shall also apply other measures, which do not contradict the international acts, guaranteeing the defence of human rights in conditions of war.

Art. 124. In case of declaring state of war or martial law, the Council of Ministers shall permit the use of the state reserves and war time reserves.

Art. 125. (1) In case of state of war or martial law, the Minister of Defence, the Minister of Interior, the Minister of Foreign Affairs, the director of the National intelligence service and the President of the National security state agency shall give to the Supreme chief commander the full volume of information, related to the implementation of the defence tasks of the country.

(2) In case of state of emergency, the directors of the institutions under Para. 1 shall give to the Minister of Defence the full volume of information,, related to the implementation of the defence tasks of the country.

Art. 126. In case of state of war or martial law, the Supreme chief commander shall assign the legal persons with war time tasks of the implementation of orders for supply or services for the needs of the defence.

Art. 127. The state and the armed forces shall not be responsible for damage of third persons, when they were caused by performing combat actions and by defending the country in state of war.

Section IV. Mobilization

Art. 128. (1) (amend. - SG 16/10, in force from 26.02.2010) The mobilization shall be a process for transition of the armed forces and structures under Art. 50, Para 2 from peace time to war time organization and activity.

(2) The terms and conditions for conducting mobilization shall be determined by an ordinance of the Council of Ministers.

Art. 129. (1) The mobilisation shall be possible to be general or partial.

(2) General mobilisation shall be done in case of:

1. surprise armed attack or invasion of foreign troops on the territory of the country;
2. announcing of regime "state of war";
3. threat of armed attack or war and announcing regime "martial law" for the territory of the whole country.

(3) Partial mobilisation shall be done at announcing regime "martial law" for a part of the territory of the country an in other cases, requiring the conduct of mobilisation.

(4) For the term of participation in mobilization event the reservers and their families may not be taken with force from the houses, where they live. The execution of the judged against them court decisions and orders for taking out shall be stopped by the end of the service.

Chapter six.

GUARD AND DEFENCE ON THE TERRITORY OF THE REPUBLIC OF BULGARIA AND OF SITES OF CRITICAL INFRASTRUCTURE

Art. 130. (1) The protection of the airspace of the Republic of Bulgaria shall be implemented by the Bulgarian Army.

(2) (new - SG 16/10, in force from 26.02.2010) The control over aviation in the airspace of the Republic of Bulgaria during carrying out activities under para 1 shall be exercised by the Bulgarian Army jointly with specialized units of the Ministry of Transport, Information Technology and Communications, the Ministry of Interior, the Ministry of Foreign Affairs and State Agency "National Security" under terms and following a procedure defined by an ordinance of the Council of Ministers.

(3) (prev. text of para 2 - SG 16/10, in force from 26.02.2010) The guard of the state border of the Republic of Bulgaria shall be implemented by the relevant structures of the Ministry of Interior.

Art. 131. (1) The defence of the territorial sea and the airspace of the country shall be performed by the armed forces independently or jointly with formation of the armed forces of allied states.

(2) (amend. – SG 82/09, in force from 16.10.2009) While performing the defence of the country, the regime of ships' sailing in the territorial sea, the internal waters, the ports and the roadsters shall be determined by an act of the Minister of Defence in coordination with the Minister of Transport, Information technologies and Communications and the Minister of Interior.

(3) (amend. – SG 82/09, in force from 16.10.2009) While performing the defence of the country, the regime of the flights in the airspace of the Republic of Bulgaria shall be determined by an act of the Minister of Defence and of the Minister of Transport, Information technologies and Communications.

Art. 132. (1) The armed forces shall implement the tasks of guard and defence of sites of the critical infrastructure under terms and conditions, determined in the operative plans.

(2) The participation of military formations in prevention of terrorists acts and in overcoming the results of them shall be done in compliance with the plans of action in these conditions.

(3) Military formations of the armed forces may take part in the defence of sites of the critical infrastructure of other states and in overcoming the results of terrorist acts, occurred on the territory of neighbouring states, under the terms and conditions, determined by an international agreement.

Chapter seven. MILITARY SERVICE

Section I. General Provisions

Art. 133. (amend. – SG 16/10, in force from 26.02.2010) (1) The military service is a special purpose state unit for training and conducting military defence of the country. The citizens admitted to a military service shall be military servicemen.

(2) The military service in peacetime shall be performed as a profession at the Ministry of Defence, the Bulgarian Army, the units directly subordinate to the Minister of Defence, as well as in other state authorities and departments under terms and following a

procedure laid down in this Law, the Regulations for its implementation, the statutes of the armed forces or the concluded contract.

Art. 134. (amend. – SG 16/10, in force from 26.02.2010) The military service shall be carried out throughout the country and beyond.

Art. 134a. (new – SG 16/10, in force from 26.02.2010) (1) The military service legal relations shall be initiated on the grounds of military service contract.

(2) By the military service contract shall obligatory be defined the name of the position a military serviceman is occupying, the military rank corresponding to it, the period for which it shall be occupied, the training conditions and the terms of raising the qualification, the terms and the procedure for career development, his/her rights, duties and the parties to the contract.

Art. 135. (amend. – SG 16/10, in force from 26.02.2010) (1) The military servicemen shall be officers, officer candidates, sergeants (major) and soldiers (sailors).

(2) The cadets shall be military servicemen with a special status.

Art. 136. (1) The officers, occupying positions, requiring higher officer ranks shall be high command staff.

(2) The positions, which require high officers ranks shall be approved by the President of the Republic upon proposal of the Council of Ministers.

Art. 137. In accepting the military service, the military servicemen shall have military ranks.

Art. 138. (amend. – SG 16/10, in force from 26.02.2010) The military ranks shall be:

In the Land and Air Forces	In the Naval Forces
1. Soldier ranks	
Private I class	Seaman I class
Private II class	Seaman II class
Private III class	Senior seaman I class
Corporal I class	Senior seaman II class
Corporal II class	Leading seaman
2. Sergeant ranks	Senior ranks
Junior sergeant	Sergeant II class
Sergeant	Sergeant I class
Senior sergeant	Chief sergeant
Sergeant major	Petty Officer
Warrant officer	Warrant officer
3. Candidate officer ranks	
Candidate officer I class	Candidate officer I class
Candidate officer II class	Candidate officer II class
4. Junior officer ranks	

Lieutenant	Lieutenant
Senior lieutenant	Senior lieutenant
Captain	Captain-lieutenant
5. Senior officer ranks	
Major	Captain III rank
Lieutenant-colonel	Captain II rank
Colonel	Captain I rank
6. High officer ranks	
Brigadier-general	Brigadier admiral
Major-general	Rear admiral
Lieutenant General	Vice admiral
General	Admiral

- (2) The cadets at the higher military schools shall be given the following ranks:
1. cadet;
 2. cadet – junior sergeant (at the Military Medical Academy – cadet-sergeant major of second class);
 3. cadet - sergeant (at the Military Medical Academy – cadet - sergeant major of first class);
 4. cadet - senior sergeant (at the Military Medical Academy – cadet –chief sergeant major);
 5. cadet - sergeant major (at the Military Medical Academy – cadet - midshipman).

Art. 139. (amend. – SG 16/10, in force from 26.02.2010) The admittance to military service and its carrying out by the military servicemen shall be based on the principle of non-discrimination, providing equal opportunities for professional realization according to requirements and criteria for holding positions at the armed forces, set in advance.

Art. 140. (1) While carrying out the military service, only the Bulgarian language shall be used.

(2) For carrying out concrete task, the military servicemen may use another language.

Art. 141. (1) On military service shall be admitted Bulgarian nationals, who shall respond to the following requirements:

1. (suppl. – SG 16/09, in force from 26.02.2010) they have higher education in the subject for which they apply – for the officers and high education – for the officer candidates, the sergeants (major) and the soldiers (seamen);
2. (suppl. – SG 16/09, in force from 26.02.2010) they are not older than 40 years – for the officers, 33 years – for the officer candidates, sergeants (majors) and 32 years – for the soldiers (seamen);
3. they are fit for military service;
4. they have not been convicted for premeditated crime of general nature, notwithstanding the rehabilitation;
5. there is no penal procedure for premeditated crime of general nature against them;
6. they have no other nationality;
7. they have not been suspended from military service because of imposed disciplinary punishment "suspension";

8. they cover the requirements for physical fitness, determined by an act of the Minister of Defence;

9. (new – SG 16/09, in force from 26.02.2010) are psychologically fit.

(2) (amend. – SG 16/10, in force from 26.02.2010) The fitness for military service under para 1, item 3 shall be determined by military-medical bodies under terms and conditions, determined by an act of the Minister of Defence.

(3) (amend. – SG 16/10, in force from 26.02.2010) Whether a person is psychologically fit for military service shall be decided by specialized units and psychological security bodies under terms and following a procedure defined by an act of the Minister of Defence.

(4) The Minister of Defence may determine positions for soldiers (seamen), who may be occupied by persons with basic education, where the occupation of the position does not require access to classified information.

(5) (amend. – SG 16/10, in force from 26.02.2010) The Minister of Defence may determine positions for military servicemen, which may be occupied by Bulgarian citizens with double nationality, while observing the requirements of the Law on Protection of the Classified Information.

Art. 142. (amend. – SG 16/10, in force from 26.02.2010) (1) The terms and conditions for admittance in the military academies, the higher military schools and professional colleges shall be determined by an ordinance of the Minister of Defence.

(2) The cadets shall conclude military service contracts, provided that in the term of such contracts is included the period of training. For the period of training at higher military schools the cadets are being prepared for conducting military service as a profession, and shall be provided with the following:

1. full state maintenance;

2. free medical care;

3. options at the collective managing bodies of the higher medical school;

4. 30 calendar days off per year under terms and following a procedure laid out in the rules of the structure and the activity of the higher military schools;

5. scholarships under terms and following a procedure defined in an act by the Minister of Defence;

6. compulsory insurance against death and inability to work resulting from an accident during or on occasion of fulfillment of duties related to their military service training;

(3) The time during which cadets are being trained shall be considered as length of service.

(4) The rights and duties of the students under para 1 shall be determined by the rules of procedure and activity of the military academies and of the higher military schools and in the contract for education.

(4) Cadets who raise their ranks as per Art. 138, para 2 by an order of the Head of the higher military school under terms and following a procedure set out by the regulations for the structure of its activity.

(5) The cadets, who have finished their education shall be obliged to do the military service for the term of at least 10 years.

(6) The rights and duties of the persons trained according to para 1 shall be defined by the regulations for the structure and the activity of the military academies and higher military schools, as well as by the military service contracts.

Art. 143. (1) (amend. – SG 16/10, in force from 26.02.2010) For the needs of the defence, the Minister of Defence or official, authorized by him may conclude contract with a student in higher school in this country or abroad for granting a scholarship and other conditions in relation with the education, in view to acquiring professional qualification for implementing service in the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army for the term of at least 10 years.

(2) Contract, under the conditions of Para. 1 may be concluded also with a student in a high school or professional college. The contract shall be concluded with the student, and if he is under aged – with the agreement of his parents or guardian.

(3) The selection of the students and schoolboys under Para. 1 and 2 shall be done in a procedure, determined by an act of the Minister of Defence.

Art. 144. (1) (amend. – SG 16/10, in force from 26.02.2010) Following a competition, to military service shall also be admitted a person, who has finished civil high or higher school. He shall pass initial and special military preparation at a higher military school, at a professional college or training centre, except in those cases where persons have already conducted military service.

(2) The terms and conditions for conducting the competitions, as well as for acquiring promotion of the military qualification of the persons under Para 1 shall be determined by the rules for implementation of the law.

(3) (amend. – SG 16/10, in force from 26.02.2010) The term of the contract with the persons under para 1 may not be less than 7 years – for the officers, 5 years – for officer candidates and sergeants (majors) and 3 years – for the soldiers (seamen).

(4) (revoked – SG 16/10, in force from 26.02.2010)

(5) (revoked – SG 16/10, in force from 26.02.2010)

Art. 145. (1) After finalizing the education for the needs of the Ministry of Defence in view to raising the qualification or acquiring new qualification by the military servicemen, the terms under Art. 142, Para. 5, Art. 143, Para. 1 and Art. 144, Para. 3 shall be extended after:

1. graduation of military academy – with 5 years;
2. acquiring educational and scientific degree of Ph.D. – with 5 years;
3. acquiring educational-qualification degree of Master on civil subject – with 4 years;
4. acquiring educational-qualification degree of Bachelor on civil subject – with 3 years;
5. finishing professional college – with 5 years;
6. finishing a course of more than 6 months – with 2 years.

(2) In guilty failure to implement the obligation under Para. 1, the military serviceman shall return to the Ministry of defence the expenses for the education, in reference to the failure of implementation.

Section II.

Admittance, implementation and suspension from military service

Art. 146. The admittance to military service, appointment and suspension from position and from military service, as well as promotion and reduction of military servicemen in military rank shall be performed

1. to the officers of the higher command staff – with a decree of the President of the Republic, upon proposal of the Council of Ministers; the decree of the President shall be signed also by the Prime Minister; the implementation of the decree shall be assigned to the Minister of Defence;

2. to the rest of the officers – by an order of the Minister of Defence, or of an officials, authorized by him;

3. (amend. – SG 16/10, in force from 26.02.2010) to officer candidates the sergeants (majors) and to the soldiers (seamen) – by an order of the Minister of Defence or officials, authorized by the latter.

Art. 147. (1) (amend. – SG 16/10, in force from 26.02.2010) In order to be admitted to military service in the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army, the applicant shall file a written application.

(2) The application under Para 1 shall have attached the needed documents for occupying the relevant position, determined by an act of the Minister of Defence.

(3) (amend. – SG 16/10, in force from 26.02.2010) While filing the application, the applicant shall provide a court reference and shall sign a declaration for availability of the circumstances under Art. 141, Para 1, items 5 – 7.

(4) (amend. – SG 16/10, in force from 26.02.2010) Upon admittance to higher military schools the candidates shall provide a court reference and shall sign the declaration under para 3.

Art. 148. (amend. – SG 16/10, in force from 26.02.2010) (1) The military service contracts shall be concluded with the Minister of Defence or by an official authorized by the latter.

(2) The procedure and the additional terms for concluding the military service contract shall be defined by the regulations for implementation of the law.

Art. 148a. (new – SG 16/10, in force from 26.02.2010) (1) Upon signing a military service contract the military servicemen shall submit a declaration on their property state and income, a declaration stating that they are not members of any political party and a declaration for absence of the circumstances as per Art. 188.

(2) In case of change in their property state, the military servicemen shall submit declaration within one month from its occurrence.

Art. 149. (1) (amend. – SG 16/10, in force from 26.02.2010) Military servicemen shall be enrolled at the location of the service within 10 days from the date on which the military service contract has been concluded, and shall be obliged to swear an oath, which is certified by signing a sworn list and an act for entry into service.

(2) The contents of the military oath is: "I swear in the name of the Republic of Bulgaria to serve honestly to my people, to observe the Constitution, the laws of the country and the statutes of the armed forces, to fulfill implicitly the orders of my commanders and chiefs, bravely to defend the entity and independence of my Fatherland and if needed to give my life for it, for the military honour and for the glory of the combat banner! I swore!"

(3) (amend. – SG 16/10, in force from 26.02.2010) If owing to circumstances beyond their control, a military serviceman does not appear at his place of appointment or does not swear an oath within the term fixed in para 1, a new term shall be set.

Art. 150. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 151. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 152. (amend. – SG 16/10, in force from 26.02.2010) (1) The appointed serviceman fails to file the declarations under Art. 148a, para 1, fails to appear at his place of appointment within the term or fails to swear an oath the legal relation on fulfillment of the military service shall be considered never occurred, unless there are reasons beyond his/her control.

(2) The fulfillment of the military service is initiated from searing military oath and entry into office.

Art. 153. Occupying positions by military service men, acquiring and raising their professional qualification, the career and personnel development shall be done while respecting their interests and military service.

Art. 154. (1) The military servicemen shall be promoted in military rank consistently.

(2) (Revoked - SG 16/10, in force from 26.02.2010) \

(3) The military service men may be promoted in military rank posthumously, once with one grade.

(4) The terms and conditions for promotion in military rank, the minimum and maximum term for staying in military rank and position shall be determined by the Rules for implementing the law.

Art. 155. (1) The military servicemen shall be reduced in rank in the order of its acquiring under conditions, determined by the rules for implementing the law.

(2) Deprivation of military rank shall be done only in judicial procedure.

(3) (suppl. – SG 16/10, in force from 26.02.2010) The military ranks "private of 1st class" and "seaman of 1st class " may not be deprived.

Art. 156. (1) The terms and conditions for reappointment and for suspension of position and for rotation of the senior officers shall be determined by the rules for implementation of the law.

(2) The rotation is passing of the senior officers through different positions in one or different management levels for acquiring management experience.

Art. 157. (1) The military servicemen shall be attested every year in view to providing their career and personnel development.

(2) The attestation shall be done in a system of criteria, through which the personal characteristics, attainment of preliminary coordinated professional objectives, the level of fulfillment of obligation and professional competencies of the military servicemen are evaluated.

(3) (amend. – SG 16/10, in force from 26.02.2010) The criteria, terms and the procedure for attestation shall be determined by an act of the Minister of Defence.

Art. 158. (1) A military serviceman may be temporarily suspended from position under the terms and conditions of the Penal-procedure Code.

(2) When the penal procedure towards the military serviceman is interrupted, he has been acquitted or sentenced for unpremeditated crime of general nature, the military serviceman shall be reinstated to the position. The term for the suspension shall be considered for term of office under this law and shall be paid compensation in the amount of his remuneration for the period of his suspension.

Art. 159. (1) The commander or the chief may suspend temporarily from service a military serviceman, who appears in a state, which stops him from fulfilling his official duties or after having drunk alcohol or used narcotic substances.

(2) The terms and conditions for prevention, control and establishment of the fitness for military service after having drunk alcohol or used and/or been addicted to narcotic substances shall be determined by an ordinance of the Minister of Defence.

Art. 160. (1) The age limit for military service shall be:

1. (amend. - SG 16/10, in force from 26.02.2010) for the soldiers (seamen) - 45 years of age;

2. (suppl. – SG 16/10, in force from 26.02.2010) for the sergeants (major), candidate officers and junior officers - 50 years of age;

3. for officers with the rank "major" ("captain III rank") - 51 years of age;

4. for the officers with the rank "lieutenant colonel" ("captain II rank") - 52 years of age;

5. for the officers with the rank "colonel" ("captain I rank") - 55 years of age;

6. for the officers "brigadier - general" ("brigadier admiral") - 57 years of age;

7. (amend. - SG 16/10, in force from 26.02.2010) for the officers with the rank "major-general" ("rear admiral") - 58 years of age;

8. (amend. - SG 16/10, in force from 26.02.2010) for the officers with the rank "lieutenant-general" ("vice admiral") - 59 years;

9. for the officers with the ranks "general" (admiral) - 60 years.

(2) (amend. - SG 16/10, in force from 26.02.2010) The age limit for the officers with the military rank "colonel", who occupy position, for which an academic degree is needed, is 57 years of age.

(3) (amend. - SG 16/10, in force from 26.02.2010) Upon decision of the Minister of Defence, the persons having academic degree "associate professor" or "senior research associate II degree" and "professor" or "senior research associate I degree" may continue to occupy the positions till they reach 60 years of age.

Art. 161. (amend. - SG 16/10, in force from 26.02.2010) Military service contracts shall be discontinued:

1. for the officers of the senior command staff – by an order of the Minister of Defence on the grounds of a decree by the President of the Republic for exemption of military service upon proposal by the Council of Ministers;

2. for the rest of the officers – by an order of the Minister of Defence or by persons, authorized by him;

3. for officer candidates, sergeants (major) and the soldiers (seamen) – by an order of the Minister of Defence or officials, authorized by the latter.

Art. 162. (amend. - SG 16/10, in force from 26.02.2010) The military service contract shall be discontinued and the military serviceman shall be exempted from military service, none of the parties being obliged to give prior notice:

1. at mutual agreement of the parties, in writing, the party to which the proposal is sent, shall be obliged to take a stand on it and to inform the other party within 30 day term; in case that it fails to do that, it is considered that the proposal has not been admitted;

1a. (new - SG 16/10, in force from 26.02.2010) by the time the set term expires;

2. at accomplishing the age limit by the military serviceman;

3. (amend. - SG 16/10, in force from 26.02.2010) at occurred lack of fitness for military service or psychological unfitness, ascertained by the military medical bodies, respectively by the bodies as per Art. 141, para 3;

4. at taking a paid election position with the exception of the cases under Art. 187, Para 3;

5. at refusal of the military serviceman to accept the proposed position, as provided by Art. 206, Para 3;

6. in cases, where the military service man fails to appear at the position within the term under Art. 172, Para 2, unless this term is not kept due to valid reasons;

7. in case of death of the military serviceman.

Art. 163. (1) (amend. - SG 16/10, in force from 26.02.2010) The military service contract shall be discontinued and the military serviceman shall be exempted from military service by a written notice by the military service man to the Minister of Defence, respectively to the authorized by him officials under Art. 161, items 2 and 3.

(2) The term of the notice shall be 3 months and shall start to run from the day, following the receiving of the notice. It may be withdrawn by its expiry with the agreement of the Minister of Defence, respectfully of the officials, authorized by him, under Art. 161, p. 2 and 3.

Art. 164. (amend. - SG 16/10, in force from 26.02.2010) The military service contract may be discontinued and the military serviceman may be exempted from military service, provided that the Minister of Defence, or officials authorized by him under Art. 161, items 2 and 3 shall give to the military serviceman 6-month notice in cases of:

1. organization-personnel changes or in case of full or partial liquidation on the basis of an act of the Council of Ministers, or in cases of cutting the number of the armed forces of their formations, upon decision of the National Assembly, unless this decision has some other term of giving notice;

2. (amend. - SG 16/10, in force from 26.02.2010) amendment of the requirements for occupying the position according to the Classifier of military service positions at the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army, if the military serviceman fails to fulfill them;

3. (amend. - SG 16/10, in force from 26.02.2010) expiry of the maximum term for remaining on the same senior officer's rank and impossibility the military serviceman to be proposed a position, requiring higher military rank and corresponding to his/her education and professional qualification;

4. expiry of the maximum term for staying in a position and impossibility to be offered a position, corresponding to the education and the professional qualification of the military serviceman;

5. acquiring the right to pension under the conditions of Art. 69 of the Social security Code.

Art. 165. (amend. - SG 16/10, in force from 26.02.2010) The military service contract shall be discontinued and the military serviceman may be exempted from military service without prior notice:

1. (suppl. - SG 16/10, in force from 26.02.2010) in case the ground out for admittance to military service under Art. 141, Para 1, item 6 no longer exists, except for the cases referred to in Art. 141, para 5;

2. in case, where after being admitted to military service, the person fails to finish his education for acquiring the military qualification;

3. in case of imposing a disciplinary punishment "dismissal";

4. from the date of registration of the military serviceman as a candidate to an election position by a political party or coalition in election for the President, Vice-President of the Republic of Bulgaria, M. P.s, members of the European Parliament from the Republic of Bulgaria, municipal counsellors or Mayors;

5. (amend. - SG 16/10, in force from 26.02.2010) in case of established incompatibility under Art. 188;

6. (revoked - SG 16/10, in force from 26.02.2010)

7. (amend. - SG 16/10, in force from 26.02.2010) upon refusal of disclosure, deprivation of the permission for access to classified information or in case of refusal by the military serviceman to submit the documents required for research under the terms and following the procedure laid down in the Law for the Protection of the Classified Information;

8. (amend. - SG 16/10, in force from 26.02.2010) in case of expiry of the maximum term for remaining on the senior officer's ranks and refusal by the military serviceman to occupy the offered position, requiring higher military rank and corresponding to his educational and professional qualification;

9. in cases of expiry of the maximum term for staying in a position and refusal by the military serviceman to occupy the offered position, corresponding to his educational and professional qualification;

10. (Revoked - SG 16/10, in force from 26.02.2010)

11. in case of an established conflict of interests, under the Law on Prevention and Disclosure of Conflict of Interests, by an act, come into force.

Art. 166. (1) (amend. - SG 16/10, in force from 26.02.2010) The chiefs of the Military Information service and Military Police service shall interrupt or propose to the Minister of Defence termination of the military service contract without prior notice, in case of:

1. ineffective fulfillment of the position occupied under cover;

2. behaviour, incompatible with the norms and requirements of the ethic code of the personnel of the relevant office.

(2) The procedure for interruption of the legal relations under Para. 1 shall be determined by the rules under Art. 100, Para. 5.

Art. 167. (1) (amend. - SG 16/10, in force from 26.02.2010) In the cases under Art. 164, items 1 and 2, within the term of the prior notice the military servicemen may apply for occupying a new position.

(2) The terms and conditions for applying for appointment at the positions under Para. 1 shall be determined by the rules for implementation of the law.

Art. 168. (amend. - SG 16/10, in force from 26.02.2010) The party, which has the right to terminate the military service contract with a notice, may interrupt it also before the

term of notice expires, owing to the other party compensation in the amount of the gross monthly remuneration for not having kept the term of giving notice.

Art. 169. (amend. - SG 16/10, in force from 26.02.2010) The military servicemen, having acquired the right to pension under the conditions of Art. 69 of the Code of Social Insurance, shall be discharged from military service upon their request by the Minister of Defence or the officials authorized by the latter as per Art. 161, item 2 and 3.

Art. 170. (1) (amend. - SG 16/10, in force from 26.02.2010) The military service contract shall be discontinued from the date of handing in the order for discharge from military service, unless in the cases under:

1. Art. 162, p. 2 – from the date of accomplishing the age limit;
2. Art. 162, p. 7 – from the date of death.

(2) The order for discharge from military service shall be handed in to the military serviceman after a signature and the date of handing in shall be indicated. In case that the military serviceman refuses to sign the order, the refusal shall be established by the signature of 2 witnesses, and in case of failure to appear, the order shall be sent to his permanent address by a registered letter with advice of delivery.

Art. 171. (amend. - SG 16/10, in force from 26.02.2010) (1) The military servicemen may appeal the order for discontinuing the military service contract and discharging from military service, as provided by the Administrative Procedure Code.

(2) The appeal of the order for termination of the military service contract and discharge from military service shall not stop its fulfillment.

- (3) State fees shall not be collected on the procedure under para 1.

Art. 172. (1) In case of repeal of the discharge by the court, the military serviceman shall have the right to compensation in the amount of his monthly remuneration for the time, during which he was jobless, but not longer than 6 months. If he had worked on a lower paid job during that period, he shall have the right to the difference in the remunerations.

(2) In cases, where the order for discharge is repealed, the military serviceman shall be reappointed within 2 months to the previous or another position, which corresponds to his military rank and professional qualification, if he files a written application to the Minister of Defence within 14 days after the judicial decision has come into force.

Art. 173. The military serviceman may claim for compensation for property and non-property damages, caused to him in reference to fulfillment of the military service.

Art. 174. (1) (amend. - SG 16/10, in force from 26.02.2010) The military servicemen shall wear uniform and insignia, defined by an order of the Minister of Defence.

(2) The rules for wearing the uniform and insignia shall be determined by the statutes of the armed forces.

(3) (new - SG 16/10, in force from 26.02.2010) By the order under para 1 the Minister of Defence shall define the procedure for wearing a uniform and insignia by retired military servicemen, war veterans and war disabled persons.

Art. 175. (1) Every military serviceman shall have opened and kept an official file.

(2) The official file shall contain facts and circumstances on the admittance and discharge from military service, the career and personnel development, the attestations, encouragements and distinctions he has received, imposed punishments, changes in qualification, as well as other facts and circumstances, related to his activity as military serviceman.

(3) The official files shall be kept and used in a procedure, determined by the rules for implementation of the law.

(4) The military serviceman shall have the right to be aware of his official file, as well as to receive a certified copy of it when discharged from military service, while observing the Law on Protection of the Classified Information.

Art. 176. Issues, unsettled in this Section on the organization and procedure for admittance, fulfillment and discharge from military service shall be provided by the rules for implementation of the law and by the statutes of the armed forces.

Section III. Status of the military servicemen

Art. 177. (1) The military servicemen shall benefit from protection by the state while fulfilling their duties.

(2) The protection of the military serviceman's dignity and honour shall be obligation of the state bodies and officials on the territory of the Republic of Bulgaria and outside it.

Art. 178. (1) (amend. - SG 16/10, in force from 26.02.2010) The military servicemen shall be obliged to implement the statutes, the legal and administrative acts of the Defence managing bodies, the defence and armed forces management officials as well as the orders of the commanders and chiefs.

(2) The orders shall be issued in relation with the service and if needed, there should be indications enclosed for their implementation. They shall not impair the personal dignity of the submitted persons, nor should they impose evident legal violation.

Art. 179. (1) The commanders and chiefs shall bear responsibility for the life and health of the military servicemen while fulfilling their duties of the military service.

(2) During the peace time military service, the military servicemen shall be provided with healthy and safe conditions for fulfillment of their official duties.

(3) The military servicemen may be assigned with tasks in conditions of direct danger for their health and life under terms and conditions, determined by the statutes of the armed forces. In these cases measures for limiting the dangerous factors shall be taken

(4) The commanders and chiefs shall be obliged to respect the rights, to keep the honour and dignity of their submitted, to take care of them and to request from them to fulfill their obligations conscientiously, exactly and on time.

Art. 180. The status of the military service men, fulfilling military service of the territory of another state, shall be determined in compliance with this law, with the applicable international agreement and the rules for using force.

Art. 181. The military service men, who during military actions have been interned on the territory of another state or taken prisoners, shall keep their status of military service men under this law.

Art. 182. (1) The military servicemen shall not have the right to be members of political parties, movements or coalitions with political purposes and to undertake actions in service, which would violate the political neutrality.

(2) The military servicemen shall not perform propaganda and agitation activity in favour or harm of political parties, movements or coalitions with political purposes, of syndicate organizations and of candidates for election positions.

(3) (suppl. - SG 16/10, in force from 26.02.2010) The military servicemen shall not participate in sessions, meetings and manifestations of political parties, movements or coalitions with political purposes in those cases where they wear military uniforms.

(4) The military servicemen shall not be obliged to declare their political, religious or ideological convictions in reference to taking or fulfilling the service.

Art. 183. (1) (suppl. – SG 16/10, in force from 26.02.2010) The military servicemen shall not refuse to fulfill their official duties on religious motives or to perform religious, atheist, political and ideological propaganda, while fulfilling their duties in service.

(2) (suppl. – SG 16/10, in force from 26.02.2010) Creating religious, atheist, political and ideological communities in the military formations shall not be admitted.

Art. 184. The military servicemen shall not be entitled to strike and to engage in trade union activities.

Art. 185. The military servicemen - physicians and doctors in dental medicine, master-pharmacists, medical nurses, obstetricians and associated medical nurses may be members in the relevant professional organisations.

Art. 186. (1) (amend. and suppl. – SG 16/10, in force from 26.02.2010) In peacetime the military servicemen shall be able to associate for implementing activities of mutual interest. These activities shall be implemented out of service time, out of the units of the armed forces and shall not affect the combat readiness, the training, the discipline, the moral spirit of the personnel and violate the established order and undivided authority in the Ministry of Defence, in the units directly subordinated to the Minister of Defence and the Bulgarian Army.

(2) The issues, connected with the defence policy of the state, the military construction, the training, the combat readiness and the mobilisation of the armed forces, their support with staff, arms, hardware and other possessions shall not be possible to be subject of activity of the associations under Para 1.

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

(4) (amend. – SG 16/10, in force from 26.02.2010) The relations between the servicemen associations and the Ministry of Defence shall be regulated by agreements.

Art. 187. (1) The military servicemen shall be able to be candidates and to be elected as President and Vice-President of the Republic of Bulgaria, as Members of Parliament, members of the European Parliament, municipal councillors or mayors under conditions, determined with a law.

(2) (suppl. – SG 16/10, in force from 26.02.2010) The military servicemen who are registered as candidates for elected bodies by political parties and coalitions, shall be exempt from military service following an approval of the registration by the respective election commission.

(3) (amend. – SG 16/10, in force from 26.02.2010) A military serviceman who is elected as a President, Vice President of the Republic, a Member of Parliament, a Member of the European Parliament, municipal councillor or a mayor from an independent list, shall be considered in unpaid leave for the time of their mandate and after the termination of their powers shall be ensured to take another position according to their military rank and qualification.

Art. 188. (1) The military servicemen shall not be able to implement other state office unless the cases, provided by the law.

(2) (amend. – SG 16/10, in force from 26.02.2010) There is incompatibility with the military service at the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army, in those cases where the military serviceman:

1. is in a direct hierarchical relation of direction and control with another military serviceman as a spouse, relative of first line without limitation, in collateral branch of the family, including in laws to second line including;

2. (amend. – SG 16/10, in force from 26.02.2010) is one man trader, partner in a commercial company, commercial commissioner, procurator, commercial representative, middleman, liquidator, trustee in bankruptcy, or a member of the managing or control bodies of the trade company or cooperation;

3. (suppl. – SG 16/10, in force from 26.02.2010) performs commercial activity or works under employment relationships;

4. (amend. – SG 16/10, in force from 26.02.2010) works on a civil contract, unless for performing teaching, scientific research, sport-competition or other creative activity;

5. has been registered as a candidate at election position by a political party or coalition.

(3) (amend. – SG 16/10, in force from 26.02.2010) Where any incompatibility under para 2, item 1 has been established, the military serviceman shall be offered another position corresponding to his/her military rank and qualification. If the person refuses to occupy the position offered or if it is not possible to offer such within a month from ascertaining this impossibility, the military service contract shall be discontinued pursuant to Art. 165, item 5.

(4) (prev. text of para 3 – SG 16/10, in force from 26.02.2010) The possession of shares, participation in cooperations with agricultural lands or forests and in housing constructions shall not be deemed as commercial activity within the meaning of para 2, item 3.

(5) (prev. text of para 4 – SG 16/10, in force from 26.02.2010) There is no incompatibility with the position in case of participation in non-profit legal persons.

(6) (prev. text of para 5 – SG 16/10, in force from 26.02.2010) The military serviceman shall file a declaration about the circumstances under Para 1 and Para 2, items 1 – 4 within 7 days after their occurrence. Declaration shall be filed about the circumstances under Para 2, item 5, together with the application for registration in the corresponding election commission.

Art. 188a. (new – SG 16/10, in force from 26.02.2010) (1) The military servicemen shall be obliged to declare pursuant to the Law on Prevention and Disclosure of Conflict of Interests any private interest they have in relation to the functions of the respective unit or military formation in which they perform their military service.

(2) The military servicemen shall not take part in the discussion, preparation and decision making process if they themselves or persons related to them are interested in the respective decision or if they have certain relations with the interested persons arousing reasonable doubts that they are not impartial.

(3) In the cases of para 2 the military servicemen shall notify in writing the Minister of Defence, respectively the officials authorized by the latter according to Art. 146, items 2 and 3.

(4) If the circumstances referred to para 1 are present, the military servicemen shall be discharged from their duties in relation to occurred conflict of interest under para 1.

Art. 188b. (new – SG 16/10, in force from 26.02.2010) (1) The military servicemen may not receive or facilitate the receiving for themselves or persons related to them any presents, donations, trips, hotel accomodations, providing hospitality, discounts from due payments, preferential loans or other profits or services, leading to exertion of influence over the fulfillment of their duties in favour of the persons offering the said profit or service.

(2) The military servicemen may not use their official status for the purpose of deriving benefits for themselves or persons related to them even if the said benefits would not influence the fulfillment of their official duties.

(3) The military servicemen may not give or offer presents or provide other services leading to exertion of influence over the fulfillment of the duties of the addressee.

(4) Accepting and offering presents or other benefits on the grounds of the official status shall be considered corrupt practice.

(5) The military servicemen shall have the right to accept presents amounting up to 50 percent of the minimum salary fixed in the state once in a calendar year.

Art. 189. (1) The military servicemen shall be issued official cards, which shall certify their official status while implementing their official duties.

(2) The official card shall contain the number of the card, a photo, full name, place of birth, the identity civil number, military rank, place of implementation of the military service, blood group, term of validity etc.

(3) The data under Para. 2 shall be written into the Bulgarian and the English languages.

(4) The procedure for issuing, recording and destroying the official card under Para. 1 shall be determined by and act of the Minister of Defence.

Art. 190. The military servicemen shall have the right to carry and use official arms in a procedure, determined by the statutes of the armed forces.

Art. 191. (1) In peace time the military servicemen may use the official arms as a final measure in an armed attack or in a direct threat with weapon.

(2) The military servicemen shall be obliged if possible to keep the life of the person, against which is directed the use of the official weapon and not to threaten the life and health of other persons.

(3) After using the official arm in the cases under Para. 1, the military servicemen shall be obliged to report in writing to their direct commander or chief.

(4) Using official arm by the military servicemen, participating in international operations and missions outside the territory of the country shall be provided by the rules for using force.

Art. 192. (1) The military servicewomen shall benefit from special protection of women under the Labour Code, with the exception of the right to house work and protection in case of discharge.

(2) The pregnant military servicewomen and those using pregnancy and birth-giving leave shall benefit from the special protection under the Labour Code in discharge.

(3) (new - SG 16/10, in force from 26.02.2010) In the cases of para 2 the leave for pregnancy and childbirth shall be used following a procedure set out in the regulations for implementation of the law.

Section IV.

Obligation for working time and obligation for disposal

Art. 193. (1) Military servicemen shall be obliged at any time of day and night to be at disposal for fulfilling their duties, connected with military service.

(2) The obligation for disposal in introducing the levels of combat readiness of the armed forces shall be provided by the statutes of the armed forces.

(3) When in leave, the military servicemen shall be obliged to point out the exact place of stay and in case of summoning to appear for the performance of service duties in the term determined by the commander or the chief, under conditions and order determined in the Rules for the application of the law and in the statutes of the armed forces.

Art. 194. (1) The normal duration of the working time of the military servicemen shall be 8 hours per day and 40 hours per week in a five day-working week.

(2) The total duration of the working time of the military servicemen in the day and night shall not be possible to exceed half of the maximum duration of the working time.

(3) (amend. - SG 16/10, in force from 26.02.2010) In the cases of exceeding the overall duration of working hours as per para 2, the military serviceman shall be paid remuneration for extra labour, as provided by Art. 214, Para 1, item 3.

(4) (amend. - SG 16/10, in force from 26.02.2010) For performing military service during days off, the military serviceman shall be paid additional remuneration amounting to 50 % of his/her basic remuneration, and during official holidays - 100%, calculated on his basic remuneration.

(5) (suppl. - SG 16/10, in force from 26.02.2010) Paragraphs 1 - 4 shall not be applied in military trainings, events and mobilization, planned with duration, bigger than one day and night, as well as duties according to a schedule when a state of emergency is announced, martial law and state of war.

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

(7) The order for allocation of the working time and for its accounting outside the normal duration shall be provided by an act of the Minister of Defence.

Art. 195. (1) The military servicemen shall be possible to be assigned to perform duties under conditions and order determined in the statutes of the armed forces and the other legislative and administrative acts, issued by the Minister of Defence.

(2) The maximum duration of the duty shall not be possible to exceed 24 hours, and in total – 168 hours per month.

(3) The time of the duty shall be considered as office hours.

Art. 196. (amend. - SG 16/10, in force from 26.02.2010) In the cases when the military serviceman performs a scheduled duty he shall receive an extra remuneration under Art. 214, para 1, item 1.

Section V. Rests and leaves

Art. 197. (1) The military servicemen shall have the right to :

1. paid annual leave in extent of 30 working days;;
2. additional paid leave in extent of one day for each serviced year, but not more than 10 working days.

(2) The military servicemen in defined regions and activities shall have the right to additional paid annual leave under conditions and by order, determined by the Minister of Defence. This leave shall not be included in the extent of the additional leave of Para 1.

(3) The military servicemen shall have the right to additional paid leave for application and training in higher schools with the extent determined in the Labour Code.

(4) The military servicemen, certified as chronically sick, shall have the right to additional paid leave up to 5 working days annually.

Art. 198. (amend. - SG 16/10, in force from 26.02.2010) The commanders and the chiefs shall be obliged to make sure that military servicemen use their annual paid leave in the corresponding calendar year. The postponement of the annual paid leave shall be allowed as an exception in those cases where it may not be used during the respective calendar year.

(2) The commanders and the chiefs shall bear disciplinary liability if they do not ensure the use of annual paid leave of military servicemen under the terms set out in para 1.

Art. 199. It shall be prohibited to be compensated the leaves with money indemnification except in case of discharge from military service.

Art. 200. (1) The military servicemen shall have the right to a leave for temporary incapacity in extent determined by the military-medical bodies of the expertise of the working capacity.

(2) During the leave under Para 1 the military servicemen shall not be discharged from military service except for mutual agreement of the parties, in accomplished limit age or in the event of imposing disciplinary penalty dismissal.

Art. 201. (1) (prev. text of Art. 210 - SG 16/10, in force from 26.02.2010) The military servicemen shall have the right to a leave within 7 calendar days in cases of:

1. contracting a marriage;
2. birth or adoption of a child in the family;
3. grave sickness or death of the wife (husband), child, parent or other relatives of direct line, brother, sister and parent of the other spouse;
4. when the family has suffered from disasters, accidents or other extraordinary circumstances;
5. movement to service in another settlement.

(2) (new - SG 16/10, in force from 26.02.2010) The leave as of para 1 shall not be included in the other leaves set out in this Law.

Art. 202. (1) To the military servicemen shall have the right to a leave in the cases where:

1. they are summoned by a court or by other bodies as a party, witness or expert;
2. they are blood donors - for the day of examination and blood donation, as well as two days after it;

3. (amend. - SG 16/10, in force from 26.02.2010) they participate in sessions as jurors.

(2) The leave of Para. 1 shall not be included in the other leaves, determined by this law.

Art. 202a. (new - SG 16/10, in force from 26.02.2010) (1) After returning from a military operation or mission outside the territory of the state, a military serviceman and his/her family members shall be entitled to a free 7-day holiday at the recreation bases of the Ministry of Defence or a free 7-day recovery at a hospital for further treatment, long-term treatment and medical rehabilitation at the Military Medical Academy. For the time of the holiday or recovery the military serviceman shall be entitled to additional paid leave, and to his/her spouse the employer or the appointment authority shall allow paid leave.

(2) The funds required under para 1 for the free holiday or recovery shall be planned in the budget of the military operation or mission.

Art. 203. (1) The military servicing women shall have the right to leave due to pregnancy, giving birth and adoption, for raising a child, for suckling and feeding small child, for caring for sick child and to additional leave for two or more live children under the conditions, determined by the Labour Code.

(2) The military servicemen shall be able to use leave for raising a child under the conditions of Para 1 in case of death or grave illness of the mother.

Art. 204. (amend. - SG 16/10, in force from 26.02.2010) During the use of paid leave the military servicemen shall receive the gross monthly salary, including the basic monthly remuneration and supplementary allowances of permanent nature at the moment of the beginning of the leave.

Art. 205. (1) The regular servicemen shall have the right to unpaid leave up to 30 days in one year, which shall be permitted by the corresponding commander or chief for important personal or family needs if the interests of the service allow this.

(2) The regular servicemen shall have also the right to unpaid leave up to 6 months which shall be possible to be used once in the whole term of service and shall be permitted by the Minister of Defence, under the condition that they have not less than 10 years service in the armed forces

(3) During the time of the unpaid leave the military servicemen shall reserve their statute and the time of the leave shall be considered as worked time, as provided by this law.

(4) An unpaid leave shall be possible to be used after the due paid leave has already been used.

Art. 206. (1) The military servicemen may, with permission of the Minister of Defence, apply for positions on limited contract in international governmental organizations in the area of defence and security, member of which is the Republic of Bulgaria.

(2) For the time of implementation of the contract under Para. 1, the military servicemen shall be appointed to a temporary position abroad and shall be considered in an unpaid leave.

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

(4) The military servicemen may apply again for the position under Para. 1, if at least 5 years have passed from the end of the previous contract and during this period have implemented military service on the territory of the country or in operations and missions outside of it.

(5) During the unpaid leave, the military servicemen shall have their status, where the time of the leave shall be considered as length of service of 3rd category.

Art. 207. (1) The leaves shall be used after a written permission by the corresponding commander or chief.

(2) The leaves for temporary incapacity, for pregnancy, for giving birth and adoption of a child shall be used after producing a medical list and notifying the corresponding commander or chief.

(3) In cases, where during the used paid annual leave, the military serviceman is permitted to use another kind of paid leave, the annual paid leave shall be terminated upon his/her request and the remaining days of the leave shall be used in addition.

Art. 208. The procedure for permitting the leave to be used, for its postponing and termination, shall be determined by the Rules for the implementation of this law.

Art. 209. The military servicemen in peace time obligatory during the day shall be provided a rest for meals during the working time.

Art. 210. The military service men shall have the right to a minimal not interrupted rest between the weeks of 48 hours. In cases, where the rest cannot be used because of office reasons, the military service men shall have provided a relevant rest during time, determined by the commander or chief.

Art. 211. (amend. - SG 16/10, in force from 26.02.2010) The Minister of Defence may announce holidays for the military servicemen and the civil employees in the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army apart from those, announces in the Labour Code.

Section VI.

Remunerations, health and social security of the military servicemen

Art. 212. (1) The military servicemen shall have the right to a basic monthly remuneration, corresponding to their military rank and the level in the scope of the military rank.

(2) The amount of the basic monthly remuneration under Para. 1 shall be determined by an act of the Council of Ministers, upon proposal of the Minister of Defence.

(3) The basis for determining the amount of the basic monthly remuneration for the lowest position shall be determined every year by the Law on the State Budget of the

Republic of Bulgaria, where the monthly remuneration is raised with a coefficient in reference to the base, as follows:

1. for officers - not less than 2,2;
2. (suppl. - SG 16/10, in force from 26.02.2010) for officer candidates and sergeants – not less than 1,75;
3. for soldiers (seamen) – not less than 1,6.

Art. 213. (amend. - SG 16/10, in force from 26.02.2010) The military servicemen shall be paid supplementary allowances for length of service on top of the basic monthly remuneration amounting to 2% for each year of service, however not exceeding 40 percent.

Art. 214. (1) The military servicemen shall be paid supplementary allowances for:

1. specific conditions in implementing the military service;
2. risk of life and health, which cannot be removed, limited or reduced;
3. implementation of assigned duties apart from the established office time;
4. (amend. - SG 16/10, in force from 26.02.2010) educational and scientific degree "Doctor" or "Ph.D.", required from the position they hold;
5. (amend. - SG 16/10, in force from 26.02.2010) achieved high results in the office activity;

6. other cases, established in a legislative act.

(2) The supplementary allowances under Para 1, items 1 - 5 shall be determined by an act of the Minister of Defence.

(3) (revoked - SG 16/10, in force from 26.02.2010)

(4) The military servicemen in Military Police and Military Information, the supplementary allowances under Para 1. items 2 and 5 shall be paid under terms and condition and in amount, determined by an act of the Minister of Defence, upon proposal of the chief of the relevant office.

(5) The military service men from the Military-medical academy shall be also paid remunerations for work in clinical path, according to the national framework contract and/or for work on a contract with the National Social Security Institute.

Art. 215. (1) The military servicemen shall have the right to additional remuneration for substituting of an absent military serviceman for more than 30 working days.

(2) The substitution under Para. 1 shall be performed by an order of the commander or chief, who has the right to appoint at the position of the absent person.

(3) For the time of substitution, the military serviceman shall continue to implement the duties of his basic position.

(4) The term for substitution shall not be longer than 1 year.

(5) The amount of the additional remuneration under Para. 1 is 25% of the basic monthly remuneration of the substituted person.

(6) The remuneration under Para. 1 shall not be paid to military servicemen, who in position are substituting the absent persons, or are substituting their submitted persons.

Art. 216. (1) The military servicemen shall have the right to additional remuneration in temporary implementation of the obligations of the vacant position in the amount of 25% of the basic remuneration for the vacant position.

(2) The appointment shall be done by the commander or chief, who has capacity to appoint at a vacant position.

(3) The term under Para. 1 shall not be longer than one year.

Art. 217. The military serviceman shall not have the right to remuneration for the time, during which he is in deviation from the military service, or he is discharged from position.

Art. 218. (suppl. – SG 16/10, in force from 26.02.2010) The gross monthly remuneration of the military servicemen shall consist of basic monthly remuneration and supplementary allowances of permanent or temporary nature.

Art. 219. In cases of missions, the military servicemen shall receive apart from their gross remuneration, also travelling, day and accommodation expenses under conditions and order, determined by an act of the Council of Ministers.

Art. 220. (amend. – SG 16/10, in force from 26.02.2010) The obligatory social and health insurance of the military servicemen shall be at the expenses of the state budget.

Art. 221. The medical assistance, the military-medical expertise and the prophylactics of the illnesses of the military servicemen, which are performed by the Military-medical Academy, shall be at the expenses of the Ministry of Defence budget in its part for the Military-medical Academy.

Art. 222. The labour of the military servicemen at retirement shall be considered for first category.

Art. 223. (1) The military servicemen shall be insured obligatorily against death and incapacity for work in case of incident, occurred during, or because of implementation of their service obligations, at the expense of the state budget.

(2) The obligatory insurance shall not be obstacle for concluding other insurance contracts by the interested persons.

(3) (new – SG 16/10, in force from 26.02.2010) The Minister of Defence in coordination with the Minister of Finance shall define the positions available for military servicemen which are subject to compulsory third-party liability insurance at the expense of the state budget.

Section VII.

Material provision for the military servicemen

Art. 224. (amend. – SG 16/10, in force from 26.02.2010) (1) The military servicemen shall be provided with the following:

1. uniforms or their equivalent in BGN;
2. ration money;
3. free food and refreshing beverages during duties, classes, exercises, trainings and camps;
4. personal protective equipment, special and work clothes and other item property and accoutrements.

(2) the military servicemen shall be provided with food. In case of objective impossibility of providing food in kind, the military servicemen shall be paid the equality in BGN.

(3) The funds under para 1 shall not be taxed and shall be provided in amounts under conditions and procedures, determined by an act of the Minister of Defence.

Art. 225. (revoked – SG 16/10, in force from 26.02.2010)

Art. 226. The travelling of the military servicemen and their families in return trips from paid annual leave on the territory of the country, once a year shall be at the expense of the Ministry of Defence. The terms and conditions for payment of the means and their concrete amount shall be determined by an act of the Minister of Defence.

Art. 226a. (new – SG 16/10, in force from 26.02.2010) (1) The Minister of Defence is entitled to establish special communal kitchens, accommodation centres for retired military servicemen, veterans and military servicemen with disabilities, military clubs and centres thereto, as well as other units.

(2) The organization and the activity or the structures and units mentioned in para 1 shall be defined by an act of the Minister of Defence.

Art. 226b. (new – SG 16/10, in force from 26.02.2010) (1) The Ministry of Defence shall establish a council estate for the housing needs of military servicemen, provided that the said council estate comprises houses, studios and garages, which are rented, acquired or built with own funds.

(2) The terms and the procedure for use of the estates mentioned in para 1 shall be defined by an act of the Minister of Defence.

(3) The military servicemen shall pay rent for the houses, studios and garages used by them under the terms and following the procedures of Chapter Four of the Regulations for Implementation of the Law for the State Property (prom. - SG 78/06; amend. – SG 26/07 and 51/07, SG 64/08, 80/08 and 91/08 and SG 7/09, 25/09, 62/09 and 93/09), as well as a rent for the provided movables.

Art. 226c. (new – SG 16/10, in force from 26.02.2010) (1) To those military servicemen who may not be offered houses by the Ministry of Defence and who are accommodated through a private agreement shall be paid compensations under terms and following a procedure defined by an act of the Minister of Defence.

(2) Compensations shall not be paid if a military serviceman has refused in writing the accommodation offered by the Ministry's fund.

Art. 226d. (new – SG 16/10, in force from 26.02.2010) (1) The military servicemen from the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army, as well as their family members may use the medicinal institutions, sanatoriums and prophylactic institutions, military clubs, recreation and sports base of the Ministry under terms and following a procedure set out in an act of the Minister of Defence.

(2) Part of the costs for recreation and recovery of the military servicemen as well as their family members may be covered by the funds provided for social, domestic and cultural services within the budget of the Ministry of Defence for the respective calendar year under terms and following a procedure set out by an act of the Minister of Defence.

Art. 226e. (new – SG 16/10, in force from 26.02.2010) (1) At the Ministry of Defence shall be established an adaptation system for facilitating the process of transition to civilian life of those who are exempted from military service by:

1. professional orientation;
2. motivation training;
3. qualification courses;
4. preparation for initiation of independent business activity;
5. job-finding assistance;
6. providing information about the opportunities referred to in items 1 through 5.

(2) Financing of activities under para 1 shall be allocated, as follows:

1. regarding item 3 – 70 percent at the expense of the budget of the Ministry of Defence and 30 percent at the expense of the military serviceman;
2. regarding items 1, 2, 4 - 6 – at the expense of the budget of the Ministry of Defence.

(3) The terms and the procedure for carrying out the activities mentioned in para 1 shall be defined by an ordinance of the Minister of Defence.

Art. 226f. (new – SG 16/10, in force from 26.02.2010) (1) Upon exemption from military service, unless the military servicemen have been dismissed from office for disciplinary reasons, they are entitled to the rights as per Art. 226e, para 1, items 1, 2, 4 – 6.

(2) The persons who are subject to exemption from military service on the grounds of Art. 162, item 2, Art. 164 and 169, as well as the ones who are no longer fit for military service during or on occasion of fulfillment of their official duties shall be entitled to a single qualification training.

(3) The duration of the qualification training shall not exceed 6 months.

(4) During the training under para 3 the persons shall be in additional paid leave.

Art. 226g. (new – SG 16/10, in force from 26.02.2010) (1) The retired military servicemen, war disabled and war injured persons and the war veterans, as well as their family members shall use medicinal institutions, sanatoriums and prophylactic institutions, military clubs, recreation and sports base of the Ministry of Defence under terms and following a procedure laid down in regulation by the Minister of Defence.

(2) Retired military servicemen, war disabled and war injured persons and war veterans may use the communal kitchens at the Ministry of Defence free of charge.

(3) The persons referred to in para 2 may use the accommodation centres for retired military servicemen, and the war veterans and war disabled persons – the accommodation centres for war veterans and war disabled persons under terms and following a procedure laid down in regulation by the Minister of Defence.

Art. 226h. (new – SG 16/10, in force from 26.02.2010) Military servicemen from the Ministry of Defence, from the units directly subordinate to the Minister of Defence and the Bulgarian Army, as well as the retired military servicemen, war veterans, war disabled and war injured persons in bad financial condition may be provided with financial aid under terms and following a procedure defined by an ordinance of the Minister of Defence.

Art. 226i. (new – SG 16/10, in force from 26.02.2010) (1) The children of military servicemen who have died during or on occasion of performing their official duties as such as

well as the surviving parents of such military servicemen shall have the rights set out in Art. 226d.

(2) The Ministry of Defence shall grant scholarship for the time of training of the children mentioned in para 1 in primary and secondary schools, as well as in universities as full time students in the state till they reach 26 years of age under terms and following a procedure and in amounts set out by a regulation of the Minister of Defence.

Art. 226k. (new – SG 16/10, in force from 26.02.2010) The costs related to the funeral of the late military serviceman shall be at the expense of the Ministry of Defence. Military honours shall be paid with the consent of the relatives/

Art. 226l. (new – SG 16/10, in force from 26.02.2010) The surviving spouse, the children, parents of a military serviceman, who has died during or on occasion of performing his/her military service, shall be entitled to medical and psychological aid free of charge following a procedure set out in a regulation by the Minister of Defence.

Art. 226m. (new – SG 16/10, in force from 26.02.2010) (1) The Minister of Defence may support military and patriotic unions, NGOs in the sphere of security and defence, the associations of military servicemen, reservists, war veterans, war disabled and war injured persons, established as legal persons intended for carrying out socially useful activity, by providing financial or other necessary aid.

(2) The Minister of Defence may provide the unions, organizations and associations mentioned in para 1 with real estates- property of the Minister of Defence to be managed by them in relation to their activity under the terms and following the procedure set out in the Law for the State Property.

Section VIII. Compensations for the military servicemen

Art. 227. (1) At discharge from military service, the military servicemen shall have the right to one time money compensation in the amount of as many gross monthly remunerations, as is the number of the served years, but not more than 20.

(2) At following discharge from military service from the amount of the owed compensation, shall be deducted as many gross monthly remunerations, as many are the received ones under Para. 1.

(3) When the military service man has served 10 times more years and has been discharged as unfit for military service because of illness or disability during, or because of implementation of the military service, the amount of the single money compensation under Para. 1 shall not be less than 15 gross monthly remunerations.

(4) in the cases under Para. 3, where the served time is less than 10 years, the military serviceman shall have the right to a single money compensation in the amount of 10 gross monthly remunerations.

(5) (amend. - SG 16/10, in force from 26.02.2010) At discharge from military service after having service 10 and more years, the military servicemen shall have the right to a single money compensation under Art. 224, Para 1, item 1.

(6) Para 1 and 5 shall not apply in disciplinary discharge.

(7) In case of death of a military service man, the compensation under Para 1-6 shall be paid in total to his heirs.

(8) (amend. - SG 16/10, in force from 26.02.2010) The compensation under Para 1 - 7 shall not be taxed

Art. 228. (1) For defining the amount of a single money compensation at discharge from military service, the serviced years shall be taken in consideration, without the equalized employment and civil serviced years

(2) At discharge from military service because of retirement, to military servicemen who have serviced the last 13 years and 4 months as military servicemen, the amount of the compensation shall be determined by the sum of:

1. the services years as military service;
2. the years of the equalized employment and civil services years to labour of first category.

Art. 229. (1) At movement to service in another settlement, the military serviceman and his family shall be paid a single compensation under terms and conditions, determined by an act of the Minister of Defence.

(2) The transport expenses shall be for the expense of the Ministry of Defence.

Art. 230. (1) The spouses of the military servicemen, who have followed them in their movement to another settlement and because of that have terminated their employment or civil relationship, shall be paid compensation in the amount of the minimal labour salary, established for the country.

(2) The compensation under Para. 1 shall be paid by the National Security Institute for the account of the state budget for the period, during which the persons have been jobless, but not longer than 12 months, if they have registered in the corresponding territorial unit of the Employment Agency within 1 month after the movement.

(3) The time, during which the compensation is received, shall be considered as labour or civil service, depending on the nature of the terminated relationship under Para. 1.

(4) (new - SG 16/10, in force from 26.02.2010) The compensation under para 1 shall be paid under terms and following a procedure set out by an act of the Council of Ministers.

Art. 231. (1) The jobless spouses of the military servicemen, participating in international operations and missions shall be paid compensation in the amount of the minimal labour salary, established for the country for the period of the operation or the mission.

(2) The compensation under Para. 1 shall be paid by the National Security Institute on the account of the state budget, under terms and conditions, determined by an act of the Council of Ministers.

(3) (amend. - SG 16/10, in force from 26.02.2010) The children under 26 years of age of the military servicemen, participating in international operations and missions, who study in primary and high schools, in regular form of education in higher schools in the country and abroad, shall have the right to a scholarship for the period of the operation or mission. The dimension of the scholarship shall be determined by an act of the Minister of Defence, and the needed funds shall be envisaged on the budget of the operation or mission and shall be paid by the Ministry of Defence.

Art. 232. In case of cutting the number of the armed forces, under decision of the National Assembly, the compensation, which are to be paid to the military servicemen shall be determined by the act for cutting, notwithstanding of those, due according to this law.

Art. 233. (1) The military servicemen shall be paid a single money compensation in the amount of 10 gross monthly remunerations in a heavy physical injury and 6 gross monthly remunerations in middle physical injury, caused during, or because of implementation of the military service.

(2) The spouse, children and parents of the military serviceman, perished during or because of implementation of his service duties, shall be paid a single money compensation in the amount of 12 gross monthly remunerations to everyone, who has the right to them. The received compensation shall not be considered as accepting inheritance.

(3) The compensations under Para. 1 and 2 shall not be taxed.

(4) Compensation under Para. 1 and 2 shall not be paid, if the physical injury or death have occurred during a leave, in unauthorized deviation from military service or in case of intestinal causing the injury or the death by the person.

(5) The persons under Para. 1 and 2 may seek compensation in the general claiming order. In this case the difference between the judged sum and the one, received as general compensation by the Ministry of Defence and by the insurer is owed.

(6) The owed compensation shall be decreased, of the injured person has contributed for the injury.

(7) (amend. - SG 16/10, in force from 26.02.2010) For the paid compensation, the Ministry of Defence shall have the right to a claim against the person, who has guiltily caused the injury or the death or shall be entitled to require the issue of an order for execution under Art. 410, Para 1 of the Code of Civil Procedure against the said person, provided that his/her guilt is ascertained by a final sentence.

Art. 234. (suppl. - SG 16/10, in force from 26.02.2010) The compensations of the military servicemen under this law shall be determined on the basis of the gross monthly remuneration, due on the date of the discharge from military service or the relocation, of the injury or the death of the military serviceman, which shall include:

1. the basic monthly remuneration;
2. (amend. - SG 16/10, in force from 26.02.2010) additional monthly remunerations for continuous service, for specific conditions in conducting regular military service and for educational or scientific degree "Doctor" or "Ph.D." degree.

Art. 235. (amend. - SG 16/10, in force from 26.02.2010) The military servicemen shall be paid remunerations and compensations under this Law according to terms and procedure, determined by an act of the Minister of Defence.

Art. 236. The military servicemen shall not owe the sums, which have received in good faith. The guilty officials, who have ordered or admitted undue payment of sums, shall have property responsibility.

Art. 237. (1) Without the consent of the military servicemen, deductions may not be made on their remunerations, unless for:

1. received advance paid sums;
2. overdrawn sums because of technical mistakes;
3. taxes, which are deducted from the salary according to special laws;
4. Distract, imposed by judicial procedure;
5. deductions for imposed limited property responsibility.

(2) The total amount of the monthly deductions under Para. 1 may not be more than the amount, determined by the Civil Procedure Code.

Section IX. Education and professional qualification

Art. 238. (1) The military servicemen may apply and study in a military or civil higher school and make Ph. D. in Bulgaria and abroad, under terms and conditions, determined by the Rules for implementation of the law.

(2) The soldiers (seamen) and sergeants (majors) may apply and study in a military or civil higher school and in professional colleges after having served 3 years military service under terms and conditions, determined by the Rules for implementation of the law.

Art. 239. (1) Initial and special military preparation of the soldiers (seamen) and of the reservers shall be conducted in training centres.

(2) The soldiers (seamen) and reservers shall not pay fee for training in the centres.

Section X. Awards and distinctions

Art. 240. (1) For high achievement in the service and for merits to the defence, the military servicemen may be awarded by the Minister of Defence or an official, authorized by him with distinctions and awards under terms and conditions, determined by the Rules for implementation of the law.

(2) (amend. - SG 16/10, in force from 26.02.2010) For special merits to the defence, the military service medal may be awarded by the Minister of Defence by a personal arm on their names, which shall be registered by the established procedure.

(3) For a substantial contribution and merits to the defence of the country, Bulgarian and foreign nationals may be awarded by the Minister of Defence with distinctions and material awards.

(4) (new - SG 16/10, in force from 26.02.2010) The retired military servicemen, the war veterans and the war disabled persons may be rewarded with honours and awards under terms and following a procedure defined by the regulations for implementation of the law.

(5) (new - SG 16/10, in force from 26.02.2010) The BGN equivalence of the awards mentioned in paras 1 through 4 shall not be taxed.

Section XI. Disciplinary responsibility

Art. 241. A guilty failure to implement the official duties by the military servicemen shall be violation of the military discipline.

Art. 242. Violations of the military discipline shall be:

1. Failure to implement a duty on the military service;
2. violation of the rules for submission;
3. violation of the rules for military politeness and saluting;

4. violation with the official status;
5. violation of property – state property, losing materials, raw materials, energy, etc.;
6. exceeding the given disciplinary power;
7. violation of the rules for protection of the classified information;
8. willful deviation for the military service.

Art. 243. (1) Any violator of the military discipline shall be punished with disciplinary punishments under this law, notwithstanding of the envisaged property, administrative-penal or penal responsibility.

(2) For one and the same violation of the military discipline, only one disciplinary punishment may be imposed.

Art. 244. The disciplinary punishments shall be:

1. remark
2. reprimand
3. grave reprimand;
4. warning for downgrading the military rank with one grade for the term of 6 months to one year;
5. downgrading the military rank with one grade for the term of 6 months to one year;
6. warning for discharge;
7. discharge.

Art. 245. (1) The disciplinary punishment discharge shall be imposed obligatory in the following cases:

1. conviction for intentional crime of general nature or deprivation of the right to occupy a state position or to exercise the profession or activity;
2. violation of the prohibitions under Art. 182 and 184;
3. (amend. - SG 16/10, in force from 26.02.2010) failure to file a declaration under Art. 188, Para 6;
4. (amend. - SG 16/10, in force from 26.02.2010) systematic violations of rules for protection of the classified information, lead to unregulated access within the meaning of the Law for the Protection of the Classified Information;
5. failure to appear at work without reasonable causes in two working days in succession;
6. misuse of the official status;
7. destruction of property – state ownership, lost materials, raw materials, energy and other means, when substantial damage has been caused to the state;
8. appearing of the military serviceman in a condition, which does not let him implement his official duties, because of using alcohol or misuse of narcotic substances;
9. when because of guilty behaviour of the military serviceman there is a case of death or physical injury of his submitted military serviceman.

(2) The disciplinary punishment discharge may be imposed also in other grave violations of the military discipline.

(3) In cases of temporary removal from position under the provision of the Penal-procedure Code, when the military serviceman has been convicted for intentional crime of general nature, the disciplinary punishment discharge shall be imposed from the date of the removal.

Art. 246. (1) The disciplinary violations shall be established by the direct commanders or chiefs of the violators.

(2) When the military serviceman has been imposed a disciplinary punishment discharge, the corresponding commander or chief shall assign an official check up for collecting evidence for the committed violation, shall hear the violator or accept his written explanations. The materials from the official check up shall be sent to the punishing body.

(3) Conducting the official check up under Para. 2 shall not be obligatory, if the violation has been established by a financial audit, by an internal check up or by an enforced verdict.

(4) The commander or chief shall be obliged before imposing the disciplinary punishment to hear the military serviceman or to accept his written explanations, unless in cases, where because of a guilt of the military serviceman he cannot be heard or give written explanations.

Art. 247. At determining the disciplinary punishment, the gravity of the violation, the circumstances, in which the violation has been committed and the behaviour of the military serviceman until the violation has been committed, shall be taken in consideration.

Art. 248. The disciplinary punishments shall be imposed by the officials, assigned by the Rules for implementation of the law.

Art. 249. (1) (amend. - SG 16/10, in force from 26.02.2010) The disciplinary punishments remark, reprimand and severe reprimand shall be imposed within 10 days from the establishment of the violation, but not later than 6 months after its commission.

(2) (amend. - SG 16/10, in force from 26.02.2010) The other disciplinary punishments shall be imposed not later than 2 months after the violation has been established, but not later than 3 months after its commitment.

(3) The disciplinary violation is considered to be established from the moment of the disciplinary-penal body has become aware of it.

(4) The terms under Para. 1 and 2 shall stop to run, while the military serviceman is on a leave, he is under the measure detention or home arrest, or has been discharged from position, as well as till a formed procedure for establishing penal or administrative penal responsibility is finalized

Art. 250. (1) The order for the disciplinary punishment shall be delivered to the military serviceman after his signature and the date shall be indicated. If it is impossible to deliver the order to the military serviceman in person, the penal body shall send it to his permanent address with a registered mail with a receipt.

(2) The order for imposing disciplinary punishment shall be subject to execution from the day of its delivery to the military serviceman or from the day of its receipt, when sent by registered mail.

Art. 251. The order for imposing disciplinary punishment may be appealed as provided by the Administrative – procedure Code. The appeal shall not stop the execution.

Art. 252. The procedure for conducting the disciplinary procedure, for imposing, execution and deletion of the disciplinary punishments shall be determined by the Rules for implementation of the law.

Section XII.

Property responsibility

Art. 253. (1) The military servicemen shall be responsible with property for the damages that they have caused to the state due to imprudence at or in connection with the performing of official duties.

(2) For a damage, caused deliberately or as a result of a crime or caused not at or in connection with performing of official duties, the responsibility shall be determined in compliance with the corresponding civil laws.

(3) The property responsibility of the military servicemen shall be applied independently on the disciplinary, the administrative punitive and the punitive responsibility for the same act.

(4) The military serviceman shall not be property responsible for the damage that has occurred as a result of a military or other risky activity, connected with the performing of the official duties.

(5) For the paid indemnification for damages caused to citizens by unlawful acts, deeds or lack of action of bodies and officials, the Ministry or the department shall have the right to claim against those guiltily caused the damages military servicemen under the conditions of Para 1 or 2.

Art. 254. (1) The military servicemen shall be responsible for the suffered damage but not for the missed gain.

(2) The extent of the damage shall be determined by the day of its occurrence and if this is not possible to be established - by the day of its revealing.

Art. 255. (1) For damages caused due to imprudence, at or in connection with performance of official duties, the military serviceman shall be responsible in the extent of the damage, but not more than 3 gross monthly considerations, calculated with the extent of the consideration, received by the date of establishing the damage.

(2) The property responsibility of Para 1 shall not be required when from the day of causing the damage have passed more than 3 years.

Art. 256. (1) A military serviceman to which has been assigned as official duty to collect, reserve, spend or account money or material valuables, shall be responsible:

1. in the extent of the damage but not more than the triple extent of the gross monthly consideration;

2. for a sum missing - in full extent together with the due interest from the day of causing of the damage and if this cannot be established - from the day of revealing the missing.

(2) The persons who have received something without grounds by the one who caused the damage, or who have benefited from the damage of Para 1, p. 1, shall be liable jointly with the caused of the damage for giving back the received up to the extent of the enrichment. The persons shall be liable to give back also the received as grant by the caused of the damage when the grant is with resources from the caused damage.

(3) The claims of Para 1, p. 2 shall be lapsed with the passing of ten years prescription after the day of causing the damage.

Art. 257. When the damage has been caused by several people, they shall be responsible:

1. (amend – SG 93/04) in the cases of limited proprietary responsibility - according to the participation of each of them in the causing of the damage and when this cannot be established - proportionally to the gross monthly remuneration. The sum of the due by them indemnification shall not be possible to exceed the extent of the damage;

2. in the cases of full property responsibility - jointly.

Art. 258. (1) In the cases of limited proprietary responsibility the commander or the chief shall determine with an order the grounds and the extent of the responsibility of the military servicemen. When the damage has been caused by a commander or chief, the order shall be issued by the corresponding higher commander or chief.

(2) The order shall be issued in one month term from revealing of the damage but not later than three years after its causing and when the damage has been caused at performing of command functions or implementing accounting activity - in three months term after its revealing, but not later than five years after its causing. These terms shall not pass if there is a court procedure under way for implementing full property responsibility till the procedure is pending.

(3) If the military serviceman in one month term after delivery of the order challenges in writing the ground or the extent of the responsibility, the Ministry of Defence may present claim against him before the court.

(4) The due sum shall be withheld from the consideration and/or the indemnification of the military serviceman in extent pointed out in the Civil Procedure Code.

(5) The limited property responsibility shall be possible to be implemented also by the bodies on the Law on the State Financial Inspection, if the damage has been established according to the same law.

Art. 259. (1) The full property responsibility shall be implemented by the court routine, the person being able to pay the sum voluntary before the court procedures.

(2) The claims for full property responsibility of para 1 shall be lapsed with a ten years prescription term which shall start to pass on the day of causing the damage. In these cases the prescription shall be terminated also with an act, compiled by a control body, from the day of handing over to the military serviceman

Art. 260. (1) The military servicemen whose contracts for regular military service have been terminated on the grounds of Art. 163, 165 and 166, Para. 1 and Art. 144, Para. 3 before the expiration of the term according to Art. 142, Para. 5, Art. 143, Para. 1 and Art. 144, Para. 3 and on an extended term under Art. 145, Para. 1, shall owe restoring the expenses for support, training and qualification and/or re-qualification, proportionally to the term of the non fulfilment.

(2) (amend. - SG 16/10, in force from 26.02.2010) The students, discharged from education in a procedure, determined by the Rules of the higher military schools or left on their will during the education, shall restore the expenses for support and education for the period, when they were educated.

(3) The cadets discharged from education in a procedure, determined by the Rules of the professional colleges or who have left by their own will during the education, shall restore the expenses for support and education for the period, when they were educated.

(4) The sum under Para. 1 and 3 shall be deducted totally from the compensation and the other receipts, which the owing person has the right to receive, and if the owed sum

cannot be collected in this way and in the cases under Para. 2, the receipt shall be collected as provided by the Civil-procedure Code on the bases of extract from the accounting books.

Section XIII.

Responsibility of the state for damages caused to military servicemen

Art. 261. (1) The state shall be responsible for the caused to third persons property and non-property damages, caused because of negligence by a military serviceman in case of, or in relation to implementation of his service, where the cause is not as result of a crime.

(2) The responsibility of the guilty military serviceman to the state shall take place under the rules of Art. 253.

(3) In the other cases of caused by the military serviceman damages to third parties shall be implemented the general civil law.

Section XIV.

Military service in the military courts and prosecution offices

Art. 262. (1) The military service in the military courts and military prosecution offices shall be fulfilled under terms and conditions, determined by this law and by the Law on the Judiciary.

(2) The military servicemen from the military courts and the military prosecution offices shall be accepted and discharged from military service as judges, prosecutors and investigators according to the Law on the Judiciary. For the implementation of the decision, the administrative head of the relevant court or prosecution office shall issue an order for acceptance and discharge from military service in cooperation with the Minister of Defence. The requirements of Art. 141, Para. 1, p. 2 shall not be applied to the military servicemen from the military courts and the military prosecution offices.

(3) The administrative head of the relevant court prosecution office shall have military rank, grade in higher, or in lower military rank the military servicemen from the military courts and the military prosecution offices under the provisions of this law and the Rules for its implementation, in coordination with the Minister of Defence.

(4) The rules under Para. 3 in relation to the administrative heads of the military courts and the military prosecution offices shall be exercised by the heads of the higher courts and prosecution offices.

(5) The appointment and discharge from position and from military service of the military servicemen from the military courts and the military prosecution offices, who are supreme command staff, as well as granting them with supreme military ranks, grading them in higher or lower rank shall be done by a decree of the President of the Republic, upon proposal of the Council of Ministers. The decree shall be signed by the Prime Minister. The implementation of the decree shall be assigned to the administrative head or the relevant court or prosecution office.

(6) The uniform and the insignia of the military servicemen from the military courts and the military prosecution offices shall be approved by the Supreme Judicial Council, upon proposal of the president of the Supreme Cassation Court and of the General Prosecutor of the Republic of Bulgaria, in coordination of the Minister of Defence.

(7) The military servicemen in the military courts and the military prosecution offices shall receive on the account of the budget of the judiciary:

1. basic and additional monthly remunerations, determined by the Supreme Judicial Council;

2. material provision and compensations under this law, if the Law on the Judiciary does not provide anything else.

(8) For issues, unsettled by the Law on the Judiciary on the rights, duties and restrictions of the rights of the military servicemen in the military courts and the military prosecution offices, this law shall apply.

Chapter eight.

RESERVE OF THE ARMED FORCES AND MILITARY ACCOUNT OF THE NATIONALS

Art. 263. (1) For increasing the defence possibilities of the armed forces in peace and war time, a reserve of the armed forces shall function.

(2) The reserve of the armed forces shall be determined by this law human resources and equipment.

(3) The number of the reserve of the human resources under Para. 2 shall be determined by an act of the Council of Ministers.

Art. 264. (1) The reserve of human resources of the armed forces shall be permanent and mobilization, shall be formed according to the organization structure of the armed forces and shall be subject to military account.

(2) The persons of the permanent and of the mobilization reserve shall be granted and deprived of military ranks. They shall be raised in military ranks gradually under terms and conditions, determined by the Rules for the reserve of the military forces.

(3) The reserve of the equipment shall be the equipment, which is kept on military account and has mobilization appointment.

Art. 265. (1) The permanent reserve shall be intended for staffing the military formations in peace time.

(2) The mobilization reserve of human resources shall be intended for staffing the armed forces during mobilization and shall include the fit for service in the armed forces Bulgarian nationals, who have military preparation or certain civil specialty and have received mobilization appointment on the positions for military time.

(3) The mobilization reserve of equipment shall be the equipment, received mobilization appointment for staffing the armed forces in positions for military time.

Art. 266. (1) Forming and using the reserve of the armed forces in peace time shall be planned, organized, prepared and directed by the Minister of Defence.

(2) (amend. - SG 16/10, in force from 26.02.2010) Forming and using the reserve of the units as per Art. 50, para 2 in peace time shall be planned, organized, prepared and directed by the chief of the relevant institution.

(3) Forming and using the reserve of the specialized formations of the armed forces in peace time shall be directed by the supreme commander.

Art. 267. (1) The military account of the nationals of the Republic of Bulgaria shall include the account of the permanent and mobilization reserve, as well as the account of:

1. all men, accomplished the age of 18;

2. women, exercising professions and specialties, determined by the Rules of the reserve of the military forces.

(2) Including and excluding from military account shall be done officially, under terms and conditions, determined by the Rules of the military forces reserve.

(3) Bulgarian nationals, who are subject to military account and have not received mobilization appointment and have not concluded contract for service in the permanent reserve, shall be military accounted persons.

(4) The obligations on the military account of the persons under Para. 3 shall be terminated in:

1. accomplishing age limit for keeping on military account;

2. unfitness, occurred for military time service;

3. accepting military service;

4. (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 93/09, in force from 25.12.2009) occurred civil relationship under the Law on the Ministry of Interior and the Law on the National Security state agency, as well as in occurred civil or employment relationship in Ministry of Transport, Information technologies and Communications.

5. death;

6. exemption or depriving of Bulgarian nationality.

(5) The age limit for keeping at military account of the persons under Para. 3, shall be:

1. for military accounted persons without military preparation - 35 years of age;

2. for military accounted persons with military preparation:

a) for soldiers and sergeants (majors) – 55 years of age;

b) for junior officers - 55 years of age;

c) for senior officers - 60 years of age;

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

3. for military accounted persons, who have terminated their civil relationships under the Law on the Ministry of Interior and the Law on the National Security state agency – 62 years of age.

Art. 268. (1) The military account of the equipment shall include the account of the years of exploitation of cars, trailers, tractors, engineering machines, movable lifting transportation machines, specialized railway equipment, air force equipment, ships and other technical equipment, needed for the armed forces.

(2) Keeping and taking away from military account of the equipment shall be done officially under terms and conditions, determined by the Rules for the military forces reserve.

(3) The equipment, kept on military account without mobilization appointment shall be military account equipment.

(4) the equipment under Para. 3 shall be taken away from military account in cases of destruction, damaging and changes in the construction, which make it unusable.

Art. 269. The service in the reserve of the armed forces shall be service with special intention, which is fulfilled in compliance with this law and the acts for its implementation.

Art. 270. To serve in the permanent reserve shall be accepted Bulgarian nationals, who fulfill the following requirements:

1. have not accomplished the age limit for service in the mobilization reserve;

2. they are fit for military service;

3. have not been convicted for intentional crime of general nature, notwithstanding of the rehabilitation;
4. there is no formed criminal procedure for intentional crime of general nature against them;
5. have no other nationality;
6. have not been discharged from military service because of an imposed disciplinary punishment – dismissal.

Art. 271. (1) The service in the permanent reserve shall be fulfilled under terms and conditions, determined by the Rules if the reserve of the armed forces and by the signed contract between the reserver and the Minister of Defence or an official, authorized by him.

(2) The service in the permanent reserve shall include duties on the active implementation of the contract and obligation for disposal for active fulfillment of the contract.

(3) During the active fulfillment of the contract for service in the permanent reserve, the nationals shall have status of military servicemen, and during the time of disposal – of reservers.

Art. 272. (1) The contract for service in the permanent reserve shall determine the term of the contract, the place of service, the remuneration of the reserver, the rights and duties of the parties on the contract and the results in case of failure of fulfillment.

(2) The contract for service in extended by mutual consent of the parties permanent reserve shall be for the term of 3 years.

Art. 273. (1) In case of calling for active fulfillment of the contract for service in the permanent reserve, the nationals who work in employment or civil relationship shall have the right to a leave, under the provisions of Art. 158 of the Labour Code, respectfully, Art. 62, Para. 1, p. 6 and Para. 2 of the Law on the Civil Servant.

(2) The employer, respectfully – the appointing body shall not have the right to terminate the employment or civil relationship with the worker or employee during the active fulfillment of the contract for service in the permanent reserve.

(3) The return travelling expenses of the nationals to the place for active fulfillment of the contract for service in the permanent reserve shall be on the account of the Ministry of Defence and shall be paid under terms and conditions, determined by the Rules for the reserve of the armed forces.

Art. 274. The time, during which the nationals fulfill active service in the permanent reserve shall be considered for labour service of first category.

Art. 275. The contract for service in the permanent reserve shall be terminated in cases of:

1. expiry the contract term;
2. mutual consent of the parties;
3. falling away some of the grounds for concluding the contract;
4. failure to fulfill an obligation on the contract;
5. accepting military service;
6. death of the reserver.

Art. 276. (1) The service of the mobilization reserve shall include fulfillment of duties for maintaining the mobilization readiness, for acquiring a military or another accounting specialty and for raising the military or another special qualification.

(2) Obligations for mobilization reserve shall have the following persons, received mobilization appointment:

1. the exempt from military service;
2. (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 93/09, in force from 25.12.2009) the civil servants from the National Security State Agency, employees of the Ministry of Interior and in the Ministry of Transport, Information technologies and Communications after terminating their civil or employment relationships;

3. men, accomplished 18 years of age, fit for military service;

4. women on military account, fit for war time service.

(3) The fitness for the wartime service shall be established by bodies of the Ministry of Defence, whose staff and organization shall be determined by the Rules for the armed forces reserve.

(4) nationals, who have not been sworn in by their inclusion in the mobilization reserve, shall sign an oath list.

Art. 277. From the mobilization reserve shall be discharged:

1. a person, accomplished the age limit for the mobilization reserve;

2. a person, proven unfit for wartime service;

3. a person, who is servicing a punishment of deprivation of liberty and an accused with a measure of detention or home arrest – for the time, during which he is servicing the punishment, or for the time of the measure;

4. (amend. - SG 16/10, in force from 26.02.2010) a military serviceman and an employee from the units under Art. 50, Para 2;

5. in cases of withdrawal of the mobilization appointment;

6. in case of death of the reserver.

Art. 278. (1) The age limit for mobilization reserve of the officers shall be:

1. for junior officers - 55 years of age;

2. for senior officers – 60 years of age;

3. for the supreme command staff - 63 years of age.

(2) The age limit for the mobilization reserve of the soldiers and sergeants (major) shall be 55 years of age.

(3) The age limit for the mobilization reserve of the persons under Art. 276, Para. 2, p. 2 shall be 62 years.

Art. 279. (1) The reservers may be called once a year for not more than 20 days on training assembly, command-staff trainings, commander sessions and other educational-mobilization events.

(2) The reservers may be called to courses for acquiring specialty and for raising their qualification for the term of 30 – 9- days once in 5 years.

(3) Equipment of the mobilization reserve may be used once a year for not more than 30 days at training assemblies at command-staff trainings, commander sessions and other educational-mobilization events.

(4) The reservers and the owners of the equipment of the mobilization reserve shall be notified about the events under Para. 1-3 at least 30 days before their start.

Art. 280. In case that the reserver is impeded to appear at the educational-mobilization event, and the owner of the equipment is impeded to deliver the equipment, they shall be obliged to notify the body on the military account and to fulfill his orders.

Art. 281. (1) The traveling expenses of the reservers and the owners of the equipment for participation in the educational-mobilization event shall be on the account of the institution, which conducts it.

(2) from the day of appearance at the place for conducting the educational-mobilization event to its end, the reserver shall have the status of a military serviceman or civil servant of the institution, which conducts the event.

(3) The reservers and owners of equipment, having participated in the educational-mobilization event, shall receive remuneration in the amount and conditions, determined by an act of the Council of Ministers.

(4) For every educational-mobilization event there should be a position list. The reservers shall be appointed on positions, corresponding to the positions of the wartime staff.

Art. 282. The staff of the reserve, the fulfillment of the service in the reserve, the procedure for keeping the military account of the nationals, and the related to it rights and duties of the nationals and the Ministry of Defence bodies shall be provided by Rules for the reserve of the armed forces, adopted by the Council of Ministers.

Chapter ten.

CIVIL STAFF IN THE MINISTRY OF DEFENCE, THE UNITS DIRECTLY SUBORDINATE TO THE MINISTER OF DEFENCE AND THE BULGARIAN ARMY (TITLE AMEND. - SG 16/10, IN FORCE FROM 26.02.2010)

Section I.

Status of the civil staff

Art. 283. (1) The status of the civil servants on civil relationship shall be provided by this law and the Law on the Civil Service.

(2) the status of the civil employees on employment relationship shall be provided by the Labour Code and by this law.

Art. 284. (amend. - SG 16/10, in force from 26.02.2010) The civil staff may not perform political activity at the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army. They may not express political views during the working time and in the formations and sites of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army.

Art. 285. the civil staff may create and be members of syndicate organizations. They shall not have the right to an effective strike.

Art. 285a. (amend. - SG 16/10, in force from 26.02.2010) (1) Civil employees shall be obliged to declare any private interest they have in relation to the functions of the unit or military formation where they perform their official duties according to the Law on Prevention and Disclosure of Conflict of Interests.

(2) Civil employees shall be obliged not to take part in the discussion, preparation, and the decision making process, if they themselves or the persons connected to them are interested in the respective decision or have certain relations with the interested persons arising reasonable doubts whether they are impartial.

(3) In the cases under para 2 the civilian employees shall notify in writing the body of appointment or the employer.

(4) If the circumstances mentioned in para 1 are present, the civil employees shall be discharged from their official duties related to the conflict of interest occurred under para 1.

Art. 285b. (amend. - SG 16/10, in force from 26.02.2010) (1) Civil employees shall not accept, neither facilitate receiving presents, donations, trips, hotel accommodations, providing hospitality, discounts from due payments, preferential loans or other profits or services, for themselves or for persons related to them, if the said benefits are leading to exertion of influence over the fulfillment of their duties in favour of the persons offering the said profit or service.

(2) Civil employees may not use their official status for the purpose of deriving benefits for themselves or persons related to them even if the said benefits would not influence the fulfillment of their official duties.

(3) Civil employees may not give or offer presents or provide other services leading to exertion of influence over the fulfillment of the duties of the addressee.

(4) Accepting and offering presents or other benefits on the grounds of the official status shall be considered corrupt practice.

(5) Civil employees shall have the right to accept presents amounting up to 50 percent of the minimum salary fixed in the state once in a calendar year.

Art. 286. (1) the civil staff shall be provided with:

1. free warm food and refreshing drinks during night duty;
2. free food during performing activities of specific nature;
3. personal safety means, special and work clothes.

(2) The provisions under Para. 1 shall not be taxed and shall be provided in a kind, norms and conditions, determined by an act of the Minister of Defence.

Art. 287. The return trip of the civil staff from paid annual leave on the territory of the country once a year shall be on the account of the funds for social-daily and cultural service. The terms and amount of the sums and the procedure for payment shall be determined by an act of the Minister of Defence.

Art. 288. The civil staff may be awarded by distinctions and awards by the Minister of Defence or by an official, authorized by him under terms and conditions, determined by the Rules for implementation of the law.

Art. 289. The Minister of Defence in coordination with the Minister of Finance shall determine the categories of the civil staff, who shall be obligatorily insured for civil responsibility on the account of the state budget.

Art. 290. (1) The civil relationship with civil staff on civil relationship shall occur, change and terminate under the terms and conditions of the Law on the Civil Servant and of this law.

(2) (amend. - SG 16/10, in force from 26.02.2010) The appointment bodies of the civil servants on civil relationship shall be the Minister of Defence, the permanent secretary of defence and the heads of the units directly subordinate to the Minister of Defence.

(3) Apart from the cases, provided by the Law on the Civil Servant, the civil relationship with a civil servant, occupying a position in the offices under Art. 100, Para. 1 shall be terminated without notice by the head of the relevant office and in the cases under Art. 166, Para. 1.

Art. 291. (amend. - SG 16/10, in force from 26.02.2010) The employment contracts with the civil employees on employment relationship shall be concluded, changed and terminated under terms and conditions of the Labour Code and the ones holding lecturer's, scientific and lecturer's positions at military academies and higher military schools pursuant to the Law of the Academic Degrees and Academic Ranks.

Art. 292. (1) The training, qualification and professional preparation of the civil staff shall be done under the terms and conditions, provided by the Rules for implementation of the law.

(2) In cases, where the educational-qualification requirements and the nature of the fulfilled activities impose raising the professional qualification and re-qualification of the persons under Para. 1, the expenses shall be on the account of the Ministry.

(3) (amend. - SG 16/10, in force from 26.02.2010) The civil servant, sent under the conditions of Para 2 to training for a period of more than a month within the frames of one calendar year shall be obliged to work at the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army for a period of one to 3 years after the training. The terms and conditions shall be determined by the appointment body or by the employer.

(4) In case of termination of the civil or employment relationship upon request of the person or in case of his guilty behavior, he shall restore the expenses for the training, respectively of the failure of the fulfillment. The unpaid sum shall be deducted totally from the compensation and the other receivables which the owing person has the right to receive, and if the owed sum cannot be collected in this way, the receivable shall be collected as provided by the Civil Procedure Code on the basis of a statement from the accounting books.

Art. 293. (1) A civil person may be temporarily discharged from position:

1. under the terms and provisions of the Penal-procedure Code;
2. when appears in a condition, which does not allow him to fulfill his official duties; in this case the discharge is done by the direct or superior chief and shall continue until the person restore his fitness for fulfillment of his official duties.

(2) The person under Para. 1 shall not receive remuneration for the time, during which he was discharged.

Art. 294. Where the penal procedure towards the civil person is terminated, he has been acquitted or convicted for an unintentional crime of general nature, the civil person shall be restored to his position. The time of the discharge shall be considered for civil or employment service and the person shall be paid compensation in the amount of his remuneration for the period of discharge.

Section II.

Remuneration and leaves of the civil staff

Art. 295. The gross monthly remuneration of the civil staff shall contain basic monthly remuneration and supplementary allowances.

Art. 296. (1) In addition to the monthly remuneration, the civil staff shall be paid supplementary allowances for:

1. serviced time or labour service and professional experience – in the amount not less than 1% over the basic monthly remuneration for every year serviced years;
2. specific conditions of labour;
3. risks of life and health, which notwithstanding of the measures undertaken cannot be removed, limited or decreased;
4. extra working hours;
5. (amend. - SG 16/10, in force from 26.02.2010) scientific and educational degree "Doctor" or scientific degree "Ph.D", required for the position they hold;
6. high results, achieved in the office activity;
7. other cases, established by a legal act.

(2) The supplementary allowances under Para 1, items 1-6 shall be paid under terms and conditions, determined by an act of the Minister of Defence.

(3) (revoked - SG 16/10, in force from 26.02.2010)

(4) For the civil employees of the Military Police office and Military Information office the supplementary allowances under Para 1, items 2, 3 and 6 shall be paid under terms and conditions and amounts, determined by an act of the Minister of Defence upon proposal of the head of the relevant office.

(5) The civil staff of the Military-medical academy shall be paid also remuneration for work on clinic paths, according to the National framework contract and/or for work on a contract with the National Security Institute.

Art. 297. (1) (amend. - SG 16/10, in force from 26.02.2010) The civil staff shall receive supplementary allowances for work at the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army under terms and conditions and in amount, determined by an act of the Minister of Defence. This shall not refer to the workers, whose amount of the labour remunerations is determined according to the finished work.

(2) When civil staff and military service men occupy positions with equal functional or educational-qualification requirements, their basic monthly remunerations shall be equal.

(3) The Minister of Defence shall determine the positions, about which Para. 2 shall be applied.

Art. 298. (1) The civil staff shall be paid money for representation clothes.

(2) (amend. - SG 16/10, in force from 26.02.2010) The civil employees shall be provided with food allowances.

(3) The paid clothes and food shall not be taxed and shall be provided under terms and conditions and amounts, determined by an act of the Minister of Defence.

Art. 298a. (new - SG 16/10, in force from 26.02.2010) (1) Civil employees shall be entitled to the rights as per Art. 226b, 226c, 226d and 226g.

(2) Entitled to the rights as per Art. 226d shall also be the family members of civil employees.

Art. 299. For issued, unsettled by this Chapter, the provisions of the Law on the Civil Servant and the Labour Code shall be applied.

Chapter ten.

SOCIAL POLICY, CONDUCTED BY THE MINISTRY OF DEFENCE

(REVOKED - SG 16/10, IN FORCE FROM 26.02.2010)

Art. 300. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 301. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 302. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 303. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 304. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 305. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 306. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 307. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 308. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 309. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 310. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 311. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 312. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 313. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 314. (Revoked - SG 16/10, in force from 26.02.2010)

Art. 315. (Revoked - SG 16/10, in force from 26.02.2010)

Chapter eleven.
INFRASTRUCTURE OF THE DEFENCE

Section I.
Immovable properties and equipment

Art. 316. (1) The infrastructure of the defence shall include:

1. immovable properties, sites and equipment, intended for setting up the military formations;
2. immovable properties, sites and equipment, intended for conducting military trainings, for testing the combat techniques and arms;
3. immovable properties, sites and equipment, intended for fulfillment of specific functions and tasks in relation to the defence of the country;
4. immovable properties for logistic provision of the armed forces;
5. sites and equipment for the needs of the communication-information provision of the defence;
6. immovable property for setting up or assembly of equipment and other movable property, funded thoroughly or partially on the NATO Programme for investments in the security;
7. immovable properties, sites and equipment, intended for providing the needs in war time;
8. immovable properties and equipment – public or private state ownership with dropped out necessity;
9. (amend. - SG 16/10, in force from 26.02.2010) immovable properties, intended for satisfying the home and social needs of the military servicemen and of the civil staff of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army.

(2) The immovable properties, sites and equipment under Para. 1, p. 1-7 shall be intended for direct implementation of the defence and shall be public state ownership.

(3) By detailed structure plans changes of properties may be done, given for management of the Ministry, only after consent of the Minister of Defence.

Art. 317. (1) On not-built-up properties – private state ownership, given for management of the Ministry of Defence, may be built housing, public serving, sports and cultural sites for satisfying the needs of the military servicemen and of the civil staff of the Ministry.

(2) For building up the sites under Para. 1 may be established payment right to construction with an order of the Minister of Defence or of an official, authorised by him.

(3) The right to construction shall be established after holding a tender, under terms and conditions, determined by an act of the Council of Ministers. The tender conditions may envisage the payment of the right to construction to be done through an equal property compensation in the constructed or another site, on the basis of an assessment, made by an independent assessor.

(4) tender shall not be conducted under establishing right to construction under Para. 2 of legal persons on budget support or municipalities.

(5) On the basis of the order and after fulfilling the procedure under Para. 3, the Minister of Defence or an official, authorised by him shall conclude a contract.

(6) The newly built up housing sites, received as compensation under Para. 3 shall be included in the Ministry hone fund.

Art. 318. (1) The immovable properties and equipment, intended for providing direct needs of the defence in war time shall be maintained in accordance with the war time plans.

(2) The funds for building up, maintaining and modernization of the immovable properties and equipment, intended for direct implementation of the defence shall be provided by the state budget through the budget of the Ministry of Defence.

(3) The sites and equipment, given to the Ministry of Defence for direct implementation of the defence shall be used under terms and conditions, determined by an act of the Minister of Defence.

(4) The function and the property of the set up. Built up or assembled sites, representing movable or immovable property, which are funded thoroughly or partially from the NATO Programme for investment in the security, may not be changed until the property is transferred over these sites of the Bulgarian state.

Art. 319. (1) For an immovable property or equipment with dropped out necessity for the needs of the defence, the Minister may:

1. (amend. - SG 16/10, in force from 26.02.2010) give them for building up sites for satisfying the social and housing needs of the military servicemen and civil staff at the Ministry of Defence the units directly subordinate to the Minister of Defence and the Bulgarian Army;

2. mutually with the Minister of the Regional Development and Public Works to offer them to the Council of Ministers for free granting to other institutions. Municipalities or legal persons on budget support, as provided by the Law on the State Ownership.

(2) (amend. - SG 16/10, in force from 26.02.2010) The Minister of Defence may sell houses, studios and garages from the housing stock Ministry of Defence located in populated areas where there are no Ministry of Defence structures, units directly subordinate to the Minister of Defence and the Bulgarian Army under terms and following a procedure set out by a regulation of the Council of Ministers.

Art. 320. The properties – private state ownership, given for management to the Ministry, may be sold to investors, who have certificate for class investment, under the provisions of the Law on Encouragement of Investments.

Art. 321. (1) (amend. - SG 16/10, in force from 26.02.2010) For the needs of the physical preparation for fulfilling the service by the military servicemen and the civil staff at the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army shall be built up and maintained sports sites and equipments.

(2) (Revoked - SG 16/10, in force from 26.02.2010)

(3) (Revoked - SG 16/10, in force from 26.02.2010)

Art. 322. The Minister of defence shall form or give consent for participation in commercial companies with property – private state ownership, given for management by the Ministry.

Section II.

Arms, special equipment, machines and other means

Art. 323. For the implementation of the defence tasks of the country, as well as for carrying out operations and missions outside the territory of the Republic of Bulgaria, the armed forces and the military formations shall be provided with modern arms, machines, special equipment and other means.

Art. 324. (1) (amend. - SG 16/10, in force from 26.02.2010) The arms, machines, special equipment and the other means shall be provided according to the development plan of the armed forces.

(2) The means under Para. 1 shall be provided by the state budget on the Ministry of Defence budget and other sources.

Art. 325. The maintenance and repair of the arms, the combat and special machines shall be carried out in compliance with the need for securing their permanent readiness for use in combat conditions under the terms and conditions of public procurement.

Section III.

Requirements for conducting procedures for building up infrastructure sites for the defence needs, disposition of properties and movable items and supply of arms, machines and other equipment

Art. 326. (1) The procedures on building up infrastructure sites and for supply of arms, machines and other equipment for the needs of the defence shall be assigned by the Ministry of Defence in observing the following principles:

1. publicity;
2. exact application of the legal requirements;
3. achieving high efficiency in conducting the state policy in the defence area;
4. carrying out the policy for accelerated development of the national economy.

(2) The principles under Para. 1 shall be applied also in disposition with immovable properties and movable items, in establishing the right to construction on the immovable properties in management of the Ministry of Defence and in disposition with shares of commercial companies, in which the Minister of Defence exercises the right to ownership in the capital.

(3) The principles under Para. 1 shall be applied also in disposition with shares of commercial companies, formed with capital of the companies under Para. 2.

Art. 327. (amend. - SG 16/10, in force from 26.02.2010) (1) In order to take part in the procedures in the procedures under Art. 326, the candidates shall provide declarations of origin and capital owner, as required by the Minister of Defence or an official authorized by the latter.

(2) Members of the committees, of the jury and the consultants involved in the procedures under the Law for the Public Procurement related to construction of infrastructure sites and supplies of armaments, machinery and other equipment for the purposes of the defence system, shall obligatory declare that:

1. they have no material interest in the assignment of public procurement to a certain candidate or participant;
2. they are not "connected persons" within the meaning of the Commercial Law with any candidate or participant in the procedure or with persons enlisted as subcontractors or with members of their managing or control bodies;

3. they have no private interest in the assignment of the public procurement within the meaning of the Law on Prevention and Disclosure of Conflict of Interests;

(3) Members of the committees, of the jury and the consultants under para 2 shall keep in secret the circumstances that have become known to them in relation to their job at the committee.

(4) Members of the committees, of the jury and the consultants shall submit to the assignor declarations for compatibility of the circumstances mentioned in para 2 and for observing the requirements as of para 3 after they have received the list of candidates and participants in each stage of the procedure, in case any changes in the declared circumstances occur.

(5) Non-fulfilment of the obligations under paras 2 through 4 shall be a ground for initiation of disciplinary liability procedure.

(6) A representative of the State Agency National Security or of the Military Police service shall be involved as a member of the committees considering the offers within the frames of public procurement as per Art. 13, para 1, items 1 and 2 from the Law for the Public Procurement.

Art. 327a. (new - SG 16/10, in force from 26.02.2010) Military servicemen or civil employees, carrying out activities related to management, administration and control at the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army, may not, within three years from their exemption from military service or from termination of their official legal relations, to conclude employment or other contracts with the trade companies or cooperations with which they have carried out activities related to management, administration and control or with which they have concluded contracts during the last year of their military service, and may not be associates, shareholders, stockholders, managers or members in managing or control bodies of such trade companies or cooperations.

Art. 327b. (new - SG 16/10, in force from 26.02.2010) (1) Military servicemen or civil employees, carrying out activities related to management, administration and control at the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army, who, during the last year of service, have participated in public procurement procedures or in procedures related to granting resources from European Union Funds or provided by the European Union to the Bulgarian state, may not take part in or represent natural or legal person in such-like procedures before the units in which they have worked within three years from their from their exemption from military service or from termination of their official legal relations.

(2) The prohibition for participation in public procurement procedures as well as in procedures related to granting resources from European Union Funds or provided by the European Union to the Bulgarian state, shall also apply to legal persons, in which the persons referred to in para 1 have become associates, shareholders, managers or members in managing or control bodies of such trade companies or cooperations after their exemption from military service or after termination of their official legal relation..

Chapter twelve. REGISTERS

Art. 328. (1) (amend. - SG 16/10, in force from 26.02.2010) The Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army shall establish and maintain:

1. register of the military servicemen;
 2. (amend. - SG 16/10, in force from 26.02.2010) registers of the immovable properties in management of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army:
 - a) public state ownership;
 - b) private state ownership;
 - c) housing fund;
 3. register of the commercial companies, in which the state rights are exercised by the Minister of Defence;
 4. register of the properties, included as non-monetary contribution in the capital of the commercial companies, in which the Minister of Defence excurses the state rights;
 5. Central register of war disabled people and war victims;
 6. other registers.
- (2) The Minister of Defence or an official authorised by him shall determine the rules for maintaining the registers under Para. 1.
- (3) The registers shall be built up also as automated.

Art. 329. (1) The registers under Art. 328, Para 1 shall be information systems, part of which have been structures as a combination of personal data.

(2) Administrators of personal data in the meaning of the Law on the Personal Data Protection shall be the Minister of Defence and officials, authorised by him, who shall assign the personal data processing to officials, authorised by them.

(3) (amend. - SG 16/10, in force from 26.02.2010) Every person shall have the right to access to the personal data, referred to him/her, processed in the registers of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army.

(4) The administrators of personal data under Para 2 shall pronounce within 14 day term after filing the request for access.

(5) Upon request, the administrator of personal data under Para 2 shall give to the military servicemen a copy of the processed by him personal data on paper.

(6) (amend. - SG 16/10, in force from 26.02.2010) The administrators of personal data under Para 2 shall refuse totally or partially giving the personal data, when this would cause danger for the defence or the national security, for protection of the classified information, for disclosure of the sources of information or nonvoice methods and means for its collection, or if giving these data would threaten the implementation of the legally determined tasks of the Ministry of Defence, the units directly subordinate to the Minister of Defence and the Bulgarian Army.

(7) The terms and conditions for collecting keeping, processing and giving personal data and for access to the register under Art. 328, Para 1, item 1 shall be determined by an ordinance of the Minister of Defence.

(8) The terms and conditions for collecting, keeping, processing and giving personal data by the Military Police office shall be determined by an act of the Minister of Defence.

(9) The control on the protection of the rights of natural persons in processing of personal data and in realizing access to these data shall be exercised by the Commission for the Personal Data Protection, under the terms and conditions of the law on the Personal Data Protection.

Chapter thirteen.

ADMINISTRATIVE PENAL PROVISIONS

Art. 330. (1) Anyone, who violates the provisions of this law or the legislative acts in its implementation, shall be punished by a fine of BGN 250 to 2500, if he is not subject to a heavier punishment.

(2) In cases, where the violation under Para. 1 is committed by a legal person, shall be imposed by a property sanction of BGN 500 to 5000.

(3) For a repeated violation under Para. 1, the fine shall be in the amount of BGN 500 to 3000, and the property sanction shall be in the amount of BGN 1000 to 7000.

Art. 331. An official, who fails to fulfill an obligation, comprising from legislative or administrative act of a body for direction of the defence, shall be punished by a fine of BGN 300 to 3500, if he is not subject to a heavier punishment.

Art. 332. Anyone, who fails to fulfill a written order of a body of the Military Police office under Art. 103, Para. 5 or an order under Art. 335, Para. 2 shall be punished by a fine of BGN 100 to 500.

Art. 333. Anyone, who illegally stops a body of the Military Police office to fulfill its functions, shall be punished by a fine of BGN 200 to 1000, if he is not subject to a heavier punishment.

Art. 334. (1) The violations under this chapter shall be established by acts, which are drawn up by officials, authorised by the Minister of Defence.

(2) The penal orders shall be issued by the Minister of Defence or by officials, authorised by him, apart from the persons under Para. 1.

(3) Drawing up acts, issuing, appealing and implementation of the penal orders shall be carried out as provided by the Law on the Administrative Violations and Punishments.

Chapter fourteen.

COMPULSORY ADMINISTRATIVE MEASURES

Art. 335. (1) For prevention and termination of violation of this law, the Chief Inspectorate under the Council of Ministers may apply the following compulsory administrative measures:

1. obligatory prescription of the state bodies, the bodies of the local self-government and the local administration and the heads of the legal persons for drawing up the wartime plans and for implementation of the tasks on the maintenance of their mobilization readiness.

2. termination of building up and putting into exploitation sites and equipments of the transport, energy, communication and warehouse system and of other sites in the cases, where the envisaged in a legislative act special defence requirements have not been observed;

3. termination the exploitation of transport vehicles, industrial sites and other equipments in the cases, where the envisaged in a legislative act special requirements for their maintenance in mobilization readiness have not been observed.

(2) For prevention and termination of the violations, the Minister of Defence or officials, authorised by him may terminate the construction, putting into exploitation and use

of sites, installations, appliances and equipments of the Ministry of defence, as well as other activities in the Ministry, which create danger for occurrence of fires and industrial damages.

Art. 336. The compulsory administrative measures may be appealed as provided by the Administrative-procedure Code.

Additional provisions

§ 1. In the meaning of this law:

1. "Repeated" is the violation, committed within one year term after the enforcement of the penal order, which imposes punishment for the same type violation.

1a. (new - SG 16/10, in force from 26.02.2010) "Peacetime" is the time period during which a state of war or martial law is not declared within the state.

1b. (new - SG 16/10, in force from 26.02.2010) "Wartime" is the time period during which a state of war or martial law is declared within the state.

1c. (new - SG 16/10, in force from 26.02.2010) "Forces from the national security system of the Republic of Bulgaria" means the armed forces, the structural units of the Ministry of Interior, State Agency "National Security", the National Intelligence Service and the National Guards Unit.

2. "Grave material situation" is such a material situation, in which the nationals cannot satisfy their basic everyday needs alone or with the assistance of the persons, obliged by law to take care of them.

3. "Fit for military service" is such a state of the physical and psychic health in which the military servicemen are able to fulfil military service.

4. "Fit for wartime service" shall be the state of physical and psychic health in which the military servicemen are able to fulfil military service in the reserve.

5. "Operative readiness" is the level of readiness of the formations for fulfillment of operative tasks.

6. "Mobilization readiness" is the level of readiness of the formations for transfer in certain terms to war time staff and organization.

7. (revoked - SG 16/10, in force from 26.02.2010)

8. "Died or suffered body damage at performing the service" - when the death or the body damage have occurred at activities or lack of action that constitute the content of the military service or a concretely assigned task.

9. "Died or suffered body damage in connection with performing the service" - when the death or the body damage have occurred at activities or lack of action that are not an element of the content of the military service but are preceding or following in time and are in direct reason connection with it.

10. "Military formation" is every detachment, platoon, company, battery, battalion,, division, squadron, regiment, brigade, base, division or corps of the armed forces, which is organizationally and economically differentiated.

11. "Rules for using force" is a complex of norms, based on the international law and/or the Bulgarian legislation, which determine the acts and/or lack of acts of the military servicemen while fulfilling their tasks related to a concrete operation or mission.

12. "Allied state" is a state on an international agreement, ratified, published and enforced for the Republic of Bulgaria, which establishes an alliance of political-military nature.

13. (amend. - SG 16/10, in force from 26.02.2010) "Allied obligations" are obligations, comprising from an international contract under item 12.

14. "Goods" are all the items, carried through a state border of the Republic of Bulgaria, needed by the Bulgarian armed forces for fulfilling the tasks, with which they are sent outside its territory under this law.

15. "Humanitarian mission" is an organized action of the international community, country or international organization on prevention and overcoming crises of no political and/or military nature, as well as for prevention of their consequences.

16. "Direct chief" is a chief, to whom the military servicemen are submitted in the hierarchical structure of the military formation, indicated in his position, as well as in hierarchical submission between the military formations.

17. "Direct chief" is the first direct chief of the military serviceman.

17a. (new - SG 16/10, in force from 26.02.2010) "Direct hierarchical relation" is the relation of management and control between the military serviceman in their immediate chief.

17b. (new - SG 16/10, in force from 26.02.2010) "Connected persons" are the persons mentioned in § 1, item 1 from the Additional provision of the Law on Prevention and Disclosure of Conflict of Interests.

18. "Critical infrastructure" is the system of equipment, services and information systems, whose stopping, damaged functioning or demolition would have seriously negative impact over the health and safety of the population, environment, national economy or over the effective functioning of the state governance.

19. (new - SG 16/10, in force from 26.02.2010) "Supplementary allowances of permanent nature" are additional payments paid monthly along with the basic remuneration in relation to permanently existing factors, aggravating the conditions for fulfillment of the military service at the position being held.

20. (new - SG 16/10, in force from 26.02.2010) "Crisis" shall mean instability in the political and public sphere, leading to abrupt change in the established state of economy and public life.

21. (new - SG 16/10, in force from 26.02.2010) "Psychologically fit for military service" is the condition of the person meaning that he/she has the mental resources and mechanisms required for coping with the military service effectively.

22. (new - SG 16/10, in force from 26.02.2010) "The protection of the airspace of the Republic of Bulgaria shall be implemented by the Bulgarian Army" is a task aimed at securing the air sovereignty of the state and blocking violations committed by aircrafts in relation to unlawful entry, use and transit flight through the airspace of the Republic of Bulgaria or in relation to breaches of flight rules.

23. (new - SG 16/10, in force from 26.02.2010) "The control over aviation in the airspace of the Republic of Bulgaria" shall mean the constant activity of monitoring, tracking and identifying aircrafts and in case of need the introduction of prohibitions, restrictions and other actions in order to ensure the air navigation safety and compliance with the established rules and procedures for carrying out flights in the airspace or the Republic of Bulgaria.

This law was adopted by the 40th National Assembly on 29 April 2009 and has been sealed by the official stamp of the National Assembly.

Transitional and concluding provisions

§ 2. This law shall repeal:

1. The Law on Defence and the Armed Forces of the Republic of Bulgaria (Prom., SG, N. 112/1995, amen., N. 67/1996, N. 122/1997, N. 70, 93, 152 and 153/1998, N. 12, 67 and 69/1999, N. 49 and 64/2000, N. 25 and 34/2001, N. 1, 40, 45 and 119/2002, N. 50, 86, 95

and 112/2003, N. 93 and 111/2004, N. 27, 38, 76, 88 and 105/2005, N. 30, 36, 56, 82, 91 and 102/2006, N. 11, 41, 46 and 59/2007, Decision № 9 of the Constitutional Court of 2007 - N. 68/2007; amen, N. 89 and 109/2007, N. 13/2008, Decision № 2 of the Constitutional Court of 2008. - N. 28/2008; amen, N. 36, 43 and 102/2008).

2. The Law on Sending and Use of Bulgarian Armed Forces outside the Territory of the Republic of Bulgaria (prom., SG, N. 102/2005; amen., N. 46/2007).

3. The Law on Governing during Crises (prom., SG, N. 19/2005; amen., N. 17, 30 and 102/2006, N. 11, 41 and 78/2007, N. 102/2008).

§ 3. (1) The officers, sergeants (major) and soldiers (seamen), with status quo at personnel military service on the date of enforcement of the law shall be considered as military servicemen under this law.

(2) The relationships with the military servicemen at status quo service shall be transferred into civil relationships, from the date of enforcement of the law.

(3) The procedures, formed for imposing disciplinary punishments for dismissal from service and for property responsibility against military servicemen shall be finalized in the former procedure.

(4) (amend. - SG 16/10, in force from 26.02.2010) By the time the plan for development of the armed forces under Art. 22, Para 2, item 6 comes into force, the Classifier under Art. 24, Para 1 and by the time the positions are approved, for which high officers ranks are required, the military servicemen shall occupy the positions, at which they were appointed on the date of enforcement of the law.

(5) By the time the Act under Art. 212, Para. 2. the persons under Para. 1 shall be paid the former remunerations.

(6) At determining the amount of the compensations, due under this law, the served time at personnel military service on the repealed Law on Defence and the Armed Forces of the Republic of Bulgaria shall be considered as military service.

§ 4. The military ranks of the persons of the permanent and mobilization reserve on the repealed Law on Defence and the Armed Forces of the Republic of Bulgaria shall be the same.

§ 5. The Chief of the General Staff of the Bulgarian Army, at the status quo personnel military service on the date of the enforcement of this law, shall be appointed for chief of the Defence by the end of the term under Art. 75, Para. 1 of the repealed Law on Defence and the Armed Forces of the Republic of Bulgaria.

§ 6. The civil persons with status quo at the enforcement of the law on the repealed Law on Defence and the Armed Forces of the Republic of Bulgaria shall acquire status of civil staff.

§ 7. The position names and the remunerations of the staff of the national military historical museum shall be equalized to the position names and remunerations of the civil staff on civil or employment relationship of the executive agency under the Minister of Defence.

§ 8. Personnel military serviceman, who is suspended from service for an imposed disciplinary punishment, under the repealed Law on Defence and the Armed Forces of the Republic of Bulgaria, may not be accepted to military service under this law.

§ 9. (Revoked - SG 16/10, in force from 26.02.2010) (1) By 2012 the Minister of Defence shall have the right to extend the maximum term for staying in one military rank and on position of the major officers with one year, but not more than 3 times.

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

§ 10. By the time Rules for the reserve of the armed forces is adopted, the obligations on keeping the military account shall be implemented by the military commands.

§ 11. (1) In reference to the National intelligence office and the National Security office, the competences of their chiefs and the status of the staff shall be implemented according to this law and the rules for its implementation, unless anything else has been provided by them, by the adoption of laws on the organization and activity of these offices. The chiefs of the national investigation office and of the national security office shall have the rights of a minister under this law in reference to the relevant offices.

(2) The prohibition under Art. 49 shall not be applied to the offices under Para. 1 by the adoption of laws on their organization and activity.

(3) The offices under Para. 1 shall be legal persons on budgetary support.

(4) The appointment and dismissal of officers with high officers ranks, as well as honoring with high officer ranks in the offices under Para. 1 shall be done under this law.

(5) The age limit for military service at the National Intelligence service shall be:

1. for officers with rank "mayor" – 54 years;
2. for officers with rank "lieutenant-colonel" – 56 years;
3. for officers with rank "colonel" – 60 years;
4. for officers with rank "brigadier general" – 62 years;
5. for officers with rank "major-genera" – 63 years;
6. for officers with rank "lieutenant general" – 64 years;
7. for officers with rank "general" – 65 years.

(6) the age limit for military service at the National security office shall be:

1. for sergeants (major) - 53 years;
2. for officers with rank "mayor", "captain 3rd rank" – 53 years;
3. for officers with rank "lieutenant-colonel", "captain 2nd rank" – 54 years;
4. for officers with rank "colonel", "captain 1st rank" – 55 years;
5. for officers with rank "brigadier general", "brigadier admiral" – 57 years;
6. for officers with rank "major-genera", "rear admiral" – 58 years;
7. for officers with rank "lieutenant general", "vice admiral" – 59 years;

(7) The military servicemen at the National intelligence office while fulfilling their official duties may under cover occupy positions in the state administration and in legal persons under terms and conditions, determined by an act of the Council of Ministers.

Concluding provisions

TO THE LAW FOR AMENDMENT AND SUPPLEMENTATION OF THE LAW FOR THE PROFESSIONAL EDUCATION AND TRAINING

(PROM. – SG 74/09, IN FORCE FROM 15.09.2009)

.....
§ 39. In the law on defense and armed forces of the Republic of Bulgaria (SG 35/09) everywhere the words "Minister of Education and Science" shall be replaced by "the Minister of Education, Youth and Science".
.....

§ 48. The law shall enter into force from the day of its promulgation in the State Gazette, except for § 1, which shall enter into force from 15 September 2009, and § 47, which shall enter into force from 1 October 2009.

Additional provisions
TO THE LAW FOR AMENDMENT AND SUPPLEMENTATION OF THE LAW ON
DEFENCE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. – SG 82/09, IN FORCE FROM 16.10.2009)

§ 5. In the remaining texts of the law the words "the Minister of Transport", "Minister of Transport" and "the Ministry of Transport" shall be replaced respectively with "the Minister of Transport, Information technologies and Communications", "Minister of Transport, Information technologies and Communications" and "the Ministry of Transport, Information technologies and Communications"

Transitional and concluding provisions
TO THE LAW FOR AMENDMENT AND SUPPLEMENTATION OF THE
LAW ON DEFENCE AND ARMED FORCES OF THE REPUBLIC OF
BULGARIA

(PROM. – SG 82/09, IN FORCE FROM 16.10.2009)

§ 6. The issued prior to entering of this law into force secondary legislative acts shall remain in effect, as long as they do not contradict to it.

§ 7. The law shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW
ON THE MINISTRY OF INTERIOR

(PROM. – SG 93/09, IN FORCE FROM 25.12.2009)

§ 100. The Law shall enter into force within a month from its promulgation in the State Gazette, except for § 1, 2, 21, 36, 39, 41, 44, 45, 49, 50, 51, 53, 55, 56, 57, 59, 62, 63, 64, 65, 70 and 91, which shall enter into force from the date of its promulgation.

Transitional and concluding provisions
TO THE LAW ON THE STATE BUDGET OF THE REPUBLIC OF
BULGARIA FOR 2010

(PROM. – SG 99/09, IN FORCE FROM 01.01.2010)

§ 84. This Law shall enter into force from 1 January 2010, except for § 80, which shall enter into force from 15 December 2009.

Additional provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON
DEFENCE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. - SG 16/10, IN FORCE FROM 26.02.2010)

§ 138. In the rest texts of the law the words:

1. "specialized formations/specialized formations of the armed forces" shall be replaced by "the units".

2. "the plan for organizational building up and development of the armed forces" shall be replaced by "the plan for development of the armed forces ".

Transitional and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW
ON DEFENCE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. - SG 16/10, IN FORCE FROM 26.02.2010)

§ 139. (1) Within three months from the entry into force of this Law shall be concluded contracts with the status quo military servicemen under the terms and the procedure of this Law, provided that the Minister of Defence and the officials authorized by him/her may not refuse to conclude such. As regards to the military servicemen who during this time perform their official functions outside the territory of the state or use their legal leave, the military service contracts shall be concluded with them as long as they return in the country or from their leave.

(2) Military service contracts with the persons mentioned in para 1 shall be concluded for the periods fixed in Art.142, para 5, respectively in Art. 144, para 3, not later than the date of reaching the age limit for the respective military rank. In those cases where the term of the obligation for carrying out military service as per Art. 142, para 5, Art. 144, para 3 or Art. 145, para 1 has not expired, the military service contract shall be concluded before the fixed term expires.

(3) A refusal to be concluded a military service contract shall be deemed as a prior notice by the military serviceman for termination of the legal relation for military service according to Art. 163.

§ 140. The status quo military servicemen by the date of entry into force of this Law shall preserve the amount of the received supplementary benefits for length of service inasmuch as this is more favourable for them.

§ 141. Servicemen who are already doing military service at the date of this Law's entry into force with military ranks of "private" ("seaman"), "corporal" (senior seaman) and "officer candidate" shall be deemed servicemen with military rank "private 1st class ("seaman 1st class"), "corporal 1st class" (senior semen 1st class) and "officer candidate 1st class".

§ 142. Cadets who are already studying at the higher military school at the date of this Law's entry into force shall be deemed servicemen with a special status under this Law. Military service contracts shall be concluded with them pursuant to this Law which shall include the tuition term. They shall continue and complete their tuition in compliance with the curricula and syllabi approved for the entire training course.

§ 143. The Chief of Defence who is already occupying this position at the date of this Law's entry into force shall carry out his powers for the term provided for in the repealed Art. 82, para 1.

§ 144. The proceedings which have not been completed by the date of this Law's entry into force for sale/exchange of homes, studios and garages from the residential fund of the Ministry of Defence, for which an order has been issued by the Minister of Defence for sale/exchange including by servicemen and civilian employees, whose relations with the Ministry of Defence have been terminated, shall be concluded within six months after the entry into force of this Law at prices, under terms and procedures specified pursuant to the normative framework effective at the time of issuing the order.

§ 145. The proceedings for imposing disciplinary sanctions for terminating the legal relations for serving military service and discharge from military service, for restoring servicemen to the position in case the discharge from military service has been revoked by the court and for indictment for property responsibility against servicemen, which have not been completed, shall be concluded under the existing procedure.

§ 146. The job positions and the remuneration of the civilian employees at the National Guards Unit shall be made equal to the job positions and the remuneration of the civilian employees under an employment contract at the Executive Agency at the Minister of Defence.

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§ 154. (1) The administrative acts on the implementation of this Law shall be brought into compliance with it within nine months after its entry into force and until their adoption the already issued administrative normative acts shall apply insofar as they do not contradict this Law.

(2) The administrative acts issued on the implementation of the repealed Art. 102 and Art. 103 shall apply until the adoption of the regulations under Art. 100, para 5.

§ 155. The present Law shall enter into force on the date of its promulgation in the State Gazette with the exception of the provision of § 74, which shall enter into force on the 1st of March 2010 and of § 135, which shall enter into force on the 1st of January 2011.