

## LAW FOR THE MINISTRY OF THE INTERIOR

*Prom. SG. 122/19 Dec 1997, amend. SG. 29/13 Mar 1998, amend. SG. 70/19 Jun 1998, amend. SG. 73/26 Jun 1998, amend. SG. 153/23 Dec 1998, amend. SG. 30/2 Apr 1999, amend. SG. 110/17 Dec 1999, amend. SG. 1/4 Jan 2000, amend. SG. 29/7 Apr 2000, amend. SG. 28/23 Mar 2001, amend. SG. 45/30 Apr 2002, amend. SG. 119/27 Dec 2002, amend. SG. 17/21 Feb 2003, amend. SG. 26/21 Mar 2003, amend. SG. 95/28 Oct 2003, amend. SG. 103/25 Nov 2003, amend. SG. 112/23 Dec 2003, amend. SG. 114/30 Dec 2003, amend. SG. 15/24 Feb 2004*

### Part one.

## PRINCIPLES OF THE ACTIVITY OF THE MINISTRY OF THE INTERIOR

### Chapter one.

## GENERAL PROVISIONS

### Chapter two.

## BASIC PRINCIPLES OF THE ACTIVITY

### Chapter three.

## BASIC TASKS

### Chapter four.

## BASIC ACTIVITIES

Art. 7. The basic activities of MI for fulfilment of the tasks under Art. 6 are:

1. providing information, assessment, analysis and prognosis in the development of the strategic trends related to the national security and the public peace;
2. non-admittance of forcible of the constitutionally established state and public system in the Republic of Bulgaria;
3. activities against the organised crime and corruption;
4. organising and carrying out operative and investigation activity;
5. preventive activity;
6. fight against the crime through discovery and prevention of crime and participation in the investigation by the order stipulated by a law;
7. (amend. SG 29/00) control and protection of the state border, carrying out border regime and passport and visa control;
8. guarding strategic and especially important sites and prevention of terrorist acts;
9. fire prevention activity and rendering assistance in cases of natural calamities and industrial accidents;
10. providing and implementing special reconnaissance devices and using and keeping the information acquired through them;
11. (suppl., SG 17/03) establishing information funds, designing, working out and implementation of automated information systems, management of the informational activity and determining the order of control over the information;
12. (suppl., SG 17/03) acquiring, analysing and keeping the information, including processing of personal data, and its submission in the cases stipulated by a law;
13. operative and technical activity for providing special communication devices to the state bodies;
14. (Amend., SG 45/02) management and control over the cryptographic protection of the classified information in the Republic of Bulgaria and its diplomatic and consular representations and informational protection of the technical devices for providing the state secret;
15. licensing and control over activities, stipulated by a law;
16. (amend., SG 29/00) control over the regime of stay of foreigners;
17. issuance of identification documents, for legal capacity and working out seals and control over their use;
18. control over the traffic safety, the technical fitness of vehicles and their registration;
19. escort;
20. co-operation with other state and international bodies and organisations;

21. imposing and fulfilment of compulsory administrative measures;
22. administrative and punitive activity.

## Chapter five. STRUCTURE AND BODIES OF MANAGEMENT

### Section I. Structure

Art. 9. (amend., SG 29/00) (1) (Prev. text of art. 9 - SG 17/03; amend., SG 103/03) Basic structural units of MI are the national and territorial offices, Directorate "Migration", the directorates of the specialised and general administration, the educational institutions, the scientific and research and the scientific and applied institutes and the Specialised Squad for Fighting the Terrorism (SSFT).

(2) (new, SG 17/03) Functional units shall be established in the MI for contacts for the purposes of the international operative police cooperation subordinated to the chief secretary of MI. It shall act when stipulated by virtue of an international agreement party to which is the Republic of Bulgaria. The organisation and the structure of the functional unit for contact shall be settled by the Minister of the Interior.

Art. 12a. (new, SG 103/03) (1) Directorate "Migration" is a corporate body.

(2) The Minister of Interior may establish regional units "Migration" in the Capital and regional directorates of the interior.

Art. 13. The structure of the National Office "Border police" consists of:

1. directorate "Border police";
2. regional border sectors;
3. border sectors;
4. (revoked, SG 17/03)
5. border control checkpoints.

Art. 18. The educational institutions of MI are:

1. the Academy of MI;
2. (revoked, SG 17/03)
3. (amend., SG 17/03) the centres for specialisation and professional training.

### Section II. Management of the system

Art. 23. (1) The Minister of the Interior shall carry out the general and immediate management of the ministry by:

1. carrying out the state policy on the national security and the public peace in the country;
2. (suppl., SG 17/03) organising the interaction with other state bodies, as well as with non-governmental organisations connected with the activity of the ministry;
3. carrying out the international co-operation in the sphere of the national security and the public peace;
4. approve the structure and the number of personnel, establish and close structural units within the frames of the approved budget and number of personnel;
5. preparing and presenting draft budget of MI;
6. (amend., SG 17/03) distributing the budget of MI, managing the financial and the material and technical provision and exercising control over the activity of the material responsible persons in the structure of MI;
7. (amend., SG 29/00) managing the human resources;
8. managing and providing the social policy;
9. managing the economic policy, including by establishing trade companies with state property for carrying out servicing and auxiliary activities of the ministry;
10. being responsible for the management and disposal of the state real estates;
11. issuing regulations, ordinances, instructions and orders and being responsible for the legal provision of the activity;

12. (amend., SG 29/00) carrying out other functions determined by a law.

(2) The Minister of the Interior is a civil person.

Art. 27. (Prev., Art 26 - amend., SG 29/00) (1) The Chief Secretary is the supreme professional occupation in

MI.

(2) The Chief Secretary:

1. (amend., SG 29/00) organises, co-ordinates and controls the operative searching, agents and guarding activity;
2. organises the interaction of the offices in the ministry;
3. co-ordinates the activities with the respective offices of other states and with other international bodies and organisations;
4. issues orders in connection with the fulfilment of his functions.

### Section III.

#### Management of the national offices

### Section IV.

#### Management of the territorial offices

### Section V.

#### Management of the specialised and general administration (amend., SG 29/00)

### Section VI.

#### Management of the educational institutions, the scientific and research and the scientific and applied institutes

Art. 41. (1) (amend., SG 17/03) Management bodies of the centres for specialisation and professional training shall be the directors and the academic councils. The Centre for combat training and sport shall be managed by a chief.

(2) (amend., SG 17/03) The directors under para 1 shall organise, manage and be responsible for the entire activity of the centres by:

1. managing the educational and methodological work;
2. carrying out the unified pedagogical requirements for fulfilment of the educational plans;
3. (amend., SG 17/03) controlling the holding of the examinations, the processing and keeping of the documentation.

(3) The educational boards shall:

1. adopt the academic plans;
2. take decisions on the results from the education;

(4) (amend., SG 17/03) The members of the educational boards shall be appointed by the rector of the Academy of MI at a proposal of the directors under para 1.

### Section VII.

#### Management of the Specialised Squad for fighting the terrorism

#### Part two.

#### TASKS, ACTIVITIES, LEGAL CAPACITIES AND BODIES OF THE BASIC STRUCTURAL UNITS OF THE MINISTRY OF THE INTERIOR

#### Chapter six.

#### NATIONAL OFFICE "SECURITY"

#### Section I.

#### Tasks and activities

#### Section II.

#### Legal capacities of the bodies

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

1. carry out surveillance and control of persons, sites and activities related to violation an danger for the

national security;

2. apply and use reconnaissance devices and means under conditions and by an order determined by the Minister of the Interior;
  3. draw in citizens for voluntary assistance;
  4. use special reconnaissance devices under conditions and by an order determined by a law;
  5. (suppl., SG 17/03) receive assistance and organise the cover of their employees and their activities in the state bodies, organisations and corporate bodies under conditions and by an order determined by an ordinance of the Council of Ministers;
  6. collect, process, keep and use data for checking up facts, persons and sites, in relation to the security of the country;
  7. receive information from state bodies, organisations and persons in connection with the defence of the national security;
  8. submit information to the supreme bodies of the state authority and government through the management of MI;
  9. submit information to other state bodies, organisations and persons by a normative order.
- (2) Equal volume and contents of information shall be submitted to the President of the Republic, to the Chairman of the National Assembly and to the Prime Minister.

Art. 52. (1) (Amend., SG 45/02) Violations of the normative order for protection of the classified information shall be established by acts issued by the security bodies.

(2) On the grounds of the issued acts the director of the national office "Security" or the persons authorised by him shall issue penalty decrees.

## Chapter seven. NATIONAL OFFICE "POLICE"

### Section I. Tasks and activities of the National Police

Art. 60. (1) (prev., art. 60 - SG 29/00) In fulfilment of the tasks under Art. 59 the National Police shall:

1. organise and carry out the protection of the public peace;
2. prevent and detect crime and other violations of the public peace and participate in investigation of crime;
3. defend the rights and freedoms of the citizens and assist for their exercising;
4. protect the property of the citizens, the state, the municipalities and the organisations;
5. organise and provide the guarding of institutions and sites;
6. control the traffic safety, the technical fitness and organise the registration of the vehicles, of the drivers and of the traffic accidents;
7. permit and control the activities with publicly dangerous devices;
8. (amend., SG 29/00) permit and control the activity of the corporate bodies and individuals carrying out guarding activity;
9. (amend., SG 29/00; amend., SG 103/03) issue identification documents and carry out administrative control;
10. investigate suspects, accused, defendants, persons hiding from criminal prosecution, persons who evade penalty, missing persons, as well as other persons in cases stipulated by the law;
11. organise and carry out activity for escorting persons in the country and abroad;
12. assist and take the necessary measures for observing the laws and the orders of the state bodies;
13. study and analyse the reasons and the condition of the crime;
14. collect, process, use and submit information for the condition of the public peace, the fight against crime and the traffic safety;
15. provide methodological management, assistance and control to the territorial units for their activities;
16. (amend., SG 29/00) independently and jointly with other offices and directorates of the ministry, as well as with other state bodies, empowered for that, carry out operative and other activities related to the defence of the security of the country;
17. draw in citizens who, voluntarily, can assist the protection of the public peace, the personal, state and co-operative property;
18. (suppl., SG 17/03) carry out preventive activity by studying and analysing the reasons and conditions favouring the crime and other violations, carry out signal functions regarding physical persons and corporate bodies for elimination of these reasons.
19. (new, SG 29/00) carry out activities related to identification of persons.
20. (new, SG 17/03; revoked, SG 103/03)
21. (new, SG 17/03) carry out international police cooperation.

(2) (new, SG 29/00) The administrative bodies and the bodies which have assigned the escort under para 1, item 11 shall provide the necessary documents and financial resources for the escort.

## Section II. Legal capacities of the bodies of the National Police

Art. 66. (amend., SG 17/03) (1) The police bodies shall register the persons against whom criminal proceedings have been instituted for deliberate unclassified misdemeanour. The state bodies carrying out criminal prosecution shall be obliged to undertake the necessary measures for carrying out the registration by the police bodies. The order of carrying out the police registration shall be determined by an ordinance of the Minister of Interior.

(2) The registration is a kind of processing of data for the persons para 1 carried out under conditions of this law.

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

1. gather for the persons their personal data as per art. 18, item 1 - 20 of the law for the Bulgarian identification documents;
2. dactylograph and photograph the persons;
3. seize samples of DRA-profile of the persons where necessary.

Art. 67. (1) The police bodies can summon at the official premises citizens for carrying out activities related to their legal capacities assigned to them by this law.

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

(3) (new, SG 17/03) In urgent cases the subpoena can be carried out by the phone, telex, telefax or cable. The subpoena by telephone and telefax shall be certified in writing by the official who has carried it out, the subpoena by cable - by a notice for its supply, and by the telex - by a written confirmation for the received notification.

Art. 68. (1) The police bodies can carry out check ups for establishing the identity of persons:

1. for which there is information that they have perpetrated crime or other violations of the public peace;
2. when it is necessary for detection or investigation of crime and in cases of instituted administrative and punitive proceedings;
3. (amend., SG 29/00) for carrying out control of the validity of the identification documents and stay in the country;
4. at a check point established by the police;
5. at the request of another state body for rendering assistance under conditions and by an order stipulated by a law.

(2) (amend., SG 29/00) Establishing the identity shall be carried out by presentation of identification document, information by citizens with established identity who know the person or another way of collecting reliable information.

Art. 69. (1) The police bodies can carry out activities for identification of persons when:

1. the identity of a person cannot be established by the order of Art. 68, para 2;
2. (amend., SG 29/00) the person has committed crime or there is information that the person has committed crime.
3. (new, SG 17/03) foreigners seeking protection according to the law for the asylum and the refugees, who have entered the country not by the established order or who are staying illegally in the Republic of Bulgaria.

(2) The identification activities include:

1. taking finger prints and palm prints;
2. photographing the person;
3. establishment of external marks;
4. measurements and taking samples for comparative examination.
5. (new, SG 29/00) seizure of samples of biological origin for comparative DNA identification.

(3) When the grounds under Art. 68, para 1 are dropped the materials shall be destroyed at the request of the person.

Art. 70. (1) The police bodies can detain persons who:

1. (amend., SG 17/03) for whom data exists that they have committed crime;
2. who, after due warning, obstruct conscientiously the police body to fulfil his official duties;
3. who demonstrate severe psychic aberration and, by their behaviour, they violate the public peace or expose their life to obvious danger;
4. underage offenders who have left their homes or public homes where they have been accommodated;
5. if it is impossible to establish the identity in the cases and in the way under Art. 68;

6. when they have evaded prison sentence or the places of detention as accused, in fulfilment of police administrative measure or by an order of a body of the judiciary authority;

7. (new, SG 17/03) requested for whom is international circulation by another country in connection with their extradition;

8. (prev. item 7 - SG 17/03) in cases stipulated by a law.

(2) In the cases under para 1 the persons can be accommodated in special premises and personal security measures can be taken for them if their behaviour and the purpose of detention so require.

(3) The detained person shall have the right to contest before the court the lawfulness of the detention. The court shall be obliged to judge on the appeal immediately.

(4) From the moment of detention the persons shall have the right to a legal defence.

Art. 78. (1) The police bodies can use physical force and auxiliary devices in fulfilment of their official functions only if they cannot be carried out otherwise for:

1. counteraction or refusal to fulfil legal order;
2. detention of offender who does not obey or resists a police body;
3. escorting a person or in case of attempt to escape or take his life or the life of other persons;
4. rendering assistance to other state bodies or officials who are illegally obstructed to fulfil their duties;
5. attacks on citizens and police bodies;
6. release of hostages;
7. group violations of the public peace;
8. attacks on buildings, premises, installations and vehicles;
9. release of illegally occupied sites, if so ordered by a competent body.

(2) (amend., SG 17/03) Auxiliary devices are: handcuffs, strait jackets, rubber, plastic, assault and electric shock devices; chemical substances approved by the Minister of Health; animals - dogs, horses; blank cartridges, rubber cartridges, plastic and shock cartridges; devices for compulsory stopping of vehicles; devices for opening premises, light and sound devices of diverting effect; water jet and air jet machines; armoured machines and helicopters.

(3) The order of using the devices under para 2 shall be determined by the Minister of the Interior.

Art. 80. (1) The police bodies can use weapons as an ultimate measure:

1. in cases of armed attack or threat by firearms;
2. in cases of release of hostages and kidnapped persons;
3. in cases of unavoidable defence;
4. (suppl., SG 17/03) after warning in case of detention of a person perpetrating or who has perpetrated unclassified misdemeanour, if he resists or tries to escape;
5. after warning for prevention of evasion by a person detained by the respective order for perpetrated crime of general nature.

(2) The police bodies, in using weapons, shall be obliged, if possible, to protect the life of the person against whom it is aimed and not to threaten the life and the health of other persons.

(3) After using weapons the police bodies shall be obliged to prepare a written report by the established order.

Art. 81a. (New, SG 29/00) (1) (amend., SG 17/03) For guarding sites by the police bodies contracts can be concluded between MI and the interested persons.

(2) (new, SG 17/03) For guarding sites by signal guarding equipment by the police bodies contracts may be concluded between MI and the interested persons.

(3) (new, SG 17/03) For guarding by the police bodies of sport events and other mass events, as well as of other events or activities of short-term nature contracts may be concluded between MI and the interested persons.

(4) (new, SG 17/03) For providing the activity under para 1, within the frames of the approved number of personnel for MI, can be appointed employees for the term of validity of the contract.

(5) (prev. para 2 - amend., SG 17/03) The revenue and the expenses for the activities under para 1, 2 and 3 shall be accounted under the budget of MI.

Art. 81b. (New, SG 29/00; revoked, SG 15/04)

Art. 81c. (New, SG 29/00) (1) (revoked, SG 15/04)

(2) (amend., SG 15/04) The entrepreneurs and corporate bodies carrying out activity according to the Law for the private guarding activity can conclude contract with the Capital Directorate of Interior or the regional directorates of interior for carrying out some of the following activities:

1. guarding investigation of the sites;
2. selection and training of the employees of the self guarding units;
3. help in organising the guarding and participation in the methodological management of the self guarding

units.

(3) (revoked, SG 15/04)

Art. 82. (1) The police bodies can accommodate in sobering institutions persons who, due to use of alcohol or other intoxicating substances, cannot control their behaviour and violate the public peace or have been found in public places in helpless condition.

(2) The police bodies shall inform, within 24 hours, the prosecutor about the persons accommodated in the institutions under para 1.

(3) (new, SG 17/03) The detoxification establishments shall be opened by the order of the Law for the national health.

(4) (new, SG 17/03) The organisation, the functions and the activity of the detoxification establishments shall be settled by an ordinance of the Minister of Interior and by the Minister of Health.

### Section III.

#### Specialised police units and signal and guarding activity (repealed - SG 29/00)

### Chapter eight.

#### NATIONAL OFFICE "FIGHT AGAINST THE ORGANISED CRIME"

### Section I.

#### Tasks and activities

Art. 90. (1) In fulfilment of the tasks under Art. 89 the national office "Fight against the organised crime" shall carry out independently or jointly with other specialised bodies operative and investigation, informational and organisational activities for counteracting the organised crime related to:

1. (amend., SG 17/03) The ownership, the customs regime, the monetary, the credit, the financial the tax and insurance systems;

2. (amend., SG 17/03) terrorist activities;

3. (amend., SG 17/03) corruption;

4. (amend., SG 17/03) illegal traffic of people;

5. (amend., SG 17/03) illegal traffic of plants containing narcotic substances, narcotic substances and precursors and their analogues;

6. (amend., SG 17/03) illegal traffic of explosives, firearms, chemical, biological or nuclear weapons or munitions, of nuclear materials, nuclear installations or other sources of ionising radiation, toxic and chemical substances and their precursors, of biological agents and toxins, as well as of excise commodities and of commodities and technologies of possible double use;

7. (amend., SG 17/03) computer crimes;

8. (amend., SG 17/03) intellectual property;

9. (amend., SG 17/03) participation in a criminal organisation or in a group which, by using force or suggesting fear, concludes transactions or profits;

10. (amend., SG 17/03) organisation or participation in gambling games.

(2) The directorate "Fight against the organised crime" shall establish for the needs of its activity informational funds.

(3) The directorate "Fight against the organised crime" shall carry out methodological supervision, assistance and control over the regional units "Fight against the organised crime" for their activities.

### Section II.

#### Legal capacities of the bodies

Art. 92. (1) In fulfilment of their functions the bodies under Art. 91 shall:

1. (suppl., SG 17/03) carry out surveillance, establish and control persons and sites for which there is information that they are connected with criminal activity of local and transnational criminal structures;

2. carry out operative and investigation activity for fulfilment of their functions in the zone of the border control as well;

3. jointly with the customs bodies carry out controlled deliveries;

4. collect, process and keep information about persons, activities and facts related to the organised crime;

5. prevent and detect organised criminal activity and participate in its investigation;

6. use special reconnaissance devices under conditions and by an order determined by a law.

7. (new, SG 17/03) receive assistance and organise the screening of employees and their activity in state

bodies, organisations and corporate bodies by an order determined by an ordinance of the Council of Ministers.

(2) The offices of MI shall submit to the national office "Fight against the organised crime" information regarding the organised crime.

(3) The national office "Fight against the organised crime" shall collect, analyse, keep and submit information about the organised crime and carry out prognostic activity according to its competence.

## Chapter nine. NATIONAL OFFICE "BORDER POLICE"

### Section I. Tasks and activities

Art. 94. (1) (prev. text of art. 94 – SG 103/03) The national office "Border police" is a specialised guarding, operative and investigation police office of MI for protection of the state border and control of the observance of the border regime which carries out its functions in the border zone, in the zones of the border control checkpoints, the international airports and ports, the inner sea waters, the territorial sea, the adherent zone, the continental shelf, the Bulgarian part of the river Danube, the order border rivers and water basins.

(2) (new, SG 103/03) For prevention, disclosure and investigation of crimes related to illegal migration or traffic of people the bodies of National Office "Border police" may fulfill tasks outside the zones under para 1.

(3) (new, SG 103/03) An act of the Council of Ministers shall determine:

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

(4) (new, SG 103/03) An act of the Minister of Interior shall determine:

1. the order of carrying out the border passport and visa control at the border control checkpoints;
2. the methods and organization of guarding ground, sea and river sectors of the state border.

Art. 95. (1) In fulfilment of their tasks the Border police shall:

1. guard the state border and the other zones and sites under Art. 94;
2. detect and detain trespassers of the state border, investigated persons and vehicles and pass them over to the competent bodies, not admit the passage through the border control checkpoints of persons prohibited to enter and exit the country;
3. independently and jointly with other state bodies carry out border regime and control of persons and vehicles passing through the border of the country, including in the zones and sites under Art. 94;
4. independently and jointly with other state bodies prevent, detect and participate in the investigation of crime and other offences, perpetrated in the zones and sites under Art. 94 in the cases stipulated by the law;
5. check up for weapons, explosives and other generally dangerous devices of persons and vehicles in crossing the state border and for flights of the civil aviation;
6. collect, process, use, keep and submit information about violation of the state border and the border regime of the country related to the national security, to other state bodies according to their competence;
7. investigate and analyse the conditions and the reasons of violation of the state border and propose measures for counteraction;
8. place and maintain the border signs, mark the border line of the state border and not admit moving, destruction or other activities damaging the territorial entity of the Republic of Bulgaria;
9. (amend., SG 103/03) receive and hand in the offenders of the regime of entry and stay from and to other countries in compliance with the law and with the international agreements party to which is the Republic of Bulgaria;
10. carry out control over the observance, by Bulgarian and foreign vessels and ships, of the established order of navigation and stay in the territorial sea, the inner sea waters and the Bulgarian part of the river Danube;
11. jointly with other state bodies participate in the preservation of the public peace, in defence of the rights and freedoms of the citizens, in protection of their property in the border zone, the zones of the border control checkpoints, the international airports and ports;
12. inform the local administrative bodies about the measures taken by it in cases of complicated situations in the border regions and co-ordinate the joint activities to the interest of the defence of the state border;
13. independently and jointly with the Bulgarian army counteract to armed and other provocations at the state border;
14. assist the specialised state bodies in fulfilment of the normative acts stipulating the protection of the environment, the life and health of the population in the zones and sites under Art. 94;
15. carry out co-operation in fulfilment of its tasks with the bodies for guarding the borders of other states.
16. (new, SG 103/03) carry out control of the state border;
17. (new, SG 103/03) work out large-scale maps and documents of the state border, create and maintain a geodetic and cartography fund.

(2) The bodies of the state and municipal administration shall be obliged to render assistance and aid to the



border police in fulfilment of their duties under para 1.

## Section II. Legal capacities of the bodies

Art. 96. (1) (amend., SG 103/03) Bodies of the Border police are the officers, the sergeants and non-service employees.

(2) (amend., SG 103/03) The legal capacities of the non-service employees shall be determined by the Minister of the Interior.

Art. 97. (1) In fulfilment of the tasks under Section I the bodies of the Border police shall have the right to:

1. dislocate forces and devices, erect, use and remove engineering and technical equipment and other devices for guarding the state border;

2. apply reconnaissance means and ways under conditions and by an order determined by the Minister of the Interior;

3. carry out passport and visa control of the persons and check up the commodities and the vehicles passing through the border control checkpoints;

4. stop, detain and check up Bulgarian and foreign ships and vessels violating the rules of stopping and staying in the territorial sea, the inner sea waters, the adherent zone, the continental shelf and the Bulgarian part of the river Danube;

5. stop, detain and check up Bulgarian and foreign aircrafts in cases of violations of the border regime and threat to the security of the flight, jointly with the specialised units;

6. hunt the violators of the state border beyond the border zone jointly with other bodies of MI;

7. detain smugglers, illegally carried cargo and passing vehicles outside the places determined for the purpose and carry out inspection jointly with the customs bodies;

8. restrict temporarily or prohibit the movement of persons and vehicles in the zones and sites under Art. 94 while carrying out operative and investigation activity for detention of persons and vehicles and if there is danger for the health and life of the people;

9. receive, escort and pass over violators of the state border from and to the neighbouring border bodies and other parties in compliance with the law and the international agreements party to which is the Republic of Bulgaria;

10. (new, SG 103/03) locate and use devices for observation and photography, the results of which may be used only for prevention and disclosure of crime or offences, as well as for prevention and disclosure of trespassing the state border, of crime or offences on the territory of the border control checkpoints directed against the passport and visa regime, or at threatening the safety of the personnel, buildings and installations of the office;

11. (new, SG 103/03) accommodate by compulsion in special premises or special homes foreigners having offended the border regime and subject to compulsory taking to the border or to expulsion by an order determined by a law.

(2) In fulfilment of their legal rights under para 1 the employees of the Border police shall be obliged to respect the dignity and observe the human and civil rights.

## Chapter ten. NATIONAL OFFICE "GENDARMERY"

### Section I. Tasks and activities of the National Gendarmery

### Section II. Legal capacities of the bodies of the National Gendarmery

## Chapter eleven. NATIONAL OFFICE "FIRE AND ACCIDENT SAFETY"

### Section I. Tasks and activities

Art. 108. (1) (prev. text of art. 108 - SG 17/03) The national office "Fire and accident safety" is a specialised office of MI for carrying out state fire prevention control, fire extinguishing and rescue activity.

(2) (new, SG 17/03) The order of carrying out the activities under para 1 shall be determined by an order of the Minister of the Interior.

Art. 112. (1) (prev. art. 112 - SG 17/03) The state fire prevention control includes:

1. the fulfilment of the fire prevention rules and norms in designing, construction, reconstruction, modernisation and exploitation of populated areas, territories outside populated areas, buildings and technological equipment and installations;

2. the production, the import and trade with articles, machines and equipment in connection with their fire safety;

3. participation in the state acceptance of the sites and constructions;

4. (revoked, SG 17/03)

5. (suppl., SG 17/03) certification inspections and issuance of certificates for compliance of the sites with the requirements for fire safety; certificate shall be issued only for a change of the functional designation of the site for which, according of the Law for the spatial planning permit for using is not required;

6. co-ordination of the projects and giving opinion for permitting the use of the constructions;

7. (amend., SG 17/03) control for compliance of assessed products, equipment, automates, fire extinction equipment, and other requirements for fire and emergency safety;

8. (amend., SG 17/03) issuance of permit to merchants carrying out activities on fire and accident safety and controlling the observance of the conditions under which the permit has been issued.

(2) (new, SG 17/03) For determining the rules and the norms for fire and emergency safety in designing, construction, reconstruction, modernisation and operation of the sites and populated areas and of the rural territories the Minister of Interior and the Minister of Regional Development and Public Works shall issue ordinances.

Art. 113. The scientific and applied activity includes:

1. working out rules and norms for providing the fire and accident safety;

2. study of the conditions and reasons for occurrence and spread of fires, accidents and calamities;

3. working out methods and devices for prevention and liquidation of fire and accidents;

4. (amend., SG 17/03) study and determination of the fire characteristics of substances;

5. determining the degree of combustion and the limit of fire-proof of construction materials and elements;

6. technical expertise of fire and accidents;

7. co-ordination and working out projects and types of fire extinction equipment, installations, devices and equipment, extinction and fire extinction components;

8. (amend. SG 17/03) co-ordination and working out draft standards;

9. working out scientific and applied products for the needs of MI;

10. scientific and informational services in the sphere of fire and accident safety.

Art. 114. The collection, processing, keeping, analysing, use and submitting information about the fire and accident safety include:

1. registration and account of the occurred fires, accidents and calamities liquidated by the national office;

2. registration and accounting of the preventive and administrative punitive measures;

3. keeping register of the offices for fire and accident safety in the country and their personnel;

4. registration and accounting of fire and rescue equipment, armament and extinguishing materials;

5. registration and keeping account of the plans for liquidation of accidents;

6. (amend., SG 17/03) analysing the collected information for the carried out state fire safety control for the fire, accidents and calamities liquidated by the bodies of the national office and planning measures for their prevention;

7. analysing the condition of the fire and rescue equipment, armament and extinguishing materials and prognosing the type and the quantities for the needs of the national office;

8. analysing and determining the necessity of training of the specialists in the educational institutions of MI for the needs of the national office;

9. processing and presentation of information for the needs of the ministry;

10. processing and submitting information related to the fire and accident safety and the occurred accidents to interested state bodies, organisations and corporate bodies.

## Section II.

### Legal capacities of the bodies

Art. 117. (1) (prev. text of art. 117 - SG 17/03) In carrying out state fire prevention control the bodies of the fire and accident safety shall:

1. control the observance of the rules and norms of fire and accident safety in designing, construction and exploitation of sites and populated areas;

2. carry out inspection in the homes of the citizens during the day, in the presence of their inhabitants upon

receiving written information about violation of the rules and norms of fire and accident safety or upon receiving permit by the respective prosecutor's office;

3. issue written orders for observing the rules of fire and accident safety to state bodies, organisations, corporate bodies and citizens;

4. apply preventive and administrative punitive measure in cases of establishing violations of the rules and norms of fire and accident safety;

5. signal the state bodies, organisations, corporate bodies and citizens in cases of violation of the rules and norms of fire and accident safety;

6. in the presence of information about perpetrated crime shall signal the bodies of the prosecution;

7. require from the state bodies, organisations, corporate bodies and citizens documents and information related to the provision of fire and accident safety, in compliance with the state, official, corporal and personal secret;

8. require documents for legal capacity of practising fire and explosive activity;

9. issue permits to merchants and trade companies carrying out fire and explosive activities;

10. issue certificates for compliance of the sites with the requirements for fire safety;

11. (amend., SG 17/03) give written consent for permitting the using of constructions under the conditions of art. 177 of the Law for the spatial planning;

12. (amend., SG 17/03) exercise control over the used materials, installations and others for their compliance with the requirements for fire and emergency safety;

13. issue permits to merchants and trade companies carrying out fire and accident prevention activity and control the observance of the conditions of the issued permit.

(2) (new, SG 17/03) fees shall be collected for the issued certificates and written consents in sizes determined by the Council of Ministers.

Art. 117a. (new, SG 17/03) The bodies of the National Service "Fire and emergency safety" shall not carry out:

1. fire extinction and emergency rescue activity in the sites of the mining industry;

2. state fire prevention control in the sites of the mining industry, of the Ministry of defence and of the transport vehicles.

### Section III.

#### Specialised units of fire and accident safety (repealed - SG 29/00)

### Section III.

#### Carrying out activity on providing the fire and emergency safety under contracts and by subjects other than the bodies of the National Service "Fire and emergency safety" (New, SG 17/03)

Art. 120a. (new, SG 17/03) (1) For providing fire and accident safety of sites by the bodies of National Service "Fire and accident safety" may be concluded contracts between MI and the interested persons.

(2) For providing fire and accident safety of mass events, as well as of other events or activities of short-term nature by the bodies of National Service "Fire and accident safety" may be concluded contracts between MI and the interested persons.

(3) For providing the activities under para 1 employees can be appointed within the approved number of personnel of MI for the term of the contract.

(4) The revenue and expenses under para 1 and 2 shall be accounted in the budget of MI.

Art. 120b. (new, SG 17/03) (1) The Minister of the Interior or officials authorised by him shall issue or withdraw permits to entrepreneurs for carrying out activities for fire and accident safety.

(2) The persons, immediately carrying out activities for fire and accident safety shall meet the following requirements:

1. to have the necessary professional qualification;

2. not to have been convicted for deliberate unclassified misdemeanour according to Chapter One, Chapter Two, section I and VIII, Chapter three, section IV, Chapter Five, Chapter Six, section Ia and III, Chapter Seven, Chapter Eight, Chapter Ten or Chapter Eleven of the Special Part of the Penal Code, unless they have been rehabilitated;

(3) The issued permit for carrying out activities under para 1 shall be withdrawn in the cases when:

1. within three months from receipt of the permit the entrepreneur does not provide the necessary minimum of technical devices or personnel for carrying out the activities for fire and accident safety;

2. in carrying out activity the entrepreneur does not maintain a minimum of technical devices or personnel or employs a person in violation of the requirements of para 2 and, within one month from receipt of the written warning does not remove the established discrepancies.

(4) The order of carrying out activities for fire and accident safety, for establishing the necessary professional

qualification, as well as the minimum of technical devices and personnel shall be determined by an ordinance of the Minister of the Interior.

(5) For issuance of permit under para 1 shall be collected fees in sizes determined by the Council of Ministers.

Art. 120c. (new, SG 17/03) Upon receipt of the permits under art. 120b, para 1 the entrepreneurs may conclude contracts with bodies of National Service "Fire and accident safety", Capital Directorate of the Interior or the regional directorates of the Interior for:

1. fire safety investigation of the sites;
2. selection and training of the persons immediately occupied in the activities of fire and accident safety;
3. methodological assistance in organising the fire safety guarding of the sites.

120d. (new, SG 17/03) By an order determined by the Council of Ministers, the municipalities may establish, on the territories of the populated areas voluntary formations for assistance to the bodies of bodies of National Service "Fire and accident safety" for:

1. prevention, restriction and liquidation of fires;
2. restriction and liquidation of the consequences from calamities, accidents and catastrophes;
3. rescue of people and property.

## Chapter twelve. TERRITORIAL OFFICES

### Chapter twelve. "A" DIRECTORATE "MIGRATION" (new, SG 103/03)

#### Section I. Objectives and activities (new, SG 103/03)

Art. 121a. (new, SG 103/03) (1) Directorate "Migration" is a specialized unit of MI for carrying out administrative control of the staying of foreigners in the Republic of Bulgaria.

(2) Directorate "Migration" shall:

1. control the observance of the conditions and the order of stay of foreigners in the RB;
2. issue, refuse and withdraw permits for a long-term stay and shall extend the term of stay;
3. carry out the activity of compulsory accommodation in special homes for temporary accommodation of foreigners to whom an order is issued for compulsory taking to the border of the Republic of Bulgaria or for expulsion;
4. undertake actions for locating illegally staying foreigners;
5. carry out interaction and information exchange by the legally established order with other state bodies, governmental and non-governmental and international organizations in connection with the migration processes;
6. carry out the activity in connection with the issuance of documents for traveling of foreigners from the diplomatic and consular representations of other countries in the Republic of Bulgaria;
7. organize and carry out the escort of foreigners subject to expulsion or to compulsory taking to the borders of the Republic of Bulgaria;
8. gather, process, analyse and summarise information for the state of the migration processes;
9. propose measures for regulation of the migration processes;
10. render methodological management, aid and control of the territorial units for their activity;
11. independently, or jointly with other services and directorates of the Ministry, as well as with other state bodies authorized for that, carry out inspections related to the counteraction to the illegal migration;
12. study and analyse the reasons and the conditions of the illegal migration, carry out signal functions regarding individuals and corporate bodies for removal of these reasons;
13. be in charge of the management, using and guarding of the special homes for temporary accommodation of foreigners subject to compulsory taking to the borders of the Republic of Bulgaria or to expulsion;
14. propose to the competent bodies of the National Office "Police" to issue Bulgarian identification documents to foreigners.

#### Section II. Legal capacities of the bodies (new, SG 103/03, in force after three months from the promulgation)

Art. 121b. (new, SG 103/03) (1) Bodies of Directorate "Migration" are the civil servants – officers and

sergeants.

(2) The bodies under para 1 shall have the following legal capacities:

1. permit, refuse and withdraw a right of long-term stay and extend the term of stay of foreigners in the Republic of Bulgaria;
2. establish administrative offences;
3. accommodate temporarily in special homes foreigners subject to compulsory taking to the border or expulsion from the Republic of Bulgaria;
4. require from the other services of the MI, within the frames of their competence, the fulfillment of operative and tracing activity for establishing facts and circumstances related to the illegal migration;
5. give opinion on applications for obtaining and restoration of Bulgarian citizenship, issuance of visas and other permits to foreigners, stipulated by a law;
6. cancel issued visas or reduce the term of stay of a foreigner in the country, determined by an issued visa, for failure to meet the legal requirements;
7. in interaction with the competent services of MI participate in the prevention and fighting the illegal migration and traffic of people;
8. propose to the competent bodies of National Office "Police" to issue Bulgarian identification documents to foreigners.

(3) The bodies under para 1 shall have the legal capacities of police bodies under Chapter Seven, Section II according to their competence.

## Chapter thirteen. SPECIALISED ADMINISTRATION (amend., SG 29/00)

### Section I. Tasks and activities

Art. 123. (amend., SG 29/00) Directorate "Communications" is a specialised unit of MI for providing the necessary, for the state government and for the ministry, special communication devices by:

1. studying, designing, working out and implementing new systems, technical equipment and devices in the communication sphere;
2. providing the special and operative communications between the state government and MI for the territory of the whole country;
3. planning and organising the activity of the communication system and carrying out the management, control and its automation;
4. exploit and maintain and service the technical equipment and devices in the communication system;
5. organising the communications for carrying out measures and drills of the state government and the offices of MI in the country;
6. (amend., SG 17/03) organising the renting of equipment and services from the licensed telecommunication operators;
7. providing the preparation of the communication system for war time, natural calamities and industrial accidents;
8. carrying out interaction with other offices of MI, with state bodies, organisations and corporate bodies in connection with the fulfilment of its functions;
9. carrying out informational activity.

Art. 125a. (New, SG 29/00) Directorate "Inspectorate" shall:

1. (amend., SG 17/03) exercise control over the fulfilment of the acts of the Minister of Interior, the deputy ministers and the chief secretary;
2. give opinion for removal of admitted violations and omissions in the work of the offices;
3. render assistance for the organisation, the style and the methods of work of the managing personnel of the directorates and offices.
4. (new, SG 17/03) exercise control and render methodological assistance to the work of the national and territorial services for prevention of corruption in the system of MI.

Art. 125b. (New, SG 29/00) (1) Directorate "Information and archive" shall:

1. receive, register and process documents created by the offices and directorates of MI, creating funds for temporary and permanent storing;
2. propose to the Minister of Interior archive documents for declassification;
3. carry out collection of documents and objects related to the history of MI and carry out exposition activity;
4. restore and preserve archive documents and create archive funds;

5. submit information and documents to the management of the ministry, to the offices and directorates of MI, to the state bodies, organisations and corporate bodies by an established order;
  6. (suppl., SG 17/03) issue certifying documents and submit documents to citizens by an established order, for which fees shall be collected in size determined by the Council of Ministers;
  7. render methodological assistance and exercise control over the condition and storing of documents and on the organisation of the book keeping in the directorates and offices;
  8. propose to the Minister of Interior the order and the way of destruction of documents in the directorates and offices;
  9. jointly with other directorates and offices work out draft normative acts for the subject of its activity.
- (2) Directorate "Information and archive" shall organise and keep an operative account in MI by:
1. working out analytical and statistical references and reports by data of the operative report for the needs of the management of MI and the operative units;
  2. render organisational and methodological management, control and assistance to the similar units in the other offices of MI.
- (3) (new, SG 17/03) The archive fund of the ministry shall be stored in directorate "Information and archive" and in the regional directorates of the Interior.
- (4) (prev. para 3 - SG 17/03) The Minister of Interior, through directorate "Information and archive", shall manage the archive fund of the ministry.

Art. 125c. (New, SG 29/00) The National Central Bureau "Interpol" shall:

1. organise and coordinate the international exchange of police information under conditions and by an order determined by the Minister of Interior;
2. interact with the other law protection bodies and organisations whose purpose is prophylactics and fight against crime;
3. create and maintain own information funds;
4. collect, process and store information for persons, objects, events and activities related to the cross-national crime;
5. coordinate the searching of persons and objects carried out by other police bodies upon their request;
6. submit information to state bodies, organisations, corporate bodies and citizens who have legal interest in obtaining it, under conditions and by an order determined by the Minister of Interior. The corporate bodies which are not at budget support and the citizens shall pay fees in sizes determined by the Council of Ministers.

Art. 125d. (New, SG 29/00; amend., SG 17/03) Directorate "Combat and mobilisation readiness" shall:

1. work out and maintain readiness for fulfilment of the plan from adjusting MI from peace-time to war-time, the war-time plan of the ministry;
2. plan the participation of MI in the territorial defence of the country;
3. organise the creation and the operation of the system of stations of management of the ministry and maintaining its operative and technical readiness for using;
4. work out and propose for approval projects of war-time structures and personnel according to the functions of MI in time of war;
5. organise and control the creation and maintenance of war-time reserves of MI;
6. plan, distribute and account the financial resources for the defence and mobilisation preparation and organise the drawing up of the war-time draft budget of MI;
7. organise and control the activity of the operative duty centres and detachments for maintaining the readiness of the ministry for declaring the country and the armed forces from peace-time to war-time and in other extraordinary situations;
8. assist the activity of the management of MI for managing the forces and resources of the ministry in war-time or other extraordinary situation;
9. plan, organise, manage and control the mobilisation training and carrying out the mobilisation in the structural units of MI;
10. organise and carry out the preparation of the managing staff of MI for management of the forces and resources of the ministry in transition from peace-time to war-time situation or for other extraordinary situation;
11. plan, organise, manage and control the operative combat preparation of the structural units of MI for war-time and for action in other extraordinary situation;
12. carry out the interaction of MI with other state bodies on the issues of the war-time planning, the operative combat and mobilisation preparation and readiness;
13. control the readiness of the structural units of MI for work in war-time situation and in other extraordinary situation;
14. on transition from peace-time to war-time situation fulfil the planned measures, the introduction of the war-time plan and budget, organise the work of the stations for management and their guarding and defence.

## Section II.

## Legal capacities of the bodies

### Chapter fourteen. GENERAL ADMINISTRATION (amend., SG 29/00)

#### Section I. Tasks and activities

Art. 137. (1) (amend., SG 29/00) Directorate "Audit" shall inspect:

1. the lawfulness and the reliability of the collection, keeping, management, spending and accounting of the property of the ministry;
2. the lawfulness and the reliability of the accountancy;
3. the fulfilment of the liabilities to the budget;
4. the preservation of the proprietary interests of MI in connection with the sale and renting used, unnecessary and stale material, technical devices, under-block spaces, etc.
5. the observation of the foreign currency regime;
6. the fulfilment of normative acts, settling the budget, the financial and economic and accountancy reporting of the audited sites.

(2) (new, SG 17/03) By an order of the Minister of the Interior or of an official authorised by him Directorate "Audit" shall exercise financial control and control over the activity of the materially responsible persons in all structures of MI.

(3) (amend., SG 29/00; prev. para 2 - SG 17/03) In carrying out the activities under para 1 the bodies of directorate "Audit" shall have the right to:

1. free access to the audited sites;
2. inspect the monetary and material assets, the accountancy, the documents and the technical carriers of information, as well as the purpose of its setting and software;
3. appoint experts on issues requiring special training and knowledge, and their remuneration shall be for the account of the audited sites;
4. require information, copies of documents, abstracts from accounts and other similar documents, from corporate bodies and sole entrepreneurs, outside the audited site, as well as carry out counter-inspection whenever necessary for the audit.

#### Section II. Legal capacities of the bodies

### Chapter fiveteen. EDUCATIONAL INSTITUTIONS, SCIENTIFIC AND SCIENTIFIC-APPLIED INSTITUTIONS

Art. 144. (1) For fulfilment of the functions under Art. 143 the academy of MI shall:

1. educate officers with higher education;
2. (amend., SG 17/03) educate professionally newly employed civil servants - officers, sergeants and civilians of MI;
3. improve the qualification of the employees of the ministry;
4. carry out theoretical and applied scientific research;
5. carry out editorial and publishing activity;
6. develop scientific and applied, sport and other activities in compliance with its specifics.

(2) The specialities and the term of education in the academy, as well as the order of acquiring legal capacity shall be determined by the Council of Ministers at the proposal of the Minister of the Interior and the Minister of education and science.

Art. 145. (1) (suppl., SG 17/03) The admitted for regular studies in the academy of MI have the statute of cadets and receive uniform clothes and allowance determined by the Minister of the Interior.

(2) The recruitments admitted for cadets in the academy of MI shall serve their time as soldiers during the time of their studies. In cases of dismissal or leaving, at their own choice, if they have not exceeded the term of the regular service, the cadets shall serve this time in the detachments of MI which accept recruitment military men.

(3) During the studies the cadets cannot be employed in the bodies of the ministry except for the purposes of the education, for a period not longer than 2 months for each calendar year.

(4) The graduates of the academy, upon obtaining their diplomas shall receive officer rank and shall be employed in occupations in the respective offices of the ministry.

Art. 146. (1) The regular graduates of the academy shall be obliged to work in the ministry for a period not less than 10 years on the grounds of a signed contract at the time of their admission.

(2) (amend., SG 17/03) Those dismissed from their studies due to poor marks, by disciplinary order, for conviction for deliberate unclassified misdemeanour, having left at their own choice during the time of education or who have graduated but refused to occupy the determined position shall reimburse the expenses for their studies, uniform clothes, qualification and/or re-qualification for the period of studying. The same expenses shall be reimbursed by the persons dismissed at their own choice or by disciplinary order before serving the term under para 1, proportionally to the time of non-fulfilment.

Art. 147. (amend., SG 17/03) (1) Established at the Academy of MI and of the national services of the ministry can be centres for specialisation and professional training.

(2) The organisation and the activity of the centres for specialisation and professional training shall be determined by the Minister of the Interior.

Art. 148. (revoked, SG 17/03)

Art. 149. (revoked, SG 17/03)

Art. 150. (1) (new, SG 17/03) The conditions and the order of admitting students in the educational establishments of MI shall be determined annually by an ordinance of the Minister of the Interior.

(2) (prev. text of art. 150 - SG 17/03) Specialists for the needs of other administrative bodies can be educated in the educational institutions of MI on the grounds of contracts concluded between their heads.

Art. 152. The medical institute of MI shall organise and carry out the health care activity by providing:

1. medical services to the employees of the ministry and to other persons, specified by this law;
2. the stationary treatment, rehabilitation and ambulatory and policlinic activity;
3. health prophylactic activity;
4. scientific and research and scientific and educational activity;
5. expert activity;
6. co-operation with the higher medical institutes and with the remaining health institutions in the country;
7. methodological activity;
8. qualification and training of medical specialists in the system of MI and the civil health care.
9. (new, SG 17/03) medical certification of the applicants for employment in MI.

Art. 154. (1) (prev. text of art. 154 - SG 17/03) For fulfilment of the tasks under Art. 153 the scientific institutes shall:

1. carry out scientific and applied and expert activity;
2. work out scientific and applied products;
3. carry out certification activity;
4. establish informational funds - files, bullet files, registers, etc.;
5. carry out criminal and criminological studies;
6. participate in the investigation, in the cases stipulated by the law;
7. develop methodologies for prevention and detection of crime;
8. carry out methodological management and control over the scientific and technical laboratories and territorial offices.

(2) (new, SG 17/03) When, for carrying out expertise, an expert is appointed from the institutes under art. 153, the administrative bodies and the bodies having appointed the expertise shall pay to MI the expenses related to the labour, consumables and overhead expenses.

## Chapter sixteen. SPECIALISED SQUAD FOR FIGHTING TERRORISM

### Section I. Tasks and activities

### Section II.



## Legal capacities of the bodies

### Chapter seventeen. OPERATIVE AND INVESTIGATION ACTIVITY

#### Section I. Principles of the operative and investigation activity

Art. 162. (1) The operative and investigation activity shall be carried out through:

1. receiving explanations of citizens;
2. taking references from the informational funds for persons carrying out criminal activity;
3. taking samples for comparative testing;
4. marking objects and sites;
5. investigation of objects and documents;
6. carrying out surveillance;
7. identifications of persons and objects;
8. penetration and investigation of premises, buildings, installations, parts of areas and vehicles;
9. control over the postal, telegraph and other correspondence;
10. control over the telephone calls;
11. collection of information from technical channels of communication;
12. operative infiltration;
13. operative experiment;
14. warning pressure on persons through verbal and written warning for stopping violations of the legal order of the country and prevention of their growth into criminal activity;
15. operative check up of the collected data and their documentation;
16. (suppl., SG 17/03) carrying out controlled deliveries and purchases;
17. carrying out counter check ups of documents.
18. (new, SG 17/03) control of the radio frequency spectrum.

(2) The activity under para 1 shall be carried out through specific ways and means, as well as through using special reconnaissance devices and citizens who accept voluntarily to co-operate with the bodies of MI in fulfilment of their functions.

(3) (Revoked, SG 45/02)

Art. 164. (1) The use of the voluntary collaborators can only be carried out by the specialised bodies of MI incapacitated by this law.

(2) The organisation of the co-operation with the citizens for carrying out the functions of the ministry shall be determined by the Minister of the Interior.

(3) Drawing in and the activity of the persons under para 1 shall be carried out on the grounds of:

1. voluntarism in drawing in, the work and the release;
2. protection during and on occasion of the co-operation;
3. keeping secret the identity and the activity.

(4) (new, SG 17/03) Data for the persons, having accepted voluntarily cooperation with the bodies of MI, can be submitted to the court, prosecution and investigation only after a written consent of the persons.

#### Section II.

### Legal capacities of the bodies of MI, carrying out operative and investigation activity

#### Chapter eighteen. PROPHYLACTICS OF THE OFFENCES

#### Chapter nineteen. INFORMATIONAL ACTIVITY

#### Section I. Principles of the informational activity

Art. 174. (1) (prev. text of art. 174 - SG 17/03) Informational activity is the collection, processing,

systematising, keeping, analysing, use and submission of information to the users of the ministry, to state bodies, organisations, corporate bodies and citizens, in compliance with the functional competence of MI.

(2) (new - SG 17/03) For fulfilment of the tasks and activities under this law the basic structural units under art. 9 may gather personal data as well.

## Section II. Principles, purposes and functions of the informational activity

Art. 176. The informational activity shall be based on the principles of:

1. the lawfulness;
2. objectivity, completeness and timeliness;
3. secrecy, according to the normative acts;
4. accessibility by the order established by this law;
5. organisational and economical expediency;
6. combination of the centralisation and decentralisation of its keeping and using;
7. informational interaction and obligation for informing the offices according to their functions;
8. protection of the information, the documents and the other means of operation with them and of the informational carriers;
9. possibility of integration in the informational funds and between them, with accounting the specifics of the activity of the offices;
10. (amend., SG 17/03) protection of the personal information about the citizens in their processing.

Art. 178. (1) (amend., SG 17/03) Prohibited is the gathering of information about the citizens solely by racial indication, for political, religious and philosophic convictions, membership in political parties, organisations, associations of religious, philosophic, political or trade union purposes, as well as regarding the health or their sexual life.

(2) (new, SG 17/03) If, in exercising the right of access of an individual personal data for a third person may be disclosed, the administrator of personal data shall be obliged to submit to the respective individual access to the part of them regarding himself only.

(3) (prev. para 2 - SG 17/03) Prohibited is the submission of information to state bodies, organisations, corporate bodies and citizens by the employees of MI, except by the order stipulated by the law.

Art. 179. (amend., SG 17/03) The information and the data of the documentary carriers shall have levels of classification for security of the information, established under the conditions and by the order of the law for protection of the classified information.

## Section III. Informational funds

Art. 181. (1) (prev. text of art. 181 - SG 17/03) MI shall establish informational units and funds for collecting, processing, systematisation, keeping, analysing, preparing and submitting information.

(2) (new, SG 17/03) Personal data may be processed in the informational funds of MI. In processing personal data related to the activities for protection of the national security, protection of the public peace and counteracting the crime the bodies of MI shall:

1. not request the consent of the individual;
2. not inform the respective individual before and during the processing of his personal data;
3. not submit personal data to third persons;
4. store the data and, upon conclusion of their processing within periods determined by the administrator of personal data.

(3) (new, SG 17/03) Processed in the informational funds of MI can also be personal data processed by other bodies, as the data obtained this way may not be used for other purposes except for protection of the national security, the protection of the public peace and counteracting the crime. These data shall not be submitted.

(4) (new, SG 17/03) In creating the informational fund and in the process of processing of the data internal classification codes may be used, as well as coding and cryptography of the data.

(5) (new, SG 17/03) The personal data under para 2 and 3 shall be deleted if no more reasons exist for their storing according to the law or in fulfilment of an act of court.

(6) (new, SG 17/03) Taken into account, on deletion of the personal data, shall be the age of the individual, the nature of the processed data, the necessity of processing, until the conclusion of the concrete investigation or legal procedure, enforcement of a conviction or a court decision, amnesty, rehabilitation or expiration of a term of prescription.

(7) (new, SG 17/03) The personal data from the informational funds can be submitted only to the bodies for

protection of the national security and the public order, as well as to the bodies of the judiciary authority for the needs of a concretely indicated penal case.

(8) (new, SG 17/03) The data under para 7 may also be submitted to foreign police bodies by virtue of an international contract party to which is the Republic of Bulgaria.

Art. 181a. (new, SG 17/03) (1) The data from the police registration of the persons shall be used only for prevention and detection of crime or for activities related to the protection of the national security and the public peace.

(2) The police registration shall be taken on the grounds of a written order of the administrator of personal data or of officials authorised by him, ex-officio or on a motivated written request of the registered person when:

1. it has been carried out in violation of the law;
2. the penal proceedings have been terminated, with exception of the cases of art. 21, para 3 of the Penal Procedure Code;
3. absolutory sentence has been enacted;
4. the person was released from penal responsibility and administrative sanction has been imposed;
5. the person is deceased; in this case the request may be made by his legatees.

Art. 182. (1) (amend., SG 29/00) The informational funds shall be established with the respective offices and directorates of the ministry in compliance with their functional competence.

(2) The funds under para 1 can also be established as automated.

(3) The informational funds shall be established, exploited, controlled and closed down under conditions and by an order determined by the Minister of the Interior and according to this law.

(4) (new, SG 17/03) Every person shall be entitled to access to personal data regarding him, processed in the informational funds of MI, gathered without his knowledge.

(5) (new, SG 17/03) The administrator of personal data shall announce his decision within 14 days from receipt of the request for access.

(6) (new, SG 17/03) On request of the individual a copy of the processed personal data on paper shall be submitted to him.

(7) (new, SG 17/03) The bodies of MI shall refuse a full or partial submission of data if it would cause a danger to the national security or the public peace, for preservation of the information classified as state or official secret, for disclosure of the sources of information or the implied methods and means of its gathering or if the submission of these data to the person would derogate the fulfilment of the task of MI determined by the law.

(8) (new, SG 17/03) The notification of the applicant about the refusal under para 7 shall be made in writing, indicating only the legal grounds. Considered a refusal shall also be the lack of notification within the period determined by the law.

(9) (prev. para 4 - amend., SG 17/03) The order of access to the funds under para 1 shall be determined by an ordinance of the Minister of the Interior.

## Section IV.

### Bodies of management of the informational activity

Art. 184. (amend., SG 17/03) (1) Administrator of personal data, in the context of art. 3, para 1 of the Law for protection of the personal data, shall be the Minister of the Interior who shall assign the processing of personal data to officials appointed by him.

(2) The order of processing personal data shall be determined by an instruction of the Minister of the Interior.

## Section V.

### Control of the informational activity

Art. 185a. (new, SG 17/03) The control over the protection of the individuals in processing personal data and in providing access to these data shall be exercised by the Commission for protection of the personal data under conditions and by an order determined by the Law for protection of the personal data.

## Chapter twenty .

### INTERACTION WITHIN THE SYSTEM OF THE MINISTRY OF THE INTERIOR

#### Part three.

### STATE POSITIONS IN THE MINISTRY OF THE INTERIOR

## Chapter twenty one. PERSONNEL

### Section I. Personnel requirements

Art. 192. (1) (amend., SG 29/00) The personnel of MI consists of:

1. civil servants who can be officers, sergeants or civilians;
2. persons working under legal terms of employment.

(2) (New, SG 29/00) In the directorates of the specialised and general administration, the Medical Institute, the scientific and research and the scientific applied institutes of MI shall work only civil servants - civilians and persons under legal terms of employment.

(3) (New, SG 29/00; amend., SG 17/03) The occurrence, the contents and the termination of the official legal terms between MI and the civil servant - civilian shall be settled by this Law and for unsettled cases shall apply the Law for the civil servant.

(4) (New, SG 29/00) The rights and obligations of the persons working under legal terms of employment shall be settled under the conditions and by the order of the Labour Code and this law.

(5) (prev. para 2 - SG 29/00) The recruitment military men shall fulfil their duties in compliance with the Law for the defence and the armed forces of the Republic of Bulgaria and the regulations of the armed forces. Their legal capacities as bodies, in the context of this law, shall be determined by the Minister of the Interior.

Art. 193. (1) (amend., SG 29/00; amend., SG 17/03) For civil servants in MI shall be admitted men and women, only Bulgarian citizens, who meet the general and the specific requirements for age, education, psycho-physical fitness and professional training, determined by the Council of Ministers.

(2) (amend., SG 17/03) Persons shall not be admitted for civil servants who:

1. have not passed their military service - for the men applying for officer or sergeant position;
2. have been convicted for a deliberate unclassified misdemeanour, regardless of a subsequent rehabilitation, as well as released from criminal responsibility for committed deliberate unclassified misdemeanour by imposing an administrative penalty according to art. 78a of the Penal Code;
3. against whom charges have been brought for deliberate unclassified misdemeanour;
4. would be proven to have a direct hierarchic relation of management and control with a spouse, relative on the direct line without restriction, on collateral line, including by marriage up to fourth degree including;
5. are sole entrepreneurs, unlimited liability partners in a trade company, managers or executive members of a trade company, trade proxies, procurators, trade representatives;
6. national representatives or mayors;
7. work under legal terms of employment, except for lecturers in higher schools.

(3) (New, SG 29/00; amend., SG 17/03) Employed in managerial positions can only be persons with educational and qualification degree "Bachelor" and higher.

(4) (prev. para 3 - amend., SG 29/00) Employed under legal terms of employment shall be persons who are Bulgarian citizens and meet the remaining requirements under para 1 and para 2, item 2 and 3.

Art. 196. (1) The employees of MI shall be obliged to be loyal to the institutions of the political system of the Republic of Bulgaria.

(2) (amend., SG 17/03) The civil servants cannot participate in organised political activity, carry out propaganda or activities related to their duties by which their political neutrality is violated.

(3) (amend., SG 29/00; amend., SG 17/03) The persons working under legal terms of employment cannot carry out political activity or express political convictions at the place of their employment.

### Section II. Employment

Art. 199. (1) The Minister of the Interior shall appoint:

1. (suppl., SG 103/03) the director of Directorate "Migration", the directors of the Capital directorate of the interior and of the regional directorates of the interior and their deputies, the rector of the academy of MI, the deputy directors of the national offices and the commander of SSFT;
2. (revoked - SG 29/00)
3. (revoked, SG 17/03)
4. employees for occupations for which officer rank is required - for initial employment.
5. (New, SG 29/00) the civil servants - civilians occupying managerial posts in the specialised and the general

administration of the ministry, in the Medical Institute, in the scientific and research and scientific applied institutes of MI;

6. (New - SG 29/00) the civil servants - civilians, employed in posts required for which is educational and qualification degree "specialist on", "bachelor", "master" and "doctor" - for the initial employment.

(2) (amend., SG 29/00; amend., SG 17/03) The proposals for appointment shall be made:

1. by the Chief Secretary of MI - for the employees under para 1, item 1;
2. by the bodies under art. 200, para 1 - for the persons under para 1, item 4.

(3) (New, SG 29/00) For working out the proposals under para 2 for initial employment of managerial employees in the structural units under art. 11, para 5 the directors of the Capital Directorate of Interior and the regional directorates of interior shall obligatorily coordinate the proposals with the directors of the respective national offices for lines of activity.

Art. 200. (1) (amend., SG 29/00; amend., SG 103/03) The director of Directorate "Migration", the directors of the national and territorial offices, the commander of SSFT, the rector of the academy of MI, shall appoint and reappoint the sergeant personnel.

(2) (New, SG 29/00) The directors of directorates of the specialised and general administration, the directors of the Medical Institute, of the scientific and research and scientific applied institutes of MI shall:

1. employ and re-employ the state employees - civilians in posts for which secondary education is required;
2. re-employ the state employees under art. 199, para 1, item 6.

(3) (prev. para 2 - amend., SG 29/00) The persons under para 1 and 2 shall conclude employment contracts with the persons working under legal terms of employment under the conditions and by the order of the Labour Code.

Art. 200a. (New, SG 28/01) (1) Civil servants, according to art. 192, para 1, item 1, can be re-employed from officer and sergeant positions to positions for civilians, as well as from positions for civilians - to officer and sergeant positions by the order of art. 199 and 200.

(2) (amend., SG 17/03) The re-employment of the civil servants under para 1 shall be carried out upon filing written application by them.

(3) (new, SG 17/03) For re-employment in officer or sergeant position the civil servants - civilians, shall retain their ranks if they have been conferred by this law or by the Law for the defence and the armed forces of the Republic of Bulgaria. Taken into account, on conferring the rank, shall be the time of service as a civil servant - civilian.

Art. 203. (1) To the sergeants and the officers shall be conferred the following ranks:

1. sergeants - sergeant, senior sergeant and chief sergeant of MI;
2. line officers - second lieutenant, lieutenant, senior lieutenant and captain of MI;
3. senior officers - major, lieutenant colonel and colonel of MI;
4. high-ranking officers - major general, lieutenant general and colonel general of MI.

(2) The conferring of sergeant and officer ranks and higher ranks shall be carried out:

1. for the sergeants - by the officials who have appointed them;
2. for the line and senior officers - by the Minister of the Interior;
3. for the high ranking officers - by the President of the Republic at the proposal of the Council of Ministers.

(3) The limit of ranks for the occupations and the term of service for each rank shall be determined by the Minister of the Interior.

(4) (new, SG 17/03) Conferred to the civil servants - civilians in MI shall be ranks by the body of employment.

(5) (new, SG 17/03) The rank promotion shall be carried out by the body of employment periodically, in every three years, on the grounds of an assessment of the service activity, under conditions and by an order determined by the Minister of the Interior.

Art. 205. (1) The reappointment of officers to management occupations shall be carried out by the Minister of the Interior and for the remaining occupations - by the persons under Art. 200, para 1.

(2) (suppl., SG 17/03) For reappointment of officers to management occupations they can be conferred with higher rank ahead of terms, once during the service.

(3) (amend., SG 17/03) The proposals for reappointment shall be made by:

1. the Council of Ministers - for the Chief Secretary of MI and for the directors under art. 30;
2. the Chief Secretary of MI - for the employees under art. 199, para 1, item 1;
3. the bodies under art. 200, para 1 - for the managerial employees under art. 195, item 2;
4. the managerial employees - for the executive staff under art. 195, item 3.

(4) (New, SG 29/00; amend., SG 17/03) The proposals for re-employment of employees as heads of the structural units under art. 11, para 5 shall be made by the directors of the territorial offices and shall be coordinated with the directors of the respective national offices in lines of activity.

(5) (prev. para 4 - SG 29/00; amend., SG 17/03) The reappointment of officers to lower occupations shall be carried out by the order of para 1 - 4.

Art. 206. (1) The officers and sergeants shall be inviolable in fulfilment of their functions.

(2) (Declared anti-constitutional by Decision No 3 of the Constitutional Court of 1998 - SG 29/98; revoked, SG 17/03)

(3) For taking in custody in cases of found severe crime the Minister of the Interior shall be informed immediately.

Art. 208. (1) (amend., SG 17/03) In fulfilment of their legal capacities the civil servants of MI shall identify themselves by an official card or a personal sign. The type of the official card or personal sign shall be determined by the Minister of the Interior.

(2) (new, SG 17/03) The Minister of the Interior shall determine the categories of employees exercising their legal capacities wearing uniform clothes, their type and model, the order of its providing, as well as the other accessories related to the fulfilment of the official obligations of the employees, affixed on which shall be symbols and signs of the structural units of MI.

(3) (amend., SG 29/00; prev. para 2 - SG 17/03) The persons under art. 192, para 1, item 1 shall have the right to carry weapons.

### Section III. Term of the service

Art. 212. (Amend., SG 17/03) (1) The normal duration of the working time of the civil servants of MI during the day is 8 hours. The working week is five days with a normal duration of the weekly working time 40 hours.

(2) For civil servants who fulfil their official duties in harmful, dangerous or specific conditions of work shall be established reduced working time.

(3) The working time of the civil servants shall be calculated in working days - daily, and for those working in 8-, 12- or 24-hour shifts - as a sum for a three-month period.

(4) For civil servants of MI, without those under para 2 and those working in shifts shall be established working hours not fixed. They shall be obliged, where necessary, to fulfil their official duties after the expiration of the regular working time as well.

(5) The work in excess of the regular working time shall be compensated by:

1. extra paid annual leave for the work in working days and by remuneration for extra work for the work on days off and holidays - for the employees under para 4;

2. remuneration for extra work for up to 50 hours of the period of account and an extra leave for the working time over 50 hours - for the civil servants under para 3.

(6) The extra work under para 5 shall be paid by 50 percent increase of the basic monthly remuneration.

(7) The Minister of the Interior shall determine the order of distribution of the working time, of its accounting and the compensation of the work of the civil servants for work in excess of the working time.

Art. 213. (1) (amend., SG 17/03) The civil servants cannot undertake another state employment except in the cases determined by this or another law.

(2) (amend., SG 17/03) The civil servants cannot carry out activities incompatible with their duties.

(3) (amend. SG 17/03) Incompatibility with the duties in MI shall be present when the civil servant:

1. is a sole entrepreneur, unlimited liable partner in a trade company, manager or executive member of a trade company, trade proxy, procurator, trade representative;

2. carries out trade activity;

3. works under legal terms of employment or under citizen's contract, with the exception of lecturing, scientific and research activity or other creative activity under conditions and by an order determined by the Minister of the Interior.

4. participates in managing and control bodies of trade companies, unless assigned officially;

(4) (new, SG 17/03) Incompatibility with the duties in MI shall also be present in the cases when the civil servant is elected for national representative or mayor.

(5) (prev. para 4 - amend., SG 17/03) Trade activity, in the context of para 3, item 1, shall not be considered the participation in the privatisation with privatisation bonds and in cooperations - with agricultural lands with reinstated right of ownership.

Art. 214. (1) To the officers and sergeants is prohibited the participation, while in uniform, in assemblies, meetings and manifestations of political parties and organisations, including when off duty, unless it regards exercising of trade union rights under this law.

(2) (Declared anti-constitutional Decision of Constitutional Court No 3 of 1998 - SG 29/98; revoked, SG 17/03)

## Section IV. Education, qualification and professional training

Art. 215. (1) (amend., SG 17/03) The education, qualification and professional training of the civil servants of MI shall be carried out in the educational institutions of the ministry, in military academies and schools and in civil higher schools.

(2) (amend., SG 17/03) Specialised education of the employees carrying out expert activity shall be carried out in the Scientific and research institute for criminalistics and criminology.

(3) (amend., SG 17/03) The employees of MI can be educated in similar academies and in educational institutions of other countries.

Art. 216. (amend., SG 17/03) The Minister of the Interior shall approve a list of the positions of the civil servants of MI for which the term of the initial training is not obligatory.

Art. 217. (revoked, SG 17/03)

## Section V. Material and social provision of the personnel

Art. 218a. (New, SG 29/00) (1) The civil servants - civilians shall receive basic monthly remuneration which shall be formed by the salary for the occupation and the salary for rank.

(2) The salary for occupation and the salary for rank shall be determined by the Council of Ministers upon proposal of the Minister of Interior, and the size of the basic monthly remuneration for the lowest occupation shall be determined on the basis of the average monthly salary of the employees in the budget sphere according to the data of the National Institute of Statistics as follows:

1. for the occupations requiring educational and qualification degree "specialist on", "bachelor", "master" and "doctor" - not less than 2 average monthly salaries;

2. for the occupations requiring secondary education - not less than 1.3 average monthly salaries.

(3) Paid to the basic monthly salary of the civil servants - civilians shall be extras:

1. for uninterrupted service - amounting to 2 percent of the basic monthly salary for every year of service, but not more than 40 percent;

2. (revoked – SG 95/03);

3. for specific conditions of labour - under conditions and in amount determined by the Minister of Interior;

4. for work in MI - in amount determined by the Minister of Interior;

5. for work in conditions harmful for the health - under conditions and in amount determined by the Council of Ministers;

6. (revoked – SG 95/03);

7. (new, SG 17/03) for work under art. 124, para 1, item 1, 2 and 4 - in size determined by the Minister of the Interior.

(4) In determining the extra under para 3, item 1 taken into consideration shall be the entire time of service equalised with first category of labour.

(5) The gross monthly remuneration of the civil servants - civilians shall include the basic monthly remuneration under para 1 and the extras under para 3.

(6) Paid to the civil servants - civilians shall be paid ration money which shall not be subject to taxation and shall not be included in the gross monthly remuneration. The amount of the portion money shall be determined annually by the Minister of Interior.

Art. 219. (1) (amend., SG 29/00) The persons working under legal terms of employment shall receive basic monthly remuneration formed by the salary for the occupation and an extra for working in MI.

(2) The amount of the basic monthly remuneration for the lower occupation shall be formed on the basis of the average monthly salary of the employed persons in the budget sphere according to the data of the National Institute of Statistics as follows:

1. (amend., SG 17/03) for higher education - not less than 1.5 average monthly salaries;

2. for high education - not less than 1 average monthly salary.

(3) The amount of the extras for working in MI shall be determined by the Minister of the Interior.

(4) (New, SG 28/01) Paid to the persons under para 1 shall be annually money for clothes under conditions and by an order determined by the Minister of Interior, which shall not be levied with tax.

Art. 222a. (new, SG 17/03) The employees shall have the right to extra remuneration for substitution by an order and in sizes determined by the Minister of the Interior.

Art. 223. (1) The employees shall be paid ration money which shall not be subject to taxation.

(2) (amend., SG 153/98; amend., SG 28/01; amend., SG 17/03) The civil servants shall be supplied with food or its lev equivalent, free working clothes, uniforms and other supplies and equipment or the lev equivalent of the uniform clothes for the employees who do not wear uniform, which shall not be levied with tax.

(3) (Suppl., SG 28/01) For carrying out activities related to consequences harmful to the health the officers and sergeants, and to the civil servants - civilians shall be provided with free protective food and antidotes.

(4) (amend., SG 17/03) In cases of commissioning to other populated areas to the civil servants and to every member of their families shall be paid one-time compensation. The transport expenses for the moving shall be for the account of MI.

(5) (new, SG 17/03) The employees, as well as the members of the families of civil servants perished in fulfilment of their official duties, having lapsed in a grave material state, shall be supported by monetary resources by an order determined by the Minister of the Interior.

(6) (Amend., SG 28/01; prev. para 5 - amend., SG 17/03) The amount of the sums and supplies under para 1 - 5, the conditions, the order of their submitting and the occupations shall be determined annually by the Minister of the Interior.

Art. 223a. (new, SG 17/03) For a deceased civil servant - officer or sergeant, the expenses related to the funeral shall be born by MI.

Art. 224. (Revoked, SG 70/98) (new, SG 119/02) The obligatory health insurance of the civil servants - officers, sergeants and civilians shall be for the account of the republican budget.

Art. 225. (amend., SG 17/03) To the civil servants who occupy flats under the conditions of free bargaining the ministry shall pay compensations under conditions and by an order determined by the Council of Ministers.

Art. 228. (amend, SG 29/00; revoked, SG 114/03)

## Section VI. Leaves

Art. 229. (1) (amend., SG 17/03) The civil servants of MI shall be entitled to the following kinds of leaves:

1. (Amend., SG 28/01) paid leave of 30 working days;
2. (Amend., SG 28/01; amend., SG 17/03) additional paid annual leave - one day for each year of service, including for the equalised time of service, but no more than 10 working days;
3. (revoked, SG 110/99);
4. (revoked, SG 110/99);
5. unpaid leave - up to 6 months once for the entire time of service;
6. unpaid leave - for the time of participation in international missions;
7. unpaid leave by the order of Art. 267.
8. (new, SG 103/03) unpaid leave – up to three months for a probation under art. 163 of the Law of the judicial authority;
9. (new, SG 17/03; prev. item 8 – SG 103/03) extra paid annual leave under art. 212, para 5 - up to 12 working days.

(2) The leaves under para 1 shall be considered as time of service.

(3) (amend., SG 110/99; amend., SG 17/03) For the time of paid annual leave the civil servants of MI shall receive their gross remuneration according to its amount by the moment of using the leave.

(4) (amend., SG 17/03) Prohibited is the cash compensation of the leaves under para 1, item 1, 2 and 8 except in cases of dismissal.

(5) (Suppl., SG 28/01; amend., SG 17/03) The travelling of the employees of MI to and from annual paid leave, once a year, on the territory of the country, shall be for the account of the ministry.

Art. 230. (amend., SG 110/99; SG 29/00; amend., SG 17/03) The civil servants of MI shall be entitled to a leave for working in conditions harmful to the health, for fulfilment of public and civil duties; for temporary incapacity due to pregnancy, childbirth and adoption, for raising young child, for breast feeding and feeding young child, for death or serious illness of a parent, for two and more living children, for admission examination in an educational establishment and for education, as well as to unpaid leave under the conditions and by the order and the amounts stipulated by the Labour Code.

Art. 230a. (New, SG 28/01; revoked, SG 17/03)



## Section VII. Awards

### Chapter twenty two. DISCIPLINARY RESPONSIBILITY

Art. 235. (1) (amend., SG 17/03) The civil servants of MI who have offended the service discipline shall be punished by the disciplinary penalties stipulated by this law regardless of the proprietary, administrative punitive or criminal liability if stipulated.

(2) For one and the same offence only one disciplinary punishment can be imposed.

Art. 238. (amend., SG 17/03) For offences of the service discipline the civil servants shall be punished by the following disciplinary sanctions:

1. reprimand;
2. written warning;
3. censure;
4. (suppl., SG 17/03) reduction in rank, or in rank for a period of 6 months to one year;
5. discharge.

Art. 240. (1) The disciplinary offences shall be established by the immediate superiors of the perpetrators who shall be obliged to hear them out or accept their written explanations.

(2) The punishments shall be imposed by orders as follows:

1. by the Minister of the Interior - for all punishments, without the discharge and reduction in rank if the occupation is assigned or the rank has been conferred by an edict;
2. (amend., SG 17/03) by the bodies under art. 200 - for the punishments under Art. 238, item 1 - 3 and for the sergeants and civil servants - civilians with secondary education under Art. 238, item 4 and 5 as well;
3. (amend., SG 17/03) by the management officials - for the penalties under art. 238, item 1 - 3.

(3) (amend., SG 17/03) Taken into consideration in determining the type and the size of the disciplinary penalties shall be the graveness of the offence and the caused consequences, the circumstances in which it has been committed, the guilt and the overall conduct of the civil servant in carrying out the duties.

(4) (amend., SG 17/03) The body under para 2 shall be obliged, before imposing the disciplinary sanction, to hear out the civil servant or accept his written explanations, unless for reasons beyond the control of the civil servant he cannot be heard out or present written explanations.

(5) (amend., SG 17/03) The body under para 2 shall be obliged to gather and assess all evidence, including those gathered by audits or other internal departmental inspections.

(6) (new, SG 17/03) The order for disciplinary punishment shall be presented against signature to the civil servant, indicating the date of presentation. For impossibility of presenting the order to the civil servant the punishing body shall send it to his permanent address by a registered mail.

### Chapter twenty three. PROPRIETARY LIABILITY

Art. 243. (1) (amend., SG 17/03) The civil servants of MI shall bear proprietary liability for the damages they have caused, due to imprudence, to the state during or on occasion of fulfilment of their official duties.

(2) (amend., SG 17/03) For damages caused to citizens under the conditions of para 1 the civil servants shall not bear proprietary liability to the affected persons. In these cases the state shall be obliged to indemnify the affected persons for all proprietary or non-proprietary damages according to the general rules of the civil law.

(3) (amend., SG 17/03) If the damages are caused with premeditation to the state or to citizens or they result from a crime, or when they are not caused during or on occasion of fulfilment of the official duties the liability of the civil servants shall be determined by the civil laws.

(4) (amend., SG 17/03) The proprietary liability of the civil servants shall apply regardless of the disciplinary, administrative penalty or criminal liability for the same deed if so stipulated.

Art. 244. (1) (amend., SG 17/03) The civil servants shall not bear proprietary liability for the damages caused as a result from military or other related risk activity.

(2) (amend., SG 17/03) The state and the civil servants shall not be liable for damages to third persons if they are caused by activities related to the defence of the national security, the public peace and by fire extinction and rescue activities in the conditions of extraordinary circumstances.

Art. 246. (1) (amend., SG 17/03) The civil servants of MI shall be responsible for the caused damages but not for missed benefits.

(2) The extent of the damages shall be determined by the day of their causing and, if it cannot be established, by the date of their establishing.

Art. 248. (1) (amend., SG 17/03) The civil servants of MI whose official duty is to collect, keep, spend or account cash or material valuables shall be liable:

1. for the extent of the damage, but by no more than 3 gross monthly salaries;

2. for missing - the full amount with the legal interest from the day of causing the damage and, if it cannot be established, from the day of establishing the missing.

(2) The persons who have received something, without grounds, from the agent of the damages, or who have availed themselves of the damage under para 1, item 1, shall owe jointly with the agent of the damage, the indemnification of the received to the amount of the benefit. The persons shall also owe the received donation by the agent of the damages when the donation has been made with resources obtained from the caused damages.

(3) The claims under para 1, item 2 shall be indemnified with the expiration of 10-year prescription from the date of causing the damages.

## Chapter twenty four. DISCHARGE FROM OFFICE

Art. 253. (1) (amend., SG 17/03) The civil servants of MI shall be discharged from office:

1. for accomplishing limit age for service in MI as an officer or sergeant - 55 years for the women and 60 years - for the men;

2. on acquiring right to pension for insured time of service on request of the employee;

3. for health reasons;

4. if they so wish;

5. for reasons rendering the person unfit to fulfil his official duties;

6. for reduction of the personnel;

7. for failure by the employee to occupy the position to which he has been reinstated within 14 days from the enactment of the court decision for revoking the illegal discharge, unless this term is not complied with for valid reasons;

8. for imposing disciplinary punishment "discharge".

9. (amend., SG 103/03) for acquiring right to pension under the conditions of art. 69 of the Code for the obligatory public insurance, by an initiative of the administrative body.

10. for transfer to an elective position;

11. for termination of a contract or reduction of the number of personnel according to a contract concluded pursuant to art. 81a or 120a.

12. (new, SG 103/03) for objective inability to fulfill his obligations.

(2) The circumstances under para 1, item 3 shall be established by the Central expert physician's commission under para 1, item 5 of this law and of regulations.

(3) (New, SG 29/00; revoked, SG 17/03)

Art. 254. (amend., SG 17/03) The order for discharge from office of the officers and civil servants - civilians, appointed to positions required for which is educational and qualification degree "specialist of" and higher shall be issued by the Minister of the Interior and those for the sergeants and civil servants - civilians appointed to positions for which secondary education is required - by the body who has employed them.

Art. 255. (1) (amend., SG 17/03; amend., SG 103/03) For discharge from office under Art. 253, para 1, item 3, 5, 6, 9 and 12 the body under art. 254 shall extend a written preliminary notification within 30 days. For discharge from office without preliminary notification or when the term of advance notice has not been observed compensation shall be paid for the period of the non-compliance with the preliminary notification.

(2) (amend., SG 17/03) For discharge from office by own wish under art. 253, para 1, item 2 and 4 the order shall be issued within the term under para 1.

(3) (suppl., SG 17/03) For discharge from office under Art. 253, para 1, item 1 and item 11 preliminary notification shall not be sent.

Art. 256. (1) (amend., SG 17/03) The civil servants of MI cannot be discharged from office during their leave, except in the cases under Art. 253, para 1, item 1 and if they are sentenced to prison for premeditated crime of general nature.

(2) The sick leave shall be considered regular if the medical certificate is issued by the health institutions of MI or by other medical institutions in the country. The hospital certificates issued by other medical institutions shall be endorsed by CEPC or by the health offices of the ministry.

Art. 257. (amend., SG 29/00) (1) (suppl., SG 17/03) The order for discharge from office shall be subject to immediate fulfilment from the day of its presentation, and in the cases of art. 253, para 1, item 3, 7 and 10 - from the date of issuance.

(2) The appeal of the order shall not stop its fulfilment.

Art. 259. (amend., SG 17/03) The civil servants of MI can be temporarily removed from office by the order of Art. 154 and Art. 392 of the Criminal procedural Code.

Art. 260. (amend., SG 17/03) In cases of revoking illegal discharge the civil servants of MI shall be reinstated at the previous or other equal occupation in the ministry and they can assume it if, within two weeks from enactment of the court decision, they appear at the respective office.

## Chapter twenty five. COMPENSATIONS

Art. 261. (amend., SG 153/98; SG 29/00) (1) (amend., SG 112/03) For discharge from office to the employees under art. 192, para 1, item 1 shall be paid one-time compensation amounting to so much gross monthly salaries as their time of service, but not more than 20, multiplied.

(2) For repeated discharge from office the due compensation under para 1 received for the previous discharge shall be deducted from the compensation.

(3) (amend., SG 153/98; SG 29/00; amend., SG 112/03) When the employees under art. 192, para 1, item 1 have served for 10 and more years and they have been discharged from office for health reasons the amount of the one-time cash compensation cannot be less than 15 gross monthly salaries.

(4) (amend., SG 153/98; amend., SG 112/03) For discharge from office under the conditions of para 3, when the time of service is less than 1 years, the one-time cash compensation shall amount to 10 gross monthly salaries.

(5) (amend., SG 153/98; SG 29/00) For discharge from office of the employees under art. 192, para 1, item 1 for time of service of 10 and more years they shall be entitled to one-time extra supplies.

(6) (revoked, SG 153/98)

(7) The provisions of para 1 and 5 shall not apply in cases of imposing disciplinary punishment "discharge".

## Chapter twenty six. TRADE UNIONS

## Chapter twenty seven. FINANCIAL AND RESOURCE PROVISION

### Part four. ADMINISTRATIVE COMPULSION MEASURES

## Chapter twenty eight. COMPULSORY ADMINISTRATIVE MEASURES

## Chapter twenty nine. ADMINISTRATIVE PENALTY PROVISIONS

Art. 280. (1) Who does not fulfil an order of MI, issued in fulfilment of its functions, shall be fined with 50 to 200 levs.

(2) For minor offences the bodies of MI shall impose fines of up to 10 levs which shall be collected against receipt.

Art. 281. (1) (amend. and suppl., SG 17/03) Who, without valid reasons, does not appear at the places under Art. 55, para 2 and Art. 67, para 1, upon being regularly summoned, shall be fined with 100 levs.

(2) For repeated failure to appear, without a valid reason, the fine shall amount to 100 to 200 levs.

Art. 282. Who, under the conditions of Chapter Seven, Section II, without valid reasons, does not present to a

body of MI vehicle or communication device, shall be fined with 100 to 200 levs.

Art. 283. (suppl., SG 17/03) Who does not fulfil the orders under Art. 51, para 2, Art. 117, para 1, item, 3 and Art. 278 shall be fined with 200 to 500 levs.

Art. 284. (amend., SG 17/03) (1) (amend., SG 15/04) Physical persons who carry out activity under Art. 120b without permit shall be fined with 1000 to 10 000 levs.

(2) For violation of para 1 the corporate bodies shall be punished by a property sanction amounting from 10 000 to 50 000 levs.

(3) For repeated violation under para 1 the persons shall be fined by 10 000 to 20 000 levs and under para 2 - by a property sanction amounting from 50 000 to 100 000 levs.

Art. 285. Who obstructs illegally, a body of MI in fulfilment of his functions, shall be fined with 500 to 1 000 levs if the deed does not represent a crime.

Art. 286. (amend., SG 17/03) The heads of the state bodies, organisations, the local administration, the corporate bodies and the citizens who have neglected their duties stipulated by this law or by the normative acts for its implementation shall be fined by 200 to 2000 levs.

Art. 287. Manager of a trade company, head of organisation, merchants or citizens who do not fulfil with priority a state order for supply or services for the needs of MI shall be fined with 500 to 1 000 levs regardless of the liability under the civil legislation.

Art. 288. Official who does not fulfil obligation assigned to him by this law shall be fined with 200 to 500 levs unless subject to a more severe punishment.

Art. 289. (new, SG 17/03) (1) For violation of § 1a of the additional provisions of the law the corporate bodies and sole entrepreneurs shall be sanctioned by 1000 to 5000 levs.

(2) For repeated offences under para 1 the corporate bodies and sole entrepreneurs shall be sanctioned by 5000 to 20 000 levs.

(3) The possessions belonging to the offender, which have served for committing administrative offence, or which have been subject of offence under para 1 and 2, shall be seized in favour of the state.

Art. 290. (new, SG 17/03) (1) The acts for establishing the offences shall be issued by the bodies of MI.

(2) The penal provisions shall be issued by the Minister of the Interior or by officials authorised by him.

(3) The establishing of offences, the issuance, the appeal and the enforcement of the penal provisions shall be carried out by the order of the Law for the administrative offences and penalties.

## Additional provisions

§ 1. In the context of this law:

1. "General danger" is present when there is a threat to indefinite number of persons or a wide circle of objects, according to the way of occurrence, the affected object, the range of damages and the time of duration.

2. "In fulfilment of official duties" is understood such activities or inactivities representing the fulfilment of duties, ensuing immediately from the occupied post;

3. "On occasion of fulfilment of official duties" is understood such activities or inactivities which does not represent fulfilment of duties, immediately ensuing from the occupied position, but proceed or follow them in time and have a direct casual nexus with them.

4. "Perished during or on occasion of fulfilment of the official duties" - when the death has occurred due to the effect of unfavourable circumstances or under the influence of outside factor.

5. "Serious bodily harm", "medium bodily harm", "unavoidable defence" and "utter necessity" are those under Art. 128, 129, 12 and 13 of the Criminal Code.

6. (new, SG 17/03) "Taking police registration" is an operation or combination of operations with the data processed by the police registration, which lead to the deletion of data or destruction of material carriers of information from documentary funds, or to depersonalisation of the data and their using only for the purposes of the statistics in the automated informational systems.

7. (new, SG 17/03) "Repeated" is the offence committed within one year from the enactment of the penal provisions imposing on the offender penalty for the same in kind offence.

§ 1a. (new, SG 17/03) Prohibited to individuals and corporate bodies, not authorised by a law, shall be the using of uniform clothes, symbols and signs, police lamps, camouflage hoods or inscriptions introduced in the structural units of MI and indicating belonging to these structures.

### Transitional and concluding provisions

§ 5. (amend., SG 73/98; SG 29/00; amend., SG 26/03) The provisions regarding the personnel of the Ministry of the Interior shall also apply for the officers and sergeants of the Chief Directorate "Prisons" at the Ministry of Justice and legal European integration, the structure under art. 11 of the Law for the postal services, and the officers and sergeants of the National Investigation Office.

§ 89. (1) Of found officers and sergeants in the directorates and institutes under art. 192, para 2 the ranks shall be removed and they shall be transferred to the category of civil servants - civilians. The official legal terms with these persons shall not be terminated but transformed.

(2) Until the definition by the Council of Ministers of the salaries of the civil servants - civilians paid to the persons under para 1 shall be the remuneration determined for the occupations at which they have been found.

(3) The persons under para 1 of whom the determined basic monthly salaries for civil servants - civilians are lower shall retain the size of their remuneration under para 2 up to reaching the respective levels.

(4) The formed files for seeking disciplinary or proprietary responsibility against the persons under para 1 shall be concluded by the present order.

§ 92. Within 6 months from the enactment of this law the administration of MI shall be brought in compliance with its requirements.

### Transitional and concluding provisions (SG 17/03)

§ 103. The officers of national Service "Security" and of the National Service "Fight against the organised crime", in fulfilment of their official duties, and for proven operative necessity, may occupy positions in the state administration according to the Single Classifier of the positions in the administration, under conditions and by an order determined by the Council of Ministers.

§ 104. (1) The instituted proceedings for claiming disciplinary or proprietary responsibility against civil servants - officers, sergeants and civilians shall be concluded by the previous order.

(2) pending disputes on revoking illegal discharge shall be concluded by the previous order.

§ 105. Within 6 months from the enactment of this law the police bodies shall be obliged to bring in compliance with the requirements of this law the found police registrations.

§ 106. Until the enactment of the acts under art. 112, para 2 the previous order shall apply.

### Transitional and concluding provisions (SG 103/03)

§ 15. Within three months from the enactment of this law the Council of Ministers and the Minister of Interior shall bring the by-laws in compliance with its provisions.