

REGULATIONS FOR IMPLEMENTATION OF THE LAW FOR THE MINISTRY OF INTERIOR

Prom. SG. 113/30 Sep 1998, amend. SG. 37/22 Apr 1999, amend. SG. 70/6 Aug 1999, amend. SG. 62/28 Jul 2000, amend. SG. 92/10 Nov 2000, amend. SG. 8/22 Jan 2002, amend. SG. 28/19 Mar 2002, amend. SG. 39/25 Apr 2003, amend. SG. 37/4 May 2004, amend. SG. 65/27 Jul 2004, amend. SG. 16/18 Feb 2005

Chapter one. GENERAL PROVISIONS

Art. 1. With the regulation shall be provided the implementation of the Law for the Ministry of Interior (LMI).

Art. 2. The transport, the special and auxiliary means used by the services of MI at implementing their activity shall be supplied with light or sound signalisation or have an inscription with the name of the service. The Minister of Interior shall determine the signs, other boards, inscriptions and emblems and their place.

Chapter two. STRUCTURE AND MANAGEMENT OF THE SERVICES AND UNITS

Section I. Structure

Art. 3. The National service "Security" (NSS) shall be comprised by:

1. Directorate of the National service "Security";
2. Regional units "Security".

Art. 4. The National service "Police" (NSP) shall be comprised by:

1. Directorate of the National service "Police";
2. Regional units "Police".

Art. 5. The National service "Combat with organised crime" (NSCOC) shall be comprised by:

1. Directorate of the National service "Combat with organised crime" ;
2. Regional units "Combat with organised crime".

Art. 6. The National service "Fire and accident safety" (NSFAS) shall be comprised by:

1. Directorate of the National service "Fire and accident safety";
2. Regional units "Fire and accident safety".

Art. 6a. (new, SG 37/04) Directorate "Migration" of MI shall consist of:

1. directorate "Migration";
2. regional units "Migration" at RDI and CDI.

Art. 7. (suppl., SG 62/00, amend. SG 39/03) On proposal by the directors of structural units of art. 9 of LMI in compliance with their functional obligations and the changes on the operational situation the Minister of Interior shall establish and close structural units.

Art. 7a. (new – SG 39/03) The activities, connected with the international operational police co-operation, including cross border observation and cross border pursuit, shall be implemented independently or jointly by the national services with police authorities, the territorial directorates and the respective services of other states, when this is provided in international agreement, ratified by the Republic of Bulgaria.

Art. 8. (1) (prev. art. 8 – SG 39/03) The regional units "Security", "Police", "Combat with organised crime" and "Fire and accident safety" shall be included in the structure of the "Capital directorate of interior" (SDI) and of the regional directorates of interior (RDI) and shall be established and closed by the Minister of Interior with the staff of the territorial service.

(2) (new – SG 39/03) The Minister of interior shall determine the regions of activity of the regional police departments (RPD), the police sections (PS), the regional services for fire and accident safety (RSFAS) and the anti-fire sections (AFS) on proposal by the directors of the territorial services within the framework of the respective territorial service.

Art. 9. (1) The structure units of the National service "Border police" (NSBP) and of the National service "Gendarmerie" (NSG) shall be established and closed by the Minister of Interior and shall not be included in the structure of the Capital and the regional directorates of interior.

(2) (amend. SG 39/03) At implementing joint activities and tasks between the units of para 1 and structural units of the territorial services the co-ordination shall be implemented by the director of the respective territorial service.

Art. 10. (1) The regional border sector shall be a specialised unit for guarding part of the state border, for conducting operational-investigation activity, for implementing the border regime and the passport - visa control.

(2) (amend. SG 39/03) The border police section (BPS) shall be a structural unit of the regional border sector, implementing the activities of para 1 in part of the region of activity of a regional border sector.

(3) (amend. SG 39/03) The border control check point (BCCP) shall be a specialised unit of the regional border police section and represent a territory with special regime of admitting and guarding, located on international roads, as well on the territory of international

railway stations, airports and ports for public transport, through only which is permitted the crossing of the state border, if other is not provided in international agreement to which the Republic of Bulgaria is a party.

(4) (amend. SG 39/03) The opening and closing of BCCP shall be implemented by the Council of Ministers.

Art. 11. (1) The gendarmerie formation shall be a specialised unit for guarding strategic and particular important sites, for combat with terrorist and diversionist groups, for protection of public order and combat with crime and implement its functions and tasks in a zone for responsibility, including the territory of several administrative units defined with an order by the Minister of Interior.

(2) The gendarmerie unit is a structural unit for guarding strategic and particular important sites and diplomatic representations, for combat with terrorist and diversionist groups, for protection of public order and for combat with crime out of settlements in the zones of responsibility.

(3) The gendarmerie division with special task is a highly mobile structural unit of gendarmerie formation (unit) for implementation of the tasks of para 1 and 2.

(4) The structure of the specialised aviation division shall be determined by the Minister of Interior at a proposal by the National service "Gendarmerie".

Art. 12. (1) (amend. SG 39/03) The centres for specialisation and professional training shall be established and closed by the Minister of Interior.

(2) The structural units of the training establishments, the research and development and the scientific application institutes of MI shall be determined with the staff number.

Section II. Management

Art. 13. (1) The organisation and the management of the services of MI and of their units shall be implemented according to the principles of centralism.

(2) (amend., SG 62/00) The deputy ministers and the chief secretary of MI according to the management functions assigned to them shall :

1. be able to make motivated proposals under art. 135, para 1 and art. 245;
2. control officially the cases when the imposed penalty does not correspond to the accomplished breach or there is a refusal to be imposed a disciplinary penalty despite the accomplished breach, and undertake measures for the correct implementation of the disciplinary practice.

Art. 14. The structural units of the directorates of the national services shall be managed by chiefs who shall:

1. organise, manage and be responsible about the corresponding direction of activity;
2. inform and report to the director and the deputy directors.

Art. 15. The directors and the deputy directors of the national services as well as the chiefs of art. 14 shall implement methodical management, support and control of the regional

units "Security", "Police" and "Fire and accident safety".

Art. 16. (1) The structural units of the national services "Border police" and "Gendarmerie" shall be managed by chiefs.

(2) The chiefs of para 1 shall:

1. implement general and immediate management planing, organising and manage the activity of the corresponding unit;

2. organise the implementation of the orders of the higher chiefs;

3. report to the corresponding higher chief about the overall activity of the units managed by them and to his deputies - according to their functions.

(3) (amend., SG 62/00) The specialised aviation division shall be managed by a chief who is directly subjected to the director of the National service "Gendarmerie".

Art. 17. (1) The regional units "Security", "Police", "Combat with organised crime" and "Fire and accident safety" shall be managed by chiefs who are directly subjected to the director of the territorial service.

(2) The chiefs of the regional units of para 1 shall:

1. organise, manage and be responsible for the activity of the corresponding directions;

2. organise the implementation of the orders of the directors of the territorial services;

3. inform and report to the directors of the territorial services about the results of the activity;

4. coordinate and methodically manage the activity of the regional police departments (RPD) and of the regional services "Fire and accident safety";

5. inform the directors of the national services for the corresponding direction of activity.

Art. 18. (1) The regional police departments and the regional services "Fire and accident safety" shall be managed by chiefs who are directly subjected to the directors of the territorial services.

(2) (amend., SG 62/00) The chiefs of para 1 shall directly and immediately manage the activity of the bodies for the direction of activity in the region.

Art. 19. (1) The police and fire safety sections shall be managed by chiefs directly subjected to RPD and to the regional services "Fire and accident safety".

(2) (revoked - SG 62/00)

Art. 20. (revoked - SG 62/00)

Art. 21. (amend. SG 39/03) The structural units with administrative functions established under art. 7 shall be managed by chiefs subjected to the corresponding director of directorate where they have been established.

Chapter three. NATIONAL SERVICES

Section I. National service "Security"

Art. 22. (1) The bodies of the National service "Security" shall concede the information received by them to the competent state bodies with regard to prevent the attacks against national security.

(2) (amend., SG 62/00) The conceding of information to the superior bodies of state power and of the state government shall be implemented through the Minister of Interior.

(3) The conceding of information to other state bodies for implementing their functions to manage in the sphere of national security shall be done by the director of the national service or by officials empowered by him.

Art. 23. The requirements of the National service "Security" of art. 58 of LMI shall be made in writing and the information shall be conceded in writing or with other suitable information carriers.

Art. 24. The interaction of the National service "Security" with foreign special services in connection with national security and for acting against the international terrorism and other forms of the international organised crime shall be implemented by the Directorate of the national service in compliance with the international obligations of the country and the needs for this.

Art. 25. (1) (amend. SG 39/03) In implementation of the activity of art. 48, para 1, item 1 of LMI the bodies of the National service "Security" shall:

1. ensure in counterintelligence and information aspect the protection of strategic sites and activities which are of importance for national security;

2. give permission for work or for implementing of concretely assigned task in strategic sites and activities

(2) The National service "Security" shall not implement the activities of para 1, item 1 and 2 at the Ministry of Defence.

Art. 26. (1) The strategic sites and activities which are of importance for national security shall be determined by the Council of Ministers at a proposal by the corresponding Minister or chief of department after preliminary coordination with the director of the national service.

(2) The protection of the strategic sites and activities of importance for national security shall include:

1. organisation and control of physical protection (guarding) of sites;

2. information protection implemented through administrative, organisational, technical and cryptographic measures.

Art. 27. (amend. SG 39/03) The National service "Security" shall render co-operation

and implement control also over non-government bodies and organisations which have permission for work in strategic sites in the establishing, organising and functioning of their corresponding divisions.

Art. 28. (1) The permissions of art. 25, item 2 shall be given by the Directorate of NSS and by the corresponding regional units "Security" in coordination with the directorate.

(2) The security bodies issued the permissions as well as the director of NSS and his deputies shall take them away when they find that some of the conditions of art. 32, para 1 is at hand.

(3) (revoked SG 39/03)

Art. 29. For work in strategic sites and activities out of the territory where already a permission has been issued a separate permission shall be given.

Art. 30. At discharge of staff from position in strategic sites and activities the bodies of the National service "Security" shall be informed pointing out also the reason for the discharge.

Art. 31. (1) (amend. SG 39/03) The permissions for work or for implementing of concretely assigned task in strategic sites and activities shall be given to citizens meeting the normatively defined requirements and for whom such permission has been required.

(2) The requirements of para 1 shall be applied also at conducting competitions by the order of the Labour Code and other normative acts.

Art. 32. (1) The permissions of art. 31 shall not be given and the issued shall be taken away when it is found that the applicants are:

1. (revoked – SG 39/03);
2. below major age;
3. convicted for premeditated crime of general character except they have been exculpated;
4. suffering from psychic diseases established and documented by the due order;
5. persons about who there are data that are implementing activity threatening national security.

(2) (revoked – SG 39/03).

(3) (revoked – SG 39/03).

(4) (revoked – SG 39/03).

Art. 33. (1) The proposals for appointment and for participation in competitions of persons going to strategic sites or for implementing strategic activities of importance for national security shall preliminary be coordinated with the Directorate of NSS or with the regional units "Security". The application shall be directed in writing and in it shall be pointed out the names, the address, the unified civil number and the position which will take the candidate.

(2) The directorate of NSS and the regional units "Security" shall give a written

answer to the application.

Art. 34. (revoked SG 39/03)

Art. 35. (revoked SG 39/03)

Art. 36. (revoked SG 39/03)

Art. 37. (revoked SG 39/03)

Art. 38. (amend. SG 39/03) The written refusal to be given a permission for work or for implementing of concretely assigned task in strategic sites shall be announced to the department, directed the request, and to the official, respectively the candidate for the position.

Art. 39. (revoked SG 39/03)

Art. 40. (revoked SG 39/03)

Art. 41. (revoked SG 39/03)

Art. 42. (revoked SG 39/03)

Art. 43. (revoked SG 39/03)

Art. 43a. (new – SG 39/03) In implementation of the activity of art. 51 of LMI National service "Security" shall implement investigation for reliability of the persons and issue, refuse to issue or withdraw issued permissions for work with classified information according to the Law of protection of the classified information (LPCI).

(2) The chiefs of the organisational units shall send the request for conducting of procedure for investigation for reliability of its employees according to LPCI, as well as the other necessary documents of chapter six, section II of the Regulation for implementation of the Law of protection of the classified information as follows:

1. for employees of the ministries and the central departments – at the Directorate of National service "Security";

2. for the other organisational units – at the regional units "Security".

(3) after implementing of all activities for the investigation the regional units shall send proposal for issuing or refusal to be issued permission to the Directorate of National service "Security" observing the terms of LPCI.

(4) The obligation of para 3 shall be fulfilled also in the cases when there is ground for withdrawal of issued permission.

Art. 44. The bodies of NSS shall implement preventive activity warning verbally or in writing the persons about which there is significant data to be supposed that they will commit criminal or other illegal activities threatening national security.

Section II. National service "Police"

Art. 45. The police bodies shall implement control activity in connection with the stay of foreigners in the Republic of Bulgaria within their powers according to the law.

Art. 46. (1) For implementing the general prophylactics for breaches of law the police bodies shall develop and implement a complex of measures for revealing and removal of the reasons and the conditions for committing crimes and other breaches of law.

(2) For implementing the individual prophylactics of the breaches of law the police bodies shall implement activities with regard to persons about which could be supposed that they will implement criminal or other illegal activities creating a threat for the public order.

(3) For prevention of contemplated or prepared crimes the police bodies shall develop and implement measures for identification of the persons contemplated or preparing crimes and their dissuasion.

(4) For stopping crimes the police bodies shall implement measures for stopping the action, for prevention of its antisocial consequences and for restriction of their amount.

(5) The bodies of para 1 shall implement signalling and explanatory activity for prevention of crimes and other illegal activities informing the state bodies, the individuals and the corporate bodies about the reasons and the conditions facilitating their implementation and issue compulsory recommendation and orders.

Art. 47. (1) (amend., SG 62/00) At implementing the activity of art. 60, item 9 of LMI the competent police bodies shall issue identification documents under conditions and by an order determined by a law.

(2) (amend., SG 62/00; revoked, SG 37/04)

(3) (amend., SG 62/00) The police bodies shall be able to make check of identification documents in the cases provided by the law.

Art. 48. (amend. SG 39/03) (1) At implementing the activity of art. 60, item 11 of LMI the police bodies shall escort persons except:

1. persons, with regard to whom bail has been undertaken "custody" except in the cases when the measure has been undertaken for a term up to 24 hours by investigator as body of police procedures;

2. persons, serving penalty at the places for deprivation from liberty – to the bodies of the judicial power, the preliminary arrests and the places for deprivation from liberty;

3. persons with sentence, entered into force – to the places for deprivation from liberty;

4. persons, with regard to whom has been decided or decreed compulsory bringing by a body of the judicial power;

5. persons, with regard to whom has been ordered preliminary detention;

6. under-aged persons – fugitives from reformatories or homes for temporary accommodation of under-aged or minor persons, deflected from reformatory schools boarding houses or social-pedagogic hostels or not appeared in them;

7. minor persons;

8. persons of items 1 – 7 investigated and found by the bodies of MI.

(2) The investigated and found persons of para 1, items 1 – 5, as well as the persons, with regard to whom bail has been taken "custody" by a prosecutor, shall be delivered to the closest investigation arrest or territorial unit for guarding of the Ministry of Justice.

(3) (new, SG 37/04) The organization and the order of accompanying underage persons in the cases of para 1, item 6 shall be determined by the Minister of Interior.

Art. 49. (1) (suppl. SG 39/03) The directorate of NSP, according to its authorities, shall implement escort activity on the territory of the Republic of Bulgaria and abroad.

(2) The escorting units at the territorial services shall implement escort activity on the territory of the whole country.

(3) If necessary escort activity shall be possible to be implemented also by other bodies of MI with police powers.

Art. 50. (revoked - SG 62/00)

Art. 51. The organisation for implementing the escort activity shall be determined by the Minister of Interior.

Art. 51a. (new – SG 39/03) At implementing of the activity of art. 60, item 12 of LMI to the police bodies, fulfilling order or rendering co-operation for certification or compulsory treatment of ill persons, shall be conceded specialised transport and a medical person from the health establishment, ensuring the medical servicing.

Art. 52. (suppl. SG 39/03) For the realisation of the functions of art. 60, items 6, 13, 14 and 15 of LMI the directorate of NSP shall:

1. collect, systematise and analyse information about the status, the structure and the dynamics of crime and the results of the activity of the police units in the country;

2. plan, develop and propose to the management of MI measures for increase of the efficiency of the combat with crime and for the preservation of public order;

3. develop and propose normative acts referring to improvement of the police activity;

4. support and control the activity of the police units connected with the combat with crime and with preservation of public order;

5. support and co-ordinate the activity of the regional units "Police" at revealing grave crimes;

6. organise the increase of professional qualification of the staff;

7. implement complex, control and thematic checks of the observation and implementation of the laws and minor acts for the directions of activity;

8. (new – SG 39/03) collect, process and preserve information about the road accidents, the accounting of the drivers of motor vehicles, the registration of road vehicles and

the administrative – punitive activity.

Art. 53. (1) In the cases determined by law the police bodies shall have the right to detain persons.

(2) The detained persons shall be taken to the divisions of MI or to other places determined for this.

(3) (new – SG 39/03) The detained minor or under-aged persons shall be accommodated in special premises separately from the detained major persons.

(4) (prev. (3) – SG 39/03) The equipment of the premise for accommodation of the detained persons shall be determined by the Minister of Interior.

Art. 54. (1) For the persons of art. 53, para 1 shall be issued a written order for detention.

(2) In the order of para 1 shall be pointed out:

1. the name, the position and the working place of the official issued the order;

2. the grounds for detention;

3. data identifying the detained person;

4. the date and the hour of detention;

5. (amend. SG 39/03) the restricting of the rights of the person under art. 71 of LMI, as well as:

a) the right to appeal before the court the lawfulness of the detention;

b) the right to lawyer's defence from the moment of detention;

c) the right to medical care;

d) the right to telephone call, with which to announce his detention;

e) the right to connect with the consular authorities of the respective state in case he is not Bulgarian citizen;

f) the right to use interpreter in case he does not understand Bulgarian language.

(3) (amend. SG 39/03) The shall fill in a declaration, that he is acquainted with his rights as well as about his intention to exercise or not his rights of para 2, item 5, items b) – f). The order shall be signed by the police body and by the detained person.

(4) (suppl. SG 39/03) The refusal or the impossibility of the detained person to sign the order shall be certified with the signature of a witness.

(5) The detention order shall be filed in a special register.

(6) A copy of the order shall be handed over to the detained person.

Art. 55. (5) At implementing personal search in the sense of art. 73 of LMI the police bodies shall take measures for ensuring the personal safety.

(2) The measures of para 1 shall be expressed in readiness by the checking body at any moment to impact over the searched persons with warning, force, auxiliary means or arms.

Art. 56. At implementing the check of personal belongings in the sense of art. 74, para 1 of LMI the police bodies shall be careful the checked persons not to throw out things or Art.s.

Art. 57. (1) The checks of vehicles in the sense of art. 74, para 2 of LMI shall include:

1. check of the identification documents of the persons;
2. check of the driving license ;
3. check of the documents of the vehicle and of the transported load;
4. check of the vehicle.

(2) The check of vehicles shall be made at stopped engine.

Art. 58. The check of premises in the sense of art. 76 of LMI if possible shall be done by several police officers.

(5) In the cases when the persons need emergency aid the necessary measures shall be taken.

Art. 59. At using auxiliary means provided in LMI the police bodies shall compile a written report.

Art. 60. (amend. SG 39/03) (1) The establishments for sobering shall be established by the order of art. 68, para 2 of the Law of public health.

(2) The organisation, the functions, the activity and the guarding of the special homes for accommodation of foreigners, subject to compulsory bringing to the borders of the Republic of Bulgaria or to expulsion, shall be provided by the Minister of Interior.

Art. 61. (1) The officials from the sobering establishments shall render initial medical aid to the accepted persons within their qualification and if necessary shall look for support from the corresponding health establishments for rendering specialised aid.

(2) The persons heavily drunk or with traumas and injuries shall be taken to health establishments for rendering specialised medical aid.

(3) The persons accepted in the sobering establishments shall be registered in a special register and a registration card shall be compiled for them.

(4) The term for stay of the accommodated persons in the establishments and premises for sobering shall be up to 24 hours and if some of them need long medical aid they shall be accommodated in health establishments.

Art. 62. (amend. SG 62/00) (1) (suppl. SG 39/03) Upon request of the Bulgarian National Bank, the municipality and the sites of national importance consideration contracts shall be concluded with the police bodies for guarding by the order of art. 81a, para 1 of LMI.

(2) (amend. SG 39/03; suppl., SG 37/04) The contracts under art. 81a, para 1 of LMI shall be concluded by the heads of the respective structural units - corporate bodies of MI upon permit of the Minister of Interior.

Section III. National service "Combat with organised crime"

Art. 63. (1) The bodies of NSCOC shall implement operational - investigation, information, organisational and preventive activity for finding local and international criminal

structures, their monitoring, revealing and stopping of their criminal activity.

(2) (revoked – SG 39/03)

Art. 64. (amend. SG 39/03) (1) For observation, revealing and cutting of the activity of organised groups for committing of crimes against the customs regime the bodies of NSCOC shall implement operational - investigation activity by:

1. establishing, observing, controlling and neutralising of the activity of persons and organised criminal groups, establishing and servicing channels for contraband import and export of goods, raw materials and facilities, the implementing of illegal transactions with contraband goods, as well as the investing of resources, received from contraband;

2. interacting with the specialised services of foreign states and with the competent state bodies for blocking of the mechanisms of contraband import and export.

(2) The bodies of NSCOC shall conduct operational – investigation activity for observation, revealing and cutting of crimes against the pecuniary and the credit system, establishing and controlling the persons and the organised groups, who implement them.

(3) For observation, revealing and cutting of crimes against the financial, the tax and the insurance system the bodies of NSCOC shall implement operational – investigation activity by:

1. establishing the origin of resources at implementing of big financial transactions;

2. establishing and controlling organised criminal groups, implementing illegal export and import of bank notes, money laundering, concealing of tax liabilities and deceits, connected with VAT;

3. implementing of interaction with the specialised services of other states for clarifying of data about origin of capitals;

4. implementing interaction with the respective competent bodies for establishing of tax breaches and crimes.

(4) The bodies of NSCOC shall implement operational – investigation activity for observation, revealing and cutting of organised criminal activity, connected with appropriation and fraud of possessions from funds of the European Union by:

1. establishing and controlling of the activity of officials, disposing with possessions of the funds;

2. implementing of interaction with the specialised services of other states in this field.

Art. 65. (amend. SG 39/03) The bodies of NSCOC shall implement operational – investigation activity for revealing and cutting of terrorist activities by:

1. investigating signals for preparing or implementing of crimes under art. 108a of the Penal Code;

2. conducting activities for revealing and cutting of the activity of organised criminal groups, preparing or committing crimes of art. 108a of the Penal Code;

3. establishing of connections of local organised criminal groups with persons, belonging to international criminal structures, using forceful methods and counteracting against their eventual joint terrorist activity on the territory of the country;

4. observing, establishing and controlling of the activity of persons, temporary staying in the country, circulated for international investigation in connection with participation in terrorist acts on foreign territory;

5. observing persons, suspected for terrorist activity on request by the respective services of other states, with which have been concluded agreements for co-operation or in fulfilment of other international agreements, to which the Republic of Bulgaria is a party;

6. rendering co-operation to the National service for guarding at the President of the Republic.

Art. 66. (amend. SG 39/03) The bodies of NSCOC shall implement operational – investigation activity for revealing and cutting of corruption in state and local administration by:

1. establishing, controlling and documenting of the activity of officials, who have placed themselves in favour of criminal groups and organisations;

2. investigate and track the accumulation and the transformation of the possession, obtained from position and other crimes.

Art. 67. (amend. SG 39/03) For revealing and cutting of the illegal traffic of people the bodies of NSCOC shall implement operational – investigation activity by:

1. establishing and controlling criminal groups and organisations, implementing illegal migration, independently or in co-operation with the specialised services of other states;

2. observing criminal groups and organisations, implementing trade with people with objective sexual exploitation.

Art. 68. (amend. SG 39/03) At implementing of operational – investigation activity for revealing and cutting of the illegal traffic of plants, containing narcotic substances, of narcotic substances and precursors and their analogues the bodies of NSCOC shall:

1. establish and control places, used by international drug-traffic organisations for temporary storage of plants, containing narcotic substances, of narcotic substances and precursors for their production on the territory of the country;

2. observe and control persons, placed themselves in service of the drug-traffic organisations;

3. implement co-operation with the specialised services of other states and with the competent state bodies for clarifying of data about illegal traffic of narcotic substances and for contraband supplies of plants, containing narcotic substances and precursors, used for their production.;

4. assist the competent bodies of other states at investigation of persons for illegal traffic of plants, containing narcotic substances, of narcotic substances and precursors and their analogues;

5. in co-operation with the specialised services of other states implement controlled supplies;

6. operationally establish and control the activity of persons, staying temporary in the country, circulated for international investigation in connection with illegal traffic of plants, containing narcotic substances, of narcotic substances and precursors and their analogues on foreign territory;

7. cut illegal traffic of plants, containing narcotic substances, of narcotic substances and precursors and their analogues on the territory of the country;

8. implement control over the activity of persons, who input in production and

implement import – export and re-export activity of plants, containing narcotic substances and precursors, for not admitting the illegal diversion from the declared purpose;

9. establish illegal laboratories for synthesising of narcotic substances and workshops for making tablets from them;

10. counteract to the illegal planting, growing and buying out of plants, containing narcotic substances, which can be used for production of narcotic substances;

11. support the competent bodies for undertaking of measures, aiming reduction of the demand for narcotic substances.

Art. 69. (amend. SG 39/03) At implementing of operational – investigation activity for revealing and cutting of illegal traffic of explosive substances, fire, chemical, biological or nuclear arms or ammunitions, of nuclear materials, nuclear facilities or other sources of ionising radiation, of toxic and chemical substances and their precursors, of biological agents and toxins, as well as goods and technologies with possible double use the bodies of NSCOC shall:

1. observe, establish and control organised criminal groups, using the force of threat as method for achieving criminal purposes;

2. independently or in co-operation with the respective services of other states and with the competent state bodies check and clarify data about illegal transactions and international organised traffic.

Art. 70. (amend. SG 39/03) For revealing and cutting of crimes through and in computer networks and systems the bodies of NSCOC shall implement operational – investigation activity by:

1. establishing, observing and controlling organised criminal groups, using the force of threat as method for achieving of criminal aims;

2. independently or in co-operation with the respective services of other states and with the competent state bodies check and cut the establishing, the presenting, the offering, the selling and the letting of works with children pornography, disseminated through and in computer networks and systems;

3. conduct activities for revealing and cutting of the activity of organised criminal groups, implementing computer crimes.

Art. 71. (amend. SG 39/03) The bodies of NSCOC shall implement operational – investigation activity for observing, revealing and cutting of organised criminal activity against copyright, the commercial marks and the patents, and if necessary interact with the competent state bodies.

Art. 72. (amend. SG 39/03) At implementing of operational – investigation activity for observing, revealing and cutting the use of force or persuading of fear for concluding of transactions and deriving of benefits from this the bodies of NSCOC shall observe and control the persons, implementing guarding, insurance and other activity, connected with this, by:

1. observing and controlling organised criminal groups, using forceful methods, and conducting activities for their neutralisation;

2. revealing and cutting the activity of organised criminal groups, implementing

blackmailing, taking of hostages, crimes with general dangerous and other forceful activities.

Art. 73. (amend. SG 39/03) For observing, revealing and cutting of the activities for inputting or obtaining of unlawful benefits from gambling the bodies of NSCOC shall implement operational – investigating activity by:

1. establishing the origin of the resources, served for creating of establishments for gambling games;
2. checking the data about money laundering through participation in gambling games;
3. supporting the activity of the competent bodies for establishing of tax breaches and crimes at the creating and the functioning of establishments of item 1.

Art. 74. (amend. SG 39/03) At exercising of their authorities for operational – investigation, organisational and preventive activity the bodies of NSCOC shall conduct coordinated activities with the respective services of other states on the basis of international agreements, to which the Republic of Bulgaria is a party, and implement immediate information exchange.

Art. 75. (amend. SG 39/03) (1) National service "Combat with organised crime" shall collect and summarise the information about the taken away quantities of narcotic substances and their analogues, plants, containing narcotic substances and precursors, and about the areas with destroyed plants, containing narcotic substances, and present I the National service for narcotic substances at the Ministry of Health.

(2) National service "Combat with organised crime", together with the bodies of Agency "Customs" and of National service "Border police" shall implement controlled supplies by order, determined by the Minister of Interior and by the Minister of Finance.

Art. 76. (amend. SG 39/03) The directorate of NSCOC shall study and analyse the reasons and the conditions for the status of the organised crime and implement the activity of art. 46.

Art. 77. The directorate of NSCOC shall implement methodical management, help and control for the regional units "Combat with organised crime":

1. supporting immediately the planning and implementation of the operational - investigation activities;
2. preparing methodical and practical instructions about the organisation of the operational - investigation and information - analytical activity;
3. conceding regularly summarised information about the status of the situation in the directions of activity;
4. organising training courses with the participation of experts from the specialised services of other countries.

Art. 77a. (new – SG 39/03) Directorate "Combat with organised crime" shall initiate the creating of the interdepartmental teams with the participation of representatives of the

services of MI and other competent state bodies, co-ordinate their activity and centralise the information being received.

Section IV. National service "Border police"

Art. 77b. (new – SG 39/03) The guarding of the border shall be a system of activities for observing, control and marking of the border of the Republic of Bulgaria.

(2) The border regime shall be the normatively established order for passing of the border and for implementing of activities in the border strip and the border zone with objective protection of the national security, the political, the economic and the social interests of the Republic of Bulgaria.

Art. 78. (amend. SG 39/03) (1) Border zone shall be the territory with depth 15 km, which on the land border shall be determined by the state border and on the sea and the river border – by the line of the bank, and in which National service "Border police" implements its authorities for guarding of the state border and control for observing of the border regime.

(2) Border strip shall be the part of the border zone, located immediately along the line of the land border, with depth up to 300 m, assumed from the line of the state border.

(3) The isles and the Bulgarian part of the waters of the border rivers shall be included in the border strip. This provision shall not apply for river Danube.

(4) The precise drawing and determining of the depth of the border strip shall be implemented by the Minister of Interior in co-ordination with the regional governors and the mayors.

(5) The implementing of economic or other activity in the border strip shall be co-ordinated with the chief of the respective regional border sector (RBS).

Art. 79. (amend. SG 39/03) (1) The state border of the Republic of Bulgaria passing along a river shall not be moved both at change of the lines of its banks or the water level and at movement of the river bed in one or other direction unless other is provided in international agreements, to which the Republic of Bulgaria is a party.

(2) On the railway and road bridges, barrages and other facilities passing through the border areas of navigational or other rivers, the state border shall be fixed in the middle of these facilities or along their technological axis depending on the passing of the state border on the water, unless other is provided in international agreements, to which the Republic of Bulgaria is a party..

(3) The state border of the Republic of Bulgaria on the plot shall be demarcated with clearly visible border signs, which location is determined in the documents for demarcation of the border between the republic of Bulgaria and the neighbouring countries.

(4) The forms, the dimensions and the scripts on the border points of para 3 and the order for their mounting shall be determined by the legislation of the country and by international agreements.

(5) For demarcating of the line of the state border National service "Border police" shall implement geo-information activity through:

1. geodetic determining, placing and maintaining fit of the border signs;
2. demarcating and check of the line of the state border;

3. working out of large scale maps and documentation of the state border, as well as creating and maintaining of geodetic – cartographic fund.

(6) For maintaining of the visibility and protection of the border signs of para 3 according to a mutual agreement between the Republic of Bulgaria and the neighbouring countries shall be co-ordinated the depth of the established border strip on both sides of the state border.

Art. 80. The taking off and landing of Bulgarian and foreign aviation means shall be done at the airports (airfields), open for international flights where is ensured an opportunity for implementing border control. Another order for taking off and landing of aviation means shall be admitted only with a permission by the Bulgarian competent bodies.

Art. 81. The persons, the transport means, the goods and other possessions passing across the state border of the Republic of Bulgaria shall be subject to border, customs, sanitary - quarantine, veterinary, plant - sanitary control and such for exporting cultural valuables according to an order determined by the Council of Ministers.

Art. 82. As violator of the state border shall be considered:

1. a person crossed or trying to cross the state border of the Republic of Bulgaria in any way out of the check points or at the check points but in breach of the rules for its crossing;

2. a person penetrated or trying to penetrate on foreign or Bulgarian transport means at unregulated crossing of the state border of the Republic of Bulgaria;

3. foreign military or non military sailing vessel - in the cases determined with a law;

4. an aviation means and other flying apparatus - in the cases determined with a law.

Art. 83. (1) At ascertaining of a searched transport means the bodies of NSBP shall take it and deliver it to the corresponding RPD immediately notifying the directorate of NSBP.

(2) The bodies of NSBP shall take a transport means in case:

1. it is announced for search;

2. there is an imposed prohibition to leave the country;

3. there is an act issued by the bodies of judicial authority.

Art. 84. (1) Across the state border shall be possible to be transported fire arms, ammunition and explosive substances under the conditions and by the order determined with a law.

(2) The transported across the border arms, ammunition and explosive substances without the corresponding permission shall be confiscated and immediately given to the bodies of NSBP.

(3) The arms, ammunition and explosive substances found in Bulgarian or foreign citizens without permission for taking across the state border shall be confiscated and a record shall be compiled.

Art. 85. For maintaining the border points and the border strip of the state border of

the republic of Bulgaria fit and for observing the border regime as well as for settling occurred border breaches at certain sections shall be appointed border representatives of the staff of NSBP pursuant to art. 102 of LMI and international agreements.

Art. 85a. (new – SG 39/03) (1) Each person at crossing of the state border shall be obliged to be subject to border passport – visa control, guided by the instructions and the orders of the bodies for border control.

(2) The person of para 1 shall be obliged to present regular document for travel abroad or other substituting document, as well as to prove the existing of the necessary conditions for crossing of the border.

(3) The person of para 1 shall be obliged to concede the necessary personal data for the needs of the border control.

Art. 85b. (new – SG 39/03) (1) The bodies of National service "Border police" shall implement border passport – visa control of persons through obligatory check of:

1. the documents for travel abroad;
2. the existence of visa and the other necessary conditions, if such are required by force of a normative act or international agreement, to which the Republic of Bulgaria is a party;
3. the regularity of the documents of items 1 and 2.

(2) If necessary the bodies of para 1 can implement check of the persons for the existence of articles, which possession is prohibited, of investigated articles or articles, which represent threat for the security and the public order. At implementing of the checks technical means can also be used.

(3) At the checks of para 1 and 2 the bodies of National service "Border police" shall implement obligatory reference in the automate information funds for establishing persons with imposed prohibitions, investigated persons or persons, representing danger for the national security and the public order, under the conditions and by the order of LMI.

(4) The fact of crossing of the border of the Republic of Bulgaria shall be marked in the document for travel abroad or in the substituting document by putting stamps, approved by the Minister of Interior.

(5) The crossing of the border shall be registered in the information funds by an order, determined by the Minister of Interior.

Art. 85c. (new – SG 39/03) (1) The bodies of the National service "Border police" shall implement border control of vehicles through:

1. check of their documents;
2. implementing of full check of the vehicle;
3. reference in the automated information funds.

(2) The crossing of the border by vehicles shall be registered in the information funds by an order, determined by the Minister of Interior.

Art. 85d. (new – SG 39/03) The bodies of National service "Border police" shall implement check of persons and vehicles for the existence of explosive substances, fire arms and other generally dangerous means at crossing of the state border.

Art. 85e. (new – SG 39/03) (1) The border passport – visa control shall be implemented in the border zones and in the zones of BCCP.

(2) The zone of BCCP shall comprise the territory, on which are located the buildings, the premises, the working places, the underground and the surface facilities, the technical means and the places for passing, waiting and check of persons, vehicles and goods, passing through the zones for border control.

(3) Border control can be implemented also on the territory of other state, when this is provided in ratified international agreement, to which the Republic of Bulgaria is a party, in a moving train or onboard of sailing vessel on occasion of forthcoming or implemented crossing of the state border. The bodies of national service "Border police" can implement preliminary border passport – visa control on board of aviation means.

Art. 85f. (new – SG 39/03) At international airports and ports, where there is technical opportunity, National service "Border police" shall implement border control by separating of the flow of passengers.

Art. 85g. (new – SG 39/03) (1) The bodies of National service "Border police" shall issue passes to the persons, working or implementing activity in the zone of BCCP.

(2) The bodies of para 1 can implement checks of individuals and corporate bodies for issuing of pass for implementing activity in the zone of BCCP.

(3) The persons, working at BCCP, shall concede voluntary the personal data, necessary for the investigation.

Art. 86. In implementation of its powers the bodies of NSBP shall:

1. (revoked – SG 39/03);

2. (revoked – SG 39/03);

3. reveal and prevent attempts for illegal crossing of the state border by persons hidden in transport means and for illegal import and export of arms, general dangerous means, drugs and other goods;

4. track and register the movement of sailing vessels in the Bulgarian part of Danube river.

Art. 86a. (new – SG 39/03) The bodies of National service "Border police" shall reveal and investigate crimes, connected with illegal crossing of the border and the illegal traffic of people under the conditions and by the order, provided in the Penal – procedure Code.

Art. 86b. (new – SG 39/03) (1) The bodies of National service "Border police" can accommodate forcefully in special premises or in special homes foreigners, subject to compulsory bringing or expulsion under the Law of the foreigners in the Republic of Bulgaria.

(2) Other rights, except the right to free movement, cannot be restricted to the persons, accommodated under the conditions of para 1.

Art. 87. (1) In implementation of their powers the bodies of NSBP shall compile acts

for committed administrative breaches, issue punitive decisions and impose compulsory administrative measures according to the law.

(2) The officials having the rights of para 1 shall be determined by the Minister of Interior.

(3) (amend., SG 62/00) In implementation of art. 97, para 1, item 4 of LMI the commanders of the border police ships shall also have the powers determined with the Law for sea areas, internal water ways and ports of the Republic of Bulgaria, including the Bulgarian part of waters of border rivers and other water basins.

Art. 88. Within its competence NSBP shall implement operational - investigation activity independently and by the order determined in art. 9, para 2.

Art. 88a. (new – SG 39/03) The transport and tour operator companies, implementing international trade activity, shall be obliged to present to the bodies of National service "Border police" on request:

1. schedule, lists of passengers and other information, having reference to the guarding of the border and the border control;

2. access to premises, facilities and transport vehicles, when this is necessary for fulfilment of the defined functions and tasks of National service "Border police".

Art. 88b. (new – SG 39/03) (1) National service "Border police" shall implement co-operation and interaction with the customs administration and with the other departments of the border control through exchange of information, joint checks etc.

(2) National service "Border police" shall co-operate and interact with the departments on the issues of asylum, the refugees and the stay of foreigners for implementing of effective migration control.

(3) The interaction of para 1 and 2 shall be implemented on the basis of annual bilateral and multilateral agreements, signed by the chiefs of the services and the departments and approved by the respective ministers.

Art. 88c. (new – SG 39/03) (1) In the zones of art. 94 of LMI the bodies of National service "Border police" shall render co-operation to the specialised state bodies at fulfilment of the normative acts, regulating the preservation of environment, the protected territories, the flora, fauna, as well as the life and health of population.

(2) The co-operation shall be implemented by the order of art. 88b, para 3.

Art. 88d. (new – SG 39/03) Within its competence National service "Border police" can conclude agreements for co-operation with non government organisations in the field of control of the migration flows, the counter-action of the illegal migration, the contraband and the traffic of people.

Art. 88e. (new – SG 39/03) The centre for specialisation and professional training at National service "Border police" shall implement specialised training for the needs of border guarding in compliance with LMI.

Section V. National service "Gendarmerie"

Art. 89. (1) Strategic sites are these administrative, industrial, transport or communication sites on which normal functioning depend the activity of the bodies of state government and the work of the basic sectors of the economy of the country.

(2) Particularly important sites are these administrative, industrial, transport, communication and other sites which hampered functioning leads to endangered government of a region of the country or the work of sections of the economy for certain period.

Art. 90. (1) The guarding of strategic and particularly important sites shall be implemented with systems for physical protection which may include staff for physical protection, physical barriers, signalling - guarding systems, TV technology, guarding lights, communication means, transport means, working animals and respectively equipped working premises.

(2) Physical barriers are all kinds of fences, fencing facilities, bars, metal or reinforced with metal doors, windows and skylights, reinforcing metal element, mechanic locking gadgets, tunnel passing facilities ensuring safe movement of players and officials to and from the playground of the stadium etc.

(3) Fencing facilities are all kinds of doors, locks, stopping, controlling and keeping access facilities located before, after and on the very fence immovably or moving with hand or automatically.

(4) Stopping access facilities are movable and immovable, restricting or stopping the movement of motor vehicles or of persons, facilities on the way to the control check points with aim to facilitate their check as different barriers, bars, located snake-like concrete blocks, uneven road cover etc.

(5) Controlling access facilities are all kinds biological, electronic or magnetic reading devices, coded button devices etc, which at command unblock the stopping facilities or doors. These facilities can also preserve the information for the control access.

(6) Keeping access facilities are the facilities hampering the access of persons to the guarded site which are located close to or on the physical barriers, in this number:

1. physical (additions, blades, thorns, nets etc.);
2. sound keeping;
3. light blinding;
4. chemical substances forming steam, foam, sticking substances etc.

(7) Signal - guarding systems are central or local control panels, readers, mean for signalling and devices for transmitting signals at distances, which send a signal at eventual attempt the physical barriers of systems for physical protection of a construction to be surmounted or demolished.

(8) TV equipment is a system of TV cameras, monitors, videorecorders, videomultiplexors, switches etc., with which are monitored, ascertained and/or those attempting to penetrate or having penetrated a construction.

(9) Communications means are all kinds of direct conductors, telephone and radio lines used by the staff for physical protection, management, relocation and calling additional forces for prevention of illegal penetration or for tracking illegally penetrated into a construction.

Art. 91. (1) The gendarmerie units at taking for protection a strategic or particularly important site shall develop a plan for protection and defence coordinated with the corresponding department.

(2) The plan of para 1 shall determine the order for action of the units of NSG for ensuring the physical protection of the sites, the access regime, the order for temporary stay on the territory of the site and the interaction with the national, territorial and operational - technical services, the divisions of the Ministry of defence, other persons and organisations at normal and extraordinary situations.

(3) The plan of para 1 shall be approved by the director of NSG, the director of the corresponding territorial service and by the chief of the corresponding department.

(4) If necessary after coordination with the bodies of local authorities around the sites could be established a zone with restricted access. The boundary of the zone shall be demarcated with clearly visible signs (boards). Within the boundaries of the zone shall not be included the roads for common use and residential buildings.

(5) At the entrances of the guarded sites could be constructed engineering - technical facilities.

Art. 92. Responsible for the implementation of the plan of art. 91 shall be the chief of the gendarmerie unit.

Art. 93. The activities of art. 107, para 1, item 3 of LMI shall be implemented at conducting activities by NSG for liquidation of terrorist and diversionist groups, ensuring the zones with restricted access of strategic and particularly important sites and at participation of public order.

Art. 94. The use or cutting down of communication connections shall be done at implementation of the tasks of art. 105, para 1, item 2 of LMI in coordination with the competent bodies as well as at pursuit of particularly dangerous criminals.

Art. 95. Within its competence NSG shall implement operational - investigation activity independently and by the order defined in art. 9, para 2.

Art. 96. (amend., SG 62/00) The specialised aviation division could implement separate tasks of the services of MI after a written application coordinated with the director of NSG and approved by a deputy minister or by the chief secretary according to the assigned the management function.

Section VI. National service "Fire and accident safety"

Art. 97. (1) The fire and accident safety activity shall be organised and implemented by NSFAS independently or jointly with the accident rescue services and the specialised forces and means of the state bodies, the organisations, the corporate bodies and the citizens.

(2) (amend. SG 39/03) The activity of para 1 shall be implement also on the basis of

art. 120a of LMI.

(3) (amend. SG 39/03) The fire extinguishing and accident-rescue activity can implement also the traders, who have received permission under art. 120b LMI, as well as voluntary formations for fire and accident safety, created pursuant to art. 120d of LMI.

(4) (amend. SG 39/03) At implementing of joint fire extinguishing and accident-rescue activities by NSFAS with the traders, received permission under art. 120b, or with the voluntary formations, created pursuant to art. 120d of LMI, the co-ordination shall be implemented by the bodies of NSFAS.

Art. 97a. (new – SG 39/03; suppl., SG 37/04) The contracts for ensuring of fire and accident safety under art. 120a, para 1 of LMI shall be concluded by the chiefs of the respective structural units – corporate bodies of MI, after permission by the Minister of Interior.

Art. 98. (1) The entering for extinguishing fires and for accident rescue activities in premises and sites for which there is a special regime shall be done in compliance with the established permission regime.

(2) At request by the foreign representations and individuals using immunity the bodies for fire and accident safety shall conduct extinguish and rescue activities in their office and residential premises and in their vehicles.

(3) When other buildings and facilities are immediately threatened, with the consent of the chief of the foreign representation or of the foreign individual using immunity the bodies of fire safety shall conduct extinguish and rescue activities also in their office and residential premises.

Art. 99. For implementing fire extinguishing and accident rescue activity and for maintaining permanent operational readiness NSFAS shall:

1. organise permanent day and night duty of staff and equipment; the order for the organisation of the duty shall be determined by the Minister of Interior;

2. maintain in permanent operational readiness the available facilities and means for fire extinguishing and accident rescue activity;

3. organise and control the training of the staff;

4. develop plans for fire extinguishing and rendering aid at natural calamities and production accidents;

5. (amend. SG 39/03) develop together with the bodies of the executive power and the local government and persons, implementing trade activity plans for interaction;

6. coordinate action plans for extinguishing fires and liquidation of accidents of persons implementing commercial activity;

7. investigate the operational situation in the sites on the territory of the guarded region;

8. determine the kind and the quantity of machinery and material-technical means.

Art. 100. For implementing the fire extinguishing and accident rescuing activity in the settlements, the municipalities and mayoralties shall be obliged to:

1. present to the territorial units for fire and accident safety furnished buildings and

premises, fire safety equipment, technical and extinguishing means according to standards approved by the Minister of Interior;

2. create conditions for successful fire extinguishing and accident rescue activity on the territory of the municipalities and mayoralties.

3. (new – SG 39/03) develop specific rules for fire and accident safety in the respective settlements and conduct activities, ensuring fire and accident safety in co-ordination with the bodies of NSFAS.

Art. 101. For implementing the fire extinguishing and accident rescuing activity at sites of the state bodies, organisations and corporate bodies, their chiefs shall be obliged to:

1. create conditions for successful fire extinguishing and accident rescuing activity on the territory of the sites, companies and departments;

2. ensure conditions to the units of NSFAS for investigation of the operational situation and conducting fire-technical exercises on the territory of their sites.

Art. 102. (1) The state fire safety control is a complex of control, order, compulsory and administrative -punitive activities implemented by the bodies of NSFAS.

(2) The bodies of NSFAS shall conduct state antifire control by:

1. (suppl. SG 39/03) implementing checks for the correct implementation of the antifire construction-technical standards at planning and construction within the construction boundaries of the settlements and the buildings on farm land as well as at design and construction of buildings, facilities and installations and co-ordinate the investment projects for constructions;

2. giving statement about the use of construction materials and products, as well as machines and goods designated for work in fire and explosion dangerous ambience, local or imported products;

3. (amend. SG 39/03) giving written statements of fire safety of the constructions and participate in the work of the state approval commissions;

4. developing together with other Ministries and departments construction and technical rules, standards and ordinances connected with ensuring fire safe use of the buildings and the sites;

5. co-ordinating the normative acts of other Ministries and departments referring to fire safety of buildings and sites;

6. implementing checks of sites in operation to control the observation of the rules and standards for fire and accident safety;

7. (new – SG 39/03) implementing control of the compliance of assessed products, machinery, automation, extinguishing means etc. with the requirements for fire and accident safety.

(3) (revoked – SG 39/03).

Art. 103. The state bodies, the organisations, the corporate bodies and the citizens shall be obliged to:

1. observe the established fire safety rules and standards as well as the specific rules for the corresponding settlements and to render cooperation to the bodies of NSFAS;

2. (new – SG 39/03) fulfil the written orders of the bodies for fire and accident safety,

issued under art. 117, item 3 of LMI.

3. (prev. item 2 – SG 39/03) co-ordinate with NSFAS: designs for construction designated for work in fire and explosion dangerous ambience; construction materials and goods - local and imported; machines and facilities designated for work in fire and explosive dangerous ambience - local and imported;

4. (prev. item 3 – SG 39/03) conduct activities ensuring the fire and accident safety of the site;

5. (prev. item 4 – SG 39/03) in one month term after receiving a written signal about breaches of the rules and standards for fire and accident safety to notify the bodies for fire and accident safety who have sent the signal, about the undertaken measures for removal of the breaches.

Art. 104. revoked - SG 62/00)

Art. 105. (1) (amend. SG 39/03) At imposition of compulsory administrative measures under art. 278 of LMI the bodies of NSFAS shall stop the exploitation, the construction and/or the reconstruction of the sites.

(2) The implementation of the compulsory administrative measure shall be implemented by the body accomplishing state antifire control on the basis of an order which for the sites of national importance is issued by the Minister of Interior and in the other cases - by the director of NSFAS or by the director of CDI and of RDI.

Art. 106. (1) (new – SG 39/03) The Scientific and application institute in fire and accident safety shall implement trials, experiments and research for assessment of the compliance of products, machinery, automation, extinguishing means etc. with the requirements for fire and accident safety.

(2) (prev. art. 106, suppl. SG 39/03) The research and development activity of art. 113 and 154 of LMI shall be implemented by an applied science institute by an order determined by the Minister of Interior.

Section VI. "A" Directorate "Migration" (new, SG 37/04)

Art. 106a. (new, SG 37/04) (1) In carrying out his activity according to art. 121a, para 2, item 2 of LMI the director, the deputy director or officials from directorate "Migration", authorized by the Minister of Interior, shall issue or refuse to issue permits for a long-term stay and shall extend the term of stay under the terms and by the order of the Law for the foreigners in the Republic of Bulgaria (LFRB).

(2) By an order determined by the law the heads of the regional units "Migration" (RU "Migration") shall issue and refuse to issue permits for continuous stay of foreigners and shall extend the term of their stay.

(3) The issued permits for long-term stay shall be withdrawn under the terms of LFRB upon written coordination with the director of directorate "Migration".

(4) The Minister of Interior shall determine the order of interaction and coordination between the competent bodies of MI in carrying out their activity on issuing visas and permits

for stay and regarding the control over the foreigners.

Art. 106b. (new, SG 37/04) The bodies of directorate "Migration" shall carry out their activity under art. 121a, para 2, item 3 of LMI under the terms and by the order of LFRB and Ordinance No I-13 for the order of temporary accommodation of foreigners, for the organization and activity of the special homes for temporary accommodation of foreigners (SG 12/04).

Art. 106c. (new, SG 37/04) In carrying out their activity under art. 121a, para 2, item 4 the bodies of directorate "Migration", upon conclusion of the inspection, shall draw up records by the order of art. 76, para 2 of LMI.

Art. 106d. (new, SG 37/04) (1) For regulation and effective control of the migration processes regarding the issues of asylum, the refugees and foreigners directorate "Migration" shall carry out cooperation and interaction with other administrative bodies through exchange of information, joint inspections, and others.

(2) The cooperation and interaction under para 1 shall be implemented on the grounds of joint instructions of the respective ministries and administrative bodies.

(3) Within the frames of its competence directorate "Migration" may conclude agreements for cooperation with non-governmental organizations in the sphere of control and regulation of the migration processes.

(4) Directorate "Migration" shall exercise its legal capacities under para 1 – 3 in compliance with art. 121a, para 2, item 5 of LMI.

Art. 106e. (new, SG 37/04) (1) In compliance with its legal capacities under art. 121a, para 2, item 7 of LMI the bodies of directorate "Migration" shall organize and carry out activity of escorting foreigners on the territory of the Republic of Bulgaria or abroad in the cases where a compulsory administrative measure of expulsion or compulsory taking to the border of the Republic of Bulgaria has been imposed on the foreigner.

(2) Where necessary, the bodies of NPS, carrying out convoy activity, may render assistance and aid to the bodies under para 1 when escorting foreigners.

(3) The escort of foreigners outside the territory of the country in the cases stipulated by the law shall be carried out by virtue of an international contract for back receiving of illegally staying persons concluded by the Republic of Bulgaria. In the absence of such an international contract the rules for escorting outside the border of the country shall be settled by an act of the Minister of Interior.

Art. 106f. (new, SG 37/04) (1) In fulfillment of the activity under art. 121a, para 1, item 8 – 11 of LMI directorate "Migration" shall:

1. gather, systematize and analyse the information for the state and dynamics of the migration processes and for the results from the activity of the regional units of the directorate;

2. plan, work out and propose to the management of the MI measures for improvement of the efficiency of the activity of regulation of the migration processes;

3. work out and propose normative acts regarding the improvement of the activity of

the directorate;

4. assist and control the activity of the regional units;
5. organize the improvement of the professional qualification of the personnel;
6. carry out complex, control and thematic inspections regarding the observance and fulfillment of the laws and bylaws for the activity.

(2) In exercising its legal capacities under art. 121a, para 2, item 14 of LMI the bodies of directorate "Migration" shall send the application filed by the foreigner along with the documents attached to it to the respective unit of NPS for issuance of Bulgarian identification documents. The personalized identification document shall be returned to the bodies of directorate "Migration" who have accepted the application, for personal presentation to the applicant.

Art. 106g. (new, SG 37/04) In the cases determined by LFRB the bodies of directorate "Migration shall cancel an issued visa by crossing by two diagonal lines and affixing a stamp of the directorate.

Chapter four. CIVIL SERVICE IN MI

Section I. Organisational - staff structure

Art. 107. (amend., SG 62/00) (1) The number of the staff of MI shall be determined by the Council of Ministers and shall include the number of the civil servants - officers, sergeants and civilians, of the military service men at conscript service and of the persons working under legal terms of employment.

(2) The number of the staff shall be accounted for by service "Personnel". It shall be distributed into services and directorates with staff according to the approved structures.

(3) The Minister of Interior shall be able to create out of the number of para 1 additional working places for officials, working under legal terms of employment for production, repair, social and servicing activities within the framework of the provided funds.

Art. 108. (1) (amend., SG 62/00) The Minister of Interior shall within the number of the staff maintain a reserve of officer and sergeant numbers and numbers for civil servants - civilians and numbers for persons working under legal terms of employment which will be used at extraordinary changes of the operational situation.

(2) (amend., SG 62/00) The reserve of para 1 shall be accounted for by service "Human resources".

Art. 109. (1) (amend. SG 62/00, amend. SG 39/03) The Minister of Interior shall approve for participation in the international missions and other activities and the servicemen shall be re-appointed for the corresponding term.

(2) After the elapse of the term of para 1 the servants shall be reappointed to positions in compliance with their qualification.

Art. 110. (1) (amend., SG 62/00) The services and directorates of MI shall develop their functional obligations and a structure on the basis of the legal provisions.

(2) The functional obligations shall unite the detailed tasks and activities of the structural units.

(3) (amend., SG 62/00) The structure of the services and directorates of MI shall be complied with and ensue from their functional obligations and from the status of the operational situation.

(4) (amend., SG 62/00) The functional obligations and the structure of the corresponding service or directorate shall be worked out by their chiefs and after coordination with service "Personnel", with the deputy minister to whom the respective management functions have been assigned and with the chief secretary shall be approved by the Minister of Interior.

(5) (amend., SG 62/00) Methods for categorisation of the territorial structural units in directions of activity shall be developed by the directorates of the national offices and upon coordination with Directorate "Human resources shall be approved by the Minister of Interior.

Art. 111. The structures of the services of MI shall be constructed according to the following principles:

1. minimum number of hierarchic levels;
2. ensuring an opportunity for exchange of information in the shortest possible way;
3. stability with option for change within certain limits in compliance with the changes of the operational situation;
4. economical distribution of the number of the staff.

Art. 112. (amend., SG 62/00) The staff lists (staffs) shall be worked out on the basis of the approved functional obligations and structures of the offices and directorates.

Art. 113. (amend., SG 62/00) (1) The staff expresses the organisational structure of the services and directorates of MI, determines the number, the positions, the utmost ranks of the civil servants - officers and sergeants, the minimum required ranks of the civil servants - civilians and the necessary education.

(2) The staffs shall be developed by Directorate "Human resources" at a proposal by the directors (chiefs) of services of art. 9 of LMI.

Art. 114. (1) The determining of the separate structural units and the numbers of the staff shall be implemented on the basis of standards about numbers and managementability approved by the Minister of Interior.

(2) (amend., SG 62/00) The standards of para 1 shall be developed by the services and directorates of MI for directions of activity.

(3) (amend., SG 62/00) Directorate "Human resources" shall implement control and methodical support for the development of the standards for numbers and managementability.

Art. 115. (1) (amend., SG 62/00, amend. SG 65/04) The Minister of Interior shall approve classifiers of the positions for: the civil servants – officers, sergeants and civil

persons, and for the persons, working with legal relation of employment in the MI.

(2) The Minister of Interior shall determine the basic and the intermediate positions and equal the others with them.

Art. 116. New staffs shall be prepared and approved at change of the structure of the basic structural units of MI.

Art. 117. (1) At the Ministry of Interior shall be prepared and approved typical and specific job descriptions.

(2) The job descriptions shall be prepared with aim to be created optimum organisation and division of labour of the ordinary and the management staff in MI.

Art. 118. (1) The job description shall contain:

1. the requirements to take the position;
2. the obligations.

(2) In the requirements for taking the position shall be pointed out the necessary educational level, the speciality, the practice as well as other requirements depending on the specific character of the position. For the management positions shall be determined higher requirements for education, specialisation and practice.

(3) The obligations of the position shall determine the activities (tasks) which are assigned for implementation to the corresponding servant.

Art. 119. (1) (amend., SG 62/00) Typical occupational characteristics shall be prepared for the positions included in the staffs of more than one service or directorate. They shall be developed by Directorate "Human resources" at a proposal by the directors (chiefs) of services under art. 9 of LMI for the directions of the activity and shall be approved by the Minister of Interior.

(2) (amend., SG 62/00) For the positions not included in para 1 shall be prepared specific job descriptions. If necessary they could be supplemented with obligations provided in the job descriptions of similar positions. The specific job descriptions shall be approved by the directors of services or directorates of art. 9 of LMI after coordination with Directorate "Human resources".

Art. 120. (amend., SG 62/00) The servants of units "Human resources" shall be obliged to familiarise any new reappointed servant with his job description. The record prepared in this way shall be preserved in the personal file or the official dossier of the servant.

Art. 121. (amend., SG 62/00) The control of observing the staff discipline shall be implemented by Department "Human resources".

Section II. Staff requirements

Art. 122. (1) (amend. SG 39/03) At civil servants in MI shall be accepted candidates

with only Bulgarian citizenship, meeting the requirements of art. 193, para 2 of LMI and the following conditions:

1. (amend. SG 39/03) to be not older than 40 years – for officers and sergeants, except for taking of positions by persons with academic rank after a competition;
2. to have one of the following educational - qualification degrees: doctor, master, bachelor and specialist in ... or secondary education;
3. to be physically healthy and psychologically fit for the corresponding direction of activity of MI;
4. (revoked – SG 39/03);
5. (revoked – SG 39/03).

(2) The conditions and the order for check of the professional and psycho-physical fitness for the corresponding positions shall be determined by the Minister of Interior.

Art. 122a. (new - SG 62/00, revoked – SG 39/03)

Art. 123. (1) The candidates shall present the following documents:

1. application;
2. CV;
3. (suppl SG 39/03) Document for served conscript military service – for the men, candidates for officer or sergeant position;
4. Employment record or other document for former employment;
5. Document for graduated degree of education, qualification and/or competence;
6. Certificate showing no previous conviction.

(2) The language and the general culture and the intellectual level of the candidates shall be checked through a method approved by the Minister of Interior.

(3) (amend. SG 39/03) The candidates shall sign declarations for only Bulgarian citizenship and for the circumstances of art. 7, para 1 and 2 and of art. 111, para 2 of the Law of the civil servant.

(4) The candidates shall obligatory be subject to medical examination of health condition.

(5) The physical fitness of the candidates shall be ascertained according to standards approved by the Minister of Interior.

(6) The psychological fitness of the candidates for the corresponding position and direction for work shall be ascertained by the Institute in psychology of MI.

Art. 124. The order for investigation and approval of the candidates shall be determined by the Minister of Interior.

Art. 125. (1) The filling of the working places of the corresponding services of MI with military servicemen at conscript military service shall be done according to preliminary application (estimate), approved by the Chief of the General Staff of the Bulgarian Army.

(2) (amend., SG 62/00) The movement of the military servicemen at conscript military service if necessary shall be implemented at a proposal by the directors of the national services approved by a deputy minister or by the chief secretary according to the assigned management functions.

(3) The powers of the officers and sergeants of NSBP, NSG and NSFAS implementing managerial and control functions with regard to the military servicemen at conscript military service, shall be determined by the Minister of Interior in compliance with the statutes of armed forces.

Section III. Appointment and reappointment

Art. 126. (1) (amend. SG 39/03) After the approval the candidates for civil servants shall be appointed to the corresponding position with an order, to the officers and the sergeants conferring rank and to the civil persons – grade.

(2) Officers with educational - qualification degree specialist in ... shall be appointed to positions which utmost rank is "major".

Art. 127. (1) (amend. SG 39/03) The civil servants shall sign an act for taking the position not later than 30 days after the date of issuing the order if other term has not been pointed out in it.

(2) (amend. SG 39/03) The orders for appointment of civil servants who have not signed the act for taking the position within the term of para 1 shall be revoked.

Art. 128. (1) (amend. SG 39/03) At the appointment the civil servants shall submit declarations about their property and incomes, as well as about the lack of circumstances under art. 213, para 1 and 3 of LMI, according to models, approved by the Minister of Interior.

(2) (amend. SG 39/03) Every year till March 31 the civil servants shall submit the declarations of para 1 and at changes of circumstances under art. 213, para 1 and 3 of LMI – in 7 days term after the change.

(3) (suppl. SG 39/03) The declarations of para 1 and 2 shall be put in the personal files of the servants and in the official dossiers.

Art. 129. In case of a refusal to take oath or to sign the declarations of art. 201, para 1 of LMI the appointed officers and sergeants shall not take the positions and the issued order shall be revoked.

Art. 130. (1) The Minister of Interior shall determine:

1. the kind of the uniform clothing and the signs;
2. the circle of officers and sergeants implementing their powers of LMI in uniform clothing;
3. the cases of wearing uniform clothing by the servants apart from those pointed out in item 2.

(2) The military servicemen at conscript military service in MI shall serve with their uniform clothing determined by the Minister of Interior.

(3) (amend., SG 62/00) To the civil servants - officers, sergeants or civilians shall be given and recorded official arms after they take the position. The order for carrying and preservation of the arms shall be determined by the Minister of Interior.

(4) (amend., SG 62/00) The civil servants - officers, sergeants or civilians shall have

the right to carry their arms only when they carry their service cards. only when they carry their service cards.

(5) To the newly appointed officers and sergeants sent to a course for initial special training the service arms shall be given after the end of the course.

(6) The giving, carrying and preservation of the arms by the military servicemen at conscript military service shall be done in compliance with the Law for defence and the armed forces of the republic of Bulgaria and the statutes of the armed forces.

Art. 131. (amend., SG 62/00) At concluding employment contract the persons working under legal terms of employment shall sign a declaration for preservation of state and office secret.

Art. 132. (1) The part time servants shall be attracted for cooperation with the bodies of MI with an order.

(2) (amend., SG 62/00) The order of para 1 shall be issued by the directors of the services and directorates of art. 9 of LMI for a term of 1 year.

(3) (amend. SG 39/03) For the persons of para 1 shall be applied the staff requirements of art. 122, para 1, items 2, 3 at taking the position signing declaration for preservation of state and office secret.

(4) To the part time servants shall be possible to be given arms when the character of the activity and the implemented tasks impose this.

(5) The Minister of Interior shall determine the powers of the part time servants.

Art. 133. (amend., SG 62/00) (1) To the civil servants - officers, sergeants, employees of the MI not on the pay-roll and the persons working under legal terms of employment shall be compiled and kept a personal staff file

(2) For the civil servants - civilians in MI shall be worked out and kept personal staff file by the order of art. 17, para 1 - 3 of the Law for the civil servant.

(3) The order of keeping and using the personal staff files shall be determined by the Minister of Interior.

(4) In shifting from a state service of MI to another administration sent to the latter shall be certified copies of the materials contained in the personal staff files which do not contain data representing state or official secret.

Art. 134. (1) The reappointment of the officers and sergeants shall be done throughout the whole year.

(2) The reappointment shall be done at official need or at wish of the servant.

(3) (amend., SG 62/00) At reappointment the service shall start on the day of signing of the act for taking the position, inasmuch as the order does not provide otherwise.

Art. 135. (1) (amend., SG 62/00) For reappointment of officers and sergeants due to official need shall be prepared a motivated proposal.

(2) (amend., SG 62/00) Proposals for reappointment to the positions director of territorial service, commander of specialised squad for combat wit terrorism and rector of the

Academy of MI shall be made by the chief secretary of the Ministry of Interior in compliance with art. 199, para 2 of LMI.

Art. 136. (1) (amend., SG 62/00) At reappointment of an officer or a sergeant to a higher position his consent shall also be taken. At refusal the officer or sergeant shall not be reappointed.

(2) (revoked - SG 62/00)

Art. 137. (1) (amend., SG 62/00) Reappointment of an officer or a sergeant to a minor position shall be done on the basis of a complex assessment about the results of his activity prepared by a commission defined by the body of art. 200, para 1 of LMI and by the order of art. 205 of LMI.

(2) (amend., SG 62/00) By the order of para 1 shall be done the reappointment also when the officer or sergeant has received assessment as a result of official check or audit.

(3) At preparing the assessments of para 1 and 2 or the audit act shall obligatory be taken into account the requirements of the job description for the corresponding position.

(4) (amend., SG 62/00) The officer or sergeant shall be familiarised with the assessments of para 1 and 2 or with the audit act. The objections of the officer or sergeant shall be reflected in the proposal for his reappointment.

Art. 138. (1) (amend., SG 62/00) The proposals and the orders for reappointment of officers and sergeants from one service to another shall be prepared by the director of the accepting service and shall be coordinated with the service reappointing the officer or sergeant.

(2) (amend., SG 62/00) The reappointment due to own wish of the officer or sergeant from one service to another shall be done with the consent by the directors of the corresponding services under the conditions and by the order of art. 135 and 136

Art. 139. (amend., SG 62/00) The change of the employment contracts with the persons working under legal terms of employment shall be done according to the provisions of the labour legislation by the officials of art. 200, para 3 of LMI.

Art. 140. (1) The officers and the sergeants shall be able to be appointed as temporarily taking the position when:

1. (amend., SG 62/00) the position is vacant or the officer or sergeant taking the position is absent for a long time except the cases of paid leave or field trip in the country;

2. the temporary implementation will last at least 30 days without stop;

3. (amend., SG 62/00) the officer or sergeant is not as position deputy of the holder.

(2) (amend., SG 62/00) For the temporary implementation the officer or sergeant shall receive the remuneration for the higher position.

(3) The order of para 1 shall be issued by the body which has the right to appoint to the corresponding position.

Art. 141. (1) (amend., SG 62/00, SG 39/03) The bodies of para 200, para 1 of LMI

shall be able to remove temporarily from position civil servants in the case and by the order provided in the Penalty-procedure code with a written order.

(2) (repealed with Decision No 4209 of the SAC in its part determining that within the term of removal from position to the removed officer or sergeant cannot be attached consequent rank, no remuneration is paid and he cannot be released from service pursuant to art. 253, para 1, item 2, 3, 4, 5 and 6 of LMI - SG 70 1999; amend., SG 62/00, amend. SG 39/03) During the removal from position the civil servant shall not be promoted in grade or rank and remuneration shall not be paid to him.

(3) (amend. SG 62/00, SG 39/03) With the handing over of the order for removal under para 1 to the removed civil servant, his office card, personal sign and arms shall be taken away.

(4) (amend. SG 62/00, SG 39/03) At dropping away the grounds of para 1 all rights of the removed civil servants shall be restored from the date of removal.

Section IV. Attachment of ranks and conferring ranks (amend., SG 62/00)

Art. 142. (1) To the officers and the sergeants shall be attached ranks in compliance with art. 203 of LMI.

(2) The attachment of higher sergeant rank shall be done at appointment to a higher position.

(3) The attachment of higher rank for the officers and the sergeants which term expired till the end of the calendar year shall be done for the holiday of the Ministry of Interior.

Art. 142a. (new - SG 62/00) (1) Conferred to the civil servants - civilians in MI shall be ranks by the appointing body.

(2) For appointment to a state position the body under para 1 can also confer a rank higher than the minimal.

Art. 143. (1) The officers and the sergeants shall be possible to be promoted in rank ahead of time for performed heroism or for achieved high results in official activity.

(2) The promotion in rank ahead of time for achieved high results in official activity shall be possible to be done not earlier than the elapse of half of the term provided for serving for the corresponding promotion.

(3) (amend., SG 62/00) The promotion in rank ahead of time shall be admitted only for the upper rank with a motivated proposal by the body of art. 200, para 1 of LMI.

Art. 144. To the ranks of the officers with scientific ranks and degrees shall be added the corresponding scientific rank and after the name shall be inscribed also the scientific degree.

Art. 145. (1) The attachment of initial officer rank to sergeants shall be admitted at:

1. performed heroism;
2. achieved high official results.

(2) The proposals for attachment of first officer rank to the sergeants under art. 204, para 1 of LMI shall be prepared by the officials of art. 200, para 1 of LMI.

(3) The sergeants to which has been attached first officer rank shall be reappointed to officer positions. To them shall be possible to be attached following higher rank under the conditions of para 1.

(4) The utmost rank of the officers to which rank has been attached under the conditions of para 1 shall be captain.

(5) (revoked - SG 62/00)

Art. 146. (1) Officers and sergeants shall not be proposed for promotion in rank when:

1. they have reached the utmost rank for the position they are taking;
2. they have been punished with reproach which has not been revoked by the holiday of MI for the corresponding calendar year.

(2) The time served with imposed punishment "reduction of rank" shall not be accounted for at calculating the term for promotion of rank.

Art. 147. (amend., SG 62/00) At second appointment of the officer or sergeant shall be preserved the ranks of LMI and LDAF which they have had till the discharge from service.

Art. 147a. (new - SG 62/00) For reappointment of civil servants - civilians they shall retain their ranks they had before the release from office.

Section V. Passing of the service

Art. 148. (1) (amend. SG 39/03) The order for distribution of the working time of art. 212 of LMI shall be established by the Minister of Interior.

(2) (revoked – SG 39/03).

(3) (amend. SG 39/03) The time for rest of the civil servants, including these working in shifts, when such is ensured, shall not be included in the working time.

(4) (amend. SG 62/00) The time for combat and mobilisation preparation and for participation in the fulfilment of tasks connected with it for the civil servants - officers, sergeants and civil persons and of the persons, working with legal relation of employment, shall not be included in the working time.

Art. 149. (1) (amend. SG 39/03) The order for use of the leaves by the civil servants shall be determined by the Minister of Interior.

(2) (amend. SG 39/03) The unpaid leave of the civil servants of art. 229, para 1, item 6 of LMI shall be permitted by the body of para 1 with the order for including them in the missions.

Art. 150. (revoked - SG 62/00)

Art. 151. (revoked - SG 62/00)

Art. 152. (amend. SG 39/03) (1) At registration of a civil servant as candidate for president or vice president, for people's representative, for mayor or municipal councillor the fulfilment of the civil service shall be terminated and the relation with the employee shall be provided by the order of art. 52, para 1 – 3 of the Law of electing of people's representatives or art. 47 of the Law of the local elections.

(2) When a person of para 1 is elected as president or vice president, as people's representative or mayor, after the termination of his authorities he shall have right to take the previous position.

Art. 153. (1) (amend. SG 39/03) At discharge from service to the civil servants shall be paid an indemnification for the unused leave of art. 229, para 1, item 1 and 2 of LMI.

(2) For the year of discharge from service the indemnification of para 1 shall be paid proportionally for the served months.

(3) The extent of the indemnification of para 1 shall be determined by the order of art. 264.

Art. 154. The order for payment of travel expenses for going to and from paid leave of art. 229, para 5 of LMI shall be determined by the Minister of Interior.

Art. 155. (revoked - SG 62/00)

Art. 156. (revoked – SG 39/03)

Art. 157. (amend. SG 39/03) (1) The newly appointed servants shall be sent to courses for initial professional training at the educational establishments of MI for acquiring of initial professional qualification in the corresponding direction of activity.

(2) The courses for professional training of the servants in the education establishments of MI shall be conducted according to annual plan-schedule, prepared by directorate "Human resources" upon proposal by the bodies of art. 200 of LMI and approved by the chief secretary of the Ministry of Interior.

(3) Those who have not finished the courses for initial professional training shall be dismissed pursuant to art. 253, para 1, item 5 of LMI.

(4) For the newly appointed employees, for whom the course for initial professional training is not obligatory an introducing training shall be organised.

Art. 158. (amend. SG 39/03) The rights and obligations of the trainees at the education establishments of MI shall be determined with the regulations for their structure and activity.

Art. 159. (revoked – SG 39/03)

Art. 160. (1) (amend. SG 62/00, amend. SG 39/03) The training of the employees for acquiring of educational – qualification and educational and scientific degree of higher education shall be implemented with written permission by the body of appointing if the interest of the service imposes this.

(2) Interest of the service under para 1 exists only when the degree of higher education is a condition for taking of the respective position.

(3) The employees, received permission under para 1 shall have right to leave for training by the order of art. 230 of LMI.

(4) The acquiring of degree of the higher education shall not impose the re-appointing of the employee to respective position.

Art. 161. (revoked – SG 39/03)

Art. 162. (1) (revoked – SG 39/03).

(2) (amend. SG 39/03) Courses for increase of the qualification shall be organised for the bodies of art. 200 of LMI on proposal by the chief secretary, approved by the Minister of Interior.

(3) (amend. SG 39/03) The professional training at the education establishments of MI shall be implemented in courses for:

1. initial professional training;
2. professional qualification;
3. increase of the professional qualification;
4. professional specialisation;
5. managerial employees of art. 195, item 2 of LMI.

(4) (revoked – SG 39/03).

Art. 163. (revoked – SG 39/03)

Art. 164. (amend. SG 39/03) The professional training of servants of MI, who implement specific functions and tasks can be implemented at training institutions out of the system of MI with an order by the Minister of Interior and when the institutions are of other states – on the basis of concluded agreement in the field of training.

Art. 165. (revoked – SG 39/03)

Art. 166. (amend. SG 39/03) At reappointment of civil servants to a position in another direction of activity they shall obligatory pass a course for re-qualification.

Art. 167. (1) The training in foreign languages shall be conducted in the educational establishments of MI under conditions and by the order approved by the Minister of Interior.

(2) In the centres for studying foreign languages out of the system of MI shall be sent servants in the cases when in the Ministry is not conducted training in the corresponding language.

Art. 168. (amend. SG 39/03) The increase of the professional qualification through professional training under art. 162 and 164 shall be grounds for promotion of the civil servants – civil persons, ahead of time, in rank after assessment of their official activity under art. 203, para 5 of LMI.

Art. 169. (1) (amend. SG 39/03) The professional training of the employees of MI shall be maintained through professional training without leaving work.

(2) The professional training without leaving work shall include:

1. special and practical training;
2. physical training;
3. combat-applied training;
4. shooting training.

(3) (new – SG 39/03) The professional qualification of para 1 shall be assessed every year under conditions and by order, determined by the Minister of Interior.

Art. 170. (1) The themes for the professional training of servants of MI shall be developed for the directions of activity by the structural units of art. 9 of LMI compulsory being complied with the peculiarities of the operational situation.

(2) (amend., SG 62/00) The services and directorates of para 1 shall prepare thematic plans for the organisation and the conducting of the professional training without leaving work.

(3) (amend. SG 62/00, amend. SG 39/03) The professional training of servants of MI without leaving work shall be organised and conducted by the managerial staff of the services and directorates.

Art. 171. (revoked – SG 39/03)

Art. 172. (1) (amend., SG 62/00) The training, the qualification, requalification and professional training of the servants of MI shall be organised, controlled and managed by Directorate "Human resources".

(2) (amend., SG 62/00) For supporting of the activity of para 1 of Directorate "Human resources" shall be established training - methodical council. its structure and activity shall be determined by the Minister of Interior.

Art. 173. The passing of the service of the military servicemen at conscript military service shall be in compliance with LDAF and the statutes of the armed forces.

Section VI. Material and social insurance

Art. 174. (amend., SG 62/00) The initial and the maximum extent of the salaries for position of the persons working under legal terms of employment shall be determined by the Minister of Environment.

Art. 175. (1) (amend. SG 37/99; amend., SG 92/00; Amend., SG 28/02) To the part time servants shall be paid monthly a sum in extent up to 85 lv.

(2) The concrete extent of the sum of para 1 shall be determined with the order for attraction of the part time servant.

(3) The sums of this Art. will be paid within the funds for this objective in the budget of MI.

Art. 176. The social and medical insurance of the flying staff of NSG shall be done in compliance with the rules for the flying staff of the armed forces.

Art. 177. (1) (amend. SG 39/03) The Medical institute of MI shall render free of charge medical care to:

1. servants of MI;

2. (amend. SG 39/03) retired servants of MI as civil servants, the retired due to disability – due to labour accident and professional disease, occurred in connection with their work in MI;

3. (amend. SG 39/03) retired servants, worked during the last 10 years with legal relation of employment in MI;

4. members of the families and the parents of the persons of items 1, 2 and 3.

(2) (amend. SG 39/03) Other medical insured persons shall be serviced at the Medical institute of MI by an order determined by the Minister of Interior.

Art. 178. (1) (amend. SG 39/03) Right to receive monthly compensation sums according to art. 225 of LMI shall have the civil servants at the following conditions:

1. to have been moved due to official need in another settlement;

2. to have been filed according to the order of the Regulation for implementation of the Law for state ownership (RILSO) as using home under the conditions of free contracting and not to have own home in the settlement they have been moved to.

(2) (amend. SG 39/03) The civil servants moved due to official need to other settlement shall be able to use the right of para 1 if they have liberated the official home they had used or if have conceded their own home for accommodation of other servants in need.

(3) Para 2 shall be applied when the family of the civil servant has followed him in the movement.

Art. 179. (1) The compensation sums of art. 225 of LMI shall be paid in extent determined with table - appendix No 1.

(2) The necessary funds for payment of the compensation sums shall be ensured from the budget of MI.

(3) For payment of monthly compensation sums shall be presented the following documents:

1. application - declaration according to a model - appendix No 2;

2. a certificate for degree of need for home issued by the corresponding residential commission.

(3) The declaring of untrue facts about family and property status in the declaration of para 3, item 1 shall be grounds for punitive responsibility under art. 313 of the Penalty Code.

Art. 180. The compensation sums shall be paid monthly at the service where works the officer or the sergeant according to a list on the basis of an order by the body of art. 200, para 1 of LMI.

Art. 181. The receiving of compensation sums shall be stopped in the cases when:

1. the servant or a member of his family acquire own home in the settlement where he works or when he is accommodated in a home with rent determined according to RILSO;
2. the servant refuses to be accommodated in a home or hostel which is conceded to him and meets the standards for residential accommodation according to RILSO.

Section VII. Rewards

Art. 182. (1) The rewards shall be personal an collective.

(2) The type of the reward shall be determined according to the concrete personal or collective contribution for the fulfilment of the official obligation and to the importance of the achieved durable results.

Art. 183. (1) The highest professional reward in the Ministry of Interior shall be honourable insignia.

(2) With an honourable insignia the Minister of Interior shall reward officials for performed heroism, courage, and self-denial, for concrete significant contribution and high professionalism in implementation of the official tasks with exceptional importance for the combat with crime, preservation of public order and security in the Republic of Bulgaria as well as for preservation of the life and health of citizens, possessions and cultural valuables from fires.

(3) The reward of para 1 shall be given to servants also for impeccable conduct, achieved durable results in official work and for long service in MI.

Art. 184. (1) The honourable insignia shall have three degrees:

1. honourable insignia first degree shall be given to servants who are with impeccable and highly professional performance of the official obligations and have not less than 15 years service in MI;

2. honourable insignia second degree shall be given to servants who have achieved high results in their professional activity and have not less than 10 years service in MI;

3. honourable insignia third degree shall be given to servants who have high results, are distinguished with enterprising and professionalism in solving the official tasks and have not less than 5 years practice in MI.

(2) The rewarding with the higher degree of honourable insignia is possible only if the servants have already received the lower degree.

(3) The servants shall not be possible to be rewarded more than once with one and the same degree of honourable insignia.

(4) The rewarding with honourable degree in the cases of art. 183, para 3 shall be implemented in connection with the holiday of MI or at retiring.

Art. 185. (1) With an honourable insignia shall be possible to be rewarded post mortem servants who have perished at or in connection with fulfilment of their official obligations.

(2) In the cases of art. 183, para 2 and at retirement an honourable insignia shall be possible to be given regardless from the terms of art. 184, para 1.

Art. 186. With a fire gun shall be rewarded servants for performed heroism, courage and self-denial and high professionalism and civil contribution to combat with crime.

Art. 187. (1) With money or object reward shall be rewarded at any time of the year servants and collectives for professional performance of important official tasks as well as for durable professional results.

(2) (amend., SG 62/00) Within the approved budget fund "Rewards" of the Ministry of Interior and its services and directorates with money or object reward could award:

1. (amend. SG 37/99) the Minister of Interior - up to 240 lv - for individual, and up to 480 lv, when the reward is collective;

2. (amend. SG 37/00; amend., SG 62/00) the chief secretary of the Ministry of Interior, the deputy ministers and the directors of the national services - up to 180 lv - for individual, and up to 300 lv when the reward is collective;

3. (amend. SG 37/99; amend., SG 62/00) the directors of territorial services and directorates of the specialised and general administration, the commander of SOBT, the rector of the Academy of MI and the directors of the research and applied science institutes - up to 120 lv.

(3) The managerial servants of para 2 shall be able to reward also with object awards up to the corresponding amount.

Art. 188. (1) With announcement of gratitude shall be rewarded servants and collectives who have performed enterprising and have reached high professional results in implementation of their functions.

(2) Right to reward with announcement of gratitude shall have the bodies of art. 200 of LMI.

Art. 189. (1) With a written commendation shall be rewarded servants who have significant personal contribution for the implementation of concrete professional task.

(2) The reward of para 1 shall be done with written order by the managerial servants at position from chief of sector upward.

Art. 190. (1) The rewarding with honourable insignia, with fire gun, with money or object reward and with announcing gratitude shall be done on the basis of a motivated proposal to the body which has the right to give the corresponding reward.

(2) A proposal for a reward shall be possible to be made by the direct and the higher chiefs.

(3) (amend., SG 62/00) The proposals for rewarding the officials of art. 200 of LMI shall be made by the chief secretary and the deputy ministers.

Art. 191. (1) The proposals for rewarding with money reward shall preliminary be coordinated with the corresponding financial units.

(2) The proposals for rewarding with fire guns shall preliminary be coordinated with the corresponding units for material - technical ensurance.

Art. 192. (1) The servants rewarded with honourable insignia shall be able to wear it on uniform and civil clothing on the right side of the chest.

(2) The reward "honourable insignia" shall not be possible to be given to other persons.

Art. 193. (1) (amend., SG 62/00) The Directorate "Human resources" and the units "Human resources" shall keep record of the rewarded servants.

(2) (amend., SG 62/00) The proposal and a copy of the order for rewarding shall be attached to the personal file or the official dossier of the servant.

(3) (amend., SG 62/00) A copy of the order for rewarding shall be sent to Directorate "Human resources" for the need of the automated information system "Staff".

Art. 194. (1) (amend., SG 62/00) The servants rewarded with honourable insignia shall receive a card and those rewarded with announcement of gratitude by the Minister, the chief secretary and the deputy ministers - honorary diploma with which is certified the rewarding.

(2) To the rewarded with fire guns shall be issued a certificate.

(3) (amend., SG 62/00) The cards for honorary insignia, the honorary diplomas for announcing gratitude and the certificates of those rewarded with fire guns shall be issued by the Director of Directorate "Human resources".

Art. 195. Those rewarded with fire guns shall be obliged to register it according to the due order in one week term after receiving it. The servant shall have the right to carry the gun only when they carry their official cards.

Art. 196. At imposing disciplinary punishment "discharge" of a servant rewarded with honorary insignia or with fire gun the reward shall be taken away with an order by the Minister of Interior.

Section VIII. Disciplinary responsibility of the civil servants in MI (title amend. SG 62/00, SG 39/03)

Art. 197. (1) The disciplinary responsibility shall be personal.

(2) (amend. SG 62/00, SG 39/03) Every civil servant shall be responsible for guilty commitment actions or lack thereof in violation of the official obligations connected with the taken position.

(3) (amend. SG 39/03) The managerial employees shall be responsible for the status of the discipline in the structural units managed by them.

Art. 198. (amend. SG 39/03) For breaches of the official discipline to the civil servants shall be imposed the disciplinary penalties provided in art. 238 of LMI.

Art. 199. (1) The disciplinary penalty "reproach" shall be imposed for insignificant breaches of official discipline. It shall be expressed in directing warning pointing out the circumstances for which the penalty is imposed.

(2) The penalty shall be imposed for a term of 3 months.

Art. 200. (1) The disciplinary penalty "written warning" shall be imposed for:

1. (amend. SG 39/03) implementing of insignificant breach in one year term after the imposing of disciplinary penalty "reprimand";

2. negligence in official activity, delayed or bad implementation of an order;

3. unlawful conduct with citizens or officials;

4. immoral conduct;

5. flows in learning and implementation of the provisions regulating the official activity;

6. breach of the order of service, delay early leaving of work, absence from work 1 working day or not full use of working time.

(2) (amend. SG 62/00, SG 39/03) The penalty shall be expressed in directing warning to the civil servant that at second commitment of similar act he will be sanctioned with a graver penalty.

(3) The penalty shall be imposed for a term from 3 to 6 months depending on the gravity of the breach.

Art. 201. (1) The disciplinary penalty "censure" shall be imposed for:

1. second commitment of a breach for which has been imposed penalty "written warning";

2. systematic or serious flows of official activity, lead to infringement of the rights and liberties of citizens or hampered the activity of other services, state bodies or organisations;

3. unobserving or breach of the provisions for preservation, keeping and use arms, explosive substances, ammunition, possessions, filing systems and documents.

4. Unexercising control over subjected servants;

5. (amend. SG 39/03) Discrediting servants of MI, grave breach of official ethics or conduct diminishing the reputation of civil servants in MI;

6. (amend. SG 39/03) Hiding or belittling of accidents or disciplinary breaches committed by servants of MI;

7. Actions directed to hampering or restriction of professional or syndical rights or of the right to defence provided in LMI;

8. Exceeding the powers of the body;

9. (new – SG 39/03) not fulfilment of official obligations or orders of managerial employees;

10. (new – SG 39/03) appearing at work in status, which does not allow to be fulfilled the assigned tasks, caused by use of alcohol or narcotic substance.

(2) (amend. SG 62/00, SG 39/03) The censure shall be expressed in announcement of

the imposed penalty and warning of the civil servant that at commitment of another similar or graver disciplinary breach will be imposed penalty "discharge".

(3) The penalty shall be imposed for a term from 6 months to 1 year depending on the gravity of the breach.

(4) (amend. SG 62/00, amend. and suppl. SG 39/03) Till the elapse of the term of the imposed penalty "censure" the civil servant shall not be possible to be promoted in position and to higher rank or grade.

Art. 202. (1) (suppl. SG 39/03) The disciplinary penalty "reduction in rank" or "demotion in grade for a term from 6 months to one year" shall be imposed for breaches under art. 201, para 1 as a result of which significant harmful consequences have occurred.

(2) (amend. SG 62/00, SG 39/03) The penalty is expressed in reduction with one degree in rank or grade for a term from 6 months to one year till the elapse of which the civil servant cannot be promoted to higher rank or grade.

(3) (amend. SG 39/03) The servant is warned that at commitment of another disciplinary breach will be imposed disciplinary penalty "discharge".

Art. 203. (revoked – SG 39/03)

Art. 204. (1) The disciplinary penalty "discharge" shall be obligatory imposed in the cases pointed out in art. 239, para 1 of LMI.

(2) Other grave breaches of official discipline which are incompatible with continuing the service and for which is imposed disciplinary penalty "discharge" shall be:

1. (amend. SG 62/00, SG 39/03) breach, expressed in not submitting of the declaration for change of the circumstances of art. 213, para 1 and 3 of LMI within the term of art. 128, para 2;

2. (amend. SG 39/03) breach of the rules for protection of the classified information, constituting state or official secret;

3. excess of power or use of official position for personal benefit or for benefit of third persons;

4. misuse of power or credit;

5. premeditated breaches of official obligations which have caused significant harm to the state, the ministry, public organisations or separate citizens;

6. (amend. SG 39/03) commitment of disciplinary breach within the term of serving imposed disciplinary penalty "censure" for which is provided the imposition of the same or graver penalty;

7. (suppl. SG 39/03) commitment of other disciplinary breach at imposed penalty "reduction in rank or grade";

8. (new – SG 39/03) breach of prohibition under art. 214, para 1 of LMI.

Art. 205. (revoked – SG 39/03)

Art. 206. (1) (amend. SG 39/03) Reason for starting of procedures for imposing of disciplinary penalty can be:

1. messages to the services of MI by state bodies, organisations, officials and citizens;
2. publications and broadcasts of mass media;
3. reports and information by servants of MI;
4. immediate revealing by the corresponding chief of characteristics of committed disciplinary breach.

(2) If in the data of para 1 the violator is not pointed out, the chief shall order a check to be made for ascertaining.

Art. 207. (1) (amend. SG 39/03) For anonymous signals no actions shall be undertaken.

(2) Anonymous shall be also the signals in which the pointed out persons and addresses are untrue.

Art. 208. (revoked SG 39/03)

Art. 209. (revoked SG 39/03)

Art. 210. (1) (amend. SG 62/00, SG 39/03) At reappointment from one service to another of a civil servant against whom has started procedure for imposing of disciplinary penalty, it shall finish where it has been started and the file shall be sent by the due order to the receiving service for taking a decision.

(2) (amend. SG 62/00, SG 39/03) For civil servants sent to a field trip shall be applied the order of para 1.

Art. 211. (1) (amend. SG 39/03) The disciplinary breach shall be considered as revealed when the body of art. 240, para 2 of LMI has significant data about committed breach and the identity of the violator.

(2) For revealing the truth shall be possible to be used all ways and means admissible by law.

(3) (amend. SG 62/00, SG 39/03) The terms of art. 236 of LMI shall not pass when the civil servant is in lawful leave, when to him has been imposed detention measure "arrest" or "home arrest".

Art. 212. (amend. SG 39/03) (1) The disciplinary breach shall be established by the direct chief, who is the first or the higher in degree managerial employee for the one, committed the disciplinary breach.

(2) The hearing of the guilty employee shall be reflected in a record, which shall be signed by the body of para 1 and the employee. The refusal of the employee to sign the record shall be established with the signatures, the names and the positions of two employees.

(3) The body of para 1 shall not be obliged to hear the employee, committed the breach, when he has given written explanations.

(4) In the cases when the body of para 1 is also punishing body, after the establishing of the committed disciplinary breach and fulfilment of the procedure of para 1 – 3 it shall assess the collected proofs and issue motivated order for the respective disciplinary penalty.

(5) When the body of para 1 is not punishing body in the sense of art. 240, para 2 of LMI, after establishing the committed breach, it shall immediately notify the punishing body, attaching all the collected materials. In this case, if the employee has given written explanations, the punishing body shall accept them and upon its discretion can require additional written explanations or listen to the employee, committed the breach.

(6) In order to facilitate the taking of decision the punishing body can require statements from the directorates "Human resources" and "Legal – normative servicing" and from the analogical units in the other services and directorates of MI.

Art. 213. (1) The disciplinary penalty shall be imposed with a motivated written order where are pointed out: the violator, the place, the time and the circumstances at which has been committed the breach, the evidence on the basis of which it has been ascertained, the legal grounds and the penalty which is imposed, the term of the penalty, before which body and in whet term it can be appealed against.

(2) The motives are description of the physical situation, the provisions and the obligations which are breached and the occurred harmful consequences.

(3) (amend. SG 62/00, SG 39/03) With the order for the disciplinary penalty the civil servant shall be acquainted by the order of art. 240, para 6 of LMI.

(4) At refusal by the punished to sign the order, it shall be announced to him in the presence of two servants who shall certify this with their signatures, or the servant shall be notified with a registered letter.

(5) (revoked – SG 39/03)

(6) Before the elapse of the term for appeal the punishing body shall be able to remove the incompleteness of the order. To the interested the changes made shall be announced.

(7) (amend. SG 62/00, SG 39/03) obvious factual mistakes admitted in the penalty order shall be possible to be corrected by the body that has issued it also after the appeal term. The civil servant shall be familiarised with the order who is able to appeal against it by the general order.

Art. 214. (1) The orders for imposing disciplinary penalty could be appealed against by administrative order only before the higher authority.

(2) (amend. SG 62/00, SG 39/03) Appeal can submit only the punished civil servants.

(3) Petitions and other collective appeals against orders for imposed penalties shall not be admitted.

(4) (revoked – SG 39/03).

Art. 215. The appeal shall be submitted in 7 days term after handing over of the order for imposition of penalty to the higher body.

Art. 216. (1) The appeal shall be submitted in writing through the body which order is appealed.

(2) In the appeal shall be pointed out:

1. the body through which it is submitted;
2. the body to which it is submitted;

3. the rank, the name and the position of the appellant;
4. the order which is being appealed against;
5. the factual and legal statements and claims of the appellant.

(3) To the appeal shall be attached written evidence to which resorts the appellant. In it could be required collecting of evidence about certain facts and circumstances which have not been taken into consideration or have been unknown at issuing the order.

Art. 217. (1) The appeal submitted after the term of art. 215 shall not be accepted and shall be returned to the author against signature by the body through which it is submitted.

(2) In 7 days term after returning the appeal shall be possible the term to be restored if it has been missed due to important and unpredicted circumstances, attaching the returned appeal.

(3) The official competent to consider the appeal shall assess the grounds for the request the term to be restored accepting or leaving the appeal without consideration about which the appellant shall be notified.

Art. 218. (revoked SG 39/03)

Art. 219. (1) (amend. SG 62/00, SG 39/03) In 7 days term after receiving the appeal the punishing body, issued the order for penalty can change it or revoke it if it finds grounds for this. In these cases it shall notify the interested civil servant who can appeal this. The new order for penalty shall be subject to appeal by the order provided in this section.

(2) (amend. SG 39/03) When the punishing body does not find grounds for reconsidering the issue it shall immediately send the appeal with the whole file to the higher body.

Art. 220. (1) If in 7 days term the appeal is not sent to the higher managerial official the appellant shall be able to send a copy of the appeal directly to him or to notify him about the delay in writing.

(2) The higher body shall require the file officially.

(3) (amend. SG 62/00, SG 39/03) When the civil servant has not been listened to or his written objections have not been accepted, the body considering the appeal against the imposed penalty shall revoke it without considering the case in essence.

(4) (amend. SG 62/00, SG 39/03) The provisions of para 3 shall not be applied when the explanations of the civil servant have not been listened to or have not been submitted due to his fault.

Art. 221. (1) The higher body shall decide in one month term after receiving the appeal. It shall be able to repeal the order for imposition of penalty entirely or partially or to confirm it.

(2) When the imposed penalty is repealed but another order is to be issued, the body of para 1 shall do so. If necessary it shall order the collecting of additional evidence.

(3) In the cases of para 1 shall not be possible graver penalty to be imposed than the initially determined.

Art. 222. (1) The decision of the higher body shall be ultimate and is not subject to an appeal.

(2) (revoked – SG 39/03).

(3) The decisions of the body of para 1 shall be sent to the punishing body which shall familiarise the appellant with it against signature, noting also the date.

Art. 223. The submitting of the appeal shall not stop the execution of the imposed disciplinary penalty.

Art. 224. The orders for imposing disciplinary "discharge" shall be possible to be appealed against before the court by the order of the Law for administrative procedures.

Art. 225. (1) (amend. SG 62/00, SG 39/03) At repealing of the order for discharge from service the civil servant shall be reinstated at the previous or other equivalent position in the ministry if within two weeks term after the court decision has entered into force he appears to occupy the respective position.

(2) (amend., SG 62/00, SG 39/03) When, in the cases within the term of para 1 the civil servant does not appear in order to assume the respective position, he shall be discharged from service pursuant to art. 253, para 1, item 7 of LMI, unless this term has not been observed for valid reasons.

(3) (amend., SG 62/00, SG 39/03) The order for appointment to a new position shall be issued in the cases when the civil servant has met the requirement under para 1 but there is no opportunity to be restored to the previous position.

(4) (amend., SG 62/00, SG 39/03) In the cases when the civil servant is restored to the same position an order shall not be issued but an act for assuming the position shall be signed.

Art. 226. (amend. SG 39/03) The orders for imposition of disciplinary penalty shall be announced only before equal and senior than the punished employee.

Art. 227. The order shall be implemented by the chiefs of the structural units explicitly pointed out.

Art. 228. (1) (amend. SG 62/00, SG 39/03) A copy of the order for imposing the disciplinary penalty and about its change or revoking shall be attached to the personal file or to the official dossier of the civil servant, a copy of it being also sent to Directorate "Human resources" for the officers and the heads.

(2) (amend. SG 62/00, SG 39/03) A proposal for revoking of an order for penalty issued in breach of the rules established with LMI and with the regulations can also make the director of Directorate "Human resources" - for all employees and the chiefs of the units "Human resources" in the corresponding services and directorates – for the sergeants or the civil servants – civil persons with secondary education.

(3) (new – SG 39/03) The collected written evidence at established disciplinary breach shall be attached in the personal cadre file (PCF) or in the official dossier of the punished employee.

Art. 229. (1) (revoked – SG 39/03).

(2) The body imposed the penalty shall be able to repeal it ahead of time at achieved its objectives if at least half of its term has passed.

(3) In the cases of para 2 for the repealing shall be issued explicit motivated order.

Art. 230. (1) (amend. SG 62/00, SG 39/03) The penalty shall be taken into consideration at characterising the disciplinary conduct of the civil servant in one year period after imposing it.

(2) In the term of para 1 shall be assessed "second breach" or "systematic breach" of the committed disciplinary breaches.

Section IX. Proprietary responsibility of the civil servants in MI (title amend. SG 62/00, SG 39/03)

Art. 231. (1) (amend. SG 39/03) At proprietary responsibility of the civil servants the harm and its amount shall be determined with a report about financial audit or an act of specially appointed commission.

(2) The commission of para 1 shall be appointed by the Minister of Interior or by the official who has the right to issue an order for searching proprietary responsibility.

(3) (amend. SG 62/00, SG 39/03) About the results of the check the commission shall compile a fact finding record to which shall be attached the collected materials and evidence and also the explanations of the civil servant. The refusal of the servant to give explanations shall be ascertained with explicit statement by the person or with the signatures of two witnesses or with a registered letter.

Art. 232. The full proprietary responsibility shall be realised by the order of the Civil procedures Code by the services - corporate bodies, to which has been caused the harm.

Art. 233. (1) The limited proprietary responsibility shall be realised by administrative order with an order containing:

1. the number and the date of issuing;
2. the official issued it;
3. the number and the date of the act with which has been ascertained the fault;
4. (suppl. SG 39/03) the rank or the grade, the names and the position of the one who caused the harm;
5. brief explanation of the factual situation at which has occurred the harm, the tome and place of causing it as well as the evidence being grounds for it;
6. the extent of the harm;
7. the term for objections;
8. the signature of the official and stamp.

(2) In the order shall be possible to be pointed out also terms for withholding the due sum.

Art. 234. (amend. SG 62/00, SG 39/03) The extent of the limited proprietary responsibility shall be determined on the basis of the gross monthly remuneration of the civil servant for the month preceding the causing of the harm and if it cannot be ascertained - by the month preceding the establishing of the harm.

Art. 235. The orders of art. 250 of LMI shall be issued in one month term after the revealing of the harm but not later than 1 year after the date of causing it and when the harm is caused by senior servant - not later than 5 years after causing it.

Art. 236. The order of art. 250 of LMI shall be handed over immediately to the indebted person who with signature certifies receiving it. The refusal to sign shall be ascertained with the signatures of two witnesses.

Art. 237. In case of disputing the order by the order of art. 250, para 3 of LMI the officials who have issued it shall immediately be informed. The legal advisers of the corresponding services - corporate bodies which servants have caused the harm shall undertake actions for starting court procedure for realisation of proprietary responsibility of the indebted person.

Art. 238. If the indebted person does not dispute the grounds or the extent of the responsibility within the defined term, the sum determined in the order shall be withheld from his salary in the extent pointed out in the Civil Procedures Code.

Art. 239. A copy of the order for limited proprietary responsibility shall be sent to the financial unit of the corresponding service - corporate body, for keeping in account for withholding the sum from the salary of the indebted person.

Art. 240. When the indebted person is moved to work in another service of MI an excerpt of his file shall be sent to the financial unit at the working place to be collected the remainder of the sum.

Art. 241. (1) At discharge from service the unpaid sum of the limited proprietary responsibility shall be withheld entirely from the indemnification and the other receivables which the indebted person has the right to receive.

(2) If the due sum cannot be collected by the order of para 1 the receivables shall be collected by the order of the Civil Procedures Code.

Art. 242. The file of the indebted person in the financial unit shall not be closed until the whole sum is not paid. The redemption of the debt shall be controlled by the corresponding financial unit.

Art. 243. Interests over the due sums from the order for realisation of limited proprietary responsibility shall not be due.

Art. 244. The sums collected under the orders for realisation of limited proprietary responsibility shall be paid as income for the budget of the Ministry of Interior.

Section X. Discharge from service and indemnification

Art. 245. (revoked SG 39/03)

Art. 246. (revoked SG 39/03)

Art. 247. (1) The officers and the sergeants who have reached utmost age of art. 253, para 1, item 1 of LMI shall be discharged regardless of whether they have acquired right to full pension.

(2) (amend. SG 39/03) The associate professors, the senior research associates second degree, the professors and the senior scientific associates first degree after the discharging from position can conclude contract in compliance with the Labour Code and the Law of higher education.

Art. 248. (revoked SG 39/03)

Art. 249. (1) (amend. SG 39/03) The civil servants shall be discharged from service due to health reasons on the basis of medical certificate issued by the Central expert medical commission (CEMC) at the Medical institute - MI, where is ascertained undisputedly that the character of the disease does not permit to the servant to implement his official obligations in MI.

(2) The decision of CEMC - MI shall be ultimate and is not subject to appeal.

(3) (amend. SG 62/00, SG 39/03) The discharge from service due to health reasons shall be done from the date of issuing the order but not later than 30 days after the conclusion of CEMC - MI. For the period from the conclusion of CEMC - MI till the date of issuing the order to the civil servant shall be permitted illness leave.

Art. 250. (amend. SG 39/03) (1) The discharge from service under art. 253, para 1, items 2 and 4 of LMI shall be done on the basis of written request by the civil servant to the body of art. 199 or art. 200, para 1 of LMI through the chief of the respective service or structural unit.

(2) In the request of para 1 shall be pointed out the date for discharge from service, which cannot be later than 30 days.

Art. 251. (1) (pre. art. 251 - SG 62/00) Reasons which make the person unfit to implement the official obligations in the Ministry in the sense of art. 253, para 1, item 5, shall be:

1. entering in force of a sentence with which has been imposed penalty "imprisonment" when the serving of the penalty has not been postponed by the order of the Penalty Code and the imposition of disciplinary penalty "discharge" pursuant to art. 253, para

1, item 8 of LMI is not compulsory;

2. (amend. SG 39/03) loss of characteristics for efficient fulfilment of the official obligations established on the basis of a complex assessment, assessment of an interdepartmental check or audit;

3. systematic or repeated disciplinary breaches for which to the servant have already been imposed disciplinary penalties if there are no grounds for imposition of disciplinary penalty "discharge";

4. (amend. SG 39/03) not finishing of the course for initial professional training;

5. (amend. SG 39/03) not submitting declarations under art. 128 or when on the basis of the submitted declarations is established incompatibility with the service in MI;

6. (amend., decision of the Supr.Adm.Court 1219/05, SG 16/05) psychological incompatibility for work in MI;

7. (new – SG 39/03) imposed penalty under art. 37, item 6 and 7 of the Penal Code.

(2) (revoked – SG 39/03).

Art. 252. (amend. and suppl. SG 39/03) The civil servants shall be discharged from service due to closing of the working place when it is not possible to be appointed to another position or they do not agree to take the new position offered to them in the same basic structural unit of MI.

Art. 253. (revoked – SG 39/03)

Art. 254. (revoked – SG 39/03)

Art. 255. (amend. SG 39/03) The order for discharge from service shall contain:

1. name of the body issuing it;

2. the legal and the factual grounds for the discharge;

3. disposition part with which are determined the rights and the obligations, the way and the term for implementation.

Art. 256. (amend. SG 39/03) (1) The order for discharge from service shall be handed over to the civil servant against signature, noting the date of handing over.

(2) The refusal of the civil servant to receive against signature the order of para 1 shall be certified with the signature, the names and the positions of two witnesses.

(3) At impossibility the order to be handed over by the order of para 1 and 2 it shall be sent to the permanent address of the civil servant with registered letter.

(4) When in the motives are contained facts and data, constituting state secret, to the servant shall be handed over a copy-excerpt of the order, which does not contain these facts and data.

Art. 257. (amend. SG 39/03) Within the term of notification of art. 255, para 1 of LMI to the civil servants shall be possible to be permitted leave.

Art. 258. (amend. SG 39/03) (1) After handing over the order for discharge from service the civil servants shall sign an act about leaving the position and shall give back their official card, the personal insignia and the arms.

(2) Till giving back the possessions and the documents to the persons discharged from service shall be issued temporary pass with validity not more than 30 days.

Art. 259. (amend., SG 62/00) The orders for discharge from service shall be handed over and implemented by Directorate "Human resources" and by the corresponding units in the structural units of art. 9 of LMI which send the documents to the corresponding military regional units in 5 days term.

Art. 260. (repealed with Decision 4049 of the SAC - SG 70 1999)

Art. 261. (amend., SG 62/00, SG 39/03) To the civil servants discharged from service pursuant to art. 253, para 1, items 2, 3 and 9 of LMI, shall be possible to be issued cards. The type of the cards, the persons, the order and the conditions for issuing shall be determined by the Minister of Interior.

Art. 262. (amend., SG 62/00) In the cases of discharge from position due to imposed disciplinary punishment "discharge", for subsequent appointment and discharge from office the time of practice at the positions under art. 262, para 1 of LMI until the disciplinary discharge shall not be considered in determining the size of the one-time indemnification according to art. 261, para 1 of LMI.

Art. 263. (amend., SG 62/00) At determining the amount of the one time money indemnification at discharge from service of the employees under art. 192, para 1, item 1 of LMI due to retirement when they have served the last 13 years and 4 months at the positions under art. 262, para 1 shall be taken into account the equalled worked time.

Art. 264. (revoked - SG 62/00)

Art. 265. (1) To the heirs of the perished persons attracted for cooperation with the bodies of MI shall be given one time support in extent of 3 gross monthly remunerations received by the perished.

(2) When the suffered person has not worked or the remuneration had been lower than the remuneration for the position "policeman", the support of para 1 shall be determined on the basis of the gross monthly salary for this position.

(3) (revoked - SG 62/00)

(4) The funds for payment of the support under this Art. are for the account of the budget of MI.

Chapter five. FINANCIAL - RESOURCE ENSURING

Art. 266. The budget of MI shall include all incomes and expenses connected with the overall activity of the bodies of MI.

Art. 267. (1) (new - SG 62/00) The free trips of the employees under art. 192, para 1, item 1 of LMI shall be made with a transport document (card) in a form to be approved by an order of the Minister of Transport and Communications.

(2) (prev. art. 267, amend. - SG 62/00) The funds for covering the expenses for free travel of employees under art. 192, para 1, item 1 of LMI with the town transport in the country shall be ensured by the budget of MI and shall be conceded by an order determined by the Minister of Finance, the Minister of Transport and Communications and the Minister of Interior.

Chapter six. ADMINISTRATIVE-PUNITIVE PROVISIONS

Art. 268. The breaches of the regulation the guilty persons shall bear responsibility under art. 32 of the Law for administrative breaches and penalties (LABP).

Art. 269. (1) The breaches shall be ascertained with acts of the corresponding officials of MI.

(2) The punitive decisions shall be issued by the internal working bodies determined by the Minister of Interior.

(3) The ascertainment of the breaches, issuing, appeals and execution of the punitive decisions shall be implemented by the order of LABP.

Additional provisions

§ 1. (amend. SG 39/03) In the sense of the regulation

1. "State border" is the line determining the territory of the Republic of Bulgaria. The vertical surface, passing along this line, shall determine the boundaries of the airspace and the earth bowels of the country.

2. "Crossing of the border" is the crossing of the line of the border of the Republic of Bulgaria.

3. "Border control" is the control, which is implemented with regard to the persons, the vehicles and the goods on occasion crossing of the state border or their presence in the border zone.

Temporary and concluding provisions

§ 2. The officers and the sergeants from the former national services "Border forces" and "Internal forces" with statute of regular military servicemen shall be reappointed by the order of art. 205 of LMI according to the staff lists of NSBP and NSG and to them shall be attached the corresponding ranks under art. 203 of LMI.

§ 3. The regulation is passed pursuant to § 7 of the transitional and concluding provisions of the Law for the Ministry of Interior.

§ 4. The implementation of the regulation is assigned to the Minister of Interior.