

The State Intelligence Agency Act

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Text in Bulgarian: Закон за Държавна агенция "Разузнаване"

Chapter One GENERAL PROVISIONS

Article 1. This law governs the organisation, operation and functioning of the State Intelligence Agency, hereinafter referred to as "the Agency", and the status of its employees.

Article 2. (1) The State Intelligence Agency is a security service directly reporting to the Council of Ministers.

(2) The State Intelligence Agency is a legal entity funded by the national budget and based in Sofia, and the Agency Chairperson is a first-level budget spender.

(3) The State Intelligence Agency participates in the work of the intelligence communities of the North Atlantic Treaty Organisation (NATO) and the European Union (EU).

Article 3. (1) The State Intelligence Agency has the authority to acquire, process, analyse, prepare estimates and projections, store and provide intelligence subject to the provisions of, and in accordance with, this Act.

(2) Within the meaning of this Act, intelligence shall mean any information obtained by the Agency about foreign countries, organisations and individuals, or Bulgarian organisations and individuals related to these, which is of significance for the national security of the Republic of Bulgaria.

Article 4. The State Intelligence Agency operates in accordance with the following basic principles:

1. compliance with the Constitution, the laws and any international treaties to which the Republic of Bulgaria is a party;
2. respect for, and safeguarding of, human rights and the fundamental freedoms;
3. protection of information and its sources;
4. objectivity and impartiality;
5. cooperation with members of the public;
6. political neutrality;
7. combination of covert and overt forms and methods of operation.

Article 5. The State Intelligence Agency does not carry out assignments of domestic political nature.

Article 6. The operation of the State Intelligence Agency is supervised by authorities as provided under the Constitution and this Act.

Chapter two

FUNCTIONS AND ACTIVITIES. ORGANIZATION, METHODS AND MEANS OF THEIR IMPLEMENTATION

Article 7. The functions of the State Intelligence Agency are as follows:

1. protection of national security and the interests of the Republic of Bulgaria related to its national security;
2. intelligence and analytical support for the prevention, detection and counteraction of any harm in the area of national security, foreign policy, the economy and the safeguarding of the constitutional order;
3. provision of assistance to the authorities under Article 11 in pursuing the priorities of the Republic of Bulgaria in the field of national security, foreign policy, the economy and the safeguarding of the constitutional order.

Article 8. The activities of the State Intelligence Agency are as follows:

1. acquisition, storage, processing, summation, analysis and provision of intelligence information;
2. implementation of intelligence operations;
3. background checking and selection of applicants for positions within the Agency;
4. background checking of applicants for positions and serving officers to ascertain their integrity and suitability for handling classified information, and issuance of clearance certificates for access to classified information;
5. protection of officers and of persons who cooperate or have cooperated with the Agency, as well as of former officers of the Agency;
6. protection and security of facilities allocated to the Agency for, or in connection with, its operation;
7. security of the overseas missions of the Republic of Bulgaria, subject to provisions and procedure set forth by an act of the Council of Ministers;
8. development and maintenance of a mobilisation plan, a wartime operation plan, a plan for bringing the Agency from a peacetime to a wartime footing, and maintaining a mobilisation reserve;
9. information exchange and interaction with other government authorities;
10. cooperation with similar foreign authorities and services;
11. background checking of applicants for public procurement contracts in terms of their eligibility for access to classified information about the Agency, its operation and personnel, for the purpose of issuance of access permits and security clearances;
12. creation and maintenance of a proprietary operational archive;
13. development and maintenance of a proprietary automated information system for the collection, processing, storage and internal exchange of information;
14. development and use of proprietary cryptographic keys, tools and systems for the protection of information in compliance with the law and within its competence;
15. creation and organisation of a proprietary unit for the electronic communications and cryptographic security between the Agency and the overseas missions of the Republic of Bulgaria and other government bodies;
16. other activities defined by law.

Article 9. The terms, conditions and procedure for the acquisition, use and disposition outside of the territory of Bulgaria of real and movable property in State ownership, as may be necessary for the operation of the Agency, shall be determined by an act of the Council of Ministers.

Article 10. The Agency performs its activities through:

1. the use of special intelligence gathering tools within the territory of the Republic of Bulgaria subject to the terms, conditions and procedure laid down by the Special Intelligence Means Act;
2. the use of intelligence gathering tools and methods outside the territory of the Republic of Bulgaria subject to terms, conditions and procedures laid down by the Chairperson of the Agency;
3. recruitment of individuals subject to terms, conditions and procedures laid down by the Chairperson of the Agency;
4. the use of legal entities as cover for the Agency, including through the production and use of official documents to maintain such cover, subject to terms, conditions and procedures laid down by an act of the Council of Ministers;
5. deployment of Agency officers as undercover agents subject to terms, conditions and procedures laid down by an act of the Council of Ministers;
6. the undercover use of items and facilities of the Agency, including through the drawing up and use of official documents to maintain such cover, subject to terms, conditions and procedures laid down by an act of the Council of Ministers;
7. the production and use of foreign identity papers and other official documents necessary to maintain the cover the Agency's personnel serving as intelligence operatives, subject to terms, conditions and procedures laid down by a resolution of the Council of Ministers;
8. development and use of proprietary special equipment and systems in support of its operations and for communication purposes, subject to terms, conditions and procedures laid down by the Chairperson of the Agency;
9. provision of assistance and information by government authorities, organisations and individuals;
10. protection of classified information collected, processed and stored by the Agency against unauthorised access, and protection of official correspondence.

Article 11. (1) The Agency supplies intelligence information to:

1. the Speaker of the National Assembly;
2. the President of the Republic;
3. the Prime Minister and the Members of Cabinet;
4. other government agencies identified by an act of the Council of Ministers.

(2) The Agency supplies intelligence reports identical in volume and content to the President of the Republic, the Speaker of the National Assembly and the Prime Minister.

Article 12. The President of the Republic has the authority to:

1. assign tasks to the Agency in consultation with the Prime Minister;
2. request and receive information and advice from the Chairperson of the Agency on matters of defence and national security;
3. read and issue an opinion on the annual report of the Agency before it is submitted by the Council of Ministers to the National Assembly for approval.

Article 13. The Prime Minister has the authority to:

1. assign tasks to the Agency;
2. request and receive information and advice from the Chairperson of the Agency on matters related to its functions and operation.

Chapter Three

ORGANISATION AND GOVERNANCE OF THE STATE INTELLIGENCE AGENCY

Section I

Governing bodies

Article 14. (1) The State Intelligence Agency is headed by a Chairperson appointed by a decree of the President of the Republic, subject to a proposal by the Council of Ministers, for a term of 5 years.

(2) The Chairperson may be re-appointed to the same position only for one additional 5-year term.

(3) The Chairperson is assisted by Deputy Chairs appointed by decision of the Council of Ministers for a term of 5 years subject to a proposal by the Chairperson.

Article 15. Eligible for appointment as Chairperson and deputy chairs of the Agency are individuals who:

1. have Bulgarian citizenship only;
2. have a master's degree;
3. have 10 years of professional experience in the national security protection system;
4. have not have been convicted of an intentionally committed indictable offence, regardless of whether they have since been exonerated or not, and have not been exempted from criminal liability for intentional indictable offences;
5. have been background-checked for affiliation to the State Security or Military Intelligence Services of the Bulgarian People's Army under the Law on Access to and Disclosure of Documents and Announcement of the Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian People's Army and the result of the background check have been announced in accordance with said law;
6. are not barred from holding certain positions in the civil service;
7. are cleared for access to EU classified information with a "top secret" level of classification;
8. do not belong to political parties or coalitions or to organisations pursuing political goals;
9. are not sole traders, partners, managers, procurators or members of supervisory boards, management boards or boards of directors, or of the supervisory bodies of commercial companies, cooperatives or non-profit organisations performing an economic activity;
10. are not a party to an employment or service contract, except for purposes of teaching or research.

Article 16. (1) The Chairperson or deputy chairs of the Agency may be dismissed ahead of term:

1. at their request;
2. in the event of proven inability to perform their duties of office for more than 6 months;
3. for non-compliance with the provisions of Article 15;
4. in the event of a serious violation or systematic non-performance of their duties of office, or for acts undermining the good standing of the Agency;
5. upon the entry into force of a decision establishing a conflict of interest under the Law on Prevention and Disclosure of Conflicts of Interest;
6. in the event of their death.

(2) In the cases as per para. 1 the Chairperson is to be dismissed by a decree of the President of the Republic subject to a proposal by the Council of Ministers, and a Deputy Chair, by decision of the Council of Ministers subject to a proposal by the Chairperson of the Agency.

(3) In the event of an early dismissal of the Chairperson, the Council of Ministers shall propose within one month to the President

of the Republic the appointment of a new Chairperson, and in the event of an early dismissal of a Deputy Chair, the Chairperson of the Agency shall propose within one month to the Council of Ministers the appointment a new Deputy Chair.

(4) Pending the appointment of a new Chairperson, his/her functions shall be performed by a Deputy Chair designated by the Council of Ministers.

Article 17. The Chairperson of the Agency has the authority to:

1. organise, govern and supervise the performance of the functions and activities assigned to the Agency;
2. represent the Agency;
3. prepare a draft budget of the Agency and oversee its implementation;
4. organise, govern and supervise the spending of special funds;
5. direct the management of human resources and the social policy;
6. approve an ethical code of conduct for the civil servants employed at the Agency;
7. draw up and submit to the Council of Ministers, not later than 31 March of each year, an annual report on the work of the Agency for the preceding year;
8. manage the Agency property and chattel in State ownership;
9. cooperate with partner services of other countries, with international bodies and organisations;
10. perform other powers assigned to him/her by law.

Article 18. (1) In discharging his/her powers the Chairperson of the Agency has the authority to draw up and submit drafts for secondary legislation for approval by the Council of Ministers and to issue rules, regulations, guidelines and orders.

(2) No act of the Chairperson of the Agency pertinent to the selection and appointment of applicants for office, as well as to any modification in, or termination of, the cover of agents who in discharging their duties occupy or have occupied positions in the public administration or are engaged in intelligence gathering work under a different cover, shall be subject to appeal.

(3) An acts of the Chairperson of the Agency whereby an officer's employment is terminated may be appealed pursuant to the Administrative Procedure Code. An appeal shall not have suspensive effect.

Article 19. (1) The Chairperson has the authority to delegate by an administrative order powers to the Deputy Chairs and define their functions.

(2) The functions and powers of the Chairperson, while he/she is abroad, incapable of discharging them wholly or in part, or when on a lawful leave of absence, are performed by a Deputy Chair designated by a written order to be issued by the Chairperson for each individual case.

Article 20. (1) The Prime Minister must, subject to a proposal by the Chairperson of the Agency, appoint an Inspector to oversee the implementation of the State policy in the Agency and to assist in the prevention and detection of violations of the law, as well as to increase the quality and effectiveness of the performance of the functions and activities assigned to it.

(2) The Inspector shall report directly to the Chairperson of the Agency.

(3) Eligible to be appointed Inspector is any officer with a degree in higher education and a length of service with the Agency of no less than 5 years.

Article 21. (1) The Inspector shall carry out random and other inspections as instructed by the Chairperson of the Agency or at his/her own initiative with respect to:

1. compliance with the regulations and orders of the President of the Agency;
2. compliance with the rules of internal order and discipline;

3. the prevention and detection of a conflict of interest;
4. compliance with the ethical code of conduct for employees;
5. stewardship and disposal of material resources;
6. the terms and procedure for expending special funds and their accountability;
7. the working conditions;
8. the management of human resources;
9. respect for basic human rights and the fundamental freedoms;
10. corruption risks and measures for curbing those.

(2) The Inspector reviews any and all proposals, irregularity reports, complaints and requests submitted by natural or legal persons to the Chairperson of the Agency, and prepares answers thereto.

(3) The Inspector has no power to carry out financial supervision with the exception of inspections as per par. 1, subpars. 5 & 6. In the discharge of his/her duties as per par. 1, item 5, the Inspector shall be assisted by the internal audit unit of the Agency.

Article 22. (1) The Chairperson of the Agency has the authority to order the Inspector not to launch, or to terminate, a particular inspection if this will involve access to data about operational intelligence sources, methods and tools, operational work or intelligence operations.

(2) In the cases as per par. 1 the Inspector shall have the authority to report to the Prime Minister.

Article 23. (1) The Inspector shall report to the Chairperson the findings of the inspections carried out by him/her and make suggestions and recommendations in relation thereto.

(2) The Inspector shall submit an annual report on the results of his/her work of the Prime Minister and the Chairperson of the Agency.

Article 24. The work organisation, the types of inspections, as well as the terms, conditions and procedures of making them shall be determined by an act of the Council of Ministers.

Article 25. (1) The National Audit Office and the State Financial Inspectorate Agency shall exercise financial control on the spending of budgetary funds, with the exception of special funds and expenditure of the Agency, in compliance with the provisions of the Protection of Classified Information Act.

(2) Control of financial discipline and accountability in the spending of budgetary resources, including special funds and expenditures, shall be effected subject to the terms, conditions and procedure laid down by the Chairperson of the Agency.

Section II

Structure

Article 26. (1) The Agency is organised in directorates and departments. Within said Directorates and departments, other units may also be set up by force of an act of the Chairperson of the Agency.

(2) The name, internal organisation and functions of such units shall be determined by an act of the Chairperson of the Agency.

(3) Said units shall carry out the functions and activities as defined in Article 7 and Article 8, in the following areas:

1. intelligence and counter-intelligence within and outside of the territory of Bulgaria;
2. intelligence analysis;

3. management of human resources;
4. legal and regulatory work;
5. security and protection of classified information;
6. international cooperation;
7. operational reporting and archiving;
8. financial and accounting work;
9. economic activity;
10. security protection services;
11. crisis management and defence mobilisation training;
12. information services and computer systems maintenance;
13. internal audit;
14. internal administrative control.

Chapter four

PROTECTION OF CLASSIFIED INFORMATION AND PERSONAL DATA

Article 27. (1) A list of the categories of information to be classified as 'official secret' shall be made by an order of the Chairperson of the Agency.

(2) While granting the right of access under the Personal Data Protection Act and the Law on Access to Public Information, the Agency does not supply data about its officers, cooperating individuals, or any intelligence gathering operations of the Agency.

(3) The Agency generates and maintains its own archive and special filing department for the storage of files, reports and data about foreign nationals. The files, reports and data to be stored in the archive and special filing department, as well as the procedure for access thereto, shall be determined by an order of the Chairperson of the Agency.

(4) The Agency may deny information about its undercover agents or members of the public who cooperate or have cooperated with it, to ensure the protection of their interests, the methods and means of intelligence gathering.

Article 28. (1) The Agency has the authority to process personal data. In processing personal data pertinent to the work of the Agency:

1. no consent is required from the individual nor is he/she informed that his/her personal data are being processed;
2. no personal data are made available to third parties;
3. the data are stored after being processed for a period of time determined by the administrator of personal data.

(2) The Agency may also process personal data that have been processed by other government agencies; data thus obtained may not be used for purposes other than the operation of the Agency. Such data must not be relayed to third parties.

(3) Personal data as per par. 1 and 2 must be deleted if the reason for their storage, whether by law or in execution of a judicial act, no longer applies.

(4) Where personal data are to be deleted, due consideration must be given to the nature of such personal data being processed, the need to process them further until the completion of an investigation or a legal procedure, the entry into force of a conviction or a court ruling, amnesty, exoneration or until the expiration of a statute of limitations as provided under law.

(5) The personal data administrator, within the meaning of the Personal Data Protection Act, is the Chairperson of the Agency, who assigns the processing of personal data to officers designated by him/her.

(6) The procedure of processing personal data is determined by an act of the Chairperson of the Agency.

Article 29. (1) No copies of any documents pertinent to the emergence, modification or termination of employment arrangements with the Agency may be issued to the relevant employee, except in cases as per par. 2 hereinbelow.

(2) Agency employees may be issued transcripts of the administrative orders terminating their employment by the Agency provided that these contain no classified information, as well as the documents provided under law that they need for exercising their social security rights following their termination by the Agency.

Article 30. Employees are also required to protect any known state and official secrets following their termination by the Agency pursuant to the Classified Information Protection Act.

Chapter five

INTERACTIONS WITH AUTHORITIES AND GOVERNMENT AGENCIES

Article 31. The Agency coordinates its efforts and interacts with agencies and services responsible for security and law enforcement through the issuance of joint guidelines by the Chairperson of the Agency and the head of the respective other body.

Article 32. (1) For the Agency to perform its assigned tasks, all government bodies and agencies are required to grant the Agency access, free of charge, to any information at their disposal.

(2) The Agency uses information from databases of the Ministry of Interior, the State Agency for National Security and the Military Intelligence Service in a way that prevents disclosure of the Agency's interest, and in accordance with the need-to-know principle.

(3) Access as per par. 2 is governed by joint guidelines.

Article 33. The Agency liaises with the authorities of the EU, NATO and other international organisations and foreign intelligence and counter-intelligence services on the basis of and pursuant to:

1. international treaties to which the Republic of Bulgaria is a party;
2. acts of the Council of Ministers;
3. agreements and arrangements with partner agencies.

Chapter Six

PERSONNEL OF THE STATE INTELLIGENCE AGENCY

Section I

Status of the agency personnel

Article 34. (1) The personnel of the State Intelligence Agency can be:

1. civil servants under this Act; or
2. persons hired on an employment contract.

(2) The status of civil servants is governed by this Act.

(3) The status of the persons hired on an employment contract is governed by the Labor Code and this Act.

(4) The Chairperson of the Agency is the authority responsible for the appointment of civil servants and the hiring of staff on an employment contract. The Chairperson may delegate to the deputy chairs or other senior Agency staff some of his/her administrative powers, except for the appointment/hiring of personnel, the imposition of disciplinary sanctions under Article 81, par. 1, subpars 3 - 5 and the termination of employment.

(5) Where necessary, the Chairperson of the Agency may designate employees as per par. 1 subpar. 2 above to discharge duties as provided under Article 8 herein.

(6) The Chairperson of the Agency, the deputy chairs and the inspector are civil servants under this Act.

Article 35. The total number of Agency Personnel is determined by an act of the Council of Ministers subject to a proposal by the Chairperson of the Agency.

Article 36. (1) Depending on the functions performed, their qualifications and professional experience, and the positions occupied within the Agency, civil servants may occupy one of the following ranks in the civil service:

1. intelligence agents:

a) chief intelligence agent - a managerial position;

b) senior intelligence agent - an expert position with supervisory-analytical functions;

c) intelligence agent - an expert position;

d) junior intelligence agent - an expert position;

2. associates:

a) chief associate - an administrative position with supervisory functions;

b) associate - an administrative position.

(2) The ranks under para. 1 can be subdivided into classes reflecting the professional knowledge and experience of the employees; these shall be determined by the Rules and Regulations on the Implementation of this Act. Ranks are assigned by the Chairperson of the Agency.

(3) The Chairperson of the Agency is responsible for approving the classification of positions within the Agency.

Article 37. (1) The Agency personnel are not allowed to belong to political parties, movements or coalitions with political goals or to discharge their duties of office in such a way as to compromise their political neutrality.

(2) The Agency personnel are not allowed to engage in political propaganda in favour of, or against, any parties, movements or coalitions with political goals, trade unions or candidates for elected positions.

(3) The Agency personnel may not be required to state their political, religious or ideological beliefs as a pre-condition for occupying a position or discharging their duties of office.

(4) The Agency personnel may not refuse to perform their duties of office on religious, political or ideological grounds.

Article 38. Civil servants serving with the Agency may run for President and Vice President of the Republic, for Parliament, for the European Parliament from the Republic of Bulgaria, for municipal councils and mayors subject to terms, conditions and a procedure determined by law.

Article 39. (1) A civil servant who is a registered candidate for elected office from a political party or coalition must be dismissed from the Agency.

(2) A civil servant who has been elected President, Vice President, Member of Parliament, Member of the European Parliament

from the Republic of Bulgaria or Mayor on an independent ticket, shall be considered to be on unpaid leave of absence for the duration of his/her term of office in the elected position and shall be reinstated to his/her previous or an equivalent position following expiry of his/her term of office. Within 14 days of the termination of his powers the civil servant must state in writing to the appointing authority his/her desire to take the previous or another equivalent post.

Article 40. In cases where an officer or employee of the Agency has been placed in custody or prosecuted in a criminal lawsuit, the relevant authority must notify without delay the Chairperson of the Agency.

Article 41. The Chairperson of the Agency determines the type and model of uniform, the categories of officers required to wear it, the procedure of issuance and use of such uniform, as well as any insignia, badges and accessories pertinent to the discharge by civil servants of their duties of office.

Article 42. (1) Civil servants in the employment of the Agency are barred from holding any other positions in the civil services, except in cases specified by law.

(2) Civil servants may not carry out activities incompatible with their service with the Agency.

(3) Incompatibility with Agency service should be understood to mean that the civil servant:

1. is in an immediate hierarchical relationship of subordination or superordination with a spouse, or with a de factor live-in partner;
2. is a sole proprietor, partner in a business enterprise, manager or executive of a business enterprise, or its commercial agent, procurator, sales representative, liquidator or receiver;
3. is engaged in business activity;
4. is hired on an employment or service contract, except for purposes of teaching or research, with the permission of the Chairperson of the Agency;
5. participates in management or supervisory bodies of business enterprises;
6. is an undercover associate or agent of another security service or law enforcement agency.

(4) The possession of stocks, or participation in cooperatives involving agricultural land or forest, or in housing cooperatives, is not considered a commercial activity within the meaning of par. 3, subpar. 3.

(5) The clause of incompatibility with Agency service cannot be invoked in cases where the officer has been performing his/her assigned task undercover, or participates in non-profit organisations designated as operating for the public good.

(6) Within 7 days from the emergence of circumstances as per par. 3, the civil servant is required to submit a declaration to that effect.

(7) Subject to the written consent of the civil servant, the Chairperson of the Agency may second him/her to a temporary assignment with another administration for a term of up to two years with an option for a single extension of the term of the secondment.

(8) An officer serving with a national security agency or structure may be appointed to a position with the Agency provided that he/she meets the eligibility requirements hereunder, and shall not owe any repayment of the cost of his/her upkeep, training and/or retraining.

Article 43. Civil servants are obliged to perform the duties of office arising out of the functions and activities of the Agency also outside office hours.

Section II

Requirements for appointment to the civil service

Article 44. (1) Eligible for appointment as civil servants with the Agency are Bulgarian nationals who:

1. have a college or university degree, for intelligence agents, and a secondary education diploma, for associates;
2. are suitable for public office with the Agency;
3. have not been convicted of an indictable offence of a general nature, whether or not exonerated thereafter;
4. have not been dismissed from a previous position in disciplinary grounds;
5. are mentally sound;
6. satisfy the specific requirements for the position as laid down by an act of the Chairperson;
7. have clearance for access to information classified as state secret in accordance with the list as per Article 37 of the Classified Information Protection Act;
8. have not exercised the right to a retirement pension under Article 68 or Article 69 of the Social Security Code.

(2) The Agency may not appoint as civil servants individuals whose spouse or live-in partner, a lineal relative without restrictions, a collateral relative up to the second degree inclusive, or a relative by marriage up to the second degree inclusive, are officers of the Agency.

(3) Eligibility under par. 1, subpar. 2 is determined by:

1. the competent military medical authorities subject to terms, conditions and procedure laid down by the Head of the Military Medical Academy and the Chairperson of the Agency;
2. the Lozenetz Hospital subject to terms, conditions and procedure laid down by the Director of the hospital and the Chairperson of the Agency.

(4) Psychological suitability for a position with the Agency is determined subject to terms, conditions and procedure laid down by an act of the Chairperson of the Agency.

(5) Eligible to be hired on an employment contract are persons who satisfy the requirements under par. 1. subpars. 3, 6 and 7.

(6) Length of service with the Agency accumulated in a position where a degree in law is required shall counts as work experience in law.

Article 45. (1) Candidates for a civil service position with the Agency are required to submit a written application to that effect.

(2) Attached with the application must be the documents proving eligibility for the position in accordance with the Rules and Regulations on the implementation of this Act.

(3) The background checks and selection criteria for candidates for a civil service position with the Agency are determined by an act of the Chairperson.

Section III

Appointment. The service contract

Article 46. (1) A service contract is entered into on the authority of an administrative order.

(2) The administrative order as per par. 1 is issued in writing and contains:

1. the legal grounds for the appointment;
2. the full name and position of the issuing official;
3. the full name of person being appointed;
4. the description of the position to which the person is appointed;
5. the rank and class assigned to the appointee;

6. the basic monthly salary and additional compensation of the position;

7. the date of issue;

8. the signature of the issuing official.

(3) The order may determine the location and nature of the job, as well as any additional conditions related to its specificities.

(4) The appointee is allowed against signature to familiarise him/herself with the order as per par. 1.

Article 47. (1) Upon induction, the employee submits a declaration of [absence of] incompatibility, a declaration of wealth and income, a declaration of [absence of] conflict of interest and a declaration of [absence of] membership in a political party.

(2) In the event of a change in the circumstances as per par. 1, the relevant officer of the Agency shall submit a declaration to that effect within one month of the change.

(3) The standard forms of declarations, the terms, conditions and procedure for submission thereof are determined by the Chairperson of the Agency.

(4) Civil servants may not participate in the discussion, drafting or adoption of decisions when they or related parties have an interest in the proposed decision or when they have such relations with said interested parties as create probable cause to question their impartiality.

(5) In cases as per par. 4 the relevant civil servant must notify in writing the Chairperson of the Agency before assuming or in the course of performance of his/her duties of office.

Article 48. (1) The appointed civil servant must take up his/her position with the Agency within 10 days from the date of issuance of appointment order; the fact of taking up said position must be confirmed in writing. The appointee's service contract becomes effective as from the day of taking up the position.

(2) Prior to taking up a position with the Agency, the civil servant takes the following oath: "I swear that in the performance of my duties of office with the State Intelligence Agency I shall abide by the Constitution and laws of the Republic of Bulgaria and shall fulfil in good faith, with honesty and loyalty, objectively and impartially my obligations."

(3) The taking of the oath shall be certified by the appointee's signature of the pledge of allegiance.

(4) If for a valid reason the civil servant is not sworn in or fails to take up the position within the time limit as per par. 1, the Chairperson of the Agency shall set a new deadline for induction.

Article 49. Failure by an appointed civil servant to take up his/her position, take an oath or submit the declarations as per Article 47 par. 1 shall lead to the issued appointment order being cancelled.

Article 50. (1) Following the initial appointment of a civil servant with the Agency, he/she shall serve a two-year trial period, starting from the date of taking up the position.

(2) Said trial period shall be suspended for the duration of any lawful leave of absence of the civil servant.

Article 51. (1) Each officer or employee of the Agency shall have a personal file created and kept in his/her name.

(2) Said personal file shall be used for safekeeping of papers identified by an act of the Chairperson of the Agency.

(3) Each officer or employee shall be entitled to review his/her personal file subject to terms, conditions and a procedure laid down by the Chairperson of the Agency.

Article 52. The procedure of appointment, modification of the status and termination of civil servants are determined by the Rules and Regulations on the implementation of this Act.

Article 53. (1) Officers and employees of the Agency shall be subject to performance evaluation.

(2) Such performance evaluations are carried out in accordance with a set of criteria whereby the attainment of pre-set goals, the extent to which the officer or employee fulfils his/her obligations and his/her overall professional competence are measured.

(3) The performance evaluation of civil servants is substantiated on the basis of objective facts and circumstances.

(4) The terms, conditions and procedure for conducting performance evaluations are determined by the Rules and Regulations on the implementation of this Act.

Article 54. Career development shall be effected through a series of promotions in rank, class or position in accordance with a procedure determined by the Rules and Regulations on the implementation of this Act.

Article 55. (1) In the absence of a civil servant his/her duties of office shall be discharged by another civil servant designated by an order of the Chairperson of the Agency or an official authorised thereby.

(2) The order as per par. 1 is issued subject to a proposal by the absent civil servant's supervisor.

(3) Such temporary replacement is effected with the consent of the officer/employee, except in cases of objective urgent urgency. For the duration of the replacement, the substituting civil servant shall continue to discharge his/her original duties of office.

(4) The procedure as per par. 1 and 2 does not apply to persons who are alternates by job description.

(5) Where an officer/employee is absent for more than 30 days, the order as per par. 1 sets a monthly payment in the amount of the basic monthly salary for the grade and class of the absentee.

(6) The period of absence as per par. 5 cannot exceed one year in duration.

Article 56. (1) The President of the Agency may designate a civil servant to perform the duties of both positions until a permanent officer is appointed to fill the available vacancy.

(2) The period as per par. 1 cannot exceed six months.

(3) In the case as per par. 1 the civil servant shall receive, in addition to his/her compensation, 50 per cent of the minimum basic monthly compensation for the vacant position.

Article 57. In performing their duties of office as well as in their public life, civil servants are obliged to observe the ethical code of conduct for civil servants of the State Intelligence Agency.

Article 58. (1) The training, retraining and qualification of the Agency personnel shall be carried out subject to terms, conditions and procedures laid down by an act of the Chairperson of the Agency.

(2) When the Agency needs so require, the costs of further training and retraining of civil servants shall be borne by the Agency.

(3) A civil servant sent in accordance with par. 2 on a training course with a total duration in excess of 1 month within a single calendar year shall be obligated to serve with the Agency for a period of one to three years following completion of the training. The conditions and the exact period shall be determined by the Chairperson of the Agency. In the event of termination in accordance with Article 101 (1), subpars. 5 or 8, the civil servant must repay the cost of training in proportion to the extent of non-performance.

(4) Par. 3 does not apply in the case of reassignment of the employee to another structure of the national security system.

Article 59. In the course of their service, civil servants are obliged to maintain their physical fitness in accordance with an act of the Chairperson of the Agency.

Article 60. (1) Agency personnel shall have the authority to detain any person who has breached the perimeter security and access arrangements on the grounds of a guarded Agency facility.

(2) In each case as per par. 1, the competent police authorities must be alerted without delay.

(3) The detained person is handed over into police custody by force of a protocol, to be issued at the time of handover, which must

contain:

1. the full name and position of the issuing officer;
 2. date of issuance;
 3. date and place of detention;
 4. a description of the circumstances in which the person was detained;
 5. personal data of the detainee;
 6. explanations or objections of the detainee, if any;
 7. full names and personal identification numbers (PINs) of witnesses (if any), their permanent or current address and written testimony.
- (4) The protocol is signed by the issuing officer and delivered to the police authorities.
- (5) Prior to the handover of the detainee and the issuance of the Protocol as per par. 3, the detainee is subjected to a medical examination.

Article 61. (1) In the performance of their duties of office, officers serving with the Agency have the right to bear arms subject to terms, conditions and procedures laid down by an act of the Chairperson.

(2) The officers referred to in para. 1 are allowed to use their weapons where absolutely necessary:

1. when subject to armed assault or threatened with a firearm;
2. in cases as per Article 60, if the person in question resists arrest or tries to flee the scene.

(3) When using a weapon the officers as per par. 1 are obliged to spare the life of the person at whom it is aimed, and not to endanger the life or limb of other persons.

(4) The officers as per par. 1 must discontinue the use of the weapon immediately upon attaining its lawful purpose.

(5) after using the weapon the authorities referred to in para. 1 shall draw up a report.

Article 62. (1) When a person is being detained under Article 60, the Agency officers may use physical force and riot control tools, provided that this is absolutely necessary and detention cannot be achieved in another way, if the person has resisted arrest or tried to flee the scene.

(2) Riot control tools are: handcuffs; rubber, plastic, assault and electric shock batons and stun guns; rubber, plastic and stun bullets; devices for forced stopping of vehicles; flash-bang grenades.

(3) The procedure of using riot control tools is determined by an act of the Chairperson of the Agency.

(4) Physical force and riot control tools are to be used following a proper warning, except in cases of a sudden attack.

(5) The use of physical force and riot control tools must be done in consideration of the specific situation and the personality of the offender.

(6) In using physical force and riot control tools the officers as per par. 1 are required to protect the health and to take any precautions to spare the lives of the persons against whom they are used.

(7) The use of physical force and riot control tools must be discontinued immediately upon attaining its lawful purpose.

(8) It is forbidden to use physical force and riot control tools against apparent minors and pregnant women.

Section IV

Compensation; provisioning; health insurance and social security of employees

Article 63. The gross monthly pay of civil servants in the employment of the Agency consists of a basic monthly salary and additional compensations.

Article 64. (1) The civil servants in the employment of the Agency receive a basic monthly salary determined in accordance with their rank and class.

(2) The basis for determining the amount of the basic monthly salary for the lowest rank of civil servant in the employment of the Agency is set on an annual basis by the Law on the State Budget of the Republic of Bulgaria, and is subject to increase by a factor relative to the basic pay, as follows:

1. for intelligence agents, not less than 2.2;
2. for associates, not less than 1.75.

(3) The exact amount of the basic monthly salary of civil servants is set by the Chairperson of the Agency in accordance with a set of internal rules on payroll and the available funds in the budget of the Agency.

Article 65. (1) In addition to their basic monthly salary, civil servants receive compensation for:

1. length of service, at the rate of 2 per cent of the basic monthly salary for each year of service, but not exceeding 40 per cent; in determining the amount, the entire length of service in positions of 'first class labor' or ones equated to 'first class labor' is to be considered;
2. specific working conditions, subject to terms, conditions and procedure, and at a rate specified by an act of the Chairperson of the Agency;
3. overtime;
4. performance, as established through performance evaluation;
5. use of their paid annual leave, once every year, subject to terms, conditions and procedure, and in the amount as determined by an act of the Chairperson of the Agency;
6. in other cases as identified in a law or an act of the Council of Ministers.

(2) Additional compensation as per par. 1 subpar. 4 shall be paid on a quarterly basis, subject to terms, conditions and procedure as determined by an act of the Chairperson of the Agency.

Article 66. (1) Persons working on an employment contract receive a gross monthly pay which is the sum of the salary for the relevant position and additional compensations.

(2) The amount of the salary for the lowest position is determined on the basis as per Article 64 par. 2 whereby the salary for the position is subject to increase by a factor relative to the basic pay, as follows:

1. for employees with higher education, not less than 1.6;
2. for employees with secondary education, not less than 1.1;

(3) Persons working on an employment contract also receive additional compensation as per Article 65, par. 1, 2, 3 and 4.

Article 67. (1) The Agency personnel receive, on a monthly basis, an allowance for per diem meals.

(2) The Agency personnel are issued:

1. a business suit or a uniform or a sum equal to the cost thereof in BGN;
2. personal protective equipment, special garments or working clothes;
3. other personal effects.

(3) For work in a hazardous environment the Agency personnel are issued free protective food and antidotes.

(4) When transferred to another population centre in cases determined by the Chairperson of the Agency, the employees and their family members are entitled to a one-time compensation and reimbursement for the transport costs associated with the transfer.

(5) The travel costs of employees and their families when using their paid annual leave in the territory of Bulgaria are covered, once a year, by the Agency.

(6) The amounts and allowances as per pars. 1 through 5 hereinabove and the procedure for their disbursement are determined on an annual basis by an order of the Chairperson of the Agency.

(7) The amounts and allowances as per pars. 1 through 5 hereinabove are exempted from tax.

Article 68. Employees are not entitled to compensation, benefits, and travel expenses when absent from work without official leave.

Article 69. (1) Agency officers/employees, as well as the families of civil servants who have been killed in action, when they experience serious material problems, are entitled to financial assistance from the Agency. Such financial assistance is exempted from tax. The amounts of such financial assistance and the procedure for its provision are to be determined by an order of the Chairperson for each specific case.

(2) In the event of death of an officer/employee the funeral expenses shall be borne by the Agency to an extent to be determined by the Chairperson of the Agency.

Article 70. The statutory health insurance and social security of civil servants is covered from the State budget.

Article 71. The work of civil servants in the Agency counts as first category labour.

Article 72. (1) Agency employees must obtain insurance for themselves, paid for from the State budget, for the risks of death, temporary or permanent incapacitation, or permanently reduced capacity for work as a result of an accident.

(2) The Chairperson of the Agency, in consultation with the Minister of Finance, may designate the categories of Agency officers who also need to obtain civil liability insurance, to be paid for from the State budget.

(3) Mandatory insurance should not be an obstacle to the conclusion of other insurance contracts by the employees.

Section V

Working time, holidays and leaves of absence

Article 73. (1) The normal working time of Agency officers/employees is 8 hours per day or 40 weekly hours for a 5-day work week.

(2) For civil servants performing their duties of office in harmful or hazardous conditions, reduced working hours are provided for.

(3) The working hours of civil servants are calculated in working days on a daily basis, and for those working in 8-, 12- or 24-hour shifts, totalled for three-month period.

(4) The off-duty time of employees, with the exception of those working in 24-hour shifts for whom a rest period is provided, is not included in the working hours.

(5) For civil servants in the employment of the Agency, with the exception of those as per par. 2 and those working in shifts, irregular working hours apply. Where necessary, they are required to carry on discharging their duties of office after the end of the regular working hours.

(6) Civil servants working overtime are to be compensated with:

1. additional paid annual leave for working overtime on normal working days and with monetary compensation for working overtime on weekends and holidays, for officers as per par. 5;

2. monetary compensation for working overtime for up to 50 hours during a reporting period, and additional days of paid annual leave for working overtime in excess of 50 hours, for officers as per par. 3.

(7) Overtime as per par. 6 is compensated at a rate that is by 50 percent higher than the basic monthly salary.

(8) The provisions of pars 1 through 6 shall not apply in the event of a declaration of war, martial law or a state of emergency, or in case of a natural calamity or man-made disaster, or other crisis or emergency as defined in the Rules and Regulations on the Implementation of this Act.

(9) The procedure for allocation and reporting of working hours and the payment of overtime compensations to civil servants shall be determined by a guidance issued by the Chairperson of the Agency.

(10) Official holidays for the officers/employees of the Agency shall be those identified un Article 154 (1) of the Labour Code.

Article 74. (1) Civil servants in the employment of the Agency are entitled to the following types of leaves of absence:

1. a regular paid annual leave of 30 working days;

2. an additional paid annual leave at the rate of one day for every year of service in first category labour as well as for length of service equated to first category, but not exceeding 10 days total;

3. additional paid annual leave as per Article 73 par. 6, up to 12 working days;

4. additional paid annual leave in the event of a reassignment to another populated area, of up to 3 working days, or an equivalent monetary compensation;

5. unpaid leave of a total duration of 6 months for the entire length of service as a civil servant with the Agency;

6. unpaid leave, for the duration of an internship as per Article 294 (1) of the Judicial System Act;

7. unpaid leave, for the duration of the election campaign and of the term of elected office.

(2) All leaves of absence under par. 1 shall count as length of service, with the exception of cases as per par. 1 subpar. 6.

(3) For the duration of their paid annual leave, civil servants in the employment of the Agency are entitled to receive their basic monthly salary as well as any additional permanent compensations in the amount applicable at the time of commencement of the leave of absence.

(4) It is forbidden for officers to opt for monetary compensation in lieu of the leaves as per par. 1 subpars 1 through 3, except in cases of termination.

(5) An Agency employee who is a spouse of another Agency employee on long-term secondment shall have no right to use unpaid leave under Article 77 of the Diplomatic Service Act.

(6) The procedure of using leaves of absence is determined by an act of the Chairperson of the Agency.

Article 75. (1) Civil servants in the employment of the Agency are entitled to a leave of absence in compensation for working in conditions that are harmful to their health, for performance of public and civic duties, for temporary disability, pregnancy, childbirth or adoption, for nursing and feeding a small child, for raising a child, in the event of death or serious illness of a parent, for two or more living children, for taking an entrance exam to a school of higher learning or a training course; they are also entitled to unpaid leave subject to the terms, conditions and procedure, and with a duration as provided under the Labour Code.

(2) Pregnant female civil servants in the employment of the Agency receive special protection under the Labour Code.

(3) Agency personnel are entitled to use the medical establishments of the Ministry of Defense, of the Ministry of Interior, as well as the Lozenetz Hospital, subject to terms, conditions and procedure determined by an act of the relevant Minister or, respectively, of the Director of the Lozenetz Hospital, and the Chairperson of the Agency.

(4) The recreational hotels, sanatoria and prophylactic facilities of the Council of Ministers, the Ministry of Defence, the Ministry of Interior are available for use by Agency personnel subject to terms, conditions and a procedure determined jointly by the Chairperson of the Agency and the Prime Minister or the respective Minister.

Section VI

Distinctions and Awards

Article 76. Distinctions and awards can be conferred upon Agency personnel for professional excellence and exemplary service, subject to terms, conditions and a procedure determined by an act of the Chairperson of the Agency.

Article 77. (1) Awards can be either cash or a personal item. The amount of a cash award or the value of a personal item cannot exceed the basic monthly salary of the civil servant.

(2) The Chairperson of the Agency may, at his/her discretion, confer a distinction and a cash award to the same nominee.

Article 78. For providing assistance and concrete support to the Agency, Bulgarian nationals and nationals of another State may be awarded the medal of honor of the Agency or cash or a personal item, including a firearm.

Section VII Disciplinary liability

Article 79. (1) Civil servants in the employment of the Agency who have wilfully breached their duties of office shall be liable to a penalty as provided hereunder.

(2) Disciplinary offences are the following types:

1. failure to comply with the provisions of this law and any secondary legislation adopted on the basis hereof, with the orders or instructions of the Chairperson and deputy chairs of the Agency or the direct supervisors;
2. non-performance of the duties of office;
3. abuse of the powers of office vested in them;
4. non-compliance with the Ethical Code of Conduct for Civil Servants in the employment of the Agency;
5. failure to submit in due course any of the declarations required hereunder;
6. exceeding of the powers of office vested in them, or abuse of office or the undercover position for personal gain or for the benefit of any third party.

(3) Disciplinary liability is borne by the offender irrespective of, and separately from, any civil, criminal, or administrative-penal liability, if such is provided for.

Article 80. (1) Disciplinary sanctions must be imposed not later than two months from the detection of a violation and not later than five years from its commission.

(2) Where a breach of discipline is also a criminal offense or an administrative violation, the time limits as per par. 1 shall commence as from the entry into force of the court ruling or administrative penalty.

(3) The expiry of the time limits as per par. 1 is temporarily suspended while the civil servant is on a lawful leave of absence, or is placed in custody or under house arrest.

Article 81. (1) The types of disciplinary penalties are:

1. warning;
2. reprimand;
3. suspension of any promotions in rank, class or position for a period of one to three years;

4. demotion in rank, class or position for a period of three months to one year;

5. dismissal.

(2) Only a single disciplinary penalty may be imposed for the same disciplinary offence.

Article 82. (1) The disciplinary penalty of dismissal is mandatorily imposed in the following cases:

1. conviction for an intentional indictable offence of a general nature or stripping the offender of the right to occupy a public office;

2. breach of the prohibition of Article 37, pars. 1, 2 or 4;

3. breach of the rules for protection of classified information leading to unauthorised access;

4. failure to report to work without a valid reason on two consecutive working days;

5. causing damage to property in state ownership; wasteful use of raw materials, energy or other resources where this results in serious damages to the State;

6. abuse of office;

7. commission of an other serious disciplinary violation.

(2) In the event of a temporary suspension in accordance with the Criminal Procedure Code for the commission of intentional criminal offenses of a general nature where the offender is convicted by a valid court ruling, the disciplinary penalty of dismissal is imposed from the date of suspension.

Article 83. (1) Disciplinary penalties are imposed upon civil servants by force of a reasoned written order of the Chairperson of the Agency. In the cases as per Article 81, par. 1, subpars 1 and 2, disciplinary penalties may also be imposed by a reasoned written order by officials designated by the Chairperson.

(2) The order as per par. 1 must state:

1. the full name and job title of the authority imposing the disciplinary penalty;

2. the date of issue;

3. full name and job title of the civil servant upon whom the penalty is imposed;

4. description of the violation committed by said civil servant, the date and location of its commission, the circumstances of its commission, as well as the available evidence in support of the charges;

5. the duties of office that were intentionally breached;

6. the type and severity of the penalty;

7. the legal grounds for its imposition.

Article 84. (1) Prior to the imposition of a disciplinary penalty, the authority imposing it must collect evidence of relevance to the case.

(2) In the event of a disciplinary offense punishable by dismissal, after collecting the evidence relevant to the case, the penalising authority must hear out the civil servant held liable or review his/her written explanation.

(3) Failure by the disciplinary authority to hear out the civil servant or to review his/her written explanation shall lead to the disciplinary penalty of dismissal being overturned by a court of law without hearing the case on its merit, unless the disciplinary authority has failed to hear out the civil servant or review his written explanation for reasons attributable to him/her.

Article 85. (1) In determining the type and severity of the disciplinary penalty the authority imposing it must consider the gravity of the offence and its consequences, the circumstances in which it was committed, the form of guilt and overall behaviour of the civil servants in the course of his period of service with the Agency.

(2) Disciplinary proceedings may be conducted in the absence of the civil servant, provided that this will not prevent the establishment of the objective truth, if the civil servant:

1. cannot be found at his/her stated address or has changed said address without notifying the proper authority;
2. is outside the territory of the Republic of Bulgaria for purposes other than a lawful leave of absence or official assignment, and has not stated a valid reason for his/her absence.

(3) In the course of disciplinary proceedings for the imposition of the disciplinary penalty of dismissal as per par. 2, the disciplinary authority may also issue an order imposing the penalty without having heard out the civil servant subject to disciplinary liability, or without having reviewed his/her written explanation.

Article 86. (1) imposing a disciplinary penalty upon him/her, and the date of such familiarisation is duly recorded. If said order cannot be served personally upon the civil servant for his/her perusal, the authority imposing the disciplinary penalty must forward a transcript of said order not containing any classified information to the civil servant's permanent address by registered mail with a return slip, or by electronic means of communication.

(2) A copy of the valid order as per par. 1 must be entered into to the personal file of the civil servant.

(3) The order imposing the disciplinary penalty is subject to execution as from the date of being served upon the civil servant, or as from the date of being forwarded to him/her in accordance with par. 1.

Article 87. The order imposing the disciplinary penalty is subject to appeal in accordance with the Administrative Procedure Code. An appeal shall not have suspensive effect.

Article 88. (1) Disciplinary penalties, with the exception of dismissal, shall be deleted from the personal file of the relevant civil servant after one year has elapsed since:

1. their imposition, as per Article 81, par. 1, subpars 1 and 2;
2. the expiry of the time limit, as per Article 81, par. 1, subpars 3 and 4.

(2) Such deletion is effected ex officio by making a note to that effect in the personal file.

Article 89. The procedure for bringing disciplinary proceedings and the imposition and execution of disciplinary penalties is determined by the Rules and Regulations on the Implementation of this Act.

Article 90. (1) A civil servant in the employment of the Agency may be suspended from office:

1. in accordance with the Criminal Procedure Code;
2. when he/she is the subject of disciplinary proceedings for an offence under Article 82, par. 1 and his/her official position would hinder the establishment of the objective truth, in which case suspension is ordered by the Chairperson of the Agency, or by an official designated by him/her;
3. when he/she reports for work in a state that does not allow him/her to discharge his/her duties of office, in which case suspension is ordered by the immediate superior or superior manager and will continue until the employee recovers his/her fitness for work.

(2) A civil servant receives no compensation for the period of suspension.

(3) Where the disciplinary proceedings as per par. 1, subpar. 2 are lifted or if where no disciplinary penalty of dismissal is imposed, the civil servant shall be paid compensation for the period of suspension.

(4) Upon termination of criminal proceedings or if the civil servant is acquitted by a court of law, he/she must be fully reinstated and paid compensation for the period of suspension.

Section VIII

Pecuniary liability of civil servants

Article 91. (1) Civil servants in the employment of the Agency shall be held liable for damages caused to the State through negligence or in the course of duty.

(2) Civil servants in the employment of the Agency shall be held liable for damages caused to members of the public in circumstances as per pars 1 and 2. In such cases, the State is mandated to indemnify the aggrieved party for any damages, pecuniary or moral, in accordance with the general provisions of civil law.

(3) For damages caused intentionally or as a result of a criminal offence, or otherwise caused in circumstances not related to the course of duty, the liability of civil servants in the employment of the Agency shall be determined in accordance with civil law.

(4) The pecuniary liability of civil servants in the employment of the Agency is separate and independent of any disciplinary, administrative-penal or criminal liability, if such applies.

Article 92. (1) No civil servants in the employment of the Agency shall be held liable for property damages resulting from high-risk work carried out in the course of duty.

(2) Neither the state nor any civil servants in the employment of the Agency shall be held liable for third-party damages caused in emergency circumstances in the course of operations related to the protection of national security.

Article 93. (1) For compensations paid out to members of the public for damages caused by civil servants in the employment of the Agency, through their action or inaction, the State Intelligence Agency shall have the right to file a claim against such civil servants who have intentionally caused said damages in accordance with Article 91 par. 1.

(2) The State is entitled to file a claim against civil servants who have intentionally caused damages in accordance with Article 91 par. 2 for the compensation paid to the aggrieved party.

(3) When a civil servant has discharged his duties of office accurately, the State shall be held liable for any pecuniary or moral damages caused by him/her to members of the public, and shall have no right to seek compensation from said civil servant for damages paid out to the aggrieved party.

Article 94. (1) Civil servants in the employment of the Agency may be held liable for losses incurred but not for loss of profit or benefits.

(2) The amount of compensation for damages is determined as of the day of their occurrence, and if that cannot be established, then on the day of their discovery.

Article 95. (1) For damages caused in circumstances as per Article 91, par. 1, the officer is to be held liable to the extent of the damage, but not exceeding a gross monthly salary for the month preceding the damage caused, and if that cannot be established, for the month preceding the discovery of the damage.

(2) For damages caused in circumstances as per par. 1 by senior officials, they are to be held liable to the extent of the damage, but not exceeding three gross monthly salaries.

(3) No pecuniary liability as per Article 91, par. 1 shall be invoked in cases where more than 5 years have elapsed since the day the damage was caused.

Article 96. (1) Civil servants in the employment of the Agency whose official duty is to collect, keep safe, spend or account for financial or other pecuniary assets shall be held liable:

1. to the extent of the damage, but not exceeding three gross monthly salaries;

2. for loss of assets, to the full extent of their value, plus statutory interest accrued from the date of occurrence of such loss, and where that cannot be established, from the date of its discovery.

(2) Persons who have received something without a valid reason from the officer causing the damage or have benefited from the damage as per par. 1, subpar. 1, shall be jointly liable with said officer to pay compensation for damages to the extent of the value of the received gift. Such persons shall also be liable to return gifts received from the officer causing the damage where said gift

was purchased with proceeds from the damage caused.

(3) Claims under par. 1 subpar. 2 and par. 2 shall be extinguished upon expiry of a 10-year statute of limitations from the date the damage was caused, and when this cannot be established, from the date of its discovery.

Article 97. Where a damage was caused by several persons, they shall be held liable in cases of:

1. limited liability, to the extent of participation of each one of them in causing the damage, and where that cannot be established, liability shall be apportioned depending on their gross monthly salary; the sum total of compensations due cannot exceed the value of the damage;

2. full liability, jointly and severally.

Article 98. (1) In cases of limited liability, the Chairperson of the Agency or an official authorised by him shall issue a warrant for the grounds and the amount of liability of the employee.

(2) The order as per par. 1 shall be issued within one month of the discovery of the damage, but not later than one year from the time when such damage was caused; where said damage was caused by a senior official or in the performance of reportable activities - within three months of its discovery, but not later than five years from the time when such damage was caused. The expiration of the above time limits shall be suspended in case of ongoing proceedings for imposition of full pecuniary liability, for as long as such proceedings are pending.

(3) If within one month from the date of receipt of said order the civil servant has challenged the legal grounds for, or the extent of, the liability, the Agency may file a claim against him/her with a court of law.

(4) If within the time limit as per par. 3 the liable person has not challenged the legal grounds for, or the extent of, the liability, the amount determined by force of said order shall be deducted from his/her salary at the rates set forth in the Civil Procedure Code.

(5) In the event of termination of the liable person, the outstanding portion of the limited liability shall be deducted in full from the severance package or any other receivables of said person, and if the amount due cannot be raised in that manner, then it shall be collected pursuant to the Civil Procedure Code.

(6) No interest shall be accrued on the amounts due in pursuance of a limited liability order.

(7) All monies collected in pursuance of a limited liability order shall be remitted as revenue to the budget of the Agency.

Article 99. (1) Full pecuniary responsibility is imposed by a court of law, unless the civil servant has paid the amount due voluntarily prior to the start of court proceedings.

(2) Full liability claims under para. 1 are extinguished with the expiration of a 5-year statute of limitations, as from the date of the causing the damage, and where this cannot be established, from the date of its discovery. In these cases the statute of limitations can be suspended by an Act issued by the supervisory authority, as from the date of service thereof upon the civil servant.

Article 100. For any issues not explicitly dealt with herein, the relevant provisions of civil law shall apply.

Section IX

Termination

Article 101. (1) A service contract with a civil servant employed by the Agency is terminated:

1. upon completion of 63 years of age;

2. when the civil servant becomes eligible for retirement under Article 69 of the Social Insurance Code, at his/her request or at the discretion of the employer;

3. when the civil servant has acquired or exercised his/her right to retirement, at the discretion of the employer;

4. when the civil servant is no longer deemed fit for service with the State Intelligence Agency;
 5. at his/her request;
 6. if the position becomes redundant;
 7. in case of failure by the civil servant to fill the position to which he/she was reinstated, within 14 days from the effective date of the court ruling overturning an order of termination, except when the 14-day time limit is breached for a valid reason;
 8. in case of an objective inability of the civil servant to perform his/her duties of office because of:
 - a) the entry into force of a court ruling imposing a custodial sentence, when the execution thereof is not deferred in accordance with the Criminal Code, or if a penalty is imposed in accordance with Article 37, par. 1, subpars 6 and 7 of the Criminal Code that does not necessarily involve the imposition of the administrative penalty of dismissal;
 - b) the civil servant having received the lowest all-round score in a performance evaluation under Article 53;
 - c) denial or withholding of a security clearance for access to classified information, or refusal by the civil servant to submit the documents for a background check subject to the terms, conditions and procedure as per the Classified Information Protection Act;
 - d) established incompatibility in cases as per Article 42, pars 1 and 3;
 - e) failure to properly operate undercover, for clandestine and undercover operatives;
 9. upon imposition of the disciplinary penalty of dismissal;
 10. during the trial period, at the discretion of the employer, subject to a performance evaluation;
 11. in the event of the civil servant's death;
 12. in case where an effective court decision has established a conflict of interest under the Law on Prevention and Disclosure of Conflicts of Interest;
 13. in case where a civil servant runs for elected office on behalf of a political party or coalition.
- (2) The service contract of a civil servant may be terminated by mutual consent between the parties, expressed in writing. The party to whom the proposal for termination is addressed must respond and notify the other party within 30 days. Failure to do so shall be interpreted as meaning that the proposal was not accepted.
- (3) Termination in cases as per par. 1, subpar 6, and subpar 8 indent (d), in conjunction with Article 42, par. 3, subpar 1, is only allowed if the civil servant has declined to take up another position offered to him/her within the limits of his/her rank and class, or if no suitable vacancy is available at the moment.
- (4) Civil servants retain their rank if reappointed to a civil service position within the Agency.

Article 102. Orders for the termination of civil servants are issued by the Chairperson of the Agency.

Article 103. (1) The service contract with a civil servant is terminated by the authority as per Article 102 by a one-month written notice served in the cases as per Article 101, par. 1, 2, 3, 6 and 8. The authority as per Article 102 may terminate the service contract before the expiry of the period stated in the notice, by indemnifying the civil servant to the extent of his/her pay due for the remaining period.

(2) The service contract with a civil servant is terminated by the authority as per Article 102 without notice in the cases as per Article 101, par. 1, subpar 8 (c), and subpars 9, 12 and 13.

Article 104. (1) In cases as per Article 101, par. 1, subpar 5 the civil servant shall be relieved of his/her duties by a written notice to the authority as per Article 102.

(2) The notification period is one month and commences as from the day following receipt of said notice. Said notice may be withdrawn prior to its expiration date with the consent of the authority as per Article 102.

(3) In the event of termination at the written request of the civil servant as per Article 101, par. 1, subpar. 2, the order must be

issued within the time limit as per par. 2.

Article 105. Civil servants in the employment of the Agency cannot be relieved of their duties during a leave of absence, except in cases as per Article 101, par. 1, subpars 1 - 5, and par. 2, or when they have been sentenced to imprisonment for an indictable offence of a general nature.

Article 106. (1) The Agency employee is allowed to familiarise him/herself, against signature, with the order for termination.

(2) The service contract is terminated with effect from the date specified in the order, except in the cases as per:

1. Article 101, par. 1, subpar. 1, from the date of completion of 63 years of age;
2. Article 101, par. 1, subpar. 11, from the date of death;
3. Article 101, par. 1, subpar. 13, from the date of registration of the civil servant;
4. Article 101, par. 2, from the date on which the parties have reached a mutual agreement.

(3) The order for termination is subject to appeal in accordance with the Administrative Procedure Code. An appeal shall not have suspensive effect.

Article 107. In the event of cancellation of the termination order, the relevant civil servants shall be reinstated to their previous or an equivalent position which they may occupy, provided that within two weeks of the entry into force of the court ruling they report to the Agency.

Section X

Severance package of civil servants

Article 108. (1) Upon termination, civil servants are entitled to a one-time financial compensation in a number of monthly salaries equal to their length of service in years, but not exceeding 20 salaries.

(2) In a subsequent termination, the number of salaries received under par. 1 are to be deducted from the severance package.

(3) Where civil servants have 10 or more years of service and are terminated on the authority of Article 101 par. 1, subpar 4, the amount of their one-time financial compensation cannot exceed 15 gross monthly salaries.

(4) In the event of termination in accordance with par. 3, where the accrued length of service is less than 10 years, the one-time financial compensation shall be in the amount of 10 gross monthly salaries.

(5) in the event of termination after 10 or more years of service the civil servants are entitled to a one-time additional issue of official and work clothes and other personal effects or a cash amount equal to their value in BGN.

(6) Pars. 1 and 5 do not apply to termination as per Article 101, par. 1, subpars 9 and 12.

(7) upon the death of the civil servant the severance package as per pars. 1-5 is paid summarily to his/her heirs.

Article 109. (1) The amount of the one-time severance package is determined on the basis of the length of service with the agency, not counting employment equated to civil service.

(2) Upon retirement of persons who have served for the last 13 years and 4 months as civil servants with the Agency, the amount of the severance package is determined as the sum of:

1. yeas of service with the Agency;
2. years of work experience equated to first category labour.

Article 110. In the event of unlawful termination, civil servants in the employment of the State Intelligence Agency are entitled to compensation in the amount of their gross monthly salary at the time of termination, for the period during which they were unemployed, but not longer than 6 months. If during that time they held a lower-paid job, they are entitled to receive the difference in compensation.

Article 111. (1) Civil servants who have sustained a bodily injury in the course of duty are entitled to a one-time cash compensation in the amount of 10 gross monthly salaries in case of a severe bodily injury, and 6 gross monthly salaries in case of a moderate bodily injury.

(2) The surviving spouse and the parents of civil servants killed in the course of duty are entitled each to a one-time cash compensation in the amount of 12 gross monthly salaries.

(3) The nature of the bodily injury sustained is ascertained by the competent military medical authorities as per Article 44 par. 3, subpar 1, and the circumstances under which such bodily injury or death of the civil servant occurred must be ascertained by his/her direct supervisor.

(4) In cases of death of persons as per par. 2, surviving relatives shall also be entitled to compensation as per Article 108, par. 1.

Article 112. One-time cash compensations under this Act shall be calculated on the basis of the gross monthly pay as of the date of termination, suspension, or occurrence of the event referred to in Article 111; such gross monthly pay includes:

1. the basic monthly salary;
2. additional monthly payments for seniority and specific working conditions.

Article 113. The compensations as per Article 108 and Art 111 are exempted from tax.

Chapter Seven

ACCOUNTABILITY AND OVERSIGHT

Article 114. (1) The National Assembly oversees the operation of the Agency through the relevant Standing Committee.

(2) No information shall be provided to said Committee about the organisation, methods and tools of implementation of special assignments by means of operational and intelligence gathering work, or about cooperating employees or individuals.

(3) In overseeing the operation of the Agency, the Committee holds its meetings in camera.

Article 115. The Chairperson of the Agency shall inform the Committee as per Article 114, par. 1 on matters of the Agency operation if so required by the Speaker of the National Assembly, the Chair of the Committee or on his/her own initiative.

Article 116. (1) The National Assembly must lay down special rules for procedural security, the storage of, and access to, classified information obtained by the Committee in its exercise of oversight over the operation of the Agency.

(2) The special rules for procedural security as per par. 1 shall be adopted in consultation with the Chairperson of the Agency.

(3) The Committee shall have no right to grant access to classified information obtained by the Committee in the course of overseeing the work of the Agency, in any manner whatsoever, to persons who are not members of said Committee.

Article 117. (1) The Chair of the Committee shall inform the Speaker of the National Assembly with any decisions adopted by the Committee as a result of its oversight over the work of the Agency.

(2) The Speaker of the National Assembly shall inform the President of the Republic and the Prime Minister of the Commission's decisions.

ADDITIONAL PROVISION

§ 1. Within the meaning of this law:

1. "Actions performed in the course of duty" are actions or omissions that constitute the fulfilment of the immediate official duties associated with the position.
2. "Action related to the performance of official duties" are actions or omissions that do not constitute the fulfilment of the immediate official duties associated with the position, yet precede or follow these in time and are in direct causal relationship with them.
3. "Family" are the spouse and underage unmarried children of an employee.
4. "Special funds and costs" are budgetary resources and assets allocated and used by the Agency for specific purposes relating to national security.
5. "Confidential" is information generated or kept by the Agency, which does not constitute a state secret, and unauthorised access to which would have an adverse effect on the interests of the State or would harm other legal interests.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. (1) The State Intelligence Agency is the legal successor of the assets, liabilities, archive and other rights and obligations of the National Intelligence Service.

(2) Employment relations with the incumbent military personnel of the National Intelligence Service are hereby transformed into employment relations with civil servants of the State Intelligence Agency, with effect from the date of entry into force of this Act.

(3) With the entry into force of this Act, employment relations with persons hired on an employment contract shall be governed subject to the terms, conditions and procedure of Article 123 of the Labour Code.

(4) Until the entry into force of the Act, pursuant to Article 64, par. 3 and Article 65, par. 2, the persons referred to in par. 2, resp. par. 3, shall continue to receive their current compensation.

(5) All incumbent military personnel of the National Intelligence Service as of the date of entry into force of this Act shall retain the current amount of their basic monthly salary and additional compensation for as long as this is more advantageous to them.

§ 3. Seniority accrued under the Law on Defence and the Armed Forces of the Republic of Bulgaria and under the Labour Code by officers or employees as per § 2, par. 2 and 3, shall count as length of service with the same employer, including for the purposes of calculating the requisite severance package upon termination.

§ 4. Seniority accrued in career military service under the Law on Defence and the Armed Forces of the Republic of Bulgaria and in conscription service beyond the requisite 2-year minimum under the Law on Conscription Military Service in the Republic of Bulgaria (repealed, SG No. 112/1995) shall count as length of service with the Agency for the purposes of determining the requisite severance package hereunder.

§ 5. Any pending proceedings of disciplinary or pecuniary liability against officers or employees of the Agency are to be closed in accordance with the procedure established heretofore.

§ 6. The following amendments and supplements are hereby made to the Law on Defence and the Armed Forces of the Republic of Bulgaria (promulgated, SG No. 35/2009; amended, SG No. 74, 82, 93 and 99/2009, No. 16, 88, 98 and 101/2010, No. 23, 48, 99 and 100/2011, No. 20, 33 and 38/2012, No.15, 66 and 68/2013., No. 1 and 98/2014 and No. 14, 24 and 61/2015.):

1. In Article 29, par. 1, the words "National Intelligence Service" are replaced by "National Intelligence Agency".

2. In Article 41, the words "Director of the National Intelligence Service" are replaced by "Chairperson of the National

Intelligence Agency".

3. In Article 70, par. 2, after the words "State Agency for National Security" the following phrase is added: "... and civil servants under the State Intelligence Agency Act".

4. In Article 125, par. 1 the words "the Director of the National Intelligence Service" are replaced by "the Chairperson of the State Intelligence Agency".

5. In § 1, item 1, of the Additional Provision, the words "National Intelligence Service" are replaced by "National Intelligence Agency".

§ 7. The following amendments and supplements are hereby made to Classified Information Protection Act (promulgated, SG No. 45/2002; amended, No. 5 and 31/2003, No. 52, 55 and 89/2004, No. 17 and 82/2006, No. 46, 57, 95 and 109/2007 No. 36, 66, 69 and 109/2008, No. 35, 42, 82 and 93/2009, No. 16 and 88/2010, No. 23, 48 and 80/2011, No. 44 and 103/2012 No. 52 and 70/2013, No. 49 and 53/2014, SG No. 14 and 61/2015):

1. In § 1, subpar. 1 of the Additional Provisions, the words "National Intelligence Service" are replaced by "State Intelligence Agency".

2. In Appendix 1 to subpar. 5 of Article 25 in Section II, a second sentence is inserted to read as follows: "Identifying data or data that may enable the identification of officers of the State Intelligence Agency performing operational and intelligence work."

§ 8. In Article 40 (2) of the Health Insurance Act (promulgated, SG No. 70/1998; amended, SG No. 93 and 153/1998, No. 62, 65, 67, 69, 110 and 113/1999, No. 1 and 64/2000, No. 41/2001, No. 1, 54, 74, 107, 112, 119 and 120/2002, No. 8, 50, 107 and 114/2003, No. 28, 38, 49, 70, 85 and 111/2004, No. 39, 45, 76, 99, 102, 103 and 105/2005, No. No. 17, 18, 30, 33, 34, 59, 80, 95 and 105/2006, No. 11/2007; Decision of the Constitutional Court No. 3/2007, promulgated SG No. 26/2007; amended, SG No. 31, 46, 53, 59, 97, 100 and 113/2007, No. 37, 110 and 71/2008, No. 35, 41, 42, 93, 99 and 101/2009, No. 19, 26, 43, 49, 58, 59, 62, 96, 97, 98 and 100/2010, No. 9, 60, 99 and 100/2011, No. 38, 60, 94, 101 and 102/2012, No. 4, 15, 20, 23 and 106/2013, No. 1, 18, 35, 53, and 54 and 107/2014 and No. 12, 48, 54 and 61/2015) after the words "Ministry of Interior" a semicolon is added, followed by the words "civil servants injured in the course of duty as per the State Intelligence Agency Act; commissioned and non-commissioned officers injured in the course of duty as per the Law on the National Protection Service".

§ 9. The following amendments and supplements are hereby made in the Law on Weapons, Munitions, Explosives and Pyrotechnic Products (promulgated, SG No. 73/2010; amended, SG No. 88/2010, No. 26/43/2011, No. 44 and 73/2012, No. 66, 68 and 70/2013, No. 53 and 98/2014 and No. 14 and 56/2015):

1. In Article 2 (1), subpar. 1 the words "National Intelligence Service (NIS)" are replaced with "State Intelligence Agency (SIA)".

2. In Article 78 (1), in the text preceding subpar 1, after the abbreviation "SANS" there must be added "SIA", and the words "NIS and NPS" are replaced by "commissioned officers and non-commissioned officers of NPS".

§ 10. The following amendments and supplements are hereby made in the Spatial Development Act (promulgated, SG No. 1/2001; amended, SG No. 41 and 111/2001, No. 43/2002, No. 20, 65 and 107/2003, No. 36 and 65/2004, No. 28, 76, 77, 88, 94, 95, 103 and 105/2005, No. 29, 30, 34, 37, 65, 76, 79, 82, 106 and 108/2006, No. 41 and 61/2007, No. 33, 43, 54, 69, 98 and 102/2008, No. 6, 17, 19, 80, 92 and 93/2009, No. 15, 41, 50, 54 and 87/2010, No. 19, 35, 54 and 80/2011, 29, 32, 38, 45, 47, 53, 77, 82 and 99/2012, No. 15, 24, 27, 28, 66 and 109/2013, No. 49, 53, 98 and 105/2014, and No. 35, 61 and 62/2015):

1. In Article 3 (3):

a) In the first sentence, after "Minister of Interior" the conjunction "and" is replaced by a comma and after "Chairperson of the National Security Agency" the following words are added: "and the Chairperson of the National Intelligence Agency";

b) In the second sentence, after "Minister of Interior" the conjunction "and" is replaced by a comma and after "Chairperson of the National Security Agency" the following words are added: "and the Chairperson of the National Intelligence Agency";

2. In Article 5 (7), after "Minister of Interior" the conjunction "and" is replaced by a comma and after "Chairperson of the National Security Agency" the following words are added: "and the Chairperson of the National Intelligence Agency";

3. In Article 6 (6), subpar. 3, after "Minister of Interior" the conjunction "or" is replaced by a comma and after "Chairperson of the National Security Agency" the following words are added: "or the Chairperson of the National Intelligence Agency";

4. In Article 140 (7), subpar. 3, after "Minister of Interior" the conjunction "or" is replaced by a comma and after "Chairperson of the National Security Agency" the following words are added: "or by the Chairperson of the National Intelligence Agency", where facilities of said Agency are concerned;

5. In Article 141 (5), subpar. 3, after "Minister of Interior" the conjunction "or" is replaced by a comma and after "Chairperson of the National Security Agency" the following words are added: "or the Chairperson of the National Intelligence Agency", where facilities of said Agency are concerned;

6. In Article 145:

a) In par. 2, subpar. 4, after "Minister of Interior" the conjunction "or" is deleted, and after "Chairperson of the National Security Agency" the following words are added: "or by the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned";

b) in par. 3, after the words "Ministry of Interior" the conjunction "or" is replaced by a comma and after the words "State Agency for National Security" the following words are added: "or to the State Intelligence Agency".

7. In Article 148 (3), subpar. 4, after the words "Minister of Interior" the conjunction "or" is deleted, and after the words "the Chairperson of the State Agency for National Security" the following words are added: "or by the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned".

8. In Article 157 (2), first sentence, after the words "Minister of Interior" the conjunction "or" is deleted, and after the words "the Chairperson of the State Agency for National Security" the following words are added: "or by the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned".

9. In Article 158 (2), third sentence, after the words "Minister of Interior" the conjunction "or" is replaced by a comma, and after the words "the Chairperson of the State Agency for National Security" the following words are added: "or by the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned".

10. In Article 159 (5), after the words "Minister of Interior" the conjunction "or" is replaced by a comma, and after the words "the Chairperson of the State Agency for National Security" the following words are added: "or by the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned".

11. In Article 177 (6), after the words "Minister of Interior" the conjunction "or" is replaced by a comma, and after the words "the Chairperson of the State Agency for National Security" the following words are added: "or by the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned".

12. In Article 178 (7), after the words "Minister of Interior" the conjunction "or" is replaced by a comma, and after the words "the Chairperson of the State Agency for National Security" the following words are added: "or by the Chairperson of the National Intelligence Agency".

13. In Article 216 (2), after the words "Minister of Interior" the conjunction "or" is replaced by a comma, and after the words "the Chairperson of the State Agency for National Security" the following words are added: "or to the Chairperson of the National Intelligence Agency".

14. In § 1a of the Additional Provisions, after the words "Minister of Interior" the conjunction "or" is replaced by a comma; after the words "the Chairperson of the State Agency for National Security" the following words are added: "the Chairperson of the State Intelligence Agency"; after the words "Ministry of Interior" the conjunction "or" is replaced by a comma and at the end of the sentence, the following words are added: "and of the State Intelligence Agency".

§ 11. A new subpar 17 is inserted in Article 24 (2) of the Law on Income Tax of Individuals (promulgated, SG No. 95/2006; amended, SG No. 52, 64 and 113/2007, No. 28, 43 and 106/2008, No. 25, 32, 35, 41, 82, 95 and 99/2009, No. 16, 49, 94 and 100/2010, No. 19, 31, 35, 51 and 99/2011, No. 40, 81 and 94/2012, No. 23, 66, 100 and 109/2013, No. 1, 53, 98, 105 and 107/2014, and No. 12, 22 and 61/2015), to read as follows:

"17. cash funds benefits under Article 67 (1 - 5); Article 69 (1), Article 108 and Article 111 (1) of the State Intelligence Agency Act."

§ 12. The following words are added in Article 16 (6) of the Law on Settlement of Collective Labour Disputes (promulgated, SG No. 21/1990; amended, SG No. 27/1991, No. 57/2000, No. 25/2001, No. 87/2006 and No. 7/2012): "the State Intelligence Agency and the National Protection Service".

§ 13. The following amendments are hereby made in the Special Intelligence Means Act (promulgated, SG No. 95/1997; amended, SG No. 70/1999, No. 49/2000, No. 17/2003, No. 86/2005, No. 45 and 82/2006, No. 109/2007, No. 43 and 109/2008, No. 88, 93 and 103/2009, No. 32 and 88/2010, No. 1, 13 and 61/2011, No. 44/2012, No. 17, 52, 70 and 111/2013, No. 53 and 107/2014 and No. 14, 42 and 56/2015.):

1. In Article 10c, the words "National Intelligence Service" are to be replaced by "State Intelligence Agency".
2. In Article 13 (1), subpar. 3, the words "National Intelligence Service" are to be replaced by "State Intelligence Agency".
3. In Article 20 (2), the words "National Intelligence Service" are to be replaced by "State Intelligence Agency".

§ 14. In Article 2 (3), first sentence of the Health and Safety at Work Act (promulgated in State Gazette, No. 124/1997; amended, SG No. 86/1999, No. 64 and 92/2000, No. 25 and 111/2001, No. 18 and 114/2003, No. 70/2004, No. 76/2005, No. 33, 48, 102 and 105/2006, No. 40/2007, No. 102 and 108/2008, No. 93/2009, No. 12, 58, 88 and 98/2010, No. 60/2011, No. 7/2012, No. 15/2013 and No. 27/2014), after the words "Ministry of Defense" the conjunction "and" is to be replaced by a comma, and after the words "Ministry of Interior" the words "and the State Intelligence Agency" are to be added.

§ 15. The following amendments are to be made in the Law on Access to, and Disclosure of, documents and the Announcing of Affiliation of Bulgarian Citizens with the State Security and the Intelligence Services of the Bulgarian People's Army (promulgated in State Gazette, No. 102/2006; amended, No. 41, 57 и 109/2007, No. 69/2008, No. 25, 35, 42, 82 and 93/2009, No. 18, 54 and 97/2010, No. 23, 32 and 48/2011, No. 25, 38, 87 and 103/2012, No. 15/2013 and No. 53/2014):

1. In Article 3 (1), subpar. 16, the words "the Director, Deputy Directors, heads of departments and heads of sections in the National Intelligence Service" are to be replaced by "the Chairperson, the Deputy Chairs, directors of directorates and heads of departments of the State Intelligence Agency".
2. In Article 16 (1) the words "Director of the National Intelligence Service" are to be replaced by "the Chairperson of the State Intelligence Agency".

§ 16. Paragraph 2 of § 4 in the Transitional and Final Provisions of the Reserve of the Armed Forces of the Republic of Bulgaria Act (promulgated in State Gazette, No. 20/2012; amended, SG No. 15 and 66/2013, No. 98/2014 and 14/2015) shall be amended to read as follows:

"(2) The correspondence between the positions of officers under the Ministry of Interior Act, the ranks of reserve officers under the State Agency for National Security Act and the ranks of reserve officers under the State Intelligence Agency Act, on the one hand, and the ranks of military personnel under the Law on Defence and the Armed Forces of the Republic of Bulgaria, shall be determined by an act of the Council of Ministers subject to a proposal by the Minister of Interior, the Chairperson of the State Agency for National Security and the Chairperson of the State Intelligence Agency, in consultation with the Minister of Defence."

§ 17. The following amendments and supplements are to be made to the Social Insurance Code (promulgated, State Gazette No. 110/1999; Decision No. 5/2000 of the Constitutional Court, SG No. 55/2000; amended, SG No. 64/2000, No. 1, 35 and 41/2001, No. 1, 10, 45, 74, 112, 119 and 120/2002, No. 8, 42, 67, 95, 112 and 114/2003, No. 12, 21, 38, 52, 53, 69, 70, 112 and 115/2004, No. 38, 39, 76, 102, 103, 104 and 105/2005, No. 17, 30, 34, 56, 57, 59 and 68/2006; Corr., SG No. 76/2006; amended, SG No. 80, 82, 95, 102 and 105/2006, No. 41, 52, 53, 64, 77, 97, 100, 109 and 113/2007, No. 33, 43, 67, 69, 89, 102 and 109/2008, No. 23, 25, 35, 41, 42, 93, 95, 99 and 103/2009, No. 16, 19, 43, 49, 58, 59, 88, 97, 98 and 100/2010; Decision of the Constitutional Court No. 7/2011, SG No. 45/2011; amended, SG No. 60, 77 and 100/2011, No. 7, 21, 38, 40, 44, 58, 81, 89, 94 and 99/2012, No. 15, 20, 70, 98, 104, 106, 109 and 111/2013, No. 1, 18, 27, 35, 53 and 107/2014 and No. 12, 14, 22, 54 and 61/2015):

1. In Article 4 (1), subpar. 4, after the words "National Security", a comma is to be placed, followed by the words: "under the State Intelligence Agency Act", and after the word "means" the following words are to be added: "commissioned and noncommissioned officers under the National Protection Service Act".
2. In Article 54b (3), after the word "Interior", a comma is to be placed and the following words added: "Article 101 (1), subpars. 5, 7 and 9 of the State Intelligence Agency Act".
3. In Article 54f (1), after the words "after the word "Interior", a comma is to be placed and the following words added: "Article 110 the State Intelligence Agency Act and Article 123 of the National Protection Service Act".
4. (effective Jan 1st, 2016, SG No. 79/13.10.2015) In Article 69:

a) new paragraphs 5 and 5a are created, to read as follows:

"(5) Civil servants of the State Intelligence Agency become eligible for retirement upon completion of the age of 52 years and 10 months, provided they have a total of 27 years of pensionable service, of which two-thirds actually served under the State Intelligence Agency Act, in military service or in accordance with the laws as per paras. 1, 2 and 3.

"(5a) Commissioned and non-commissioned officers of the National Protection Service become eligible for retirement upon completion of the age of 52 years and 10 months, provided they have a total of 27 years of pensionable service, of which two-thirds actually served under the National Protection Service Act, in military service or in accordance with the laws as per paras. 1, 2 and 3";

b) paragraph 8 is amended as follows:

"(8) Pensionable service necessary for becoming eligible for retirement under paras. 1, 2, 3, 5, 5a and 6 shall be calculated in aggregate, whereas pensionable service under paras. 4 and 7 may complement the pensionable service paras. 1, 2, 3, 5, 5a and 6";

c) in par. 9 the words "par. 1, 2, 3, and 6" shall be replaced by "pars. 1, 2, 3, 5, 5a and 6";

d) in par. 10 the words "par. 1 through 3" shall be replaced by "pars. 1 through 3, 5 and 5a";

5. In Article 127 (5), the words "National Intelligence Service" are replaced by "State Intelligence Agency".

§ 18. (1) Up until December 31, 2015, civil servants of the State Intelligence Agency shall be considered eligible for retirement regardless of their age, provided they have 27 years total of pensionable service, of which two-thirds actually served in accordance hereunder, or in military service, or in accordance with the laws as per Article 69, pars. 1, 2 and 3 of the Social Security Code.

(2) Up until December 31, 2015, commissioned and non-commissioned officers of the National Protection Service shall be considered eligible for retirement regardless of their age, provided they have 27 years total of pensionable service, of which two-thirds actually served in accordance with the National Protection Service Act, or in military service, or in accordance with the laws as per Article 69, pars. 1, 2 and 3 of the Social Security Code.

(3) persons referred to in pars. 1 and 2, who towards December 31, 2015, have completed the required pensionable service for retirement eligibility, may retire until December 31, 2018, regardless of their actual age.

§ 19. In Article 5 (1), subpar. 4, indent (n) of the Bulgarian Telegraph Agency Act (promulgated in State Gazette, No. 99/2011; Decision of the Constitutional Court No. 11/2012 - SG No. 78/2012; amended, SG No. 15/2013 and No. 19/2014) in Article 5, al. 1, item 4) the words "the Directors of the National Intelligence Service" are to be replaced by "the leadership of the State Intelligence Agency".

§ 20. In § 1, item 4 of the Additional Provisions to the Law on Measures against Money Laundering (promulgated in State Gazette, No. 85/1998; amended, SG No. 1 and 102/2001, No. 31/2003, No. 103 and 105/2005, No. 30, 54, 59, 82 and 108/2006, No. 52, 92 and 109/2007, No. 16, 36, 67 and 69/2008, No. 22, 23 and 93/2009, No. 88 and 101/2010, No. 16, 48, 57 and 96/2011, No. 44, 60 and 102/2012, No. 52/2013, No. 1, 22 and 53/2014 and No. 14/2015), the words "National Intelligence Service" are to be replaced by "State Intelligence Agency".

§ 21. Throughout the text of the Electronic Communications Act (promulgated in State Gazette, No. 41/2007; amended, SG No. 109/2007, No. 36, 43 and 69/2008, No. 17, 35, 37, 42, 45, 82, 89 and 93/2009, No. 12, 17, 27 and 97/2010, No. 105/2011, No. 38, 44 and 82/2012, No. 15, 27, 28, 52, 66 and 70/2013, No. 11, 53, 61 and 98/2014 and No. 14, 23, 24, 29 and 61/2015) the words "National Intelligence Service" are to be replaced by "State Intelligence Agency".

§ 22. In Article 5 (2) of the Defence-Related Products and Dual-Use Items and Technologies Export Control Act (promulgated in State Gazette, No. 26/2011, amended, SG No. 56 and 93/2012, No. 9/2014 and No. 14/2015) the words "National Intelligence Service" are to be replaced by "State Intelligence Agency".

§ 23. In Article 38 (1), subpar. 1, indent (m) of the Bulgarian Identity Documents Act (promulgated, SG No. 93 of 1998; amend., SG No. 53, 67, 70 and 113 of 1999, SG No. 108 of 2000, SG No. 42/2001, SG No. 45 and 54/2002, SG No. 29 and 63/2003, SG No. 96, 103 and 111/2004, SG No. 43, 71, 86, 88, and 105/2005, SG No. 30, 82 and 105/2006, SG No. 29, 46 and 52/2007, SG No. 66, 88 and 110/2008, SG No. 35, 47, 82 and 102/2009, SG No. 26 and 100/2010, SG No. 9, 23, 32 and 55/2011, SG No. 21, 42 and

75/2012, SG No. 23 and 70/2013, SG No. 53/2014 and SG No. 14/2015), the words "National Intelligence Service" are to be replaced by "State Intelligence Agency" and the word "Head" is to be replaced by "Director".

§ 24. In Article 396 (1), subpar. 6 of the Criminal Procedure Code (promulgated in State Gazette, No. 86/2005; amended, SG No. 46 and 109/2007, No. 69 and 109/2008, No. 12, 27, 32 and 33/2009, No. 15, 32 and 101/2010, No. 13, 33, 60, 61 and 93/2011; Decision No. 10/2011 of the Constitutional Court, SG No. 93/2011; amended, No. 19, 20, 25 and 60/2012, No. 17, 52, 70 and 71/2013, No. 21/2014 and No. 14, 24, 41, 42 and 60/2015) the words "National Intelligence Service" are to be replaced by "State Intelligence Agency".

§ 25. The following amendments are hereby made in the Election Code (promulgated in State Gazette, No. 19/2014, amended, SG No. 35, 53 and 98/2014):

1. In Article 66 (1), subpar. 7, the words "National Intelligence Service" are replaced by "State Intelligence Agency".
2. In Article 158, the words "National Intelligence Service" are replaced by "State Intelligence Agency".

§ 26. In Article 195 (3) of the Criminal Code (promulgated in State Gazette, No. 26/1968; amended, SG No. 29/1968, No. 92, 1969, No. 26 and 27/1973, No. 89/1974, No. 95/1975, No. 3/1977, No. 54/1978, No. 89/1979, No. 28/31/1982, No. 44/1984, No. 41, 79 and 80/1985, 89 and 90/1986, No. 37, 91 and 99/1989, No. 10, 31 and 81/1990, No. 1, 86, 90 and 105/1991, No. 54/1992, No. 10/1993, No. 50, 97 and 102/1995, No. 107/1996, No. 62, 85 and 120/1997, No. 83, 85, 132, 133 and 153/1998, No. 7, 51 and 81/1999, No. 21, 51 and 98/2000, No. 41 and 101/2001, No. 45 and 92/2002, No. 26 and 103/2004, No. 24, 43, 76, 86 and 88/2005, No. 59, 75 and 102/2006, No. 38, 64, 57, 85, 89 and 94/2007, No. 19, 67 and 102/2008, No. 12, 23, 27, 32, 47, 80, 93 and 102/2009, No. 26 and 32/2010, No. 33 and 60/2011, No. 19, 20 and 60/2012, No. 17, 61 and 84/2013, No. 19, 53 and 107/2014, No. 14, 24 and 41/2015.), the words "National Intelligence Service" are replaced by "State Intelligence Agency".

§ 27. (1) The Council of Ministers shall, within 6 months from the entry into force of this Act adopt the relevant secondary legislation concerning its implementation.

(2) Pending the adoption of the secondary legislation as per par. 1, the secondary legislation to the Law on Defence and the Armed Forces of the Republic of Bulgaria shall apply to the National Intelligence Service, the powers of its Chairperson and the status of its employees, so long as their provisions do not contravene this Act.

§ 28. The incumbent Director and Deputy Directors of the National Intelligence Service at the time of entry into force of this Act shall continue to discharge the duties of, respectively, Chairperson and Deputy Chairs of the State Intelligence Service until the appointments as per Article 14 hereunder are made.

§ 29. The provisions of this Act cannot be interpreted in a sense restricting the application of the Law on Access to, and Disclosure of, the Documents and Announcement of the Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian People's Army. The provisions of this Act cannot be interpreted in a sense restricting the application of the Law on Access to, and Disclosure of, the Documents and Announcement of the Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian People's Army.

§ 30. The implementation of this Act is entrusted to the Council of Ministers and of the Chairperson of the State Intelligence Agency.

§ 31. This Act shall come into effect on November 1, 2015, with the exception of § 17 (4) concerning Article 69, which shall enter into force as of January 1, 2016.

This Act was passed by the 43rd National Assembly on October 1, 2015, and is stamped with the official seal of the National Assembly.