

THE STATE AGENCY FOR NATIONAL SECURITY ACT

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Text in Bulgarian: Закон за Държавна агенция „Национална сигурност”

Chapter One GENERAL PROVISIONS

Article 1. This Act governs the internal organization and functioning of the State Agency for National Security, the status of its personnel and the powers and duties of its officers.

Article 2. (1) The State Agency for National Security, hereunder to be referred to as „the Agency”, shall be a specialized body under the Council of Ministers in charge of implementing the policy of protection of national security.

(2) The State Agency for National Security shall be a legal entity funded by the budget, a primary spender of budget credits, having its seat in Sofia.

Article 3. (1) The State Agency for National Security shall perform its functions on the basis of the following principles:

1. compliance with the Constitution, the laws and the international treaties to which the Republic of Bulgaria is a party;
2. protection and assurance of human rights and the fundamental freedoms;
3. protection of information and the sources from which it is obtained;
4. objectivity and impartiality;
5. cooperation with the public;
6. political neutrality.

(2) The operation of the State Agency for National Security shall be subject to oversight on the part by the bodies identified under the Constitution and this Act.

(3) The State Agency for National Security shall perform its functions independently and in collaboration with other government authorities.

(4) (Amended, SG No. 69/2008, SG No. 93/2009) The interaction and coordination between the State Agency for National Security and the Ministry of Interior under Chapter Eight of this Act shall be effected by the Chairman of the Agency and the Secretary General of the Ministry of Interior.

Chapter Two

FUNCTIONS OF THE STATE AGENCY FOR NATIONAL SECURITY

Article 4. (1) (Amended, SG 35/2009, effective 12.05.2009, SG No. 93/2009) The State Agency for National Security shall perform functions for protection of national security from encroachments against the national interests, independence and sovereignty of the Republic of Bulgaria, the territorial integrity, the fundamental rights and freedoms of citizens, the democratic functioning of the state and the civic institutions and the Constitutional order established in the state, related to:

1. information gathering on behalf of alien forces;
2. endangerment of the sovereignty and territorial integrity of the State and the unity of the nation;
3. unconstitutional activities;
4. (amended, SG No. 93/2009) corrupt acts of senior public officials;
5. use of force, or of items of a generally hazardous nature, to political ends;
6. endangerment of the economic and financial security of the State;
7. endangerment of the environmental security of the State;
8. disruption of the proper functioning of the National System for the Protection of Classified Information;
9. endangerment of the security of facilities or activities of a strategic nature for this country;

10. actions having a disruptive effect on communication and information systems;
11. (supplemented, SG No. 93/2009) international terrorism and extremism, as well as their financing;
12. (amended, SG No. 93/2009) international trade in weapons and products or technologies of dual use, manufacturing, storage and proliferation of items of a generally hazardous nature;
13. (amended, SG No. 93/2009) activities of groups or persons supporting foreign services, terrorist or extremist organizations;
14. (amended, SG No. 93/2009) migration processes;
15. (repealed, SG No. 93/2009);
16. (repealed, SG No. 93/2009).

(2) (New, SG No. 93/2009, amended, SG No. 16/2010, effective 26.02.2010) The State Agency for National Security shall independently or jointly with other state bodies perform counter-intelligence activities for surveillance, detection, counteraction, prevention and interception of plotted, prepared or perpetrated encroachments against national security, including within the Ministry of Defense, the structures directly subordinate to the Minister of Defence and the Bulgarian Army.

(3) (Previous Paragraph 2, SG No. 93/2009) The Agency shall perform functions pertinent to information analysis, forecasts, control, coordination and technical assistance, using their own information or information supplied by other government authorities, of significance to national security.

(4) (Previous Paragraph 3, SG No. 93/2009) Independently or jointly with other specialized bodies, the Agency shall provide counter-intelligence protection of facilities and activities of a strategic nature to Bulgaria.

(5) (Previous Paragraph 4, SG No. 93/2009) The Agency shall receive, store, study, analyze and disclose information received subject to the provisions and procedure of the Measures against Money Laundering Act.

Article 5. The Agency shall perform operative search and operative-technical activities pertinent to surveillance and monitoring of persons, facilities and activities subject to the provisions and procedure of this Act.

Article 6. (1) The State Agency for National Security shall be the body in charge of the cryptographic security of classified information in the Republic of Bulgaria and in its diplomatic and consular missions, for purposes of acquisition, codifying and processing of information from foreign sources in the interest of national security, and of operational control of the national radio frequency spectrum.

(2) The Agency shall exercise direct control in relation to the operation of the National System for Protection of Classified Information.

(3) The Agency shall perform monitoring activities in relation to the sojourn of foreign nationals in the Republic of Bulgaria.

(4) The Agency shall engage in international cooperation relevant to its scope of activity.

Article 6a. (New, SG No. 93/2009) (1) Citizens may submit proposals and signals to the State Agency for National Security in relation to the Agency's activities under Article 4.

(2) The procedure for review, forwarding of the documents according to the competence of the respective bodies, checking and resolution of the proposals and signals shall be determined by an ordinance of the Chairperson of the Agency.

(3) The senders of the documents under paragraph 1 shall be notified that the information submitted by them is reviewed at the Agency when the proposal or signal contain allegations of encroachments against national security within the meaning of Article 4 paragraph 1.

(4) The signals submitted to the State Agency for National Security pertaining to activities of officials from its administration shall be reviewed as per the procedure of the Administrative Procedure Code.

Article 7. Other functions in addition to those listed above may only be assigned to the State Agency for National Security by force of a law.

Chapter Three

INTERNAL ORGANIZATION AND GOVERNANCE OF THE STATE AGENCY FOR NATIONAL SECURITY

Section I

Governing bodies

Article 8. (1) The State Agency for National Security shall be headed by a Chairperson, to be appointed by force of a decree of the President of the Republic of Bulgaria, subject to a proposal by the Council of Ministers, for a term of 5 years.

(2) The Chairperson shall be assisted by two deputy Chairpersons, to be appointed by decision of the Council of Ministers for a term of 5 years, subject to a proposal by the Agency Chairperson.

(3) Eligible for appointment as Chairperson and deputy Chairpersons of the Agency shall be persons who:

1. have Bulgarian citizenship only;
2. have completed higher education and been awarded a Master's academic degree/qualification;
3. have 10 years of professional experience in the security services;
4. have no prior conviction for a premeditated crime of a general nature, regardless of whether they have been rehabilitated since; nor have been acquitted of criminal liability for a premeditated crime of a general nature;
5. have not been disqualified from holding a certain position in the civil service;
6. have clearance for access to classified information with a „top secret” level of classification;
7. are not members of political parties or coalitions, or organizations pursuing political goals.
8. are not sole traders, partners, managers, procurators or members of supervisory boards, managing boards or boards of directors, or of control bodies of commercial

companies, cooperatives or not-for-profit legal entities, engaged in business activities.

9. are not employed or hired subject to an employment or service contract.

(4) The powers and duties of the Agency Chairperson or a deputy Chairperson may be terminated ahead of term:

1. upon his/her request;

2. upon completion of 65 years of age;

3. in the event of a de facto inability to perform his/her duties for more than 6 months;

4. in case of non-fulfilment of the requirements as per paragraph 3;

5. in case of grave violation of, or systematic failure to discharge, his/her duties of office, or for actions as may be construed to undermine the good standing of the Agency;

6. (new, SG No. 42/2009) in case conflict of interest has been ascertained by an effective act under the Conflict of Interest Prevention and Disclosure Act.

(5) In cases as per paragraph 4, the Chairperson shall be dismissed by force of a decree of the President of the Republic of Bulgaria, subject to a proposal by the Council of Ministers; and a deputy Chairperson, by decision of the Council of Ministers, subject to a proposal by the Agency Chairperson.

(6) In the event of death or early termination of the powers and duties of the Chairperson, the Council of Ministers shall, within one month therefrom, propose to the President of the Republic of Bulgaria to appoint a new Chairperson who would finish the term of office of the terminated one.

(7) Until a new Chairperson is appointed, his/her functions shall be discharged by a deputy Chairperson assigned by the Council of Ministers.

(8) In the event of death or early termination of a deputy Chair, the Agency Chairperson shall, within one month therefrom, propose to the Council of Ministers

to appoint a new Chairperson who would finish the term of office of the terminated one.

(9) (New, SG No. 93/2009) The labour of the Chairperson and the deputy Chairpersons of the Agency shall count as category one labour.

Article 9. (1) The Agency Chairperson shall:

1. organize, govern and supervise the functions of the Agency;
2. represent the Agency;
3. approve the staff roster of positions within the Agency administration and the job descriptions of its staff; create and close down structural units within the framework of the approved budget and personnel.
4. propose for approval the draft annual budget of the Agency;
5. implement the budget of the Agency;
6. supervise the management of human resources;
7. assume responsibility for the management of the property assigned to the Agency;
8. approve a Code of Ethics to govern the conduct of civil servants of the State Agency for National Security;
9. engage in cooperation with similar services of other nations or international organizations;
10. discharge other functions as defined by law.

(2) In the discharge of his/her duties of office, the Chairperson shall issue orders and other acts as provided by law.

Article 10. (1) The Agency Chairperson shall discharge his/her duties of office directly or with the assistance of the deputy Chairpersons.

(2) The powers of the deputy Chairpersons shall be defined by force of a written order issued by the Chairperson.

(3) The duties of office of the Chairperson shall be performed, in his absence, by a deputy Chairperson assigned by an order of the Chairperson for each individual case.

(4) In the discharge of their duties of office, the deputy Chairpersons shall issue orders.

Article 10a. (New, SG No. 93/2009) (1) The administrative management of the Agency's administration shall be carried out by a Secretary General.

(2) The Secretary General shall manage the administration, coordinating and controlling the administrative units for precise observance of the regulatory acts and of the lawful orders of the Agency's Chairperson, for the regulated flow of documents and information and shall be responsible for accountability in the implementation of the annual goals of the administration, including coordination and control of the distribution and use of the property provided for management to the Agency. The Secretary General shall organize and coordinate the interaction of the Agency with other agencies and organisations. The Secretary General shall also perform other functions assigned to him by the Chairperson of the Agency.

(3) The Secretary General shall support the Chairperson and the deputy Chairpersons of the Agency in the discharge of their powers. He shall be directly subordinated to the Chairperson of the Agency.

(4) In the discharge of his powers the Secretary General shall issue orders pertaining to the administration of the Agency or to separate structural units.

(5) The Secretary General shall not discharge his powers in relation to the operative search activities of the Agency.

Section II Structure

Article 11. (Amended, SG No. 93/2009) The main structural units in the administration of the State Agency for National Security shall be the specialized directorates, the territorial directorates, independent territorial departments and specialized administrative directorates.

(2) The total number of employees of the Agency shall be determined by the Rules and Regulations on the Implementation of this Act upon a proposal of the Chairperson of the Agency.

Article 12. (Amended, SG No. 35/2009, effective 12.05.2009, SG No. 93/2009) (1) The specialized directorates of the State Agency for National Security and the activities performed by them shall be determined by an act of the Council of Ministers upon a proposal of the Chairperson of the Agency and their composition shall include a Specialized Directorate Technical Operations and a Specialized Directorate Security of the State Agency for National Security.

(2) The structure of the directorates under paragraph 1 shall be determined by an act of the Chairperson of the Agency. The structure shall include departments and sectors.

(3) The specialized directorates under paragraph 1 shall perform operative search activities.

(4) Within the limits of their competence the specialized directorates shall carry out methodical management and shall control the territorial directorates and the independent territorial departments in the respective field of activity.

(5) The Directorate Security of the State Agency for National Security shall also be an administrative unit concerning information security at the Agency.

Article 13. (1) (Amended, SG No. 93/2009) The specialized administrative directorates shall be:

1. Inspectorate Directorate;
2. Financial Intelligence Directorate;
3. Information and Archive Directorate;
4. Coordination and Information Analysis Directorate;
5. Human Resources Directorate;
6. Legal Normative Directorate;

7. International Cooperation Directorate;

8. Financial and Economic Activities and Property Management;

9. Administrative Services Directorate.

(2) (Repealed, SG No. 93/2009).

(3) (Repealed, SG No. 93/2009).

(4) (Repealed, SG No. 93/2009).

(5) (Amended, SG No. 93/2009) The territorial directorates and the independent territorial departments of the State Agency for National Security shall be set up by an act of the Council of Ministers upon a proposal of the Chairperson of the Agency, by which their seats and areas of operation shall be determined. The territorial directorates and the independent territorial departments shall carry out operative search activities.

(6) (New, SG No. 93/2009) The structure and activities of the territorial directorates and of the separate territorial departments shall be determined by an act of the Chairperson of the Agency. The structure of the territorial directorates shall include departments and sectors, whereas the structure of the independent territorial departments may also comprise of sectors. Structural units of a lower ranking may also be set up within the independent territorial departments and within the territorial directorates.

Article 14. (Amended, SG No. 93/2009) The activities of the specialized administrative directorates shall be determined by force of the Rules and Regulations on the Implementation of this Act.

(2) Departments and sectors may also be set up within the directorates as per paragraph 1 by an act of the Agency Chairperson.

Article 15. (Amended, SG No. 93/2009) (1) The specialized directorates and the specialized administrative directorates shall be headed by Directors, who shall be appointed by the Agency Chairperson and shall act as direct supervisors of the staff of said directorates.

(2) The Director of the Directorate Security of the State Agency for National Security shall also be the Information Security Officer.

Article 16. (Amended, SG No. 93/2009) (1) The Directors under Article 15 shall carry out the general and immediate governance of the directorates, by:

1. planning, organizing, managing, controlling and assuming responsibility for their functions;
2. carrying out the orders of the Agency Chairperson and reporting to the latter;
3. shall be responsible for the results of the activity, the observance of the laws, the other regulatory acts and orders of the Chairperson.
4. coordinating the functions of the General Directorates vis-a-vis other government authorities, through the Agency Chairperson;
5. managing the databases, ensuring and being in charge of the information handling synchronicity of the Directorate with the relevant territorial units;
6. being in charge of the management of human resources.
7. performing other functions assigned by an order of the Chairperson, the deputy Chairpersons and the Secretary General of the Agency within the statutory activities of the State Agency for National Security.

(2) In discharging their duties of office as per paragraph 1, the Directors shall be authorized to issue orders.

Article 17. (Amended, SG No. 93/2009) (1) The territorial directorates shall be headed by Directors, the independent territorial departments - by chiefs, who shall be appointed by the Agency Chairperson and shall carry out the general and immediate governance of the directorates, of the departments, by:

1. planning, organizing, managing, controlling and assuming liability for the implementation of orders issued by their superior bodies;
2. being responsible for the results of activities, for observance of the law, the other regulatory acts and the orders of the Chairperson of the Agency;

3. reporting to the Agency Chairperson for the all-round activity of the territorial directorates, respectively of the independent territorial departments;;
4. managing the databases at the territorial directorates, respectively in the independent territorial departments;
5. interacting with the other structural units of the Agency;
6. assuming liability for the management of the property assigned to directorates, respectively the departments;
7. being in charge of the management of human resources;
8. interacting with the government authorities and the bodies of local self-government.
9. performing other functions assigned by an order of the Chairperson, the deputy Chairpersons and the Secretary General of the Agency within the statutory activities of the State Agency for National Security.

(2) In discharging their duties of office as per paragraph 1, the Directors, respectively the Chiefs of the independent territorial departments, shall be authorized to issue orders.

Chapter Four

OPERATIVE SEARCH ACTIVITIES

Article 18. (1) Operative search activities shall be carried out by the operative search and operative-technical structural units of the Agency using overt and covert methods and tools in accordance with their competences and subject to terms, conditions and procedures as defined by this Act, by an act of the Council of Ministers and of the Agency Chairperson.

(2) The activities as per paragraph 1 shall be carried out in compliance with the Constitution and the laws, with strict observance of the rights and liberties of citizens and with respect for their dignity, and by applying the principle of conspiracy in combining overt and covert methods and tools.

Article 19. Operative search activities shall be aimed at:

1. detection, counteraction and prevention of crimes and other offences related to national security;
2. identifying individuals preparing, perpetrating or having perpetrated criminal acts as may constitute a threat to national security;
3. information gathering about actions or inactions as may constitute a threat to national security;
4. preparation and storage of material evidence and its presentation to the relevant judicial authorities.

Article 20. (1) Operative search activities shall be carried out by:

1. taking of statements from citizens;
2. performance of searches in databases in respect of individuals engaged in criminal activities as may constitute a threat to national security;
3. taking of samples for comparative testing;
4. marking of sites or objects;
5. investigation of objects or documents;
6. surveillance;
7. identification of persons or objects;
8. gaining entry into, and performing investigations of premises, buildings, transport vehicles, or parts of localities;
9. monitoring of postal, telegraphic or other correspondence;
10. monitoring of telephone calls;
11. information gathering from technical communication channels;
12. operative infiltration;

13. operative experiment;

14. making verbal or written warnings to discontinue violations of the legal order as may constitute a threat to national security;

15. operative verification of the evidence gathered and its recordation;

16. (repealed, SG No. 93/2009);

17. performance of cross-checks on the basis of documents;

18. monitoring of the radio frequency spectrum;

19. (repealed, SG No. 93/2009);

20. (amended, SG No. 93/2009) setting up and usage of not-for-profit legal entities or commercial companies subject to terms, conditions and procedure as provided by law.

(2) The activities as per paragraph 1 shall be carried out by specific methods and tools, through the use of special intelligence means, as well as through the services of citizens who have voluntarily undertaken to cooperate with the bodies of the Agency in the discharge of their functions.

Article 21. The Agency shall own, use and deploy special intelligence means subject to the terms, conditions and procedure as per the Special Intelligence Means Act.

Article 22. (Repealed, SG No. 93/2009).

Article 23. (1) Volunteer collaborators may only be deployed by Agency bodies authorized to that end by this Act.

(2) Collaboration with private individuals in the discharge of the functions of the Agency shall be regulated by an ordinance of the Agency Chairperson.

(3) The recruitment and functions of the persons as per paragraph 1 shall be carried out in compliance with the following principles:

1. voluntary recruitment, hiring and discharge;

2. protection in the course of, or pertinent to, such collaboration;
3. keeping in strict confidentiality of the identity and other personal data of such persons, as well as the nature of their activity;

(4) Data regarding persons who have undertaken voluntary collaboration with the bodies of the Agency may only be made available to the courts or the prosecution offices with the express written consent of the person involved, in relation to an ongoing criminal prosecution and in compliance with the provisions of the Classified Information Protection Act.

Article 24. Operative search activities may be performed for any of the following reasons:

1. intelligence received in respect of persons preparing, perpetrating or having perpetrated criminal acts as may constitute a threat to national security, where such intelligence is not sufficient for initiating or commencing criminal prosecution against them;
2. intelligence received in respect of events or actions as may constitute a threat to national security;
3. a request on the part of pre-trial authorities or a court of law;
4. implementation of international treaties to which the Republic of Bulgaria is a party.

Article 25. Material evidence gathered or prepared in the process of operative search is to be submitted to the relevant judiciary bodies subject to the terms, conditions and procedure as defined by law.

Article 26. No harm to the life, health, dignity or property of citizens, or pollution of, or damage to, the environment shall be allowed in the course of operative search activities.

Article 27. (1) The bodies of the Agency tasked with conducting operative search activities shall be authorized to issue binding instructions to the relevant government authorities, institutions, legal entities or private citizens within the limits of their competence.

(2) The relevant government authorities and institutions are under obligation to grant to the bodies as per paragraph 1 access to offices, technical facilities and any other property.

Chapter Five

INFORMATION HANDLING ACTIVITY

Article 28. (1) In the discharge of the powers vested in it by law, the Agency shall create, maintain and use databases.

(2) The organization of the information handling activity of the Agency, its management and supervision and the use of information shall be governed by this Act.

Article 29. (1) Information handling activity shall be any activity pertinent to the gathering, processing, codifying, analyzing, use and supply of information to users within the Agency, to government authorities, institutions, legal entities or private individuals in accordance with the functional competencies of the Agency.

(2) For the purpose of implementing their tasks and activities under this Act, the structural units of the Agency may also collect personal data.

Article 30. (1) Such information handling activity shall be based upon information recorded or subject to recording on information storage devices operated by Agency personnel.

(2) Such information handling activity shall also be based upon information storage devices prepared and made available by other government authorities, institutions, legal entities or private individuals, as well as the specialized services of other countries with which the Republic of Bulgaria has signed cooperation agreements.

(3) The ministries and other government authorities shall grant the Agency access to their databases subject to a procedure defined by a joint ordinance of the Agency Chairperson and the relevant Minister or head of government agency.

Article 31. (1) (Amended, SG No. 93/2009) The State Agency for National Security shall use information from the databases of the Ministry of Interior for the discharge of its statutory duties of office.

(2) (Amended, SG No. 93/2009) Such access to the information under paragraph 1 shall be effected in such a manner as to prevent detection of the Agency's interest, and strictly on a „need to know” basis within the sense of Article 3 of the Protection of Classified Information Act.

(3) Access as per paragraph 1 shall be regulated by a joint ordinance of the Minister of Interior and the Agency Chairperson.

Article 31a. (New, SG No. 93/2009) Upon submission of information related to the discharge of functions of the Ministry of Interior, the State Agency for National Security shall provide the data to the competent bodies of the Ministry of Interior.

Article 32. The list of categories of information subject to classification as an official secret shall be determined by an order of the Agency Chairperson.

Article 33. (1) The Agency shall prepare and generate information and analytical documents and products for the benefit of:

1. the Agency Chairperson;
2. the structural units of the Agency;
3. external users.

(2) Such information and analytical documents and products for the benefit of external users shall be prepared in accordance with their functions and objectives, with their level of information access and the requirements for provision of such information.

Article 34. (1) The Agency shall establish databases and units in charge of gathering, processing, codifying, storing, analyzing, preparing and providing information.

(2) Personal data may also be processed in the databases as per paragraph 1. In processing personal data relevant to their national security protection activities, the bodies of the Agency shall:

1. not be required to ask the consent of the natural person concerned;

2. not be required to inform said natural person prior to, or in the course of, processing his/her personal data;

3. not make such personal data available to third parties;

4. store the data after the processing thereof is completed, for periods of time as determined by the personal data administrator.

(3) The databases as per paragraph 1 may also be used for processing of personal data processed by other authorities, whereby the data obtained in that manner can be used for no other purposes but the protection of national security. Such data shall be non-transferable.

(4) Internal identification codes, data coding and encryption can be used in the process of building the databases and processing the data.

(5) Personal data as per paragraphs 2 and 3 shall be deleted if the reasons for storing such data pursuant to the law or in compliance with a court ruling no longer apply.

(6) In the deletion of such personal data the following factors shall be taken into account: the age of the natural person; the nature of personal data processed; the need for further processing of such data until the investigation proceedings or the procedure established are completed; the entry into force of a court verdict or decision; amnesty, rehabilitation or a statute of limitation as provided by law.

(7) Personal data contained in the databases may only be made available to national security protection authorities, as well as to judicial authorities for the purposes of a specific criminal prosecution.

(8) The data as per paragraph 7 may also be made available to foreign authorities pursuant to an international treaty to which the Republic of Bulgaria is a party.

(9) The personal data administrator in the sense as per the Personal Data Protection Act shall be the Agency Chairperson, who shall delegate the processing of personal data to personnel designated by him/herself.

(10) The procedure of processing of personal data shall be defined by an ordinance of the Agency Chairperson.

Article 35. (1) The gathering of information about citizens solely on the basis of their race or ethnic origin, or political, religious or philosophical persuasions, or membership in political parties, organizations or associations pursuing religious, philosophical, political or trade union goals, as well as information pertinent to their health or sex life, shall be forbidden.

(2) In case where, as a result of the exercise by a natural person of his/her right of access, it becomes possible to disclose personal data about a third party, the personal data administrator shall be obligated to supply to said natural person only such a portion of the information as concerns him/her.

(3) The provision of information to government authorities, institutions, legal entities or private citizens by Agency personnel by a procedure other than provided under this Act, shall be forbidden.

Article 36. (1) The databases shall be set up with the relevant structural units of the Agency in accordance with their functional competences.

(2) The databases as per paragraph 1 may also be set up in such a way as to be automated.

(3) Such databases shall be created, operated, monitored and closed down subject to terms, conditions and procedure as defined by an ordinance of the Agency Chairperson and by law.

(4) Any person shall have the right to apply for access to personal data processed in the databases of the Agency concerning him/herself, where such data have been collected without that person's knowledge.

(5) The personal data administrator shall respond to such an application for access within 14 days from the date of receipt thereof.

(6) Upon request by such natural person, he/she shall be supplied with a hard copy of his/her processed personal data.

(7) The officers of the Agency shall turn down, wholly or in part, any application for access to data, if such access would result in a threat to national security, to the protection of information classified as a state or official secret, or would lead to disclosure of the sources of such information or the covert methods or tools for

gathering thereof, or if the provision of such data to the applicant would compromise the discharge of the Agency's functions as defined by law.

(8) Applicants shall be notified in writing of the rejection of an application for access to personal data as per paragraph 7; and such notification shall state the legal grounds for such rejection. The absence of notification within the legally prescribed time limits shall also count as tacit rejection.

(9) A rejection as per paragraph 7 shall be subject to appeal in accordance with the Administrative Procedure Code.

(10) The procedure of access to the databases as per paragraph 1 shall be determined by an ordinance of the Agency Chairperson.

Article 37. Control over the protection of the rights of natural persons pertinent to the processing of their personal data and the provision of access to such data shall be exercised by the Commission for the Protection of Personal Data in accordance with the Personal Data Protection Act.

Article 38. Internal control over information handling activities shall be exercised by the Agency Chairperson and by the heads of structural units within the legal powers vested in them.

Article 39. Control over information handling activities shall be exercised in accordance with the rules for the protection of classified information.

Chapter Six

MONITORING FUNCTIONS

Article 40. (1) The State Agency for National Security shall perform monitoring functions in respect of the operation of the National System for the Protection of Classified Information.

(2) The instructions of the Chairperson or those bodies of the Agency that are specifically designated by the Chairperson to that end shall be binding for all personnel.

Article 41. (1) (Amended, SG No. 93/2009) The State Agency for National Security shall perform monitoring activities in relation to the sojourn of foreign

nationals in the Republic of Bulgaria, and shall issue statements in respect of applications for:

1. provision of asylum, refugee or humanitarian status or temporary protection pursuant to the Asylum and Refugees Act;
2. issuance of a permit for prolonged or permanent residence or of a visa, whereby the Agency shall enter foreign nationals in the database of unwelcome aliens under the Foreigners in the Republic of Bulgaria Act.
3. (new, SG No. 93/2009) acquiring, loss and reinstatement of Bulgarian citizenship under the Bulgarian Citizenship Act.

(2) The Agency Chairperson shall be authorized to issue orders imposing measures of administrative coercion under the Foreigners in the Republic of Bulgaria Act.

(3) (Amended, SG No. 82/2009) The Agency Chairperson shall impose a measure of administrative coercion as per Article 75 of the Bulgarian Personal Documents Act, barring persons whose travel overseas constitutes a threat to the security of the Republic of Bulgaria, from leaving the country.

Article 42. (1) In discharging its functions as per Article 6, paragraph 1, the State Agency for National Security shall:

1. assess and develop cryptographic algorithms and tools for cryptographic security of classified information; approve and monitor cryptographic networks of classified information; produce and allocate the cryptographic keys in use; allow and monitor the production and import of cryptographic security tools;
2. perform accreditation and issue security certificates in respect of automated information systems and networks used for handling classified information; coordinate and supervise measures for protection against electromagnetic disturbances of technical devices used for processing, storage and transfer of classified information;
3. organize and implement the communication links of the Republic of Bulgaria with its diplomatic and consular missions and provide for the cryptographic security of the information thus exchanged, by assigning the necessary personnel to the relevant departmental units and the diplomatic and consular missions;

4. acquire, process and codify information obtained using technical devices from technical sources of other nations in the interest of national security, and make it available to users designated by law and by order of the Agency Chairperson;
 5. detect and prevent the use of the national radio frequency spectrum against the national security of Bulgaria or in violation of the law, and shall interact to that end with the competent government authorities;
 6. monitor and eliminate sources of radio interference within the radio frequency spectrum allocated for the needs of the national security and defence of the Republic of Bulgaria;
 7. (amended, SG No. 93/2009) interact with specialized government authorities, as well as with similar services of other nations and international organizations, within the scope of its competence;
 8. carry out information handling and analytical activities, and shall submit the products thereof to the management of the Agency and to other government authorities in accordance with a procedure defined by the Agency Chairperson.
- (2) The relevant departments shall provide financial support for the operation of the units as per paragraph 1 item 3, also in the diplomatic and consular missions.
 - (3) The discharge of functions as per paragraph 1 item 3 shall be governed by an ordinance of the Council of Ministers.
 - (4) The Agency shall develop and apply specific methods and tools for the discharge of functions as per paragraph 1 items 4 and 5.
 - (5) (New, SG No. 93/2009) In case there is a need to interact in the area of cryptographic security, the Chairperson of the Agency shall conclude agreements with cryptographic security bodies of other states, with which the Republic of Bulgaria has effective international treaties for protection of classified information.

Chapter Seven

PERSONNEL OF THE STATE AGENCY FOR NATIONAL SECURITY

Section I

Status of employees

Article 43. (1) The personnel of the State Agency for National Security shall be one of two kinds:

1. civil servants, and
2. hired employees.

(2) The status of Agency employees who are civil servants shall be regulated by this Act.

(3) The status of hired employees shall be regulated subject to the provisions and procedures as per the Labour Code and this Act.

(4) The authority in charge of the appointment of civil servants shall be the Agency Chairperson, who may delegate some of his/her powers with regard to personnel management, except the appointment, the imposition of disciplinary sanctions as per Article 90, paragraph 1 items 3-5, and the termination of personnel, to officials designated by him/herself, within the powers vested in them by law.

(5) The Agency Chairperson shall be the employer of personnel appointed to the Agency as hired employees. The Agency Chairperson may delegate some of his/her powers to designated officials within the limits of their law-given powers and duties.

Article 44. (1) The civil servants, each in accordance with their functions, qualifications, professional experience and the positions occupied, shall discharge the duties of civil service within the Agency in one of the following ranks:

1. Agents:
 - a) agent of state - senior management personnel;
 - b) special agent - management personnel;

c) chief agent - expert personnel with managerial functions;

d) senior agent - expert personnel with supervisory and analytical functions;

e) junior agent - executive personnel;

2. associates:

a) chief associate - executive personnel with supervisory functions;

b) associate - executive personnel.

(2) The ranks as per paragraph 1 may be combined with degrees of seniority reflecting the professional experience of their holder; such degrees shall be determined by the Rules and Regulations on the Implementation of this Act. Ranks shall be bestowed upon the personnel by the Agency Chairperson.

(3) The Agency Chairperson approve classifier of positions which shall be promulgated in „State Gazette”

Article 45. (1) The Agency personnel shall have no right to join political parties or coalitions, or any other organizations pursuing political goals; to engage in political activities; nor to perform other actions in discharging their official duties as would compromise their political neutrality.

(2) The Agency personnel shall have no right to strike.

(3) The civil servants of the Agency shall have no right to join trade unions or to engage in trade union activities.

(4) The civil servants as per paragraph 1 shall have no right to refuse to perform their official duties for religious reasons.

Article 46. (1) The Agency personnel shall have the right to associate among themselves for the performance of activities of mutual interest outside their official duties, without thereby violating the established internal order in the Agency and the principle of unity of command.

(2) The subject of activity of such associations shall not comprise the functions already performed by the Agency.

(3) Such associations as per paragraph 1 shall have the right to join similar international organizations.

(4) The operation of an association as per paragraph 1 shall be governed by force of agreements between said association and the Agency Chairperson.

Article 47. (1) Civil servants of the Agency shall have the right to run for President or Vice President of the Republic of Bulgaria, for Parliament, for Members of the European Parliament on behalf of the Republic of Bulgaria, for municipal councillors or mayors subject to terms, conditions and procedure as defined by law.

(2) A civil servant who is a registered candidate for elected office on behalf of a political party or coalition shall be discharged from the civil service.

(3) A civil servant who has been elected member of Parliament, of the European Parliament on behalf of the Republic of Bulgaria, or mayor on an independent ticket, shall be deemed to be on unpaid leave from the service for the duration of his/her term in elected office, and following its expiry, shall be reinstated in his/her previous position in the service or a position of equal seniority. Within 14 days from the expiry of his/her term in elected office, such civil servant shall state in writing to the authority in charge of his/her reappointment whether he/she desires to return to the previous or another position of equal seniority.

Article 48. In cases where a civil servant has been placed in custody, the competent authority imposing such measure shall immediately notify the Agency Chairperson.

Article 49. (1) The Agency Chairperson shall define the type and model of uniform dress; the procedure of its being issued to, and worn by, personnel; the identifying marks and insignia, as well as all other attributes relevant to the discharge of the official duties of the civil servants.

(2) No persons other than those identified as per paragraph 1 shall be allowed to wear the uniforms, identifying marks and insignia introduced for the State Agency for National Security and identifying them as Agency personnel.

(3) The civil servants shall carry a service weapon subject to terms, conditions and procedure as defined by an ordinance by the Agency Chairperson.

Article 50. (1) The civil servants of the agency shall have no right to serve in another position in the civil service, except in cases as defined hereunder or by another Act.

(2) The civil servants shall have no right to perform functions incompatible with their position in the civil service.

(3) The following scenarios shall be deemed incompatible with a civil servant's position within the Agency:

1. (supplemented, SG No. 42/2009) said civil servant is in direct hierarchical relationship of subordination or supervision with a spouse, a domestic partner, a lineal relative without limitation, a collateral relative up to four times removed, or a relative by marriage up to four times removed;

2. said civil servant is a sole trader, a partner in a commercial company, the manager or an executive member of a commercial company, a trade agent, a procurator, a trade representative, a receiver or a trustee in bankruptcy;

3. said civil servant is engaged in commercial activity;

4. (supplemented, SG No. 93/2009) said civil servant is hired on an employment or service contract, except for purposes of, with the permission of the Chairperson of the Agency, delivery of training or performance of scientific research activities;

5. such civil servant is a member of a managing or supervisory body of a commercial company;

6. such civil servant holds an elected office for which he/she was nominated by a political party or coalition.

7. (new, SG No. 93/2009) are associates or undercover officers of other security services or public order services.

(4) A civil servant's possession of shares or his/her participation in privatization through privatization bonds, or in cooperatives, through restituted ownership of lands or forests, shall not be deemed to constitute commercial activity as per paragraph 3, item 3.

(5) No incompatibility with a civil servant's position within the Agency shall be in evidence in cases as per Article 20, paragraph 1, item 20, or Article 123, paragraph 2, item 6, or in cases of participation in not-for-profit legal entities intended to perform activities for public benefit.

(6) Within 7 days from the emergence of circumstances as per paragraphs 1 and 3, the civil servant concerned shall submit a declaration to that effect.

Article 51. (1) (Amended, SG No. 94/2008, effective 1.01.2009) Following the procedure established by the Conflict of Interest Prevention and Disclosure Act, the civil servants shall be obligated to declare any private interest which they have in connection with the functions of the structural unit wherein they work.

(2) Civil servants shall have no right to participate in the discussion, preparation or adoption of any decision in cases where either they or related persons have an interest in such decision, or where their relations with such related persons cause reasonable doubts as to their impartiality.

(3) In cases as per paragraph 2, the civil servant concerned shall notify in writing the Agency Chairperson.

Article 52. Civil servants shall be obligated to perform their duties of office arising out of the functions and tasks of the Agency also beyond the established office hours. They shall be under obligation to intervene and provide assistance to persons in danger, or to prevent or parry an occurring criminal offence.

Section II

Requirements for joining the service

Article 53. (1) Candidates for appointment as civil servants with the Agency must:

1. have Bulgarian citizenship only;
2. be of legal age;
3. not be placed under legal disability;
4. have no prior conviction for a premeditated crime of a general nature, regardless of whether they have been rehabilitated since; nor have been acquitted of criminal liability for a premeditated crime of a general nature;

5. not be barred from holding certain positions in the civil or public service;
 6. not have been arraigned as suspects or defendants in a criminal case of a general nature;
 7. not have been previously dismissed from office for disciplinary reasons;
 8. meet all general and specific requirements for holding the position applied for.
- (2) The specific requirements for joining the service shall be determined by an ordinance of the Agency Chairperson.
- (3) Candidates for hire on an employment contract shall meet the requirements as per paragraph 1.
- (4) Only persons with the relevant clearance for access to classified information shall be eligible for appointment to positions for which such clearance is required.
- (5) Any length of service within the Agency acquired in a position for which a law degree is required shall count as length of service in the legal profession.

Article 54. (1) To join the Agency in a civil service position, a candidate shall apply in writing.

(2) Such application shall be supported by relevant documents attesting to the applicant's eligibility for the position sought, as defined by the Rules and Regulations on the Implementation of this Act.

(3) In submitting the application for appointment to the civil service, the applicant shall sign a declaration regarding circumstances as defined under Article 50, paragraphs 1 and 3.

Section III

Appointment to, and performance of, the service

Article 55. (1) The employment of an appointee shall take effect on the basis of an appointment order.

(2) The order as per paragraph 1 shall be issued in writing and shall contain:

1. the legal grounds for the appointment;
2. the full name and position of the issuer of the appointment order;
3. the full name of the appointee;
4. the name of the position to which the appointee is appointed;
5. the rank and degree of seniority assigned to the appointee;
6. the amount of the basic monthly payment and any additional payments;
7. the date of issue of the order;
8. the signature of the issuer of the order.

(3) The order may also determine the location and the nature of the work to be performed; as well as any additional conditions relevant to the specifics of the position.

(4) The appointee shall attest with his/her signature that he/she is familiar with the content of the order as per paragraph 1.

Article 56. (1) Upon joining the Agency, appointees shall submit a declaration of political neutrality and an income and property declaration. Civil servants shall also submit a declaration as per Article 45, paragraph 3.

(2) Every year, not later than March 31st, employees as per paragraph 1 shall submit an income and property declaration.

(3) In the event of change of circumstances as per Article 45, paragraphs 1 and 3, Agency employees shall submit a declaration to that effect within 7 days from such change.

Article 57. (1) Civil servants shall fill the position they are appointed to within 10 days from the date of issue of the appointment order, which fact is to be confirmed in writing. The legal employment of an appointee shall take effect as from the date of filling the position they are appointed to.

(2) Prior to filling the position, a civil servant shall take the following oath: „I hereby swear that, in my service with the State Agency for National Security, I shall comply with the Constitution of the Republic of Bulgaria and shall fulfil the duties of office in good faith, honourably, loyally, objectively and impartially.”

(3) The taking of such oath shall be attested to by the appointee signing an oath sheet.

(4) In case that, for valid reasons, the civil servant fails to take an oath or to fill the position within the time limit as per paragraph 1, the Agency Chairperson shall set a new time limit for him/her to fill said position.

Article 58. (1) In case where the appointed civil servant fails to fill the relevant position, or take an oath, or sign the declarations as per Article 56, paragraph 1, the issued appointment order shall be cancelled.

(2) No employment contract shall be concluded with a person who refuses to submit the declarations as per Article 56, paragraph 1.

Article 59. (1) Upon the initial appointment of a civil servant with the Agency, a one-year trial period shall commence in respect of such appointee, starting from the date of filling the position.

(2) Such trial period shall be suspended in case where said civil servant:

1. is using his/her statutory leave;

2. is undergoing initial professional training as provided under Article 67, paragraph 2.

Article 60. (1) A personnel dossier shall be compiled and kept in respect of every Agency employee.

(2) Said personnel dossier shall be used to file documents regarding: the commencement and termination of employment; the employee's professional development; awards and distinctions, leaves, sanctions, temporary suspensions from service, the employee's job description, as well as the declarations as per Article 50, paragraph 6, Article 51, paragraph 1, item 3, and Article 56.

(3) The employee shall have the right to familiarize him/herself with said personnel dossier subject to terms, conditions and procedure as defined by the Agency Chairperson.

(4) The personnel dossier shall be stored for 10 years following termination of employment, unless otherwise provided in a regulatory act.

Article 61. The procedure regarding the commencement, amendment or termination of employment of civil servants shall be defined by force of the Rules and Regulations on the Implementation of this Act.

Article 62. (1) The civil servant shall be subject to performance assessment.

(2) Such assessment shall be carried out on the basis of a range of criteria used to evaluate the attainment of pre-set objectives, the extent to which the civil servant fulfils the duties of office, and his/her professional competences.

(3) The performance assessment of the civil servant must be duly justified and supported with objectively established facts and circumstances.

(4) The terms, conditions and procedure of such performance assessment shall be defined by the Rules and Regulations on the Implementation of this Act.

Article 63. A civil servant's career development shall take place by way of sequential promotions to a higher rank, degree of seniority or position, or by a procedure defined by force of the Rules and Regulations on the Implementation of this Act.

Article 64. (1) In the absence of a civil servant, his/her official duties shall be performed by another civil servant designated by an order of the Agency Chairperson or an official authorized by the latter.

(2) The order as per paragraph 1 shall be issued at the request of the immediate supervisor.

(3) Such substitution shall take place with the consent of the substitute civil servant, except in cases where the service justifiably requires otherwise. For the period of such substitution, the civil servant shall continue to perform his/her original duties.

(4) The procedure as per items 1 and 2 shall not apply to persons who, by virtue of their appointment, are stand-ins for an original job holder.

(5) (Amended, SG No. 93/2009) In case where the period of absence is over 30 days, the order as per paragraph 2 shall specify a monthly remuneration in the amount of the basic monthly remuneration for the rank and seniority degree of the substituted civil servant.

(6) The period as per paragraph 5 may not exceed one year.

Article 65. (1) The Agency Chairperson shall have the right to designate a civil servant to fill a vacant position by way of internal secondment until a suitable civil servant is appointed to fill said position on a permanent basis.

(2) The period of internal secondment as per paragraph 1 shall not exceed 6 months.

(3) In cases as per paragraph 1, the substitute civil servant shall receive, in addition to his/her remuneration, also 50 percent of the minimum monthly remuneration for the vacant position.

Article 66. In performing their official duties, as well as in their public life, the civil servants shall be under obligation to adhere to the Code of Ethics Governing the Conduct of Civil Servants of the State Agency for National Security.

Article 67. (1) The basic, ongoing and refreshment training of Agency employees shall take place subject to the terms, conditions and procedure as defined by the Rules and Regulations on the Implementation of This Act.

(2) The Agency Chairperson shall approve a list of positions for which initial basic training shall be mandatory.

(3) Where the needs of the service so require, the costs of raising the professional qualifications, and for retraining, of a civil servant shall be borne by the Agency.

(4) A civil servant enrolled, with his/her consent and under the terms and conditions as per paragraph 3, in a training course with a total duration of more than one month within a single calendar year, shall be obligated to remain in the employment of the Agency for a term of one to three years following completion of the training course. In case of resignation or termination from the service as per

Article 110, paragraph 1, items 4 or 8, the civil servant shall be obligated to repay the cost for such training proportional to the period of default on the above mandatory term.

Article 68. During their service with the Agency, civil servants are obligated to maintain their physical fitness in accordance with a procedure defined by a guideline of the Agency Chairperson.

Article 69. (1) In peacetime, the civil servants employed with the Agency shall have the right to participate in operations or missions outside the territory of the Republic of Bulgaria, in compliance with Bulgarian law and the international treaties to which the Republic of Bulgaria is a party.

(2) The terms, conditions and procedure for participation in operations or missions shall be defined by an ordinance of the Council of Ministers.

Section IV

Remuneration; material, health and social security of the employees

Article 70. The gross monthly remuneration of Agency employees shall be comprised of a basic monthly salary and additional payments.

Article 71. (1) The civil servants employed with the Agency shall receive a basic monthly salary defined in accordance with their rank and seniority degree.

(2) (Amended, SG No. 93/2009, effective 1.01.2010) The basis for determining the amount of the basic monthly salary for the lowest rank of civil servant employed with the State Agency for National Security shall be set annually by the State Budget Act of the Republic of Bulgaria, whereby the monthly remuneration shall be formed on said basis, multiplied by a coefficient as follows:

1. for agents: no less than 3,4;

2. for associates: no less than 2,2.

(3) The actual amount of the basic monthly salaries of civil servants shall be determined by the Agency Chairperson in accordance with the internal rules for determining the remuneration of personnel, and depending on the available funds in the Agency's budget.

Article 72. (1) In addition to the basic monthly salary, civil servants shall be awarded additional payments for:

1. length of service: at the rate of 2 percent of the basic monthly salary for each year of length of service, but not exceeding 40 percent; the actual amount being determined on the basis of the entire length of service in first category labour, as well as that equated to first category labour.

2. specific conditions of work: subject to terms, conditions and procedure, and in an amount as defined by an ordinance of the Agency Chairperson;

3. overtime work;

4. possession of an academic degree;

5. work in unhealthy conditions: subject to terms and conditions and in an amount as determined by the Council of Ministers;

6. bonus for work performance, as evidenced by the relevant performance assessment;

7. other additional payments as provided for in a regulatory act.

(2) The bonus as per paragraph 1, item 6 shall be made payable on a quarterly basis, subject to terms, conditions and procedure as defined by an ordinance of the Agency Chairperson.

Article 73. (1) Employees hired on an employment contract shall receive a basic monthly remuneration equal to their salary for the position occupied plus an additional payment for work with the Agency.

(2) (Amended, SG No. 93/2009, effective 1.01.2010) The basis for determining the amount of the salary for the lowest position shall be set annually by the State Budget Act of the Republic of Bulgaria, whereby the salary for each office shall be formed on said basis, multiplied by a coefficient as follows:

1. for employees with an academic degree: no less than 2,6;

2. for employees with secondary education: no less than 1,5.

(3) The amount of the additional payment for work with the Agency shall be determined by an order of the Agency Chairperson.

(4) Persons hired on an employment contract shall also be entitled to the additional payments as per Article 72, paragraph 1, items 2 and 6.

Article 74. (1) Agency employees shall be entitled to monthly food allowance.

(2) Agency employees shall be provided with:

1. food;
2. Formal clothing or uniform, or the cash equivalent thereof in BGN;
3. personal protection devices, special clothing or work overalls.
4. other personal effects and equipment.

(3) For the performance of activities as may have a harmful effect on their health, the Agency employees shall be provided, free of charge, with protective food and antidotes.

(4) In the event of a transfer to another city, town or village in cases as determined by the Agency Chairperson, the civil servants and the members of their families shall be entitled to a one-time compensation and a reimbursement for the transportation costs pertinent to such transfer.

(5) The amount of the payments and allowances as per paragraphs 1-4, and the procedure for provision thereof, shall be determined on an annual basis by an order of the Agency Chairperson.

(6) The cash equivalent of allowances as per paragraphs 1-4 shall be exempted from tax.

Article 75. (Repealed, SG No. 93/2009).

Article 76. (1) Agency employees, as well as members of the families of civil servants deceased in the line of duty, who are experiencing grave financial difficulties, shall be entitled to financial assistance which shall be exempted from income tax. The actual amount of such assistance and the procedure of provision

thereof shall be determined by an order of the Agency Chairperson issued on a case-by-case basis.

(2) (Amended, SG No. 93/2009) In the event of death of an employee, the cost of his/her internment, up to an amount determined by the Agency Chairperson, shall be covered by the Agency.

Article 77. (1) The mandatory health and social security payments on behalf of civil servants shall be covered by the state budget.

(2) Agency employees shall be entitled to treatment at the health care institutions of the Council of Ministers, the Ministry of Defence and the Ministry of Interior, subject to the provisions of the Health Insurance Act.

(3) (Amended, SG No. 93/2009) Agency employees shall be entitled to use the holiday, spa and preventative treatment facilities operated by the Council of Ministers, the Ministry of Defence and the Ministry of Interior as per the procedure laid down in the Health Insurance Act.

(4) (New, SG No. 93/2009) The holiday, spa and preventative treatment facilities of the Ministry of Defence and the Ministry of Interior shall be used by the Agency employees as per the rules and procedure specified jointly by the Agency Chairperson and the respective minister.

Article 78. The work of the civil servants of the Agency shall count as first category labour.

Article 79. (1) Agency employees shall have mandatory life insurance, as well as insurance against temporary incapacitation or permanent loss of, or diminished, capacity for work, as a result of an accident; such insurance is to be covered by the state budget.

(2) The Agency Chairperson, in coordination with the Minister of Finance, may define which categories of Agency employees shall also have mandatory civil liability insurance, likewise to be covered by the state budget.

(3) Such mandatory insurance shall not be construed as an obstacle to the conclusion by interested parties of other types of insurance contracts.

Article 80. In the course of performing their official duties, the civil servants of the Agency shall be entitled to free travel by public urban transport.

Article 81. Civil servants renting a home under a private lease agreement shall be entitled to amounts of financial compensation subject to terms, conditions and procedure as determined by the Council of Ministers.

Section V

Working hours, holidays and leaves

Article 82. (1) The normal duration of the working time for civil servants of the Agency shall be 8 hours per day or 40 hours per week, based on a 5-day working week.

(2) Reduced working hours shall be set for civil servants performing their official duties in harmful, dangerous or specific conditions of work.

(3) The working time for civil servants shall be calculated in working days, by the day, while the working time for employees working in 8-, 12- or 24-hour shifts, as the sum total of hours over a quarterly period.

(4) No rest time shall be included in the duration of the work day of Agency employees, except for those working in 24-hour shifts, in cases where a break is expressly provided during those.

(5) Flexible working hours shall be institutes for civil servants of the Agency other than those as per paragraph 2 and those working in shifts. Civil servants shall be obligated, where necessary, to continue performing their official duties after the end of the normal working day.

(6) Employees shall be compensated for such overtime work by:

1. additional paid annual leave for work on week days, and overtime payment for work on weekends and holidays, for employees as per paragraph 5;

2. overtime payment for up to 50 hours of overtime work per each reporting period, and additional paid leave for overtime work in excess of 50 hours, for employees as per paragraph 3.

(7) Overtime work as per paragraph 6 shall be paid for by a 50 percent increase on the basic monthly salary.

(8) The provisions of paragraphs 1-6 shall not apply in the event of a declaration of war, martial law or a state of emergency, or in cases of a state of crisis or calamity or other emergency situations as defined by the Rules and Regulations on the Implementation of this Act.

(9) The procedure of allocation of working time, of accounting therefor, and the compensations due to civil servants for overtime work beyond the regular working hours shall be determined by a guideline of the Agency Chairperson.

(10) Official holidays for the civil servants shall be those identified as per Article 154, paragraph 1 of the Labour Code.

Article 83. (1) Civil servants of the Agency shall be entitled to the following types of leaves of absence:

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

2. additional paid annual leave: one day for each year of service in first category labour, as well as for length of service equated to first category, but not exceeding 10 working days in total;

3. additional paid annual leave as per Article 86, paragraph 6: up to 12 working days;

4. additional paid annual leave in case of a transfer to another city, town or village: up to three working days, or the equivalent in cash compensation;

5. unpaid leave: up to 6 months for the entire length of service;

6. unpaid leave: for the duration of the internship as per Article 294, paragraph 1 of the Judiciary System Act;

7. unpaid leave: for the duration of an election campaign.

(2) Leaves as per paragraph 1 shall count as length of service, except in cases as per paragraph 1, item 6.

(3) For the duration of their paid annual leave, the civil servants of the Agency shall receive their basic monthly salary as well as any additional payments of a permanent nature in the amount current towards the date of commencement of the annual leave.

(4) It is forbidden for employees to receive cash compensation in lieu of their paid leaves as per paragraph 1, items 1-3, except in case of termination of their employment.

(5) The procedure of using leaves shall be determined by a guideline of the Agency Chairperson.

Article 84. (1) Civil servants of the Agency shall be entitled to paid leave as compensation for work in unhealthy conditions, for performance of their public and civil duties, for temporary incapacity, pregnancy, childbirth or adoption, for nursing and feeding an infant, for raising a child, in the event of death or grave illness of a parent, for two or more living children, for taking admission exams to an educational institution and for training courses, as well as to unpaid leave, subject to the terms, conditions and procedure, and with a duration as determined by the Labour Code.

(2) Pregnant women civil servants of the Agency shall enjoy special protection under the Labour Code.

Section VI AWARDS AND DISTINCTIONS

Article 85. The employees of the Agency may be rewarded with awards and distinctions for high professionalism and for exemplary performance of their official duties.

Article 86. (1) Such distinctions shall be:

1. a written citation;
2. a commendation;
3. a Silver Honorary Sign of the State Agency for National Security;
4. a Gold Honorary Sign of the State Agency for National Security.

(2) The awards may be either in cash or in kind. The value of a cash or in-kind award shall not exceed the amount of the employee's basic monthly salary.

(3) Such distinctions and awards shall be bestowed by the Agency Chairperson, and in cases as per paragraph 1, items 1 and 2, and paragraph 2, with the exception of the award of a firearm, also by Agency officials designated by the Chair.

(4) The Agency Chairperson has the right, at his/her discretion, to reward the same employee with both a distinction and an award.

(5) The terms, conditions and procedure of rewarding personnel, as well as the content of the distinctions and awards, shall be determined by the Rules and Regulations on the Implementation of This Act.

Article 87. Bulgarian nationals as well as nationals of another country may be rewarded for their cooperation and specific assistance provided to the Agency, with the Honorary Signs of the Agency, as well as with cash and in-kind awards, including firearms.

Section VII

Disciplinary liability

Article 88. (1) Civil servants of the Agency who have knowingly breached their official duties, shall be liable to disciplinary sanctions as provided under this Act.

(2) Such disciplinary violations shall be as follows:

1. failure to implement the provisions of this Act, or any pieces of secondary legislation issued on the basis hereof or in relation hereto, or an order or instruction of the Chairperson or deputy Chairpersons of the Agency, or a direct superior;
2. non-performance of the duties of office;
3. non-adherence to the powers vested in the office;
4. non-abidance by the rules of the Code of Ethics Governing the Conduct of Civil Servants Of the State Agency for National Security.

(3) Such disciplinary liability shall be borne separately and independently of any civil, penal or administrative-penal liability, whichever of these is provided by law.

Article 89. (1) Disciplinary sanctions shall be imposed not later than two months following detection of the violation, and not later than one year after its commission.

(2) Where a disciplinary violation is also a criminal or an administrative offence, the periods of time as per paragraph 1 shall commence as of the date of entry into force of the court decision or the penal decree.

(3) Expiry of the periods as per paragraph 1 herein shall be temporarily suspended in cases where the civil servant concerned is on a statutory leave of absence, or has been placed in custody or under house arrest.

Article 90. (1) The following disciplinary sanctions shall apply:

1. remark;
2. censure;
3. non-promotion in rank, degree of seniority or position for a period of one to three years;
4. (amended, SG No. 93/2009) demotion in rank, degree of seniority, of rank or position for a period from three months up to one year;
5. dismissal.

(2) no more than one disciplinary sanction may be imposed for the same disciplinary violation.

Article 91. (1) The disciplinary sanction of dismissal shall be imposed mandatorily in the following cases:

1. conviction of a deliberate criminal offence of a general nature, or disqualification of the person from occupying a civil service position;
2. breach of the ban as per Article 45, paragraph 1, 2 or 3;

3. violation of the rules of protection of classified information as has resulted in unauthorized access thereto;
4. failure of the employee to report for duty on two consecutive working days, without a valid reason;
5. defiant insubordination, or abetment of others towards such; threat or commission of violent action against a superior or a subordinate;
6. exceeding the powers vested in an employee, or abuse of office for personal gain or for the gain of third parties;
7. abuse of power;
8. deliberate violation of the duties of office as has resulted in considerable damage to the State, or to the State Agency for National Security, or to legal entities or natural persons;
9. commission of another grave disciplinary violation.

(2) In cases of temporary suspension from office in accordance with the provisions of the Criminal Procedure Code for commission of deliberate criminal offences of a general nature prosecuted in court and resulting in an effective act of such court, the disciplinary sanction of dismissal shall take effect as from the date of such suspension.

Article 92. (1) Disciplinary sanctions shall be imposed upon civil servants by force of a justified written order of the Agency Chairperson. In cases as per Article 90, paragraph 1, items 1 and 2, such disciplinary sanctions may be imposed by force of a justified written order of an official duly authorized to that end by the Agency Chairperson.

(2) The order as per paragraph 1 shall state:

1. the full name and position of the authority imposing the disciplinary sanction;
2. the date of issue;
3. the full name and position of the civil servant being sanctioned;

4. a description of the violation committed thereby, the date and place of its commission, the circumstances of its commission, as well as the supporting evidence whereby such commission was established;

5. the duties of office that have been knowingly violated;

6. the type and extent of the sanction;

7. the legal grounds for imposing it.

Article 93. (1) Prior to an imposition of a disciplinary sanction, the sanctioning authority shall hear out the employee made subject to disciplinary liability, or shall receive his/her written explanation and gather the relevant evidence of significance to the case.

(2) Where the authority imposing the disciplinary sanction has failed to hear out the civil servant or receive his/her written explanation, the court shall overturn the disciplinary sanction imposed without hearing the case in its essence, unless the civil servant made subject to disciplinary liability has failed through his/her own fault to give explanations or to be heard.

(3) Until the entry into force of the order or the decision for the imposition of a disciplinary sanction, no facts or circumstances pertinent to the disciplinary proceedings shall be divulged.

Article 94. (1) In determining the type and extent of the disciplinary sanction, the sanctioning authority shall consider the gravity of the violation and the consequences arising therefrom, the circumstances in which it was committed, the form of guilt and the overall conduct of the offending employee in the discharge of his/her duties of office.

(2) The disciplinary proceedings shall take place in the absence of the civil servant, provided that this would not prevent the objective truth from being established, in cases where said civil servant:

1. was not located at the address provided by him/herself, or had changed said address without informing the relevant authority;

2. has left the territory of the Republic of Bulgaria without being on statutory leave or a business assignment, and if he/she has failed to provide a valid reason for that.

Article 95. (1) The order imposing such disciplinary sanction shall be handed to the civil servant concerned against signature, and the delivery date shall be duly noted. In case where it proves impossible to deliver such order by hand to the civil servant concerned, the sanctioning authority shall send such order to his/her permanent residential address by registered mail with a return slip.

(2) A copy of the effective order as per paragraph 1 shall be filed in the personnel dossier of the civil servant concerned.

(3) The order imposing a disciplinary sanction shall become subject to execution as from the date of such order being handed to the civil servant concerned, or as from the date of receipt thereof, where sent by registered mail with a return slip.

Article 96. The order imposing a disciplinary sanction shall be subject to appeal in accordance with the Administrative Procedure Code. Such appeal shall not result in suspension of its execution.

Article 97. (1) All disciplinary sanctions, except dismissal, shall be deleted within one year from:

1. being imposed, for sanctions as per Article 90, paragraph 1, items 1 and 2;
2. expiry of the sanction period, for sanctions as per Article 90, paragraph 1, items 3 and 4;

(2) Such deletion shall be carried out ex officio, by making the relevant note into the personnel dossier of the civil servant concerned.

(3) Disciplinary sanctions, except dismissal, may be deleted ahead of the term as per paragraph 1, in case where the civil servant concerned has not committed any further violations of the duties of office for a period of 6 months.

(4) Such early deletion shall take place on the strength of a justified written order by Agency Chairperson or an official duly authorized to that end by the latter; such order shall be handed to the civil servant concerned and filed in his/her personnel dossier.

Article 98. The procedure of conducting disciplinary proceedings and of imposition and execution of disciplinary sanctions shall be defined by the Rules and Regulations on the Implementation of this Act.

Article 99. (1) A civil servant of the Agency may be suspended from office:

1. in accordance with the Criminal Procedure Code;
2. in case where such civil servant is subject to disciplinary proceedings for violation as per Article 91, paragraph 1, and his/her official position would render onerous or impossible the establishment of the objective truth; in such cases the suspension shall be effected by the Agency Chairpersons or an official duly authorized to that end by the latter;
3. in case where such civil servant reports for duty in a condition as would prevent him/her from discharging the duties of office; in such cases the suspension shall be effected by his/her immediate supervisor or a superior official and shall continue until the civil servant concerned has restored his/her fitness to discharge the duties of office.

(2) The civil servant concerned shall not receive remuneration for the period of the suspension.

(3) In case where the disciplinary proceedings as per paragraph 1, item 2 are terminated, or where no disciplinary sanction of dismissal has been imposed on the civil servant concerned, he/she shall be entitled retroactively to remuneration for the period of the suspension.

(4) In case of termination of criminal proceedings or of acquittal by a court of law, the suspended civil servant shall be reinstated and shall be entitled to compensation for the period of the suspension.

Section VIII

Pecuniary liability of civil servants

Article 100. (1) Civil servants of the Agency shall bear pecuniary liability for any damages caused to the State through negligence in the course of, or pertinent to, the discharge of their duties of office.

(2) For damages inflicted on private individuals under the terms of paragraph 1, the civil servants concerned shall bear no pecuniary liability to the aggrieved party. In such cases, the State shall be under obligation to indemnify the aggrieved party for any pecuniary and non-pecuniary damages in accordance with the general provisions of civil law.

(3) For damages inflicted deliberately or as a result of a criminal offence, or caused in circumstances unrelated to, or other than, the discharge of the duties of office, the liability of civil servants of the Agency shall be determined in accordance with civil law.

(4) The pecuniary liability of civil servants of the Agency shall be borne separately and independently from any disciplinary, administrative-penal or criminal liability, if such is provided by law.

Article 101. (1) Civil servants of the Agency shall bear no pecuniary liability for damages arising out of a high-risk activity relevant to the discharge of their duties of office.

(2) Neither the State nor civil servants of the Agency shall be held liable for damages to third parties inflicted in conditions of an emergency, in the performance of actions relevant to the protection of national security.

Article 102. (1) In the event of unpaid compensation for damages inflicted upon private individuals as a result of an illegal act, action or inaction on the part of Agency bodies or officials, the State Agency for National Security shall be entitled to file a claim against the civil servants who have knowingly caused such damages as per Article 100, paragraph 1.

(2) The State shall be entitled to file a claim against the civil servants who have knowingly caused damages as per Article 100, paragraph 2, for the amount of compensation already paid to the aggrieved party.

(3) Where a civil servant has performed the duties of office punctually, the State shall bear full liability for any and all pecuniary and non-pecuniary damages caused by such civil servant to private individuals, without having the right to claim from the party having caused such damages the amount of compensation already paid to the aggrieved party.

Article 103. (1) Civil servants of the Agency shall be held liable for damages sustained, but not for lost profits.

(2) The extent of damages shall be estimated towards the date on which they occurred, and where that proves impossible, towards the date on which they were detected.

Article 104. (1) For damages caused under the provisions of Article 100, paragraph 1, the civil servant concerned shall be held liable to the extent of the damage, but not exceeding the amount of the gross monthly salary for the month preceding the month in which the damages occurred, and where that proves impossible to establish, for the month in which they were detected.

(2) For damages caused under the provisions of paragraph 1 by senior management staff, the amount of pecuniary liability shall be to the extent of the damage, but not more than three gross monthly salaries.

(3) No pecuniary liability as per Article 100, paragraph 1 shall be claimed in cases where over three years have expired since the damage was inflicted.

Article 105. (1) Civil servants of the Agency whose duties involve the collection, safekeeping, spending or accounting for cash amounts or other valuables, shall be held liable:

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

2. in the event of a shortfall, to the full amount missing, including statutory interest as from the date of causing the damage, and where this cannot be established, from the date of detection of the shortfall.

(2) Persons who have received without valid reason any material benefit from the civil servant who caused the damage, or have otherwise taken advantage of said damage as per Article 1, paragraph 1, shall be liable, jointly and severally with the person who caused the damage, to return any material benefits to the extent gained. Such persons shall also be liable to return any donations received from the person who caused the damage, where such donations involve funds derived from said damage.

(3) Claims as per paragraph 1 item 2, and paragraph 2 shall be extinguished upon expiry of 10-year a statute of limitation from the date the damage was caused.

Article 106. Where a damage has been caused by several persons, they shall be liable in cases of:

1. limited pecuniary liability: in proportion to each of said persons' participation in the damage being caused, and where that proves impossible to establish, in proportion to their gross monthly salary; the sum total of compensations due shall not exceed the extent of the damage.

2. full pecuniary liability: jointly and severally.

Article 107. (1) In cases of limited pecuniary liability, the Agency Chairperson or an official duly authorized by the latter shall issue an order determining the extent of, and legal grounds for, the employee's liability.

(2) The order as per paragraph 1 shall be issued within one month from detection of the damage, but not later than one year from the date it was caused; and where such damage was caused by a senior officer, or in the performance of functions involving financial accountability, within three months from detection of the damage, but not later than five years from the date it was caused. The expiry of such time limits shall be suspended in cases of ongoing proceedings for the establishment of full pecuniary damage, for as long as such proceedings are pending.

(3) In case where the civil servant has, within one month of being handed such order, challenged in writing the extent or legal grounds of such pecuniary liability, the Agency shall be entitled to file a claim against him/her in a court of law.

(4) If, within the time limit as per paragraph 3, the liable person has failed to challenge the extent or legal grounds of such pecuniary liability, the amount determined by said order shall become deductible from said person's remuneration at the rates prescribed as per the Code of Civil Procedure.

(5) In case of termination of such an employee, the outstanding amount under such limited pecuniary liability shall become deductible if full from the severance pay and any other receivables said employee is entitled to, and if said outstanding amount cannot be collected in this manner, it shall be collected in accordance with the provisions of the Code of Civil Procedure.

(6) No interest shall be accrued on amounts due under an order imposing limited pecuniary liability.

(7) Amounts collected in execution of limited liability orders shall be remitted as revenue into the Agency budget.

Article 108. (1) Full pecuniary liability shall be brought into effect by a court of law, unless the civil servant concerned has paid in voluntarily the amount due prior to the commencement of judicial proceedings.

(2) Claims of full pecuniary liability as per paragraph 1 shall be extinguished upon expiry of a 5-year statute of limitations, said period commencing as from the date on which the damage was caused. In such cases the expiry of statute of limitation shall be attested to by an act of a supervisory body as from the date of such act being handed to the civil servant concerned.

Article 109. Any issues not explicitly dealt with in this Section shall be governed by the provisions of civil law.

Section IX

Termination of employment

Article 110. (1) The employment of a civil servant of the State Agency for National security shall be terminated:

1. upon completion of 60 years of age;
2. subject to acquisition of the statutory right to a retirement pension as per Article 69, paragraph 3 of the Social Insurance Code, upon a request of the civil servant concerned, or at the discretion of the appointing authority;
- 2a. (new, SG No. 93/2009) upon an acquired or exercised right to a retirement pension - at the discretion of the appointing authority;
3. for health reasons: inability to perform the duties of office due to illness causing a permanent incapacity, or due to health-related counter-indications;
4. of his/her own volition;

5. in case of the position being made redundant;
6. for failure to report for duty or in case of a refusal by the civil servant to fill the position to which he/she was reinstated, after 14 days from the entry into force of the court decision overturning a termination order, unless such time limit is breached for a valid reason;
7. in case of an objective impossibility for him/her to perform the duties of office, because:
 - a) a court decision has come into effect imposing a prison sentence upon him/her, if the execution of such sentence is not postponed in accordance with the provisions of the Penal Code, or if a penalty has been imposed in the sense as per Article 37, paragraph 1, items 6 and 7 of the Criminal Code, which does not call for an imposition of the disciplinary sanction of dismissal;
 - b) the civil servant has received the lowest general score in his/her performance assessment as per Article 62;
 - c) circumstances have been established as per Article 53, paragraph 1, item 4, which do not call for an imposition of the disciplinary sanction of dismissal;
 - d) the civil servant's application for access to classified information has been turned down;
 - e) an incompatibility has been established in cases as per Article 50, paragraphs 1 and 3;
 - f) (amended, SG No. 93/2009) ineffectiveness of the performance of undercover functions, for officers working undercover;
8. in case of an imposition of the disciplinary sanction of dismissal;
9. for the duration of the trial period, at the discretion of the appointing authority, following a performance assessment;
10. in the event of death of the civil servant concerned;
11. (new, SG No. 42/2009) in case conflict of interest has been ascertained by an effective act under the Conflict of Interest Prevention and Disclosure Act.

(2) The circumstances as per paragraph 1, item 3 must have been established based upon a decision of the National Expert Medical Board, which is subject to appeal before the Administrative Court of the City of Sofia, in accordance with the provisions of the Administrative Procedure Code.

(3) Termination of employment in cases as per paragraph 1, items 3, 5 and 7, indents (d) and (e), in relation to Article 50, paragraph 3, item 1, shall only be allowed if the civil servant has turned down another position offered to him/her within the scope of their rank and degree of seniority, or if a suitable vacancy is not available.

(4) The procedure of termination of employment as per paragraph 1 shall be defined by the Rules and Regulations on the Implementation of this Act.

(5) Civil servants shall retain their current rank upon their subsequent appointment to a civil service position with the Agency, except in cases as per paragraph 1, item 8.

Article 111. Termination of employment orders shall be issued by the Agency Chairperson.

Article 112. (1) The authority as per Article 111 shall terminate employment in cases as per Article 110, paragraph 1, items 5 and 7, by a one-month notice. In case of non-abidance by the one-month period of such notice, the civil servant concerned shall be owed compensation for the duration by which said period was breached.

(2) In case of termination of employment by written request of the civil servant as per Article 110, paragraph 1, items 2 and 4, the termination order shall be issued within the time limit as per paragraph 1 herein. The authority as per Article 111 may terminate employment ahead of that time limit, but shall be obligated to pay to the civil servant compensation for the duration by which said one-month period was breached.

Article 113. Civil servants of the Agency may not be terminated during a statutory leave of absence, except in cases as per Article 110, paragraph 1, items 1 and 3, as well as if convicted and sentenced to imprisonment for a deliberate crime of a general nature.

Article 114. (1) A termination order shall be subject to immediate execution.

(2) Employment shall be deemed terminated as of the date of handing the termination order to the civil servant concerned, and in cases as per Article 110, paragraph 1, item 10, from the date of his/her death.

Article 115. The termination order shall be subject to appeal in accordance with the Administrative Procedure Code. Such appeal shall not result in suspension of its execution.

Article 116. In the event of cancellation of a termination order, the civil servant concerned shall be reinstated within two months to his/her previous position, or to another equivalent position, provided that he/she would report for duty at the relevant structural unit of the Agency within 14 days from the court decision overturning said order.

Section X

Severance pay and other compensations due to civil servants

Article 117. (1) In the event of termination of the employment of a civil servant of the State Agency for National Security, he/she shall be entitled to a one-time severance pay in the amount to a number of gross monthly salaries equal to the number of his/her years of service, but not exceeding 20.

(2) Where civil servants have served for 10 years or more, and where their employment is terminated on the grounds of Article 110, paragraph 1, item 3, the amount of their one-time severance pay shall be no less than 15 gross monthly salaries.

(3) In case of termination of employment under the provisions of paragraph 2, where the total length of service of the civil servant concerned is less than 10 years, his/her one-time severance pay shall be equal to 10 gross monthly salaries.

(4) In the event of a second, and/or for every subsequent termination, the severance pay due, as determined pursuant to the provisions of paragraphs 1-3 herein, shall be minus the number of gross monthly salaries already paid out to the civil servant concerned for the previous terminations.

(5) In case of termination of employment after 10 or more years of service, the civil servants concerned shall be entitled to a one-time set of service-issue personal effects, or their equivalent value in BGN.

(6) (Amended, SG No. 42/2009) The provisions of paragraphs 1 and 5 herein shall not apply in case of termination under Article 110, paragraph 1, items 8 and 11.

(7) In cases where a civil servant is the defendant in a criminal prosecution for a deliberate offence of a general nature, or is subject to disciplinary proceedings, no severance pay or other compensation shall be paid out to him/her until the completion of the criminal or disciplinary proceedings.

(8) in case of termination of employment on account of the death of the civil servant concerned, the severance pay due under paragraph 1, 2 or 3 shall be paid out to the surviving spouse, children or parents of the deceased.

Article 118. (1) The amount of the severance pay as per Article 117 shall be determined solely on the basis of the civil servant's length of service as such with the Agency, not his/her equated length of service.

(2) Apart from cases as per paragraph 1 herein, the civil servant's equated length of service shall be considered in determining the one-time severance pay for termination of his/her employment in case as per Article 110, paragraph 1, item 2, where he/she has served the last 13 years and 4 months in positions as per paragraph 1 herein.

Article 119. In the event of an unlawful termination of employment, the civil servants of the State Agency for National Security concerned shall be entitled to compensation in the amount of their gross monthly salary calculated towards the date of termination, for the duration of their subsequent unemployment, but no more than 6 months. In case that during that time they were hired for lower pay, they shall be entitled to the difference in remuneration.

Article 120. (1) Civil servants who have suffered a bodily injury in the course of, or pertinent to, the performance of their duties of office, shall be entitled to a one-time financial compensation in the amount of 10 gross monthly salaries for a grave bodily injury, and of 6 gross monthly salaries for a medium bodily injury.

(2) The surviving spouse, children or parents of civil servants deceased in the course of, or pertinent to, the performance of their duties of office, shall be entitled to a one-time financial compensation in the amount of 12 gross monthly salaries for each one of them.

(3) (Amended, SG No. 93/2009) The type of bodily injury shall be determined by the respective expert medical commissions at the medical institutions as per Article 77 (2) and the circumstances in which such injury was caused, or in which the civil servant died, shall be ascertained by his/her immediate superior.

(4) In cases of death, the persons as per paragraph 2 herein shall also be entitled to compensation as per Article 117, paragraph 1.

Article 121. One-time financial compensations as per this Act shall be made payable on the basis of the gross monthly salary, calculated towards the date of the termination of employment, of suspension from office, or of detection of the event as per Article 120, and shall include:

1. the basic monthly salary;
2. additional monthly payments for length of service, specific work conditions or possession of an academic degree.

Article 122. Compensations as per Article 117 and Article 120 shall be exempted from income tax.

Chapter Eight

OFFICERS OF THE STATE AGENCY FOR NATIONAL SECURITY

Article 123. (1) The officers of the Agency shall be its civil servants.

(2) In performing their duties, the officers as per paragraph 1 herein shall:

1. carry out surveillance and monitoring of persons, facilities and activities related to encroachments upon, and threats to, national security;
2. apply and use intelligence gathering methods and tools subject to terms, conditions and procedure as defined by an ordinance of the Council of Ministers;
3. (repealed, SG No. 93/2009);
4. recruit private individuals as voluntary collaborators;

5. apply and use, within the limits of their competence, special intelligence means subject to terms, conditions and procedure as defined by the Special Intelligence Means Act;

6. provide cover for civil servants of the Agency and their operation, subject to terms, conditions and procedure as defined by the Rules and Regulations on the Implementation of this Act;

7. gather, process, store and use data obtained from investigation of facts, persons and facilities related to the security of the Republic of Bulgaria;

8. receive information from government authorities, institutions and persons, related to the protection of national security;

9. provide information to the government authorities and the bodies of local self-government, institutions and persons, through the good offices of the Agency Chairperson;

(3) (Amended, SG 35/2009, effective 12.05.2009, SG 16/2010, effective 26.02.2010) In addition to the powers as per paragraph 2 herein, in performing its functions relevant to the security of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army, the officers as per paragraph 1 shall:

1. provide for and assure the counterintelligence capabilities of the Bulgarian troops participating in operations and missions outside the territory of the Republic of Bulgaria, and of the national military formations made available as collective defence capabilities and for the purposes of NATO operations;

2. (amended, SG 35/2009, effective 12.05.2009, SG 16/2010, effective 26.02.2010) have access to bases and facilities of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army;

3. (amended, SG 35/2009, effective 12.05.2009, SG 16/2010, effective 26.02.2010) receive directly from the commanders and base commanders of the Ministry of Defence the structures directly subordinate to the Minister of Defence and the Bulgarian Army, the information necessary for the discharge of their powers and duties and for assuring the security of the armed forces;

4. (amended, SG 35/2009, effective 12.05.2009, SG 16/2010, effective 26.02.2010) perform functions pertinent to the protection of the classified information of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army, pursuant to the Classified Information Protection Act;

5. (amended, SG 35/2009, effective 12.05.2009, SG 16/2010, effective 26.02.2010) provide opinions in respect of decisions, plans, materials and others relevant to the security of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army.

6. (amended, SG 35/2009, effective 12.05.2009, SG 16/2010, effective 26.02.2010) issue binding instructions for action in case of an emerging threat to the combat readiness, the information, economic and financial security, as well as in case of endangerment of the security of facilities and activities of the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Army.

(4) The officers as per paragraph 1 shall discharge their powers and duties also with respect to foreign and allied military formations deployed in the territory of the Republic of Bulgaria, where this is provided in an international treaty to which the Republic of Bulgaria is a party.

Article 124. In performing their functions, the officers as per Article 123, paragraph 1 shall detect and prevent criminal offences related to the functions assigned to them by force of this Act.

Article 125. (Amended, SG No. 93/2009) (1) The officers of the Agency shall have the right to detain a person, who breached the security and the rules for entering the area of a protected Agency site.

(2) In the cases as per paragraph 1 the competent police bodies shall be informed immediately.

(3) When the detained person is handed over to the respective police bodies a protocol shall be drawn up and shall contain:

1. the full name of the author and his/her office;
2. date on which the protocol was drawn up;

3. date and place of detainment;
4. description of the circumstances under which the person was detained;
5. full name of the detained person, personal identification number, permanent or current address;
6. the statements or objections of the detained person if such;
7. the full name of the witnesses (if such), personal identification number, permanent or current address and their written testimony.

(4) The protocol shall be signed by the author and handed over to the police bodies.

(5) Upon handing over of the person and drawing up of the protocol as per paragraph 3 the detained person shall undergo a medical examination.

Article 126. (1) In the discharge of their duties, the officers of the Agency shall have the right to carry firearms.

(2) The officers as per paragraph 1 herein may use such firearms as an extreme measure:

1. if attached with a weapon or threatened with a firearm;
2. (amended, SG No. 93/2009) following a warning given to a person committing or having committed a criminal offence of a general nature, if said person is resisting or trying to escape.
3. (new, SG No. 93/2009) in the cases under Article 125 if said person is resisting or trying to escape.

(3) In using a firearm, the officers as per paragraph 1 herein shall be under obligation, where possible, to spare the life of the person at whom such firearm is pointed, and not to endanger the life and limb of other persons.

(4) Following the use of a firearm, the officers as per paragraph 1 herein shall draw up a report to that effect.

Article 127. (1) In discharging their duties of office, the officers of the Agency may use physical force or auxiliary devices only if such duties cannot be discharged otherwise, in the following cases:

1. resistance or refusal by the suspect to obey a lawfully issued order;
2. detention of a person committing or having committed a criminal offence of a general nature, if said person is not obeying an order or is resisting arrest.
3. (new, SG No. 93/2009) detainment of a person under Article 125 paragraph 1, if the person is resisting or trying to escape.

(2) (Amended, SG No. 93/2009) Such auxiliary devices shall include: handcuffs, rubber and plastic truncheons, riot sticks, stun guns and similar devices; rubber, plastic or stun bullets; tire deflation devices to bring moving vehicles to a controlled stop; stun (flash-bang) grenades.

(3) The procedure for using such auxiliary devices shall be defined by an ordinance of the Agency Chairperson.

(4) Physical force and auxiliary devices shall only be used following a warning, except in cases of a surprise attack.

(5) The use of physical force and auxiliary devices shall take place in consideration of the actual situation and the offender's personality.

(6) In the use of physical force and auxiliary devices, the officers as per paragraph 1 herein shall be obligated, where possible, to protect the health and to take every precaution for sparing the life of persons at whom they are aimed.

(7) The use of physical force and auxiliary devices shall be discontinued immediately after they have served their intended purpose.

(8) No physical force and auxiliary devices shall be against apparent minors or pregnant women.

Article 128. (1) The officers of the Agency may issue verbal or written warnings to persons of whom there is sufficient evidence to suggest that they may commit criminal offences or other acts endangering national security.

(2) The officers of the Agency shall have the right to summon private individuals to offices of the Agency for the purposes as per paragraph 1.

(3) A protocol shall mandatorily be drawn up for every such case of summoning a person.

Article 129. (1) Government authorities, institutions, legal entities and private individuals shall be under obligation to provide every assistance to the officers of the Agency in the discharge of their powers and duties as assigned by law.

(2) Government authorities and private individuals shall be under obligation to immediately supply to the Agency any information as may have been received or acquired by them, relevant to the discharge of the powers and functions of the Agency as assigned by law.

(3) The officers of the Agency may demand from the bodies and persons as per paragraph 1 herein information relevant to the discharge of their powers and duties as assigned by law.

Article 130. (1) In discharging their duties of office, the officers of the Agency shall be inviolable and placed under the protection of the law. Such inviolability shall amount to special protection of their life and limb.

(2) In discharging their duties of office, the officers of the Agency shall identify themselves in their official capacity using a service identity card or badge. The type and design of such service identity card or badge shall be determined by the Agency Chairperson.

Chapter Nine

ACCOUNTABILITY AND OVERSIGHT

Article 131. The Chairperson of the State Agency for National Security shall report simultaneously, by supplying information identical in volume and content, to the President of the Republic of Bulgaria, the Speaker of the National Assembly and the Prime Minister.

Article 132. (1) Parliamentary oversight on the performance of the Agency shall be carried out by a specialized permanent committee of the National Assembly.

(2) The Chairperson, deputy Chairpersons and officers of the Agency shall be under obligation to report, when invited to do so, to the National Assembly or the Committee as per paragraph 1 herein, and supply the required information.

(3) Every year, not later than January 31st, the Chairperson of the Agency shall submit to the Council of Ministers a report in the activities of the Agency. The Council of Ministers shall submit said report to the National Assembly for approval by a parliamentary decision.

(4) Prior to the parliamentary discussion of the draft annual budget, the Committee as per paragraph 1 herein shall consider the program budget and the three-year budgetary forecast of the Agency, as presented by its Chairperson.

(4) (New, SG No. 22/2009) The report referred to in Paragraph 3 shall include information regarding the use of data under Article 11a of the Measures Against Money Laundering Act.

(5) (Renumbered from Paragraph (4), SG No. 22/2009) Prior to the parliamentary discussion of the draft annual budget, the Committee as per paragraph 1 herein shall consider the program budget and the three-year budgetary forecast of the Agency, as presented by its Chairperson.

Chapter Ten

ADMINISTRATIVE PENAL PROVISIONS

Article 133. (1) For failure to fulfil an obligation under this Act, the Agency official or officer at fault shall be liable to a fine in the amount of BGN 500 to BGN 1,000.

(2) For a repeat violation, the amount of said fine shall be BGN 1,000 to BGN 2,000.

Article 134. (1) A person who has unlawfully prevented an officer of the Agency from performing his/her duties shall be liable to a fine of BGN 500 to BGN 1,000, unless such action constitutes a criminal offence.

(2) For a repeat violation, the amount of said fine shall be BGN 1,000 to BGN 2,000.

Article 135. (1) Protocols attesting to the commission of such offences shall be drawn up by agency officials duly authorized by the Chairperson.

(2) The relevant penal decrees shall be issued by the Agency Chairperson.

(3) The factual establishment of a violation, and the issue, appeal and execution of penal decrees shall be carried out subject to a procedure as per the Administrative Violations and Sanctions Act.

ADDITIONAL PROVISIONS

§ 1. For the purposes of this Act:

1. (New, SG No. 93/2009) „National security” shall be a dynamic state of the public where the territorial integrity, sovereignty and Constitutionally established order in the country are protected and the democratic functioning of the institutions, the fundamental rights and freedoms of citizens, sustainable economic development and the well-being of the population are guaranteed and where the country successfully protects its national interests and fulfils its national priorities.

2. (New, SG No. 93/2009) „Encroachment against national security” shall be purposeful actions or inactions of persons, groups or organizations leading to processes or events breaching the sustainable state of national security of the Republic of Bulgaria.

3. (New, SG No. 93/2009) „Official secret” shall be the information, which is not a state secret but is related to the performance of the functions and tasks of the Agency and with the fulfilment of the duties of office of its officers and was obtained as a result of these activities, unregulated access to which would reflect negatively on the interests and security of the state, the activities of the Agency, of its employees in relation to the discharge of their tasks or of third persons.

4. (Previous Item 1, SG No. 93/2009) „Senior public officials” shall be persons identified as per Article 2, paragraph 1 of the Public Disclosure of Senior Public Officials' Financial Interests Act.

5. (Amended, SG No. 94/2008, effective 1.01.2009, previous Item 2, SG No. 93/2009) „Related persons” shall be persons in the sense as per Item 1 of § 1 of the Additional Provision of the Supplementary Provision of the Conflict of Interest Prevention and Disclosure Act.

6. (Previous Item 3, SG No. 93/2009) „Actions in the discharge of the duties of office” shall be such actions or inactions as constitute fulfilment of obligations arising directly from the official position occupied.

7. (Previous Item 4, SG No. 93/2009) „Actions pertinent to the discharge of duties of office” shall be such actions or inactions as do not constitute fulfilment of obligations arising directly from the official position occupied, but precede or follow such fulfilment of obligations and are in direct causal relationship therewith.

8. (Previous Item 5, SG No. 93/2009) „Family” shall mean spouses and their underage children, unless the latter are themselves married.

9. (Previous Item 6, SG No. 93/2009) „A repeat violation” is a violation committed within one year from the entry into force of a penal decree whereby the offender was sanctioned for a violation of the same type.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. (1) The Security: Military Police and Military Counterintelligence Service under the Minister of Defence shall be transformed into a Military Police Service under the Minister of Defence.

(2) The State Agency for National Security shall be the legal successor of the assets and liabilities, archives, the staff, resp. personnel, and of any and all other rights and obligations of the National Security Service and the Protection of the Means of Communication Directorate of the Ministry of Interior, of the military counterintelligence arm of the Security: Military Police and Military Counterintelligence Service under the Minister of Defence, and of the Financial Intelligence Agency.

(3) The durable assets of the Ministry of Interior and the Ministry of Defence used by the National Security Agency and the Protection of the Means of Communication Directorate of the Ministry of Interior, by the military counterintelligence arm of the Security: Military Police and Military Counterintelligence Service under the Minister of Defence, shall be handed over to the State Agency for National Security.

(4) Within three months from the entry into force of this Act, the Council of Ministers shall make the necessary arrangements for the transformation of the administrative structures as per paragraphs 1 and 2.

§ 3. (1) The employment of hired personnel of the Security: Military Police and Military Counterintelligence Service under the Minister of Defence, the Financial Intelligence Agency, and the Protection of the Means of Communication Directorate of the Ministry of Interior, shall be taken over by the State Agency for National Security, in accordance with Article 123 of the Labour Code.

(2) The service employment status of civil servants of the Security: Military Police and Military Counterintelligence Service under the Minister of Defence, the Financial Intelligence Agency, and the Protection of the Means of Communication Directorate of the Ministry of Interior, shall be transformed into service employment status with the State Agency for National Security.

(3) The service status pertinent to the discharge of career military service by the career military personnel of the military counterintelligence arm of the Security: Military Police and Military Counterintelligence Service under the Minister of Defence, shall be transformed into service employment status with the State Agency for National Security.

(4) Personnel as per paragraphs 2 and 3 shall be transferred to the State Agency for National Security without a trial period, except those who are serving a trial period at the moment of transfer.

(5) The length of service of employees transferred to the State Agency for National Security, accumulated in accordance with the Ministry of Interior Act, the Republic of Bulgaria Defence and Armed Forces Act and the Civil Servants Act, shall count as length of service with the same employer, resp. appointing authority, including for the purposes of payment of the severance pay due in case of termination of employment with the Agency.

(6) The length of service as a civil servant in accordance with the Ministry of Interior Act, or as career military personnel in accordance with the Republic of Bulgaria Defence and Armed Forces Act for which no severance pay or other compensation has been received by civil servants prior to their transfer to the State Agency for National Security, shall be considered in determining the amount of compensation as per Article 117 and Article 118 paragraph 2.

§ 4. Within three months from the entry into force of this Act, the Ministry of Interior shall hand over to the State Agency for National Security all case files, both archived and currently active, kept by the National Service for Protection of the Constitution and the National Security Service since June 16th, 1991. Any other databases kept with the Ministry as may contain information regarding said case files shall be destroyed immediately.

§ 5. (1) Until the State Agency for National Security has set up its own and independent operative search and operative-technical units, the Ministry of Interior shall make available to it the necessary personnel and technical resources for the performance of said activities, as determined by an act of the Council of Ministers.

(2) The utilization of such resources shall take place in such a manner as to prevent detection of the Agency's interest, and strictly on a „need to know” basis.

§ 6. In the Ministry of Interior Act (Promulgated in SG, No. 17/2006; amended SG Nos. 30, 102 and 105/2006, Nos. 11, 31, 41, 46, 57 and 64/2007), the following amendments shall be made:

1. In Article 7, item 15 shall be repealed.
2. In Article 10, paragraph 1, item 1 shall be repealed.
3. Article 11 shall be repealed.
4. Article 15 shall be repealed.
5. In Article 16, paragraph 1, item 3 shall be repealed.
6. In Part Two Chapter Six: „National Security Service”, comprising Articles 38 - 50 shall be repealed.
7. Article 113 shall be repealed.
8. Article 129 shall be repealed.
9. In Article 170, paragraph 4 shall be repealed.
10. In Article 177, paragraph 6, the words „Article 44, paragraph 1, item 5 and” shall be deleted.

11. In Article 202, paragraph 1, item 5 shall be repealed.

12. In Article 256, paragraph 1, item 2, the words „and for work as per Article 113, paragraph 1, items 1, 2 and 4” shall be deleted.

13. In Article 271, paragraph 1, the words „Article 47, paragraph 2 and” shall be deleted.

14. In Article 273, the words „the provisions as per Article 45 paragraph 2” shall be deleted.

15. In § 1 of the Additional Provision, item 13 shall be repealed.

16. In § 3 of the Transitional and Final Provisions:

a) in paragraph 2:

aa) in item 4 the words „intelligence officer” shall be deleted;

bb) in item 5 the words „junior intelligence officer” shall be deleted;

b) in paragraph 4, the comma after the words „police training” shall be replaced with the word „or”; the words „national security protection training” shall be deleted; and the words „paragraph 2-4” shall be replaced with „paragraphs 2 and 3”.

§ 7. In the European Union Citizens and Members of Their Families Entry and Residence in and Departure from the Republic of Bulgaria Act (SG No. 80/2006), in Article 27, paragraph 1 the words „the Director of the National Security Service” shall be replaced with „The Chairperson of the State Agency for National Security”.

§ 8. In the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act (promulgated in State Gazette No. 102/2006; amended SG Nos. 41 and 57/2007), the following amendments and supplements shall be made:

1. In Article 3, paragraph 1, item 16, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”, and after the words „National Protection Service”, a comma shall be placed and the following words shall be added: „the Chairperson and deputy Chairpersons, the Directors General, the heads of departments and the heads of sections of the State Agency for National Security”.

2. In Article 6, paragraph 3, the words „National Security Service” shall be replaced with „State Agency for National Security” throughout the text.

3. In Article 16, paragraph 1, after the words „Investigation Service”, the following words shall be added: „the Chairperson of the State Agency for National Security”.

§ 9. In the Arms and Dual-Use Items and Technologies Export Control Act (promulgated in SG No. 11/2007), the following amendments and supplements shall be made:

1. In Article 10:

a) in paragraph 1 item 4, the words „Ministry of Interior” shall be replaced with „State Agency for National Security”.

b) in paragraph 3 item 4, the words „Ministry of Interior” shall be replaced with „State Agency for National Security”.

2. In Article 12, the words „Ministry of Interior” shall be replaced with „State Agency for National Security”.

3. In Article 21, paragraph 1, item 4, the words „Ministry of Interior” shall be replaced with „State Agency for National Security”.

4. In Article 25, the words „Ministry of Interior” shall be replaced with „State Agency for National Security”.

5. In Article 30, paragraph 9, the words „National Security Service of the Ministry of Interior” shall be replaced with „State Agency for National Security”.

6. In Article 33, the words „Ministry of Interior” shall be replaced with „State Agency for National Security”.

7. In Article 48, the words „Ministry of Interior” shall be replaced with „State Agency for National Security”.

8. In Article 59, paragraph 1, the words „National Security Service of the Ministry of Interior” shall be replaced with „State Agency for National Security”.

9. In Article 60, the words „Ministry of Interior” shall be replaced with „State Agency for National Security”.

10. In Article 71, paragraph 1, the words „the Minister of Interior” shall be replaced with „The Chairperson of the State Agency for National Security”.

§ 10. In the Classified Information Protection Act (promulgated in State Gazette No. 45/2002; amended SG Nos. 5 and 31/2003, Nos. 52, 55 and 89/2004, Nos. 17 and 82/2006, Nos. 46, 57 and 95/2007), the following amendments shall be made:

1. In Article 11:

a) in paragraph 2, in the text preceding item 1, the words „National Security Service of the Ministry of Interior” shall be replaced with „State Agency for National Security”;

b) in paragraph 3, in the text preceding item 1, the words „Security: Military Police and Military Counterintelligence Service under the Minister of Defence” shall be replaced with „State Agency for National Security”.

2. In Article 12, in the text preceding item 1, the words „the heads of the National Security Service and the Security: Military Police and Military Counterintelligence Service under the Minister of Defence” shall be replaced with „the Chairperson of the State Agency for National Security”.

3. In Article 14:

a) in the text preceding item 1, the words „Protection of the Means of Communication Directorate of the Ministry of Interior” shall be replaced with „State Agency for National Security”;

b) in item 1, the words „Article 113 of the Ministry of Interior Act” shall be replaced with „the State Agency for National Security Act”.

4. In Article 18, paragraph 5, the words „head of the Security: Military Police and Military Counterintelligence Service” shall be replaced with „Chairperson of the State Agency for National Security”.

5. In Article 22, paragraph 3, the words „Security: Military Police and Military Counterintelligence Service” shall be replaced with „State Agency for National Security”.

6. In Article 48:

a) In paragraph 2, the words „National Security Service” shall be replaced with „State Agency for National Security”.

b) in paragraph 5, the words „as well as receipt of information from the Financial Intelligence Agency” shall be deleted.

7. In Article 49, paragraph 2, the words „National Security Service” shall be replaced with „State Agency for National Security”.

8. In Article 85, the words „the Minister of Interior” shall be replaced with „the Chairperson of the State Agency for National Security”.

9. In Article 86, the words „Protection of the Means of Communication Directorate of the Ministry of Interior” shall be replaced with „State Agency for National Security”.

10. In Article 87, paragraphs 1 and 2, the words „Protection of the Means of Communication Directorate of the Ministry of Interior” shall be replaced with „State Agency for National Security”.

11. In Article 88:

a) in paragraph 2, the words „Protection of the Means of Communication Directorate of the Ministry of Interior” shall be replaced with „State Agency for National Security”]

b) in paragraph 3, the words „Protection of the Means of Communication Directorate of the Ministry of Interior” shall be replaced throughout the text with „State Agency for National Security”.

12. In Article 90, paragraphs 2 and 5, the words „Protection of the Means of Communication Directorate of the Ministry of Interior” shall be replaced with „State Agency for National Security”.

13. In Article 91, the words „Protection of the Means of Communication Directorate of the Ministry of Interior” shall be replaced with „State Agency for National Security”.

14. In Article 134, paragraph 1, the words „the heads of the National Security Service of the Ministry of Interior, of the Security: Military Police and Military Counterintelligence Service under the Minister of Defence, and of the Protection of the Means of Communication Directorate of the Ministry of Interior” shall be replaced with „the Chairperson of the State Agency for National Security”; the word „offices” shall be replaced with „official”; and the words „the relevant Head of Service” shall be replaced with „the Chairperson of the State Agency for National Security”.

15. In § 1 of the Additional Provisions:

a) In item 1, the words „National Security Service of the Ministry of Interior, Protection of the Means of Communication Directorate of the Ministry of Interior” shall be replaced with „the State Agency for National Security”; and the words „and the Security: Military Police and Military Counterintelligence Service with the Ministry of Defence” shall be deleted;

b) in item 2, after the words „National Police Service of the Ministry of Interior”, a comma shall be placed and the following words added: „the Military Police Service under the Ministry of Defence”.

§ 11. In the Credit Institutions Act (promulgated in SG No. 59/2006; amended SG No. 105/2006, Nos. 52 and 59/2007), the following amendments shall be made:

1. In Article 62:

a) in paragraph 6 item 8, the words „the Director of the National Security Service of the Ministry of Interior” shall be replaced with „the Chairperson of the State Agency for National Security”.

b) in paragraph 8, the words „National Security Service or the National Police Service” shall be replaced with „the Chairperson of the State Agency for National Security or the Director of the National Police Service”.

2. In Article 64, paragraph 1, item 3, the words „the Financial Intelligence Agency” shall be replaced with „the State Agency for National Security”.

3. In Article 80, paragraph 5, the words „the Financial Intelligence Agency” shall be replaced with „the State Agency for National Security”.

§ 12. In the Measures Against Money Laundering Act (promulgated in State Gazette No. 85/1998; amended SG No. 1/2001, No. 31/2003, Nos. 103 and 105/2005, Nos. 30, 54, 59, 82 and 108/2006, Nos. 52 and 92/2007, the following amendments and supplements shall be made:

1. In Article 3a, the words „Financial Intelligence Agency” shall be replaced throughout the text with „Financial Intelligence Directorate of the State Agency for National Security”.

2. In Article 3c, the words „Financial Intelligence Agency” shall be replaced throughout the text with „Financial Intelligence Directorate of the State Agency for National Security”.

3. In Article 4, paragraph 4, the words „Financial Intelligence Agency” shall be replaced with „Financial Intelligence Directorate of the State Agency for National Security”.

4. In Article 6, paragraph 5, item 5, the words „Financial Intelligence Agency” shall be replaced with „Financial Intelligence Directorate of the State Agency for National Security”.

5. In Article 7, paragraph 2, the words „Financial Intelligence Agency” shall be replaced with „Financial Intelligence Directorate of the State Agency for National Security”.

6. In Article 9, the words „Financial Intelligence Agency” shall be replaced with „Financial Intelligence Directorate of the State Agency for National Security”.

7. Article 10 shall be repealed.

8. In Article 11, the words „Financial Intelligence Agency” shall be replaced throughout the text with „Financial Intelligence Directorate of the State Agency for National Security”, and the words „the Agency” shall be replaced with „the Directorate”.

9. In Article 11a, the words „Financial Intelligence Agency” shall be replaced throughout the text with „Financial Intelligence Directorate of the State Agency for National Security”.

10. In Article 11b:

a) in paragraph 1, the words „Financial Intelligence Agency” shall be replaced with „Financial Intelligence Directorate of the State Agency for National Security”.

b) in paragraph 2, following the word „determined”, the following text shall be inserted: „jointly by the Chairperson of the State Agency for National Security and”.

11. Article 11c shall be repealed.

12. In Article 12:

a) in paragraph 1, the words the Director of the Financial Intelligence Agency” shall be replaced with „the Chairperson of the State Agency for National Security”.

b) in paragraph 2, the words „Financial Intelligence Agency” shall be replaced with „Financial Intelligence Directorate of the State Agency for National Security”.

c) in paragraph 4, the words „Financial Intelligence Agency” shall be replaced with „Financial Intelligence Directorate of the State Agency for National Security”.

13. In Article 13:

a) in paragraph 1, the words „and subject to a query as per Article 22, the Financial Intelligence Agency” shall be replaced with „the Financial Intelligence Directorate of the State Agency for National Security”;

b) in paragraph 2, proposition 1, the words „and subject to a query as per Article 22, the Financial Intelligence Agency” shall be replaced with „the Financial

Intelligence Directorate of the State Agency for National Security”, and in proposition 2, the word „Agency” shall be replaced with „Directorate”;

c) in paragraph 3, proposition 1, the words „the Financial Intelligence Agency” shall be replaced with „the State Agency for National Security”, and in proposition 2, the word „Agency” shall be replaced with „Directorate”;

d) in paragraph 4, the word „Agency” shall be replaced with „Directorate”;

e) in paragraph 5, the words „the Financial Intelligence Agency” shall be replaced with „the Financial Intelligence Directorate of the State Agency for National Security”.

f) paragraph 6 shall be repealed.

g) in paragraph 7, the words „paragraphs 1-6” shall be replaced with „paragraphs 1-5”.

14. In Article 14, the number „17” shall be deleted.

15. In Article 15, the number „17” shall be deleted.

16. In Article 15a:

a) in paragraph 1, the words „Financial Intelligence Agency” shall be replaced with „Financial Intelligence Directorate of the State Agency for National Security”, and the number „17” shall be deleted;

b) in paragraph 2, the words „Financial Intelligence Agency” shall be replaced with „Financial Intelligence Directorate of the State Agency for National Security”, and the words „the Chief Financial Intelligence Inspector, the inspectors to whom an audit as per Article 10, paragraph 10 has been assigned, and the experts as per Article 10, paragraph 13” shall be deleted;

c) paragraph 3 shall be amended as follows:

„(3) The employees of the Directorate shall sign a declaration of confidentiality as per paragraph 2.”;

d) in paragraph 4, the words „or the implementation of the task for which they have been assigned under Article 10, paragraph 10 and 13, is completed” shall be deleted.

17. In Article 16:

a) in paragraph 1, the words „the Director of the Financial Intelligence Agency” shall be replaced with „the Chairperson of the State Agency for National Security”;

b) in paragraph 3, the words „the Director of the Financial Intelligence Agency” shall be replaced with „the Chairperson of the State Agency for National Security”;

c) in paragraph 4, the words „Financial Intelligence Agency” shall be replaced throughout the text with „State Agency for National Security”.

18. Article 17 shall be amended as follows:

„Article 17. Control of the implementation of this Act shall be assigned to the Minister of Finance and the Chairperson of the State Agency for National Security”.

19. Article 17a shall be repealed.

20. In Article 18, the words „Financial Intelligence Agency” shall be replaced with „State Agency for National Security”.

21. Article 22 shall be repealed.

22. In Article 23, paragraph 1, the words „Article 16, paragraphs 6 and 7, or refuses to cooperate, to make available the relevant documents or information, or to provide access as per Article 17, paragraph 7” shall be deleted.

23. In Article 24, paragraph 1 shall be amended as follows:

„(1) The protocols establishing violations shall be drawn up by officers of the Ministry of Finance or of the State Agency for National Security, while the penal decrees shall be issued by the Minister of Finance or the Chairperson of the State Agency for National Security, or by officials duly authorized by them for that purpose.”

24. In § 1 of the Additional Provisions, items 4 and 5 shall be amended as follows:

„4. „Security Services” shall denote the National Intelligence Service and the Military intelligence Service under the Minister of Defence.

„5. „Public Order Services” shall denote the National police Service of the Ministry of Interior, and the Military Police Service under the Minister of Defence.”

§ 13. In the Markets in Financial Instruments Act (promulgated in State Gazette No. 52/2007) in Article 35, the following amendments shall be made:

1. In paragraph 6 item 8, the words „the Director of the National Security Service of the Ministry of Interior” shall be replaced with „the Chairperson of the State Agency for National Security or an official duly authorized thereby”.

2. In paragraph 8, the words „the National Security Service or the National Police Service” shall be replaced with „the Chairperson of the State Agency for National Security or the Director of the National Police Service”.

§ 14. In the Public Offering of Securities Act (promulgated in State Gazette No. 114/1999; amended SG No. 63 and 92/2000, Nos. 28, 61, 93 and 101/2002, Nos. 8, 31, 67 and 71/2003, No. 37/2004, Nos. 19, 31, 39, 103 and 105/2005, Nos. 30, 33, 34, 59, 63, 84, 86 and 105/2006, Nos. 25 and 52/2007), in Article 133, paragraph 5, item 3, the words „National Security Service or” shall be amended to „the Chair of the State Agency for National Security or the Director”.

§ 15. In the Special Intelligence Means Act (Promulgated in State Gazette No. 95/1997; amended No. 70/1999, No. 49/2000, No. 17/2003, No. 86/2005, Nos. 45 and 82/2006), the following amendments and supplements shall be made:

1. In Article 10c, after the words „Armed Forces Act”, a comma shall be placed and the following words shall be added: „the State Agency for National Security Act”.

2. In Article 13, paragraph 1:

a) in item 1, the words „National Security Service” shall be replaced with „State Agency for National Security”.

b) in item 2, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

3. In Article 16:

a) the previous text shall be renumbered as paragraph 1;

b) paragraph 2 shall be inserted, as follows:

„(2) Where such special intelligence means are deployed by the specialized directorates of the State Agency for National Security, following receipt of the written permission as per Article 15, the Chairperson of the State Agency for National Security or a deputy Chairperson authorized in writing by the latter shall issue a written order for the deployment of special intelligence means.”

4. In Article 17, a comma shall be placed at the end and the following words shall be added: „respectively, the Chairperson of the State Agency for National Security or a deputy Chairperson authorized in writing by the latter”.

5. In Article 18, paragraph 1, a comma shall be placed at the end and the following words shall be added: „respectively, the Chairperson of the State Agency for National Security or a deputy Chairperson authorized in writing by the latter”.

6. In Article 19, after the words „the deputy Minister of the Interior”, a comma shall be placed and the following words shall be added: „respectively, the Chairperson of the State Agency for National Security or a deputy Chairperson authorized in writing by the latter”.

7. In Article 20, paragraph 1, the comma after the word „information” shall be replaced with „and”, the words „and the Protection of the Means of Communication Directorate of the Ministry of Interior” shall be deleted, and at the end, the following words shall be added: „and the General Directorate for Technical Operations of the State Agency for National Security”.

8. In Article 34, paragraph 1 shall be amended as follows:

„(1) Control of the use of special intelligence means and the handling of the data gathered shall be carried out by:

1. the Minister of Interior, where such special intelligence means are supplied and deployed by the Operative-Technical Information Directorate or the Operative Search Directorate;

2. the Chairperson of the State Agency for National Security, where such special intelligence means are supplied and deployed by the General Directorate for Technical Operations.”

9. In Article 37, paragraph 1, following the words „of Interior”, a comma shall be placed and the following words shall be added: „respectively, by the Chairperson of the State Agency for National Security”, and the words „an official duly authorized thereby” shall be replaced with „officials duly authorized thereby”.

§ 16. In the Road Traffic Act (promulgated in SG No. 20/1999; amended SG No. 1/2000, Nos. 43, 45 and 76/2002, Nos. 16 and 22/2003, Nos. 6, 70, 85 and 115/2004, Nos. 79, 92, 99, 102, 103 and 105/2005, Nos. 30, 34, 61, 64, 82, 85 and 102/2006, Nos. 22, 51 and 97/2007), the following amendments and supplements shall be made:

1. In Article 91, paragraph 3, following the word „assistance”, the following words shall be added: „State Agency for National Security”, and the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

2. In Article 125, item 6, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

3. In Article 169, paragraph 1 and 2, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

§ 17. In the Private Security Business Act (promulgated in SG No. 15/2004; amended SG No. 105/2005, Nos. 30, 34 and 82/2006), the following amendments shall be made:

1. In Article 26, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

2. In Article 31, paragraph 2, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

§ 18. In the Republic of Bulgaria Defence and Armed Forces Act (promulgated in SG No. 112/1995; amended SG No. 67/1996, No. 122/1997, Nos. 70, 93, 152 and 153/1998, Nos. 12, 67 and 69/1999, Nos. 49 and 64/2000, No. 25/2001, Nos. 1, 40, 45 and 119/2002, Nos. 50, 86, 95 and 112/2003, Nos. 93 and 111/2004, Nos. 27, 38, 76, 88, 102 and 105/2005, Nos. 30, 36, 56, 82, 91 and 102/2006, Nos. 11, 41, 46 and 59/2007, No. 68/2007 - by Decision No. 9 of the Constitutional Court, 2007), the following amendments and supplements shall be made:

1. In Article 6, item 7, the words „and counterintelligence” shall be deleted.

2. In Article 15a, paragraph 2 item 6 shall be amended as follows:

„6. fines as per 303-309, as well as fines imposed by the Director of the Military Police Service or by officials duly authorized by the latter.”

3. In Article 35, paragraph 1, item 19, the words „and military counterintelligence” shall be deleted.

4. In Article 37a, paragraph 10, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

5. In Article 40:

a) in paragraph 1, the words „Security: Military Police and Military Counterintelligence” shall be replaced throughout the text with „Military Police”;

b) in paragraph 2, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

c) in paragraph 3:

aa) in the text preceding item 1, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”;

bb) item 1 shall be repealed;

cc) item 6 shall be amended as follows:

„6. maintain order and security and participate in formations of the armed forces of the Republic of Bulgaria in operations and missions outside the country's territory.”

d) in paragraph 4:

aa) in the text preceding item 1, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”;

bb) in item 3, the words the country's defence and the comma after them shall be deleted;

e) in paragraph 7, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”;

f) in paragraph 8, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

6. In Article 40a, in paragraphs 1 and 2, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

7. In Article 40b, paragraph 1, item 11 and 12 shall be inserted, as follows:

„11. to require, within the scope of their competence, information from government authorities, commanders and chiefs of army bases, facilities and administrative units of the Ministry of Defence, the Bulgarian Army and the structures subordinated to the Minister of Defence, and from other persons in relation to the protection of order and security within the Ministry of Defence, the Bulgarian Army and the structures subordinated to the Minister of Defence;

12. access to bases, facilities and buildings of the Ministry of Defence, the Bulgarian Army and the structures subordinated to the Minister of Defence.”

8. Article 40c shall be repealed.

9. In Article 40d, paragraph 1, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

10. In Article 40e, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

11. In Article 78, paragraph 2 shall be amended as follows:

„(2) The Chief of General Staff of the Bulgarian Army shall receive directly the entire information about the Bulgarian Army, gathered by the State Agency for National Security, the Military Intelligence Service and the Military police service.”

12. In Article 309a:

a) in paragraph 1, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police, resp. the State Agency for National Security”;

b) in paragraph 2, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police, resp. the State Agency for National Security”.

13. In Article 310:

a) in paragraph 1, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police, resp. the State Agency for National Security - as per Article 309a”;

b) in paragraph 2, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police, resp. the Chairperson of the State Agency for National Security - as per Article 309a, or by officials duly authorized by these.”

14. In the Additional Provisions, in § 1 item 16, the words „Security: Military Police and Military Counterintelligence” shall be replaced with „Military Police”.

§ 19. In the Financial Supervision Commission Act (promulgated on State Gazette No. 8/2003; amended SG Nos. 31, 67 and 112/2003, No. 85/2004, Nos. 39, 103 and 105/2005, Nos. 30, 56, 59 and 84/2006, No. 52 and 97/2007), the following amendments shall be made:

1. in Article 18, paragraph 8, the words „Financial Intelligence Agency” shall be replaced with „State Agency for National Security”.

2. In Article 25, paragraph 1, item 2, the words „Financial Intelligence Agency” shall be replaced with „State Agency for National Security”.

§ 20. In the Measures against the Financing of Terrorism Act (promulgated in SG No. 16/2003; amended SG No. 31/2003, No. 19/2005, No. 59/2006, No. 92/2007), the following amendments and supplements shall be made;

1. In Article 9:

a) in the end of per. 1, the following words shall be added: „and the Chairperson of the State Agency for National Security”;

b) paragraph 2 shall be repealed;

c) in paragraph 3, the words „Financial Intelligence Agency” shall be replaced with „State Agency for National Security”.

2. In Article 11, paragraph 1, the words „paragraphs 1, 2 and 3” shall be replaced with „paragraphs 1 and 3”.

3. In Article 14, the words „Financial Intelligence Agency” shall be replaced with „State Agency for National Security”.

§ 21. In the Financial Support for Culture Act (promulgated in State Gazette No. 103/2005; amended SG Nos. 30, 34 and 63/2006), in Article 34, the words „Financial Intelligence Agency” shall be replaced with „State Agency for National Security”.

§ 22. In the Criminal Assets Forfeiture Act (promulgated in State Gazette No. 19/2005; amended SG Nos. 86 and 105/2005, Nos. 33 and 75/2006, Nos. 52 and 59/2007), in Article 16, the words „Financial Intelligence Agency” shall be replaced with „State Agency for National Security”.

§ 23. In the National Audit Office Act (promulgated in SG No. 109/2001; amended SG No. 45/2002, No. 31/2003, No. 38/2004, Nos. 34 and 105/2005, Nos. 24, 27, 33 and 37/2006, No. 64/2007), in Article 7, paragraph 1, item 2, the words „control bodies of the Financial Intelligence Agency” shall be replaced with „officers of State Agency for National Security”.

§ 24. In the Gambling Act (promulgated in SG No. 51/1999; amended SG No. 103/1999, No. 53/2000, Nos. 1, 102 and 110/2001, No. 75/2002, No. 31/2003, No. 70/2004, Nos. 79, 94, 95, 103 and 105/2005, Nos. 30 and 54/2006), in Article 80,

paragraph 1, the words „Financial Intelligence Agency” shall be replaced with „State Agency for National Security”.

§ 25. In the Tax and Social Insurance Procedure Code (promulgated in SG No. 105/2005; amended SG Nos. 30, 33, 34, 59, 63, 73, 82, 86, 95 and 105/2006, Nos. 46, 52, 57 and 59/2007), the following amendments shall be made:

1. In Article 74, paragraph 1, item 3, the words „Financial Intelligence Agency” shall be replaced with „State Agency for National Security”.

2. In Article 75, paragraph 1, item 2, the words „the Director of the national Security Service” shall be deleted.

§ 26. In the Insurance Code (promulgated in SG No. 103/2005; amended SG No. 105/2005, Nos. 30, 33, 34, 54, 59, 82 and 105/2006, Nos. 48, 97 and 100/2007), in Article 94, paragraph 3, the words „Financial Intelligence Agency” shall be replaced with „State Agency for National Security”.

§ 27. In the Public Disclosure of Senior Public Officials' Financial Interests Act (promulgated in SG No. 38/2000; amended SG Nos. 28 and 74/2002, No. 8/2003, No. 38/2004, No. 105/2005, Nos. 38 and 73/2006), the following supplements shall be made:

1. In Article 2, paragraph 1, at the end of item 24, the following words shall be added: „the Chairperson and the deputy Chairpersons of the State Agency for National Security, the General Directors, Directors of Directorates and Directors of Territorial Directorates of the Agency.”

2. In Article 7, paragraph 7, in proposition 1, after the words „Tax and Social Insurance Procedure Code”, the following words shall be added: „and the Chairperson of the State Agency for National Security”, and in proposition 2, after the words „National Audit Office”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

§ 28. In the Criminal Procedure Code (promulgated in SG No. 86/2005, amended SG No. 46/2007), the following amendments and supplements shall be made:

1. In Article 194, paragraph 1, item 2, after the word „Council”, a comma shall be placed and the following words shall be added: „judges, prosecutors and

investigators”, and at the end, the following words shall be added: „or in the State Agency for National Security”.

2. A new Article 194a shall be inserted, as follows:

„Investigation on the basis of evidence supplied by the State Agency for National Security

Article 194a. (1) The investigation on the basis of evidence supplied by the State Agency for National Security shall be carried out by a prosecutor.

(2) In cases as per paragraph 1, the prosecutor may also delegate such investigation, or certain actions pertinent thereto, to an investigator.”

3. In Article 396, paragraph 1:

a) a new item 2 shall be inserted, as follows:

„2. the civil servants of the State Agency for National Security”;

b) the previous items 2, 3 and 4 shall be renumbered, respectively, 3, 4 and 5;

c) the previous item 5 shall be renumbered 6; in it, after the words „Protection Service”, the conjunction „and” shall be replaced with a comma, and after the words „Intelligence Service”, the following words shall be added: „and persons hired on employment contracts with the State Agency for National Security”.

4. In Article 401, paragraph 1, the words „item 3” shall be replaced with „item 4”.

§ 29. In the Social Insurance Code (promulgated in SG No. 110/1999, No. 55/2000 - Decision No. 5 of the Constitutional Court, 2000; amended SG No. 64/2000, Nos. 1, 35 and 41/2001, Nos. 1, 10, 45, 74, 112, 119 and 120/2002, Nos. 8, 42, 67, 95, 112 and 114/2003, Nos. 12, 38, 52, 53, 69, 70, 112 and 115/2004, Nos. 38, 39, 76, 102, 103, 104 and 105/2005, Nos. 17, 30, 34, 56, 57, 59, 68/2006; correction, SG No. 76/2006; amended SG Nos. 82, 95, 102 and 105/2006, Nos. 41, 52, 64, 77, 97 and 100/2007), in Article 69, the following amendments and supplements shall be made:

1. A new paragraph 3 shall be inserted, as follows:

„(3) The civil servants of the State Agency for National Security shall acquire the right to retirement pension upon dismissal, irrespective of their age, upon completion of 25 years' length of service with social security deductions fully paid in, of which two-thirds must have been served in accordance with the State Agency for National Security, or in career military service, or in accordance with the laws as per paragraph 2.”

2. The previous paragraph 3 shall be renumbered paragraph 4, and in it, after the words „paragraph 2”, the words „and 3” shall be added.

3. The previous paragraph 4 shall be renumbered paragraph 5.

§ 30. In the Carriage by Road Act (promulgated in SG No. 82/1999; amended SG Nos. 11 and 45/2002, No. 99/2003, No. 70/2004, Nos. 88, 92, 95, 102, 103 and 105/2005, Nos. 30, 85, 92 and 102/2006, Nos. 42 and 80/2007), the following supplements shall be made:

1. In Article 6, paragraph 3, item 3, after the words „Ministry of Interior”, the following words shall be added: „the State Agency for National Security”, and then a comma shall be placed.

2. In Article 12b, paragraph 1, item 4, after the words „Ministry of Interior”, the following words shall be added: „the State Agency for National Security”, and then a comma shall be placed.

§ 31. In the Safe Use of Nuclear Energy Act (promulgated in State Gazette No. 63/2002; amended SG No. 120/2002, No. 70/2004, Nos. 76, 88 and 105/2005, No. 30/2006, No. 11/2007), the following amendments and supplements shall be made:

1. In Article 13, after the word „Transport”, the conjunction „and” shall be replaced with a comma, and after the words „and Science”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

2. In Article 16 item 12, after the words „of Interior”, the following words shall be added: „and of the State Agency for National Security”.

3. In Article 72, paragraph 1, item 4, after the words „of the Agency”, a comma shall be placed and the following words shall be added: „the Chairperson of the State Agency for National Security”.

4. In Article 73, paragraph 2, at the end, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

5. In Article 113, paragraph 4, after the word „Defence”, the conjunction „and” shall be replaced with a comma, and after the word „Agency”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

6. In Article 114, paragraph 1, after the word „Interior”, the conjunction „and” shall be replaced with a comma, and after the word „Agency”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

§ 32. In the Bulgarian Citizenship Act (promulgated in SG No. 136/1998; amended SG No. 41/2001, No. 54/2002, No. 52/2007), in Article 33 the following supplements shall be made:

1. In paragraph 1, after the words „Health Care and”, the following words shall be added: „the State Agency for National Security”, followed by a comma.

2. In paragraph 2, at the end of the sentence, the following words shall be added: „following a written opinion on behalf of the State Agency for National Security”.

§ 33. In the Geodesy and Cartography Act (promulgated in SG No. 29/2006, amended SG No. 57/2007), the following amendments and supplements shall be made:

1. In Article 8, paragraph 3, after the words „the Agency of Geodesy, Cartography and Cadastre”, a comma shall be placed and the following words shall be added: „a deputy Chairperson of the State Agency for National Security”.

2. In Article 14, paragraph 3, item 1, after the word „Defence”, the conjunction „and” shall be replaced with a comma, and after the word „Interior”, the following words shall be added: „and with the Chairperson of the State Agency for National Security”.

3. In Article 15, paragraph 2, after the word „Defence”, the conjunction „and” shall be replaced with a comma, and after the word „Interior”, the following words shall be added: „and with the Chairperson of the State Agency for National Security”.

§ 34. In the Civil Aviation Act (promulgated in SG No. 94/1972; amended SG No. 30/1990, No. 16/1997, No. 85/1998, No. 12/2000, No. 34 and 111/2001, No. 52

and 70/2004, No. 88 and 102/2005, No. 30, 36, 37, 105 and 108/2006, No. 10 and 41/2007), the following amendments and supplements shall be made:

1. In Article 11, paragraph 2, after the word „Interior”, the conjunction „and” shall be replaced with a comma, and after the word „Finance”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

2. In Article 43, paragraph 4, after the word „Finance”, the conjunction „and” shall be replaced with a comma, and after the word „Interior”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

3. In Article 62, paragraph 3, after the word „Defence”, the conjunction „and” shall be replaced with a comma, and after the word „Interior”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

4. In Article 141, paragraph 7, after the word „Defence”, the conjunction „and” shall be replaced with a comma, and after the word „Interior”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

§ 35. In the Electronic Communications Act (promulgated in SG No. 41/2007), the following amendments and supplements shall be made:

1. In Article 3 item 1, after the word „Interior”, the following words shall be added: „by the State Agency for National Security”.

2. In Article 10, paragraph 3, after the word „Interior”, the following words shall be added: „the State Agency for National Security”.

3. In Article 20, paragraph 1, item 12 shall be amended as follows:

„12. projects related to national security, subject to clearance with the Ministry of Interior, the Ministry of Defence and the State Agency for National Security”.

4. In Article 40, paragraph 2, the words „and/or” shall be replaced with a comma, and after the word „Interior”, the following words shall be added: „the State Agency for National Security”.

5. In Article 277, after the words „information of”, the following words shall be added: „the State Agency for National Security”.

6. In Article 304, after the word „Interior”, the following words shall be added: „and to the State Agency for National Security”.

7. In Article 305:

a) In paragraph 1, at the end of the sentence, the following words shall be added: „and to the State Agency for National Security”.

b) In paragraph 2, after the word „Interior”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

8. In Article 307, the words „the Specialized Directorate as per Article 113 of the Ministry of Interior Act” shall be replaced with the words: „the State Agency for National Security”.

9. In Article 308, after the word „Interior”, the following words shall be added: „and to the State Agency for National Security”.

10. In Article 309, after the word „Interior”, the following words shall be added: „and by the State Agency for National Security”.

11. In Article 310, in the text preceding item 1, after the word „Interior”, the following words shall be added: „and the State Agency for National Security”.

12. In Article 311, paragraph 4, after the word „Defence”, the following words shall be added: „and by the State Agency for National Security”, and a comma shall be placed.

§ 36. In the Protection of New Plant Varieties and Animal Breeds Act (promulgated in SG No. 84/1996; amended SG No. 27/1998, No. 81/1999, No. 86/2000, No. 18/2004, No. 30/2006), in Article 24, paragraph 2, proposition 1, the words „or to” shall be replaced with a comma, and after the word „Interior”, the following words shall be added: „or to the State Agency for National Security”.

§ 37. In the Concessions Act (promulgated in SG No. 36/2006; amended Nos. 53, 65 and 105/2006, Nos. 41 and 59/2007), in Article 103, item 2, after the word „Interior” the conjunction „and” shall be replaced with a comma, and after the words „and Waters”, the following words shall be added: „the Chairperson of the State Agency for National Security”.

§ 38. In the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act (promulgated in SG No. 12/2000; amended SG No. 111/2001, Nos. 24 and 70/2004, No. 11/2005, No. 45/2005 - Decision No. 5 of the Constitutional Court, 2005; amended Nos. 87, 88, 94, 102 and 104/2005, Nos. 30, 36, 43, 65, 99 and 108/2006, Nos. 41 and 54/2007), in Article 60a paragraph 2, after the words „Interior”, the conjunction „and” shall be replaced with a comma, and after the word „Finance”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

§ 39. In the Postal Services Act (promulgated in SG No. 64/2000; amended SG No. 112/2001, Nos. 45 and 76/2002, No. 26/2003, Nos. 19, 88, 99 and 105/2005, Nos. 17, 34, 37 and 86/2006, No. 41/2007), the following supplements shall be made:

1. In Article 20, paragraph 1, item 5, after the word „Interior”, the following words shall be added: „and to the State Agency for National Security”.

2. In Article 94, paragraph 2, after the word „Interior”, a comma shall be placed and the following words shall be added: „the State Agency for National Security”.

§ 40. In the Asylum and Refugees Act (promulgated in SG No. 54/2002; amended SG No. 31/2005, No. 30/2006, No. 52/2007), the following amendments and supplements shall be made:

1. In Article 47, paragraph 3, after the words „Public Works”, A comma shall be placed and the following words shall be added: „the Chairperson of the State Agency for National Security”.

2. In Article 58, a new paragraph 7 shall be inserted as follows:

„(7) Upon receipt of a request for special protection, the competent authorities shall mandatorily require a written opinion on behalf of the State Agency for National Security”.

3. In Article 67a, paragraph 2, item 2, after the words „Interior”, the following words shall be added: „and by the State Agency for National Security”.

4. In Article 67f, after the word „Interior”, the following words shall be added: „and to the State Agency for National Security”.

5. In Article 67h:

a) in paragraph 1, after the word „Interior”, the following words shall be added: „and the State Agency for National Security”.

b) in paragraph 2, after the word „Interior”, the following words shall be added: „and the State Agency for National Security”.

§ 41. In the Foreigners in the Republic of Bulgaria Act (promulgated in SG No. 153/1998; amended SG No. 70/1999, No. 42 and 112/2001, Nos. 45 and 54/2002, Nos. 37 and 103/2003, Nos. 37 and 70/2004, Nos. 11, 63 and 88/2005, Nos. 30 and 82/2006, Nos. 11, 29, 52 and 63/2007), the following amendments and supplements shall be made:

1. in Article 21a:

a) in paragraph 1, after the word „Interior”, a comma shall be placed and the following words shall be added: „the Chairperson of the State Agency for National Security”;

b) in paragraph 2, after the word „Interior”, a comma shall be placed and the following words shall be added: „the Chairperson of the State Agency for National Security”.

2. In Article 22, a new paragraph 4 shall be inserted as follows:

„(4) The permission as per paragraph 1 item 3 shall be issued subject to a written statement on behalf of the State Agency for National Security”.

3. In Article 24, paragraph 1, item 16, after the word „Interior”, the following words shall be added: „and with the Chairperson of the State Agency for National Security”.

4. In Article 24a, after the word „Interior”, the conjunction „and” shall be replaced with a comma, and after the word „Finance”, the following words shall be added: „and the Chairperson of the State Agency for National Security”.

5. In Article 33h:

a) in paragraph 1, after the words „Interior”, the following words shall be added: „or to the State Agency for National Security”;

b) In paragraph 3, after the words „Interior”, the following words shall be added:
„or to the State Agency for National Security”.

6. In Article 42g, after the words „Interior”, the following words shall be added:
„and to the State Agency for National Security”.

7. In Article 44:

a) in paragraph 1, after the words „orders of”, the following words shall be added:
„the Chairperson of the State Agency for National Security and”;

b) in paragraph 8, after the words „Interior”, the following words shall be added:
„or by the State Agency for National Security”.

8. In Article 54, a new paragraph 5 shall be inserted as follows:

„(5) The State Agency for National Security shall use the information from the register as per paragraph 1 for purposes of discharge of its statutory functions in accordance with a procedure determined by the Minister of Interior and the Agency Chairperson.”

9. In Article 56, after the word „Interior”, the following words shall be added: „and the State Agency for National Security”.

10. In Article 57, after the words „Social Policy”, the following words shall be added: „and with the State Agency for National Security”.

11. In Article 58, after the words „exchange with”, the following words shall be added: „the State Agency for National Security and”.

12. In Article 59:

a) in paragraph 1, after the word „Interior”, the following words shall be added:
„and the State Agency for National Security”;

b) in paragraph 2, after the word „Interior”, the following words shall be added:
„and the State Agency for National Security”.

13. In Article 60:

a) the present text shall be renumbered as paragraph 1;

b) a new paragraph 2 shall be inserted, as follows:

„(2) The State Agency for National Security shall interact and exchange data with the Unified System for Civil Registration and the Provision of Administrative Services of the Population and with the municipal administrations in relation to the provision of administrative services to resident aliens.”

§ 42. Within one month from the entry into force of this Act, the Council of Ministers shall propose to the National Assembly draft bills for the amendment and supplement of those laws the provisions of which must be brought in line with this Act.

§ 43. Within one month from the entry into force of this Act, the Council of Ministers shall adopt the Rules and Regulations on its Implementation.

§ 44. This Act shall enter into force as of January 1st, 2008.

§ 45. The implementation of this act shall be entrusted to the Council of Ministers and the Chairperson of the National Agency for National Security.

Adopted by the 40th National Assembly on December 11th, 2007, and stamped with the Official Seal of the National Assembly.