

# Civil Servants Act

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Text in Bulgarian: Закон за държавния служител

## Chapter One

### GENERAL DISPOSITIONS

#### Subject

**Article 1.** This Act regulates the formation, content and termination of a civil-service relationship between the State and a civil servant in the course of, and in connection with, the performance of civil service, save in so far as otherwise provided by a special law.

#### Civil Servant

**Article 2.** (Amended, SG No. 95/2003) (1) (Supplemented, SG No. 38/2012, effective 1.07.2012) "Civil servant" means a person who, by virtue of an administrative act on appointment, occupies a salaried tenured position in the state administration and assists a body of state power in the exercise of the powers thereof. The persons whereon a special law confers a civil servant status in compliance with the requirements of this Act shall likewise be civil servants.

(2) (Amended, SG No. 15/2012) The positions to be occupied by civil servants shall be specified in a Classifier of Positions in the Administration, which shall be adopted by the Council of Ministers and shall be promulgated in the State Gazette.

(3) The staffing schedule shall be endorsed by the appointing authority of the relevant administration.

(4) (Amended and supplemented, SG No. 24/2006, supplemented, SG No. 43/2008, amended, SG No. 77/2010, supplemented, SG No. 15/2012) The job descriptions shall be endorsed by the chief secretary, or by the Permanent Secretary of Defence and by the Permanent Secretary of the Ministry of Foreign Affairs, as the case may be, or by the municipal secretary, or by a servant holding a managerial position authorized thereby. The job description of the chief secretary or of the municipal secretary, as the case may be, shall be endorsed by the appointing authority. The structure of the job descriptions and the procedure for the elaboration and modification thereof shall be determined by an ordinance of the Council of Ministers.

#### Exceptions

**Article 3.** (Amended, SG No. 24/2006) Within the meaning given by this Act, the following persons shall not be civil servants:

1. those who are single-person authorities or deputies thereof;
2. those who are members of collegial authorities;

3. those who are members of political cabinets, or advisors and experts to such cabinets, excluding the head of the public relations unit;
4. persons performing technical functions within the administration.

#### Requirements upon Performance of Civil Service

**Article 4.** (1) In the performance of the service thereof, a civil servant shall be guided by:

1. the law and the legally conforming acts of the bodies of state power;
2. the observance and protection of the rights, legitimate interests and freedoms of citizens;
3. the interests of the State.

(2) In the performance of the service thereof, a civil servant must be politically neutral.

#### Types of Civil Servant

**Article 5.** (1) Depending on the nature of the official duties thereof and the extent of professional training thereof, civil servants shall be either managerial officers or experts.

(2) (Supplemented, SG No. 24/2006, amended and supplemented, SG No. 43/2008, SG No. 42/2009) Managerial officers occupying the positions of chief secretary, municipal secretary, chief director of a chief directorate, director of a directorate and head of an inspectorate, shall be senior civil servants.

(3) An expert shall perform service conducive to the discharge of functions of state authority.

## Chapter Two

### FORMATION OF CIVIL-SERVICE RELATIONSHIP

#### Performance of Civil Service

**Article 6.** (1) (Redesignated from Article 6, SG No. 99/2001) A civil servant shall perform civil service in pursuance of an appointment by a competent body of state power.

(2) (New, SG No. 99/2001, amended, SG No. 24/2006, supplemented, SG No. 43/2008, amended, SG No. 15/2012) The appointing authority may delegate the powers thereof or certain powers thereof under the civil-service relationship with the persons of the administration of the chief secretary or, of the Permanent Secretary of Defence and of the Permanent Secretary of the Ministry of Foreign Affairs, as the case may be, or of the municipal secretary, as the case may be, except in the cases where otherwise provided for by a law.

(3) (New, SG No. 24/2006, amended and supplemented, SG No. 15/2012) Powers under Paragraph (2), with the exception of the appointment, transfer under Article 81b herein, termination of the legal relationship, as well as the imposition of a disciplinary sanction under Item 1 of Article 90 (1) herein, may furthermore be delegated to the heads of local units or of local divisions.

#### Conditions of Appointment

**Article 7.** (1) To be eligible for appointment as a civil servant, a person must:

1. (supplemented, SG No. 43/2008) be a Bulgarian citizen, a citizen of another Member State of the European Union, of another State which is a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation;
2. have attained majority;
3. be interdicted;
4. have not been sentenced to deprivation of liberty for a premeditated indictable offence;

5. be not disqualified from occupying a specified position according to the established procedure;
6. possess the specific qualifications for occupation of the respective position as provided for in the statutory instruments.

(2) The following persons shall be ineligible for appointment as civil servants:

1. (amended, SG No. 95/2003, supplemented, SG No. 94/2008, effective 1.01.2009) any person who would come in a hierarchical relationship of direction and control with a spouse, with a de facto cohabitee therewith, a lineal relative up to any degree of consanguinity, a collateral relative up to the fourth degree of consanguinity inclusive, or an affine up to the fourth degree of affinity inclusive;
2. (supplemented, SG No. 95/2003, amended, SG No. 94/2008, effective 1.01.2009) any person who is a sole trader, an unlimited partner in a commercial corporation, a managing director, a business attorney, a commercial agent, a managerial agent, , a broker, a liquidator or a trustee in bankruptcy, a member of a management or supervisory body of a commercial corporation or cooperative;
3. any person who is a National Representative;
4. (amended, SG No. 95/2003) any person who is councillor in a Municipal Council - applicable solely to the relevant municipal administration;
5. any person who occupies a senior or supervisory position in a political party;
6. any person who is employed under an employment contract, excluding faculty at higher educational establishments;

(3) (New, SG No. 94/2008, effective 1.01.2009, supplemented, SG No. 82/2012) A civil servant may represent the State or a municipality on the management or supervisory bodies of any commercial corporations wherein the State or a municipality holds an interest in the capital or of any legal persons established by a law, on boards, committees, audit committees, commissions, working or expert groups, management or supervisory bodies of funds, accounts and others, which have no legal personality, for which the said civil servant shall not receive any compensation.

(4) (New, SG No. 43/2008, renumbered from Paragraph (3), SG No. 94/2008, effective 1.01.2009) Only Bulgarian citizens shall be eligible for appointment as senior civil servants, as well as to any positions related to performance of functions in the field of defence, public order, foreign policy, national security and safeguarding state secrets.

(5) (Renumbered from Paragraph (3), SG No. 43/2008, renumbered from Paragraph (4), SG No. 94/2008, effective 1.01.2009) Appointment to managerial positions shall be limited to persons holding a degree of higher education.

(6) (Renumbered from Paragraph (4), SG No. 43/2008, renumbered from Paragraph (5), SG No. 94/2008, effective 1.01.2009, supplemented, SG No. 108/2008) Any discrimination, privileges or restrictions based on race, nationality, ethnicity, sex, origin, religion, persuasions, membership of political, trade union or other public organizations or movements, personal, social and property status, or the existence of a disability, shall be inadmissible upon entry of civil service.

#### Application for Appointment to Civil Service

**Article 8.** (1) For entry of civil service, an application for appointment shall be submitted in writing.

(2) (Amended, SG No. 77/2010) The documents required for occupation of the relevant position, as determined in an ordinance of the Council of Ministers shall be attached to any such application.

(3) Upon submission of an application for entry of civil service, the candidate shall sign a declaration regarding the circumstances referred to in Article 7 (2) herein.

#### Grounds for Formation of Civil-Service Relationship

**Article 9.** (1) The civil-service relationship shall be formed on the grounds of an administrative act.

(2) (Amended, SG No. 95/2003) The civil-service relationship shall be formed for an open-ended period, unless otherwise specified in a law.

#### Allocation of Positions for Persons with Permanent Disabilities

**Article 9a.** (New, SG No. 108/2008) (1) The appointing authority shall allocate for persons with permanent disabilities at least:

1. two per cent of the total number of positions to be occupied under a civil-service relationship within an administration with a total staff size exceeding 50 persons;
  2. one position to be occupied under a civil-service relationship within an administration with a total staff size of 26 to 50 persons.
- (2) The positions referred to in Paragraph (1) shall be occupied after conduct of a competitive procedure in which only persons with permanent disabilities shall participate.
- (3) The positions referred to in Paragraph (1) shall be allocated annually not later than the 31st day of March by the appointing authority and, where necessary, shall be modified thereby.

#### Mandatory Competitive Procedure

**Article 10.** (Amended, SG No. 95/2003) (1) Entry of civil service in the relevant administration shall mandatorily be preceded by a competitive procedure.

- (2) Appointment to each civil servant position shall be effected through competition based on professional accomplishments.
- (3) (New, SG No. 24/2006) No competitive procedure shall be conducted in the cases referred to in Articles 16a, 81a and 81b herein, as well as for the position of head of the public relations unit.
- (4) (New, SG No. 24/2006) A person may be appointed without a competitive procedure to a civil servant's position in a newly established administration for a period not exceeding six months until the position is occupied according to the procedure established by Paragraphs (1) and (2) . In such case, no re-appointment without a competitive procedure within the same or in another administration shall be admissible.

#### Competitive Procedure: Announcement

**Article 10a.** (New, SG No. 95/2003) (1) A competitive procedure shall be announced by the appointing authority who shall determine by an order:

1. the position wherefor the competitive procedure shall be conducted;
2. the minimum and the specific requirements for occupation of the relevant position as provided for in the statutory instruments;
3. the manner of conduct of the competitive procedure;
4. the requisite documents, the place and the closing date for submission thereof, which may not be earlier than ten days and later than fourteen days after the date of publication of the notice of the competitive procedure;
5. the generally accessible place where the lists or other notices in connection with the competitive procedure shall be displayed.

(2) The notice of the competitive procedure shall be published in the register referred to in Article 61 (1) of the Administration Act, in one national or local daily newspaper, and shall be displayed at the generally accessible place referred to in Item 5 of Paragraph (1). Any such notice must state all particulars covered under Paragraph (1).

(3) (New, SG No. 108/2008) The appointing authority shall announce a competitive procedure in respect of the vacant positions allocated for persons with permanent disabilities, at least once every four months, after publication of the notice of the competitive procedure until such positions are occupied, in compliance with Paragraphs (1) and (2).

#### Competitive Procedure Board

**Article 10b.** (New, SG No. 95/2003) (1) A competitive procedure board shall consist of not fewer than three and not more than seven members.

(2) The name list of the members of the board shall be designated by an order by the appointing authority. The complement of

the board shall mandatorily include the immediate superior of the vacant position, an employee or a person who is a qualified lawyer, and a representative of the Human Resources Unit. Representatives of the trade union organizations of civil servants in the relevant administration, as well as outside experts in the relevant field, may furthermore participate in the said board.

(3) (Supplemented, SG No. 38/2012, effective 1.07.2012) The Council of Ministers shall adopt a decision determining the number of members and the complement of a special board for conduct of the competitive procedure for the position of chief secretary in the administration, save as otherwise provided for by law. In respect of the chief secretaries, Paragraph (2) shall apply in the cases referred to in sentence two of Article 2 (1) herein.

(4) The board referred to in Paragraph (3) shall conduct a competitive procedure for the managerial positions in newly established administrations.

#### Admission to Competitive Procedure

**Article 10c.** (New, SG No. 95/2003) (1) Candidates shall be admitted to the competitive procedure by the competitive procedure board. Any persons, who have failed to submit the requisite documents and who do not satisfy the minimum and specific requirements for occupation of the relevant position as provided for in the statutory instruments shall not be admitted to entry in the procedure.

(2) The competitive procedure board shall compile lists of the candidates admitted and not admitted to entry, and shall display the said lists in a generally accessible place at the relevant administration and shall post the said lists on the Internet site, should any such exist, on the seventh day after the closing date for submission of documents. The board shall indicate the date for conduct of the competitive procedure, which may not be earlier than fourteen days after expiration of the time limit for submission of the documents, the time of commencement and the venue for conduct of the competitive procedure.

(3) The list of candidates who have not been admitted shall state the grounds for non-admission.

(4) Non-admission to entry in the competitive procedure shall be subject to administrative review before the appointing authority within three days after display of the list. The appointing authority shall pronounce within three days. Any such appeal shall not stay the competitive procedure. The decision of the appointing authority shall not be subject to judicial review.

#### Entry in Competitive Procedure

**Article 10d.** (New, SG No. 95/2003) Entry in the competitive procedure shall not require consent from the employer or from the appointing authority, and the candidate shall be entitled to unpaid leave for the days of attendance of the procedure and up to two days for travel, where the competitive procedure is conducted in another nucleated settlement. Any such leave shall be assimilated to the length of employment-service or civil-service seniority.

#### Conduct of Competitive Procedure

**Article 10e.** (New, SG No. 95/2003) (1) (Amended and supplemented, SG No. 24/2006) The competitive procedure board shall conduct the competitive procedure in the manner as announced, evaluating the professional and business-like accomplishments of the candidates and ranking those who have passed the procedure most successfully as first, second and third. A memorandum shall be drawn up on the competitive procedure as conducted. The said memorandum and all documents of the candidates ranked shall be submitted to the appointing authority within ten days after the completion of the competitive procedure.

(2) The evaluation of the board and the ranking of the candidates shall not be subject to judicial review.

(3) (Amended, SG No. 43/2008) Any candidates, who have entered the competitive procedure but have not been ranked first, may lodge an objection with the appointing authority within seven days after receipt of the memorandum of the board. Should the objections be well-founded, the appointing authority shall terminate the competitive procedure and shall announce a new procedure. The decision of the appointing authority shall not be subject to judicial review.

(4) (Amended, SG No. 24/2006, supplemented, SG No. 43/2008) Within fourteen days after submission of the memorandum referred to in Paragraph (1), the appointing authority shall issue an act on appointment of the candidate ranked first. Where occupation of the position requires access to classified information, the act on appointment shall be issued within fourteen days after the clearance for access is obtained.

(5) (New, SG No. 24/2006) If the appointed civil servant fails to assume the position or to take an oath according to Article

14 herein, the appointing authority shall issue an act on the appointment of the candidate ranked next.

(6) (New, SG No. 24/2006) Paragraph (5) may furthermore be applied in cases where the position occupied on the basis of a competitive procedure or another position with the same functions falls vacant within one year.

### Centralized Competitive Procedures

(Heading amended, SG No. 108/2008)

**Article 10f.** (New, SG No. 24/2006) (1) (Amended, SG No. 43/2008, SG No. 77/2010) The Institute of Public Administration shall organize the conduct of a centralized competitive procedure for junior experts and a centralized competitive procedure under Article 9a (2) herein after an assessment and analysis of the needs of human resources in the administrations under the terms and the procedure established by the ordinance referred to in Article 10g herein.

(2) (Supplemented, SG No. 108/2008, amended, SG No. 77/2010) The candidates who have successfully passed the centralized competitive procedures referred to in Paragraph (1) may be appointed to the vacant positions in the respective administration without conduct of a separate competitive procedure.

(3) (New, SG No. 108/2008, repealed, SG No. 77/2010).

(4) (New, SG No. 108/2008, repealed, SG No. 77/2010).

### Secondary Legislation

**Article 10g.** (New, SG No. 95/2003, renumbered from Article 10f, SG No. 24/2006) The procedure and manners for conduct of competitive procedures shall be established by an ordinance of the Council of Ministers.

### Act of Appointment: Essential Elements

**Article 11.** (1) Any administrative act of appointment shall be issued in writing.

(2) The act of appointment shall contain:

1. the designation of the act;
2. the designation of the issuing authority;
3. the legal grounds for appointment;
4. the forename, patronymic and surname of the appointee;
5. the designation of the position whereto the person is appointed, and the rank thereto assigned;
6. (amended, SG No. 95/2003, SG No. 38/2012, effective 1.07.2012) the amount of the basic salary;
7. the date of issue and signature of the issuer.

(3) The act of appointment may specify the place and nature of work, as well as any additional conditions related to the specifics of the position.

(4) The act of appointment shall be delivered to the appointee upon signed acknowledgment of service.

### Probationary Period

**Article 12.** (Amended, SG No. 95/2003) (1) Where a candidate is appointed for the first time to civil service, the appointing authority may terminate the civil-service relationship without notice within one year reckoned from the date of assumption of position. Should the legal relationship be modified before expiration of the said time period, the probationary period shall continue to run for the succeeding civil-service relationship.

(2) (Supplemented, SG No. 43/2008, amended, SG No. 15/2012) Should the civil-service relationship be terminated within the period referred to in Paragraph (1), a new probationary period shall begin to run upon subsequent entry of civil service.

(3) The probationary period shall not run while the civil servant is on statutory leave.

#### Assumption of Internship Positions

**Article 13.** (1) Where previous experience is required for occupation of any position, internship positions shall be designated.

(2) Any intern shall be appointed by an administrative act of the competent authority, which shall specify the duration of the internship, the unit whereat it shall be performed, and the amount of the salary.

(3) During an internship the intern shall be provided with practical and theoretical training required for fulfilment of the requirements of civil service. The duration of any internship shall be assimilated to the length of civil-service seniority.

#### Entry of Service

**Article 14.** (1) Entry of service shall be within ten days after the date of issue of the act of appointment, which shall be certified in writing. The civil-service relationship shall be formed as from the date of assumption of position.

(2) Prior to entry of service, any civil servant shall be obligated to take the following oath of office: "I do solemnly swear that in the performance of civil service I will observe and be guided by the Constitution and the laws of the Republic of Bulgaria and will faithfully execute my official duties in conformity with the interests of the State."

(3) The administration of the oath shall be certified by the signing of an oath paper.

(4) Should any appointee fail to take the oath or to assume position within the time limit referred to in Paragraph (1) with reasonable excuse, the appointing authority shall issue an order setting a new time limit for assumption.

(5) Should any appointee fail to assume position or to take the oath, the act of appointment shall be revoked by the appointing authority.

(6) (Amended, SG No. 95/2003, repealed, SG No. 24/2006).

#### Civil-Service Relationship by Substitution

**Article 15.** (1) (Amended, SG No. 95/2003) A civil servant may be appointed for a fixed term as a substitute for another civil servant who is absent from work for more than three months.

(2) (Amended, SG No. 95/2003) Any civil-service relationship referred to in Paragraph (1) may furthermore be formed without conduct of a competitive procedure in compliance with the conditions of appointment.

(3) In substitution, the parties shall have the same rights and duties as in a regular civil-service relationship.

(4) (Repealed, SG No. 95/2003).

(5) (Repealed, SG No. 95/2003).

#### Subsidiary Civil-Service Relationship for Vacant Position

**Article 16.** (Amended, SG No. 95/2003) (1) The appointing authority may offer internal concurrent employment to a particular civil servant for a fixed period until appointment of a servant to the vacant position.

(2) The period referred to in Paragraph (1) may not be longer than six months.

(3) In the case referred to in Paragraph (1), the civil servant shall receive, together with the salary thereof, 50 per cent of the minimum amount of the basic salary for the vacant position.

#### Part-time Civil-Service Relationship

**Article 16a.** (New, SG No. 24/2006) The civil servant may be appointed to a part-time position in the administration under a civil-service relationship.

#### Personnel Record

**Article 17.** (1) The relevant administration shall compile and keep a personnel record on each civil servant.

(2) Any personnel record shall incorporate the entry of and release from civil service, the job description, career advancement, awards, commendations and distinctions conferred, the leaves, the sanctions imposed, as well as the declarations specified in Article 29 herein.

(3) (Supplemented, SG No. 95/2003) No information contained in the personnel record of any civil servant shall be disclosed without the express written consent thereof.

(4) Any civil servant shall have the right to see the record thereof upon request, as well as to obtain copies of the documents kept therein.

(5) The personnel record shall be kept for a period of ten years after termination of the civil-service relationship.

(6) Upon transfer from one administration to another, the personnel file shall be transmitted into the custody of the administration of the new appointment.

## **Chapter Three**

### **CIVIL SERVANT STATUS**

#### **Section I**

#### **GENERAL PROVISIONS**

#### **Basic Principles upon Performance of Civil Service**

**Article 18.** Performance of civil service shall be based on the principles of lawfulness, loyalty, accountability, stability, political neutrality, and chain of command.

##### **Conditions for Performance of Civil Service**

**Article 19.** The State shall create the conditions necessary for execution of the duties of any civil servant by protecting the said servant in the legally conforming execution of the official duties and by indemnifying the said servant and the family thereof for any detriment inflicted thereon in the course of, and in connection with, the performance of civil service.

#### **Section II**

#### **CIVIL SERVANT DUTIES**

##### **Duties to Citizens**

**Article 20.** (1) The civil servant shall be obligated to rule on citizens' requests without delay. The civil servant must grant accurately and promptly any such requests as shall be legally conforming, and assist in the acknowledgment of citizens' rights and legitimate interests.

(2) The civil servant shall be obliged not to treat the citizens thereby attended in a rude, unmannerly or disrespectful manner.

##### **Manner of Civil Service Performance**

**Article 21.** (1) Each civil servant shall be obligated to execute the duties thereof accurately, conscientiously and impartially in accordance with the laws of the land and with the rules of organization of the relevant administration.

(2) The duties of each civil servant shall be defined in the job description thereof.

(3) Additional duties may be assigned to a civil servant solely in the cases prescribed by this Act.

##### **Duty to Assist and Cooperate with Bodies of State Power**



**Article 22.** Each civil servant shall be obligated to actively assist and cooperate with the bodies of state power in the implementation of the powers of the said bodies.

#### Duty to Keep Hours of Work

**Article 23.** Each civil servant shall be obligated to keep the hours of work as fixed and to spend the said hours executing the duties thereto assigned.

#### Chain of Command

**Article 24.** (1) Each civil servant shall be obligated to obey the legally conforming acts and orders of superior authorities and civil servants.

(2) No civil servant shall be obligated to obey any duly issued wrongful order, should the said order contain a breach of law manifest to the said servant.

(3) Each civil servant may request a written confirmation of the official act, should the verbal order given thereto contain a breach of law manifest to the said servant.

(4) No civil servant shall be obligated to obey any order directed against himself or herself, the spouse thereof, any lineal relative up to any degree of consanguinity, any collateral relative up to the fourth degree of consanguinity, or any relative by marriage thereof up to the second degree of affinity inclusive. In such cases, the civil servant shall be obligated to notify immediately the authority wherefrom the order has originated, and the said authority, for his or her part, must assign the execution of the order to another servant or to perform it himself or herself.

#### Protection of Classified Information Constituting State or Official Secrets

**Article 25.** (Amended, SG No. 45/2002) (1) Each civil servant shall be obligated to safeguard any classified information constituting a state secret or an official secret as shall come to the knowledge thereof in the course of, or in connection with, the execution of the official duties thereof.

(2) The classified information constituting a state secret or an official secret, as well as the procedure for handling of any such information, shall be determined by law.

#### Prohibition to Make Statements

**Article 26.** (Repealed, SG No. 95/2003).

#### Duty to Notify

**Article 27.** Should, during the implementation of the civil-service relationship, there occur any of the grounds for ineligibility under Article 7 (2) of this Act, the civil servant affected shall be obligated to notify the appointing authority of the incompatibility with the service performed within seven days after occurrence of any such ground.

#### Duty to Safeguard Civil Service Prestige

**Article 28.** (1) (Redesignated from Article 28 and supplemented, SG No. 95/2003) In the course of execution of the official duties thereof and in the public life thereof, each civil servant shall be obligated to maintain a conduct which does not degrade the prestige of the civil service and which conforms to the Code of Conduct of State Administration Staff.

(2) (New, SG No. 95/2003) The Code of Conduct of State Administration Staff shall be adopted by the Council of Ministers and shall be promulgated in the State Gazette.

#### Duty to Disclose Financial Interests

**Article 29.** (Amended, SG No. 15/2012) (1) Upon assumption of position, each civil servant shall be obligated to disclose the financial interests thereof to the appointing authority.

(2) (Amended, SG No. 38/2012, effective 1.07.2012) Annually, on or before the 30th day of April, each civil servant shall be obligated to disclose to the appointing authority the financial interests thereof, as well as the remunerations received during the last preceding calendar year in connection with the performance of work outside the civil-service relationship, the grounds for

the receipt of the said remunerations, as well as the commissioning entity/employer who paid them.

(3) Disclosure under Paragraph (2) shall be effected in a standard form endorsed by the ordinance referred to in Article 8 (2) herein.

#### Duty to Disclose and to Avoid Conflict of Interest

**Article 29a.** (New, SG No. 95/2003, supplemented, SG No. 30/2006, SG No. 43/2008, repealed, SG No. 94/2008, effective 1.01.2009).

### Section III

## APPOINTING AUTHORITY

### Duties

**Article 30.** The appointing authority shall be obligated:

1. to provide the civil servant with normal conditions for performance of civil service;
2. not to assign to the civil servant any additional duties outside the duties assigned thereto according to the job description;
3. to pay the salary of the civil servant according to the established procedure and within the established time limit;
4. to provide social and health insurance to the civil servant according to the statutory procedure;
5. (new, SG No. 108/2008) to adapt the workplace of the civil servant with a permanent disability in a manner enabling the performance of the civil service.

#### Control by State Administration Commission

**Article 31.** (Repealed, SG No. 95/2003).

### Section IV

## CIVIL SERVANT RIGHTS

### Right to Pay

**Article 32.** (1) (Amended, SG No. 95/2003, effective 1.01.2004) For performance of civil service, each civil servant shall have the right to a gross salary, which shall include a basic salary and supplementary remunerations.

(2) (Repealed, SG No. 95/2003, effective 1.01.2004).

#### Right to Rest

**Article 33.** In performance of civil service, any civil servant shall have the right to breaks during the working day, to a weekly and a daily rest period, and to rest on designated public holidays.

#### Entitlement to Leave

**Article 34.** (1) Any civil servant shall be entitled to a regular paid annual leave.

(2) Any civil servant shall furthermore be entitled to additional leave, to service leave, to leave for performance of public duty, to social security leave, and to unpaid leave.

#### Professional Qualification

**Article 35.** (1) The appointing authority shall ensure conditions for upgrading of professional qualification and for retraining of civil servants.

(2) Where the needs of service so dictate, the expense on upgrading of professional qualification and retraining of civil servants shall be for the account of the relevant administration.

(3) (Amended, SG No. 95/2003) Any civil servant, who is sent to training of an aggregate duration exceeding one month within one calendar year under the terms established by Paragraph (2), shall be obligated to work at the relevant administration for a period of one to three years. The terms and the specific period shall be agreed between the appointing authority and the civil servant. Upon culpable failure to perform the obligations on the part of the civil servant, the said civil servant shall reimburse the costs of training in proportion to the non-performance.

(4) (New, SG No. 95/2003) The appointing authority or the person referred to in Article 6 (2) herein shall endorse an annual plan for training of the staff in the relevant administration.

(5) (New, SG No. 95/2003, amended, SG No. 77/2010) Proceeding from the annual training plans as endorsed, the Director of the Institute of Public Administration shall endorse a consolidated plan for training of administration staff conforming to the resources allocated for training in the state budget for the relevant year.

(6) (New, SG No. 95/2003, amended, SG No. 24/2006, effective 1.01.2007) Annually, the State Budget of the Republic of Bulgaria Act shall allocate resources for upgrading of professional qualification and for retraining of administration staff to the amount of 2 per cent of the wage bill planned.

#### Institute of Public Administration

**Article 35a.** (New, SG No. 95/2003, amended, SG No. 24/2006) (1) (Amended, SG No. 77/2010, SG No. 15/2013, effective 1.01.2014) Training for upgrading of professional qualification and retraining of state administration staff shall be delivered by the Institute of Public Administration, which shall be a legal person with the Council of Ministers.

(2) The management bodies of the Institute of Public Administration shall be the Executive Director and the Board of Directors.

(3) (New, SG No. 77/2010) The Executive Director of the Institute of Public Administration shall be appointed by an order of the Prime Minister.

(4) (Amended, SG No. 74/2009, effective 15.09.2009, renumbered from Paragraph (3), amended, SG No. 77/2010, SG No. 68/2013, effective 2.08.2013) The Board of Directors shall have a two years' term of office and shall consist of five members: the Chief Secretary of the Council of Ministers or a director of a directorate in the Administration of the Council of Ministers designated thereby, a Deputy Minister of Finance, a Deputy Minister of Labour and Social Policy and a Deputy Minister of Education and Science, designated by the competent government ministers. The Executive Director of the Institute of Public Administration shall be a member of the Board of Directors by right.

(5) (Renumbered from Paragraph (4), SG No. 77/2010) Representatives of the academic community and non-governmental organizations may also participate in the Board of Directors in a non-voting capacity.

(6) (Renumbered from Paragraph (5), SG No. 77/2010) The functions of the Board of Directors and the rules of procedure thereof shall be defined by Rules of Organization adopted by the Council of Ministers.

#### Conduct of Training

**Article 35b.** (New, SG No. 24/2006) (1) First-time entrants of civil service, as well as the civil servants appointed to a managerial position for the first time, shall be subject to compulsory training. The appointing authority shall be obligated to submit a list of those persons to the Institute of Public Administration within one month after the assumption of position.

(2) The appointing authority shall be obligated to ensure the training of the persons referred to in Paragraph (1) within three months after assumption of position. Senior civil servants shall undergo training organized by the Institute of Public Administration at least once a year.

(3) The training shall be financed by the resources referred to in Article 35 (6) herein.

#### Promotion in Civil Service

**Article 36.** (1) (Repealed, SG No. 95/2003).

(2) Promotion in the civil service shall be effected through successive assignment of a higher rank or a more senior position.

## Early Promotion to Higher Rank

**Article 37.** (Repealed, SG No. 95/2003).

## Social and Health Insurance

**Article 38.** (1) (Amended, SG No. 95/2003) Each civil servant shall be entitled to compulsory social and health insurance.

(2) (Amended, SG No. 1/2000) The social and health insurance of each civil servant shall be provided at the expense of the relevant budgets.

## Health and Safety at Work

**Article 38a.** (New, SG No. 24/2006) (1) The civil servant shall be entitled to safe and healthy working conditions in accordance with the Health and Safety at Work Act and the statutory instruments on the application thereof.

(2) The safe and healthy working conditions referred to in Paragraph (1) shall be provided by the appointing authority.

(3) (New, SG No. 43/2008) Civil servants who work under specific conditions and who are exposed to life threats and health hazards shall enjoy the rights referred to in Articles 137 and 285 of the Labour Code.

## Right to Compensation

**Article 39.** Each civil servant shall be entitled to compensation where so provided for by the law.

## Presentable Clothing, Uniforms and Special Work Clothes

(Heading amended, SG No. 95/2003)

**Article 40.** (1) (Redesignated from Article 40, SG No. 95/2003) For the performance of the official duties thereof, each civil servant shall be entitled to presentable clothing and uniform under terms and according to a procedure established by the Council of Ministers.

(2) (New, SG No. 95/2003) The appointing authority shall provide, at no charge, special work clothes and personal protective means to all civil servants who work in dangerous, health-hazardous or life-threatening conditions, under terms and according to a procedure established by an ordinance of the Minister of Labour and Social Policy and the Minister of Health.

## Freedom of Expression

**Article 41.** (1) In the execution of the official duties thereof, any civil servant shall be free to express opinions regarding the legal conformity and expediency of the instructions thereto given and to suggest more appropriate solutions.

(2) No opinions or suggestions as expressed may affect the official status of the civil servant.

## Political Party Membership

**Article 42.** (1) Any civil servant shall have the right to be member of any political party, save in so far as subject to a prohibition imposed by special law.

(2) In the performance of service, no civil servant may be guided by or protect the interests and the will of the political party whereof he or she is a member.

## Right to Make Statements

**Article 42a.** (New, SG No. 95/2003) Any civil servant may make statements on behalf of the appointing authority or the administration with the consent of the appointing authority or of a designee thereof.

## Associations of Civil Servants

**Article 43.** (Amended, SG No. 95/2003) Civil servants shall have the right to associate in professional organizations and not-for-profit corporations

## Civil Servants Trade Union Organizations

**Article 44.** (1) Civil servants shall be free to form trade union organizations, to join and to leave such organizations solely in conformity with the charters thereof.

(2) Any trade union organization of civil servants shall have the right to adopt charters and rules of procedure thereof, as well as to elect bodies and representatives thereof.

(3) Any trade union organization shall represent and protect the interests of civil servants in dealings with the state bodies on matters of civil-service relationships and social-security relationships by means of proposals, grievances and participation in the preparation of drafts of internal regulations and ordinances relating to civil-service relationships.

## Legal Personality of Trade Union Organizations

**Article 45.** (1) (Amended, SG No. 95/2003) Any trade union organization of civil servants shall qualify as a legal person upon registration according to the procedure established for registration of not-for-profit corporations.

(2) Property relationships between the members of any terminated trade union organization shall be regulated in conformity with the provisions of the charter thereof.

## Facilitation of Operation of Trade Union Organizations

**Article 46.** The state bodies shall facilitate the performance of activities of trade union organizations by allocating thereto premises free of rental and by providing other material conditions for discharge of the functions thereof.

## Right to Strike

**Article 47.** (1) Where any grievances submitted in connection with service relationships and social-security relationships do not meet with consideration, civil servants may initiate a strike action.

(2) Any strike action referred to in Paragraph (1) shall be conducted by means of wearing and posting of appropriate signs and symbols, protest placards, bands and other such, without discontinuance of the performance of civil service.

(3) While a strike action is in progress, the representatives of the civil servants and the appointing authority shall make efforts to resolve the contentious issues.

## Right to Privacy of Personal Correspondence and Communications

**Article 48.** (1) Any civil servant shall enjoy privacy of the personal correspondence and communications thereof.

(2) No correspondence and communications addressed to a civil servant in this capacity shall be treated as personal.

## Section V

# WORKING TIME, REST AND LEAVES

## Working Time: Duration

**Article 49.** (Redesignated from Article 49, SG No. 43/2008) (1) The working time of any civil servant shall be 8 hours a day and 40 hours a week for a five-day working week.

(2) (New, SG No. 43/2008) The appointing authority may establish calculation of working time on the basis of a longer reference period: a week, a month or over another calendar period, which may not be longer than six months.

(3) (New, SG No. 43/2008) Calculation of working time on a weekly or longer basis shall not be allowed for civil servants at open-ended working hours.

(4) (New, SG No. 43/2008) The maximum duration of a work shift upon calculation of working time on a weekly or longer basis may be up to 12 hours, while the total duration of the working week may not exceed 56 hours, and for civil servants at reduced working time the maximum duration of a work shift may be up to one hour beyond their established working time.

## Open-Ended Working Time

**Article 50.** (1) Where necessary, any civil servant shall be obligated to continue to execute the duties thereof even after expiration of the normal working time, without disruption of the daily and weekly rest periods.

(2) For execution of duties outside the normal working time, any civil servant shall be entitled to an additional paid annual leave of a duration not exceeding twelve days.

(3) The procedure for execution of duties outside the normal working time and the manner of specifying the length of the additional leave referred to in Paragraph (2) shall be determined by the appointing authority.

## Working Time: Calculation and Allocation

**Article 51.** (1) Working time shall be calculated in terms of working days.

(2) The allocation of working time shall be established in the rules of organization of the relevant administration.

## Rest Breaks during Working Day

**Article 52.** (1) The working time of any civil servant shall be interrupted by one or several rest breaks which shall be regulated by the rules of organization of the relevant administration. A rest break for meals may not be shorter than thirty minutes.

(2) The duration of any rest break shall be excluded from the working time.

## Daily Rest Period

**Article 53.** Any civil servant shall be entitled to an uninterrupted daily rest period which may not be shorter than twelve hours.

## Weekly Rest Period

**Article 54.** Any civil servant shall be entitled to a weekly rest period of two successive days, which shall in principle be a Saturday and a Sunday. Any civil servant shall be provided with an uninterrupted weekly rest period of at least forty-eight hours.

## Public Holidays

**Article 55.** (1) The public holidays applicable to civil servants shall be the days specified in Article 154 (1) of the Labour Code.

(2) The Council of Ministers may designate any other days as public holidays for one-time observance, as days honouring specified occupations, as well as to shift the days of rest during the year.

## Regular Paid Annual Leave

**Article 56.** (1) (Amended, SG No. 95/2003, effective 1.01.2004, supplemented, SG No. 15/2012) Any civil servant, who has attained at least eight months of civil-service seniority, employment-service seniority and/or length of contributory service shall be entitled to a regular paid annual leave of duration of twenty working days.

(2) (New, SG No. 108/2008) A civil servant with working capacity reduced by 50 per cent and more than 50 per cent shall be entitled to a regular paid annual leave of twenty-six working days.

(3) (Amended, SG No. 95/2003, effective 1.01.2004, renumbered from Paragraph (2), SG No. 108/2008, repealed, SG No. 58/2010, effective 1.01.2011).

(4) (Amended, SG No. 95/2003, effective 1.01.2004, renumbered from Paragraph (3), SG No. 108/2008, repealed, SG No. 58/2010, effective 1.01.2011).

## Use of Paid Annual Leave

**Article 57.** (Amended, SG No. 58/2010, effective 30.07.2010, SG No. 18/2011, effective 1.03.2011) (1) The paid annual leave shall be used as a single uninterrupted period or as separate periods during the calendar year for which the said leave is due, in accordance with a schedule endorsed by the appointing authority.

(2) The appointing authority shall, by the 31st day of December and after consultations with the representatives of the trade union organizations, if any, endorse a schedule of the paid annual leave to be used by the civil servants for the next succeeding calendar year. The said schedule shall be prepared in such a way as to enable all civil servants to use the paid annual leave thereof until the end of the calendar year for which the said leave is due. The details to be included in the schedule and the procedure for altering such schedule shall be regulated by an act of the Council of Ministers.

(3) A civil servant shall use the paid annual leave thereof on a written authorization by the appointing authority in accordance with the schedule referred to in Paragraph (2). In case the civil servant is using a leave of another type in the period specified in the schedule, the said civil servant may use the paid annual leave due thereto at another time within the same calendar year.

(4) The appointing authority shall be obligated to grant use of the paid annual leave to the civil servant where such leave has been requested for the period specified in the schedule referred to in Paragraph (2), unless the use of such leave has been postponed according to the procedure established by Article 59 herein.

(5) Any factory and office worker, who professes a religion other than Eastern Orthodox, must be granted by the appointing authority use of either part of the regular paid annual leave or unpaid leave, at the worker's choice, for the relevant religious feast days, but not more than the number of Eastern Orthodox religious feast days referred to in Article 55 (1) herein.

#### Interruption of Use

**Article 58.** (1) Where the needs of service so dictate, the paid annual leave shall be interrupted by the appointing authority with the consent of the civil servant concerned.

(2) Should a civil servant be granted another type of paid or unpaid leave, the use of the paid annual leave shall be interrupted at the request of the civil servant concerned.

#### Postponement of Use

**Article 59.** (Amended, SG No. 58/2010, effective 30.07.2010) (1) Where the needs of service so dictate, the appointing authority may postpone the use of part of the paid annual leave, which may not exceed ten working days, until the next succeeding calendar year.

(2) (New, SG No. 18/2011, effective 1.03.2011) For valid reasons, upon written request by the civil servant and with the consent of the appointing authority, use of part of the paid annual leave of a duration not exceeding ten working days may be postponed until the next succeeding calendar year.

(3) (New, SG No. 18/2011, effective 1.03.2011) In the cases referred to in Paragraphs (1) and (2), the aggregate duration of the part of the paid annual leave whereof the use may be postponed until the next succeeding calendar year may not exceed ten working days.

(4) (Renumbered from Paragraph (2), amended and supplemented, SG No. 18/2011, effective 1.03.2011) The use of the paid annual leave may furthermore be postponed where the civil servant has been unable to use the said leave in whole or in part during the calendar year to which the said leave applies by reason of use of a temporary working incapacity leave, a pregnancy, child-birth and adoption leave or a child-care leave, as well as by reason of use of another statutory leave.

(5) (Repealed, renumbered from Paragraph (3), amended, SG No. 18/2011, effective 1.03.2011) The appointing authority shall issue a reasoned written order where the said authority:

1. postpones use of part of the leave according to the procedure established by Paragraph (1);
2. refuses to postpone use of part of the leave in the cases referred to in Paragraph (2);
3. refuses to grant use of a requested leave in other cases.

(6) (Renumbered from Paragraph (4), SG No. 18/2011, effective 1.03.2011) In case the appointing authority fails to ensure the use of any postponed leave before the end of the next succeeding calendar year, the civil servant shall have discretion in determining the time of use of the said use, giving the appointing authority a seven daysT notice in advance of using the leave.

#### Extinction of Entitlement to Use

**Article 59a.** (New, SG No. 18/2011, effective 1.03.2011) Where the paid annual leave or a part thereof is not used until

expiration of two years after the end of the year for which the said leave is due, regardless of the reasons therefor, the entitlement to use such leave shall be extinguished by prescription.

(2) Where the paid annual leave has been postponed under the terms and according to the procedure established by Article 59 (4) herein, the entitlement of the civil servant to use such leave shall be extinguished by prescription upon expiration of two years after the end of the year in which the reason for the non-use of the leave has lapsed.

## Pay

**Article 60.** (1) (Redesignated from Article 60 and amended, SG No. 95/2003, SG No. 38/2012, effective 1.07.2012) For the duration of any paid annual leave, the civil servant concerned shall be paid a basic salary fixed according to the civil-service relationship at the time of commencement of use of the leave.

(2) (New, SG No. 95/2003, amended, SG No. 38/2012, effective 1.07.2012) Upon internal concurrent employment and upon substitution under Article 84 herein, the salary for a leave shall be fixed on the basis of the basic salary under the principal civil-service relationship.

## Compensation Prohibited

**Article 61.** (1) (Redesignated from Article 61, SG No. 95/2003) It shall be prohibited to pay cash compensation in lieu of any paid annual leave except upon termination of the civil-service relationship.

(2) (New, SG No. 95/2003, amended, SG No. 58/2010, effective 1.01.2011, amended, SG No. 18/2011 declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 91/2010, in the part "for the current calendar year in proportion to the time which is assimilated to the length of civil-service seniority and for the unused leave postponed according to the procedure established by Article 59 herein")

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Upon termination of the civil-service relationship, the civil servant shall be entitled to a cash compensation for the unused paid annual leave for the current calendar year in proportion to the time which is assimilated to the length of civil-service seniority and for the unused leave postponed according to the procedure established by Article 59 herein, whereto the entitlement has not been extinguished by prescription.

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(3) (New, SG No. 58/2010, effective 30.07.2010, amended, SG No. 38/2012, effective 1.07.2012) The amount of the cash compensation referred to in Paragraph (2) shall be determined according to the amount of the basic salary fixed to the civil servant at the date of termination of the civil-service relationship.

## Leave for Civic and Public Duty

**Article 62.** (1) (Redesignated from Article 62, SG No. 95/2003, effective 1.01.2004) The appointing authority shall be obligated to release any civil servant from execution of the duties thereof in any of the following cases:

1. (amended, SG No. 95/2003, effective 1.01.2004) upon marriage, for two working days;
2. upon blood donation, for the day of examination and donation, as well as for one day thereafter;
3. (amended, SG No. 95/2003, effective 1.01.2004) in the event of death of a parent, child, spouse, brother, sister or spouse's parent, as well as of any other lineal relative up to any degree of consanguinity, for two working days;
4. where called to appear before a court of law as a party or a witness;
5. for jury service;
6. (amended, SG No. 35/2009, effective 12.05.2009, SG No. 20/2012, effective 10.06.2012) When called up for active duty



in the volunteer reserve, for the duration of such active duty, including the days of travel there and back; if such active duty would last more than 15 calendar days, the civil servant shall be entitled to two calendar days of unpaid leave prior to departure and two days after return;

7. (new, SG No. 95/2003, effective 1.01.2004) for celebration of festive occasions of children thereof who have not attained the age of 18 years, for two working days within the respective calendar year, of which the civil servant shall promptly notify the immediate superior thereof;

8. (new, SG No. 19/2005, amended, SG No. 102/2006) for the duration of training and participation in voluntary disaster protection formations.

(2) (New, SG No. 95/2003, effective 1.01.2004, amended, SG No. 19/2005) During the leaves covered under Items 1 to 3, the civil servant shall be paid a salary to the amount referred to in Article 60 (1) herein, and under Items 4 to 6 and 8, according to the provisions in the special laws.

(3) (New, SG No. 95/2003, effective 1.01.2004) The leave referred to in Item 7 of Paragraph (1) shall be assimilated to the paid annual leave.

### Social Security Leaves

**Article 63.** (Amended, SG No. 95/2003, SG No. 70/2004) Any civil servant shall furthermore be entitled to leaves for temporary working incapacity, pregnancy, child-birth and adoption, child care, nursing breaks, upon the other parent's death or severe illness under the terms, according to the procedure, and within the durations as established in Articles 162 to 167a incl. of the Labour Code.

### Trade Union Activists Leave

**Article 63a.** (New, SG No. 95/2003, effective 1.01.2004) (1) For performance of trade union activities, the unsalaried members of central and branch leaderships of the trade union organizations referred to in Article 45 herein, as well as the unsalaried leaders of trade union locals at the relevant administration, shall be entitled to a paid leave of 25 working hours per calendar year.

(2) The leave referred to in Paragraph (1) shall be paid according to Article 60 (1) herein, and pecuniary compensation may not be paid in lieu of any such leave.

(3) The trade union activist shall use the leave referred to in Paragraph (1) at a time of his or her choice, of which the said activist shall promptly notify the immediate superior thereof. The time and duration of any such leave used shall be recorded in a special book which shall be kept by a designee of the appointing authority.

(4) The leave referred to in Paragraph (1) may not be used during the next succeeding calendar year.

### Unpaid Leave

**Article 64.** (1) Upon request by any civil servant, the appointing authority may grant use of unpaid leave regardless of whether the said person has or has not used the paid annual leave thereof and regardless of the length of the civil-service seniority thereof.

(2) (New, SG No. 43/2008) The appointing authority shall be obligated to authorize the use, on a single occasion within the entire period of service, an unpaid leave of up to one year, to any civil servants who is in a legal relationship with an institution of the European Union, except in the cases referred to in Article 81c herein, with the United Nations, with the Organization for Security and Co-operation in Europe, with the North Atlantic Treaty Organization, or with other international governmental organizations.

(3) (Renumbered from Paragraph (2), SG No. 43/2008) Any unpaid leave of a duration not exceeding thirty working days within any calendar year shall be assimilated to the length of civil-service seniority, and any such leave of a duration exceeding thirty days shall be so assimilated solely if so provided by law or an act of the Council of Ministers.

### Service Leave

**Article 65.** (1) (Amended, SG No. 95/2003) For the duration of attendance of courses for upgrading of professional

qualification and retraining whereto a civil servant has been assigned, the said civil servant shall use a paid service leave.

(2) (Amended, SG No. 95/2003) For the duration of an election campaign wherein a civil servant is running for elective office in the bodies of state power, any such civil servant shall use an unpaid service leave which shall be assimilated to the length of civil-service seniority.

## Educational Leave

**Article 66.** (Amended, SG No. 24/2006) Any civil servant shall furthermore be entitled to use educational leaves under terms, according to a procedure, and within durations as established by Articles 169 to 171a incl. of the Labour Code.

## Section VI

### SALARY

**(Heading amended, SG No. 95/2003)**

#### Basic Salary

**Article 67.** (Amended, SG No. 95/2003, effective 1.01.2004, SG No. 38/2012, effective 1.07.2012) (1) The gross salary shall consist of a basic salary and of supplementary remunerations.

(2) (Amended, SG No. 15/2013, effective 1.01.2014) The expenditures on basic salaries of the civil servants and of the office workers referred to in Article 107a of the Labour Code and the social and health insurance contributions due therefor for the account of the social insurance contributor shall amount to not less than 70 per cent of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the budget authorisers.

(3) The minimum and maximum amounts of the basic salaries according to level and grade, the amounts of the supplementary remunerations, as well as the procedure for the receipt thereof, shall be fixed by an ordinance of the Council of Ministers and may not be lower than those laid down in labour legislation.

(4) The appointing authority shall fix the individual amount of the basic salary of the civil servant, taking into account the level of the position occupied, the qualification and the professional experience.

(5) The individual basic salary of the servant may be increased:

1. on the basis of the annual evaluation of the execution of office;
2. upon return from a pregnancy and child-birth leave or from a child-care leave;
3. after expiry of the probationary period;
4. upon return from a leave or a secondment of a duration exceeding one year or upon reinstatement of a discharged servant;
5. upon return of a servant transferred to another administrative structure according to the procedure established by Article 81b herein;
6. upon appointment to another position at a higher level of the basic salary.

(6) The individual amount of the basic salary of the civil servant shall be fixed and increased according to the procedure established by the ordinance referred to in Paragraph (3).

(7) There shall be the following supplementary remunerations:

1. supplementary remuneration for night work;
2. supplementary remuneration for overtime work;
3. supplementary remuneration for work on public holidays;
4. supplementary remuneration for on-call time;

5. supplementary remuneration for results achieved.

(8) The supplementary remuneration referred to in Item 5 of Paragraph 7 shall be fixed for an accurate and prompt fulfillment of the assignments and shall be paid on four occasions during the year: in the month of April, July and October for the current year and in the month of January for the last preceding year, on the basis of an evaluation according to a procedure established by the ordinance referred to in Paragraph (3).

(9) (Amended, SG No. 15/2013, effective 1.01.2014) The expenditures on the supplementary remunerations covered under Paragraph (7) shall amount to not more than 30 per cent of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the budget authorisers.

(10) The amount of the supplementary remuneration referred to in Item 5 of Paragraph (7), which a civil servant may receive, may not exceed 80 per cent of the basic salaries charged thereto for the relevant year.

(11) Supplementary remunerations of a civil servant may not be fixed on any grounds other than those specified in this Act. Supplementary remunerations of a civil servant may not be fixed in other laws.

#### Guaranteed Minimum

**Article 68.** (Effective 1.01.2000; amended, SG No. 95/2003) The minimum amount of the basic salary for the lowest position designated for occupation by a civil servant shall be fixed annually by the State Budget of the Republic of Bulgaria Act and may not be smaller than the amount fixed for the last preceding year.

#### Salary for Internal Concurrent Employment

**Article 69.** (Repealed, SG No. 95/2003).

#### Pay for Work on Days of Rest and on Public Holidays

**Article 70.** (Repealed, SG No. 95/2003).

#### Payment of Salary

**Article 71.** (1) The salary of any civil servant shall be paid in two portions: an advance and a final balance for each month, according to a procedure established by the appointing authority.

(2) Any such salary shall be paid according to a payroll ledger to the civil servant in person or to a person thereby authorized, or it shall be remitted to an account held by the civil servant.

#### Deductions from Salary

**Article 72.** (1) No deductions may be made from the salary of any civil servant without the consent thereof, save for:

1. any advances on the salary as received;
2. any taxes, where deductible from a salary under special laws;
3. any amounts overpaid due to technical errors;
4. any garnishments imposed according to the established procedure.

(2) The total amount of monthly deductions covered under Paragraph (1) may not exceed the amount established by the Code of Civil Procedure.

## Section VII

### RANKS AND PROMOTION

#### Ranks

**Article 73.** (Amended, SG No. 95/2003) (1) The rank shall be an expression of the level of professional qualification of a civil

servant as a totality of knowledge and skills required for high-quality execution of office.

(2) (Effective 1.01.2004) The civil servant ranks shall fall into two groups: "junior rank" and "senior rank." Junior and senior rank shall consist of five grades each.

(3) (Amended, SG No. 15/2012) The lowest rank for each position shall be designated in the Classifier of Positions in the Administration referred to in Article 2 herein, and appointees to managerial position shall be assigned a rank not lower than third junior rank.

#### Assignment of Rank

**Article 74.** (Amended, SG No. 95/2003) (1) Upon entry of civil service for the first time, the persons without length of service shall be assigned fifth junior rank by the appointing authority.

(2) (Amended, SG No. 15/2012) Upon entry of civil service for the first time, the persons who are responsive to the requirements for years of professional experience in implementation of the relevant activity shall be assigned the lowest rank provided for the relevant position in the Classifier of Positions in the Administration referred to in Article 2 herein by the appointing authority.

(3) (Supplemented, SG No. 108/2008, amended, SG No. 15/2012) Upon promotion to a higher position, in the cases referred to in Articles 81a, 81b and Article 82 (2) to (4) herein, as well as upon winning a competitive procedure, a civil servant holding a rank lower than the lowest required for the new position but responsive to the requirements for years of professional experience shall be assigned the lowest rank provided for occupation of the position in the Classifier of Positions in the Administration referred to in Article 2 herein by the appointing authority.

(4) (New, SG No. 108/2008, amended, SG No. 15/2012) Upon re-appointment to a more senior position in the cases referred to in Article 82 (2) herein, the appointing authority shall assign to the civil servant the lowest rank provided for occupation of the position in the Classifier of Positions in the Administration referred to in Article 2 herein.

#### Promotion to Higher Rank

**Article 75.** (Amended, SG No. 95/2003) (1) (Amended, SG No. 43/2008, SG No. 38/2012, effective 1.07.2012) Promotion to a higher rank shall be effected on the basis of the annual evaluation of the execution of office by the civil servant: upon two or three successive annual evaluations for the junior ranks and upon three or four successive annual evaluations for the senior ranks, under terms and according to a procedure established by the ordinance referred to in Article 76 (11) herein.

(2) (Amended, SG No. 43/2008, SG No. 38/2012, effective 1.07.2012) A civil servant may be promoted to the next higher rank prior to the expiration of the minimum periods subject to the condition that the said servant received the highest annual evaluation of the execution of office. After early promotion of a civil servant to a higher rank, the subsequent promotion thereof to a higher rank may be effected only under the conditions and within the periods referred to in Paragraph (1).

## Section VIIa

### Evaluation of Execution

**(New heading, SG No. 38/2012, effective 1.07.2012)**

#### Evaluation of Execution of Office

**Article 76.** (Amended, SG No. 95/2003, SG No. 38/2012, effective 1.07.2012) (1) Civil servants shall be evaluated annually as to the execution of office.

(2) Evaluation of the execution of office shall refer to the period from the 1st day of January until the 31st day of December of the relevant year.

(3) Each servant who has actually worked for at least six months for one calendar year shall be subject to evaluation.

(4) The execution of office by the servant shall be evaluated by an evaluating superior whereto the servant is an immediate subordinate.

(5) Evaluation of the execution of office shall be performed on the basis of:

1. the attainment of targets set in advance or the execution of the immediate duties and the fulfillment of the assignments;
2. the competences demonstrated.

(6) The targets referred to in Item 1 of Paragraph (5) must be to the maximum extent specific, attainable, consistent with the purposes of the administrative structure as a whole and/or of the administrative unit, and measurable in terms of scope, quality and timeframes.

(7) The evaluating superior shall be obligated to perform the evaluation of the execution of office impartially and competently on the basis of objectively establishable facts and circumstances. The annual evaluation of the execution of office shall be reasoned in writing, and the civil servant shall be familiarized with the evaluation thereof as performed.

(8) The evaluating superior shall deliver the annual evaluation of the execution of office by the civil servant to the controlling superior whereto the said evaluating superior is an immediate subordinate.

(9) Within seven days after being familiarized with the evaluation thereof as performed, the civil servant may contest the said evaluation before the controlling superior by submitting a reasoned objection in writing.

(10) After expiry of the time limit referred to in Paragraph (9), the controlling superior may confirm the annual evaluation of the civil servant or may modify the said evaluation by one point.

(11) The procedure for evaluation of the execution of office shall be established by an ordinance of the Council of Ministers.

## **Section VIII**

### **COMPENSATIONS**

#### **Compensations for Disaster**

**(Heading amended, SG No. 19/2005, SG No. 35/2009, effective 12.05.2009)**

**Article 77.** (1) (Amended, SG No. 19/2005, supplemented, SG No. 102/2006, amended, SG No. 35/2009, effective 12.05.2009) Where in a disaster a civil servant is prevented from reporting for work, the said servant shall receive the guaranteed minimum referred to in Article 68 herein.

(2) (Amended, SG No. 19/2005, supplemented, SG No. 102/2006, amended, SG No. 35/2009, effective 12.05.2009, SG No. 38/2012, effective 1.07.2012) If the civil servant has taken part in rescue work in a disaster, the said servant shall receive the basic salary thereof as fixed at the time of the event.

(3) The reasons for failure to report for work and the participation in rescue work shall be certified by the municipality.

#### **Compensation of Civil Servants upon Death and Injury**

**Article 78.** (1) For any detriment sustained through industrial accident or occupational disease, which has caused temporary working incapacity, disablement or death of any civil servant, the relevant administration shall be liable to pay compensation regardless of whether the appointing authority or any other officer thereof is blameworthy for the occurrence of the said event.

(2) The relevant administration shall furthermore be liable to pay compensation where the occupational accident has been caused by an act of God or in the course of or in connection with the performance of assigned work or of any work [done] even without an instruction but in the interest of civil service.

(3) The relevant administration shall be liable to pay compensation for the excess of any pecuniary damage over the benefit and/or pension under the social security law. Claims for non-pecuniary damages and gains foregone shall be actionable according to the standard procedure.

(4) Receipt of any compensation covered under the foregoing paragraphs by the heirs to a civil servant who died as a result of occupational accident or occupational disease shall not be treated as acceptance of succession.

#### **Exemption from, or Mitigation of, Liability**

**Article 79.** (1) The relevant administration shall not be liable under Article 78 herein if the injured party wilfully inflicted the detriment.

(2) The liability of the relevant administration may be mitigated if the injured party contributed to the occupational accident by committing gross negligence.

Recourse

**Article 80.** For any compensation paid to the person injured or to the heirs thereto, the relevant administration shall have recourse against the blameworthy employees in conformity with the rules for pecuniary liability of civil servants.

## **Chapter Four**

### **MODIFICATION OF CIVIL-SERVICE RELATIONSHIP**

#### **Stability**

**Article 81.** The civil-service relationship of the civil servant may not be unilaterally modified save in the cases and according to the procedure established in this Act.

Transfer to Civil Service Position in Another Administration

**Article 81a.** (New, SG No. 24/2006) A civil servant, who works in a given administration and whose one-year probationary period has expired, may be appointed to a position in another administration if the said servant satisfies the conditions for occupation of the said position and after conclusion of a written agreement between the civil servant concerned and the appointing authorities of both administrations.

Provisional Transfer to another Administration

**Article 81b.** (New, SG No. 24/2006) (1) A civil servant may execute office in another administration for a period of up to four years if the said servant satisfies the conditions for occupation of the position, the one-year probationary period has expired and the civil-service relationship thereof is for an open-ended period.

(2) The provisional transfer to another administration shall follow the conclusion of a written agreement between the appointing authorities of the sending and the receiving administration and the civil servant. The said agreement shall specify the designation of the position, the period for the execution thereof, as well as the basic salary, which may not be lower than the salary drawn by the civil servant prior to the transfer thereof. The appointing authority of the sending administration shall issue an order on the transfer.

(3) All orders related to the civil-service relationship within the period of execution of the new position, with the exception of orders on termination of the legal relationship, shall be issued by the appointing authority of the receiving administration and shall be incorporated into the personnel record of the civil servant, which shall be kept at the receiving administration.

(4) Where the provisional transfer to another administration entails relocation to another nucleated settlement, the appointment authority of the receiving administration shall be obligated to reimburse the civil servant for:

1. the travelling expenses for the said servant and for the family members thereof;
2. the expenses on the moving of the household furnishings thereof;
3. the salary for the days of travel plus two more days.

(5) An early termination of the execution of office in another administration shall be possible at the request of the appointing authority of the receiving administration or of the civil servant. The appointing authority of the sending administration shall issue an order on termination of the transfer.

(6) After expiration of the period of provisional execution of office in another administration, as well as in the cases referred to in Paragraph (5), the civil servant shall forthwith reoccupy the previous position thereof in the sending administration.

Execution of Office in Institution of European Union

**Article 81c.** (New, SG No. 43/2008) (1) A civil servant may be posted to execute office in an institution of the European Union for a period not exceeding four years.

(2) (Amended, SG No. 15/2010) For the period of execution of office in an institution of the European Union, the civil servant shall retain the civil-service relationship thereof and shall continue to draw the monthly basic salary thereof from the appointing authority.

(3) In the execution of the duties thereof, the civil servant shall be guided solely by the interests of the institution to which the said servant has been posted, and shall not perform any actions for the appointing authority.

(4) For the duration of the absence, another person may be appointed as a substitute to the position occupied by the civil servant. Where a civil servant from the same administration is appointed as a substitute, the said civil servant shall be entitled, after the return of the civil servant substituted, to resume the previous position thereof, and if the said position has been eliminated, to occupy another equivalent position under a civil-service relationship within the same administration.

(5) After expiration of the period of execution of office in an institution of the European Union, as well as in the cases of early termination, the civil servant shall resume the previous position thereof within fifteen days. In the cases where the said position has been eliminated, the civil servant shall be offered another equivalent position under a civil-service relationship within the same administration.

(6) The terms and procedure for posting civil servants to execute office in institutions of the European Union shall be established by an ordinance of the Council of Ministers.

#### Re-appointment within Same Administration

**Article 82.** (Amended, SG No. 95/2003, SG No. 24/2006) (1) A civil servant may be re-appointed to another position within the same administration if the said servant satisfies the conditions for appointment and has expressed in advance a consent in writing to the occupation of the said position.

(2) (New, SG No. 108/2008) On a motion by the immediate superior and at the discretion of the appointing authority, a civil servant may be re-appointed to a more senior position, up to head of department inclusive, even without satisfying the conditions for lowest rank and professional experience.

(3) (Renumbered from Paragraph (2), SG No. 108/2008) A more senior position shall be occupied through selection. The terms and procedure for conduct of the selection shall be determined by an ordinance of the Council of Ministers.

(4) (New, SG No. 108/2008, amended, SG No. 38/2012, effective 1.07.2012) The civil servant referred to in Paragraph (2) shall be admitted to a selection if he/she has received the highest annual evaluation of the execution of office and the one-year probationary period has expired in respect of the said servant.

(5) (Renumbered from Paragraph (3), SG No. 108/2008) Where the civil servant is re-appointed to a position in another nucleated settlement, Article 81b (4) herein shall apply,

#### Transfer within Same Administration where Needs of Service so Dictate

(Heading amended, SG No. 24/2006)

**Article 83.** (1) Where the needs of service so dictate, any civil servant may be transferred for temporary performance of a different service within the same administration.

(2) Any such transfer shall be effected by order of the appointing authority and shall be limited to duration of forty-five calendar days within one calendar year.

(3) (Repealed, SG No. 95/2003).

(4) In such a case, the civil servant shall draw a salary corresponding to the position occupied but not lower than the salary drawn prior to the transfer.

#### Substitution

**Article 84.** (1) (Amended, SG No. 95/2003, SG No. 24/2006) Should any civil servant be absent, the official duties thereof

shall be executed by the immediate superior thereof or by another civil servant from amongst the staff of the relevant administration.

(2) The order of substitution shall be issued by the appointing authority in pursuance of a request by the immediate superior.

(3) The procedure established by Paragraphs (1) and (2) shall not apply to any person whereof the position is to be deputy of the tenure holder.

(4) (New, SG No. 95/2003) Where the absence continues for a period exceeding thirty working days but not exceeding three months, the order referred to in Paragraph (2) shall fix a supplementary salary to the amount of 50 per cent of the basic salary of the servant substituted.

#### Transfer by Reason of Occupational Rehabilitation

**Article 85.** (1) Upon occupational rehabilitation, a civil servant shall be transferred to another suitable civil service or to the same service on alleviated conditions within ten days after the issuance of a referral by the health authorities.

(2) Referral for rehabilitation shall be mandatory for the civil servant and for the appointing authority.

(3) (Amended, SG No. 38/2012, effective 1.07.2012) Until fulfilment of the referral, the civil servant shall be relieved of the official duties thereof and shall be paid compensation equivalent to the basic salary for the position occupied thereby.

(4) Any civil servant, who without reasonable excuse refuses to accept the service whereto he or she is transferred by reason of occupational rehabilitation, shall forfeit the right to compensation.

(5) Any civil servant, who has been transferred to a service wherefor a lower salary has been fixed, shall be entitled to compensation in the amount of the difference.

#### Secondment to another Nucleated Settlement

(Heading amended, SG No. 38/2012, effective 1.07.2012)

**Article 86.** (1) Where the needs of service so dictate, the appointing authority may second any civil servant to perform the service temporarily in another nucleated settlement, within the same administration.

(2) Secondment shall be limited to thirty uninterrupted calendar days. A consent in writing of the civil servant concerned shall be required for secondment of any longer duration.

(3) For the duration of any secondment, the civil servant shall be entitled, apart from the gross salary thereof, to travelling, per diem and accommodation expenses under terms and in amounts determined by an act of the Council of Ministers.

#### Secondment to another Administration

**Article 86a.** (New, SG No. 38/2012, effective 1.07.2012) (1) The appointing authority, after obtaining a written consent from the civil servant, may second the said civil servant to perform the service thereof temporarily in another administration for a period of up to two years, with the duration of the secondment being extendable on a single occasion.

(2) For the time of the secondment, the civil servant shall receive from the receiving administration assignments associated with the qualification and experience of the said servant, based on the service thereof theretofore.

(3) For the duration of the secondment, the civil servant shall be paid the basic salary or the basic remuneration thereof, as the case may be, and supplementary remunerations by the sending administration. The head of the receiving administration shall periodically send the sending administration an evaluation of the work of the servant seconded and other information required to evaluate the execution of office thereof.

#### Secondment Prohibited

**Article 87.** (Supplemented, SG No. 103/2009, effective 29.12.2009) Secondment of pregnant women, women at an advanced stage of in vitro fertilization treatment and mothers of children under the age of three years without the consent thereof in writing shall be prohibited.



## Civil-Service Relationship Unaffected by Transformation of Administration

**Article 87a.** (New, SG No. 95/2003) Upon transformation of any administration, upon transfer of an activity from one administration to another, as well as upon transfer of an activity from a closed administration to another, the civil-service relationship with the civil servants shall not be terminated.

## Chapter Five

### **DISTINCTIONS. SERVICE LIABILITY**

**(Heading amended, SG No. 38/2012, effective 1.07.2012)**

#### **Section I**

#### **DISTINCTIONS**

**(Heading amended, SG No. 38/2012, effective 1.07.2012)**

##### Distinctions and Prerequisites for Conferment

(Heading amended, SG No. 38/2012, effective 1.07.2012)

**Article 88.** (1) (Supplemented, SG No. 95/2003, amended, SG No. 38/2012, effective 1.07.2012) By an order which shall be announced in an appropriate manner, the appointing authority or the person referred to in Article 6 (2) herein may confer distinctions on any civil servant for exemplary execution of the official duties thereof.

(2) (Amended, SG No. 95/2003) The following distinctions may be awarded:

1. achievement certificate;
2. silver badge of honour of the relevant administration;
3. gold badge of honour of the relevant administration.

(3) (Amended, SG No. 95/2003, repealed, SG No. 38/2012, effective 1.07.2012).

(4) (New, SG No. 95/2003, repealed, SG No. 38/2012, effective 1.07.2012).

(5) (Renumbered from Paragraph (4), SG No. 95/2003, repealed, SG No. 38/2012, effective 1.07.2012).

#### **Section II**

#### **DISCIPLINARY LIABILITY**

##### **Grounds for Incurrence of Disciplinary Liability**

**Article 89.** (1) Any civil servant, who has culpably breached the official duties thereof, shall be punishable by the sanctions provided for in this Act.

(2) The following shall be treated as a breach of discipline:

1. dereliction of official duties;
2. delay in the execution of official duties;
3. non-compliance with the scope of official powers;

4. breach of the duties to citizens referred to in Article 20 herein;

5. (amended, SG No. 95/2003) non-observance of the Code of Conduct of State Administration Staff.

(3) (Amended, SG No. 95/2003) The failure of a head to consider a complaint by citizens about a breach referred to in Article 20 herein, committed by subordinates of the said head in respect of the complaining citizens, shall likewise be treated as a breach of discipline.

(4) Any civil servant shall incur disciplinary liability, irrespective of whether his or her act may be ground for incurrence of another type of liability as well.

#### Types of Disciplinary Sanction

**Article 90.** (1) The following disciplinary sanctions may be imposed:

1. reprimand;

2. censure;

3. (amended, SG No. 43/2008) deferral of promotion to a higher rank for one year;

4. demotion to a lower rank for a period ranging from six months to one year;

5. discharge.

(2) Only one disciplinary sanction may be imposed for one and the same breach of discipline.

#### Determination of Disciplinary Sanction

**Article 91.** (1) (Redesignated from Article 91, SG No. 95/2003) In determining the type and extent of disciplinary sanction, the following shall be taken into consideration:

1. the gravity of the breach and the resulting consequences for the civil service;

2. (amended, SG No. 95/2003) the form of guilt of the civil servant;

3. the circumstances of commission of the breach;

4. the overall conduct of the civil servant in line of duty.

(2) (New, SG No. 95/2003, amended, SG No. 43/2008, repealed, SG No. 94/2008, effective 1.01.2009).

#### Disciplining Authorities

**Article 92.** (Supplemented, SG No. 24/2006) (1) Any disciplinary sanction shall be imposed by the appointing authority, with the exception of the cases referred to in Article 6 (2) and (3) herein.

(2) (Repealed, SG No. 95/2003).

#### Disciplining Authority's Duties prior to Imposition of Disciplinary Sanction

**Article 93.** (1) (Amended, SG No. 95/2003, SG No. 24/2006) Prior to imposing a disciplinary sanction, the disciplining authority shall be obligated to hear the civil servant and to allow the said civil servant time to provide written explanations, to collect and assess the evidence introduced by the said servant.

(2) Where the disciplining authority has failed to hear the civil servant or has not accepted and considered the written explanations thereof, the court shall revoke the disciplinary sanction without considering the dispute on the merits.

(3) (Amended, SG No. 24/2006) The provisions of Paragraph (2) shall not apply where the explanations of the civil servant have not been heard through his or her own fault and have not been submitted within the appointed time limit.

#### Limitation Periods for Imposition of Disciplinary Sanctions

**Article 94.** (1) (Amended, SG No. 95/2003) Disciplinary sanctions shall be imposed not later than two months after detection of the breach and not later than one year after commission of the said breach.

(2) In the case of a breach of discipline which furthermore constitutes a criminal offence or an administrative infraction related to the service of the civil servant and established by an effective sentence or penalty decree, the limitation periods under Paragraph (1) shall begin to run from the entry into force of the sentence or the penalty decree.

(3) The limitation periods referred to in Paragraph (1) shall be tolled while the civil servant is on statutory leave.

#### Discipline Board

**Article 95.** (1) (Amended, SG No. 95/2003) In each administration, there shall be established a Discipline Board, consisting of not fewer than three and not more than seven full members and two alternate members who shall be civil servants. At least one of the full members of the Discipline Board must hold a university degree in Law, save in the cases where there is no civil servant holding such a degree in the administration.

(2) The Discipline Board shall be appointed by the appointing authority for a term of three years. The order of appointment shall designate the Chairperson and the Deputy Chairperson, as well as establish the rules of procedure of the Board.

(3) The members of the Discipline Board shall be irremovable for the duration of the term of office thereof, save upon resignation from the Board, disciplinary sanction, or termination of the civil-service relationship.

(4) The Discipline Board shall hear the disciplinary cases sitting in a panel consisting of all regular members of the Board. Should any regular member be absent, as well as where a disciplinary case has been initiated against any such member, the appointing authority shall designate a replacement from amongst the alternate members.

#### Proceedings before Discipline Board

**Article 96.** (1) Prior to imposing any disciplinary sanction covered under Items 4 and 5 of Article 90 (1) herein, the disciplining authority shall consult the Discipline Board which shall initiate a disciplinary case on the instruction thereof.

(2) The Discipline Board shall clarify the facts and circumstances of the breach as committed, and shall hear where necessary the explanations of the civil servant and shall consider the evidence thereby produced.

(3) The Discipline Board shall make decisions by a two-thirds majority. Any decision of the Discipline Board shall contain an opinion regarding the grounds for incurrence of disciplinary liability, as well as regarding the type and extent of the disciplinary sanction commensurate with the breach as committed.

(4) Within seven days after adopting a decision, the Discipline Board shall present the said decision to the disciplining authority together with the case records.

#### Order of Imposition of Disciplinary Sanction

**Article 97.** (1) Any disciplinary sanction shall be imposed by a reasoned written order issued by the disciplining authority. Any such order shall state:

1. the forename, patronymic and surname and the position of the disciplining authority;
2. the date of issue;
3. the forename, patronymic and surname and the position of the civil servant disciplined;
4. a description of the breach as committed by the civil servant, date and place of commission, circumstances of commission, as well as confirmatory evidence;
5. the official duties which have been culpably breached;
6. the type and extent of the sanction;
7. legal grounds for imposition of the sanction.

(2) A copy of the order of imposition of the disciplinary sanction shall be served on the civil servant upon signed

acknowledgment of service, noting the date of receipt.

(3) Should it be impossible to serve the order on the civil servant in person, the disciplining authority shall send the said order thereto by registered mail with advice of delivery.

(4) Any order of imposition of disciplinary sanction shall be executable as from the date of service on the civil servant or as from the date of receipt of the said order, where sent by registered mail with advice of delivery, and an appeal shall not stay the execution of any such order.

### Expungement of Disciplinary Sanctions

**Article 98.** (1) Any disciplinary sanction with the exception of discharge shall be expunged upon expiration of one year after imposition.

(2) Expungement shall be effected ex officio by means of a relevant entry in the personnel record and in the civil-service record.

### Early Expungement

**Article 99.** (1) Any disciplinary sanction with the exception of discharge may be expunged by the appointing authority even before expiration of the time limit referred to in Article 98 (1) herein, if the civil servant has not committed any other breaches of the official duties thereof within six months.

(2) (Amended, SG No. 95/2003) Early expungement shall be effected proceeding from a reasoned written order which shall be served on the civil servant and shall be filed with the civil-service record thereof.

### Suspension from Service

**Article 100.** (1) (Amended, SG No. 95/2003) Any civil servant may be suspended by the appointing authority where:

1. (Repealed, SG No. 24/2006);

2. a disciplinary case has been initiated against the said civil servant;

3. (supplemented, SG No. 95/2003) the said civil servant reports for work in a condition which does not allow him or her to execute the official duties thereof; in such a case, the suspension may be ordered by the immediate superior and shall continue until the civil servant recovers the ability to execute the official duties thereof.

(2) In any case where criminal proceedings have been instituted against any civil servant in connection with criminal offences committed thereby in his or her capacity as office holder within the meaning given by Item 1 (a) of Article 93 of the Penal Code, the appointing authority shall suspend the said civil servant.

(3) (New, SG No. 95/2003) A civil servant shall not receive a salary for the period of suspension.

(4) (Renumbered from Paragraph (3), SG No. 95/2003, amended and supplemented, SG No. 43/2008) Any civil servant who has been wrongfully suspended shall be entitled to compensation under the terms and according to the procedure established by the Act on the Liability Incurred by the State and the Municipalities for Detriment.

## Section III

## CIVIL SERVANTS' PECUNIARY LIABILITY

### Scope of Liability

**Article 101.** (1) Any civil servant shall be liable for any detriment inflicted on the State or on citizens wilfully or by gross negligence through legally non-conforming acts or omissions in the course or, or in connection with, the execution of the official duties thereof.

(2) For detriment inflicted on citizens, the State shall incur solidary liability with the civil servant who has inflicted the detriment.

(3) The liability of blameworthy civil servants to the State for compensations paid shall be enforced to the full extent under the

terms and according to the procedure established in the Labour Code.

## Enforcement of Liability

**Article 102.** The pecuniary liability of any civil servant shall be enforced by means of action proceedings.

## Chapter Six

### TERMINATION OF CIVIL-SERVICE RELATIONSHIP

#### Generally Applicable Grounds for Termination of Civil-Service Relationship

**Article 103.** (1) Any civil-service relationship may be terminated on any of the following generally applicable grounds:

1. by mutual written consent of the parties; the party approached must take a stand on the proposal and notify the other party within ten days after receipt of the said proposal; failing this, the proposal shall be presumed rejected;
2. (amended, SG No. 95/2003) should an order on termination of the civil-service relationship of the civil servant be revoked by the appointing authority or by the court of law, and the said civil servant fails to report for assumption of the previous position within the time limit established under Article 122 (1) herein;
3. should the civil servant be unable to perform the work thereto assigned by reason of illness leading to permanent working incapacity, or health contraindications proceeding from a conclusion of a medical expert board; in such a case, termination shall be inadmissible if another position suitable for the health condition of the civil servant concerned is available in the same administration and the said civil servant is willing to assume the said position;
4. by reason of incompatibility in the cases covered under Article 7 (2) herein; where the incompatibility is referred to in Item 1 of Article 7 (2) herein, the appointing authority shall have discretion as to terminate the civil-service relationship with one of the two civil servants;
5. should the civil servant be sentenced to deprivation of liberty for a premeditated indictable offence;
6. (new, SG No. 95/2003) by reason of expiration of the period for which the civil servant has been appointed;
7. (new, SG No. 95/2003) by reason of return of the civil servant substituted;
8. (renumbered from Item 6, SG No. 95/2003) by the death of the civil servant;
9. (new, SG No. 24/2006) by reason of transfer to civil service in another administration under a written agreement between the civil servant and the appointing authorities of the two administrations; in this case the civil-service relationship shall be terminated after service upon the civil service of the order of appointment to the receiving administration.

(2) (Repealed, SG No. 95/2003).

#### Compensations upon Termination on Generally Applicable Grounds

**Article 104.** (1) (Amended, SG No. 95/2003, SG No. 38/2012, effective 1.07.2012) Where the order on termination of the civil-service relationship is revoked by the appointing authority or by the court of law, the civil servant affected shall be entitled to compensation equivalent to the basic salary thereof as fixed at the time of the pronouncement of the discharge as unlawful or of the failure of the said servant to report for assumption of service, for the entire period of exclusion from civil service but not exceeding six months. Should the said civil servant have been appointed to another civil service with a lower salary or have received remuneration of a lower amount for another work, the said servant shall be entitled to the difference between the salaries or to the difference between the salary and the remuneration calculated on the basis of the basic salary or the basic remuneration, as the case may be.

(2) (Amended, SG No. 38/2012, effective 1.07.2012) In the case referred to in the second sentence of Item 4 of Article 103 (1) herein, the civil servant affected shall be entitled to compensation equivalent to the treble amount of the basic salary thereof as fixed at the time of termination of the civil-service relationship.

(3) (Amended, SG No. 38/2012, effective 1.07.2012) In the case referred to in Item 3 of Article 103 (1) herein, the civil

servant shall be entitled to compensation equivalent to six basic salaries, as fixed at the time of termination of the civil-service relationship.

(4) (Amended, SG No. 95/2003, SG No. 38/2012, effective 1.07.2012) In the case referred to in Item 8 of Article 103 (1) herein, the relevant administration shall assume the customary expenses on the funeral of the civil servant and shall pay compensation equivalent to as many basic salaries, fixed at the time of death, as is the number of years worked in civil service, but not exceeding twenty. The said compensation shall be paid in common to the surviving spouse, to the children of the civil servant who have not attained majority, and to the children of the civil servant who have attained majority where the latter attend secondary schools as full-time pupils and have not attained the age of 20 years, or where the latter attend higher schools and have not attained the age of 25 years.

#### Unilateral Termination of Civil-Service Relationship by Civil Servant

**Article 105.** (1) Any civil servant may unilaterally terminate the civil-service relationship by submitting a letter of resignation to the appointing authority.

(2) The civil-service relationship shall be terminated upon expiration of a one-month period which shall begin to run from the day of submission of any such letter of resignation.

(3) (Amended, SG No. 38/2012, effective 1.07.2012) The appointing authority may terminate the civil-service relationship before expiration of the time limit referred to in Paragraph (2), paying the civil servant compensation equivalent to the basic salary due thereto for the remainder of the time.

#### Unilateral Termination by Appointing Authority with Notice

**Article 106.** (1) The appointing authority may terminate the civil-service relationship, giving the civil servant one month's notice, in any of the following cases:

1. upon closure of the administration wherein the civil servant has been appointed;
2. upon elimination of the position;
3. (repealed, SG No. 95/2003);
4. (repealed, SG No. 95/2003);
5. (amended, SG No. 95/2003) upon acquisition of entitlement to contributory-service and retirement-age pension;
6. (new, SG No. 46/2010, effective 18.06.2010) upon existence of the conditions referred to in Article 68 of the Social Insurance Code, where the civil-service relationship was formed after the appointed civil servant had acquired and exercised the entitlement to pension thereof.

(2) In the cases referred to in Items 1 and 2 of Paragraph (1), the civil servant affected shall be entitled to compensation for up to two months of the time of removal from work. An act of the Council of Ministers may provide for compensation for a longer period. Should the said civil servant enter another civil service with a lower salary during that period, the said servant shall be entitled to the difference for the actual duration of removal.

(3) (Amended, SG No. 95/2003, amended and supplemented, SG No. 100/2011, effective 1.01.2012, and regarding sentence five, effective 20.12.2011, amended, SG No. 38/2012, effective 1.07.2012) In the cases referred to in Item 5 of Paragraph (1), the civil servant shall be entitled to compensation in the amount of 50 per cent of the basic monthly salary thereof, as fixed at the time of termination of the civil-service relationship, for each year worked in civil service, but not exceeding ten basic monthly salaries. Should at the time of termination of the civil-service relationship the civil servant have worked at the same administration during the last preceding ten years, the said servant shall be entitled to receive six basic monthly salaries, and where the said servant has worked during less than ten years, the said servant shall be entitled to receive two basic monthly salaries, should this be a more favourable option. Such compensation shall be available on a single occasion. Compensation shall furthermore be due where the civil-service relationship is terminated unilaterally by the civil servant or by mutual consent and at the time of termination the said civil servant has acquired entitlement to contributory-service and retirement-age pension. This compensation shall not be due where the civil servant has received compensation by reason of acquiring entitlement to pension on the grounds of a special law.

(4) (Amended, SG No. 95/2003, SG No. 38/2012, effective 1.07.2012) For non-compliance with the notice period by the appointing authority, compensation equivalent to the basic salary for the notice period as non-complied with shall be due to the civil servant.

(5) (New, SG No. 46/2010, effective 18.06.2010) In the cases referred to in Item 6 of Paragraph (1), the appointing authority may obtain ex officio from the National Social Security Institute information regarding the existence of an exercised entitlement to pension by the civil servant. The National Social Security Institute shall provide the information at no charge within fourteen days after receipt of the request.

#### Unilateral Termination by Appointing Authority without Notice

**Article 107.** (1) (Redesignated from Article 107, SG No. 95/2003) The appointing authority shall terminate the civil-service relationship without notice where:

1. the civil servant is disqualified by a sentence from practicing an occupation or from occupying the position whereto he or she has been appointed;
2. the civil servant refuses to assume the suitable service offered thereto upon occupational rehabilitation;
3. the civil servant is discharged by reason of misconduct;
4. the civil servant fails to fulfil the obligation to give notice under Article 27 herein;
5. (new, SG No. 95/2003) the civil servant is objectively unable to execute the official duties thereof in cases other than the cases referred to in Item 3 of Article 103 (1) herein;
6. (new, SG No. 95/2003) the position occupied by the civil servant must be vacated for reinstatement of an unlawfully discharged civil servant who previously occupied the same position;
7. (new, SG No. 95/2003) the civil servant has been appointed in non-compliance with the terms under Article 7 herein, and the breach continues to exist at the time of termination of the legal relationship;
8. (new, SG No. 94/2008, effective 1.01.2009, amended, SG No. 97/2010, effective 10.12.1010) a conflict of interest has been ascertained by an effective act under the Conflict of Interest Prevention and Ascertainment Act.

(2) (New, SG No. 95/2003, supplemented, SG No. 24/2006, amended, SG No. 38/2012, effective 1.07.2012) The appointing authority may terminate without notice the civil-service relationship with a civil servant who has received the lowest possible annual evaluation of the execution of office, within one month after receipt of the final evaluation.

(3) (New, SG No. 95/2003) In the cases referred to in Item 6 of Paragraph (1), the civil servant released shall be entitled to compensation for the shorter of the time during which the said servant remained unemployed and two months. Compensation for a longer period may be provided for by an act of the Council of Ministers. Should the said civil servant have entered another civil service carrying a lower salary during the said period, the said servant shall be entitled to the balance for the same period.

#### Termination of Civil-Service Relationship on Appointing Authority's Initiative for Agreed Compensation

**Article 107a.** (New, SG No. 95/2003) (1) (Amended, SG No. 38/2012, effective 1.07.2012) The appointing authority may propose to the civil servant termination of the civil-service relationship for compensation equivalent to not more than the sextuple amount of the last monthly basic salary received. Should the servant fail to react in writing to any such proposal within seven days, acceptance of the said offer shall be presumed.

(2) Should the civil servant accept the proposal referred to in Paragraph (1), the appointing authority shall be obligated to pay the said servant the agreed compensation upon service of the order on termination of the civil-service relationship.

#### Protection upon Termination of Civil-Service Relationship

**Article 107b.** (New, SG No. 95/2003, amended, SG No. 24/2006) (1) The appointing authority may terminate the civil-service relationship with a female civil servant who is using a pregnancy and child-birth leave solely in pursuance of Item 1 of Article 106 herein.

(2) (Supplemented, SG No. 103/2009, effective 29.12.2009) The appointing authority may not terminate the civil-service relationship with a female civil servant who is pregnant or is at an advanced stage of in vitro fertilization treatment in pursuance of Item 2 of Article 106 (1) herein. In such case termination shall be admissible if a suitable alternative position is available in the same administration and the female servant refuses to occupy the said position.

#### Act of Termination of Civil-Service Relationship

**Article 108.** (1) (Redesiganted from Article 108 and supplemented, SG No. 95/2003) The civil-service relationship shall be terminated by the appointing authority by an administrative act which shall be executed in writing and must state the legal grounds for termination, the compensations due, and the civil service rank attained. In the cases referred to in Item 5 of Article 107 (1) herein, the factual circumstances justifying the objective inability to execute official duties shall be stated as well.

(2) (New, SG No. 95/2003) The civil servant shall retain the rank thereof upon termination of the civil-service relationship, save in the cases referred to in Items 1, 3 and 7 of Article 107 (1) herein.

#### Tax Exemption

**Article 109.** (Repealed, SG No. 110/2001).

## Chapter Eight

### CIVIL-SERVICE RECORD AND CIVIL-SERVICE SENIORITY

#### Civil-Service Record

**Article 110.** The civil-service record shall be an official document certifying the particulars therein entered in connection with the performance of service.

#### Presentation or Issue

**Article 111.** (1) (Supplemented, SG No. 95/2003) Upon entry of service, any civil servant shall be obligated to present the civil-service record thereof to a designee of the appointing authority.

(2) Upon first entry of civil service of any civil servant, the appointing authority shall be obligated to issue a civil-service record thereto within ten days. First entry of civil service shall be certified by any such civil servant by declaration.

(3) (Supplemented, SG No. 95/2003) The civil-service record shall be in the custody of a designee of the appointing authority.

#### Contents

**Article 112.** (1) The following shall be entered in any civil-service record:

1. the forename, patronymic and surname of the civil servant;
2. address and Standard Public Registry Personal Number;
3. educational attainment, occupation, specialty and rank;
4. position occupied and organization unit of service;
5. amount of basic salary;
6. date of entry of service;
7. date of, and grounds for, termination of civil-service relationship;
8. duration of time assimilated to the length of civil-service seniority;
9. compensations paid upon termination of civil-service relationship;
10. (amended, SG No. 59/2007) any garnishment communications, as provided for in Article 512 (4) of the Code of Civil



Procedure.

(2) (Amended, SG No. 95/2003) The appointing authority shall be obligated to enter the particulars covered under Paragraph (1) and any intervening changes therein in the civil-service record accurately and promptly.

#### Entry of Termination

**Article 113.** (Amended, SG No. 95/2003) Upon termination of a civil-service relationship, the appointing authority shall be obligated to enter forthwith the particulars pertaining to the said termination in the civil-service record and to submit the civil-service record to the civil servant concerned.

#### Replacement of Lost Civil-Service Record

**Article 114.** Should any civil-service record be lost, the appointing authority shall issue the civil servant a replacement, entering therein the requisite particulars contained in the personnel file.

#### Civil-Service Seniority

**Article 115.** Within the meaning given by this Act, "civil-service seniority" shall be the time wherewithin the civil servant worked in civil service, including occupation of any internship positions, save in so far as otherwise provided by this Act or by another law.

#### Time Assimilated to Length of Civil-Service Seniority

**Article 116.** Any time wherewithin a civil-service relationship existed but the civil servant did not work shall likewise be assimilated to the length of civil-service seniority in the following cases:

1. the days of rest and the public holidays;
2. the paid leaves used, regardless of grounds and mode of payment;
3. the unpaid leaves used, regulated by this Act or by other statutory instruments, where so expressly provided;
4. the unpaid temporary working incapacity leaves used;
5. the time of suspension in connection with a disciplinary case leading to a discharge and criminal prosecution undertaken in connection with the commission of a criminal offence in the course of, or in connection with, the performance of service, if the civil servant affected was not punished or was acquitted, or if the criminal prosecution was dismissed by reason of non-commission of the act or because the act committed does not constitute a criminal offence;
6. in any other cases established by the Council of Ministers.

#### Civil-Service Seniority in Void Civil-Service Relationship

**Article 117.** The time spent in service until pronouncement of the civil-service relationship as void shall be assimilated to the length of civil-service seniority, provided the civil servant acted in good faith upon the formation of the said relationship.

#### Time Assimilated to Length of Civil-Service Seniority without Formation of Civil-Service Relationship

**Article 118.** The time wherewithin no civil-service relationship existed shall likewise be assimilated to the length of civil-service seniority in any of the following cases:

1. should the civil servant be removed from service by reason of discharge which was pronounced unlawful by the competent authorities: applicable to the period commencing on the date of discharge and ending on the date of reinstatement to service;
2. should the person serve a sentence to a term of deprivation of liberty which was subsequently pronounced, according to the established procedure, to have been unjustifiably imposed;
3. should an occupational rehabilitee or a pregnant civil servant be not in service because the appointing authority has failed to provide a suitable service in conformity with the referral of the health authorities;
4. should the mother, father, or adoptive parent take care of a child until attainment of the age of three years;

5. (amended and supplemented, SG No. 99/2001) should the person have been a President or a Vice President of the Republic of Bulgaria, a member of the National Assembly, a Constitutional Judge, a Prosecutor General, a President of the Supreme Administrative Court or of the Supreme Court of Cassation, a Prime Minister, a deputy prime minister, a government minister, a deputy minister, a regional governor, a regional vice governor, a single-person authority, a deputy thereof or a member of a collegial authority covered under Article 19 (4) of the Administration Act, a municipality mayor or a municipality deputy mayor;

6. (amended, SG No. 24/2006) should the person have worked as member of a political cabinet, as an adviser or expert thereto;

7. in any other cases established by law or an act of the Council of Ministers.

#### Calculation of Civil-Service Seniority

**Article 119.** The length of civil-service seniority shall be calculated according to the procedure established by Article 355 of the Labour Code.

#### Regulation by Secondary Legislation

**Article 120.** The Council of Ministers shall issue an ordinance on the application of this Chapter.

## Chapter Eight

# PROTECTION AGAINST UNLAWFUL TERMINATION OF CIVIL-SERVICE RELATIONSHIP

## Challenge of Lawfulness of Termination

**Article 121.** (1) Any civil servant shall have the right to challenge the lawfulness of the termination of the civil-service relationship before the appointing authority or before a court of law care of the appointing authority and to seek:

1. revocation of the act of termination;
2. (repealed, SG No. 95/2003);
3. compensation for the time of removal from service by reason of termination;
4. modification of the grounds for termination of the civil-service relationship as entered in the civil-service record or in other documents.

(2) Acting on his or her own initiative, the appointing authority may likewise revoke the order of termination of the civil-service relationship.

#### Reinstatement to Previous Civil Service

**Article 122.** (1) (Amended, SG No. 95/2003) Upon revocation of an order on termination of the civil-service relationship by the appointing authority or by a court of law, the civil servant affected shall be reinstated to the previous position provided the said servant reports to the relevant administration within two weeks after the entry into effect of the administrative act or of the judgment of court.

(2) (Amended and supplemented, SG No. 95/2003) Any civil servant whereof the civil-service relationship has been terminated according to the procedure of Item 1 of Article 107 (1) herein, shall likewise be reinstated to the previous position by reason of effective acquittal according to the procedure established by Paragraph (1).

(3) (New, SG No. 95/2003, amended, SG No. 38/2012, effective 1.07.2012) Should any civil servant reinstated according to the procedure established by Paragraph (1) be not suffered to execute the relevant office, the said servant shall furthermore be entitled to compensation equivalent to the basic salary thereof as from the day of reporting for work until the actual sufferance of the said servant to execute the official duties thereof.

#### Entry of Modifications of Termination

**Article 123.** (1) Should any act of termination of a civil-service relationship be revoked by the appointing authority or by a court of law, or should the grounds for termination of the civil-service relationship be modified, the said modification shall be entered in the civil-service record of the civil servant concerned.

(2) Entry in the civil-service record shall be effected ex officio.

## **Chapter Nine**

### **DISPUTES**

#### **Cognizance**

**Article 124.** (1) (Amended, SG No. 30/2006, effective 1.03.2007, in respect of the replacement of the word "district" by "administrative") Any dispute as may arise regarding the formation, content and termination of civil-service relationships, as well as regarding the enforcement of disciplinary liability, shall be cognizable in the competent administrative court or in the Supreme Administrative Court according to the procedure established by the Administrative Procedure Code, depending on which authority has issued the relevant act.

(2) An appellate review of any act shall not stay the execution thereof.

#### **Property Disputes**

**Article 125.** Any property dispute under this Act shall be actionable within three years according to the standard action procedure.

#### **Free Proceedings**

**Article 126.** No stamp duty shall be charged on any proceedings under this Chapter.

## **Chapter Ten**

**(Amended and supplemented, SG No. 95/2003)**

### **CONTROL**

**(Heading amended, SG No. 24/2006)**

#### **Control Authorities**

**Article 127.** (Amended, SG No. 95/2003) (1) (Amended, SG No. 24/2006, SG No. 77/2010) Overall control over the implementation of this Act shall be exercised by the Council of Ministers.

(2) (Amended, SG No. 24/2006, SG No. 77/2010) The specialized control activity vis-a-vis the observance of legislation related to the performance of civil service and of the rights and obligations of the parties to a civil-service relationship shall be carried out by the General Labour Inspectorate Executive Agency.

(3) (Repealed, SG No. 24/2006, new, SG No. 77/2010) The control referred to in Paragraphs (1) and (2) shall be exercised by inspectors.

#### **Inspectors' Ambit**

**Article 128.** (Amended, SG No. 95/2003, SG No. 24/2006, redesignated from Article 128, supplemented, SG No. 43/2008, amended, SG No. 77/2010) Inspectors shall conduct general and specialized examinations according to an annual plan endorsed by the Executive Director of the General Labour Inspectorate Executive Agency, as well as unscheduled examinations acting on alerts by the heads of the inspectorates in the administrative structures and the trade union organizations or on complaints by civil servants.

(2) (New, SG No. 43/2008) The inspector shall draw up a memorandum on the results of each examination, which shall be signed by the said inspector and by the appointing authority examined, and in case of refusal, by one witness whose name and exact address shall be noted.

## Inspectors' Rights

**Article 129.** (Amended, SG No. 95/2003) Within the limits of the competence thereof, inspectors shall have the right:

1. to require the appointing authorities to provide explanations and produce all documents, records and information as shall be necessary in connection with the exercise of control;
2. to enquire of civil servants directly about all matters in connection with the exercise of control.

## Inspectors' Duties

**Article 130.** (Amended, SG No. 95/2003) Inspectors shall be obligated:

1. to respect the secrecy of any confidential information as may have come to the knowledge thereof in connection with the exercise of control;
2. to respect the confidentiality of the source wherefrom a tip-off on breach of the civil-service relationship has been received.

## Mandatory Directions

**Article 131.** (Amended, SG No. 95/2003, SG No. 24/2006, SG No. 43/2008) (1) For the prevention and cessation of breaches related to the legislation on civil servants, as well as for the prevention and elimination of the harmful consequences of such breaches, inspectors shall issue mandatory directions to the appointing authority.

(2) The mandatory directions shall be issued in the memorandum referred to in Article 128 (2) herein and shall specify the steps which the appointing authority must take, as well as the time limit for the performance of the said steps.

(3) The mandatory directions shall be appealable according to the procedure established by the Administrative Procedure Code, but an appeal shall not stay the execution.

## Alerting Function

**Article 132.** (New, SG No. 95/2003, amended, SG No. 43/2008) Where any breaches giving reason to believe that a criminal offence or other wrongful acts have been committed are ascertained upon examinations, inspectors shall notify the prosecuting authorities.

## Administrative Penalty Liability

(Heading amended, SG No. 43/2008)

**Article 133.** (New, SG No. 95/2003) (1) (Amended, SG No. 24/2006, amended and supplemented, SG No. 43/2008) Any person, who fails to comply with a mandatory direction referred to in Article 131 herein, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,500.

(2) Any person, who wrongfully obstructs the execution of the official duties by a control authority, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000, unless liable to a severer sanction.

(3) (New, SG No. 108/2008) Any appointing authority, who fails to comply with a mandatory direction referred to in Article 131 herein, shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000, in case of:

1. failure to comply with the requirement referred to in Article 9a (1) herein or with the time limit referred to in Article 9a (3) herein;
2. failure to admit to entry in a competitive procedure a person with permanent disability who satisfies the requirements as announced;
3. failure to announce a competitive procedure for the vacant positions allocated for persons with permanent disabilities according to Article 10a (3) herein;
4. refusal to appoint a candidate with a permanent disability who was ranked first in a competitive procedure under Article 10a (3) herein.

(4) (New, SG No. 108/2008) Proceeds from the fines covered under Paragraph (3) shall be credited in revenue to the Agency for Persons with Disabilities to finance employment and training projects and programmes.

Ascertainment of Violations, Issuing, Appeal and Execution of Penalty Decrees

**Article 134.** (New, SG No. 95/2003) (1) (Amended, SG No. 43/2008) Written statements ascertaining administrative violations shall be drawn up by the inspectors.

(2) (Amended, SG No. 24/2006, SG No. 77/2010) Penalty decrees shall be issued by the Executive Director of the General Labour Inspectorate Executive Agency or by officials empowered thereby.

(3) The ascertainment of violations, the issuing, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

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Any paid annual leave for previous calendar years, unused until the 1st day of January 2010, may be used only until the 31st day of December 2011.

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## **SUPPLEMENTARY PROVISION**

**(New, SG No. 95/2003)**

**§ 1.** (New, SG No. 95/2003, supplemented, SG No. 30/2006, repealed, SG No. 94/2008, effective 1.01.2009, new, SG No. 103/2009, effective 29.12.2009) Within the meaning given by this Act, "women (female servants) at an advanced stage of in vitro fertilization treatment" shall be women (female servants) who are at a stage of a treatment by means of assisted reproduction methods including the period from the follicular puncture to the embryo transfer, but no longer than twenty days.

## **TRANSITIONAL AND FINAL PROVISIONS**

**§ 1a.** (Renumbered from § 1, SG No. 95/2003) (1) (Redesignated from § 1, SG No. 25/2001) Until passage of a law on social and health insurance of civil servants under Article 38 (1) herein, the regulations applicable to factory and office workers shall apply to the social and health insurance of civil servants.

(2) (New, SG No. 25/2001, amended, SG No. 95/2003) The social insurance referred to in Paragraph (1) shall comprehend insurance according to the procedure established by the Social Insurance Code and under the Protection in Unemployment and Employment Promotion Act.

**§ 2.** (1) Any seniority as attained prior to the entry of this Act into force shall likewise be assimilated to the length of civil-service seniority.

(2) Solely the seniority attained in any public-financed organization prior to the entry of this Act into force shall be assimilated to the length of civil-service seniority referred to in Article 74 (1) of this Act.

(3) (Amended, SG No. 64/2007, SG No. 1/2011, effective 4.01.2011) The civil-service seniority attained under this Act in a position requiring a degree in law shall be assimilated to the length of service seniority referred to in Article 164 (1) to (7) of the Judicial System Act.

(4) The civil-service seniority attained under the terms of this Act shall be assimilated to the length of employment service for the purposes of social and health insurance.

**§ 3.** Any person who, prior to the entry of this Act into force, has executed a position designated for occupation by a civil servant, shall be appointed to the said position if satisfying the requirements covered under Article 7 herein and if the said person submits an application referred to in Article 8 herein within one month after designation of the position for occupation by a civil servant. The act of appointment shall award to any such person the rank designated in the Uniform Classifier of Positions in the Administration for occupation of the position.

**§ 4.** (1) Pending labour disputes regarding revocation of unlawful discharge and reinstatement to previous position of employees whereof the position is designated for occupation by a civil servant shall be completed according to the hitherto effective procedure.

(2) In the cases referred to in Paragraph (1), the employees whereof the actions for revocation of unlawful discharge and for reinstatement to the previous position have been granted may submit an application referred to in Article 8 herein within one month after the effective date of the judgment of court, provided that they satisfy the requirements covered under Article 7 herein and the position which they occupied prior to the entry of this Act into force and whereto they are being reinstated still exists in the relevant administration.

(3) Where a civil servant occupies a position whereto an employee is being reinstated under Paragraphs (1) and (2), the civil-service relationship of the said civil servant shall be terminated and he or she shall retain the rank acquired and shall be entitled to compensation equivalent to the treble amount of the gross salary thereof as fixed at the time of termination of the civil-service relationship.

(4) The rights of the persons referred to in § 3 herein, acquired under the employment contract, shall be retained in so far as they are provided for in this Act.

**§ 5.** Civil servant status shall furthermore apply to employees in the administrations of the National Assembly and of the President of the Republic of Bulgaria as designated by the National Assembly and by the President.

**§ 6.** (1) The system of ranks and positions shall not apply to employees of the Ministry of Foreign Affairs where performing representative civil service abroad.

(2) (Amended, SG No. 77/2010) The Minister of Foreign Affairs shall issue an ordinance establishing terms and a procedure for equivalence of the ranks held by the employees referred to in Paragraph (1) to the ranks under this Act.

**§ 7.** (1) (Amended, SG No. 24/2006) When a civil servant is elected National Representative, government minister or mayor, or is appointed regional governor or an authority covered under Article 19 (4) of the Administration Act, the said servant shall have the right, upon termination of the credentials thereof, to resume the previous position thereof. For the duration of the absence thereof, another person may be appointed to the same position as a substitute. In cases where the said position has been closed, the person shall be offered another equivalent position under a civil-service relationship within the same administration.

(2) (Supplemented, SG No. 24/2006) The rights referred to in Paragraph (1) shall furthermore apply to the members of political cabinets, advisers and experts thereto.

**§ 8.** (1) The instruments on the application of this Act shall be issued within six months after the entry thereof into force.

(2) Within the time limit referred to in Paragraph (1), the Council of Ministers shall lay before the National Assembly the bills as required to amend and supplement the special laws regulating the legal status of persons who are civil servants within the meaning given by this Act.

**§ 8a.** (New, SG No. 58/2010, effective 30.07.2010, declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 91/2010)

**§ 8b.** (New, SG No. 58/2010, effective 30.07.2010) (1) Presentable clothing referred to in Article 40 (1) herein shall not be provided for 2010.

(2) Within one month after the entry into force of this Act, the Minister of Finance shall effect the modifications arising from Paragraph (1) on the budget of the first-level spending units and of the budget relationships with the municipalities for 2010 on a proposal by the spending units concerned.

**§ 8c.** (New, SG No. 18/2011, effective 1.03.2011) Any unused paid annual leave or part thereof due for 2010, including any leave postponed according to the procedure established by Article 59 (1) herein, may be used until the 31st day of December 2012.

**§ 8d.** (New, SG No. 18/2011, effective 1.03.2011) The schedule for use of the paid annual leave for 2011 shall be endorsed according to the procedure established by Article 57 (2) herein by the 31st day of March 2011.

**§ 9.** In Paragraph (2) of Article 20 of the Protection in Unemployment and Employment Promotion Act (promulgated in the State Gazette No. 120 of 1997; amended in No. 155 of 1998, Nos. 26 and 50 of 1999), after the words "ratio of 7 to 1" there shall be added the following sentence:

"The social security contributions of civil servants shall be for the account of the state budget."

**§ 10.** In Paragraph (3) of Article 2 of the 1999 Social Security Fund Budget Act ([promulgated in the] State Gazette No. 155 of 1998), after the words "the contributory income thereof" there shall be inserted a comma and there shall be added "with the exception of civil servants, whereof the contributions shall be assumed by the state budget."

**§ 11.** Article 41 of the Health Insurance Act (promulgated in the State Gazette No. 70 of 1998; amended in Nos. 93 and 153 of 1998) shall be amended and supplemented as follows:

1. There shall be inserted an Item 2:

"2. in respect of civil servants: from the state budget."

2. The existing Items 2, 3, 4, 5, 6, 7, 8 and 9 shall be renumbered to become Items 3, 4, 5, 6, 7, 8, 9 and 10, respectively.

**§ 12.** The Labour Code (promulgated in the State Gazette Nos. 26 and 27 of 1986; amended and supplemented in No. 6 of 1988, Nos. 21, 30 and 94 of 1990; Nos. 27, 32 and 104 of 1991, Nos. 23, 26, 88 and 100 of 1992; [modified by] Constitutional Court Judgment No. 12 of 1995, [promulgated in] No. 69 of 1995; amended in No. 87 of 1995, Nos. 2, 12 and 28 of 1996, No. 124 of 1997; No. 22 of 1998; [modified by] Constitutional Court Judgment No. 11 of 1998, [promulgated in] No. 52 of 1998; amended in Nos. 56, 83, 108 and 133 of 1998, No. 51 of 1999) shall be supplemented as follows:

1. In Article 325 there shall be added an Item 12:

"12. by reason of designation of the position for occupation by a civil servant."

2. In Article 327 there shall be added an Item 9:

"9. by reason of entry of civil service."

3. In Article 351, after the word "law" there shall be inserted a comma and there shall be added "as well as the time wherewithin the person has worked as civil servant."

**§ 13.** In Article 114 of the Defence and Armed Forces of the Republic of Bulgaria Act (promulgated in the State Gazette No. 112 of 1995; amended in No. 67 of 1996; No. 122 of 1997; Nos. 70, 93, 152 and 153 of 1998; No. 12 of 1999), after the words "and for other employers" there shall be added "with the exception of civil servants."

**§ 14.** In Paragraph (1) of Article 9 of the Act on the Liability Incurred by the State for Damage Inflicted on Citizens (promulgated in the State Gazette No. 60 of 1988; amended in No. 59 of 1993 and No. 12 of 1996), after the words "the Labour Code" there shall be added "the Civil Servants Act."

**§ 15.** Decree No. 2472 on Administrative and Legal Services to the Public (promulgated in the State Gazette No. 61 of 1985; corrected in No. 63 of 1985; amended in No. 36 of 1985) shall be amended and supplemented as follows:

1. Article 6 shall be repealed.

2. Article 27 shall be amended as follows:

- (a) in Paragraph (1), the words "from BGN 20 to 100" shall be replaced by "from BGN 20,000 to 40,000;"
- (b) in Paragraph (2), the words "from BGN 40 to 200" shall be replaced by "from BGN 40,000 to 80,000."

3. Article 28 shall be amended as follows:

- (a) in Paragraph (1) the words "immediately superior authority and the Committee on Regional and Urban Planning" shall be replaced by "the State Administration Commission and the relevant administrations;"
  - (b) in Paragraph (2) the words "by the Chairman of the Committee on Regional and Urban Planning, by the heads of the relevant central government department and by the chairmen of the executive committees of the district people's councils (Sofia People's Council)" shall be replaced by "by the State Administration Commission and the heads of the relevant administrations."
4. Throughout the Decree, the words "the Committee on Regional and Urban Planning" shall be replaced by "the Minister of State Administration."

**§ 16.** Article 32 of the Administrative Violations and Sanctions Act (promulgated in the State Gazette No. 92 of 1969; amended and supplemented in No. 54 of 1978, No. 28 of 1982, Nos. 28 and 101 of 1983, No. 89 of 1986, No. 24 of 1987, No. 94 of 1990, No. 105 of 1991, No. 59 of 1992, No. 102 of 1995, Nos. 12 and 110 of 1996, Nos. 11, 15, 59, 85 and 89 of 1998, No. 51 of 1999) shall be amended and supplemented as follows:

1. There shall be inserted a Paragraph (3):

"(3) Any civil servant who, in the course of performance of civil service, shall derelict or shall breach any duty as may arise from the acts covered under Paragraphs (1) and (2), will be liable to a fine of BGN 40 or exceeding this amount but not exceeding BGN 300."

2. The existing Paragraph (3) shall be renumbered to become Paragraph (4).

**§ 17.** The Administration Act (promulgated in the State Gazette No. 130 of 1998; [modified by] Constitutional Court Judgment No. 2 of 1999, [promulgated in] No. 8 of 1999) shall be supplemented as follows:

1. There shall be inserted an Article 19a:

"Article 19a. (1) The Prime Minister, the deputy prime ministers, the government ministers, the deputy ministers, the regional governors, the regional vice governors, the municipality mayors and the municipality deputy mayors shall enjoy all rights arising from an employment contract with the exception of such as may conflict or be incompatible with the legal status thereof.

(2) The persons referred to in Article 19 (4) herein shall enjoy civil servant status."

2. In the second sentence of Paragraph (3) in Article 28, after the words "are appointed" there shall be added "under a contract of employment."

**§ 18.** This Act is passed in pursuance of Article 116 (2) of the Constitution of the Republic of Bulgaria.

**§ 19.** (1) This Act shall enter into force one month after the promulgation thereof in the State Gazette.

(2) The provisions of Article 68 herein shall enter into force on the 1st day of January 2000.

**§ 20.** The Council of Ministers shall be entrusted with the implementation of this Act.

.....

2000 State Budget of the Republic of Bulgaria Act  
Promulgated, State Gazette No. 1/2000

TRANSITIONAL AND FINAL PROVISIONS

.....



§ 54. The amount of the basic salary referred to in Article 67 (1) of the Civil Servants Act for the lowest position designated for occupation by a civil servant shall be BGN 150 for 2000.

.....

Act to Amend and Supplement the Civil Servants Act

Promulgated, State Gazette No. 95/2003, amended, SG No. 24/2006

TRANSITIONAL AND FINAL PROVISIONS

§ 68. In the Act, the words "disability" shall be replaced passim by "working incapacity".

§ 69. (1) The State Administrative Commission is hereby closed down.

(2) Within one month after the entry of this Act into force, the Council of Ministers shall settle the relations arising in connection with the closure of the Commission referred to in Paragraph (1).

§ 70. The composition of the Discipline Boards shall be brought into conformity with the requirements of this Act within three months after the entry of the said Act into force.

§ 71. By mutual agreement in writing between the parties to the civil-service relationship, compensation fixed according to the procedure established by Article 60 [of the Civil Servants Act] may be paid in lieu of any paid annual leaves or parts thereof unused until the 1st day of January 2003, regardless of the fact that the civil-service relationship has not been terminated.

§ 72. Effective the 1st day of January 2004, all civil servants holding seventh to third senior rank shall be re-appointed to the same position with assignment of fifth to first senior rank, and the holders of second and first senior rank shall be re-appointment with assignment of first senior rank.

§ 73. In the cases where any civil servants appointed in connection with Article 17 (1) of the Administration Act acquire the required rank or professional experience before expiration of the period of the civil-service relationship, the civil-service relationship of any such civil servants shall be transformed into a civil-service relationship for an open-ended period.

§ 74. (Amended, SG No. 24/2006) The civil-service relationships of the chief secretaries, appointed for a fixed period under Article 9 of the Administration Act, shall be deemed to be formed for an open-ended period as from the entry of this Act into force.

§ 75. (1) Within one month after the promulgation of the Uniform Classifier of Positions in the Administration, any persons who, under an employment relationship, occupy a position designated for occupation by a civil servant, shall be appointed to the said position provided the said persons are responsive to the requirements established by Article 7 [of the Civil Servants Act] and submit an application under Article 8 [of the Civil Servants Act] within fourteen days after designation of the position for occupation by a civil servant. By the act of appointment, any such persons shall be assigned the rank designated in the Uniform Classifier of Positions in the Administration for occupation of the position.

(2) Paragraph (1) shall apply, mutatis mutandis, to the staff of the administrations of the other bodies of state power as provided for in the Constitution.

(3) Article 12 (1) [of the Civil Servants Act] shall not apply to the persons covered under Paragraphs (1) and (2).

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§ 83. The provisions of § 16, 25, 28, 30, 33 and Article 73 (2) of § 37 herein shall enter into force as from the 1st day of January 2004.

Act to Amend the Civil Servants Act

Promulgated, State Gazette No. 70/2004, effective 1.08.2004

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The provisions of § 37, 38 and 39 of the Transitional and Final Provisions of the Act to Amend and Supplement the

Labour Code ([promulgated in the] State Gazette No. 52 or 2004) shall apply, mutatis mutandis, to civil servants as well.

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Act to Amend and Supplement the Civil Servants Act

Promulgated, State Gazette, No. 24/2006

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Supplementary Provision

§ 35. In the Act, the words "Minister of State Administration" shall be replaced passim by "Minister of State Administration and Administrative Reform".

Transitional and Final Provisions

§ 36. (1) Where a position which is executed under an employment relationship is transformed by a statutory instrument into a position designated for occupation by a civil servant, the person shall be appointed civil servant within one month after the entry into force of the said instrument. Such appointment shall be effected if the servant satisfies the requirements of Article 7 [of the Civil Servants Act] and submits an application under Article 8 [of the Civil Servants Act] within fourteen days after the entry into force of the statutory instrument.

(2) The portion of the probationary period fixed by the employment contract which has expired until the time of transformation of the legal relationship shall be included in the period referred to in Article 12 [of the Civil Servants Act]. The provision of Article 12 [of the Civil Servants Act] shall not apply to persons who occupied the position under an employment relationship for an open-ended period.

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§ 38. The provision of § 11 herein shall enter into force as from the 1st day of January 2007.

Administrative Procedure Code

Promulgated, State Gazette No. 30/2006, effective 12.07.2006

TRANSITIONAL AND FINAL PROVISIONS

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§ 142. This Code shall enter into force three months after the promulgation thereof in the State Gazette with the exception of:

1. Title Three, Item 1 of § 2 and Item 2 of § 2 herein (in respect of the repeal of Chapter Three, Section II "Appeal Before the Court" [of the Administrative Procedure Act]), Items 1 and 2 of § 9, Items 1 and 2 of § 11,

§ 15, Items 1 and 2 of § 44, Item 1 of § 51, Item 1 of § 53, Item 1 of § 61, Item 3 of § 66, Items 1 to 3 of § 76, § 78, § 79, Item 1 of § 83, Items 1 and 2 of § 84, Items 1 to 4 of § 89, Item 1 of § 101, Item 1 of § 102, § 107, Items 1 and 2 of § 117, § 125, Items 1 and 2 of § 128, Item 2 of § 132 and Item 1 of § 136, as well as § 34, Item 2 of § 35, Item 2 of § 43, Item 1 of § 62, Items 2 and 4 of § 66, Item 2 of § 97, and Item 1 of § 125 herein (in respect of the replacement of the word "district" by "administrative" and the replacement of the words "the Sofia City Court" by "the Sofia City Administrative Court"), which shall enter into force as from the 1st day of March 2007;

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Act to Amend and Supplement the Civil Servants Act

Promulgated, State Gazette No. 43/2008

FINAL PROVISIONS

§ 26. The ordinance referred to in Article 81c (6) of the [Civil Servants] Act and in Article 120a (5) of the Labour Code shall be issued within three months after the entry into force of this Act.

## Act to Amend and Supplement the Civil Servants Act

Promulgated, State Gazette No. 108/2008

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### Supplementary Provision

§ 10. In the Act, the words "the Institute of Public Administration and European Integration" shall be replaced passim by "the Institute of Public Administration".

### Final Provisions

§ 11. Within six months after the entry into force of this Act, the appointing authority shall render the buildings where the administration operates accessible to persons with disabilities, by means of removing the relevant architectural, transport and other barriers.

§ 12. Within one month after the date of entry into force of this Act, the appointing authority shall allocate positions under a civil-service relationship for persons with permanent disabilities, in compliance with Article 9a (1) [of the Civil Servants Act].

§ 13. Positions occupied under a civil-service relationship by persons with permanent disabilities prior to the entry into force of this Act shall be included in the total number of positions allocated under Article 9a (1) [of the Civil Servants Act].

## Act to Amend and Supplement the Labour Code

Promulgated, State Gazette No. 58/2010, effective 30.07.2010

### FINAL PROVISIONS

§ 25. This Act shall enter into force as from the day of promulgation thereof in the State Gazette with the exception of:

1. Item 1 of § 21 herein, which shall enter into force as from the 1st day of January 2011;
2. § 11 and Item 4 (a) of § 21 herein, which shall enter into force as from the 1st day of January 2012.

## Act to Amend and Supplement the Civil Servants Act

(Promulgated, SG No. 77/2010)

### FINAL PROVISIONS

§ 10. (1) The Council of Ministers shall bring the ordinances referred to in Article 2 (4) and Article 8 (2) [of the Civil Servants Act] in conformity with this Act within three months after the entry into force of this Act.

(2) Until the entry into force of this Act the statutory instruments of secondary legislation, issued by the Minister of State Administration and Administrative Reform, shall continue to be in effect until the ordinances referred to in Paragraph (1) are brought in conformity with this Act.

## TRANSITIONAL AND FINAL PROVISIONS Budget Law on State Social

### Insurance for 2012

(SG No. 100/2011, effective 1.01.2012)

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§ 11. Cash benefits for temporary disability, maternity, unemployment and labor adjustment granted a starting date to December 31, 2011, continue to be paid within the set so far up to the expiration of their term.

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§ 13. This Act shall enter into force on 1 January 2012 except for

§ 8, paragraph 2, which came into force on the day of its publication in "State Gazette".

Act to Amend and Supplement the Civil Servants Act

(Promulgated, SG No. 38/2012, effective 1.07.2012)

## TRANSITIONAL AND FINAL PROVISIONS

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§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;
2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act , the Independent Financial Audit Act , the Electronic Communications Act , the Financial Supervision Commission Act , 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 , the Criminal Assets Forfeiture Act , the Conflict of Interest Prevention and Ascertainment Act , the Social Insurance Code , the Health Insurance Act , the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;
2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;
2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

Final Act to amend the Administration Act

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§ 16. Ministers and Ministers bring adopted respectively of their own regulations in accordance with this Act within one month of its entry into force.