



**Permanent Mission of the Republic of Bulgaria
to the United Nations, the OSCE and other International Organizations**

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Vienna, 27 March 2019

NOTE VERBALE

The Permanent Mission of the Republic of Bulgaria to the UN, the OSCE and other International Organizations in Vienna presents its compliments to all Permanent Missions and Delegations to the OSCE, and to the OSCE Conflict Prevention Centre, and in accordance with Decision No. 2/09 of the OSCE Forum for Security Co-operation has the honour to submit herewith the Bulgarian response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of the Republic of Bulgaria to the UN, the OSCE and other International Organizations in Vienna avails itself of the opportunity to renew to all Permanent Missions and Delegations to the OSCE, and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.

To
**All Permanent Missions and Delegations to the OSCE
OSCE Conflict Prevention Center**

VIENNA



INFORMATION EXCHANGE

ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

REPUBLIC OF BULGARIA

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

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1.3 Roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism.

According to the National Security Strategy (2016) Armed Forces participate in the fight against terrorism as on a national level they provide assistance and support to the specialized national structures and on an international level they perform allied obligations. On the territory of the Republic of Bulgaria the Armed Forces can take part in all stages of counterterrorism: prevention of threats, crisis management as a result of terrorist activities and mitigate the consequences of those acts. To implement their allied obligations the Armed Forces participate in counter and anti-terrorism operations conducted by NATO's command structures and programs of the Alliance for countering terrorism.

The White Paper on Defense and the Armed Forces stipulates that the first mission of the Armed Forces is to guarantee the state's sovereignty and independence, and to defend the territorial integrity of the state and of NATO member-states through article 5 of the North Atlantic Treaty. At the same time, the Armed Forces should provide complementary capabilities to support international peace and security and to contribute to the national security in peace time.

The mission to support the international peace and security includes carrying out international and coalition commitments to participate in NATO and EU operations in response to crises; partaking in missions of the UN, the OSCE and other coalition structures; arms control related activities; the nonproliferation of weapons of mass destruction; international military partnerships; the provision of humanitarian relief; and the consolidation of trust and security.

The contribution to the national security in peace time includes: building/maintaining early warning capabilities for potential risks and threats; activities for control of sea and air space; deterrence operations; neutralising terrorist, extremist and criminal groups; protection and defence of strategic sites; protection and support to the population in case of natural disasters, industrial accidents and ecological crises; unexploded ordnance disposal; providing humanitarian relief; support to migration control; search and rescue activities; support when necessary to other government organisations and local authorities to prevent and overcome the consequences of terrorist attacks, natural disasters, industrial accidents, ecological crises and epidemics.

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2. Stationing of armed forces on foreign territory

2.1. Provide information on stationing of your State armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

The Constitution of the Republic of Bulgaria - Article 84, point 11 - introduces a permission regime concerning the sending of Bulgarian troops outside the territory of the Republic of Bulgaria. With Decision N 23/1995 the Constitutional Court made an obligatory interpretation of Article 84, point 11, according to which the National Assembly has the exclusive competence to permit the sending of Bulgarian troops outside the territory of the Republic of Bulgaria on a case-by-case basis, when it is of military or military-political character. Respectively, the National Assembly adopts a decision, where the number and type of the Bulgarian troops is specified, as well as the location, timing and way of using them outside the territory of the country.

The permission for sending Bulgarian troops outside the territory of the Republic of Bulgaria, when it is not of a military or military-political character, is given by other state bodies.

On 18 March 2004 the Bulgarian Parliament ratified the Washington Treaty, which entered into force for Bulgaria on 29 March 2004. As a member of NATO, the Republic of Bulgaria ratified the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (NATO SOFA) and the other related documents.

The coming into effect of the new Law on Defence and Armed Forces of the Republic of Bulgaria superseded the former law on sending and employment of Bulgarian forces outside the territory of the Republic of Bulgaria, the subject having been now covered in the Law on Defence and Armed Forces of the Republic of Bulgaria. In this connection, there are three bodies having decision-making authority regarding the sending of Bulgarian forces out of the territory of the Republic of Bulgaria: the National Assembly, the Council of Ministers, and the Minister of Defence.

The National Assembly gives permission for the sending and employment of Bulgarian forces out of the territory of the Republic of Bulgaria with political military purposes. The Council of Ministers gives permission for the sending and employment of Bulgarian forces out of the territory of the Republic of Bulgaria for the purposes of:

1. Carrying out allied commitments resulting from an international treaty, ratified, promulgated and in effect with regard to the Republic of Bulgaria, with which an alliance of a political military nature is established;
2. Participation in humanitarian missions;
3. Participation in activities of no political military nature.

The Minister of Defence gives permission to the dispatch and employment of Bulgarian forces out of the territory of the Republic of Bulgaria when the following conditions are observed:

1. Up to 300 servicemen and/or military equipment and/or up to three military aircraft, and/or one naval ship with their crews for participation in activities of no political and military nature;
2. Up to 600 servicemen and/or military equipment, and/or up to three naval ships inclusive, and/or up to five military aircraft with their crews on the territory of an allied state for participation in activities of no political and military nature;
3. Military medical teams and field hospitals for medical support of combat activities and/or prevention and coping with the consequences of epidemics and other mass diseases threatening the lives of a significant portion of the population in the respective area.

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Section II: Intra-State elements

1. National planning and decision-making process

1.1. What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

Planning and decision making process is defined by the Constitution of the Republic of Bulgaria and the Law on Defence and the Armed Forces of the Republic of Bulgaria. The President, the National Assembly, the Council of Ministers and other bodies are involved in this process.

The National Assembly adopts the Law of Defense and Armed Forces of the Republic of Bulgaria, National Security Concept, National Security Strategy and the Military Doctrine, approves long term programs for the development of the Armed forces, approves the Defence budget and defines the size of the Armed Forces.

The President of the Republic is Supreme Commander of the Armed Forces. One of his authorities is to endorse Armed Forces' Strategic plans.

The Council of Ministers carries out the overall leadership of the Armed Forces.

For additional information see the Military Doctrine, Military Strategy and White paper on Defence - www.mod.bg

The Defence budget is an integral part of the State budget. Each year the National Assembly adopts the law on the State budget for the next fiscal year. The defence expenditures are being controlled by the Parliament and other bodies vested with power by law.

The Defence Budget of the Republic of Bulgaria for 2018 according to the State Budget Law for 2018 and additional financial funds allocated for defence budget from central state budget was BGN 1 587,875 mln. As a part of Gross Domestic Product (GDP) it is 1.47 %.

The Data for MoD budget for 2019 are based on approved State Budget Law for 2019 and Updated Three Year Budget Forecast for period 2019-2021. The defence expenditures of the Republic of Bulgaria for 2019 are BGN 1 882,125 mln., which is 1,63 % of GDP.

The defence expenditures provided above consist of the MoD Budget which amounts BGN 1 485,125 mln. according to State Budget Law – 2019 and additional financial funds BGN 397 mln. allocated for MoD from central state budget, in order to ensure Modernization Projects for Bulgarian Armed Forces.

Defence expenditures are allocated by appropriations as follows:

- ✓ Personnel - BGN 1 044,708 mln., which is 56 % of the total military expenditures.
- ✓ Operation and Maintenance – BGN 352,260 mln., which is 19 % of the total military expenditures.
- ✓ Procurement and Construction – BGN 476,081 mln. from MoD and central budget, which is 25 % of the total military expenditures.
- ✓ Research and Development – BGN 9,075 mln., 0.48 % of the total military expenditures.

2. Existing structures and procedures

2.1 Constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police.

Military:

The principle of democratic control over the Armed Forces in the Republic of Bulgaria as one of the fundamental principles of building a democratic society, is stipulated in the 1991 Constitution of the Republic of Bulgaria, through division of powers of the ruling bodies - the

National Assembly, the President, the Council of Ministers, the Minister of Defence, the Constitutional Court and the legislative power.

The National Assembly adopted a new Law on Defense and the Armed Forces of the Republic of Bulgaria (promulgated in SG/iss. 35, in effect as of May 12th 2009). The Law was further amended and modified in 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018. It regulates the public relationships concerning the defence of the state, the defence and Armed Forces leadership, the structure and management of the Ministry of Defence, the statute of the military and civilian employees in its structures. The Law introduces a new structure of the Ministry of Defence, called "an integrated model" to ensure the defence of the state and to provide leadership and command of the Armed Forces in peacetime. In peacetime the Armed Forces cannot be given tasks of internal political character.

The integrity of the structure of the Ministry of Defence is explicitly stated. Special attention in the Law is devoted to the integration of the Bulgarian Armed Forces within the structure of the Ministry of Defence. The Armed Forces consists of Bulgarian Army, Military Police Service, Military Information Service, War College and Military Academies, National Guard Unit, Military-Geographical Service, Central Artillery Technical Testing Ground, Office of the Commandant of the Armed Forces, Static CIS and Reserve of the Armed Forces.

The Armed Forces of the Republic of Bulgaria Reserves Act (promulgated, State Gazette No. 20/9.03.2012, effective 10.06.2012) governs the preparation of the citizenry for defense of the homeland and the public relations pertinent to the governance, staffing, training, use, military roster and service in the Reserve of the Armed Forces of the Republic of Bulgaria. This Law was further amended and modified in 2012, 2013, 2014, 2015, 2016 and 2017. Military units of the Armed Forces and the structures from other forces of the national security system of the Republic of Bulgaria may be complemented in time of war with mobilization reservists and mobilization equipment. Mobilization reservists are persons enlisted in the roster for military service who have not concluded a volunteer reserve service contract and satisfy respective conditions. Mobilization reservists shall be mobilized for duty by the enlistment authorities by means of a draft order addressed to them.

The Ministry of Defence consists of Defence Staff, General Administration and Specialized Administration.

2.2. How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The basic new provisions are as follow:

- The National Assembly decides on programs or investment projects for acquisition or modernization of weapons and equipments when the value exceeds 100 million BGN;
- The Council of Ministers adopts the National Defence Strategy, endorses Plan for Development of the Armed Forces and decides on programs or investment projects for acquisition or modernization of weapons and equipments when the value is between 50 and 100 million BGN;
- The Minister of Defence approves programs or investment projects for acquisition or modernization of weapons and equipments when the value does not exceed 50 million BGN;
- A new position of Permanent Secretary of Defence is introduced, who is the highest rank civil servant in the MoD. The Permanent Secretary of Defence assists the Minister of Defence in the formulation and execution of defence policy and management of human, material and financial resources. He/she is appointed by the Minister of Defence after

selection and in coordination with the Prime Minister for a period of four years. The Permanent Secretary of Defence's responsibilities are related to drawing up and actualization of the normative basis which regulates the structure and functioning of the MoD, defence planning, programming and budgeting, control of the execution of the budget, planning and control of projects for supplies and services necessary for the build-up of the planned defence capabilities, international military cooperation, qualification and career development of the civil servants, interaction with NGO's and syndicates.

The authority of the National Assembly (the Parliament) involves the following group of issues according to which it shall:

- Resolve on the declaration of war and conclusion of peace;
- On a motion from the President or the Council of Ministers, introduces martial law or a state of emergency on all or part of the country's territory;
- Approve the deployment of foreign troops on the territory of the country or their crossing of that territory;
- Ratify or denounce by a law all international instruments of military nature;
- Adopt the National Security Strategy of the Republic of Bulgaria on a motion from the Council of Ministers;
- Determine the size of the Armed Forces and adopt programs for their development on a motion from the Council of Ministers;
- Establish the funds from the State Budget required for the defense of the country and for the deployment of Bulgarian troops in missions and operations outside the country's borders;
- Open, transform, rename and close military academies and post-secondary military educational institutions, as well as branches and departments within them where regulated jobs training and education is performed;
- Execute parliamentary control over executive authority bodies which function in the field of defence.

The President of the Republic of Bulgaria

The President of the Republic as Head of state, interacting with the other state bodies, executes his powers for the establishment of stable security environment and the development of the Republic of Bulgaria as a democratic state. The President shall preside over the Consultative National Security Council and is the Supreme Commander-in-chief of the Armed Forces of the Republic of Bulgaria both in peace- and wartime.

The President executes his powers on a motion from the Council of Ministers through which he:

- Shall endorse the Armed Forces Strategic Action Plans;
- Shall alert the Armed Forces or part of them to a higher level of combat and operational readiness;
- Shall proclaim general or partial mobilization;
- Shall appoint and dismiss the higher command of the Armed Forces and shall bestow all higher military ranks.

In case of military conflict or war, the President:

- Shall proclaim a state of war in the case of an armed attack against Bulgaria or whether urgent actions are required by virtue of an international commitment, or shall proclaim martial law or any other state of emergency whenever the National Assembly is not in session; the National Assembly shall then be immediately convened to endorse the decision;

- Coordinates foreign policy efforts for participation in international security organizations and structures aiming at military conflicts resolving or war-ending settlements;
- Presides the Supreme Command, issues decrees on the preparation of the country and the Armed Forces for war and combat actions;
- Organizes the implementation of wartime plans on a motion from the Council of Ministers;
- Introduces restrictive measures on information concerning the defense of the country;
- Proposes motions to the National Assembly for the conclusion of peace.

The Council of Ministers

The Council of Ministers performs the general leadership of defence and the Armed Forces assisted by a Security Council, and:

- Controls and implements the state policy in the area of defence;
- Elaborates and submits to the National Assembly the Draft National Security Strategy of the Republic of Bulgaria;
- Adopts the National Defence Strategy;
- Controls and coordinates the defence planning of the country;
- Proposes a motion to the National Assembly on the size of the Armed Forces and the adoption of the country's Armed Forces development;
- Adopts a plan for the development of the Armed Forces;
- Adopts the Armed Forces Strategic Action Plans and submits them for endorsement to the President of the Republic;
- Adopts the Draft Wartime Budget on a motion by the Minister of Finance and the Minister of Defense, submits it for approval to the National Assembly and organizes its implementation;
- Adopts, on a motion from the Minister of Defence, a State Wartime Plan for the provision and management of the defence civilian resources other than the resources and means stipulated in the Armed Forces Plans and organizes its implementation;
- Adopts programs for the establishment and equipment on the territory of the country of facilities and zones for defence purposes and assigns the control over their implementation to the Minister of Defense;
- Adopts programs for the armament and re-armament of the Armed Forces and for the establishment and development of the defence technological industrial base;
- Adopts Strategy for the development of the defence technological base;
- Controls the preparedness of the population, the economy, wartime reserves and the defence infrastructure of the country;
- Proposes to the President of the Republic the introduction of a higher alert level of combat and operational readiness as well as the proclamation of general or partial mobilization;
- Adopts, on a motion from the Minister of Defence, decisions on the execution of a Strategic Defence Review and/or periodic Strategic Reviews;
- Adopts mobilization plans and performs the general leadership of the Armed Forces mobilization and the transition of the country from peacetime to a state of war;

- Determines the normative terms and conditions for the establishment, storage and utilization of wartime reserves and other wartime raw materials and specifies the requirements to the transport, energy, information and warehouse systems, urban areas and industrial facilities in accordance with the needs of defence;
- Establishes, transforms and closes departments, branches and institutes to the military academies and post-secondary military schools on a motion from the Minister of Defence;
- Within the total size of the Armed Forces, endorses the number of the military by military ranks with the exception of higher officer ranks;
- Proposes a motion to the President of the Republic for the appointment and dismissal of the higher command of the Armed Forces and for promotion into higher military ranks;
- Approves and permits the deployment of foreign and allied troops on the territory of the country or their crossing of that territory in cases stipulated in a special law;
- Approves the implementation of projects on the territory of the Republic of Bulgaria which are wholly or partially financed by NATO defence investments program;
- Assigns wartime tasks on the defence of the country to state bodies, the bodies of local self-government, local administration and legal entities.

The Minister of Defence

A special point in the Law is dedicated to the normative regulation of the functions and authority of the Minister of Defence as a specialized body of the executive authorities for the shaping and implementation of the state policy in the field of defence. In execution of his/her main duties the Minister of Defence:

- Controls defence planning;
- Elaborates the Draft Budget of the Ministry and controls its implementation;
- Controls the activities on information provision to the interest of defence;
- Approves the participation of military units in disaster relief operations on the basis of submitted request by the relative state body in compliance with the plans for the conduct of rescue operations and urgent emergency and reconstruction activities;
- Controls the standardization, codification and certification of defense and specialized products for the needs of the Armed Forces in compliance with the NATO and EU Standardization Agreements, to which the Republic of Bulgaria is a Party;
- Endorses Military Doctrines and the operational plans of the Armed Forces on a motion from the Chief of Defence;
- Appoints and recalls representatives of the Ministry to international organizations, the defence attachés and the employees of their offices and controls their activities;
- Executes the general oversight of military education and research and development activities;
- Coordinates, on a motion from the Minister of Transport, the rules and regulations of the work of the Unified civil-military air traffic control system for air space monitoring; together with the Minister of Transport oversees and controls the use of the territorial sea of the Republic of Bulgaria and the internal waters for military purposes;
- Elaborates a list of the military airfields which can accept foreign military aircraft, and together with the Minister of Transport, elaborates a list of the military airfields which can

be determined as reserve airfields for Bulgarian civil aircraft performing international and domestic public transport services;

- Controls the activities referring to the provision of aviation safety and airworthiness of military aircraft and issues the ordinance on the terms and conditions for the implementation of this activity;
- Determines the rules and regulations for aircraft accident investigations with Bulgarian military aircraft as well as of foreign military aircraft on the territory of the country;

In addition to the above autonomous powers, the Minister of Defence has a number of other competences which he carries out upon motion from the Chief of Defence, and which pertain to the use of weapons, ordnance and combat vehicles by Bulgarian military formations. The Minister gives permission for such use in the following cases:

1. Seizure of a Bulgarian and/or Allied combat vehicle within the territory of the Republic of Bulgaria with the aim of committing a terrorist or other act that may have dangerous consequences for the population and/or the sovereignty of the country;

2. Intrusion into territorial airspace or breaking airspace regulations regarding flights over the territory of the Republic of Bulgaria conducted by a foreign aerial vehicle flying in a way bringing about suspicions that it might be used as a weapon for terrorist activities;

3. Intrusion into the internal sea waters and territorial sea of the Republic of Bulgaria conducted by a foreign ship or other vessel refusing to stop or objecting, or resorting to violent means to prevent its arrest;

4. Threat of terrorist activities or danger of potential use of weapons of mass destruction within the territory of the Republic of Bulgaria.

In the above cases, the Minister of Defence shall be obligated to immediately notify the Prime Minister and the President of the action taken. The Allies and EU Member States will be subsequently notified if the threat of terrorist activities or the danger of potential use of weapons of mass destruction can put them at risk as well.

In addition to the above, the Minister of Defence also proposes motions or drafts of the following:

1. National Military Strategy
2. Plan for the Organizational Build-Up and Development of the Armed Forces and Their Strength;
3. State Wartime Plan
4. Armed Forces Strategic Action Plans
5. Motions on alerting the Armed Forces or part thereof to a higher level of combat readiness and/or proclaiming general or partial mobilization;
6. Motions on ministerial positions, requiring higher officer ranks, motions on appointment and dismissal of the higher command of the Armed Forces and bestowal of higher military ranks to officers at the Ministry;
7. Conducting Strategic and/or Periodic Defence Reviews;
8. Armed Forces Armament and Rearmament Programs and together with the Ministers of Economy and Energy, Draft Programs on the Build-Up and Development of Defense Technological and Industrial Base;
9. Strength of regular and mobilization reserves;

10. Draft projects for the establishment, development and maintenance of an Integrated Communication and Information System for command and control of the state and the armed forces in a state of emergency, martial law, or in a state of war.

A Defence Council is established under the Minister of Defence as a joint advisory body consisting of Deputy Ministers of Defence, Chief of the Political Cabinet, the Chief of Defence and his deputies; the Permanent Secretary of Defence; the Commander of the Joint Operational Command; the Chiefs of Army, Air Force, and Navy as well as other members as appointed by the Minister of Defence.

Chief of Defence

The Chief of Defence is the highest military position; the CHOD is immediate superior to the personnel of the Bulgarian Armed Forces. The Chief of Defence executes his command powers directly or through the Commander of the Joint Operational Command the Chiefs of Army, Air Force, and Navy.

The Chief of Defence is appointed by the President of the Republic on a motion from the Council of Ministers for a four-year term of office.

The Chief of Defence is subordinate to the President of the Republic when executing his powers as Commander-in-Chief of the Armed Force and is immediate subordinate to the Minister of Defence.

The Chief of Defence directly guides and is responsible for:

1. Preparing of ministerial orders for use of formations of the Bulgarian Army and proposals for placing of the Armed Forces or a part of them in advanced readiness;
2. Proposals to the Minister of Defence for declaration of general or partial mobilization;
3. Preparing of rules and procedures for use of arms and equipment;
4. Preparing of National Defence Strategy and Strategic Action Plans for the Armed Forces;
5. Entering into and discarding from service of weapons and equipment;
6. Preparing of doctrines, conceptions for conduct of operations and standards for training and use of forces;
7. Determining of the required defence capabilities;
8. The battle readiness and operational capabilities of the Bulgarian Army;
9. Developing of the manuals of the Armed Forces;
10. The functioning of the Staff of Defence.

The main task of the Armed Forces is to guarantee the sovereignty and independence of the country and to protect its territorial integrity. In peacetime, no tasks related to the national policy can be assigned to them.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

Military:

In compliance with Article 9 of the Constitution of the Republic of Bulgaria, the Armed Forces guarantee the sovereignty, security and independence of the country and protect its territorial integrity. This idea is further developed in the Law on Defence and Armed Forces of the Republic of Bulgaria.

With the adoption of the Law on The State Agency "National Security" the Security Service of the Ministry of defence was renamed into Military Police Service with main responsibility of protecting the law and public order and discipline as well as conducting investigations and preventing any criminal activity within the Armed forces and the structures of Ministry of defence. The military counterintelligence since 1st January 2008 is responsibility of the State Agency "National Security".

In March 2011 a new draft Law on Military Police was submitted to the Parliament. This law provides for the activities and authorities of the Military police and its interaction with other state bodies and organizations. Among the principles guiding the activity of the Military Police Service are: consistency with the Constitution, Laws and International Treaties, guarantee of the rights and freedoms of the citizens and their dignity, execution of civilian control over the Military Police Service' activities, etc.

In November 2015 a new draft Law on Military Intelligence was submitted to the Parliament. This law regulates the organization, activities, tasks and functioning of military intelligence, and the status of its employees. Military Intelligence is based on the following principles: compliance with the Constitution, laws and international treaties to which Bulgaria is a part; respect the rights and freedoms of citizens and their dignity; interaction with public authorities, security services and public order; centralized management and control of intelligence; observance of political neutrality; objectivity and impartiality.

For more information see Military Doctrine, Military Strategy and "White Paper 2010 on Defence" in the website of the Ministry of Defence – www.mod.bg

3. Procedures related to different forces personnel

3.1. What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Military:

The Law on Defence and Armed Forces introduces a contract which regulates the execution of the military service.

The servicemen shall not participate in meetings and manifestations of political parties, movements and coalitions when in uniform.

A serviceman or a civilian servant whose duties with the MoD are related to management or control, after dismissal from the occupied position, for a period of three years shall not conclude a contract, participate as a partner or shareholder, act as a manager or a member of a guiding or control organ of companies or corporations, which have been subject to his/her management or control or has been concluding contacts with them in the course of his/her last year of work with the MoD.

The same rule is valid also for a serviceman or a civilian servant who during his/her last year of work with the MoD has participated in procedures for conduct of tenders, or in procedures related to grants of funds from the EU. Such a person for a period of three years after dismissal from the occupied position shall not participate or represent other persons in such procedures before the structures of the MoD where he/she has worked.

3.2 What kind of exemptions or alternatives to military service does your State have?

In the Republic of Bulgaria there is no compulsory military service. This, as a consequence, there is no alternative military service.

3.3 What are the legal and the administrative procedures to protect the rights of all forces personnel as well as conscripts?

Military:

Our legislation envisages different means through which the rights of the servicemen are protected. The principle is that they have all the rights stemming from the Constitution and the laws, in case anything else is not envisaged in the Law on Defence and Armed Forces of the Republic of Bulgaria.

Dismissal of the career servicemen is subject to legal control. The disputes are considered in compliance with the conditions and the provisions of the Administrative Law and the court procedures for these cases are free of charge. When the career serviceman is disputing the lawfulness of his dismissal he can require pleading the dismissal unlawful and canceling the dismissal, bringing back to the previous job and compensation for the time during which he was unemployed because of that dismissal.

The career servicemen have the right of court protection in the following cases:

1. Providing the authorised material allowances;
2. Compensations for material and nonmaterial injuries during or because of his duties;
3. Validity of the signed contract for career military service.

The servicemen are decommissioned in the manner they have been promoted as stipulated in the manual for military service and the Armed Forces Codes, while taking away the military rank is done at court.

The reservists, when summoned because of mobilisation, as well as their families, can not be evicted from their houses, while they are in service or mobilisation. The implementation of the court decisions against them and eviction orders are postponed till the end of the duration of the service.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1. How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

The Republic of Bulgaria is party to the four Geneva Conventions. The Additional Protocols of 1977 were ratified in 1989. The Bulgarian Red Cross has issued a significant number of publications, containing the basic documents of international humanitarian law. The Ministry of Defence, with the assistance of the International Red Cross has published and disseminated among the armed forces the Handbook on wartime law by Frederick de Moulinin. Pocket-size editions have been printed in big numbers for dissemination among the personnel of the armed forces. Education in international humanitarian law is included in the curriculum of the military schools and the Military Academy. The platoon and company commanders are obliged to organize similar courses for their units on an annual basis. In addition, mission-orientated briefings are conducted prior to participation of Bulgarian contingents in PSO. The establishment and functioning of political parties' and political movements' structures, as well as carrying out of political activities within the Armed Forces shall be forbidden.

Section III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

The Government of the Republic of Bulgaria is committed to ensuring broad public access to military information, with the exception of a limited number of issues, defined by law as classified information. A special law called Public information access act was enacted and promulgated in State Gazette number 55/2000, which further facilitates the public access to information related to the activities of the state administration.

Ministry of defence

On the official web page of the Ministry of defence is published information about the Code of Conduct, in Bulgarian language, along with other information related to documents that concern politico-military aspects of security.

On the official web page of the MoD in section “News” is published an announcing message, in Bulgarian and in English language, regarding the exchange of information on the Code of Conduct on politico-military aspects of security and the participation of the Republic of Bulgaria in this exchange.

A Public Relations Directorate has been established at the MoD which is responsible for preparing and disseminating information to the mass media and the general public. The Minister of Defence and his deputies hold press-conferences on a regular basis. The Minister, his deputies, the Chief of Defence, his deputies and some heads of directorates in the MoD are obliged to stage a “reception day” for the general public once monthly. On such a day any individual can raise with them any public or personal issue, related to the armed forces.

In the Symposium on the OSCE Code of conduct on politico-military aspects of security, held in Berlin, Germany, 22 - 23 November 2018, on behalf of Bulgaria participated Mr. Stoyan Mihaylov, First Secretary in the Bulgarian diplomatic representation in Berlin.

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

The budget of the Bulgarian Armed Forces is approved by the National Assembly and is available to the public. The Ministry of Defence has at its disposal an official web page where the information is regularly renewed, as well as its own weekly edition – the newspaper named “Bulgarian Army”, and the Military television channel.

1.3 How does your State ensure public access to information related to your State’s armed forces?

The public authorities, according to their competences, are obliged to ensure the correct information of the citizens on the activities of public interest.

According to the provisions of the Law on decisional transparency in the public administration, the Ministry of Defence has the obligation to publish the normative acts regulating its organization and functioning, financial sources, budget, programs and strategies, the list of the documents of public interest, etc.

2. Contact information

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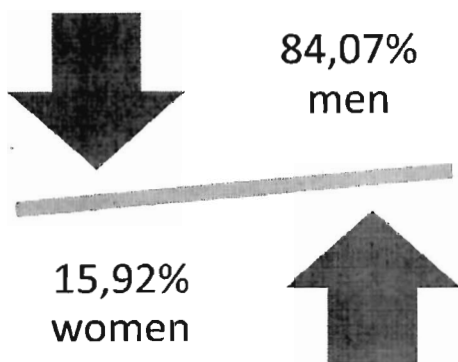
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The Ministry of Defence of the Republic of Bulgaria has adopted an Action Plan for Implementation of UNSCR1325 and relevant UN resolutions. The Action Plan provides mechanisms to embed the principles, laid out in UNSC Resolution 1325, within the structures of Bulgaria's Ministry of Defence and Armed Forces. Listed measures and guidelines include:

- Enhancing the role of women at all levels of decision-making;
- Reviewing and updating the legislative framework regarding the military service in compliance with the European Union, NATO and national legislation in place, in order to create conditions conducive to the elimination of discrimination practices;
- Organizing and participating in joint activities raising awareness among home and foreign public about good practices and lessons learned with regard to the implementation of UNSC Resolution 1325;
- Improving the gender balance in all structures of the Ministry of Defence and the Armed Forces;
- Eliminating the informal restrictions for women in professional areas, academic subjects, post-graduate qualifications, educational degrees and forms of study when applying for the acquisition of Bachelor's Degree in Military Studies, with a professional qualification Military Officer;
- Taking into account the importance of stressing the gender balance when disseminating information at all levels and when participating in conferences, seminars and working meetings;
- Adapting operational work to NATO and EU standards when formulating orders for the conduct of missions and operations, focusing on: interaction with the indigenous population in the area of responsibility, cross-cultural communication, and standards of conduct;
- Ensuring gender balance in the structures participating in missions and operations, especially in components in direct contact with the indigenous population;
- Maintaining the necessary level of support for the process of implementation of UNSCR 1325, so that the Armed Forces are sufficiently provided with information on the relevant issues.

As a result of the Action Plan, restrictions for women to attend all specialties at the national military educational system have been removed. Changes in policies have made it possible for women to apply to all positions within the Armed Forces.

National Armed Forces ratio: female and male active duty military personnel



It is a fact that the Bulgarian Armed Forces Women Association (BUAFWA) is the general actor of change in the defence and security sector in the country. The association is a NGO with agreement with the minister of defence to contribute for the implementation of the international WPS agenda within the Ministry of defence structures.

After several years MoD and BUAFWA's efforts Bulgaria is ready to fulfil training and educational gap with new established gender focal points course. The result of this certified course will support Bulgarian intention to build up and develop Gender Advisors (GENAD) and Gender Focal Points (GFPs) capabilities. It is one of the priorities of the project "Female Leaders in Security and Defence-FLSD". The project is developing within the framework of the South Eastern Europe Defence Ministerial Process (SEDM) and NATO's Smart Defence Initiative.

FLSD project general aim is to emphasise the improvement of capabilities by using all human potential and integrating gender perspectives in the strategic, operational and tactical planning processes, capabilities development and force preparedness with a view to reinforcing and enhancing the strategic and operational effectiveness of the Armed Forces and security systems.

Gender advisors – GENADs and Gender Focal Points (GFPs)

The armed forces and the MoD have 5 gender advisors (GENADs). They have received training and are certified from the Nordic Centre for Gender in Military Operations (NCGM) and they are certified by European Security and Defence College (ESDC) - the European Security Course "A Comprehensive Approach to Gender in Operations".

In total, two GENADs and GFPs have been deployed so far. One was deployed in 2016 (EUPOL, Afghanistan) and one GFP was deployed in 2018 in Georgia (EUMM).

In the beginning of 2019 new 18 GFPs were certified from the pilot Gender Focal Point course led at the Crisis Management and Disaster Response Centre of Excellence in Sofia, Bulgaria (CMDR COE).