



**Permanent Mission  
of the Republic of Bulgaria  
to the UN, the OSCE and other  
International Organizations  
Vienna**

Re. № *Jib-20/11.1-649*

## **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 of the participating States to the OSCE and to the Conflict Prevention Centre and, with regard to the Forum for Security Co-operation and the Conflict Prevention Center, as well as in accordance with Decisions 4/03 and 1/09 of the Forum for Security Co-operation, has the honor to convey Bulgaria's response to the questionnaire on the Code of conduct on Politico-military Aspects of Security for 2009.

The Permanent Mission of the Republic of Bulgaria avails itself of this opportunity to renew to all other Permanent Missions and Delegations of the participating States to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration. *LX*

Vienna, June 15, 2009



**To:  
The Permanent Missions and Delegations to the OSCE  
The Conflict Prevention Center  
VIENNA**

2009

**INFORMATION EXCHANGE  
ON THE CODE OF CONDUCT ON POLITICO-MILITARY  
ASPECTS OF SECURITY**

**REPUBLIC OF BULGARIA**

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements.

**(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the Republic of Bulgaria is a party:**

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;
- Convention on the Physical Protection of Nuclear Material (1980);
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991;
- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997;

- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;
- United Nations Convention against Transnational Organized Crime and the three Protocols to the Convention;
- Convention on the Safety of the United Nations and Associated Personnel, 9 December 1994;
- European Convention for the Suppression of Terrorism, signed at Strasbourg on 11 September 1997 and the Protocol to the European Convention for the Suppression of Terrorism ratified on 26 February 2004;
- The Council of Europe Convention on the Prevention of Terrorism was ratified in June 2006.

The Republic of Bulgaria has also ratified the main international legal instruments in the field of extradition and judicial co-operation on criminal matters:

- European Convention on Extradition (promulgated in SG, Issue 8 of 24.01.1999 and Issue 9 of 27.01.1995);
- Additional Protocol to the European Convention on Extradition and Second Additional Protocol to the European Convention on Extradition (promulgated in SG, Issue 9 of 27.01.1995);
- European Convention on Mutual Assistance in Criminal Matters (promulgated in SG, Issue 8 of 24.01.1995) and the two Protocols to the Convention;
- Convention on Transfer of Sentenced Persons (promulgated in SG, Issue 8 of 24.01.1995).

**(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities.**

The Republic of Bulgaria is a party to the following Multilateral and Bilateral Agreements Containing Clauses on Cooperation in the Suppression of Terrorism:

- Agreement on Cooperation to Prevent and Combat Cross-Border Crime signed on 26 May 1999 within the framework of the Initiative of Cooperation in South Eastern Europe;
- Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in its Organized Forms, signed on 2 October 1998;
- Cooperation Agreement among the Government of the Republic of Bulgaria, the Government of Romania and the Government of the Republic of Turkey in Combating Terrorism, Organized Crime, Illicit Trafficking of Narcotic Drugs and Psychotropic Substances, Money Laundering, Arms and Human Trafficking and Other Major Crimes signed on 6 April 1998;
- Protocol for Enhanced Trilateral Cooperation in Combating Crime and Especially Cross-Border Crime among the Government of the Republic of

Bulgaria, the Government of the Hellenic Republic and the Government of Romania signed on 8 September 1998;

- Treaty of Understanding, Friendship and Cooperation between the Republic of Bulgaria and the French Republic (State Gazette, issue 94/1993);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Kingdom of Belgium on Police Cooperation and Protocol to Article 1 of the Agreement (subject to ratification, State Gazette, issue 29/2001);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Kingdom of Spain on Cooperation in the Fight against Crime (State Gazette, issue 12/2000);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Macedonia on Cooperation in the Fight against Terrorism, Organized Crime, Illicit Drugs and Precursors Trafficking, Illegal Migration and other Crimes (26 February 2002);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Hungary on Cooperation in the Fight against Terrorism, Illicit Trafficking of Drugs and Organized Crime (promulgated in SG, Issue 12 of 11.02.2000);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Italian Republic on Police Cooperation in the Fight against Organized Crime (State Gazette, issue 58/2001);

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of Public Order of the Republic of Albania signed on 24.01.1994 in Tirana and Protocol of Understanding between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of Public Order of the Republic of Albania signed on 7 November 2000 in Tirana;

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of Public Order of the Hellenic Republic signed at Athens on 8 July 1991 and Protocol for the Implementation of the Agreement on Cooperation signed on 22 February 1996 in Sofia;

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of the Republic of Macedonia signed on 20 October 1992 in Skopje;

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of Romania signed on 26 February 1992 in Bucharest and Protocol-Appendix to the Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of Romania signed on 21 December 1995 in Sofia;

- Agreement on Police Cooperation between the Government of the Republic of Bulgaria and the Government of the Republic of Lebanon (promulgated in SG, Issue 4 of 14.01.2003);

- Agreement on Police Cooperation between the Government of the Republic of Bulgaria and the Government of the Republic of Turkey signed on 2 February 2005;
- Agreement on Police Cooperation between the Government of the Republic of Bulgaria and the Government of the Republic of Austria (promulgated in SG, Issue 84 of 03.09.2002);
- Agreement on Police Cooperation between the Government of the Republic of Bulgaria and the Council of Ministers of Bosnia and Herzegovina (promulgated in SG, Issue 87 of 07.10.2008);
- Agreement on Counteraction to Organized Crime between the Government of the Republic of Bulgaria and the Government of the Federal Republic of Germany (promulgated in SG, Issue 61 of 26.07.2005);
- Treaty between the Government of the Republic of Bulgaria and the Government of Ireland on Cooperation in Illicit Trafficking of Narcotic Drugs and Precursors, Money Laundering, Organized Crime, Human Trafficking, Terrorism, Arms and and Other Major Crimes (promulgated in SG, Issue 19 of 02.03.2006);
- Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Croatia on Cooperation in the Fight against Organized Crime, Illicit Narcotics and Psychotropic Substances Trafficking and Terrorism signed on 26 November 1996 in Sofia;
- Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Kazakhstan on Cooperation in the Fight against Terrorism, Organized Crime, Illicit Trafficking of Drugs, Psychotropic Substances, their Analogues and Precursors, and Other Crimes (promulgated in SG, Issue 70 of 10.08.2004);
- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Syprus on Cooperation in the Fight against Trans-border Organized Crime, Terrorism, Ilegal Migration, Human Trafficking and Illicit Trafficking of Drugs (promulgated in SG, Issue 89 of 08.11.2005);
- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Slovenia on Cooperation in the Fight against Organized Crime, Illicit Drugs, Psychotropic Substances and Precursors Trafficking, Terrorism and Other Serious Crimes signed on 5 November 2001 in Ljubljana;
- Agreement between the Government of the Republic of Bulgaria and the Government of Romania on Cooperation in the Fight against Organized Crime, Illicit Drugs, Psychotropic Substances and Precursors Trafficking, Terrorism and other Serious Crimes, signed on 10 July 2002;
- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Macedonia on Cooperation in the Fight against

Terrorism, Organized Crime, Illicit Drugs and Precursors Trafficking, Illegal Migration and other Crimes (26 February 2002);

- Memorandum between the Government of the Republic of Bulgaria and the Government of the Republic of Serbia on Cooperation in the Fight against Terrorism, Organized Crime, Illicit Drugs and Precursors Trafficking, Illegal Migration and other Crimes (promulgated in SG, Issue 95 of 28.10.2003);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Moldova on Cooperation in the Fight against Organized Crime, Illicit Drugs, Psychotropic Substances and Precursors Trafficking, Terrorism and other Major Crimes (promulgated in SG, Issue 96 of 29.10.2004);

- Agreement on Police Cooperation between the Ministry of Interior of the Republic of Bulgaria and the Ministry of Justice and Police of the Kingdom of Norway (promulgated in SG, Issue 10 of 01.02.2008);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Russian Federation on Cooperation in the Fight against Crime, especially in its Organized Forms. (10 November 2006, in force as of 10 April 2009);

- Agreement between the Government of the Republic of Bulgaria and the Government of Bosnia and Herzegovina on Police Cooperation. (20 September 2007, in force as of 28 August 2008);

- Agreement between the Government of the Republic of Bulgaria and the Government of Malta on Police Cooperation. (25 September 2008, in force as of 18 May 2009);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Kingdom of Morocco on Police Cooperation. (12 March 2009, in force as of 12 March 2009);

- Memorandum of Understanding between the Ministry of the Interior of the Republic of Bulgaria and the Federal Department of Justice and Police of the Swiss Confederation on Police Cooperation in the Fight against Crime. (27 March 2009, in force as of 27 March 2009).

**(c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above.**

Bulgaria has ratified 12 international Conventions and Protocols, relating to terrorism.

List of Regulatory Acts of the Domestic Legislation of the Republic of Bulgaria Related to the Suppression of Terrorism:

- National Security Concept – adopted by decision of the National Assembly (promulgated in the State Gazette, issue 46/1998);

- Military Doctrine;

- Military Strategy;

- “White paper” on Defense;

- Criminal Code;
- Code of Criminal Procedure;
- Law on Special Intelligence Means;
- Law on Control over Explosives, Fire Arms and Ammunition;
- Law on the Export Control of Arms and Dual-Use Items and Technologies;
- Law for Prohibition of Chemical Weapons and Control over Toxic Chemical Substances and Their Precursors;
- Law on Measures against Financing of Terrorism;
- Law on Measures against Money Laundering;
- Law on the Ministry of the Interior;
- Law on Bulgarian Identity Documents;
- Regulations of Application of the Law on the Ministry of the Interior;
- Ordinance No. 17 of 14 December 1999 on the Conditions and Procedure of Attaining Civil Air Traffic Security;
- Decree No. 39 of 27 March 2000 of the Council of Ministers in implementation of Resolution 1267 (1999) of the UN Security Council “Freezing of Financial Resources Owned or Controlled by the Taliban Group”;
- Special Decree No. 277 of the Council of Ministers of 12.12.2001 regarding the Measures to Combat International Terrorism Envisaged in Resolution 1373 (2001).
- Decision No. 265 of the Council of Ministers of 23.04.2003 regarding the Adoption of List of Physical and Juridical Persons, Groups and Organizations, Subject to the Measures Against Financing of Terrorism.

**(d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g. pertaining to financing of terrorist groups).**

The following measures to prevent and combat terrorism have been introduced by the Special Decree No. 277 of the Council of Ministers of 12.12.2001:

**Article 1.** (1) To block the funds and other assets or economic resources of:

1. persons, committing or attempting to commit terrorist acts or facilitate the commission of such acts;
2. entities owned or controlled, directly or indirectly, by persons under subparagraph 1;
3. persons and entities acting on behalf of or at the directions of persons under subparagraphs 1 and 2;

(2) To block the funds of third persons, which have been gained or have originated from any property possessed or controlled, directly or indirectly, by persons under paragraph 1 or by persons connected with them;

(3) Official information about persons under paragraphs 1 and 2 shall be provided by the competent state authorities.

**Article 2.** To prohibit Bulgarian citizens and persons and entities in the territory of the Republic of Bulgaria to provide, directly or indirectly, funds, assets or economic resources as well as financial services or other related services to:

1. persons committing or attempting to commit terrorist acts or facilitate the commission of such acts;
2. entities which are possessed or controlled, directly or indirectly, persons under subparagraph 1;
3. persons and entities acting on behalf of or at the directions of persons under subparagraphs 1 and 2.

**Article 3.** To prohibit Bulgarian citizens and persons and entities in the territory of the Republic of Bulgaria to provide assistance in any form whatsoever, active or passive, to structures and persons involved in terrorist acts i.a. assistance in recruiting members of terrorist groups.

**Article 4.** To prohibit the sale, supply or transfer, by Bulgarian persons and entities or from the territory of the Republic of Bulgaria, of any kind of armaments and related equipment of any kind whatsoever to any persons and entities involved in the preparation and commission of terrorist acts.

**Article 5. (1)** For non-implementation of the obligations under Article 1-4 and if the act does not constitute a crime, Article 32, paragraph 1 of the Law on Administrative Breaches and Punishments provides for administrative and criminal liability.

**(2)** Where the breach under paragraph 1 is committed by a entity or a sole-proprietor trader, a property sanction of up to 100 000 Leva shall be imposed.

**(3)** Establishing breaches, drawing up acts, issuing, appealing against and implementing punitive decrees shall be done pursuant to the provisions of the Law on Administrative Breaches and Punishments.

The competent Bulgarian institutions directly engaged in the efforts to combat crime and with a view to actively countering terrorism in the context of Resolution 1373, have worked out and now implement the Plan of Detecting and Preventing Terrorist Activities in the territory of the Republic of Bulgaria. As a follow-up to this Plan additional measures have also been undertaken aimed at:

1. Establishing a strict regime and control over hazardous materials by extending the requirements to persons who apply for and hold firearms or handle explosives and other hazardous materiel and enhancing the control over them.
2. Actively countering crimes related to the use of explosives through operative measures.
3. Carrying out complex security checks at sites where explosives, strong poisons, and radioactive and other hazardous materiel are kept. With a view to Bulgaria's EU accession, the Export Control Law of Arms and Dual-Use Items and Technologies, as well as its Implementing Regulations, were amended in early 2007. The new legislation is commensurate with the relevant EU *aquis*, including EU Council Regulation 1334/2000 and the Common Position on Brokering (2003/468/GASP). In addition, Bulgaria maintains a national list of



controlled destinations, namely a list of countries and organisations towards which embargoes and restrictions are applied. That list is regularly updated in accordance with UN Security Council Resolutions and decisions of the EU and the OSCE.

As regards the possibilities for legal assistance and support to detect and sentence persons involved in the preparation and perpetration of terrorist acts, the Republic of Bulgaria has ratified the Council of Europe Convention on Mutual Legal Assistance in Criminal Matters and the European Convention on Extradition and the European Convention on the Suppression of Terrorism. Hence, there are no obstacles to judicial co-operation and rendering assistance in investigating or in proceedings against criminal offences involving financing or supporting terrorist acts, including assistance in provision of evidence, which may be available in Bulgaria, if the same is needed by the competent authorities of other countries.

An Agreement, concerning over flight, and transit through, and presence on the territory of the Republic of Bulgaria of U.S. forces, personnel and contractors in support of Operation “Enduring Freedom” was concluded on November 12, 2001.

The multilateral Memorandum of understanding concerning command arrangements and related matters in the International security assistance force (ISAF) Afghanistan has been signed by Republic of Bulgaria in London on January 10, 2002. It was duly ratified by the National Assembly and promulgated in the State Gazette number 19/2002.

The Republic of Bulgaria is a Party to the Memorandum of understanding concerning command arrangements and related matters within the Stabilization force in Iraq, ratified by the Parliament and promulgated in the State Gazette number 5/2004.

**(e) Roles and missions of armed and security forces in preventing and combating terrorism.**

Document of The Strategic Defense Review, adopted by the Parliament in 2004, stipulates that the primary goal of Defense is to guarantee the country's sovereignty, security and independence, and to protect its territorial integrity. At the same time, defense 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 implementation of international and coalition commitments to fight terrorism, prevent and manage crises and conflicts abroad, participate in multinational peace forces, activities in support of the evolving European Security and Defense Policy, arms control, non-proliferation of weapons of mass destruction and their means of delivery, international military co-operation, humanitarian assistance, strengthening of confidence and co-operation.

The contribution to the national security in peace time includes maintenance of capabilities to support activities related to the control of air space and territorial waters, collecting and processing information on the potential risks and threats, operations to deter and neutralize terrorist, extremist and criminal groups, protection of endangered strategic sites, protection and support of the population at times of natural disasters, industrial accidents and ecological catastrophes, rendering of humanitarian assistance, rescue and evacuation activities, and support, as appropriate, to other state bodies and organizations.

## **2. Description of the national planning- and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of**

### **(a) the military posture:**

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 Parliament adopts the Law of Defense and Armed Forces of the Republic of Bulgaria, National Security Concept and the Military Doctrine, approves long term programs for the development of the Armed forces, approves the Defense 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 adopt 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](http://www.mod.bg)

### **(b) defence expenditures:**

The Defense 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.

For the fiscal year 2009 the defence expenditures are 1 465 962 000 Leva.

## **3. Description of**

**(a) constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;**

**and**

**(b) constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;**

**a) armed forces:**

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

Such an approach was undertaken by the legislator also when developing the Law on Defence and the Armed Forces of the Republic of Bulgaria - a regulating law of the Armed Forces (entered into force on February 27th 1996, with amendments and additions in 1997)

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 12<sup>th</sup> 2009) which regulates the public relationships concerning the defense of the state, the defense and Armed Forces leadership, the structure and management of the Ministry of Defense, the statute of the military and civilian employees in its structures. The Law introduces a new structure of the Ministry of Defense, called “an integrated model” to ensure the defense of the state and to provide leadership and command of the Armed Forces in peacetime. The Ministry of Defense consists of a Central administration, the Bulgarian Armed Forces, the specialized departments “Military Police” and “Military information”, the Military-medical Academy, the “G.S.Rakovski” Defense and Staff college, post-secondary military schools and other structures to the Ministry of Defense established by this law or by a Council of Ministers decree.

The integrity of the structure of the Ministry of Defense is explicitly stated. Special place in the Law is devoted to the integration of the Bulgarian Armed Forces within the structure of the Ministry of Defense.

#### Central Administration of the Ministry of Defense

Pursuant to the new Law, the central administration involves the Staff of Defense, the general and specialized administrations organized under several directorates. The competence of the particular structures is, as follows:

- The general administration supports the Minister of Defense in the execution of his powers providing the organizational and technical aspect of his activities, the work of the Staff of Defense and the specialized administration of the MoD.
- The specialized administration and the Staff of Defense support the Minister in the execution of his powers.
- The Staff of Defense elaborates strategic prognoses, analyses, military assessments and recommendations to facilitate decision making processes in the area of defense and develops strategic action plans for the Armed Forces.

## The Bulgarian Armed Forces

The Law on Defense and the Armed Forces views the active duty military as the core of the Armed Forces aimed at achieving the goals of the defense of the state and for the implementation of missions and operations outside the territory of the Republic of Bulgaria. In peacetime it is a professional army and consists of:

1. Command and Headquarters (Joint Operations Command; Headquarters Air Force Training; Headquarters Navy Training; Headquarters Army Training; Headquarters Logistic support and maintenance);
2. Military units directly subordinated to Headquarters Command;
3. Defense Leadership Bodies.

The functions of the Defense Leadership Bodies are explicitly regulated – those of the President of the Republic, of the National Assembly, of the Council of Ministers and of the Minister of Defense.

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, introduce 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 Authorities bodies which function in the field of defense.

## The President of the Republic of Bulgaria

The President of the Republic as the 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.

Unlike the rescind Law on Defense and the Armed Forces, the newly adopted regulatory Law entitles the President to require from the Minister of Defense, the Chief of Defense and other state bodies the complete information necessary for the execution of his powers as the Supreme Commander-in-Chief of the Armed Forces.

The Council of Ministers

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

- Controls and implements the state policy in the area of defense;
- Elaborates and submits to the National Assembly the Draft National Security Strategy of the Republic of Bulgaria;
- Adopts the National Military Strategy;
- Controls and coordinates the defense 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 organizational build-up and 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 Defense, a State Wartime Plan for the provision and management of the defense 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 defense 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 defense technological industrial base;
- Controls the preparedness of the population, the economy, wartime reserves and the defense 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 Defense, decisions on the execution of a Strategic Defense 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 defense;

- Establishes, transforms and closes departments, branches and institutes to the military academies and post-secondary military schools other than those referred to in Article 16, item 8, on a motion from the Minister of Defense;
- 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 bestowal of 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 defense investments program;
- Assigns wartime tasks on the defense of the country to state bodies, the bodies of local self-government, local administration and legal entities.

#### The Minister of Defense

A special point in the Law is made of the normative regulation of the functions and authority of the Minister of Defense as a specialized body of the executive authorities for the shaping and implementation of the state policy in the field of defense. To achieve this goal, he:

- Controls defense planning;
- Elaborates the Draft Budget of the Ministry and controls its implementation;
- Controls the activities on information provision to the interest of defense;
- 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 Defense;
- Appoints and recalls representatives of the Ministry to international organizations, the defense 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;
- Controls 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 pursuant to the terms and conditions determined by a Council of Ministers Act.

In addition to the above autonomous powers, the Minister of Defense has a number of other competences which he carries out upon motion from the Chief of Defense, 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 Defense 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 Defense 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 Defense Reviews;
8. Armed Forces Armament and Rearmament Programs, and, together with the Minister 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.

A Defense Council is established under the Minister of Defense as a joint advisory body consisting of the Chief of Defense; members of the political *cabinet*; the Deputy Chief of Defense; the Commander of the Joint Operational Command; the Chiefs of Army, Air Force, and Navy Headquarters, responsible for training; the Chief of Staff responsible for logistics support; as well as other members as appointed by the Minister of Defense.

### Chief of Defense

The Chief of Defense is the highest military position; the CHOD is immediate superior to the personnel of the Bulgarian Armed Forces. He heads the Bulgarian Armed Forces and is accountable to the Minister of Defense for the condition and level of readiness thereof with regard to the tasks assigned. The Chief of Defense executes his command powers directly or through the Commander of the Joint Operational Command the Chiefs of Army, Air Force, and Navy Headquarters, responsible for training, and the Chief of Staff responsible for logistics support.

The Chief of Defense is appointed by the President of the Republic on a motion from the Council of Ministers for a three-year term of office with the option of a maximum two-year extension.

The Chief of Defense is subordinate to the President of the Republic when executing his powers as Commander-in-Chief of the Armed Forces, and is immediate subordinate to the Minister of Defense. The position of Chief of Defense can be filled by one of the following: the Deputy Chief of Defense, the Commander of the Joint Operational Command, the representative of the Chief of Defense to the Military Committees of NATO and the EU, the Chiefs of Army, Air Force, and Navy Headquarters, responsible for training, and the Chief of Staff responsible for logistics support.

The Chief of Defense assists the Minister of Defense by:

1. analyzing and assessing risks to security and military threats to the Republic of Bulgaria, proposing ways to handle such risks and threats, and drafting projects on developing Armed Forces capabilities aimed at ensuring the country's sovereignty and the fulfillment of the tasks resulting from international treaties to which Bulgaria is party;

2. participating in defense planning and Armed Forces' build-up and development;

3. coordinating with NATO's military bodies the planning and employment of Allied Forces when participating in the national defense, as well as the participation of Bulgarian forces in the Member States' collective defense;

4. participating in the development of the National Military Strategy, military doctrines, Armed Forces Strategic and Operational Plans;

5. being in charge of the combat training of the Bulgarian Armed Forces;

6. drafting proposals to the Minister of Defense on alerting the Armed Forces or part thereof to various levels of combat readiness and/or carrying out general or partial mobilization;

7. being in command of strategic and mobilization deployment of the Armed Forces when a higher level of combat readiness is proclaimed, in a military situation or state of war;

8. representing the Republic of Bulgaria at the military-strategic level to sessions of NATO and EU's Military Committees;

9. arranging the integration of the Bulgarian Armed Forces in the forces of NATO, the EU, and a number of other military organizations, when taking part in international missions and operations;

10. participating in the drafting of armed forces armament and rearmament plans and programs;

11. being in charge of military reporting on personnel, equipment and other reservist resources;

12. proposing motions to the Minister of Defense for the appointment and dismissal of the higher command and for bestowal of higher military ranks to officers of the Defense Staff and the Bulgarian Armed Forces, appointment of Defense Attachés, Military Attachés, military representatives to the Military Committees of NATO and the EU, as well as appointment of National Military

Representatives to Allied Strategic Headquarters of NATO, recruitment for military service, obtaining a commission, promotion and demotion, and discharge of officers of the Defense Staff and the Bulgarian Armed Forces;

15. organizing the participation of military formations of the Bulgarian Armed Forces in disaster relief activities upon decision by the competent authority;

16. being in charge of military intelligence in the Bulgarian Armed Forces;

17. organizing and being in charge of the establishment and maintenance of the Integrated Communication and Information System for command and control of the state and the Armed Forces in a state of emergency, martial law and/or in a state of war, and being in charge of the communication and information support of the Bulgarian Armed Forces.

A Defense Council may be established under the Chief of Defense as an advisory body.

### Armed Forces

A new concept of Armed Forces is introduced, providing for their strength to be determined by the National Assembly. The Armed forces of the Republic of Bulgaria in peacetime comprise the servicemen of the following:

- Bulgarian Armed Forces;
- Ministry of Defense Special Services;
- Ministry of Defense administration;
- Military Academies and Military Schools of Higher Education;
- The National Guard Unit;
- Other institutions under the Minister of defense, established by law or through an act of the Council of Ministers.

The Armed forces of the Republic of Bulgaria in wartime comprise, apart from the servicemen from the abovelisted institutions, the personnel from the specialized formations of the Ministry of Interior, the National Intelligence Service, the National Guard Service, the State Agency for National Security, as well as services and departments of the Ministry of Transport and the State Agency for Information Technology and Communications, as well as the servicemen from the courts martial and the military prosecutor's offices. It is provided for particular specialized formations, services, and departments of the above institutions to be specified through an act of the Council of Ministers.

The 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.

### **b) paramilitary forces:**

Art. 49 of the new Law forbids the establishment in the territory of Bulgaria of military or other formations employing military organization or

armaments and combat equipment, or such envisaging carrying out of military duties, unless otherwise provided for by law or other act of the Council of Ministers.

**c) internal security forces:**

With the adoption in December 2007 the Law on Creation of State Agency "National Security" in direct subordination to the Council of Ministers and its entry into force on 1st January 2008 the National Security Service to the Ministry of Interior was integrated to the Agency in is no longer part of the Ministry of Interior. The State Agency "National Security" is a specialised body to the Council of Ministers responsible for the protection of national security.

The Agency is tasked with the monitoring, detection, counteraction and prevention of planned, prepared or carried into effect violations against the national security, connected with international terrorism and extremism.

National Security Service is tasked with counterintelligence, informative and analytic, prognostic, control, coordination and methodic activities.

The National Security Service carries out independently or in cooperation with other state agencies counterintelligence activities in terms of monitoring, discovering, counteracting, preventing and terminating contemplated, planned or perpetrated encroachments against the national security related to intelligence activity in favor of foreign services, threats to the national unity, territorial integrity and national sovereignty, anti-constitutional activities, use of force or means endangering the public safety with a political purpose, threats to the economic and financial security related to the activities of foreign services or organizations, infringement of the functions of the national system for protection of classified information, threats to the security of the state institutions, threats to the security of national facilities and activities of strategic importance, international terrorism and extremism, illegal trade with arms, goods and technologies with a possible dual use, destructive activities against the communication and information systems, threats to the environmental security, illegal production, stockpiling and dissemination of dangerous devices, goods and technologies with a possible dual use, narcotic substances and precursors, supported by, organized or carried out by foreign services or organizations.

**d) intelligence services:**

The intelligence services are subject to political and democratic control according to the Constitution and laws. The control is ensured by the fact that the intelligence services are subordinated to the President and to the Minister of Defence.

In December 2007 the Law was adopted by which State Agency "National Security" was created as an agency in direct subordination to the Council of Ministers and responsible for investigating and countering all activities that constitute a danger to the National Security, including those within the Ministry of defence, the Bulgarian army and all agencies in direct subordination to the

Minister of defence. Since adoption of the law and its entry into force on 1st January 2008 the Military counterintelligence is transferred to the Agency and is no longer part of the Security Service of the Ministry of defence.

**e) police:**

The Main directorate “Criminal Police” is a national specialized operational and investigative structure of the Ministry of Interior for counteraction of crime.

The Directorate “Counteraction of organized and grave crime” is a specialized structure of the Main directorate “Criminal Police” for operational-investigative, preventive and informative-analytical activities on prevention, neutralization and disclosure of crimes of local and trans-national groups, organizations or organized criminal groups (criminal structures). Its main activities are focused to:

- illegal production, smuggling and illegal transactions of firearms, explosive, chemical, biological and other dangerous materials, as well as dual use goods and technologies;
- computer crimes or crimes accomplished in or by computer networks and systems;
- hostage taking, use of force, detonation, fear suggestion or kidnapping of persons aimed at obtaining benefits;
- perpetration of terrorist activities by criminal structures on the territory of the country.

The Directorate “Gendarmerie” is a specialized structure of the Main directorate “Protective Police” to the Ministry of Interior for protection of strategic and particularly essential establishment, diplomatic representations, public activities, getting under control of mass disorders, counteraction to terrorist activities and protection of public order.

The Specialized detachment for countering terrorism is a structure subordinated to the Directorate “Gendarmerie” for counteraction to terrorist activities, protection of strategic and particularly essential establishment, prevention and interception of grave crimes. Its main activities are:

- prevention and interception of terrorist activities;
- detention and/or making harmless perpetrators of particular dangerous crimes;
- releasing of hostages;
- protection of state and public interests against criminal violations and terrorist acts..

**(c) roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;**

**a) 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 1<sup>st</sup> January 2008 is responsibility of the State Agency "National Security".

For more information see Military Doctrine, Military Strategy and “White Paper on Defence” in the website of the Ministry of Defence – [www.mod.bg](http://www.mod.bg).

**b) paramilitary:**

Art. 49 of the new Law forbids the establishment in the territory of Bulgaria of military or other formations employing military organization or armaments and combat equipment, or such envisaging carrying out of military duties, unless otherwise provided for by law or other act of the Council of Ministers.

**c) security forces:**

National Service for Combating Organized Crime is a specialized police operation and investigation service of the Ministry of the Interior for preventing and neutralizing criminal activity of local and transnational criminal structures.

The activities performed by the service are connected with: counteraction of organized crime in the economic, financial and credit system, terrorist actions, smuggling and illegal deals with arms, strategic resources, double-usage goods, motor vehicles, historical and cultural values. The counteraction of illegal entering into the country and leaving out of the country of persons to other countries is also a part of the service activities. Combating organized crime, production of drug narcotics and psychotropic substances and resources for their production, as well as preventing of investing of means assumed by criminal way, represent a part of the service activity as well.

Another activity is the prevention and intersection of the use of the power of threat for making deals and obtaining benefits from them. Prevention and fight against forfeiting, creating and circulation of forged monetary units and securities, as well as fight against implementation and acquisition of illegal benefits from hazard activities are also a direction of the service activity. In its prerogatives are the fight against corruption of state and local administration.

**(d) public access to information related to the armed forces:**

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.

The budget of the Bulgarian Armed Forces is approved by the National Assembly and is available to the public. The Ministry of Defence issues the following publications: the “Bulgarian Army” newspaper, the “Military Journal” and the magazine “Policy and Security”. A Public Relations Department 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 Defense, 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.

#### **4. Stationing of armed forces on the territory of another participating State in accordance with their 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 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 of 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 the Bulgarian Parliament ratified the Washington Treaty, which entered into force on 29 March 2004. As a member of NATO 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 Defense and Armed Forces of the Republic of Bulgaria superseded the former law on dispatch and employment of Bulgarian forces outside the territory of the Republic of Bulgaria, the subject having been now covered in the Law on Defense and Armed Forces of the Republic of Bulgaria. In this connection, there are three bodies having decision-making authority regarding dispatch of Bulgarian forces out of the territory of the Republic of Bulgaria: the National Assembly, the Council of Ministers, and the Minister of Defense.

The National Assembly gives permission to the dispatch and employment of Bulgarian forces out of the territory of the Republic of Bulgaria with political military purposes. The Council of Ministers gives permission to the dispatch 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 Defense 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 strength and/or military equipment without weapons and/or up to three aerial vehicles, and/or one military ship up to the Frigate class, along with their crews for participation in activities of no political military nature.

2. up to 200 servicemen strength and/or military equipment, and/or up to three military ships up to the Frigate class inclusive, and/or up to five aerial vehicles along with their crews in the territory of an allied country for participation in activities of no political 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.

Presence of allied and foreign Armed Forces in the territory of the Republic of Bulgaria

Some of the powers of the Minister of Defense concerning transit through and presence in Bulgarian territory of allied and foreign armed forces, as prescribed by the Law for Passing Through and Staying of Allied and Foreign Armed Forces on the Territory of Republic of Bulgaria, were altered. In compliance with the new regulatory framework, the Minister of Defense gives permission for the non-military transit through and/or presence in the territory of the Republic of Bulgaria of:

1. individual servicemen and/or formations of allied armed forces up to 1,000 men strong;
2. foreign armed forces up to 120 men strong;
3. military ships and/or military submarines, and/or up to 15 aerial vehicles inclusive of such of allied armed forces with the organic main armament, without nuclear power units, with their crew, in connection with participation thereof in activities and military exercises related to the membership of the Republic of Bulgaria in international organizations and



alliances, under agreements ratified, promulgated and in effect with regard to the Republic of Bulgaria;

4. Up to 5 military ships and/or one submarine, and/or up to 3 aerial vehicles inclusive of such of foreign armed forces with the organic main armament, without nuclear power units, with their crew.

The law also provides for the Minister of Defense to determine the terms and procedure concerning the transit through and/or presence in Bulgarian territory of foreign and/or allied armed forces when executing an international treaty, ratified, promulgated and in effect with regard to the Republic of Bulgaria, stating the purpose, period of stay and composition of such forces.

## **5. Description of**

**(a) procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;**

**- military:**

In the beginning of 2007 the Law on Defence and the Armed Forces of the Republic of Bulgaria was changed accordingly in order to correspond to the abolition of conscription as of 1 Jan 2008. According to the amendment of the Law on Defence and the Armed Forces of the Republic of Bulgaria, effective since 1st December 2007 all persons, who perform conscript military service or alternative service and have not served the full period of the service by the 31st of December 2007, shall be discharged, considered from the 1st of December 2007.

**(b) exemptions or alternatives to compulsory military service, if applicable:**

On the basis of Article 59, point 2 of the Constitution of the Republic of Bulgaria as well as paragraph 12 of the Transitional and Concluding Provisions Law on Defence and Armed Forces of the Republic of Bulgaria the Council of Ministers proposed to the National Assembly a Draft Law on substituting the Military Obligation with Alternative Service. The Law was approved by the National Assembly and published in the State Gazette number 131/1998.

The right to freely refuse to do military service, envisaged in Resolutions of the UN General Assembly, the Parliamentary Assembly of the Council of Europe and the UN Commission on Human Rights as well as the Universal Declaration on Human Rights and the International Pact for Civil and Political Rights, is reflected in the Constitution of the Republic of Bulgaria, which envisages substitution of the military service obligations with alternative service because of philosophic, religious, ethnic, moral and humane reasons. Implementing these international acts, the adopted Law aims at normative regulation of the following major principles:

1. The Alternative Service is a civil service without arms, in the name of society - related to Recommendation N R - 8/87 of the Committee of Ministers of the

Council of Europe. In the Law the service is treated as an alternative to the military service and not as an alternative military service.

2. Substituting the military service obligations with alternative service is the personal right of the Bulgarian citizens - related to Resolution N 337 of the Parliamentary Assembly of the Council of Europe. The assessment of the Commission for Alternative Service is related to the permanence and sincerity of the beliefs of the young man, by dwelling upon the arguments due to which an approval or refusal can follow to the application for substitution of the military service obligations with alternative service.

3. The duration of the Alternative service is twice longer than the duration of the conscript service - in compliance with Recommendation N R - 8/87 of the Committee of Ministers of the Council of Europe.

4. The Alternative Service is a civilian service. It is done at civilian positions, in branches in the state sector of the national economy established by a law - in state and municipal institutions and organisations for social care, public health and education institutions, social care premisses, civil protection, public service and others.

5. The Alternative service is not in competition with the labour market. In that aspect the Council of Ministers annually defines the number of citizens who can carry out alternative service as well as a list of the jobs and positions where this service will be conducted - as a rule these are permanently unoccupied positions.

6. The structure, functions and independence of the organs, which considers the application for substitution of the military service with alternative service are regulated - Commission on Alternative Service. Its decisions are subject to legislative control in compliance with Resolution N 337 of the Parliamentary Assembly of the Council of Europe.

7. The rights and obligations of the citizen, doing alternative service are stipulated in details - his legal status is subordinate to the principle of not allowing any privileges as compared to the legal status of the citizens doing their military service.

8. Amnesty was given with the Law for Amnesty, promulgated in the State Gazette and in force from 13 August 2002 for the citizens, convicted for deviation from conscript service, done because of reasons, related to the freedom of conscience, freedom of thought and free choice of religion, in case the act is done within the framework of the period since approving the Constitution (July 13th 1991) till December 31st 1998 when the Law on Alternative Service entered into force. Amnesty was given also for reservists who have fulfilled their military service within the stipulated time but have failed to appear in due time when summoned for a muster.

**(c) legal and administrative procedures protecting the rights of all forces personnel:**

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 of 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 servicemen is disputing the lawfulness of his dismissal he can require pleading the dismissal unlawful and cancelling 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 non material 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 conscripts and 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 is postponed till the end of the duration of the service.

## **6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in 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 Defense, 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 organise similar courses for their regiments on an annual basis. In addition, mission-orientated briefings are conducted prior to participation of Bulgarian contingents in PSO.

On 13th February 2008 the Council of Ministers adopted a Decision by which prohibited the use of any cluster munitions, which are still on Bulgarian army's list of munitions, until a specific International legal instrument limiting or prohibiting their use, production, transfer and stockpiling is adopted,.

## **7. Any other information**

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 (Art. 60 of the Law on Defense and Armed Forces of the Republic of Bulgaria).

For the first time the new Law on Defense and Armed Forces of the Republic of Bulgaria provides for persons having dual or foreign citizenship, or persons having no citizenship, to occupy military service positions.