

Employment Promotion Act

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*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 48/13.06.2006, (effective 1.07.2006)

Text in Bulgarian: Закон за насърчаване на заетостта

Chapter One

GENERAL DISPOSITIONS

Article 1. This Act regulates social relations upon:

1. promotion and support of employment;
2. vocational information and consultation and the vocational training of unemployed and employed persons;
3. intermediation for furnishing information and placement of Bulgarian citizens abroad and of Bulgarian and foreign citizens in the Republic of Bulgaria.

Article 2. Upon realization of the rights and discharge of the duties under this Act, no direct or indirect discrimination and privileges or restrictions shall be admissible on the basis of nationality, origin, gender, sexual orientation, race, skin colour, age, political and religious convictions, affiliation to trade-union and other public organizations and movements, marital, social and property status, and mental and physical disabilities.

Article 3. The State shall implement employment policy in cooperation and after consultation with the representative employers' and workers' organizations and with representatives of other not-for-profit legal entities as well.

Chapter Two

EMPLOYMENT AUTHORITIES

Section I

Central Employment Authorities

Article 4. (1) The Council of Ministers shall determine the state policy in the field of employment.

(2) Acting on a motion by the Minister of Labour and Social Policy, the Council of Ministers shall adopt annually a National Employment Action Plan.

(3) (New, SG No. 26/2003) Upon the lapse of the first six months of each financial year, the Minister of Labour and Social Policy, after consultation with the National Employment Promotion Board, may reallocate any unabsorbed financial resources from one functional region and/or programme and measure to another other functional region and/or programme and measures which can absorb additional resources.

Article 5. (1) The executive authorities shall create conditions for promotion of the employment of citizens who wish and are able to work and who actively seek a job, invoking the rights granted thereto under this Act.

(2) The executive authorities shall implement the employment promotion policy and the policy of training for attainment of vocational qualification targeting the persons outside the public education and higher education system.

Article 6. (1) The Minister of Labour and Social Policy shall develop, coordinate and implement the state policy of promotion of employment of unemployed persons and of training of unemployed and employed persons for attainment of vocational qualification, and shall ensure protection of the national labour market.

(2) The Ministry of Labour and Social Policy, acting jointly with the other government ministries and the social partners, shall elaborate annually a National Employment Action Plan.

Article 7. (1) (Amended, SG No. 26/2003) There shall be established a National Employment Agency with the Minister of Labour and Social Policy for execution of the state policy of employment promotion, protection of the labour market, vocational information and consultation, vocational and motivational training of unemployed and employed persons, as well as for provision of job placement intermediation services.

(2) The National Employment Agency shall be an executive agency, a second-level spending unit with the Minister of Labour and Social Policy, and shall be a legal person with a head office in Sofia.

(3) The National Employment Agency shall be represented and managed by an Executive Director.

(4) In the work thereof, the Executive Director of the National Employment Agency shall be assisted by a Board consisting of representatives of the nationally representative workers' and employers' organizations.

(5) The operation, structure and staff size of the National Employment Agency and the number and territorial scope of the divisions thereof shall be defined by Rules of Organization which shall be adopted by the Council of Ministers on a motion by the Minister of Labour and Social Policy.

Article 8. (1) There shall be established a National Employment Promotion Board with the Minister of Labour and Social Policy as a standing body for cooperation and consultation in the development of employment policy.

(2) The National Employment Promotion Board shall consist of an equal number of representatives designated by the Council of Ministers and the nationally representative employers' and workers' organizations.

(3) By decision of the National Employment Promotion Board, representatives of other not-for-profit legal entities may likewise be invited to attend the meetings of the said Board.

(4) The National Employment Promotion Board shall be chaired by the Minister of Labour and Social Policy or by an official designated thereby.

(5) The National Employment Promotion Board shall adopt rules of organization and operation thereof.

(6) The National Employment Promotion Board shall perform the following functions:

1. discuss and give opinions on the development and implementation of the employment policy and of the National Employment Action Plan;
2. periodically familiarize itself with data regarding the state of the labour market and the effectiveness of the employment promotion measures and programmes as implemented;
3. propose to the Ministry of Labour and Social Policy the elaboration of draft statutory instruments, measures and programmes for employment promotion;
4. discuss and give opinions on draft statutory instruments associated with the labour market;

5. discuss drafts and give opinions on agreements between the Ministry of Labour and Social Policy and other ministries, government institutions and non-governmental organizations on joint action on matters of employment.

(7) The Ministry of Labour and Social Policy shall make organizational and technical arrangements for the operation of the National Employment Promotion Board.

Section II

Regional Employment Authorities

Article 9. (1) The state policy in the field of employment and training for attainment of vocational qualification at the regional level shall be implemented by the administrative regional administrations, the bodies of local self-government jointly with the local divisions of the National Employment Agency, the local divisions of ministries, organizations and the social partners.

(2) Standing or ad hoc Employment Commissions shall be established by decision of the Council for Functional-Regional Development with the Council of Ministers and by decision of the Administrative-Regional Councils for Functional-Regional Development.

(3) Employment Commissions with the Administrative-Regional Councils for Functional-Regional Development shall be chaired by the Regional Governors or a representative of the administrative regional administration thereby designated.

(4) The rules of organization and operation of the Employment Commissions shall be adopted by the Administrative-Regional Councils for Functional-Regional Development.

(5) Employment Commissions with the Administrative-Regional Councils for Functional-Regional Development shall include representatives of:

1. the administrative regional administration and the municipalities within the territory of the administrative region concerned;
2. the local divisions of the National Employment Agency;
3. the ministries and other government institutions;
4. the administrative regional structures of the representatives employers' organizations and the representative workers' organizations;
5. sectoral and branch organizations;
6. not-for-profit legal entities in the functional region whereof the activities are related to issues of employment and training for attainment of vocational qualification;
7. other local structures.

Article 10. Employment Commissions with the Administrative Regional Councils for Functional-Regional Development shall conform the performance of the activities thereof to the priorities of:

1. the National Economic Development Plan;
2. the National Plan for Regional Development;
3. the National Employment Action Plan;
4. the Administrative-Regional Development Plan;
5. the municipal development strategies and plans.

Article 11. (1) Organizational and technical arrangements for the operation of Employment Commissions with the Administrative Regional Council shall be made under terms and according to a procedure established by the Rules of Organization and Operation of the Council for Functional-Regional Development with the Council of Ministers and of the Administrative-Regional Councils for Functional-Regional Development.

(2) The members of the commissions referred to in Article 9 herein shall receive no remuneration for attending the meetings of the said commissions.

Article 12. (1) Cooperation Councils shall be established with the divisions of the National Employment Agency to exercise direct monitoring and supervision over the employment policy as implemented.

(2) A Cooperation Council shall consist of nine members: one representative each of the division of the National Employment Agency, of the local structure of the Ministry of Education and Science and of the municipality, and three representatives each of the recognized representative workers' and employers' organizations.

(3) By decision of a Cooperation Council, representatives of other not-for-profit legal entities may likewise be invited to attend the meetings of the said Council.

(4) Each Cooperation Council shall elect a Chairperson from amongst the members thereof, who shall be rotated after serving a one-year term of office.

(5) Cooperation Councils shall adopt Rules of Organization and Operation thereof.

Article 13. The Regional Governor shall ensure coordination between national and local interests on employment matters upon the elaboration and implementation of administrative-regional plans for functional-regional development and plans for unemployment reduction, and shall interact with the bodies of local self-government and the local administration.

Chapter Three

FINANCING OF ACTIVE LABOUR MARKET POLICY

Article 14. (1) Resources for financing of active labour market policy measures and programmes, as adopted by the Council of Ministers, shall be provided annually by the State Budget of the Republic of Bulgaria Act.

(2) The active labour market policy shall be financed on the basis of approved requests by the Ministry of Labour and Social Policy under terms and according to a procedure established by the Regulations for Application of this Act.

Article 15. The National Employment Agency shall administrate the following revenues:

1. (amended, SG No. 26/2003) fees referred to in Article 28 (6) herein;
2. fees for freelance practice permits;
3. proceeds from advertising, information and publishing activities;
4. (new, SG No. 38/2005) fees for intermediation services provided under contract with foreign employers and licensed intermediation agencies for placement of Bulgarian citizens in other States;
5. (new, SG No. 18/2006) fees for work permits referred to in Article 72 (3) to (6) herein.

Article 16. The resources allocated for active labour market policy shall be spent on:

1. (Amended, SG No. 26/2003) programmes and measures for training for attainment of vocational qualification, motivational training and literacy training of unemployed and employed persons;
2. employment security and employment promotion programmes and measures;
3. programmes and measures encouraging unemployed persons to seek self-employment;
4. protection of the domestic labour market and on implementation of international treaties on exchange of labour force whereto the Republic of Bulgaria is a party;
5. elaboration of national, branch and functional-regional programmes for employment and training for attainment of vocational qualification;
6. implementation of projects for social integration of groups at risk on the labour market;

7. publicity, information and publishing activities related to employment promotion, unemployment and training for attainment of vocational qualification;
8. labour market research, as well as on the collection, processing and dissemination of information on the labour market and assessment of the effect of application of active policy measures and programmes;
9. financing of the operation of vocational training centres established by an act of the Council of Ministers by virtue of intergovernmental agreements;
10. costs of travel, accommodation and study grants during the training of unemployed persons;
11. other costs of increase of employment, where so provided for by an act of the Council of Ministers.

Chapter Four

RIGHTS AND OBLIGATIONS OF JOB SEEKERS AND OF EMPLOYERS

Section I

General Dispositions

Article 17. (1) The following services under this Act shall be available to persons actively seeking a job:

1. information about job vacancies announced;
2. information about employment security and employment promotion programmes and measures;
3. intermediation for furnishing information and placement;
4. vocational information, consultation and guidance;
5. vocational and motivational training;
6. inclusion in employment programmes and measures;
7. study grant for training for attainment of vocational qualification.

(2) The following services under this Act shall be available to employers:

1. information about persons actively seeking a job;
2. information about employment security and employment promotion programmes and measures;
3. intermediation for hiring of labour;
4. inclusion in employment programmes and measures;
5. incentives and bonuses to sustain and/or increase employment;
6. bonuses for training for attainment of vocational qualification and/or internships.

(3) The terms and the procedure for provision of the services covered under Paragraphs (1) and (2) shall be established by the Regulations for Application of this Act.

Section II

Registration, Rights and Obligations of Persons Actively

Seeking a Job

Article 18. (1) (Amended, SG No. 18/2006, effective as from the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union) Each Bulgarian citizen, as well as each citizen of another Member State of the European Union, or of another Contracting State to the Agreement on the European Economic Area, who is actively seeking a job may register with the competent local division of the National Employment Agency.

(2) Persons actively seeking a job shall register in any of the following groups:

1. unemployed persons;
2. employed persons wishing to change their job;
3. students wishing to work during off-study time;
4. (amended, SG No. 38/2005) persons who have acquired entitlement to, and persons receiving, a contributory-service and retirement-age pension or an occupational pension for early retirement.

(3) The rights under this Chapter may furthermore be exercised by:

1. foreigners holding a permanent residence permit for the Republic of Bulgaria;
2. persons who have been granted the right of asylum;
3. (amended, SG No. 26/2003) persons who have been granted refugee status or humanitarian status;
4. persons enjoying such rights as provided for in an international treaty whereto the Republic of Bulgaria is a party.

(4) The registration shall be based on permanent or current address. The terms and the procedure for registration shall be established by the Regulations for Application of this Act.

(5) (Amended, SG No. 26/2003) Upon registration, the person shall declare the status thereof under Paragraph (2). The person shall notify the competent division of the National Employment Agency of any change in the circumstances as declared within seven days after occurrence of any such change.

(6) The registration of the persons referred to in Paragraphs (2) and (3) shall be certified according to a procedure established in the Regulations for Application of this Act.

Article 19. (1) (Supplemented, SG No. 26/2003) An individual action plan and schedule of visits shall be drawn up for each registered unemployed person.

(2) Persons who are actively seeking a job may enjoy the rights covered under Article 17 (1) herein as follows:

1. unemployed persons: the rights covered under Items 1 through 7;
2. employed persons wishing to change their job and students wishing to work during off-study time: the rights covered under Items 1, 3 and 4;
3. (amended, SG No. 38/2005) persons who have acquired entitlement to, and persons receiving, a contributory-service and retirement-age pension or an occupational pension for early retirement: the rights covered under Items 1 and 3.

Article 20. (Amended, SG No. 38/2005) (1) Any persons who are registered as unemployed shall be obligated to act on the recommendations of the employment officer, as well as to comply with the actions, time limits and schedule of visits as planned.

(2) Upon written invitation from the competent division of the National Employment Agency, the unemployed persons shall be obligated to present themselves at the date and time as stated.

(3) Registration shall be terminated, where job seekers:

1. change the address of the registration thereof at the Labour Office Directorate without notifying the said Directorate thereof;
2. submit a request for termination at their own free will;
3. die.

(4) Registration of the unemployed persons shall furthermore be terminated in the cases where the said persons:

1. fail to act on the recommendations of the employment officer or to comply with the actions, time limits and schedule of visits as included in the action plan;
2. fail to present themselves at the date and time as stated in a written invitation from the division of the National Employment Agency or within three working days after the said date;

3. fail to observe the schedule of visits to the competent division of the National Employment Agency as assigned thereto;

4. refuse to accept suitable work offered thereto and/or enrollment in a vocational training course, and/or abandon the attendance of any such course and refuse to be included in any employment programmes and measures under this Act;

5. start work and are socially insured or are subject to social insurance according to the procedure established by Article 4 of the Social Insurance Code;

6. acquire entitlement to contributory-service and retirement-age pension or to occupational pension for early retirement;

7. fail to satisfy the requirements of sentence two in Article 18 (5) herein;

8. are included in employment programmes and measures under this Act.

(5) Persons shall be entitled to subsequent registration not earlier than upon the lapse of twelve months after termination of the preceding registration in pursuance of Item 1 of Paragraph (3) and Items 1, 2, 3, 4 and 7 of Paragraph (4).

(6) Any registration terminated in pursuance of Item 1 of Paragraph (3) and Items 1, 2, 3, 4 and 7 of Paragraph (3) shall be restored upon presentation of evidence of the existence of reasonable excuses.

(7) Registration of the following persons shall likewise be restored:

1. any persons who have been socially insured under Article 4 of the Social Insurance Code for a period not exceeding nine months, provided that they have notified the Labour Office Directorate within seven days after the grounds for social insurance have arisen and that they have presented themselves at the Labour Office Directorate within seven days after lapse of the said grounds;

2. any persons who are included in employment programmes and measures according to the procedure established by this Act, who have presented themselves at the Labour Office Directorate within seven days after expiry of the term of validity of the contract under the programme or measure;

3. any persons discharged from conscription or from peacetime alternative service, upon presenting themselves at the Labour Office Directorate within 30 days after the date of the discharge;

4. (amended and supplemented, SG No. 18/2006) any persons who have presented evidence of the existence of reasonable excuses for failing to comply with the time limit for presenting themselves for restoration of the registration under Items 1, 2, 3 and 5;

5. (new, SG No. 18/2006) any persons who have served a custodial sentence within a period not exceeding twelve months after termination of the registration thereof and who have presented themselves at the Labour Office Directorate within 30 days after the date of release.

(8) (Supplemented, SG No. 18/2006) Registration of any persons referred to in Items 3 and 5 of Paragraph (7) shall be restored irrespective of the grounds for termination.

(9) Registration of the persons whereof the participation in employment programmes and measures has been discontinued through a dismissals by reason of misconduct shall not be restored. Any such persons shall be entitled to registration not earlier than upon the lapse of twelve months after the said discharge.

Article 21. (1) The registration shall be terminated and restored by decision of the head of the competent division of the National Employment Agency.

(2) (Amended, SG No. 38/2005) The decisions referred to in Paragraph (1) shall be issued, executed and appealed according to the procedure established by the Administrative Procedure Code.

(3) The National Employment Agency shall submit information to the National Social Security Institute regarding the decisions issued under Paragraph (1).

Section III

Rights and Obligations of Employers

Article 22. (1) (Repealed, SG No. 26/2003).

(2) Employers may announce the following at the divisions of the National Employment Agency:

1. job vacancies;
2. the needs of training of employees for attainment of vocational qualification and their own capacity to organize such training.

(3) (Amended, SG No. 26/2003) Within seven working days, employers shall be obligated to inform the divisions of the National Employment Agency of:

1. any occupied and closed job positions that have been announced as vacant;
2. (New, SG No. 26/2003) any persons hired upon referral by the National Employment Agency;
3. (Renumbered from Item 2, SG No. 26/2003) any unemployed persons who have refused to accept suitable work offered thereto;
4. (Renumbered from Item 3, SG No. 26/2003) their refusal to hire job seekers upon referral by the divisions of the National Employment Agency.

(4) Employers shall place requests for training of the personnel hired thereby for attainment of vocational qualification, as well as for the demand for labour by type of speciality under terms and according to a procedure established by the Regulations for Application of this Act.

(5) Employers shall be free to select on their own the job seekers who have been recommended thereto by the division of the National Employment Agency or to require from the National Employment Agency to perform the selection on the basis of a request placed in advance.

(6) Intermediation services of the National Employment Agency shall be available to foreign employers under terms and according to a procedure established by the Council of Ministers.

Article 23. When announcing job vacancies, employers shall be prohibited from setting any qualifying requirements involving gender, age, nationality, ethnic identity or health condition. Exceptions shall be permissible solely in respect of gender, age and reduced working capacity where the gender, age or health condition, as the case may be, are essential elements of the job owing to its nature.

Chapter Five

NOTIFYING PROCEDURE UPON COLLECTIVE DISMISSALS

Article 24. (1) (Supplemented, SG No. 26/2003, amended, SG No. 52/2004) Any employer shall notify in writing the competent division of the National Employment Agency and the workers' representatives at the enterprise of any contemplated collective dismissals not later than 45 days prior to the dismissal date.

(2) (Amended, SG No. 26/2003) The division of the National Employment Agency shall transmit copies of the notification referred to in Paragraph (1) to:

1. the municipal administration;
2. the local division of the National Social Security Institute;
3. the local division of the General Labour Inspectorate Executive Agency.

(3) (Amended, SG No. 52/2004) The notification referred to in Paragraph (1) must include all the relevant information covered under Article 130a (2) of the Labour Code regarding the contemplated collective dismissals, as well as regarding the advance consultations held with the workers' representatives.

Article 25. (1) Upon receipt of the notification referred to in Article 24 herein, teams shall be formed, consisting of a representative of the employer, representatives of the workers'

organizations at the enterprise concerned, a representative of the competent division of the National Employment Agency, and a representative of the municipal administration.

(2) The teams referred to in Paragraph (1) shall draft the necessary measures aimed at:

1. employment placement intermediation;
2. training for attainment of vocational qualification;
3. own business start-up;
4. alternative employment programmes.

(3) The drafts covered under Paragraph (2) shall be submitted for approval to the Regional Employment Commission, with applications for financing submitted on the basis of the said drafts under terms and according to a procedure established by the Regulations for Application of this Act.

Chapter Six

EMPLOYMENT PROMOTION

Section I

Intermediation Services

Article 26. Job placement intermediation services shall include:

1. furnishing information and consultation to job seekers and to employers;
2. psychological counselling of job seekers;
3. referral to appropriate employment programmes and measures;
4. referral to vocational and/or motivational training;
5. guidance and support for starting work, including work in another nucleated settlement in Bulgaria or in other States;
6. services for own business start-ups.

Article 27. (1) (Amended, SG No. 26/2003) Employers and job seekers shall be entitled to use job placement intermediation services.

(2) (Amended, SG No. 26/2003) Job placement intermediation services shall be organized and provided by:

1. the National Employment Agency;
2. (amended, SG No. 18/2006, effective as from the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union) any persons who have the right to provide job placement intermediation services according to Bulgarian legislation, the legislation of another Member State of the European Union, or of another Contracting State to the Agreement on the European Economic Area.

(3) The National Employment Agency shall provide intermediation services:

1. (amended, SG No. 18/2006, effective as from the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union) at no charge: for placement of persons covered under Article 18 (1) and (3) herein;
2. at no charge: for placement of Bulgarian citizens abroad, as well as of foreigners in Bulgaria in implementation of an international treaty whereto the Republic of Bulgaria is a party;
3. (amended, SG No. 18/2006) under a contract with foreign employers and licensed job placement intermediation agencies, which pay a fee for intermediation services performed, and with similar foreign institutions for placement of Bulgarian citizens in other States.

Article 28. (Amended, SG No. 26/2003) (1) The persons referred to in Item 2 of Article 27 (2) herein shall practise job placement intermediation for placement in the Republic of Bulgaria, in other States and of seafarers proceeding from a registration at the National Employment Agency.

(2) The job placement intermediation, practised by the persons referred to in Item 2 of Article 27 (2) herein, shall include the provision, whether jointly or separately, of the intermediation services referred to in Items 1, 2, 4 and 5 of Article 26 herein.

(3) For practice of the placement intermediation referred to in Paragraph (2), the persons referred to in Item 2 of Article 27 (2) herein shall conclude a placement intermediation contract with:

1. the job seekers;
2. (amended, SG No. 18/2006) the employers, including the shipowners, seeking factory and office workers.

(4) (Amended, SG No. 18/2006) Any placement intermediation contract concluded with a foreign employer, including a shipowner, shall be registered at the National Employment Agency under terms and according to a procedure established by the ordinance referred to in Paragraph (8). The persons referred to in Item 2 of Article 27 (2) herein shall perform the service referred to in Item 5 of Article 26 herein after registration at the National Employment Agency of a placement intermediation contract concluded with a foreign employer, including a shipowner.

(5) The Minister of Labour and Social Policy or an official authorized thereby shall issue a certificate of registration for practice of job placement intermediation.

(6) The persons referred to in Item 2 of Article 27 (2) herein shall pay a fee fixed by a rate schedule of the Council of Ministers for:

1. registration for practice of job placement intermediation for placement in the Republic of Bulgaria;
2. registration for practice of job placement intermediation for placement in other States and of seafarers;
3. (amended, SG No. 18/2006) registration of a placement intermediation contract with a foreign employer, including a shipowner.

(7) (Amended, SG No. 18/2006) Job placement intermediation practised by the persons referred to in Item 2 of Article 27 (2) herein shall be practised:

1. (new, SG No. 18/2006) in consideration of pay on the part of the employers;
2. (new, SG No. 18/2006) at no charge: without charging directly or indirectly, in whole or in part, any fees or other payments to the job seekers or the employed persons.

(8) The Council of Minister shall issue an ordinance establishing:

1. the terms and the procedure for practice of job placement intermediation;
2. the terms and the procedure for registration of the persons referred to in Item 2 of Article 27 (2) herein for practice of job placement intermediation and for refusal and termination of any such registration;
3. (repealed, SG No. 18/2006) ;
4. the mandatory requirements for the content of placement intermediation contracts.

Article 29. (Amended, SG No. 26/2003) (1) Any natural and/or legal persons practising job placement intermediation without registration may register upon the lapse of three years after the effective date of the penalty decree on imposition of an administrative sanctions under Article 81 (1) herein.

(2) Any natural and/or legal persons whereof the registration for practice of job placement intermediation has been terminated may register again upon the lapse of three years after the effective date of the act on termination of the said registration.

Section II

Planning of Employment Promotion Programmes and Measures

Article 30. (1) Employment promotion programmes and measures under this Act shall be implemented upon approval by the National Employment Promotion Board and by the

Functional-Regional Employment Commissions and after financing has been provided therefor in the respective annual budget.

(2) The Ministry of Labour and Social Policy shall submit annually to the Ministry of Finance financing estimates for implementation of employment promotion programmes and measures through the State Budget of the Republic of Bulgaria Act.

(3) In accordance with the procedures for elaboration of a draft budget for the relevant year, the National Employment Agency shall submit to the Ministry of Labour and Social Policy a proposal containing the employment promotion programmes and measures to be implemented in the course of the plan year.

(4) The Minister of Labour and Social Policy shall endorse annually the plan of the National Employment Agency and shall ensure financing for the implementation of the said plan.

(5) (Amended, SG No. 26/2003, SG No. 38/2005) The terms, the procedure and the criteria for enjoyment of incentives for implementation of employment promotion programmes and measures shall be established by the Regulations for Application of this Act.

(6) (Repealed, SG No. 26/2003, new, SG No. 38/2005) The terms and procedure for enjoyment of incentives under employment and training programmes shall be established in the relevant programme and/or rules and shall be endorsed by an order of the Minister of Labour and Social Policy.

(7) (Repealed, SG No. 26/2003).

(8) The members of Employment Commissions and Cooperation Councils with the divisions of the National Employment Agency shall supervise and monitor the processes upon implementation of programmes and measures.

Article 30a. (New, SG No. 26/2003) (1) For implementation of the employment promotion programmes and measures, there shall be provided financial resources, intended for:

1. labour remunerations;
2. supplementary remunerations at the minimum amount fixed in the Labour Code and in the statutory instruments for the application thereof;
3. remunerations for basic paid annual leave under Article 155 of the Labour Code;
4. (supplemented, SG No. 38/2005) contributions due for the account of the employer to the Pensions Fund, the Employment Injury and Occupational Disease Fund, the General Sickness and Maternity Fund, on the gross labour remuneration paid, including the remuneration referred to in Item 3, but in any case on not less than the minimum amount of the contributory income under Article 6 (3) of the Social Insurance Code, as well as to the supplementary compulsory retirement insurance funds and the National Health Insurance Fund;
5. (supplemented, SG No. 38/2005) contributions due for the account of the employer to the Unemployment Fund on the gross labour remuneration paid, including the remuneration referred to in Item 3, but in any case not less than the minimum amount of the contributory income under Article 6 (3) of the Social Insurance Code;
6. cash benefits referred to in Article 40 (4) of the Social Insurance Code;
7. training for attainment of vocational qualification, motivational training and literacy training;
8. encouragement of the geographical mobility of the unemployed persons registered at the divisions of the National Employment Agency;
9. a study grant, travel and accommodation expenses of the trainees in literacy training or in training for attainment of vocational qualification: for the period of training; travel and accommodation expenses of trainees in motivational training;

10. (amended, SG No. 38/2005) interest on loans extended under guarantee schemes of the Ministry of Labour and Social Policy to loan-finance persons with disabilities, upon the start and pursuit of business and creation of new jobs;

11. (supplemented, SG No. 38/2005) costs of use of outside consulting services and ancillary services by the persons referred to in Article 47 (1) and Articles 49 and 49a herein, of a nomenclature and limits on the resources determined according to the Regulations for Application of this Act;

12. loan for training in the objects of economic activity and/or management of the said activity according to the approved business project under Article 47 (1) herein;

13. additional financial resources for hiring of another unemployed family member without entitlement to cash benefit under Article 47 (4) herein;

14. costs incurred for land tillage, for seeds and planting stock, for fertilizer and plant protection products under an approved business project for agricultural operation;

15. (new, SG No. 38/2005) costs incurred for the purchase of farm animals, including bee families, silkworms, fish and fishery stocking material, as well as the equipment required for their raising, beekeeping implements and medicinal products, under an approved project for agricultural operation;

16. (new, SG No. 38/2005, amended, SG No. 18/2006) costs of own business start-up;

17. (new, SG No. 18/2006) encouragement of unemployed persons, referred to in Article 42a herein, who receive monthly social assistance benefits, to start work without the intermediation of the National Employment Agency.

(2) (Amended, SG No. 18/2006) According to the intended purpose thereof, the financial resources covered under Paragraph (1) shall be allocated as follows:

1. under Items 1, 2, 3, 4, 5 and 6: to the employer who or which has hired an unemployed person upon referral by the divisions of the National Employment Agency;

2. (supplemented, SG No. 18/2006) under Item 7: to the training organization and to the employer delivering the training, as well as to the persons referred to in Articles 48a, 49 and 49a herein;

3. under Items 8 and 9: to unemployed persons registered at the divisions of the National Employment Agency;

4. (amended, SG No. 38/2005) under Item 10: to persons with disabilities who have received loans under guarantee schemes of the Ministry of Labour and Social Policy;

5. (supplemented, SG No. 38/2005 amended, SG No. 18/2006) under Item 11: to unemployed persons registered at the divisions of the National Employment Agency with entitlement to cash benefit, who have received a lump sum under Article 47 (1), Article 49 (1) and Article 49a (1) herein;

6. (new, SG No. 18/2006) under Item 12: to unemployed persons registered at the divisions of the National Employment Agency with entitlement to cash benefit, who have received a lump sum according to the procedure established by Article 47 (1) herein;

7. (renumbered from Item 6 and amended, SG No. 18/2006) under Item 13: to the persons who have received a lump sum under Article 47 (1) herein and according to Article 47 (4) herein provide employment under the approved project to another unemployed family member without entitlement to cash benefit;

8. (amended and supplemented, SG No. 38/2005, renumbered from Item 7, SG No. 18/2006) under Items 14, 15 and 16: to unemployed persons after approval of a business project by the divisions of the National Employment Agency;

9. (new, SG No. 18/2006) under Item 17: to persons referred to in Article 42a (1) herein.

(3) Annually, the National Action Plan for Employment shall fix the financial resources covered under Paragraph (1) and the amount of the said resources allocated to the separate employment promotion programmes and measures.

Article 30b. (New, SG No. 26/2003) (1) The financial resources covered under Article 30a herein shall be provided on the basis of a contract concluded between the local division of the National Employment Agency and:

1. the unemployed person;
2. the employer;
3. the training organization.
4. (new, SG No. 18/2006) any person referred to in Article 42a (1) herein or in Article 48a herein.

(2) Any contract referred to in Paragraph (1) shall mandatorily state:

1. the type of the employment promotion programme or measure;
2. the term of validity of the contract;
3. the intended use and amount of the financial resources provided;
4. the liability of the parties for non-performance of the contract.

(3) (Amended, SG No. 18/2006) The financial resources provided according to the procedure established by Paragraph (1) shall be used as intended by the employer, the unemployed person, the person referred to in Article 42a (1) and Article 48a herein, and the training institution.

Article 30c. (New, SG No. 26/2003) (1) The state bodies and the other public-financed organizations may conclude contracts of employment outside the staff size endorsed thereto with persons referred under employment programmes by the divisions of the National Employment Agency but solely within the framework of the National Employment Action Plan.

(2) (Repealed, SG No. 114/2003).

(3) (Repealed, SG No. 114/2003).

Article 31. (1) (Supplemented, SG No. 26/2003) The Council of Ministers, the Ministry of Labour and Social Policy and the National Employment Agency, individual ministries and other government institutions or administrative regional administrations and the social partners may develop and propose for financing and implementation programmes for increase of employment related to the priorities of the National Economic Development Plan, the National Plan for Regional Development and the National Employment Action Plan, as well as programmes for employment, literary training and vocational training of disadvantaged groups on the labour market.

(2) The following institutions shall be responsible for development and implementation of employment programmes:

1. for national programmes: the Ministry of Labour and Social Policy and the National Employment Agency;
2. for branch programmes: the competent line ministries (structures) jointly with branch trade union organizations, branch chambers, the Ministry of Labour and Social Policy and the National Employment Agency;
3. for functional-regional programmes: the Employment Commissions with the Administrative-Regional Councils.

(3) (New, SG No. 26/2003, amended, SG No. 38/2005) The Employment Commissions with the Administrative-Regional Councils for Functional-Regional Development shall propose to the Ministry of Labour and Social Policy functional-regional programmes for literacy training, vocational training and/or employment.

(4) (Renumbered from Paragraph (3), SG No. 26/2003) The programmes covered under Paragraph (1), which are financed by the Ministry of Labour and Social Policy, shall be

endorsed by the Minister of Labour and Social Policy under terms and according to a procedure established by the Regulations for Application of this Act.

Article 32. (1) Employment Commissions with the Administrative Regional Councils for Functional-Regional Development shall organize the implementation of short-term or medium-term employment promotion programmes.

(2) (Repealed, SG No. 26/2003).

Article 33. (1) Functional-Regional Employment Programmes shall specify the objectives, priorities and tools for implementation of the state policy in the field of employment. The said programmes shall include measures and projects conforming to the priorities of the National Economic Development Plan, the National Plan for Regional Development and the National Employment Action Plan.

(2) Functional-Regional Employment Programmes shall include all employment promotion projects in accordance with the state priorities applicable to the territory of the respective administrative region, as well as municipal projects and projects of other legal persons approved by the Employment Commission.

(3) Functional-Regional Employment Programmes shall be elaborated annually and shall be proposed for coordination under terms and according to a procedure established by the Regulations for Application of this Act.

Section III

Youth Employment

(Heading amended, SG No. 26/2003)

Article 34. (Repealed, SG No. 26/2003).

Article 35. (Repealed, SG No. 26/2003).

Article 36. (Amended, SG No. 26/2003) (1) (Supplemented, SG No. 27/2005, amended, SG No. 18/2006) For each job created and filled by an unemployed person under 29 years of age, who is hired upon referral by the competent division of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of employment of any such person and twelve months.

(2) (Amended, SG No. 38/2005, supplemented, SG No. 18/2006) For each job created and filled by an unemployed permanently disabled person under 29 years of age, including a war-disabled person, as well as by young persons from social institutions who have completed their education, who are hired upon referral by the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of employment of any such persons and twelve months.

Article 37. (Amended, SG No. 26/2003) For each job created and filled by an unemployed person with registration maintained without interruption for not less than twelve months, who is hired upon referral by the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of employment of any such person and twelve months.

Article 38. (Repealed, SG No. 26/2003).

Article 39. (Amended, SG No. 120/2002, repealed, SG No. 26/2003).

Article 40. (Amended, SG No. 26/2003) (1) The National Employment Agency, acting jointly with the job associations, shall develop and implement employment projects and programmes in the public interest of a national and regional character. The job associations shall apply to the Ministry of Labour and Social Policy for financing of any such projects and programmes.

(2) The associations referred to in Paragraph (1) shall register under the effective legislation with core objects of the business thereof being provision of employment to unemployed persons registered at the local divisions of the National Employment Agency.

(3) For each unemployed person, who is hired under a contract of employment upon referral by the National Employment Agency under projects and programmes referred to in Paragraph (1), sums according to Article 30a (2) herein shall be provided for the shorter of the time actually worked out of the term of the contract of employment and twelve months.

Article 41. (Amended, SG No. 26/2003) For each job created for training for attainment of vocational qualification and/or internship, filled by an unemployed person under 29 years of age who is hired upon referral by the divisions of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of training and/or internship of any such job holder and six months.

Section IV

Programmes and Measures for Transition from Passive to Active

Labour Market Measures

Article 42. (1) (Amended, SG No. 26/2003, SG No. 38/2005, SG No. 18/2006) Any unemployed persons, who have been hired to work upon referral by the divisions of the National Employment Agency for a period not shorter than six months outside the limits of the nucleated settlement where the said persons have a registration under Article 18 (4) herein,, shall receive lump sums for travel expenses according to Article 30a (2) herein.

(2) (Amended, SG No. 26/2003, SG No. 18/2006) Any unemployed persons, who have been referred by the divisions of the National Employment Agency to a specific employer for placement outside the limits of the nucleated settlement, shall be paid monthly sums for commuter travel expenses according to Article 30a (2) herein for a period not exceeding twelve months, and for travel expenses to present themselves to an employer for hiring to work.

Article 42a. (New, SG No. 18/2006) (1) Any persons who start work without intermediation of the said Agency, having been registered as unemployed at the local divisions of the National Employment Agency and having received monthly social assistance benefits, shall be paid monthly sums according to Article 30a (2) herein for the shorter of the period of employment of any such persons and twelve months.

(2) Entitlement to monthly sums under Paragraph (1) shall accrue to any unemployed persons who:

1. have received monthly social assistance benefits for a period of not less than six months immediately before starting work;

2. are persons entitled to monthly social assistance, registered at the local division of the National Employment Agency, who were included in employment promotion programmes and measures and who start work not later than six months after the date of termination of the contract under the relevant programme or measure by reason of lapse of the term for which the said contract was concluded;

3. are permanently disabled persons of working age, entitled to monthly social assistance, registered at the local divisions of the National Employment Agency;

4. are single parents of working age, entitled to monthly social assistance, registered at the local divisions of the National Employment Agency.

(3) The sums referred to in Paragraph (1) shall be paid to the persons subject to the condition that the said persons:

1. have started work under an employment relationship for an indefinite duration or for a fixed term not shorter than three months;

2. have fulfilled the obligation thereof to notify under sentence two of Article 18 (5) herein;

3. who have submitted an application for conclusion of a contract under Article 30b herein within one month after the formation of the employment relationship.

(4) Any persons who have benefited from an entitlement under Paragraph (1) shall be entitled to a subsequent payment of sums on these grounds upon the lapse of twelve months reckoned from the date of termination of the employment relationship.

(5) Any persons who have been issued a pension granting directive shall not be entitled to monthly sums under Paragraph (1).

(6) The amounts received on the grounds of Paragraph (1) shall be non- taxable.

(7) The procedure for payment of the amounts under Paragraph (1) shall be established by the Regulations for Application of this Act.

Article 43. (1) (Amended, SG No. 26/2003, supplemented, SG No. 38/2005) For each job created and filled by up to two unemployed persons who are hired upon referral by the divisions of the National Employment Agency for half of the normal hours of work, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of employment of any such persons and twelve months.

(2) The persons referred to in Paragraph (1) shall qualify as registered unemployed where they have received unemployment cash benefits for not more than five months.

(3) (Amended, SG No. 26/2003, SG No. 38/2005) The financial resources referred to in Paragraph (1) shall be provided for each unemployed person hired, subject to the condition that the average annual number of employees is increased.

(4) (Repealed, SG No. 26/2003).

(5) Employers shall be entitled to conduct training for attainment of vocational qualifications within the part-time hours of work, selecting a training organization or delivering the training on their own within the framework of the maximum permissible amount of financial resources for training per person.

Section V

Training Programmes and Measures

(Heading amended, SG No. 26/2003)

Article 44. (Amended, SG No. 26/2003) Any employer, who or which ensures the maintenance and upgrading of the qualifications of the factory and office workers hired thereby, may apply for the provision of sums according to Article 30a (2) herein which may not exceed one half of the maximum permissible amount of the financial resources for training per person.

Article 45. (1) Employers may hire unemployed persons upon referral by the divisions of the National Employment Agency for training and work on the job for the period of the training of the employed person.

(2) (Amended, SG No. 26/2003) For each job referred to in Paragraph (1) filled by an unemployed person, who is hired upon referral by the divisions of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of employment of any such person and six months.

Article 46. (Amended, SG No. 26/2003) For each job created for internship and/or apprenticeship and filled by an unemployed person who is hired upon referral by the divisions of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of internship and/or apprenticeship of any such person and six months.

Section VI

Entrepreneurship Promotion

Article 47. (1) (Amended, SG No. 26/2003, SG No. 38/2005) Any unemployed person or persons entitled to cash benefit and wishing to start an own or joint business for the manufacture of goods and/or provision of services shall be provided with lump sums for the

account of the Unemployment Fund upon approval of a business project by the competent division of the National Employment Agency and upon submission of an application to the competent division of the National Employment Agency by the person, stating thereby that the person wishes to receive a lump sum in lieu of unemployment benefit under the terms and according to the procedure established by the Social Insurance Code.

(2) (Amended, SG No. 26/2003) Entitlement to a lump sum under Paragraph (1) shall accrue to the persons who are responsive to the requirements for grant of a cash benefit under the terms and according to the procedure established by the Social Insurance Code.

(3) (Repealed, SG No. 26/2003).

(4) (Amended, SG No. 26/2003) Any persons, who have received a lump sum under Paragraph (1) and who provide employment under the approved project to another unemployed family member without entitlement to an unemployment cash benefit, shall be provided additionally with financial resources according to Article 30a (2) herein.

Article 48. (Amended, SG No. 26/2003) Any persons, who have received a lump sum under Article 47 (1) herein, may be provided additionally with financial resources according to Article 30a (2) herein in the form of a loan for training in the objects of economic activity and/or management of the said activity under the approved project referred to in Article 47 (1) herein.

Article 48a. (New, SG No. 26/2003) Services for training for attainment of vocational qualification shall be available to any persons, who or which have received a loan under the Guarantee Fund for Micro-Crediting, according to a procedure established by the Regulations for Application of this Act.

Article 49. (Amended, SG No. 26/2003, SG No. 38/2005, amended, SG No. 18/2006) Any unemployed persons may be provided with resources for costs according to Item 7 of Article 30a (2) herein for own business start-up as a micro-enterprise under the Small and Medium-sized Enterprises Act under a business project approved by the local division of the National Employment Agency.

(2) (Amended, SG No. 18/2006) Any persons who have exercised the right thereof under Article 47 or under Article 49a herein may use resources upon the lapse of three years after the date of termination of the relevant contract by reason of lapse of the term for which the said contract was concluded.

(3) Additional sums shall be provided according to Article 39a (2) herein to the persons referred to in Paragraph (1) for attainment of vocational qualifications in the objects of economic activity and/or for management of the said activity under the business project as approved.

Article 49a. (New, SG No. 26/2003) (1) (Supplemented, SG No. 38/2005) Any unemployed persons, upon approval of a business project for agricultural operation by the divisions of the National Employment Agency, may be provided with financial resources planned in the business projects for costs according to Items 14 and 15 of Article 30a (1) herein.

(2) For attainment of vocational qualifications in the objects of economic activity and/or management of the said activity under a project approved by the divisions of the National Employment Agency, the persons referred to in Paragraph (1) shall be provided additionally with sums according to Article 30a (2) herein.

(3) (New, SG No. 18/2006) Any persons, who have exercised the rights thereof under Paragraph (1) or under Article 47 herein, or under Article 49 herein, may use resources upon the lapse of three years after the date of termination of the relevant contract by reason of lapse of the term for which the said contract has been concluded.

Article 49b. (New, SG No. 38/2005, supplemented, SG No. 18/2006) Any persons referred to in Articles 47, 49 and 49a herein may be reimbursed the costs of outside consulting services and/or ancillary services used according to Article 30a (2) herein.

Section VII

Job Creation Programmes and Measures

Article 50. (Amended, SG No. 26/2003) Any employers, who or which are micro enterprises registered under the effective legislation, shall be provided with sums according to Article 30a (2) herein for a period of twelve months for the first five jobs created and filled by unemployed persons who are hired upon referral by the divisions of the National Employment Agency.

Article 51. (Amended, SG No. 26/2003) For each job created and filled by unemployed persons, who are hired for part-time work upon referral by the divisions of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for a period not exceeding twelve months.

Section VIII

Programmes and Measures Providing Equal Opportunities through Social and Economic Integration to Groups at Risk on the Labour Market

Article 52. (Amended, SG No. 26/2003) (1) (Amended, SG No. 38/2005, supplemented, SG No. 18/2006) For each job created and filled by unemployed permanently disabled persons, including war-disabled persons, who are hired upon referral by the divisions of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) for the shorter of the period of employment of any such persons and twelve months.

(2) (Amended, SG No. 38/2005) For each job created for casual, seasonal or hourly work filled by unemployed permanently disabled persons, who are hired upon referral by the divisions of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of employment of any such persons and six months.

Article 53. (Amended, SG No. 26/2003) For each job created for full-time or part-time work, filled by unemployed persons who are single parents (or adopters) and/or mothers (or female adopters) with children under 3 years of age and who are hired upon referral by the divisions of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of employment of any such persons and twelve months.

Article 54. (Repealed, SG No. 26/2003).

Article 55. (Amended, SG No. 26/2003) (1) For each job created and filled by unemployed persons who have served a custodial sentence and who are hired within twelve months after release from the place of implementation of the penal sanction upon referral by the divisions of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of employment of any such persons and twelve months.

(2) Employers shall be entitled to conduct training for attainment of vocational qualification, selecting a training organization or delivering the training on their own within the framework of the financial resources referred to in Item 7 of Article 30a (1) herein.

Article 55a. (New, SG No. 26/2003) For each job created and filled by unemployed women over 50 years of age and men over 55 years of age, who are hired upon referral by the

divisions of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of employment of any such persons and twelve months.

Section IX

Employment Protection and Employment Security

Article 56. (Amended, SG No. 26/2003) (1) (Amended, SG No. 38/2005) The programmes and the employment promotion measures under this Act shall be available to employers who or which do not incur exigible public liabilities and who or which satisfy the eligibility requirements for grant of aids under the State Aids Act.

(2) The employment promotion measures under Articles 36, 37, 43, 50, 51, Article 52 (1), Articles 53, 55 and 55a herein shall be available to employers subject to the condition that they provide employment to unemployed persons referred by the National Employment Agency for an additional period of a duration equal to the period of subsidization.

(3) Each job created under Articles 36, 37, 43, 50, 51, Article 52 (1), Articles 53, 55 and 55a herein may be filled by more than one unemployed person referred by the National Employment Agency under terms and according to a procedure established by the Regulations for Application of this Act.

(4) The creation of jobs under Article 36 (1), Articles 37, 43, 50, 51, 53, 55 and 55a herein shall be subsidized subject to the condition that employment is provided above the average annual number of employees for the last preceding six months.

(5) Any employer, who or which has failed to sustain the jobs according to Paragraph (2), shall refund the sums received with legal interest, with the exception of cases specified in the Regulations for Application of this Act.

(6) The industrial and social-security relations of the unemployed persons hired by an employer who or which has received incentives in implementation of employment promotion programmes and measures shall be regulated under the terms of Bulgarian labour and social-security legislation. Any such persons shall be hired under an employment relationship.

Article 57. (1) (Amended, SG No. 26/2003) Any employer, who or which sustains the employment of persons upon reduction of the volume of work or idling for more than 15 working days, may apply for provision of sums according to Article 30a (2) herein in respect of each person for the shorter of the period of employment of any such person and two months.

(2) (Amended, SG No. 26/2003) Any employer, who sustains the employment of any persons referred to in Paragraph (1) and who enrolls any such persons in training for attainment of vocational qualification, shall be provided with sums according to Article 30a (2) herein in respect of each person for the period of training of any such person.

(3) (Amended, SG No. 26/2003) Financing of the maximum permissible amount of the costs of training under Paragraph (2) shall be provided subject to the condition that the employer sustains the employment of the persons referred to in Paragraph (1) for not less than twelve months.

Chapter Seven

TRAINING FOR ATTAINMENT OF VOCATIONAL QUALIFICATION

Section I

Training of Adults for Attainment of Vocational Qualification

Article 58. The Ministry of Labour and Social Policy, acting jointly with the Ministry of Education and Science, shall:

1. develop and coordinate the policy and strategies of training of unemployed and employed adults for attainment of vocational qualification at national level;
2. organize and direct the National System for Training of Unemployed and Employed Persons for Attainment of Vocational Qualification;
3. study, analyze and forecast the state, development and needs of training of adults for attainment of vocational qualification.

Article 59. (1) There shall be established a National Advisory Board for Labour Force Vocational Training with the Minister of Labour and Social Policy, consisting of representatives of ministries, agencies, commissions, nationally representative employers' and workers' organizations and other not-for-profit legal entities.

(2) The National Advisory Board for Labour Force Vocational Training, and a Deputy Minister of Education and Science shall serve as Deputy Chairperson.

(3) The National Advisory Board for Labour Force Vocational Training shall perform the following functions:

1. coordinate the development of national policy and strategies for training of unemployed and employed persons for attainment of vocational qualification;
2. coordinate and supervise the interaction among the nationally representative employers' and workers' organizations in connection with life- long learning;
3. coordinate the needs of training for attainment of vocational qualification.

Article 60. Apart from the institutions covered under Article 58 herein, the activities related to training of adults for attainment of vocational qualification shall be implemented by:

1. the National Employment Agency;
2. the National Agency for Vocational Education and Training;
3. the vocational training centres;
4. other institutions designated in a statute or in an act of the Council of Ministers.

Article 61. National, functional-regional and specialized programmes for training of unemployed and employed adults for attainment of vocational qualification shall be elaborated and implemented for the purpose of employment security and employment promotion.

Article 62. (1) Training of unemployed and employed adults for attainment of vocational qualification shall be delivered in accordance with the endorsed annual plan referred to in Article 30 (4) herein.

(2) (Amended, SG No. 38/2005, SG No. 18/2006) Training of adults for attainment of professional qualification shall be delivered at the institutions referred to in Items 1 and 2 of Article 9 (1) of the Vocational Education and Training Act and at the higher schools under terms and according to a procedure established by the Regulations for Application of this Act.

(3) (New, SG No. 38/2005, amended, SG No. 18/2006) A training institution referred to in Paragraph (2) shall be selected under terms and according to a procedure established by the Regulations for Application of this Act.

Section II

Training of Adults for Attainment of Vocational Qualification, Organized by the National Employment Agency

Article 63. (1) The National Employment Agency shall organize training for attainment of vocational qualification in accordance with the needs of the labour market, the requirements of employers and the endorsed plan referred to in Article 30 (4) herein for the following trainees:

1. unemployed persons;
2. (amended, SG No. 26/2003) persons referred to in Articles 48 and 48a, 49, 49a;

3. (Amended, SG No. 26/2003) factory and office workers at micro enterprises and small enterprises, who have worked for the latest employer thereof under a contract of employment during the last preceding three months;

4. factory and office workers in respect of whom the vocational qualification requirements change owing to specific changes in production;

5. persons referred to in Article 57 (2) herein.

(2) The National Employment Agency shall furthermore organize motivational training of unemployed persons to actively seek a job and adapt to market conditions.

Article 64. (Repealed, SG No. 38/2005)

Article 65. (1) Enrollment of unemployed persons in training for attainment of vocational qualifications organized by the National Employment Agency shall be preceded by vocational guidance, furnishing information and consultation.

(2) The terms and the procedure for the organization of vocational guidance, furnishing information and consultation shall be established by the Regulations for Application of this Act.

Article 66. (1) Training of persons for attainment of vocational qualifications according to the procedure established by Items 1, 2 and 5 of Article 63 herein and motivational training according to the procedure established by Article 63 (2) herein, organized by the National Employment Agency, shall be financed under terms and according to a procedure established by an ordinance of the Council of Ministers.

(2) Training of factory and office workers for attainment of vocational qualifications according to the procedure established by Items 3 and 4 of Article 63 (1) herein, organized jointly by the National Employment Agency and employers, shall be financed under terms and according to a procedure established by an ordinance of the Council of Ministers.

(3) (Amended, SG No. 38/2005) Any unemployed persons referred to in Item 1 of Article 63 (1) herein, participating in training for attainment of vocational qualifications, shall be paid a study grant under terms and according to a procedure established by the Regulations for Application of this Act.

Chapter Eight

WORK OF BULGARIAN CITIZENS IN OTHER STATES AND OF FOREIGN CITIZENS IN THE REPUBLIC OF BULGARIA

Article 67. By virtue of this Act, Bulgarian citizens may work in another State in conformity with the national legislation thereof and/or under the terms and according to the procedure established by an international treaty on exchange of labour force whereto the Republic of Bulgaria is a party, by means of:

1. (Amended, SG No. 26/2003) concluding a contract with an employer from the respective State through the agency of a job placement intermediation service provider within the meaning of Article 27 (2) and Article 28 (1) herein;

2. being seconded by a Bulgarian employer.

Article 68. (Amended, SG No. 18/2006) The Ministry of Labour and Social Policy shall pursue cooperation with the public authorities of other States which are responsible for the monitoring of the conditions for job placement, exchanging therewith information regarding:

1. the national labour legislation and the legislation governing the placement of foreigners;

2. the Bulgarian citizens placed within the territory of the respective State and the citizens of the respective State placed within the territory of the Republic of Bulgaria;

3. the violations of the terms and the procedure for placement as detected;
4. the detected cases of illegal performance of work by Bulgarians within the territory of the respective State and by citizens of the respective State within the territory of the Republic of Bulgaria.

Article 69. (1) Bulgarian employers and job placement intermediation service providers referred to in Article 67 herein may not agree on conditions of work and remunerations for Bulgarian citizens which are below the minimum levels applicable in the receiving State in conformity with the national legislation thereof.

(2) The relationships between the Bulgarian citizens and the natural or legal persons who or which are job placement intermediation service providers under Article 28 (1) herein, through the agency whereof employment in another State is procured, shall be regulated by a placement intermediation contract.

Article 70. (1) A foreigner may work under an employment relationship or upon secondment within the framework of provision of services within the territory of the Republic of Bulgaria after obtaining a work permit in accordance with the requirements established by an act of the Council of Ministers or by an international treaty whereto the Republic of Bulgaria is a party.

(2) (Supplemented, SG No. 26/2003) The permit referred to in Paragraph (1) shall be issued by the National Employment Agency at the request of a local employer or of the local person appointing the seconded foreigner.

(3) (Amended, SG No. 54/2002 and SG No. 26/2003) No work permit shall be required in respect of any foreigners who have been permitted permanent residence in the Republic of Bulgaria or of any foreigners who have been granted asylum, refugee status or humanitarian status, as well as in the cases provided for in a statute or in an international treaty whereto the Republic of Bulgaria is a party;

(4) The terms and a procedure for admission of seconded foreigners to the Republic of Bulgaria within the framework of provision of services shall be established by an ordinance of the Council of Ministers.

Article 71. (1) (Redesignated from Article 71, SG No. 18/2006, effective as from the date of entry into force of the Treaty concerning the accession of the Republic of Bulgaria to the European Union) Work permits of foreigners shall be issued for positions whereof the occupation does not require holding of Bulgarian citizenship by law:

1. in conformity with the state, development and public interests of the national labour market;

2. subject to the condition that the total number of foreigners working for the local employer does not exceed 10 per cent of the average annual number of Bulgarian citizens and foreigners with granted right of asylum or with recognized refugee status within the last preceding twelve months, who are hired under an employment relationship;

3. where the conditions of work and pay offered are not less favourable than the conditions available to Bulgarian citizens for the relevant work category;

4. where the labour remuneration provides the necessary means of living in Bulgaria conforming to an amount fixed by an act of the Council of Ministers.

(2) (New, SG No. 18/2006, effective as from the date of entry into force of the Treaty concerning the accession of the Republic of Bulgaria to the European Union) The condition referred to in Item 2 of Paragraph (1) shall not apply to any citizens of the Member States of the European Union, as well as to any citizens of other Contracting States to the Agreement on the European Economic Area.

Article 72. (1) A work permit shall be issued for a maximum term of one year.

(2) The term referred to in Paragraph (1) may be extended, provided the conditions for the initial issuance are still valid.

(3) (Amended, SG No. 26/2003) A local employer shall pay a fee of BGN 600 for the issuance and extension of a work permit of a foreigner.

(4) (New, SG No. 26/2003) The fee referred to in Paragraph (3) shall furthermore be paid by any local person appointing a seconded foreigner.

(5) (Renumbered from Paragraph (4), SG No. 26/2003) A fee of BGN 300 shall be charged for a work permit for seasonal work of a duration not exceeding six months within a calendar year and for teaching at a secondary or a higher school.

(6) (Renumbered from Paragraph (5) and supplemented, SG No. 26/2003) A fee of BGN 200 shall be charged for re-issuance of a work permit by reason of loss or destruction of documents.

Article 73. The industrial and social-security relations of foreigners hired by local employers within the territory of the Republic of Bulgaria shall be regulated under the terms established by Bulgarian labour and social-security legislation.

Article 74. (1) (Amended, SG No. 18/2006) The terms and the procedure for the issuance, refusal and withdrawal of work permits, as well as for exemption of foreigners from the obligation to hold work permits, the types of work permits and the admissible aggregate duration of employment, as well as the exceptions under Article 70 (1) and Items 1 and 2 of Article 71 (1) herein shall be established in an ordinance of the Council of Ministers.

(2) The Minister of Labour and Social Policy shall give directions for the application of international treaties in the sphere of employment whereto the Republic of Bulgaria is a party, unless otherwise provided for in the said treaties.

Chapter Nine

CONTROL AND ADMINISTRATIVE PENALTY LIABILITY

Section I

Control

Article 75. (1) The Minister of Labour and Social Policy shall exercise overall control as to the observance of this Act, as well as of the other statutory instruments in the sphere of employment and unemployment.

(2) The specialized controlling activities shall be performed by the General Labour Inspectorate Executive Agency with the Minister of Labour and Social Policy.

Article 76. (1) The control authorities shall have the right:

1. to visit at any time the places where work is performed or where an occupation is practised;

2. (Amended, SG No. 26/2003) to require that the inspected persons provide explanations and information in writing, as well as deliver certified copies of all requisite documents and fact sheets;

3. obtain any information they may need directly from the factory and office workers and the unemployed persons.

(2) Employers, officials, factory and office workers and unemployed persons shall be obligated to cooperate with the control authorities in the performance of the functions thereof.

(3) Control authorities shall be obligated:

1. to check promptly all tip-offs on violations received;

2. not to disclose any information constituting a State, official, or commercial secret as has come to the knowledge thereof in connection with the exercise of control;

3. not to use the information obtained to their own advantage or to the advantage of other persons;

4. to respect the confidentiality of the source wherefrom they have received a tip-off of a violation.

Article 77. Employers, factory and office workers, employers' and workers' organizations, as well as job seekers, shall have the right to report to the General Labour Inspectorate Executive Agency any violations of this Act and of the international treaties in the sphere of employment which are in force for the Republic of Bulgaria.

Article 78. (1) The General Labour Inspectorate Executive Agency may apply the following coercive administrative measures:

1. to issue mandatory prescriptions to employers and officials for cessation of violations under this Act;

2. to stay the execution of unlawful decisions or orders of an employer or official in the sphere of employment under this Act.

(2) (Supplemented, SG No. 26/2003) The coercive administrative measures covered under Paragraph (1) shall be appealable according to the procedure established by the Administrative Procedure Code, but an appeal shall not stay the execution of any such measures.

Section II

Administrative Penalty Liability

Article 79. (1) (Amended, SG No. 26/2003) Any natural person and/or legal person, who or which shall fail to act on a mandatory prescription by the control authorities under Item 1 of Article 78 (1) herein, will be liable to a fine or a pecuniary penalty, as the case may be, to an amount not exceeding BGN 1,000 or, in the case of a repeated violation, not exceeding BGN 2,000.

(2) Any employer, official, unemployed person or natural person, who shall unlawfully obstruct the discharge of the official duties of control authorities, will be liable to a fine or a pecuniary penalty, as the case may be, to an amount not exceeding BGN 1,000, unless subject to a severer sanction.

(3) (New, SG No. 26/2003) Any official or employer, who or which shall fail to comply with a coercive administrative measure under Item 2 of Article 78 (1) herein imposed by the control authorities under this Act, will be liable to a fine or a pecuniary penalty, as the case may be, to an amount not exceeding BGN 1,000 or, in the case of any further such failure, not exceeding BGN 2,000.

(4) (New, SG No. 26/2003) Any official, who shall fail to terminate the registration of an unemployed person provided that the grounds under Article 20 (3) and (4) herein exist, will be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 500.

Article 80. (Repealed, SG No. 81/2004)

Article 81. (1) (Amended, SG No. 26/2003) Any natural and/or legal person practising job placement intermediation and providing intermediation services without registration will be liable to a fine or a pecuniary penalty, as the case may be, to the amount of BGN 5,000, to a fine or a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 for a second violation, and to a fine or a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 20,000 for any further violation.

(2) (Amended, SG No. 26/2003) Any natural person and/or legal person practising job placement intermediation and providing intermediation services in breach of the requirements for performance of the said activity will be liable to a fine or a pecuniary penalty, as the case may be, to an amount not exceeding BGN 2,500 and, for a repeated violation, to an amount not exceeding BGN 5,000.

Article 82. (Amended, SG No. 26/2003, supplemented, SG No. 18/2006) Any employer, who or which shall hire under an employment relationship a foreigner without a work permit, or any local person, who or which shall appoint a seconded foreigner without a work permit or without registration at the National Employment Agency, as well as any

foreigner, who shall perform work without a work permit, will be liable to a fine or a pecuniary penalty to an amount fixed under Article 48 of the Foreigners in the Republic of Bulgaria Act, unless subject to a severer sanction.

Article 83. (Amended, SG No. 26/2003) Any employer, who or which shall undertake a collective dismissal without advance notification and prior to the lapse of the period under Article 24 (1) herein, will be liable to a fine or a pecuniary penalty to the amount of BGN 200 for each person dismissed.

Article 84. Any employer and any unemployed person, who or which shall use the financial resources provided thereto under Chapters Six and Seven herein for any purpose other than intended, will be liable to a fine or a pecuniary penalty equivalent to the double amount of the wrongful expenditure.

Article 85. (1) Violations shall be ascertained by written statements drawn up by the state control authorities.

(2) Penalty decrees shall be issued by the head of the competent control authority of by officials authorized thereby in conformity with the institutional affiliation of the persons who have drawn up the written statements.

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

(4) The proceeds from fines and pecuniary penalties as imposed shall be administrated by the Ministry of Labour and Social Policy.

Article 86. Upon ascertainment of any violations of the law which give reason to believe that a criminal offence has been committed, the control authorities shall forthwith notify the prosecuting authorities.

SUPPLEMENTARY PROVISION

§ 1. Within the meaning of this Act:

1. "Unemployed person" shall be any person who does not work, who is actively seeking a job, and who is ready to take up a job within a fortnight after being notified by the competent division of the National Employment Agency.

2. "Long-term unemployed persons" shall be any unemployed persons whereof the registration at a division of the National Employment Agency has been maintained without interruption for not less than twelve months.

3. "Person actively seeking a job" shall be any person who has not refused to attend interviews with employers as have been arranged by a division of the National Employment Agency, and who has called on employers at his or her own initiative in search of an appointment to a job.

4. (Amended, SG No. 38/2005) "Suitable work" shall be work corresponding to the education, qualifications and state of health of the person, provided that the said work is offered within the same nucleated settlement or within 30 km outside the said settlement, subject to the condition that convenient public transport services are available, for a period not exceeding 24 months after the date of registration of the person at the Labour Office Directorate. After the lapse of the said period, "suitable work" shall be any work corresponding to the state of health of the person.

4a. (New, SG No. 26/2003, amended, SG No. 38/2005) "Disadvantaged groups on the labour market" shall be groups of unemployed persons who are less competitive on the labour market, including: unemployed young persons; unemployed permanently disabled young persons; unemployed young persons from social institutions who have completed their education; long-term unemployed persons; unemployed permanently disabled persons; unemployed persons who are single parents (or male adopters) and/or mothers (or female adopters) with children under 3 years of age; unemployed persons who have served a

custodial sentence; unemployed women over 50 years of age and unemployed men over 55 years of age; other groups of unemployed persons.

5. (Amended, SG No. 26/2003) "Activities in the public interest" or "socially useful activities" shall be the activities comprehended in public- utility and consumer services; spatial renewal of the nucleated settlement and the industrial zones, rehabilitation of spaces, industrial areas, buildings and other such; maintenance and protection of municipal and state property; environmental protection; maintenance and conservation of cultural landmarks and provision of social services.

6. (Amended, SG No. 26/2003) "Persons outside the public education and higher education system" shall be all persons of working age who do not attend a vocational school, a vocational secondary school or a vocational college within the public education system or a higher school.

7. "Training for initial vocational qualification" shall be the training whereby initial vocational qualification is attained.

8. "Continuing vocational training" shall be training for upgrading (updating, improving or extending) of the vocational qualification attained after the initial vocational training, as well as for retraining.

9. (Amended and supplemented, SG No. 26/2003, amended, SG No. 52/2004) "Collective dismissals" shall be dismissals referred to in Item 1 of § 1 of the Supplementary Provisions of the Labour Code.

10. "Repeated violation" shall be any violation committed within one year after the entry into force of a penalty decree whereby the offender was penalized for a violation of the same kind.

11. "Outside consulting services" shall be consulting assistance in management and/or commissioning of studies which is rendered by natural or legal persons registered under Bulgarian legislation, either for a fee or gratuitously.

12. "Social partners" shall be representatives of the nationally representative employers' and workers' organizations and other not-for-profit legal entities who participate in social cooperation in connection with and on the occasion of the implementation of this Act.

13. "Bonuses for employers" shall be the sums provided to employers who or which have concluded contracts for employment security and employment promotion programmes and measures under this Act.

14. "Local employers" shall be the employers registered under Bulgarian legislation.

15. "Ancillary services" shall be the administrative, legal and financial expertise, information services, and consulting and training services supporting own economic activity.

16. "Groups at risk" shall be part of the unemployed persons who live or risk finding themselves in a state of social exclusion and poverty.

17. "Orphans" shall be children who have not attained majority and whereof one or both parents are deceased.

18. "Adult" shall be any person of or above working age.

19. (Repealed, SG No. 86/2003).

20. (Repealed, SG No. 86/2003).

21. (Amended, SG No. 38/2005) "Single parent (or adopter)" shall be any person who raises alone one or more children who have not attained the age of 18 years.

22. "Internship" shall be work at a specific workplace for attainment or upgrading of qualifications through development of skills and augmentation of experience.

23. "Apprenticeship" shall be training at a specific workplace alternating with study in the educational system.

24. "Motivational training" shall be training for encouragement and orientation of individuals to train for attainment of vocational qualification and/or employment through

acquisition of knowledge and skills for orientation on the labour market, search for and selection of training or employment.

25. "Literacy" shall be a process of training for attainment of reading, writing and arithmetic knowledge and skills, rudimentary knowledge in the sphere of the humanities and exact sciences.

26. "Reasonable excuses" shall be: apprehension by government authorities; appearance before a court of law or another state body; participation in a reserve-duty drill meeting active or conversion training; disease and other such, certified by an official document, of which the head of the division of the National Employment Agency has been promptly notified.

27. (Amended and supplemented, SG No. 26/2003, amended, SG No. 38/2005, repealed, SG No. 18/2006)

28. (New, SG No. 26/2003) "Seasonal employment" shall be employment where work is limited to specific periods of the calendar year and depends on the natural and climatic factors.

29. (New, SG No. 38/2005) "Permanently disabled person" shall be any person who, as a result of an anatomical, physiological or psychological disability, has permanently decreased ability to carry out activities in a manner and up to a degree available to a healthy individual and whereof the working capacity or social adaptability has been reduced by 50 and over 50 per cent, as established by the expert medical evaluation authorities.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. (1) The National Employment Agency with the Minister of Labour and Social Policy, as established by this Act, shall be legal successor to the National Employment Service and shall assume the assets and liabilities of the National Employment Service.

(2) The employment relationships with the factory and office workers of the National Employment Service shall be settled under the terms and according to the procedure established by Article 123 of the Labour Code.

§ 3. (Amended, SG No. 33/2006) Financial control over the operation of the National Employment Agency shall be exercised by the National Audit Office and by the Public Financial Inspection Agency authorities.

§ 4. The National Statistical Institute shall conduct surveys of households in respect of the employment and unemployment of the labour force according to a methodology endorsed jointly with the Minister of Labour and Social Policy.

§ 5. This Act shall repeal Articles 1 through 24, Articles 48 through 115, the Supplementary Provisions, and the Transitional and Final Provisions of the Protection in Unemployment and Employment Promotion Act (promulgated in the State Gazette No. 120 of 1997; amended and supplemented in No. 123 of 1997, No. 155 of 1998, Nos. 26, 50, 65, 67, 68, 84 and 110 of 1999, No. 1 of 2000 and No. 25 of 2001).

§ 6. (1) Any certificates for practice of intermediation for furnishing information and job placement issued in pursuance of the Ordinance Establishing Terms and a Procedure for Practice of Intermediation for Furnishing Information and Job Placement, adopted by Council of Ministers Decree No. 103 of 1998 (promulgated in the Official Gazette No. 55 of 1998; amended in No. 5 of 1999) shall retain the term of validity thereof.

(2) Upon expiration of the term of validity of the certificates referred to in Paragraph (1), the natural and legal persons shall submit applications according to the procedure established by this Act.

(3) Any natural and legal persons who and which have been granted authorization to practise intermediation for furnishing information and job placement in pursuance of the Ordinance Establishing Terms and a Procedure for Practice of Intermediation for Furnishing Information and Job Placement, adopted by Council of Ministers Decree No. 103 of 1998,

shall bring the activities thereof into conformity with this Act within three months after the entry thereof into force.

§ 7. The Foreigners in the Republic of Bulgaria Act (promulgated in the State Gazette No. 153 of 1998; amended and supplemented in No. 70 of 1999 and No. 42 of 2001) shall be amended as follows:

1. In Article 24 (1):

(a) Item 1 shall be amended to read as follows:

"1. are wishing to perform work under an employment relationship after obtaining a permit from the authorities of the Ministry of Labour and Social Policy";

(b) Item 15 shall be amended to read as follows:

"15. are wishing to practise freelance after obtaining a permit from the authorities of the Ministry of Labour and Social Policy in accordance with Article 24A herein";

(c) the following new item shall be added:

"16. are wishing to perform non-profit activities after obtaining a permit from the Ministry of Justice under terms and according to a procedure established by an ordinance of the Minister of Justice, in consultation with the Minister of Interior."

2. Article 24a shall be amended to read as follows:

"Article 24a. (1) Any foreigner wishing to reside durably within the territory of the Republic of Bulgaria for the purpose of practising freelance may receive a long-stay visa or a durable resident permit, provided that such foreigner satisfies the statutory requirements for entry into and stay in Bulgaria and submits the following documents to the diplomatic missions or consular posts or, respectively, to the services exercising administrative control over foreigners:

1. an application completed in a standard form;

2. a freelance practice permit.

(2) The freelance practice permits shall be issued by the authorities of the Ministry of Labour and Social Policy.

(3) The terms and the procedure for the issuance, refusal and withdrawal of freelance practice permits of foreigners shall be established by an ordinance issued by the Minister of Labour and Social Policy in consultation with the Minister of Interior and the Minister of Finance.

(4) No long-stay visa for the purpose of freelance practice shall be issued to a foreigner in the cases under Items 1 through 13 and 16 of Article 24 (1) herein.

(5) Foreigners satisfying the statutory requirements for the relevant freelance practice shall be exempted from the requirement to obtain a permit, where so provided for in an international treaty whereto the Republic of Bulgaria is a party. "

3. In Article 48a (1), the words "Article 24a or under" shall be inserted after the words "shall fail to fulfil the obligations thereof under";

4. In Article 53 (1), the words "Article 24a and under" shall be inserted after the words "and in the cases under";

5. In § 1 of the Supplementary Provisions, Item 9 shall be amended to read as follows:

"9. "Freelance practice" shall be any economic activity, with the exception of the activities referred to in Items 2 and 11 of Article 24 (1) herein, which is performed in a personal capacity without any commitment to an employer."

§ 8. (1) The Council of Ministers shall adopt Regulations for Application of this Act within six months after the entry of the said Act into force.

(2) The statutory instruments on application of the provisions of the Protection in Unemployment and Employment Promotion Act repealed by § 5 herein shall continue in effect insofar as they do not conflict with this Act.

§ 9. This Act shall enter into force as from the 1st day of January 2002.

Act to Amend and Supplement the Employment Promotion Act
(State Gazette No. 38/2005)

SUPPLEMENTARY PROVISION

§ 24. Throughout the Act, the words "the Social Insurance Code" shall be replaced by "the Social Insurance Code".

TRANSITIONAL AND FINAL PROVISIONS

of the Administrative Procedure Code
(SG, No. 30/2006, effective 12.07.2006)

.....

§ 86. Everywhere in the Employment Promotion Act (Promulgated, SG, No. 112/2001; amended, SG No. 54 and 120/2002; 26, 86 and 114/2003, 52 and 81/2004, No. 27 and 38/2005, No. 18/2006) the words "the Administrative Procedure Act" shall be replaced by "the Administrative Procedure Code".