

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. 79/13.10.2015, SG No. 101/22.12.2015, SG No. 102/29.12.2015

Text in Bulgarian: Закон за насърчаване на заетостта

Chapter One GENERAL DISPOSITIONS

Article 1. (Amended, SG No. 26/2008) This Act regulates social relations upon:

1. employment promotion and employment security;
2. career guidance and adult training;
3. intermediation for furnishing information and placement in the Republic of Bulgaria and in other states of Bulgarian citizens, of nationals of another Member State of the European Union, of States which are Contracting Parties to the Agreement on the European Economic Area, or of the Swiss Confederation;
4. intermediation for furnishing information and placement of foreigners in the Republic of Bulgaria;
5. (new, SG No. 43/2011, effective 15.06.2011) the regulation of access to the labour market for foreigners who are third-country nationals.

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. (Supplemented, SG No. 26/2008) The State shall implement employment policy in cooperation and after consultation with the nationally representative employers' and factory and office 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 Action Plan for Employment.

(3) (New, SG No. 26/2003, amended, SG No. 10/2009) Upon the lapse of the first three 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 functional region and/or programme and measures which can absorb additional resources.

Article 5. (Amended, SG No. 26/2008) The executive authorities shall implement the policy of employment promotion and employment security, as well as the adult-training policy.

Article 6. (1) (Amended, SG No. 26/2008) The Minister of Labour and Social Policy shall develop, coordinate and implement the state policy in the field of employment promotion and employment security of unemployed and employed persons and adult training, 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 Action Plan for Employment.

Article 7. (1) (Amended, SG No. 26/2003, SG No. 26/2008) 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, career guidance, adult training as well as for provision of job placement intermediation services.

(2) (Amended, SG No. 15/2013, effective 1.01.2014) The National Employment Agency shall be an executive agency 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 employers' and factory and office workers' 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 7a. (1) (New, SG No. 26/2008, redesignated from Article 7a, SG No. 59/2010) The National Revenue Agency shall provide the National Employment Agency with the tax and social-insurance information as shall be necessary for the purposes of execution of the state policy in the field of employment after a written request by the Executive Director of the National Employment Agency.

(2) (New, SG No. 59/2010) For the purposes of implementation of the state policy in the field of employment, the General Labour Inspectorate Executive Agency and the National Employment Agency shall exchange information under terms and according to a procedure determined in an agreement concluded therebetween.

(3) (New, SG No. 70/2013) For the purposes of implementation of the state policy in the field of employment, the Minister of Labour and Social Policy, the Minister of Education and Science and the Executive Director of the National Employment Agency shall exchange information under terms and according to a procedure established in an agreement concluded between the Minister of Labour and Social Policy and the Minister of Education and Science.

Article 8. (1) (Amended, SG No. 26/2008) 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 the policy in the field of employment.

(2) (Amended, SG No. 26/2008) The National Employment Promotion Board shall consist of an equal number of representatives of:

1. the government institutions designated by the Council of Ministers;
2. the nationally representative employers' organizations;
3. the nationally representative factory and officer 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 Action Plan for Employment;
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.

(8) (New, SG No. 26/2008) The representatives of the institutions and of the organizations referred to in Paragraph (2) shall not receive remuneration for the participation thereof in the meetings of the National Employment Promotion Board.

Section II

Functional-Regional Employment Authorities

Article 9. (1) (Amended, SG No. 26/2008) The state policy in the field of employment and adult training at the functional 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) (Amended, SG No. 26/2008) Standing or ad hoc Employment Commissions shall be established by decision of the Functional-Regional Councils for Development and by decision of the Administrative-Regional Councils for Development.

(3) (Amended, SG No. 26/2008) Employment Commissions with the Administrative-Regional Councils for Development shall be chaired by the Regional Governors or a representative of the administrative regional administration thereby designated.

(4) (Amended, SG No. 26/2008) The rules of organization and operation of the Employment Commissions shall be adopted by the Administrative-Regional Councils for Development.

(5) (Amended, SG No. 26/2008) Employment Commissions with the Administrative-Regional Councils for Development shall include representatives of:

1. the administrative regional administration and of 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 factory and office 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 professional qualification;
7. (new, SG No. 26/2008) the functional-regional social assistance directorates;
8. (renumbered from Item 7, SG No. 26/2008) other local structures.

Article 10. (Amended, SG No. 26/2008) The Employment Commission with the Administrative-Regional Council for Development shall conform the performance of the activities thereof to the priorities of the administrative-regional development strategy and of the functional-regional, administrative-regional and municipal development plans, as well as to the priorities of the national strategic documents and the National Action Plan for Employment.

Article 11. (1) (Amended, SG No. 26/2008) 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 Functional-Regional Councils for Development and of the Administrative-Regional Councils for 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) (Amended, SG No. 68/2013, effective 2.08.2013) 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 factory and office 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. (Amended, SG No. 26/2008) The Regional Governor shall ensure coordination between national and local interests on employment matters upon the elaboration and implementation of administrative-regional strategies for 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, supplemented, SG No. 70/2013) fees for work permits referred to in Article 72 (3) to (6) herein and for decisions referred to in Article 72b (5) and Article 74b (3) herein;

6. (new, SG No. 7/2012, effective 5.12.2011) fees due for the registration of temporary-

work agency undertakings.

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

1. (amended, SG No. 26/2003, SG No. 26/2008) programmes and measures for adult training and for career guidance;
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. (amended, SG No. 26/2008) elaboration of national, branch and functional-regional programmes for employment and adult training;
6. (amended, SG No. 26/2008) implementation of projects for social integration of disadvantaged groups on the labour market;
7. (amended, SG No. 26/2008) publicity, information and publishing activities related to employment promotion, unemployment and adult training;
8. (amended, SG No. 59/2010) labour market research and forecasting, 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. (amended, SG No. 26/2008) financing of the operation of vocational training centres established by an act of the Council of Ministers;
10. (amended, SG No. 26/2008, SG No. 89/2008) costs of travel, accommodation, study grants and group risk insurance for the duration of the training of unemployed persons;
11. (new, SG No. 59/2010) remunerations of outside experts for participation in commissions for conduct of examinations for attainment of professional qualification;
12. (new, SG No. 26/2008, renumbered from Item 11, SG No. 59/2010) financing of the activities related to organizing the selection and evaluation of licensed centres for career guidance, as well as of the institutions for conduct of training for attainment of professional qualification organized and financed by the National Employment Agency, including remuneration, travel and accommodation expenses of valuers, notices;
13. (new, SG No. 26/2008, renumbered from Item 12, SG No. 59/2010) financing of training of trainers, elaboration and printing of aids and other training materials;
14. (renumbered from Item 11, SG No. 26/2008, supplemented, SG No. 109/2008, effective 1.01.2009, renumbered from Item 13, SG No. 59/2010) other costs of sustaining and/or increasing employment, where so provided for by an act of the Council of Ministers;
15. (new, SG No. 59/2010, amended, SG No. 70/2013) expenditures on orders and contracts under procedures for direct award of grants under Priority Axis 1 "Promotion of economic activity and development of inclusive labour market" and Priority Axis 2 "Raising the productivity and adaptability of the employed persons" of Operational Programme "Human Resources Development", where the said expenditures have been verified by the Managing Authority, have been paid and are eligible under this Act;
16. (new, SG No. 61/2014) quality control of vocational training organized according to the procedure established by this Act.

Article 16a. (New, SG No. 70/2013) (1) The allocation of financial resources for employment promotion according to the procedure established by this Act shall be implemented in the form of de minimis aid schemes, where applicable, conforming to the provisions of

Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to de minimis aid and to the regulations which amend, supplement or supersede the said Regulation.

(2) The National Employment Agency shall be an aid administrator under Paragraph (1).

(3) The terms and procedure for allocation of the financial resources under Paragraph (1) shall be established by the Regulations for Application of this Act.

Chapter Four

RIGHTS AND OBLIGATIONS OF JOB SEEKERS AND OF EMPLOYERS

Section I

General Dispositions

Article 17. (1) (Amended, SG No. 26/2008) The following services under this Act shall be available to job seekers:

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. psychological counselling;
5. career guidance;
6. inclusion in adult training;
7. inclusion in employment and training programmes and measures;
8. study grant, travel and accommodation allowances for the duration of the training.

(2) (Amended, SG No. 26/2008) The following services under this Act shall be available to employers:

1. information about job seekers;
2. information about employment security and employment promotion programmes and measures;
3. intermediation for placement of labour force;
4. inclusion in employment and training programmes and measures;
5. incentives to sustain and/or increase employment;
6. incentives for internship and/or apprenticeship;
7. incentives to encourage the territorial mobility of employed persons.

(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 Job Seekers

(Title amended, SG No. 26/2008)

Article 18. (1) (Amended, SG No. 18/2006, effective 1.01.2007, amended and supplemented, SG No. 26/2008) Each Bulgarian citizen, as well as each citizen of another Member State of the European Union, or of another State which is a Contracting Party to the Agreement on the European Economic Area or of the Swiss Confederation, who is seeking a job may register with the competent local division of the National Employment Agency.

(2) (Amended, SG No. 38/2005, SG No. 26/2008) Job seekers shall register in any of the following groups:

1. unemployed persons;
2. employed persons;
3. students wishing to work during off-study time;
4. persons who have acquired entitlement to a contributory-service and retirement-age pension;
5. persons who have acquired entitlement to an early-retirement occupational pension.

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

1. (supplemented, SG No. 9/2011) foreigners holding a long-term or 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;
5. (new, SG No. 26/2008) third-country nationals, who are family members of Bulgarian citizens or of nationals of a Member State of the European Union, of a State which is a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation;
6. (new, SG No. 9/2011) family members of foreigners who have been granted a long-term residence permit.
7. (new, SG No. 43/2011, effective 15.06.2011) EU Blue Card holders who have remained jobless for three months or wish to change their employer.

(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, SG No. 54/2014) 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 working 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) (Amended, SG No. 38/2005, SG No. 26/2008) Job seekers may enjoy the rights covered under Article 17 (1) herein as follows:

1. unemployed persons: the rights covered under Items 1 to 8;
2. employed persons and students wishing to work during off-study time: the rights covered under Items 1, 3, 4 and 5;
3. (amended, SG No. 89/2008) persons who have acquired entitlement to a contributory-service and retirement-age pension: the rights covered under Items 1 to 4 and 7;
4. persons who have acquired entitlement to an early-retirement occupational pension: the rights under Items 1 to 7.

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. (amended, SG No. 59/2010) submit an application for termination at their own free will;

3. die;

4. (new, SG No. 26/2008, amended, SG No. 54/2015, effective 17.07.2015) 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, with the exception of the persons referred to in Article 4, Paragraph 10 of the Social Insurance Code or on the basis of employment are subject to the legislation of another Member State of the European Union, or of another State which is a Contracting Party to the Agreement on the European Economic Area;

5. (new, SG No. 26/2008, supplemented, SG No. 32/2009) are included in any employment programmes and measures under this Act, as well as in employment under any programmes and projects financed by resources from European and other international funds.

(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. (repealed, SG No. 70/2013);

4. (amended, SG No. 26/2008) refuse to accept suitable work offered thereto and/or inclusion in employment and adult training programmes and measures under this Act, as well as in programmes and projects financed by resources from European and other international funds;

5. (amended, SG No. 26/2008) discontinue the participation thereof in an adult training course;

6. (amended, SG No. 26/2008) acquire entitlement to a contributory-service and retirement-age pension or to an early-retirement occupational pension;

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

8. (repealed, SG No. 26/2008).

(5) (Amended, SG No. 26/2008, SG No. 59/2010) Persons shall be entitled to subsequent registration not earlier than upon the lapse of six months after termination of the preceding registration in pursuance of Item 1 of Paragraph (3) and Items 1 to 5 and 7 of Paragraph (4) and subject to the condition that the said persons do not incur any liabilities to the Exchequer by reason of a failure to comply with the requirements of the contracts concluded upon the participation thereof in active labour market policy programmes, measures and trainings, inter alia under programmes of the European Union.

(6) (Amended, SG No. 26/2008) Any registration terminated in pursuance of Item 1 of Paragraph (3) and Items 1 to 5 and 7 of Paragraph (3) shall be restored upon presentation of evidence of the existence of reasonable excuses.

(7) (Amended and supplemented, SG No. 18/2006, amended, SG No. 46/2007, repealed, SG No. 26/2008).

(8) (Supplemented, SG No. 18/2006, repealed, SG No. 26/2008).

(9) (Amended, SG No. 18/2006) Any persons, whereof the participation in employment programmes and measures has been discontinued through a dismissal for breach of discipline, shall be entitled to registration not earlier than upon the lapse of twelve months after the said dismissal.

(10) (New, SG No. 54/2015, effective 17.07.2015) The persons, who have worked under Article 114a of the Labour Code, shall notify the Labour Office Directorate and declare the amount of remuneration received by the 5th day of the month following the month, when such work was performed.

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. (amended, SG No. 26/2008) the needs of training of employees and their own capacity to organize such training.

(3) (New, SG No. 59/2010) The National Employment Agency shall ensure access to the information referred to in Item 1 of Paragraph (2) through the Internet site thereof. The content of the accessible information shall be determined by the Regulations for Application of this Act.

(4) (Amended, SG No. 26/2003, renumbered from Paragraph (3), SG No. 59/2010) Within seven working days, employers shall be obligated to inform the divisions of the National Employment Agency of:

1. any filled and eliminated jobs that have been announced as vacancies;
2. (new, SG No. 26/2003) any persons appointed 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.

(5) (Amended, SG No. 26/2008, renumbered from Paragraph (4), SG No. 59/2010) Employers shall place requests for training of the personnel hired thereby, 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.

(6) (Renumbered from Paragraph (5), SG No. 59/2010) 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.

(7) (Renumbered from Paragraph (6), SG No. 59/2010) 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 22a. (New, SG No. 59/2010) (1) Employers shall mandatorily announce at the local divisions of the National Employment Agency the job vacancies for persons working under an employment relationship, at an administration within the meaning given by the Administration Act, at state-owned enterprises referred to in Article 62 (3) of the Commerce Act, and at municipal enterprises.

(2) Within fourteen working days after the date of announcement of a job vacancy referred to in Paragraph (1), the local divisions of the National Employment Agency shall refer job seekers satisfying the requirements for filling the job.

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, SG No. 48/2006) Any employer shall notify in writing the competent division of the National Employment Agency of any projected collective dismissals not later than 30 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, SG No. 48/2006) The notification referred to in Paragraph (1) must include all the relevant information regarding the projected collective dismissals, including the reasons for the said dismissals, the number of factory and office workers to be dismissed, and the principal economic activities, groups of professions and positions to which they belong; the number of factory and office workers employed in the principal economic activities, groups of professions and positions at the enterprise; the specific criteria for application of the criteria under Article 329 of the Labour Code for the selection of the factory and office workers to be dismissed; the period over which the dismissals are to be effected, as well as information regarding the advance consultations held with the trade union organizations' representatives and with the factory and office workers' representatives referred to in Article 7 (2) of the Labour Code.

(4) (New, SG No. 48/2006) The employer shall be obligated to provide the trade union organizations' representatives and the factory and office workers' representatives referred to in Article 7 (2) of the Labour Code with copy of the notification referred to in Paragraph (1) within three working days.

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 factory and office 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. (amended, SG No. 26/2008) adult training;
3. own business start-up;
4. (amended, SG No. 59/2010) employment programmes.

(3) (Amended, SG No. 26/2008) The drafts covered under Paragraph (2) shall be submitted for approval to the 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. (supplemented, SG No. 26/2008) furnishing information and/or consultation to job seekers and to employers;
2. psychological counselling of job seekers;
3. (supplemented, SG No. 26/2008) referral to appropriate employment and training programmes and measures;
4. (amended, SG No. 26/2008) referral to adult training;
5. guidance and support for starting work, including work in another nucleated settlement in Bulgaria or in other States;
6. (repealed, SG No. 26/2008).

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 1.01.2007, supplemented, SG No. 26/2008, amended, SG No. 54/2014) 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 State which is a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation, where such persons are established in the Republic of Bulgaria and are registered under this Act;
3. (new, SG No. 54/2014) any persons who have the right to provide job placement intermediation services according to the legislation of another Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation, without being subject to registration, where such persons perform these services temporarily or on a single occasion in the Republic of Bulgaria.

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

1. (amended, SG No. 18/2006, effective 1.01.2007) 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 27a. (New, SG No. 59/2010) (1) (Supplemented, SG No. 54/2014) Natural and/or legal persons referred to in Item 2 of Article 27 (2) herein who or which satisfy the following conditions may apply for registration for practice of job placement intermediation:

1. they do not incur any pecuniary obligations to the State or to a municipality within the meaning given by Article 162 (2) of the Tax and Social-Insurance Procedure Code, established by an enforceable act issued by a competent authority, save as where a rescheduling or deferral of the said obligation has been allowed, or any pecuniary obligations related to the payment of social insurance contributions;
2. they are not adjudicated bankrupt;
3. liquidation proceedings are not pending thereagainst and, applicable to the persons referred to in Paragraph (2), a similar procedure according to the national laws and instruments of

secondary legislation is not in progress thereagainst;

4. (amended, SG No. 54/2014) any administrative sanctions under Article 81 (1) or (2) for any violations of Article 28 (1) and (3) and Item 2 of Article 28 (7) herein have not been imposed thereon within three years before the date of application for registration;

5. the members of the management and/or supervisory bodies of the legal persons:

(a) (amended, SG No. 54/2014) are not persons whereon any sanctions referred to in Article 81 (1) or (2) herein have been imposed for any violations of Article 28 (1) and (3) and Item 2 of Article 28 (7) herein within three years before the date of application for registration;

(b) (amended, SG No. 54/2014) have not been members of management and/or supervisory bodies of any persons whereon any sanctions referred to in Article 81 (1) or (2) have been imposed for any violations of Article 28 (1) and (3) and Item 2 of Article 28 (7) herein within three years before the date of application for registration.

(2) The persons registered under the legislation of a Member State of the European Union, or of another State which is a Contracting Party to the Agreement on the European Economic Area or of the Swiss Confederation, shall prove the circumstances referred to in Items 1 to 3 of Paragraph (1) in conformity with the legislation of the State of registration.

(3) (New, SG No. 54/2014, effective 5.10.2014) In the cases of provision of job placement intermediation services in the Republic of Bulgaria temporarily or on a single occasion, the persons referred to in Item 3 of Article 27 (2) herein shall give the Minister of Labour and Social Policy or an official authorized thereby advance notice under the terms and according to the procedure established by the ordinance referred to in Article 28 (8) herein.

Article 28. (Amended, SG No. 26/2003) (1) (Amended and supplemented, SG No. 54/2014) 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 after a registration at the National Employment Agency. The registration shall be effective indefinitely.

(2) (Amended, SG No. 54/2014) The job placement intermediation, practised by the persons referred to in Items 2 and 3 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, supplemented, SG No. 54/2014) the employers, including the shipowners, seeking to hire factory and office workers.

(4) (Amended, SG No. 18/2006, repealed, SG No. 54/2014).

(5) (Amended, SG No. 54/2014) The Minister of Labour and Social Policy or an official authorized thereby shall issue the persons referred to in Item 2 of Article 27 (2) herein a certificate of registration for practice of job placement intermediation, which shall be entered into a register.

(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, repealed, SG No. 54/2014).

(7) (Amended, SG No. 18/2006, SG No. 54/2014) Job placement intermediation practised by the persons referred to in Items 2 and 3 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;

5. (new, SG No. 54/2014) the terms and procedure for the provision of job placement intermediation services in the Republic of Bulgaria temporarily or on a single occasion.

(9) (New, SG No. 59/2010) The persons referred to in Item 2 of Article 27 (2) herein shall mandatorily provide the National Employment Agency with information on the job vacancies announced at the said persons and on the jobs which have already been filled or for which finding an applicant is no longer necessary:

1. where the intermediation service provider possesses an electronic register of the jobs available, which is accessible in cyberspace, the said provider shall grant rights for link with the said register through the Internet site of the National Employment Agency;

2. where the intermediation service provider does not possess an electronic register of the jobs available, which is accessible in cyberspace, the said provider shall be obligated to announce the said jobs through the registration thereof in Electronic Labour Exchange on the Internet site of the National Employment Agency.

(10) (New, SG No. 59/2010) The National Employment Agency shall ensure access to the information referred to in Paragraph (9) through the Internet site thereof. The content, the terms and procedure for exchange of information between the National Employment Agency and the persons referred to in Item 2 of Article 27 (2) herein shall be established by the Regulations for Application of this Act.

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 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) (Amended, SG No. 26/2008) Employment promotion programmes and measures under this Act shall be implemented after the approval thereof by the National Employment Promotion Board and by the Employment Commissions and after financing has been provided therefor in the respective annual budget, as well as according to the procedure established by the Operational Programme "Human Resources Development".

(2) (Amended, SG No. 26/2008) The Ministry of Labour and Social Policy shall submit annually to the Ministry of Finance financing estimates for implementation of the active employment policy through the State Budget of the Republic of Bulgaria Act.

(3) (Supplemented, SG No. 26/2008) 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 and adult training 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. (supplemented, SG No. 43/2011, effective 15.06.2011) remunerations for basic paid annual leave under Article 155 or 319 of the Labour Code;
4. (supplemented, SG No. 38/2005, amended, SG No. 26/2008, SG No. 59/2010) 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 received, including the gross labour remuneration charged and unpaid or the gross labour remuneration uncharged, including the remuneration referred to in Items 3 and 6 according to 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, amended, SG No. 26/2008, SG No. 59/2010) contributions due for the account of the employer to the Unemployment Fund on the gross labour remuneration received, including the gross labour remuneration charged and unpaid or the gross labour remuneration uncharged, including the remuneration referred to in Items 3 and 6 according

to Article 6 (3) of the Social Insurance Code;

6. (amended, SG No. 26/2008, SG No. 100/2010, effective 1.01.2011) remunerations referred to in Article 40 (5) of the Social Insurance Code;

7. (amended, SG No. 26/2008) adult training;

8. encouragement of the geographical mobility of the unemployed persons registered at the divisions of the National Employment Agency;

9. (amended, SG No. 26/2008, SG No. 70/2013) a study grant, travel and accommodation expenses of the unemployed persons participating in motivational training, literacy training, training for attainment of professional qualification or training in key competences: for the duration of the 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, amended, SG No. 59/2010) costs of use of outside consulting services and ancillary services by the persons referred to in Article 47 (1) and Articles 49 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. (repealed, SG No. 59/2010);

15. (new, SG No. 38/2005, repealed, SG No. 59/2010);

16. (new, SG No. 38/2005, amended, SG No. 18/2006) costs of own business start-up under Article 49 herein;

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;

18. (new, SG No. 26/2008) encouragement of the territorial mobility of employed persons;

19. (new, SG No. 26/2008, amended, SG No. 70/2013) a mentor under Articles 41a and 55d herein;

20. (new, SG No. 26/2008) career guidance;

21. (new, SG No. 26/2008, amended, SG No. 59/2010) additional monthly sums under Article 49 (4) herein;

22. (new, SG No. 89/2008) group risk insurance of the unemployed persons included in training for the duration of the training.

(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. (amended, SG No. 89/2008) under Items 1 to 6: to the employer who or which has hired an unemployed person, a person who has acquired entitlement to an early retirement occupational pension, or a person who has acquired entitlement to a contributory-service and retirement-age pension upon referral by a division of the National Employment Agency;

2. (supplemented, SG No. 18/2006, amended, SG No. 26/2008, SG No. 59/2010) under Item 7: to the training institution and to the employer delivering the training, as well as to the

persons referred to in Article 49 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, SG No. 59/2010) 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) 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, amended, SG No. 59/2010) under Item 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;

10. (new, SG No. 26/2008) under Item 18: to employers who or which organize commuter transport services between the place of residence and the workplace for hired factory and office workers living outside the limits of the nucleated settlement where the workplace is located;

11. (new, SG No. 26/2008, supplemented, SG No. 70/2013) under Item 19: to an employer whereto the employment promotion measure referred to in Article 41a and Article 55d (1) herein is available;

12. (new, SG No. 26/2008) under Item 20: to the licensed institution providing career guidance;

13. (new, SG No. 18/2006, amended, SG No. 59/2010) under Item 21: to the persons referred to in Article 49 (1) herein;

14. (new, SG No. 89/2008) under Item 22: to insurance institutions licensed by the Financial Supervision Commission under the terms and according to the procedure established by the Insurance Code and the instruments on the application thereof.

(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) (Amended, SG No. 59/2010, SG No. 54/2014) The financial resources covered under Article 30a herein shall be provided on the basis of a contract concluded between the National Employment Agency, represented by the Executive Director thereof or an official authorized by the said Executive Director, and:

1. the unemployed person;

2. the employer;

3. (amended, SG No. 26/2008) the training institution;

4. (new, SG No. 18/2006, amended, SG No. 59/2010) any person referred to in Article 42a

(1) herein;

5. (new, SG No. 26/2008) the Ministry of Justice through the Directorate General of Implementation of Penal Sanctions and/or the territorial units thereof;

6. (new, SG No. 26/2008) the licensed institution providing career guidance.

(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, SG No. 26/2008, SG No. 59/2010) The financial resources provided according to the procedure established by Paragraph (1) shall be used as intended by the employer, the unemployed person, the Ministry of Justice through the Directorate General of Implementation of Penal Sanctions and/or the territorial units thereof, the licensed institution providing career guidance, and the training institution.

(4) (New, SG No. 59/2010) Financial resources shall be provided under Article 30a herein subject to the condition that the same expenditures are not financed from other sources.

Article 30c. (New, SG No. 26/2003) (1) (Amended, SG No. 26/2008) The executive authorities 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 Action Plan for Employment.

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

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

Article 31. (1) (Supplemented, SG No. 26/2003, amended, SG No. 59/2010) 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, as well as not-for-profit legal entities registered according to the procedure established by Chapter Three of the Not-for-Profit Legal Entities Act, jointly with the social partners, may develop and propose for financing and implementation programmes for increase of employment related to the priorities of national strategic documents on development and the National Action Plan for Employment, as well as programmes for employment, literacy training, vocational training and training in key competences of disadvantaged groups on the labour market.

(2) (New, SG No. 59/2010) Annually, by decision of the National Employment Promotion Board, there shall be formed a commission for evaluation and selection of programmes/projects proposed according to the procedure established by Paragraph (1) and Articles 25 and 33 herein. The members of the said commission shall include representatives of the nationally representative factory and office workers' organizations, the nationally representative employers' organizations, the Ministry of Labour and Social Policy and the National Employment Agency. The terms and procedure for operation and the functions of the commission shall be established by the Regulations for Application of this Act.

(3) (Supplemented, SG No. 26/2008, renumbered from Paragraph (2), SG No. 59/2010) The following institutions shall be responsible for development and implementation of employment and training 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. (supplemented, SG No. 26/2008) for functional-regional programmes: the Employment Commissions with the Administrative-Regional Councils for Development.

(4) (New, SG No. 26/2003, amended, SG No. 38/2005, SG No. 26/2008, renumbered from Paragraph (3), SG No. 59/2010) The Employment Commissions with the Administrative-Regional Councils for Development shall propose to the Ministry of Labour and Social Policy functional-regional programmes for adult training and/or employment.

(5) (Renumbered from Paragraph (3), SG No. 26/2003, renumbered from Paragraph (4), SG No. 59/2010) 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) (Amended, SG No. 26/2008) Employment Commissions with the Administrative-Regional Councils for Development shall organize the implementation of short-term or medium-term employment promotion programmes.

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

Article 33. (1) (Amended, SG No. 26/2008) Functional-regional employment and training 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 administrative-regional strategy for development and of the functional-regional, administrative-regional and municipal plans for development, as well as to the priorities of the national strategic documents and the National Action Plan for Employment.

(2) (Amended, SG No. 26/2008, supplemented, SG No. 59/2010) Functional-regional employment and adult training programmes shall be proposed by the administrative-regional and municipal administrations, social partners and other legal persons and shall be approved by the Employment Commission. The said programmes shall include new initiatives and activities for increase of employment in conformity with the priorities referred to in Paragraph (1), as well as employment and training programmes for persons released from work as a result of collective dismissals.

(3) (Amended and supplemented, SG No. 26/2008, amended, SG No. 59/2010) Functional-regional employment and training programmes shall be elaborated on the initiative of the administrative-regional and municipal administrations, the social partners and other legal persons and shall be presented periodically for approved to the Employment Commissions with the Administrative-Regional Councils for Development. The Employment Commissions shall propose the approved functional-regional employment and training programmes for financing under terms and according to a procedure established by the Regulations for Application of this Act.

Section III

Youth Employment **(Title 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 a 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 persons and twelve months.

Article 36a. (New, SG No. 70/2013) For each job created and filled by an unemployed person under 29 years of age, whose registration has been maintained without interruption for not less than twelve months, who is hired for part-time work 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.

Article 36b. (New, SG No. 70/2013) (1) For each job created and filled by an unemployed person under 29 years of age, who has completed secondary or higher education and who has no length of employment service, who is hired upon referral by the competent division of the National Employment Agency for occupation of a position according to the attained educational degree or qualification, 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 a period of not less than six months and not more than eighteen months.

(2) The sums referred to in Paragraph (1) shall be provided in an amount of 30 per cent for the first six months, 50 per cent for the period from the seventh to the twelfth month inclusive, and 75 per cent for the remainder of the period.

Article 37. (Amended, SG No. 26/2003, repealed, SG No. 26/2008).

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, SG No. 26/2008, SG No. 59/2010) For each job created for 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 nine months. To be eligible to fill a job created for internship, a person must have attained, during the last preceding 24 months, qualification in an occupation or in part of an occupation required for the position occupied and must have no length of employment service in the said occupation.

Article 41a. (New, SG No. 70/2013) (1) For each job created for full-time or part-time apprenticeship work, filled by an unemployed person under 29 years of age with basic or lower education and with no skills, 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) During the apprenticeship under Paragraph (1), the employer shall be obligated to ensure training of the person hired in the specific workplace by a mentor.

(3) (Amended, SG No. 54/2014) The mentor shall be a person of the same enterprise who, in the process of work, shall train the person hired under Paragraph (1) in the relevant occupation or trade and who possesses at least five years' professional experience in the same occupation or trade or qualification certified by a document and at least three years' professional experience in the same occupation or trade.

(4) Any employer, who sustains the employment of any unemployed person hired for apprenticeship under Paragraph (1) for an additional period of a length equal to the period of subsidization, shall be provided with sums for the mentor according to Article 30a (2) herein for the additional period as well.

(5) The mentor shall receive sums according to Article 30a (2) herein for the shorter of the period of mentoring and twenty-four 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 National Employment Agency, having been registered as unemployed at the local divisions of the said 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. (supplemented, SG No. 26/2008) are single parents (or adopters) 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. (amended, SG No. 59/2010) 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) (Amended, SG No. 26/2008) Any persons, who have been granted a contributory-service and retirement-age pension or an early-retirement occupational pension, 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, repealed, SG No. 7/2012)

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

(5) (Amended, SG No. 26/2008) The employer shall have the right to propose training for attainment of professional qualification for the persons hired under Paragraph (1). Financial resources according to Article 30a (2) herein shall be provided to the training institution for the persons included by the employer and the National Employment Agency in organized training for professional qualification.

Section V

Training Programmes and Measures

(Title amended, SG No. 26/2003)

Article 44. (Amended, SG No. 26/2003, SG No. 26/2008) 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.

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, SG No. 26/2008) For each job created for internship 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 of any such person and six months. To be eligible to fill a job created for internship, a person must have attained, during the last preceding 24 months, qualification in an occupation or in part of an occupation required for the position occupied and must have no length of employment service in the said occupation.

Section VI

Entrepreneurship Promotion

Article 47. (1) (Amended, SG No. 26/2003, SG No. 38/2005, SG No. 59/2010) 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 by the person of an application to the competent division of the National Employment Agency, 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, repealed, SG No. 59/2010).

Article 49. (Amended, SG No. 26/2003, SG No. 38/2005) (1) (Amended, SG No. 18/2006, SG No. 26/2008) Any unemployed persons may be provided with resources for costs according to 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, supplemented, SG No. 26/2008, amended, SG No. 59/2010) Any persons who have exercised the rights thereof under Paragraph (1) or under Article 47 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) Sums shall be provided additionally according to Article 39a (2) herein to the persons referred to in Paragraph (1) for attainment of professional qualification in the objects of economic activity and/or for management of the said activity under the business project as approved.

(4) (New, SG No. 26/2008) Persons who have concluded a contract under Paragraph (1) may be provided with additional monthly sums according to Article 30a (2) herein immediately after the start up of business for a period not exceeding twelve months.

Article 49a. (New, SG No. 26/2003, supplemented, SG No. 38/2005, SG No. 18/2006, SG No. 26/2008, repealed, SG No. 59/2010).

Article 49b. (New, SG No. 38/2005, supplemented, SG No. 18/2006, amended, SG No. 59/2010) Any persons referred to in Articles 47 and 49 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, SG No. 59/2010) 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 not more than 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 Disadvantaged Groups on the Labour Market (Title amended, SG No. 26/2008)

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) herein 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 temporary, 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 53a. (New, SG No. 26/2008) (1) For each job created for full-time or part-time work, filled by unemployed mothers (adopters) with children between 3 and 5 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.

(2) The employer shall have the right to propose training for attainment of professional qualification for the persons hired under Paragraph (1). Financial resources according to Article 30a (2) herein shall be provided to the training institution for the persons included by the employer and the National Employment Agency in organized training for professional qualification.

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) (Amended, SG No. 26/2008) The employer shall have the right to propose training for attainment of professional qualification for the persons hired under Paragraph (1). Financial resources according to Article 30a (2) herein shall be provided to the training institution for the persons included by the employer and the National Employment Agency in organized training for professional qualification.

Article 55a. (New, SG No. 26/2003, amended, SG No. 26/2008) For each job created and filled by unemployed persons over 50 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.

Article 55b. (New, SG No. 26/2008) (1) For each job created and filled by a person between 50 and 64 years of age, who has acquired entitlement to early-retirement occupational pension and 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 twelve months.

(2) The employer shall have the right to propose training for attainment of professional qualification for the person hired under Paragraph (1). Financial resources according to Article 30a (2) herein shall be provided to the training institution for the persons included by the employer and the National Employment Agency in organized training for professional qualification.

Article 55c. (New, SG No. 26/2008) For each job created and filled by an unemployed person whose registration has been maintained without interruption for not less than twelve months, 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 twelve months.

Article 55d. (New, SG No. 26/2008) (1) For each job created for full-time or part-time apprenticeship work, filled by an unemployed person with basic or lower education and with no skills, 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 twelve months.

(2) (Amended, SG No. 70/2013) During the apprenticeship under Paragraph (1), the employer shall be obligated to ensure training of the person hired in the specific workplace by a mentor.

(3) (Amended, SG No. 70/2013, SG No. 54/2014) The mentor shall be a person of the same enterprise who, in the process of work, shall train the person hired under Paragraph (1) in the relevant occupation or trade and who possesses at least five years' professional experience in the same occupation or trade or qualification certified by a document and at least three years' professional experience in the same occupation or trade.

(4) Any employer, who sustains the employment of any unemployed person hired for apprenticeship under Paragraph (1) for an additional period of a length equal to the period of subsidization, shall be provided with sums for the mentor according to Article 30a (2) herein for the additional period as well.

(5) (Amended, SG No. 70/2013) The mentor shall receive sums according to Article 30a (2) herein for the shorter of the period of mentoring and twenty-four months.

Article 55e. (New, SG No. 59/2010) For each "green job" created and filled by an unemployed person whose registration has been maintained without interruption for not less than six months, who is hired upon referral by a division of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the period of employment of any such person but not more than twelve months.

Section IX

Employment Protection and Employment Security

Article 56. (Amended, SG No. 26/2003, SG No. 38/2005, SG No. 26/2008, SG No. 59/2010, SG No. 43/2011, effective 15.06.2011, SG No. 7/2012, SG No. 70/2013) (1) Any employers, as well as any institutions providing adult training or career guidance, may not receive financial resources under this Act if they satisfy any of the following conditions:

1. they are active in the primary production of agricultural products listed in Annex I to the Treaty on the Functioning of the European Union;

2. they are active in the processing and marketing of agricultural products listed in Annex I to the Treaty on the Functioning of the European Union;

3. they are active in the coal sector according to Council Regulation (EC) No 1407/2002 of 23 July 2002 on State aid to the coal industry;

4. they are active in the fishery and aquaculture sector according to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products;

5. they have exigible public liabilities;

6. they have liabilities arising out of default on contracts concluded under programmes, measures and training courses, as well as under projects under Operational Programme Human Resources Development;

7. are enterprises in difficulty.

(2) The receipt of financing resources constituting de minimis aid shall be suspended where any of the conditions covered under Paragraph (1) occurs in respect of the employers and the institutions providing adult training or career guidance during the period of the aid.

(3) The employer shall benefit from the employment promotion measures referred to in Articles 36, 43, 50, 51, Article 52 (1), Articles 53, 53a, 55, 55a, 55b and 55c herein subject to the condition that the employer provides employment to unemployed persons referred by the National Employment Agency for an additional period of a length equal to the period of subsidization.

(4) Each job created under Articles 36, 36a, 43, 50, 51, Article 52 (1), Articles 53, 55, 55a,

55b, 55c and 55e herein may be filled successively 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.

(5) The creation of jobs under Article 36 (1), Articles 36a, 36b, 43, 50, 51, 53, 53a, 55, 55a, 55b and 55c herein shall be subsidized subject to the condition that the employer has not dismissed any factory and office workers hired to fill jobs for the same positions for which unemployed persons are hired during the last three preceding months.

(6) Any employer, who or which has failed to sustain the jobs according to Paragraph (3), shall refund the sums received with legal interest, with the exception of the cases specified by the Regulations for Application of this Act.

(7) 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. (Amended, SG No. 26/2003, repealed, SG No. 26/2008).

Article 57a. (New, SG No. 26/2008) Any employer, who or which organizes commuter transport services between the place of residence and the workplace at a distance not exceeding 100 kilometres within the territory of the country for hired factory and office workers living outside the limits of the nucleated settlement where the workplace is located, shall be provided monthly with financial resources according to Article 30a (2) herein. The said resources shall be provided to the employer for a period not exceeding twelve months for one and the same person hired.

Chapter Seven

ADULT TRAINING AND CAREER GUIDANCE

(Title amended, SG No. 26/2008)

Section I

Adult Training

(Title amended, SG No. 26/2008)

Article 58. (Amended, SG No. 26/2008, SG No. 68/2013, effective 2.08.2013) The Minister of Labour and Social Policy, acting jointly with the Minister of Education and Science, shall:

1. develop and coordinate the state policy in the field of adult training;
2. create conditions for the assessment and recognition of knowledge, skills and competences of adults acquired through non-formal or self-managed learning;
3. study, analyse and forecast the state, development and needs of adult training.

Article 58a. (New, SG No. 26/2008) Adult training shall include:

1. literacy training;
2. training for attainment of professional qualification;
3. training for acquisition and refinement of key competences;

4. motivational training.

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

(2) (Amended, SG No. 68/2013, effective 2.08.2013) The National Advisory Board for Labour Force Professional Qualification shall be chaired by a Deputy Minister of Labour and Social Policy, and a Deputy Minister of Education and Science shall serve as Deputy Chairperson.

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

1. coordinate the development of national policy and strategies for training of unemployed and employed persons for attainment of professional qualification;

2. (amended, SG No. 26/2008) create conditions for interaction among the nationally representative employers' and factory and office workers' organizations in connection with lifelong learning;

3. (supplemented, SG No. 26/2008) coordinate the needs of training for attainment of professional qualification by unemployed persons.

Article 60. (Amended, SG No. 26/2008) Apart from the institutions covered under Article 58 herein, the activities related to adult training 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 law or in an act of the Council of Ministers;

5. (new, SG No. 26/2008) natural or legal persons registered according to effective legislation.

Article 60a. (New, SG No. 43/2011, effective 1.07.2011) (1) A state-owned enterprise named Bulgarian-German Vocational Training Centre shall be established as a legal person within the meaning of Article 62 (3) of the Commerce Act, with its head office in Sofia, and with branches with the status of territorial units, whose number and head offices shall be determined by the Minister of Labour and Social Policy.

(2) The main object of the Bulgarian-German Vocational Training Centre State-Owned Enterprise shall be the provision of training to individuals who have attained the age of 16 years more leading to the acquisition of professional qualification, training for acquisition of key competences and career guidance.

(3) The main public mission of the Bulgarian-German Vocational Training Centre State-Owned Enterprise shall be:

1. supporting the integration of unemployed persons from disadvantaged groups on the labour market through training leading to the acquisition of vocational qualification and key competences;

2. testing innovative practices with a view to their subsequent applying by other vocational training institutions;

3. improving adult trainers' competences;

4. training mentors, outside experts and adult trainers in specific professions;

5. establishing partnerships with business representatives and representatives of factory and office workers with a view to developing new and updating existing syllabi, training materials, career guidance, etc.

(4) The Enterprise may also pursue other activities related to its main object.

(5) The Bulgarian-German Vocational Training Centre State Enterprise shall have the following management bodies:

1. the Minister of Labour and Social Policy;
2. a Management Board;
3. an Executive Director.

(6) The activities of the Executive Director of the Bulgarian-German Vocational Training Centre State Enterprise shall be supported by a council comprised of representatives of the nationally representative employers' and factory and office workers' organisations.

(7) The structure and operation of the Bulgarian-German Vocational Training Centre State-Owned Enterprise, the powers and duties of its management bodies, and any issues related to the activities of the branches shall be regulated by Rules adopted by the Council of Ministers.

(8) For the performance of the Enterprise's activities under this Act, the State shall allocate public and private state property to be used and managed thereby.

(9) The activities of the Bulgarian-German Vocational Training Centre State-Owned Enterprise related to the performance of its public missions shall be supported by the State through the budget of the Ministry of Labour and Social Policy and through the granting of public financial resources.

(10) The Enterprise may not have an interest in commercial corporations or civil-law companies.

(11) The Enterprise may not enter into loan agreements with commercial banks and other financial institutions, unless it has obtained the Council of Ministers' explicit consent therefor.

(12) Public state property allocated to the Enterprise may not be the object of coercive enforcement.

(13) The Enterprise may not be privatised, and no bankruptcy proceedings may be initiated against it.

Article 61. (Repealed, SG No. 26/2008).

Article 62. (1) (Amended, SG No. 26/2008) Adult training shall be provided 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 provided 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. 26/2008, amended, SG No. 59/2010, SG No. 68/2013, effective 2.08.2013) Literacy training shall be provided by the schools under Article 26 of the Public Education Act under terms and according to a procedure established by the Regulations for Application of this Act. Persons who have successfully completed literacy training shall receive a certificate in a standard form endorsed by an order of the Minister of Education and Science.

(4) (New, SG No. 26/2008) Training for acquisition of key competences and motivational training shall be provided by natural or legal persons registered according to effective legislation, under terms and according to a procedure established by the Regulations for Application of this

Act.

(5) (New, SG No. 38/2005, amended, SG No. 18/2006, renumbered from Paragraph (3) and amended, SG No. 26/2008) A provider of training under Paragraphs (2), (3) and (4) shall be selected under terms and according to a procedure established by the Regulations for Application of this Act.

Section II

Career Guidance and Adult Training Organized by National Employment Agency

(Title amended, SG No. 26/2008)

Article 63. (Amended, SG No. 26/2003, SG No. 38/2005, SG No. 26/2008) The National Employment Agency shall organize adult training 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. 59/2010) persons referred to in Articles 48 and 49 herein;
3. factory and office workers at micro-enterprises and small enterprises;
4. (supplemented, SG No. 59/2010) factory and office workers in respect of whom the requirements to the qualification thereof or to the competences possessed thereby change owing to changed requirements for filling the job with the same employer;
5. persons who have acquired entitlement to early-retirement occupational pension and who do not work;
6. persons serving a custodial sentence.

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

Article 65. (Amended, SG No. 38/2005, SG No. 26/2008) (1) Inclusion of unemployed persons in training for attainment of professional qualification, organized by the National Employment Agency, may be preceded by career guidance.

(2) Career guidance shall be provided by the National Employment Agency and by licensed institutions according to the procedure established by the Vocational Education and Training Act. The terms and procedure for the organization and financing of career guidance shall be established by the Regulations for Application of this Act.

Article 66. (Amended, SG No. 38/2005, SG No. 26/2008) (1) Training of persons according to the procedure established by Items 1, 2, 5 and 6 of Article 63 herein, organized by the National Employment Agency, shall be financed under terms and according to a procedure established by the Regulations for Application of this Act.

(2) Training of factory and office workers 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 the Regulations for Application of this Act.

(3) (Amended, SG No. 70/2013) Any unemployed persons referred to in Item 1 of Article 63 herein, participating in adult training, shall be paid a study grant and travel and accommodation

allowances under terms and according to a procedure established by the Regulations for Application of this Act.

(4) (Repealed, SG No. 70/2013).

Chapter Eight

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

Section I

(New, SG No. 43/2011, effective 15.06.2011)

Employment of Bulgarian Citizens Abroad

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. (amended, SG No. 26/2008) being posted by the employer thereof.

Article 68. (1) (Amended, SG No. 18/2006, redesignated from Article 68, SG No. 70/2013) 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 job 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 job 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.

(2) (New, SG No. 70/2013) For the performance of activities covered under Paragraph (1), the Ministry of Labour and Social Policy shall maintain and develop a network of services for labour and social affairs at relevant overseas missions of the Republic of Bulgaria.

(3) (New, SG No. 70/2013) The services referred to in Paragraph (2) shall be staffed by posted personnel members of the Ministry of Labour and Social Policy holding a temporary diplomatic rank according to the procedure established by the Diplomatic Service Act.

(4) (New, SG No. 70/2013) The terms and procedure for implementation of the activity of the services for labour and social affairs shall be established by an act of the Minister of Labour

and Social Policy.

Article 69. (1) (Amended, SG No. 26/2008) 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.

Section II

(New, SG No. 43/2011, effective 15.06.2011)

Employment of Foreigners in Bulgaria

Article 70. (1) A foreigner may work under an employment relationship or as a posted worker in the framework of the 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 resident employer or of the resident person appointing the posted foreigner.

(3) (Amended, SG No. 54/2002, SG No. 26/2003, SG No. 26/2008, supplemented, SG No. 85/2010) No work permit shall be required in respect of any persons covered under Article 18 (3) herein, as well as of seafarers specified in Article 88 of the Merchant Shipping Code.

(4) (Amended, SG No. 48/2006, SG No. 26/2008) The terms and the procedure for the posting of factory and office workers from the Member States of the European Union, the States which are Contracting Parties to the Agreement on the European Economic Area and the Swiss Confederation, as well as for the admission of posted factory and office workers from third countries to the Republic of Bulgaria in the framework of the 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 1.01.2007) 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. (amended, SG No. 26/2008, supplemented, SG No. 43/2011, effective 15.06.2011) subject to the condition that the total number of foreigners working for the resident employer does not exceed 10 per cent of the average annual number of Bulgarian citizens, citizens of Member States of the European Union, of other States which are parties to the Agreement on the European Economic Area, and of the Swiss Confederation, and persons covered under Article 18 (3) herein 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. (repealed, SG No. 70/2013).

(2) (New, SG No. 18/2006, effective 1.01.2007, repealed, SG No. 26/2008).

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 resident 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 resident person appointing a posted foreigner.

(5) (Renumbered from Paragraph (4), SG No. 26/2003, amended, SG No. 54/2014) 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.

(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 72a. (New, SG No. 43/2011, effective 15.06.2011) Upon hiring or appointing a foreigner, the employer shall require from such foreigner to present a valid residence document, and shall keep a notarised copy of such document for the period of hiring or acceptance. The employer shall not be liable in case the document presented thereto proves to be invalid.

(2) (Amended, SG No. 7/2012) Within seven days, employers shall notify the National Employment Agency of the date when a foreigner actually started work.

Article 72b. (New, SG No. 70/2013, effective 24.12.2013) (1) The work permit referred to in Article 70 herein shall not be issued as a separate document but shall be contained in the Single Residence and Work Permit, issued by the Ministry of Interior according to Article 24i of the Foreigners in the Republic of Bulgaria Act in respect of foreigners who are third-country nationals and who:

1. apply for a residence permit for the purpose of work;

2. by virtue of the Foreigners in the Republic of Bulgaria Act and the requirements of the EU transposed thereby, hold a valid residence permit for the territory of the Republic of Bulgaria in accordance with Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals for purposes other than employment;

3. by virtue of this Act and the requirements of the EU transposed thereby, hold a valid work permit.

(2) The terms and procedure for the issuance, renewal, refusal and withdrawal of the Single Residence and Work Permit referred to in Paragraph (1) shall be established by the Regulations for Application of the Foreigners in the Republic of Bulgaria Act.

(3) The National Employment Agency shall issue a written decision on the exercise of employment for the issuance of a Single Residence and Work Permit by the authorities of the Ministry of Interior.

(4) The terms and procedure for the issuance, refusal or withdrawal of the decision referred to in Paragraph (3) shall be established by the ordinance referred to in Article 74 (1) herein.

(5) For the issuance and extension of the decision referred to in Paragraph (3), the employer concerned shall pay a fee to the amount of BGN 400.

Article 72c. (New, SG No. 70/2013, effective 24.12.2013) (1) The exercise of employment by third-country worker foreigners in the Republic of Bulgaria on the basis of a Single Residence and Work Permit shall be in conformity with Bulgarian labour and social security legislation and under the terms established by Items 1 to 3 of Article 71 (1) herein.

(2) The holder of a Single Residence and Work Permit shall have the right to be informed about the rights arising from the permit.

Article 72d. (New, SG No. 70/2013, effective 24.12.2013) (1) Any holder of a Single Residence and Work Permit shall enjoy equal treatment with Bulgarian citizens as regards:

1. the rights referred to in Items 1 to 8 of Article 74c (2) herein;

2. the rights to enjoy tax benefits under the terms and according to the procedure established by the Income Taxes on Natural Persons Act.

(2) The terms covered under Paragraph (1) shall not prejudice the imposition of coercive administrative measures under Chapter Five of the Foreigners in the Republic of Bulgaria Act.

Article 73. (1) (Redesignated from Article 73, SG No. 43/2011, effective 15.06.2011) The industrial and social-security relations of foreigners hired by resident employers within the territory of the Republic of Bulgaria shall be regulated under the terms established by Bulgarian labour and social-security legislation.

(2) (New, SG No. 43/2011, effective 15.06.2011) The hiring of foreigners illegally staying within the territory of the Republic of Bulgaria shall not be allowed.

(3) (New, SG No. 43/2011, effective 15.06.2011) In case an employer hires a foreigner illegally staying within the territory of the Republic of Bulgaria in breach of the prohibition under Paragraph (2), any such employer shall be liable to pay the said foreigner the remuneration agreed but not less than the minimum wage established for Bulgaria or for the economic activity concerned, for a period of three months, unless the employer or the person hired proves a different duration of hiring. The payment shall remain due even after the return of the foreigner to the State of habitual residence thereof and shall include the money transfer costs.

(4) (New, SG No. 43/2011, effective 15.06.2011) If the employer fails to pay the amount due under Paragraph (3), the hired foreigners illegally staying within the territory of the Republic of Bulgaria may bring an action against such employer within the prescription periods under the Obligations and Contracts Act and according to the procedure established by the Code of Civil Procedure.

(5) (New, SG No. 43/2011, effective 15.06.2011) The remuneration paid under Paragraph (3) shall be subject to the relevant taxes and social and health insurance contributions provided for by Bulgarian legislation with regard to hired persons.

(6) (New, SG No. 43/2011, effective 15.06.2011) The employer shall cover the costs of return of the illegally staying foreigner.

(7) (New, SG No. 43/2011, effective 15.06.2011) Where the employer is a subcontractor, the contractor whose direct subcontractor the employer is, as well as any further contractor whose subcontractors they are, where it is indisputably ascertained that they were aware of the violation under Paragraph (2) and did not inform the foreigners' control authorities, may be liable jointly with, or instead of, the employer for the amounts due under Paragraphs (3), (4) and (5), as well as under Article 82a herein.

Article 73a. (New, SG No. 43/2011, effective 15.06.2011) The Minister of Labour and Social Policy may, after consulting the social partners and upon a recommendation by the National Labour Migration Council, impose restrictions on the access of foreigners, including highly qualified ones, to the labour market considering the condition, development and public interests of the labour market.

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 by 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.

Section III

(New, SG No. 43/2011, effective 15.06.2011)

Highly Qualified Employment of Foreigners in Bulgaria

Article 74a. (New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 70/2013) (1) Upon the hiring of foreigners for the purposes of highly qualified employment, the permit referred to in Article 70 herein, which is contained in the single residence and work permit of the "EU Blue Card" type, issued by the Ministry of Interior according to Chapter Three "B" of the Foreigners in the Republic of Bulgaria Act, shall not be issued.

(2) The terms and procedure for the issuance, renewal, refusal and withdrawal of the EU Blue Card shall be established by the Regulations for Application of the Foreigners in the Republic of Bulgaria Act.

Article 74b. (New, SG No. 43/2011, effective 15.06.2011) (1) (Amended, SG No. 70/2013) The National Employment Agency shall issue a written decision on the exercise of highly qualified employment for the issuance of an EU Blue Card by the authorities of the Ministry of Interior.

(2) (Amended, SG No. 70/2013) The terms and procedure for the issuance, refusal or withdrawal of the decision referred to in Paragraph (1) shall be established by the ordinance referred to in Article 74 (1) herein.

(3) (Amended, SG No. 70/2013) For the issuance and extension of the decision referred to in Paragraph (1), the employer concerned shall pay a fee to the amount of BGN 400.

Article 74c. (New, SG No. 43/2011, effective 15.06.2011) (1) (Amended, SG No. 70/2013) The exercise of highly qualified employment by foreigners in Bulgaria shall be in conformity with Bulgarian labour and social security legislation and under the terms established by Items 1 and 3 of Article 71 (1) herein.

(2) Any EU Blue Card holder shall enjoy equal treatment with Bulgarian citizens as regards:

1. the services provided under Items 1 and 3 of Article 17 (1) herein;
2. the working conditions, including pay, dismissal, health and safety at work, terms of access, observance of obligations and enjoyment of rights of social security within the law of the

European Union, etc.;

3. access to goods and services, including goods and services made available to the public;
4. education and vocational training;
5. payment of income-related acquired statutory pensions in respect of old age, at the rate applied by virtue of the law of the debtor Member State(s) when moving to a third country, without prejudice to existing bilateral agreements;
6. recognition of diplomas certifying educational attainment;
7. recognition of certificates and other professional qualifications in accordance with the Recognition of Professional Qualifications Act;
8. freedom of association and affiliation and membership of factory and office workers' or employers' organisations, as well as of trade unions and professional organisations, including the benefits conferred by such membership, unless Bulgarian citizenship is required by a law, statute or another statutory instrument.

(3) The rights covered under Paragraph (2) shall be enjoyable only by EU Blue Card holders and family members thereof who habitually reside within the territory of the Republic of Bulgaria.

(4) When moving to another Member State of the European Union, the enjoyment of the rights under Items 1 to 5 of Paragraph (2) shall cease after obtaining an EU Blue Card or another residence permit from the next Member State or upon expiry of the authorised period of residence in Bulgaria.

(5) The terms covered under Paragraph (2) shall not prejudice the imposition of coercive administrative measures under Chapter Five of the Foreigners in the Republic of Bulgaria Act.

(6) (New, SG No. 7/2012, amended, SG No. 70/2013) Foreigners who have been granted a durable residence permit as researchers under Article 24b of the Foreigners in the Republic of Bulgaria Act shall likewise enjoy the rights referred to in Item 2 to 7 of Article 24b herein.

Article 74d. (New, SG No. 43/2011, effective 15.06.2011) For the first two years of legal highly qualified employment, an EU Blue Card holder shall be restricted to the exercise within the territory of the Republic of Bulgaria of activities which meet the conditions whereunder the EU Blue Card has been issued thereto.

(2) (Amended, SG No. 70/2013) In the period referred to in Paragraph (1), an EU Blue Card holder may change the employer thereof only after obtaining a written decision from the National Employment Agency.

(3) (Amended, SG No. 70/2013) The decision referred to in Paragraph (2) shall be granted or denied under the terms and according to the procedure established by the Ordinance referred to in Article 74 (1) herein.

Article 74e. (New, SG No. 43/2011, effective 15.06.2011) (1) In case an EU Blue Card holder becomes unemployed, he or she shall be allowed to seek and take up employment during a period of three months, complying with the requirements of Article 74d (2) herein.

(2) (Amended, SG No. 70/2013) Until receipt of a decision regarding the change the employer, the circumstances referred to in Paragraph (1) shall not constitute grounds for the National Employment Agency to propose withdrawal of an EU Blue Card.

(3) The right referred to in Paragraph (1) may be enjoyed on a single occasion within the period of validity of the EU Blue Card.

(4) Upon the occurrence of the circumstance referred to in Paragraph (1), the EU Blue Card

holder shall register with the National Employment Agency according to the procedure established by Items 1 and 2 of Article 18 (2) and Article 18 (4) to (6) herein and within the time limit referred to in Article 18 (5) herein.

(5) Where the provisions of Paragraphs (3) and (4) have not been complied with and the labour market access conditions according to the ordinance referred to in Article 74 (1) herein are not fulfilled, the National Employment Agency shall draft a reasoned proposal for the withdrawal or non-renewal of an EU Blue Card.

Chapter Eight "A"

(New, SG No. 7/2012, effective 5.12.2011)

TERMS AND PROCEDURE FOR REGISTRATION OF TEMPORARY-WORK AGENCY UNDERTAKINGS

Article 74f. (New, SG No. 7/2012, effective 5.12.2011) (1) The activity of temporary-work agency shall be carried out on the basis of a registration with the National Employment Agency.

(2) Resident natural or legal persons, as well as non-resident legal persons pursuing commercial business in the Republic of Bulgaria, who or which satisfy the following conditions, may apply for registration for the activity referred to in Paragraph (1):

1. they do not incur any pecuniary obligations to the State or to a municipality within the meaning given by Article 162 (2) of the Tax and Social-Insurance Procedure Code, established by an enforceable act issued by a competent authority, save as where a rescheduling or deferral of the said obligation has been allowed, or any pecuniary obligations related to the payment of social insurance contributions;

2. they are not adjudicated bankrupt, nor are subject to pending bankruptcy proceedings;

3. liquidation proceedings are not pending thereagainst and, applicable to non-resident legal persons, a similar procedure according to the legislation of the relevant State is not in progress thereagainst;

4. they are represented by persons who have not been convicted of an intentional publicly indictable offence, unless those persons have been rehabilitated;

5. the registration thereof had not been terminated in pursuance of Item 2 or 3 of Article 74(1) or Article 15 (1) of the Ordinance on the Terms and Procedure for Job Placement Agency Activity (promulgated in the State Gazette No. 43/2003, amended in No. 52/2006, No. 22/2010; Judgement No. 12614 of the Supreme Administrative Court of 2010, No. 88/2010, amended in No. 50/2011) within a period of three years prior to the registration application date;

6. no administrative sanctions had been imposed on them under Article 81 (1) or Article 81a (1) herein within a period of three years prior to the registration application date;

7. they have concluded a group insurance policy in the amount of BGN 200,000 or a bank guarantee in the amount of BGN 200,000 for the claims of factory and office workers who will be hired thereby for temporary work.

8. they have prepared internal rules for implementation of the activity, including a draft contract with a user undertaking and a draft contract with a factory or office worker who will be assigned to a user undertaking to work there temporarily.

Article 74g. (New, SG No. 7/2012, effective 5.12.2011) (1) The registration shall be effected at the National Employment Agency upon submission of a written application completed in a standard form according to Annex 1 hereto.

(2) The persons registered under Bulgarian legislation shall attach the following to the application referred to in Paragraph (1):

1. a copy of the registration document or a unified identification code according to Article 23 of the Commercial Register Act;

2. a certificate issued by the competent territorial directorate of the National Revenue Agency which certifies the existence or lack of obligations within the meaning given by Article 87 (6) of the Tax and Social-Insurance Procedure Code as at the application submission date;

3. a certificate issued by the relevant municipality where the undertaking is registered on the existence or lack of obligations within the meaning given by Article 87 (6) of the Tax and Social-Insurance Procedure Code as at the application submission date;

4. a conviction status certificate for the natural person or for the person who represents the legal person;

5. certified copies of insurance or banking documents referred to in Item 7 of Article 74f (2) herein;

6. a certified copy of the rules referred to in Item 8 of Article 74f (2) herein.

(3) Persons registered under the legislation of another State shall prove the circumstances covered under Paragraph (2) in accordance with the legislation of the State of registration.

Article 74h. (New, SG No. 7/2012, effective 5.12.2011) (1) The Minister of Labour and Social Policy or an official authorised thereby shall pronounce on the application and the documents attached thereto within 14 days after the date of receipt upon a proposal by the Executive Director of the National Employment Agency.

(2) In the cases where the application and/or the documents attached thereto do not meet the requirements of Article 74g herein, the applicant shall be notified in writing to cure the deficiencies and/or inaccuracies ascertained within 30 days after the date of receipt of the notification.

(3) In the cases referred to in Paragraph (2), the documents shall be presumed submitted on the date of curing of the deficiencies and/or inaccuracies.

(4) The Board with the Executive Director of the National Employment Agency shall regularly inform itself of the applications received at the National Employment Agency under Article 74g (1) herein.

Article 74i. (New, SG No. 7/2012, effective 5.12.2011) (1) A registration shall be refused where the conditions under Article 74f (2) herein have not been met or where the requirements of Article 74g, Article 74h (2) and Article 74j (3) herein have not been fulfilled.

(2) The applicant shall be notified in writing of the reasons for the refusal within the time limit referred to in Article 74h (1) herein.

(3) A refusal of registration shall be appealable according to the procedure established by the Administrative Procedure Code.

Article 74j. (New, SG No. 7/2012, effective 5.12.2011) (1) The Minister of Labour and Social Policy or an official authorised thereby shall issue a certificate of registration to temporary-work agency undertakings.

(2) A certificates referred to in Paragraph (1) shall be issued for a period of five years in a

standard form according to Annex 2 hereto and shall be entered into a register.

(3) The certificate referred to in Paragraph (1) shall be issued after payment of a fee fixed by a rate schedule of the Council of Ministers.

(4) Upon loss or damage of a certificate referred to in Paragraph (1), a replacement shall be issued after the temporary-work agency undertaking submits an application and pays a fee.

Article 74k. (New, SG No. 7/2012, effective 5.12.2011) (1) The National Employment Agency shall keep a public register of the certificates issued.

(2) The following shall be entered into the register referred to in Paragraph (1):

1. the registration number and the date of the certificate;
2. the designation of the temporary-work agency undertaking;
3. the registered office and the address of the place of management of the person;
4. the address of the office/offices;
5. the name of the person representing the temporary-work agency undertaking;
6. the period of validity of the registration;
7. the date of striking of the registration and the grounds for this;
8. other registrable circumstances.

(3) Upon any change of and/or addition to the registered circumstances in the documents which have served as grounds for the registration, the temporary-work agency undertaking shall notify the National Employment Agency within seven working days after the date of occurrence of the change and/or addition. The documents attesting to the change and/or addition shall be attached to the notification.

(4) Annually, on or before the 30th day of June, temporary-work agency undertakings shall submit to the National Employment Agency a certificate issued by the competent territorial directorate of the National Revenue Agency, by the relevant municipality where the undertaking is registered or by a competent authority in the State of registration regarding the existence or lack of obligations to the State or to the municipality within the meaning given by Article 87 (6) of the Tax and Social-Insurance Procedure Code.

(5) Within the time limit referred to in Paragraph (4), temporary-work agency undertakings shall submit to the National Employment Agency certified copies of the insurance or banking documents which attest to the fulfilment of the requirements of Item 7 of Article 74f (2) herein.

(6) Annually, the National Employment Promotion Board shall inform itself of, and shall issue an opinion on, the activity of temporary-work agency undertakings.

Article 74l. (New, SG No. 7/2012, effective 5.12.2011) (1) A registration shall be terminated by an order of the Minister of Labour and Social Policy or by an official authorised thereby:

1. acting on a written application by the temporary-work agency undertaking concerned to the National Employment Agency and a written declaration to the effect that all obligations under the employment contracts concluded with the factory/office workers assigned to user undertakings to work there temporarily have been fulfilled;

2. upon systematic violations of the obligations in the capacity of a temporary-work agency undertaking under Article 107q of the Labour Code;

3. upon violation of the requirements under this Chapter;

4. upon expiry of the period of validity of the registration.

(2) A termination under Paragraph (1) shall be effected by means of striking from the

register referred to in Article 74k (1) herein.

(3) The certificate of registration of the temporary-work agency undertaking concerned shall be returned to the National Employment Agency after the entry into effect of the order referred to in Paragraph (1).

Article 74m. (New, SG No. 7/2012, effective 5.12.2011) The temporary-work agency undertaking concerned shall notify in writing the user undertaking, as well as the factory and office workers with whom it has concluded employment contracts, of the termination of the registration. The notification shall be effected within three days after the entry into effect of the order referred to in Article 74l (1) herein.

Article 74n. (New, SG No. 7/2012, effective 5.12.2011) (1) A temporary-work agency undertaking may apply for an extension of the period of validity of the registration according to the procedure established by this Act within three months prior to the expiry of the period of validity of the certificate.

(2) Every month, an up-to-date list shall be made public at the Labour Office Directorate and on the official Internet site of the National Employment Agency, stating:

1. the registered temporary-work agency undertakings;
2. the temporary-work agency undertakings whose registration has been terminated under Items 2 and 3 of Article 74l (1) herein.

Article 74o. (New, SG No. 7/2012, effective 5.12.2011) Temporary-work agency undertakings whose registration has been terminated in pursuance of Items 2 and 3 of Article 74l (1) herein may submit an application for new registration after the lapse of three years from the date of entry into effect of the order on the termination of the previous registration.

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) (Amended, SG No. 26/2003, SG No. 26/2008) The control authorities shall have the right to:

1. (amended, SG No. 54/2014) visit at any time the places where work is performed, an occupation is practised or intermediation is carried out;
2. require that the inspected natural and legal 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, the

unemployed persons and the job seekers.

(2) (Amended, SG No. 26/2008, SG No. 59/2010, SG No. 7/2012, effective 5.12.2011) Employers, officials, factory and office workers, job seekers, resident persons who or which appoint posted factory and office workers from the Member States of the European Union, or posted factory and office workers from third countries, as well as the persons practising job placement intermediation and providing intermediation services, temporary-work agency undertakings and user undertakings 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. (Amended, SG No. 7/2012, effective 5.12.2011) Employers, factory and office workers, employersT and factory and office workers' organisations, job seekers, temporary-work agency undertakings, as well as user undertakings, may report to the General Labour Inspectorate Executive Agency any violations of this Act or of the international treaties in the field 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. (amended, SG No. 26/2008, SG No. 7/2012, effective 5.12.2011) to issue mandatory provisions to employers, to officials, to resident persons who or which have appointed posted factory and office workers from Member States of the European Union or posted factory and office workers from third countries, to temporary-work agency undertakings, to user undertakings, as well as to the persons referred to in Item 2 of Article 27 (2) herein, 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.

Article 78a. (New, SG No. 43/2011, effective 15.06.2011) (1) On the basis of a risk assessment, the General Labour Inspectorate Executive Agency shall exercise control over the hiring of foreigners.

(2) The risk assessment referred to in Paragraph (1) shall be conducted with a view to identifying the economic activities and sectors in which illegally staying foreigners are hired or are likely to be hired. The risk assessment shall be conducted on the basis of an analysis of available data on the demand for and supply of labour force, including of foreigners, disaggregated by activities and sectors, the levels of remuneration offered, violations registered and other data which might be of relevance for identifying violations under Article 73 (2) herein.

Article 78b. (New, SG No. 43/2011, effective 15.06.2011) (1) Foreigners who are illegally

hired may, whether in person or through natural and/or legal persons authorised thereby, alert the General Labour Inspectorate Executive Agency about violations of Article 73 (2) herein committed by the employer thereof.

(2) Third parties which have a proven legitimate interest in the observance of Article 73 (2) herein shall have the right to intervene in the administrative and civil procedures provided for under this Act and under the Administrative Violations and Sanctions Act on behalf or in support of an illegally hired foreigner with the consent thereof.

(3) The rendering of assistance under Paragraphs (1) and (2) to foreigners who are illegally hired shall not be treated as facilitation of unauthorised residence.

(4) The authorisation referred to in Paragraph (1) and the consent referred to in Paragraph (2) shall be attested by notarisation.

Section II

Administrative Penalty Liability

Article 79. (1) (Amended, SG No. 26/2003, SG No. 26/2008) Any natural person and/or legal person, who or which fails to act on a mandatory prescription by the control authorities under Item 1 of Article 78 (1) herein, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 500 or exceeding this amount but not exceeding BGN 1,500 or, in the case of a repeated violation, of BGN 1,000 or exceeding this amount but not exceeding BGN 3,000.

(2) (Amended, SG No. 26/2008, SG No. 7/2012, effective 5.12.2011, SG No. 54/2014) Any employer, official, unemployed person or natural person, any resident person who or which has appointed posted factory and office workers from Member States of the European Union or posted factory and office workers from third countries, any person referred to in Items 2 and 3 of Article 27 (2) herein, any temporary-work agency undertaking, as well as any user undertaking, who or which unlawfully obstructs the discharge of the official duties of control authorities, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 500 or exceeding this amount but not exceeding BGN 1,500, unless liable to a severer sanction.

(3) (New, SG No. 26/2003) Any official or employer, who or which fails to comply with a coercive administrative measure under Item 2 of Article 78 (1) herein imposed by the control authorities under this Act, shall 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 fails to terminate the registration of an unemployed person provided that the grounds under Article 20 (3) and (4) herein exist, shall 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, supplemented, SG No. 54/2014, effective 5.10.2014) Any natural and/or legal person practising job placement intermediation and providing intermediation services without registration or without advance notice shall be liable to a fine or a pecuniary penalty, as the case may be, to the amount of BGN 5,000, in the case of a repeated violation of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000, 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, SG No. 26/2008, SG No. 59/2010) 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 shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 1,000 or exceeding this amount but not exceeding BGN 2,500 and, in the case of a repeated violation, of BGN 2,500 or exceeding this amount but not exceeding BGN 5,000.

Article 81a. (New, SG No. 7/2012) (1) Any agency undertaking, which provides temporary work without registration, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 5,000 or; in the case of a repeated violation, of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000, 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) Any agency undertaking, which provides temporary work in breach of the requirements of Chapter Eight CAT herein, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 1,000 or exceeding this amount but not exceeding BGN 2,500, and, in the case of a repeated violation, of BGN 2,500 or exceeding this amount but not exceeding BGN 5,000.

Article 82. (Amended, SG No. 26/2003, supplemented, SG No. 18/2006, amended, SG No. 26/2008) (1) (Amended, SG No. 59/2010) Any employer, who or which has hired under an employment relationship a foreigner without a work permit or without registration at the National Employment Agency, or any resident person, who or which has appointed a posted foreigner without a work permit or without registration at the National Employment Agency, as well as any foreigner, who performs work without a work permit or without registration at the National Employment Agency, and any foreigner posted to the Republic of Bulgaria in the framework of provision of services without a work permit or without registration at the National Employment Agency, shall 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.

(2) Any resident person, who or which appoints posted factory or office workers from the Member States of the European Union, the States which are Contracting Parties to the Agreement on the European Economic Area, and the Swiss Confederation, or factory or office workers from third countries, who or which fails to comply with the terms and procedure for the posting of factory or office workers from the Member States, the States which are Contracting Parties to the Agreement on the European Economic Area, and the Swiss Confederation, or for the admission of posted factory and office workers from third countries in the framework of provision of services, shall be liable to a fine or a pecuniary penalty, as the case may be, to the amount of BGN 5,000 and, in the case of a repeated violation, of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

(3) (New, SG No. 59/2010) Any employer, who or which has failed to declare at the National Employment Agency within the statutory time limit the hiring of any third-country nationals who have not obtained a permanent residence permit for the territory of the Republic of Bulgaria and who are family members of Bulgarian citizens or of citizens of the European Union, of a State which is a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation, who, by virtue of international treaties concluded with the European Union, have the right of free movement, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 1,000 or exceeding this amount but not exceeding BGN 2,500 and, in the

case of a repeated violation, of BGN 2,500 or exceeding this amount but not exceeding BGN 5,000.

Article 82a. (New, SG No. 43/2011, effective 15.06.2011) (1) Any employer, who or which violates the provision of Article 73 (2) herein, where the violation does not constitute a criminal offence, shall be liable to a fine or a pecuniary penalty to an amount fixed under Article 48c of the Foreigners in the Republic of Bulgaria Act, unless subject to a severer sanction.

(2) The employers referred to in Paragraph (1), which are legal persons, may not participate in the employment promotion measures under this Act for a period of one year after the violation is ascertained.

(3) Any foreigner, who has breached the requirements of Articles 74d and 74e herein, may be deprived of the Blue Card or may be denied the renewal thereof according to the procedure established by the Foreigners in the Republic of Bulgaria Act and the Regulations for Application of the said Act.

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

Article 84. (Amended, SG No. 26/2008, SG No. 59/2010) Any employer, any unemployed person, the Directorate General of Implementation of Penal Sanctions and/or the territorial units thereof, any licensed institution providing career guidance, as well as any training institution, who or which uses the action financial resources provided thereto under Chapters Six and Seven herein for any purpose other than intended, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 1,000 or exceeding this amount but not exceeding BGN 3,000 and, in the case of a repeated violation, of BGN 2,000 or exceeding this amount but not exceeding BGN 6,000.

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

(2) (New, SG No. 59/2010) The written statement ascertaining an administrative violation shall be served on the offender in person against signed acknowledgement of service, and should service be impossible, the said statement shall be sent by registered mail with addressee's acknowledgement of receipt. In the cases where the person is not found at the address of the place of management, at the permanent address or at the workplace address, service shall be effected by posting a notice of the drawing up of the written statement subject to service on the notice board and on the official Internet site of the authority referred to in Article 75 (2) herein.

(3) (New, SG No. 59/2010) In the cases referred to in Paragraph (2), the written statement ascertaining an administrative violation shall be presumed served upon the lapse of a seven-day time limit after the posting of the notice or the publication thereof on the official Internet site of the authority referred to in Article 75 (2) herein.

(4) (Renumbered from Paragraph (2), SG No. 59/2010) Penalty decrees shall be issued by the head of the competent control authority or by officials authorized thereby in conformity with the institutional affiliation of the persons who have drawn up the written statements.

(5) (Renumbered from Paragraph (3), SG No. 59/2010) The ascertainment of violations, the issuance, appeal and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

(6) (Renumbered from Paragraph (4), SG No. 59/2010) 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 PROVISIONS

(Heading amended, SG No. 43/2011, effective 15.06.2011)

§ 1. Within the meaning of this Act:

1. (Amended, SG No. 26/2008) "Unemployed person" shall be any person who is registered at the Labour Office Directorate, 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 Labour Office Directorate.

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. (Amended, SG No. 26/2008) "Job seeker 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, amended and supplemented, SG No. 26/2008) "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 kilometres outside the said settlement, subject to the condition that convenient public transport services are available, for a period not exceeding 18 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, provided that the said work is offered within the same nucleated settlement or within 30 kilometres outside the said settlement, subject to the condition that convenient public transport services are available.

4a. (New, SG No. 26/2003, amended, SG No. 38/2005, SG No. 26/2008) "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 persons over 50 years of age; unemployed persons with basic or lower education and without professional qualification; 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, repealed, SG No. 26/2008).

7. (Repealed, SG No. 26/2008).

8. (Repealed, SG No. 26/2008).

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. (Amended, SG No. 26/2008) "Social partners" shall be the nationally representative employers' and factory and office 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. (Amended, SG No. 26/2008) "Incentives for employers" shall be the sums provided to employers who or which conclude contracts under employment security and employment promotion programmes and measures and/or for training of employees.

14. (Amended, SG No. 26/2008) "Resident employer" shall be any person carrying out activity within the territory of the Republic of Bulgaria, who or which is registered under Bulgarian legislation or under the legislation of another Member State of the European Union, of a State which is a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation.

14a. (New, SG No. 70/2013) "Third-country worker foreigner" shall be a third-country national who has been allowed to reside and work within the territory of the Republic of Bulgaria as a person hired by a resident employer.

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

16. (Repealed, SG No. 26/2008).

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

18. (Amended, SG No. 26/2008, SG No. 100/2010, effective 1.01.2011) "Adult" shall be any person of working age, who does not pursue study for attainment of basic or secondary education in the public education system or for the award of a degree of higher education and who has not attained the age referred to in Article 68 (1) of the Social Insurance Code.

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

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

21. (Amended, SG No. 38/2005, SG No. 26/2008) "Single parent (or adopter)" shall be any person who, by reason of widowhood, divorce or non-contracted civil marriage, raises alone children who have not attained the age of 18 years, as well as older than that age, in case the said children continue to study, until attainment of secondary general or vocational education but not

later than the attainment of 20 years of age.

22. (Repealed, SG No. 26/2008).

23. (Repealed, SG No. 26/2008).

24. (Amended, SG No. 26/2008) "Motivational training" shall be training for encouragement and orientation of persons to train for attainment of professional 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. (Amended, SG No. 26/2008, SG No. 68/2013, effective 2.08.2013) "Literacy" shall be a process of training for attainment of the general education minimum in the subjects of Bulgarian Language and Literature, Mathematics, Man and Society, and Man and Nature, defined for a primary school stage of basic education and provided under syllabi endorsed by the Minister of Education and Science.

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).

27a. (New, SG No. 43/2011, effective 15.06.2011) "Highly qualified employment" shall be the hiring of a person who has the competence required for the work concerned: attainment of higher education, which is attested by a diploma, a certificate or another document issued by a competent authority after training for a period of not less than three years delivered by an educational institution recognised as a higher school by the relevant State.

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, amended, SG No. 26/2008, SG No. 41/2009, effective 1.07.2009) "Permanently disabled person" shall be any person who, as a result of an anatomical, physiological or psychological disability, has a permanently reduced ability to carry out activities in a manner and up to a degree available to a healthy individual and in respect of whom the expert medical evaluation authorities have determined a degree of durably reduced working capacity/type and extent of disability by 50 per cent and more than 50 per cent.

30. (New, SG No. 26/2008) "Key competences" shall be knowledge and skills to use information and communication technologies, to communicate in a foreign language, business skills and entrepreneurship, team working and others.

31. (New, SG No. 26/2008, amended, SG No. 100/2010, effective 1.01.2011) "Early-retirement occupational pension" shall be the pension which is granted to persons who have logged contributory service under Work Category I and/or II conditions or by performing particular work before attaining the age referred to in Article 68 (1) of the Social Insurance Code.

32. (New, SG No. 26/2008) "Career guidance" shall be furnishing information, consultation and advice regarding the choice of occupation and career development.

33. (New, SG No. 26/2008) "Resident person who or which has appointed posted factory and office workers from the Member States of the European Union, or posted factory and office workers from third countries" shall be any person carrying out activity within the territory of the Republic of Bulgaria, who or which is registered under Bulgarian legislation or under the

legislation of another Member State of the European Union, of a State which is a

Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation, and who uses the services of a posted factory or office workers for the activity thereof.

34. (New, SG No. 59/2010) "Outside expert referred to in Item 11 of Article 16 herein" shall be a natural person proposed by an employer for participation in a commission for conduct of examinations for attainment of professional qualification and included in a list endorsed by the Executive Director of the National Employment Agency. The criteria and procedure for inclusion in the list shall be determined by the Executive Director of the National Employment Agency.

35. (New, SG No. 59/2010) "Green jobs" shall be jobs created in economic activities related to the production of goods and the provision of services facilitating environmental protection according to a list of economic activities endorsed by the Minister of Environment and Water and the Minister of Labour and Social Policy.

36. (New, SG No. 43/2011, effective 15.06.2011) "EU Blue Card" shall mean the residence and work document of a foreigner as defined in Item 1d of § 1 in the Transitional Provisions of the Foreigners in the Republic of Bulgaria Act.

36a. (New, SG No. 70/2013) "Single Residence and Work Permit" shall be the document defined in Item 1e of § 1 of the Supplementary Provisions of the Foreigners in the Republic of Bulgaria Act, issued to a third-country worker foreigner in compliance with the single application procedure.

36b. (New, SG No. 70/2013) "Single application procedure" shall be the procedure defined in Item 1f of § 1 of the Supplementary Provisions of the Foreigners in the Republic of Bulgaria Act.

37. (New, SG No. 43/2011, effective 15.06.2011) "Illegally staying foreigner" shall be the concept defined in Item 3b of § 1 in the Supplementary Provisions of the Foreigners in the Republic of Bulgaria Act.

38. (New, SG No. 43/2011, effective 15.06.2011) "Illegal hiring of a foreigner" shall be the hiring of a foreigner illegally staying within the territory of the Republic of Bulgaria, as well as the hiring or appointment of a foreigner without the relevant authorisation by, or registration with, the National Employment Agency.

39. (New, SG No. 7/2012, effective 5.12.2011) "Temporary-work agency undertaking" shall be the concept defined in Item 17 of § 17 of the Supplementary Provisions of the Labour Code.

40. (New, SG No. 7/2012, effective 5.12.2011) "User undertaking" shall be the concept defined in Item 18 of § 1 of the Supplementary Provisions of the Labour Code.

41. (New, SG No. 7/2012, effective 5.12.2011) "Systematic violation of the obligations in the capacity of a temporary-work agency undertaking under Article 107q of the Labour Code" shall refer to a case where the temporary-work agency undertaking has failed to fulfil two or more obligations under Article 107q of the Labour Code within a period of 12 months.

42. (New, SG No. 70/2013) "Enterprise in difficulty" shall be an enterprise within the meaning given by Item 30 of § 1 of the Supplementary Provisions of the Corporate Income Tax Act.

43. (New, SG No. 54/2014) "Provision of job placement intermediation services temporarily or on a single occasion" shall be the provision of the services referred to in Items 1, 2, 4 and 5 of Article 26 herein by any person who has the right to provide job placement

intermediation services according to the legislation of another Member State of the European Union or of another State which is a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation, in which such person is lawfully established, and provides such services on a single occasion or for a period not exceeding six months within one calendar year within the territory of the Republic of Bulgaria without establishing himself or herself.

§ 1a. (New, SG No. 43/2011, effective 15.06.2011) The Ministry of Labour and Social Policy shall, on or before the 1st day of July in each calendar year, submit to the European Commission information on the inspections performed during the previous calendar year in the economic activities and sectors identified by the risk assessment under Article 78a (2) herein, both as absolute values and in percentage terms of the number of employers in the relevant activity or sector. The information shall also indicate the results achieved by the inspections.

§ 1b. (New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 70/2013, effective 24.12.2013) The provisions of Article 70 (1) and Articles 71, 72, 72a to 72d, 73, 73a, 74, 74a to 74e, 78a, 78b and 82a herein shall apply to foreigners who are third-country nationals.

§ 1c. (New, SG No. 43/2011, effective 15.06.2011) This Act transposes the requirements of:

1. Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ, L 155/17 of 18 June 2009);

2. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ, L 168/24 of 30 June 2009);

3. (New, SG No. 70/2013, effective 24.12.2013) Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ, L 343/1 of 23 December 2011).

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 authorities of the Public Financial Inspection Agency.

§ 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 to 24, Articles 48 to 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. 103/1998 (promulgated in the SG No. 55/1998; amended in No. 5/1999) 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. 103/1998, 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 SG No. 153/1998; amended and supplemented in No. 70/1999 and No. 42/2001) 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."

§ 7a. (New, SG No. 49/2010, effective 1.07.2010, amended, SG No. 43/2011, effective 15.06.2011, SG No. 7/2012) For the period until the 31st day of December 2012, financial resources intended for remunerations for the first, second and third working day of the temporary disability to the amount of 70 per cent of the average daily gross remuneration for the month when the temporary disability occurred, but not less than 70 per cent of the average daily remuneration agreed, shall be provided for implementation of the employment promotion programmes and measures instead of the financial resources referred to in Item 6 of Article 30a (1) herein.

§ 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.

SUPPLEMENTARY PROVISION

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

§ 24. In the Act, the words "the Compulsory Social Insurance Code" shall be replaced passim by "the Social Insurance Code".

FINAL PROVISIONS

to the Act to Amend and Supplement the Employment Promotion Act
(SG No. 18/2006)

.....
§ 22. The provisions of § 2, Item 1 and Item 2 (a) of § 4 and § 17 shall enter into force as from the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union.

TRANSITIONAL AND FINAL PROVISIONS
to the Administrative Procedure Code

(SG No. 30/2006, effective 12.07.2006)

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

.....
TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Employment Promotion Act
(SG No. 26/2008)

.....
§ 70. The provisions of this Act shall not restrict the implementation of Operational Programme "Human Resources Development".

§ 71. Until designation by the Council of Ministers of the government institutions which have representatives in the National Employment Promotion Board, the sitting members of the National Employment Promotion Board, designated by the Council of Ministers, shall retain the rights thereof.

§ 72. The Ordinance Establishing the Terms and Procedure for Financing of Training for Attainment of Professional Qualification and Motivational Training, Organized by the National Employment Agency (SG No. 24/2002) shall continue in effect until the Regulations for Application of the Employment Promotion Act is brought into conformity with this Act.

TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing
the Vocational Education and Training Act
(SG No. 74/2009, effective 15.09.2009)

.....
§ 36. In the Employment Promotion Act (promulgated, SG No. 112/2001, amended, No. 54 and 120/2002, No. 26, 86 and 114/2003, No. 52 and 81/2004, No. 27 and 38/2005, No. 18, 30, 33 and 48/2006, No. 46/2007, No. 26, 89 and 109/2008, No. 10, 32 and 41/2009) the words "Minister of Education and Science", "Deputy Minister of Education and Science", and "Ministry of Education and Science", shall be replaced by "Minister of Education, Youth and Science", "Deputy Minister of Education, Youth and Science", and "Ministry of Education, Youth and Science".

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Employment Promotion Act
(SG No. 43/2011, effective 15.06.2011)

§ 17. (1) The Bulgarian-German Vocational Training Centre State Enterprise shall be a successor in title to the Bulgarian-German Vocational Training Centres in Pazardzhik, Pleven and Stara Zagora, established by Council of Ministers Decree No. 255 of 2001 on the Transformation of Bulgarian State Vocational Schools with German Participation into Bulgarian-German Vocational Training Centres (promulgated in the State Gazette No. 97 of 2001; amended in No. 78 of 2005, No. 101 of 2007 and No. 93 of 2009), the Bulgarian-German Vocational Training Centre in Smolyan, established by Council of Ministers Decree No. 283 of 2007 (State Gazette No. 101 of 2007), and the Bulgarian-German Vocational Training Centre in Tsarevo, established

by Council of Ministers Decree No. 30 of 2009 (State Gazette No. 14 of 2009), which are legal persons under Article 60 of the Administration Act and second-level spending units under the Minister of Labour and Social Policy, and shall assume their rights, obligations, legal relations, property, assets and liabilities according to their balance sheets as at the date of entry onto force of this Act.

(2) The employment relationships with the directors and the factory and office workers at the centres referred to in Paragraph (1) shall be settled under the terms and according to the procedure established by Article 123 of the Labour Code.

.....
§ 21. This Act shall enter into force as from the 15th day of June 2011, with the exception of § 5 herein, which shall enter into force as from the 1st day of July 2011, and § 16 herein, which shall enter into force as from the 1st day of January 2011.

TRANSITIONAL AND FINAL PROVISIONS
to the Act to Amend and Supplement the Labour Code
(SG No. 7/2012)

§ 26. Until the 5th day of December 2011, the Minister of Labour and Social Policy, after holding consultations with the organisations of employers and of factory and office workers recognised as representative at a national level, shall review the restrictions or prohibitions imposed on the performance of work by factory and office workers assigned by a temporary-work agency undertaking, in order to ascertain whether such restrictions or prohibitions are justified in terms of the general interest or the proper functioning of the labour market and the prevention of abuses. Information on the results of the review shall be sent to the European Commission.

.....
§ 31. § 5 and Items 1, 6 to 10, 12 and 14 of § 30 herein shall enter into force as from the 5th day of December 2011.

FINAL PROVISIONS
to the Act to Amend the Youth Act
(SG No. 68/2013, effective 2.08.2013)

.....
§ 39. In the Employment Promotion Act (promulgated in the State Gazette No. 112 of 2001; amended in Nos. 54 and 120 of 2002, Nos. 26, 86 and 114 of 2003, Nos. 52 and 81 of 2004, Nos. 27 and 38 of 2005, Nos. 18, 30, 33 and 48 of 2006, No. 46 of 2007, Nos. 26, 89 and 109 of 2009, Nos. 10, 32, 41 and 74 of 2009, Nos. 49, 59, 85 and 100 of 2010, Nos. 9 and 43 of 2011, No. 7 of 2012 and No. 15 of 2013), the words "the Minister of Education, Youth and Science", "a Deputy Minister of Education, Youth and Science" and "the Ministry of Education, Youth and Science" shall be replaced passim by "the Minister of Education and Science", "a Deputy Minister of Education and Science" and "the Ministry of Education and Science", respectively.

FINAL PROVISIONS
to the Act to Amend and Supplement the Employment Promotion Act
(SG No. 70/2013)

.....
§ 25. (1) § 14, Items 2 and 3 of § 20, Items 1, 3, 4 and 7 of § 21, § 22 and 23 herein shall enter into force as from the 24th day of December 2013.

(2) Items 6, 8, Item 9 (b), Item 10 (a) and Item 11 of § 21 herein shall enter into force as from the date of entry into force of the decision of the Council of the European Union on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Employment Promotion Act

(SG No. 54/2014)

§ 13. Within three months after the entry into force of this Act, the Council of Ministers shall adopt the requisite amendments and supplements to the Ordinance on the Terms and Procedure for Practice of Job Placement Intermediation (promulgated in the State Gazette No. 49 of 2003; amended in No. 52 of 2006, No. 22 of 2010; Supreme Administrative Court Judgment No. 12614 of 2010, No. 88 of 2010; amended in No. 50 of 2011 and No. 83 of 2013).

§ 14. The certificates issued prior to the entry into force of this Act shall retain the validity thereof for the period for which they are issued.

§ 15. The National Employment Agency shall renew the certificates on practice of job placement intermediation as issued acting on a written application on the part of the registered persons which is submitted within three months prior to the expiry of the validity of the said certificates.

§ 16. Any registration procedures, which have commenced, shall be completed according to the procedure established by this Act.

§ 17. Item 2 of § 3 and § 11 herein shall enter into force three months after the entry into force of this Act.

Appendix

No. 1

to Article

74g(1)

(New, SG No. 7/2012, effective

5.12.2011)

Ingoing ref. No	TO THE NATIONAL EMPLOYMENT AGENCY SOFIA 3 DONDUKOV BLVD
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APPLICATION	
FOR REGISTRATION OF A TEMPORARY-WORK UNDERTAKING	

From:	<p>.....</p> <p>(natural person; legal person as per the commercial registration)</p>		
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Represented by:	<p>.....</p> <p>(name, second name, surname)</p>		
-----------------	--	--	--

Commercial registration:	<p>.....</p> <p>Unified identification code / a certificate of actual legal standing</p>		
--------------------------	--	--	--

Seat and registered office: (as per the commercial registration)	City/town/village Municipality Region No, street/residential area/residential complex building floor apartment.		
---	--	--	--

Contact address and telephone: Fax: e-mail:	City/town/village Municipality Region No, street/residential area/residential complex building floor apartment.		
---	--	--	--

<p>Identification number of the certificate of registration in the register under Article 10(1)(2) of the Personal Data Protection Act:</p>		
---	--	--

<p>BULSTAT: (for persons registered under Bulgarian law)</p>		
--	--	--

<p>Address of the office(s) where the activities related to the temporary-work job placement are carried out</p>	<p>City/town/village Municipality Region No, street/residential area/residential complex building floor apartment. Tel./Fax</p>	
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Enclosures*	<ul style="list-style-type: none"> copy of the registration document or a unified identification code pursuant to Article 23 of the Commercial Register Act statement issued by the relevant regional directorate of the National Revenue Agency which certifies the existence or lack of outstanding debts within the meaning of Article 87(6) of the Tax Insurance Procedure Code as at the application submission date statement issued by the relevant municipality having jurisdiction over the registration of the undertaking which certifies the existence or lack of outstanding debts as at the application submission date a criminal record of the natural person or the person representing the legal person certified copies of insurance or banking documents under Article 74f(2)(7) certified copy of the rules under Article 74f(2)(8) other documents pursuant to the legislation of the country of registration 	
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Applicant:	<p>.....</p> <p>.....</p> <p>(name, signature, stamp)</p>	
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Date:	<p>.....</p>	
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* Indicate the documents submitted by you by putting a cross (X) in the relevant box.

74j (2)

(New, SG No. 7/2012, effective

5.12.2011)

REPUBLIC OF BULGARIA

MINISTRY OF LABOUR AND SOCIAL POLICY

CERTIFICATE

On the grounds of Article 74f91) read in conjunction with Article 74j(1) of the Employment
Promotion Act

(SG, No..... / 201..... [year]

I HEREBY REGISTER

under No.....of[year]

.....

.....

with a seat in the city/town/village

registered office at No..., street/residential area/residential complex

building entrance apartment.

UIC/BULSTAT

to pursue activities as a temporary-work undertaking.

This registration is valid until [year]

MINISTER:

OR AN OFFICIAL AUTHORISED THEREOF:

(signature, stamp)