

# Employment Promotion Act

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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. (repealed, SG No. 33/2016, effective 21.05.2016);
5. (new, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 2.** (Supplemented, SG No. 101/2015) 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, ethnicity, status, 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) (1) (Previous text of Article 3, SG No. 101/2015) 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.

(2) (New, SG No. 101/2015) The Minister of Labour and Social Policy and the Executive Director of the National Employment Agency shall take joint actions with the nationally representative employers' and employees' organisations to develop national-scale labour-market policies and instruments for their implementation pursuant to Regulation (EU) No. 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No. 1081/2006 (OJ L 347/470 of 20 December 2013).

## **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, SG No. 101/2015) 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 programme and measure to another programme and measure 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, amended, SG No. 101/2015) For the purposes of implementation of the state policy in the field of employment, the National Employment Agency shall exchange information with the General Labour Inspectorate Executive Agency, the Social Assistance Agency, the Agency for People with Disabilities, the National Social Security Institute, the Bulgarian Investment Agency and the National Vocational Education and Training Agency 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.

(4) (New, SG No. 101/2015) For the purpose of provision of the administrative services related to the registration of job seekers, the Civil Registration and Administrative Services Directorate General under the Ministry of Regional Development and Public Works shall provide information to the National Employment Agency under terms and according to a procedure determined in an agreement concluded therebetween.

(5) (New, SG No. 97/2017) For the purposes of the implementation of the government employment policy, the Ministry of Labour and Social Policy and the Employment Agency shall exchange information on personal data of natural persons under the terms and procedures laid down in an instruction of the Minister of Labour and Social Policy.

**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;
  6. (new, SG No. 101/2015) elaborate a list of professions for which vocational training is to be provided to unemployed persons without a secured job.
- (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. (amended, SG No. 101/2015) not-for-profit legal entities in the functional region the activities whereof are related to issues of employment and training of adults;
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) (1) (Previous text of Article 10, SG No. 88/2016) 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.

(2) (New, SG No. 88/2016) The Employment Commission with the Administrative-Regional Council for Development shall, twice a year, collect, process and provide to the National Employment Agency information on the needs for of the employers for specific types of work force in the administrative region, while taking into account the priorities set in the documents under Paragraph 1. The procedure for collection, processing and provision of the information shall be stipulated in the regulations for application of the act.

**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.** (Amended, SG No. 26/20063, supplemented, SG No. 38/2005, SG No. 18/2006, SG No. 7/2012, effective 5.12.2011, SG No. 70/2013, amended, SG No. 88/2016) The National Employment Agency shall administrate the following revenues:

1. fee for the issuing of certificates of registration for performing intermediation activities for job placement;
2. fees for freelance practice permits and for permits for authorization of foreigners to work in the country;

3. proceeds from advertising, information and publishing activities;
4. donations by local and foreign natural persons and legal entities;
5. fees collected by the agency for providing intermediation services by the agency to foreign employers and to licensed intermediation agencies for job placement of Bulgarian citizens in other countries;
6. fees for providing a decision for highly-qualified employment of foreigners in connection with the issuing of a Blue Card of the European Union by the Ministry of Interior authorities;
7. fees due for the registration of temporary-work agency undertakings.
8. fees for providing a decision for employment of foreigners in connection with the issuing of a Unified Permit for Residence and Work by the Ministry of Interior authorities;
9. fees for providing a decision for seasonal employment of foreigners in connection with a Permit of a Seasonal Worker by the Ministry of Interior authorities;
10. fees for providing a decision for intra-company transfer of foreigners in connection with the issuing of a Permit for a Person Relocated by Intra-Company Transfer by the Ministry of Interior authorities.

**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, amended, SG No. 101/2015) (1) The allocation of funds as provided for by this Act, with the exception of the measure under Article 51, shall take place in the form of de minimis aid schemes, where applicable, subject to the provisions of Commission Regulation (EU) No. 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L 352/1 of 24 December 2013), hereinafter referred to as Regulation (EU) No. 1407/2013, and the regulations which amend, supplement or supersede such Regulation.

(2) (Amended, SG No. 88/2016) The allocation of funds under Article 51 shall take place in the form of a state aid schemes, subject to the requirements of Commission Regulation (EU) No. 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187/1 of 26 June 2014), hereinafter referred to as Regulation (EU) No. 651/2014, and the regulations which amend, supplement or supersede such Regulation.

(3) The administrator of the aid under Paragraphs (1) and (2) shall be the National Employment Agency.

(4) The terms and procedure for allocation of the funds under Paragraphs (1) and (2) 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. (amended, SG No. 101/2015) stimulation to be active in the labour market and participate 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. (amended, SG No. 101/2015, SG No. 88/2016) persons who have acquired entitlement to a contributory-service and retirement-age pension, persons receiving occupational early retirement pension under Article 168 of the Social Insurance Code, an old-age pension in another country or a contributory-service and retirement-age pension in a reduced amount under Article 68a of the Social Insurance Code, who do not work;

5. (repealed, SG No. 101/2015).

(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. (amended, SG No. 24/2018, effective 23.05.2018) persons who have been granted asylum or international protection;

3. (amended, SG No. 26/2003, SG No. 24/2018, effective 23.05.2018) persons availing of the rights under Article 29(3) of the Asylum and Refugees Act;

4. persons enjoying such rights as provided for in an international treaty where to 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, SG No. 101/2015) Upon registration, the person shall declare the status thereof under Paragraph (2). The person shall notify any of the competent divisions 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, amended, SG No. 101/2015) An individual action plan 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, SG No. 101/2015) persons covered by Item 4 of Article 18(2): the rights covered under Items 1, 3 and 4;
4. (repealed, SG No. 101/2015).

**Article 20.** (Amended, SG No. 38/2005) (1) (Amended, SG No. 101/2015) Any persons who are registered as unemployed shall be under the obligation to implement the recommendations of the employment officer and observe the actions and time limits laid down in the action plan.

(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. (repealed, SG No. 88/2016);
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;

6. (new, SG No. 101/2015) are registered under Items 2 to 4 of Article 18(2), have not visited and have not used the services of the Labour Office Directorate over the past year.

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

1. (amended, SG No. 101/2015) fail to implement the recommendations of the employment officer or to comply with the actions or time limits laid down 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, supplemented, SG No. 101/2015, amended, SG No. 88/2016) acquire entitlement to a contributory-service and retirement-age pension in the Republic of Bulgaria or receive an early-retirement occupational pension under Article 168 of the Social Insurance Code or a contributory-service and retirement-age pension in a reduced amount under Article 68a of the Social Insurance Code or an old-age pension in another country;

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

8. (repealed, SG No. 26/2008, new, SG No. 101/2015) declare false data upon their registration with the local division of the National Employment Agency.

(5) (Amended, SG No. 26/2008, SG No. 59/2010, SG No. 101/2015) Persons shall be entitled to resumption of their registration after the lapse of at least six months after termination of the previous registration pursuant to Items 1 to 5, 7 and 8 of Paragraph (4).

(6) (Amended, SG No. 26/2008, SG No. 101/2015) Any registration terminated pursuant to Items 1 to 5 and 7 of Paragraph (4) 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, new, SG No. 101/2015) Except in the case of Paragraph (6), registration shall also be restored where no employment relationship has occurred.

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

(9) (Amended, SG No. 18/2006, SG No. 101/2015) Any persons whose participation in subsidised employment 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, repealed, SG No. 88/2016).

**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, amended, SG No. 101/2015) Employers shall place requests for training of the personnel hired thereby, as well as for the demand for labour 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) (Supplemented, SG No. 101/2015) 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. Vacancies shall be announced at least 14 days prior to the deadline for application.

(2) (Amended, SG No. 101/2015) 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, amended, SG No. 101/2015) stimulation to be active in the labour market and 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 where to 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.

(4) (New, SG No. 88/2016) The intermediation services under Article 26, Items 1, 2 and 5 offered by the National Employment Agency shall be organized and provided by the Labour Office Directorates regardless of the address of registration of the job seekers.

(5) (New, SG No. 88/2016) The intermediation services under Article 26, Items 3 and 4 offered by the National Employment Agency shall be organized and provided by the Labour Office Directorates whose scope covers the address of registration of the unemployed persons.

**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;
6. (new, SG No. 101/2015) the natural persons or persons representing the legal entity concerned according to its registration, as well as the persons employed to work as recruitment agents:
  - (a) should hold a secondary education or university degree;
  - (b) should have been employed in the field of marine transport for at least three years if they are to act as seafarer recruitment agents.
- (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.
- (4) (New, SG No. 97/2017) The Employment Agency shall verify using official channels the circumstances under Items 1 – 5 of Paragraph (1) with respect to the persons registered under the Bulgarian legislation.

**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. (amended, SG No. 101/2015) 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 the electronic information and communication system 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 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, SG No. 101/2015) a study grant, travel and accommodation expenses of the unemployed persons participating in 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. (amended, SG No. 101/2015) additional financial resources for hiring of another unemployed person 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, repealed, SG No. 101/2015);

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, SG No. 101/2015) a mentor under Articles 41a, 46a 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, amended, SG No. 101/2015) group risk insurance of the unemployed persons included in training for the period of the training;

23. (new, SG No. 101/2015) supported employment;

24. (new, SG No. 88/2016) expenses on fees for creches or kindergartens, rent for the family home, internet usage fees.

(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, SG No. 101/2015) under Items 1 to 6: to the employer which has hired an unemployed person 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, amended, SG No. 18/2006, SG No. 101/2015) 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 person 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, repealed, SG No. 101/2015);
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, amended, SG No. 101/2015) under Item 19: to an employer whereto the employment promotion measure referred to in Articles 41a, 46a and 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, amended, SG No. 102/2015, effective 1.01.2016) under Item 22: to insurers 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;
15. (new, SG No. 101/2015) under Item 23: to the persons referred to in Item 2 of Article 27(2);
16. (new, SG No. 88/2016) under Item 24: to unemployed persons under Article 42 (3).

(3) (Supplemented, SG No. 101/2015) 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, and such amount may differ in the different parts of the period of employment subsidisation.

**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, repealed, SG No. 101/2015);
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;

7. (new, SG No. 101/2015) a person under Item 2 of Article 27(2) selected to implement the measure referred to in Article 43a.

(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, SG No. 101/2015) 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, the training institution and the person under Item 2 of Article 27(2).

(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, SG No. 101/2015) 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, vocational training and training in key competences of disadvantaged groups on the labour market.

(2) (New, SG No. 59/2010, amended, SG No. 101/2015) 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) 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, SG No. 101/2015) Employment Commissions with the Administrative-Regional Councils for Development shall organize the implementation of employment promotion programmes.

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

**Article 33.** (Amended and supplemented, SG No. 26/2008, SG No. 59/2010, amended, SG No. 101/2015) (1) The employment and training programme of the administrative region shall correspond to the objectives, priorities and tools for implementation of the state employment policy. Such programme shall include activities conforming to the priorities of the administrative region's development strategy and of the development plans of the functional region and the municipalities, as well as to the priorities of the national strategic documents and the National Action Plan for Employment.

(2) Every year, along with the National Action Plan for Employment, the amount of funds and the types of disbursements for the administrative regions' functional-regional employment and training programmes shall be determined. The criteria, conditions and procedure for financing shall be determined by the Regulations for Application of this Act.

(3) The functional region's employment and training programme shall include a project proposal by the administrative region's and the municipal administrations approved by the Employment Commission based on criteria and a procedure determined by the Regulations for Application of this Act. The administrative region's and the municipal administrations may develop the project proposal jointly with the social partners and other legal entities.

### **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, SG No. 101/2015) For each job created and filled by an unemployed person aged up to 29 years who has been hired upon referral by the competent division of the National Employment Agency, including where this is such person's first job in his/her field of educational qualification, the employer shall be paid the amounts under Article 30a(2) herein for the shorter of the period of employment of such person or eighteen months.

(2) (Amended, SG No. 38/2005, supplemented, SG No. 18/2006, amended, SG No. 101/2015, SG No. 88/2016) 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 or using social services in a residence-type community 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 or eighteen 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, repealed, SG No. 101/2015).

**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, repealed, SG No. 101/2015).

(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.

(3) (New, SG No. 88/2016) Unemployed persons, including young people from social institutions or using social services in a residence-type community, who have completed their education and who have been referred to a specific employer by the divisions of the National Employment Agency to be hired on a position in a populated settlement which is located more than 50 km away from the populated settlement of the person's current address, shall be paid on a monthly basis monetary amounts under Article 30a, Paragraph 1, Item 24 for a time period which should not exceed 12 months.

**Article 42a.** (New, SG No. 18/2006, amended and supplemented, SG No. 26/2008, amended, SG No. 59/2010, repealed, SG No. 101/2015).

**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.

**Article 43a.** (New, SG No. 101/2015) (1) A person registered under Item 2 of Article 27(2) may apply for payment of supported employment funds under Item 23 of Article 30a(1) for each permanently disabled or otherwise disadvantaged unemployed person in the labour market whom the person registered under Item 2 of Article 27(2) has hired on a non-subsidised job for a period of at least 12 months upon referral by the relevant division of the National Employment Agency.

(2) The terms and procedure for application and for disbursement of the funds under Item 23 of Article 30a(1) shall be determined by the Regulations for Application of this Act.

## 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.** (Amended, SG No. 26/2003, repealed, SG No. 101/2015).

**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.

**Article 46a.** (New, SG No. 101/2015) (1) (Amended, SG No. 59/2016, effective 1.08.2016) For each created on-the-job training (dual system of instruction) placement regulated by the Vocational Education and Training Act to which an unemployed person has been appointed upon referral by the divisions of the National Employment Agency, the employer shall be paid amounts pursuant to Article 30a(2) herein for the shorter of the period of training or thirty-six months.

(2) (Amended, SG No. 59/2016, effective 1.08.2016) The training institution in partnership wherewith the on-the-job training (dual system of instruction) is being conducted shall receive funds under Article 30a(2) herein for each person hired under Paragraph (1).

## **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, SG No. 101/2015) Any persons, who have received a lump sum under Paragraph (1) and who provide employment under the approved project to another unemployed person 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, SG No. 101/2015) Any employers which are micro enterprises registered under the effective legislation shall be paid amounts in accordance with Article 30a(2) herein for a period of not more than 24 months for the first five jobs created and filled by unemployed persons hired upon referral by the divisions of the National Employment Agency.

**Article 51.** (Amended, SG No. 26/2003, SG No. 101/2015) (1) For each job created and filled by an unemployed person whose registration has been maintained without interruption for at least 6 months or an unemployed person aged up to 24 years, or an unemployed person who has not obtained any educational degree beyond primary education, or an unemployed person aged above 50 years who has been hired upon referral by the relevant division of the National Employment Agency, the employer shall be paid amounts in accordance with Items 1, 2, 4 and 5 of Article 30a(1) herein for the period of employment of such person but no less than 3 months and no more than 12 months. Such amounts shall be paid at a rate of up to 50 percent for the period of subsidisation.

(2) For each job created and filled by a permanently disabled unemployed person who has been hired upon referral by the relevant division of the National Employment Agency, the employer shall be paid amounts in accordance with Items 1, 2, 4 and 5 of Article 30a(1) herein for the period of employment of such person but no less than 3 months and no more than 12 months. Such amounts shall be paid at a rate of up to 75 percent for the period of subsidisation.

(3) Where the period of employment is shorter than 12 months, the amounts under Paragraphs (1) and (2) shall be reduced proportionately.

## **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, SG No. 101/2015) For each job created and filled on a full-time or part-time basis by permanently disabled unemployed persons, including persons with military-service-related disabilities, who have been hired upon referral by the divisions of the National Employment Agency, the employer shall be paid amounts in accordance with Article 30a(2) herein for the period of employment of such persons but no more than 12 months.

(2) (Amended, SG No. 38/2005, repealed, SG No. 101/2015).

**Article 53.** (Amended, SG No. 26/2003, repealed, SG No. 101/2015).

**Article 53a.** (New, SG No. 26/2008) (1) (Amended, SG No. 101/2015) For each job created and filled on a full-time or part-time basis by unemployed single parents (adopters) and/or mothers (adopters) with children aged up to 5 years who have been hired upon referral by the divisions of the National Employment Agency, the employer shall be paid amounts in accordance with Article 30a(2) herein for the period of employment of such persons but no more than 12 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, SG No. 101/2015) For each job created and filled by unemployed persons over 55 years of age who have been hired upon referral by the divisions of the National Employment Agency, the employer shall be paid amounts in accordance with Article 30a(2) herein for the shorter of the period of employment of such persons or twelve months.

**Article 55b.** (New, SG No. 26/2008, repealed, SG No. 101/2015).

**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, SG No. 101/2015) (1) Employers, as well as institutions providing adult training or career guidance, may not receive funds under this Act if they meet any of the following criteria:

1. they have outstanding public liabilities;
2. they have liabilities arising out of default on contracts concluded under programmes, measures and training courses, as well as under projects under the Human Resources Development Operational Programme;
3. (amended, SG No. 88/2016) they are enterprises in difficulty – in the event of being granted financial resources in the form of state aid schemes subject to Regulation (EU) No. 651/2014.

(2) Employers, as well as institutions providing adult training or career guidance, may not receive funds under this Act constituting de minimis aid if they meet any of the following criteria:

1. (repealed, SG No. 88/2016);
2. they are covered by the exceptions under Article 1 of Regulation (EU) No. 1407/2013;
4. they are active in the fisheries and aquaculture sector according to Regulation (EU) No. 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No. 1184/2006 and (EC) No. 1224/2009 and repealing Council Regulation (EC) No. 104/2000 (OJ L 354/1 of 28 December 2013).

(3) The payment of funds constituting de minimis aid shall be discontinued as soon as any of the criteria under Paragraph (1) is met by the employers or the institutions providing adult training or career guidance during the period of support.

(4) An employer shall benefit from the employment promotion measures referred to in Articles 36, 43, 46, 50, 52(1), 53a, 55, 55a and 55c herein provided that such employer provides employment to unemployed persons referred by the National Employment Agency for an additional period of a length equal to the period of subsidisation.

(5) Each job created under Articles 36, 36a, 43, 50, 52 (1), 53a, 55, 55a, 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.

(6) The creation of jobs under Articles 36(1), 36a, 43, 46, 50, 53a, 55, 55a and 55c herein shall be subsidised provided that the employer has not, over the past three months, dismissed any employees from positions identical to those where to unemployed persons are being hired.

(7) Any job under Articles 36(1), 50, 52, 53a and 55a herein may be filled by unemployed persons who have not, over the past 6 months, worked for the employer which has created them.

(8) Any job under Article 51 herein may be filled by unemployed persons where the appointment thereof constitutes a net increase in the number of employees within the meaning of Article 2, Point 32 of Regulation (EU) No. 651/2014 in the enterprise concerned compared to the average number of staff over the past 12 months. Where the appointment does not constitute a net increase in the number of employees, the position concerned should have been vacated on account of voluntary resignation, disability, old-age retirement, voluntary reduction of working hours or lawful dismissal due to the commitment of a breach and not as a result of redundancies.

(9) Any employer who has failed to retain the jobs under Paragraph (4) shall refund the amounts received, along with statutory interest thereon, except in the cases provided for by the Regulations for Application of this Act.

(10) The employment and social security relations with unemployed persons hired by an employer benefitting from preferential treatment in relation to the implementation of employment promotion programmes and measures shall be regulated by Bulgarian employment and social security law. Such persons shall be hired under employment contracts.

**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. (amended, SG No. 79/2015, effective 1.08.2016) create conditions for the assessment and recognition of knowledge, skills and competences of adults acquired through non-formal or informal 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. (repealed, SG No. 101/2015).

**Article 59.** (Amended and supplemented, SG No. 26/2008, amended, SG No. 68/2013, effective 2.08.2013, repealed, SG No. 101/2015).

**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) (New, SG No. 101/2015) The training courses conducted in pursuance of the public tasks of the Bulgarian-German Vocational Training Centre State Enterprise shall take place in accordance with a biennial plan approved by the Management Board after discussion by the council referred to in Paragraph (6) and endorsed by the Minister of Labour and Social Policy subject to terms and in accordance with a procedure determined by the Regulations for Application of this Act.

(11) (Renumbered from Paragraph 10, SG No. 101/2015) The Enterprise may not have an interest in commercial corporations or civil-law companies.

(12) (Renumbered from Paragraph 11, SG No. 101/2015) 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.

(13) (Renumbered from Paragraph 12, SG No. 101/2015) Public state property allocated to the Enterprise may not be the object of coercive enforcement.

(14) (Renumbered from Paragraph 13, SG No. 101/2015) 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, SG No. 79/2015, effective 1.08.2016) Literacy training shall be provided by the schools under the Pre-school and School 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 the Minister of Education and Science.

(4) (New, SG No. 26/2008, amended, SG No. 101/2015) Training for acquisition of key competences 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) (1) (Previous text of Article 63, SG No. 101/2015) 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. (amended, SG No. 101/2015) employees;
4. (supplemented, SG No. 59/2010, repealed, SG No. 101/2015);
5. (repealed, SG No. 101/2015);
6. persons serving a custodial sentence.

(2) (New, SG No. 101/2015) Unemployed persons shall be enrolled on training courses included in the action plan under Article 19(1).

**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) (Amended, SG No. 101/2015) Training of persons according to the procedure established by Items 1, 2 and 6 of Article 63(1) 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) (Amended, SG No. 101/2015) Training of factory and office workers according to the procedure established by Item 3 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, SG No. 101/2015) Any unemployed persons referred to in Item 1 of Article 63(1) 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**

**(Repealed, SG No. 33/2016, effective 21.05.2016 )**

### **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, repealed, SG No. 33/2016, effective**

**21.05.2016)**

## **Employment of Bulgarian Citizens Abroad**

**Article 67.** (Amended, SG No. 26/2008, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 68.** (Amended, SG No. 18/2006, supplemented, SG No. 70/2013, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 69.** (Amended, SG No. 26/2008, repealed, SG No. 33/2016, effective 21.05.2016).

## **Section II**

**(New, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 33/2016, effective 21.05.2016)**

### **Employment of Foreigners in Bulgaria**

**Article 70.** (Amended, SG No. 54/2002, amended and supplemented, SG No. 26/2003, amended, SG No. 48/2006, SG No. 26/2008, supplemented, SG No. 85/2010, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 71.** (Supplemented, SG No. 18/2006, effective 1.01.2007, amended, SG No. 26/2008, supplemented, SG No. 43/2011, effective 15.06.2011, amended, SG No. 70/2013, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 72.** (Amended and supplemented, SG No. 26/2003, amended, SG No. 54/2014, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 72a.** (New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 7/2012, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 72b.** (New, SG No. 70/2013, effective 24.12.2013, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 72c.** (New, SG No. 70/2013, effective 24.12.2013, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 72d.** (New, SG No. 70/2013, effective 24.12.2013, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 73.** (Supplemented, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 73a.** (New, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 74.** (Amended, SG No. 18/2006, repealed, SG No. 33/2016, effective 21.05.2016).

## **Section III**

**(New, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 33/2016, effective 21.05.2016)**

## **Highly Qualified Employment of Foreigners in Bulgaria**

**Article 74a.** (New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 70/2013, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 74b.** (New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 70/2013, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 74c.** (New, SG No. 43/2011, effective 15.06.2011, supplemented, SG No. 7/2012, amended, SG No. 70/2013, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 74d.** (New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 70/2013, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 74e.** (New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 70/2013, repealed, SG No. 33/2016, effective 21.05.2016).

## **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.

(3) (New, SG No. 101/2015) The persons concerned shall satisfy the conditions under Paragraph (2) throughout the period of registration.

**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. (repealed, SG No. 97/2017);

2. (repealed, SG No. 33/2016, effective 21.05.2016);

3. (repealed, SG No. 33/2016, effective 21.05.2016);

4. (repealed, SG No. 103/2017, effective 1.01.2018);

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) (Amended, SG No. 97/2017, supplemented, SG No. 103/2017, effective 1.01.2018) Persons registered under the legislation of another State shall prove the circumstances covered under Article 74f, Paragraph (2), Items 1 - 4 in accordance with the legislation of the State of registration. The circumstances regarding the conviction status of Bulgarian citizens shall be established by official channels by the Employment Agency, Foreign citizens shall submit a conviction status certificate or a similar document.

(4) (New, SG No. 97/2017) The Employment Agency shall verify using official channels the circumstances under Article 74f, Paragraph (2), Items 1, 2, 3, 5 and 6 with respect to the persons registered under the Bulgarian legislation.

**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) (Amended, SG No. 97/2017) 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.

(4) (Amended, SG No. 33/2016, effective 21.05.2016) Every year, not later than April 30, the Employment Agency shall verify ex officio the circumstances as per Article 74f (2), Item 1 in respect of registered enterprises providing temporary employment and shall notify the General Labour Inspectorate Executive Agency of any changes as may have occurred.

(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. (amended, SG No. 101/2015) upon violation of the requirements of Article 74f(3) established by a penalty decree which has taken effect;

4. (new, SG No. 101/2015) In the case of an effective penal decree imposing an administrative penalty under Article 81a(1) which was issued prior to the registration for performance of the activities concerned;

5. (renumbered from Item 4, SG No. 101/2015) 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. (amended, SG No. 88/2016) the temporary-work agency undertakings whose registration has been terminated under Items 2, 3 and 4 of Article 74l (1) herein.

**Article 74o.** (New, SG No. 7/2012, effective 5.12.2011, amended, SG No. 88/2016) Temporary-work agency undertakings whose registration has been terminated in pursuance of Items 2, 3 and 4 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, SG No. 33/2016, effective 21.05.2016) Employers, officials, factory and office workers, job seekers, 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, employers' 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, SG No. 33/2016, effective 21.05.2016 ) 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, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 78b.** (New, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 33/2016, effective 21.05.2016).

## **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, SG No. 33/2016, effective 21.05.2016) Any employer, official, unemployed person or natural person, 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, amended and supplemented, SG No. 59/2010, repealed, SG No. 33/2016, effective 21.05.2016).

**Article 82a.** (New, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 33/2016, effective 21.05.2016).

**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, SG No. 101/2015, SG No. 88/2016) "Unemployed person" shall mean any person who, upon registration with the Labour Office Directorate, does not work, is seeking a job, is ready to take up a job within 14 days of 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, amended, SG No. 101/2015, SG No. 88/2016) "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 50 kilometres outside the said settlement,

subject to the condition that convenient public transport services are available, for a period not exceeding 12 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 50 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, SG No. 101/2015, SG No. 88/2016) "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 or using social services in a residence-type community, 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 aged up to 5 years; 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, repealed, SG No. 33/2016, effective 21.05.2016).

14a. (New, SG No. 70/2013, repealed, SG No. 33/2016, effective 21.05.2016).

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, SG No. 79/2015, effective 1.08.2016) "Adult" shall be any person of working age, who does not pursue study for attainment of basic or secondary education in the pre-school and school 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, SG No. 101/2015) "Stimulation to be active in the labour market" shall mean activities aiming to develop practical job-seeking skills.
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, repealed, SG No. 33/2016, effective 21.05.2016).
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, repealed, SG No. 88/2016).
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, repealed, SG No. 33/2016, effective 21.05.2016).
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, repealed, SG No. 33/2016, effective 21.05.2016).
- 36a. (New, SG No. 70/2013, repealed, SG No. 88/2016).
- 36b. (New, SG No. 70/2013, repealed, SG No. 88/2016).
37. (New, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 33/2016, effective 21.05.2016).

38. (New, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 33/2016, effective 21.05.2016).
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, amended, SG No. 88/2016) "Enterprise in difficulty" shall be an enterprise within the meaning given by Article 2, Item 18 of Regulation (EU) No. 651/2014.
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.
44. (New, SG No. 101/2015) "Employment in the field of marine transport" shall mean the actually served period during which a licensed seafarer has occupied a position included in the National Classification of Navigation Occupations and Positions Requiring a Licence, as laid down in Ordinance No. 6 of 5 April 2012 on the Competence of Seafarers in the Republic of Bulgaria (promulgated, SG No. 31/2012; amended, SG No. 81/2013, No. 84/2014 and No. 83/2015).
45. (New, SG No. 101/2015) "Supported employment" shall mean support for permanently disabled or otherwise disadvantaged unemployed persons in the labour market, taking account of their specific needs, in order to work on non-subsidised jobs.
46. (New, SG No. 101/2015) "Period of training" shall mean the time for conduct of the training in accordance with the endorsed curriculum and for examinations upon completion of the training.
47. (New, SG No. 101/2015) "First job in the person's field of educational qualification" shall mean a job at a position corresponding to the field in which the person concerned has obtained a secondary or university educational degree but has never been employed in such field.
48. (New, SG No. 88/2016) "Social institutions" shall be a concept within the meaning of §1, Item 5 of the Supplementary Provisions of the Social Assistance Act.
49. (New, SG No. 88/2016) "Social services in a residence-type community" shall be a concept within the meaning of §1, Item 6 of the Supplementary Provisions of the Social Assistance Act.

**§ 1a.** (New, SG No. 43/2011, effective 15.06.2011, repealed, SG No. 88/2016).

**§ 1b.** (New, SG No. 43/2011, effective 15.06.2011, amended, SG No. 70/2013, effective 24.12.2013, repealed, SG No. 88/2016).

**§ 1c.** (New, SG No. 43/2011, effective 15.06.2011, supplemented, SG No. 70/2013, effective 24.12.2013, repealed, SG No. 88/2016).

## **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.

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## 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)

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§ 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".

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## 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)

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§ 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.

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§ 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)

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§ 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)

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§ 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.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Employment Promotion Act

(SG No. 101/2015)

§ 48. Any contracts concluded as provided for by the repealed Articles 36b, 42(1), 42a, 45, 52(2), 53 and 55b shall remain valid until the expiry of their respective periods.

§ 49. Any contracts concluded as provided for by Articles 51 and 55a prior to this Act's entry into force shall remain valid until the expiry of their respective periods.

§ 50. The provision of Article 51 shall apply for the period of effectiveness of Regulation (EU) No. 651/2014 and the periods of effectiveness of the regulations which amend, supplement or supersede such Regulation.

**Appendix No. 1**

to Article 74g(1)

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

amended, SG No. 101/2015,

SG No. 88/2016,

SG No. 97/2017,

SG No. 103/2017,

effective 1.01.2018)

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

1.	Fr om :	..... ..... <i>(natural person, legal person as per the commercial registration)</i>
2.	Re pre sen ted by:	..... ..... <i>(name, second name, surname)</i>
3.	Co m me rci al reg	..... ..... <i>(unified identification code)</i>

	istr ati on:	
4.	Se at an d reg iste red offi ce: (as pe r the co m me rci al re gis tra tio n)	City/town/village ..... Municipality ..... Region ..... No,            street/residential            area/residential            complex ..... building        .....        floor        .....        apartment. .....
5.	Co nta ct ad dre ss an d tel ep ho ne:	City/town/village ..... Municipality ..... Region ..... No,            street/residential            area/residential            complex ..... building        .....        floor        .....        apartment. .....
	Fa x:  e- ma il:	..... ..... ..... .....
6.	Ide ntif ica tio n nu mb	

	<p>er of the cer tifi cat e of reg istr ati on in the reg iste r un der</p> <p>Art icle 10 (1) (2) of the Pe rso nal Da ta Pr ote cti on Ac t:</p>	
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7.	<p>B UL ST AT : <i>(fo r pe rso ns re gis ter ed un de r Bu</i></p>	
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	lga ria n la w)	
8.	Ad dre ss of the offi ce( s) wh ere the act iviti es rel ate d to the te mp ora ry- wo rk job pla ce me nt are car rie d out	City/town/village ..... Municipality ..... Region ..... No, street/residential area/residential complex ..... building ..... floor ..... apartment. ..... Tel/Fax .....
9.	(A me nd ed, SG No . 10 3/2 01 7, eff ect ive 1.0	? 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

	1.2 01 8) En clo sur es <sup>1</sup>	
10.	M an ner of rec eip t of the ind ivi du al ad mi nist rati ve de ed <sup>2</sup>	?Via a licensed postal service provider at the following address: ....., whereby I declare that postage costs are to be paid by me upon receipt (for domestic deliveries) and that I agree for the documents to be transferred for official purposes.
11.	Ap pli ca nt:	..... ..... (name, signature, stamp)
12.	Da te:	..... ..... (name, signature, stamp)
		<sup>1</sup> Please check the box corresponding to the documents submitted by you by putting an 'X' therein. <sup>2</sup> Please check the box corresponding to the option chosen by putting an 'X' therein. <sup>3</sup> The service will be accessible after it is registered as an electronic administrative service under the E-Government Act.

**Appendix No. 2**  
to Article 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)