

# Act on the Management and Functioning of the System of National Security Protection

Promulgated, SG No. 61/11.08.2015, effective 1.11.2015

Text in Bulgarian: Закон за управление и функциониране на системата за защита на националната сигурност

## Chapter One GENERAL PROVISIONS

**Article 1.** This Act shall regulate the management and functioning of the system of national security protection of the Republic of Bulgaria and the control thereof.

**Article 2.** National security is a dynamic state of society and the state in which the territorial integrity, sovereignty and constitutionally established order of the country are protected, where the democratic functioning of institutions and the fundamental rights and freedoms of citizens are safeguarded, as a result of which the nation retains and increases its prosperity and develops, and where the country successfully upholds its national interests and pursues its national priorities.

**Article 3.** (1) The system of national security protection comprises government authorities and structures performing diplomatic, defence, intelligence, counter-intelligence, operational and tracing, law enforcement and security guard activities and represented in the Security Council under the Council of Ministers.

(2) National security presupposes and requires:

1. analysis of the specificities and dependencies in the security environment and early warning of any occurring risks;
2. avoidance, mitigation and prevention of risks;
3. counteraction in case of threats and encroachments;
4. crisis management and overcoming;
5. identification, designation and protection of critical infrastructure.

(3) The tasks and activities of the authorities and structures referred to in Paragraph (1) shall be regulated by separate legislative acts.

(4) In protecting national security, the authorities and structures referred to in Paragraph (1) shall:

1. interact in, and coordinate, the performance of their activities and of specific tasks;
2. cooperate with other government authorities and organisations, with local authorities, with legal entities and citizens;
3. cooperate with similar institutions of other states and international organisations.

(5) The heads of the authorities and structures referred to in Paragraph (1) shall coordinate their activities relevant to national security protection by issuing joint instructions laying down the interaction procedures and methods.

(6) The interaction between the authorities and structures referred to in Paragraph (1) shall take place through written correspondence, working meetings, establishment of joint working groups and conduction of coordinated actions, as well as other forms depending on their competence.

(7) For the purpose of such interaction, the authorities and structures referred to in Paragraph (1) shall inform each other and mutually coordinate their actions when information is obtained which is of interest to the activities of another authority or structure.

(8) The authorities of the Ministry of Interior, the State Agency for National Security, the State Agency for Intelligence, the Military Information Service and the National Security Guard Service shall provide each other with information and/or access to the database containing data created, stored and used under the provisions of the Classified Information Protection Act, under terms and conditions and in accordance with a procedure laid down in an instruction jointly issued by their heads.

(9) The authorities and structures referred to in Paragraph (1) may conclude agreements on training and exchange of personnel among each other and with other authorities and structures under terms and conditions and in accordance with a procedure laid down in a law.

**Article 4.** The fundamental principles of the management and functioning of the system of national security protection shall be:

1. respect for the Constitution, the laws, and the international treaties whereto the Republic of Bulgaria is a Party;
2. political neutrality;
3. respect for, and safeguarding of, human rights and fundamental freedoms;
4. objectivity and impartiality;
5. cooperation with citizens and their organisations;
6. openness, transparency and responsibility in shaping and pursuing national security protection policies;
7. centralised management and control of intelligence activities;
8. protection of information and the sources thereof;
9. timely provision of information to the relevant other competent authorities or structures of the system of national security protection or other competent government authorities;
10. coordinated conduct of activities related to national security protection and combination of open and secret forms and methods of work.

## **Chapter Two**

# **MANAGEMENT AND FUNCTIONING OF THE SYSTEM OF NATIONAL SECURITY PROTECTION**

**Article 5.** In managing the system of national security protection, the National Assembly, the President of the Republic of Bulgaria and the Council of Ministers shall, in accordance with their competence:

1. define national interests and priorities;
2. draft and adopt statutory instruments, strategies, concepts, doctrines and action plans;
3. define the main tasks of the government authorities and structures referred to in Article 3, Paragraph (1);
4. put into practice and organise the strategic planning, interaction, coordination and integration of the activities of the government authorities and structures referred to in Article 3, Paragraph (1);
5. determine the resources needed in order to perform the activities relevant to national security protection, the mechanisms of managing and spending such resources, and their distribution among government authorities and structures;
6. control the spending of resources as referred to in Item 5;
7. control the pursuit of strategic goals and priorities.

**Article 6.** (1) The heads of the State Agency for National Security, the State Agency for Intelligence and the Military Information Service shall provide information identical in terms of volume and contents, as they may have obtained, to the President of the Republic of Bulgaria, the Chairperson of the National Assembly and the Prime Minister.

(2) The President of the Republic of Bulgaria shall require and obtain from the government authorities and structures referred to in Article 3, Paragraph (1) the necessary and full information for the performance of his/her functions as Supreme Commander-in-Chief.

**Article 7.** (1) The Council of Ministers shall:

1. perform the general management of the system of national security protection;
2. propose a Draft National Security Strategy to the National Assembly;
3. adopt and put forward to the National Assembly annual reports on the state of national security;
4. adopt decisions to perform strategic reviews of the system of national security protection upon proposal by the Prime Minister;
5. propose to the President of the Republic of Bulgaria to appoint and dismiss the heads of the State Agency for National Security, the State Agency for Intelligence and the Military Information Service;
6. adopt acts relevant to the management and functioning of the system of national security protection.

(2) The Prime Minister shall:

1. manage the coordination among the institutions represented in the Security Council and between them and other bodies of government authority;
2. perform the general management of the intelligence community;
3. endorse the annual plans on the activities of the State Agency for National Security, the State Agency for Intelligence, the Military Information Service and the Security Council;
4. put forward to the Council of Ministers draft acts relevant to the management and functioning of the system of national security protection and draft annual reports on the state of national security;
5. put forward to the Council of Ministers proposals to the President of the Republic of Bulgaria to appoint and dismiss the heads of the State Agency for National Security, the State Agency for Intelligence, the Military Information Service, and the Secretary General of the Ministry of Interior;
6. perform the general control of the international cooperation of the government authorities and structures referred to in Article 3, Paragraph (1) with analogous authorities and structures of other states and international organisations;
7. perform the general management of the international cooperation of the Security Council with analogous authorities of other states.

(3) To support the performance of the tasks referred to in Paragraph (1) and (2), a Security Council shall be established under the Council of Ministers.

**Article 8.** (1) The Security Council shall be an advisory and coordinating national security body under the Council of Ministers.

(2) The Security Council shall be chaired by the Prime Minister.

(3) The members of the Security Council shall be:

1. the Minister of Interior;
2. the Minister of Defence;
3. the Minister of Foreign Affairs;
4. the Minister of Finance;
5. the Chief of Defence;
6. the Secretary General of the Ministry of Interior;
7. the Chairperson of the State Agency for National Security;

8. the Chairperson of the State Agency for Intelligence;
9. the Director of the Military Information Service;
10. the Head of the National Security Guard Service;
11. the Secretary of the Security Council;
12. two representatives of the President of the Republic of Bulgaria explicitly appointed by him through a decree.

(4) The Security Council may also have as its member a Deputy Prime Minister authorised through an order by the Prime Minister to coordinate and monitor the operation of certain structures of the system of national security protection.

(5) The President of the Republic of Bulgaria and the Chairperson of the National Assembly may personally participate in the Security Council's sessions.

(6) In certain cases and on particular issues, the chairpersons of standing committees of the National Assembly, members of parliament, ministers and heads of departments and organisations may participate in the Security Council's operations upon invitation by its Chairperson.

**Article 9.** The Security Council shall:

1. analyse the state of the system of national security protection, draw up assessments and propose solutions and actions concerning:

- (a) the capabilities of the system of national security protection to counteract threats, which includes crisis management;
- (b) the efficiency of the main activities of the government authorities and structures referred to in Article 3, Paragraph (1);
- (c) the consistency and coordination among the government authorities and structures referred to in Article 3, Paragraph (1) in the performance of their main activities;
- (d) the mutual compatibility and integration of the government authorities and structures referred to in Article 3, Paragraph (1);
- (e) the compatibility and integration of the government authorities and structures referred to in Article 3, Paragraph (1) with common security institutions and mechanisms within the North Atlantic Treaty Organisation and the European Union;
- (f) the pursuit of the defined national priorities, main goals and tasks;
- (g) the safeguarding of information security and its protection against encroachments;

2. coordinate the implementation of the national security protection policy by the government authorities and structures referred to in Article 3, Paragraph (1);

3. support the Council of Ministers in making decisions and discharging its powers connected with the activities relevant to national security protection and the allocation of the necessary resources;

4. support the interaction among the government authorities and structures referred to in Article 3, Paragraph (1) in the performance of their tasks and activities;

5. propose to the Prime Minister or the Council of Ministers specific measures and tasks to limit risks, counteract threats and protect national security, and manage crises;

6. propose to the Council of Ministers annual targets and priorities in the field of national security protection;

7. propose to the Council of Ministers draft annual reports on the state of national security;

8. propose to the Council of Ministers a draft national communication strategy on informing citizens in case of crisis.

**Article 10.** (1) To perform its functions as referred to in Article 9, the Security Council shall:

1. draw up analyses, forecasts, reports and other information materials;
2. use expert opinions in various fields;

3. cooperate with government authorities and organisations, local authorities and legal entities, and with similar structures of other states and international organisations;

4. adopt decisions.

(2) The members of the Council shall ensure the information needed for its activities.

**Article 11.** (1) The Security Council shall be represented by its Chairperson.

(2) In performing its activities, the Security Council shall be supported by a Secretariat, which shall be an independent structural unit within the administration of the Council of Ministers.

(3) Representatives of the persons referred to in Article 8, Paragraph (3), Items 1 - 4 and Items 7 - 10 may participate in the operations of the Secretariat.

(4) Information on the activities of the Security Council and its Secretariat shall be published on the website of the Council of Ministers, subject to the regulatory requirements on classified information protection.

**Article 12.** (1) The Security Council shall hold regular and extraordinary sessions.

(2) Regular sessions shall be held at least once per quarter. They shall be convened upon a decision by the Prime Minister.

(3) Extraordinary sessions shall be convened upon a decision by the Prime Minister in case of important circumstances having implications for national security and requiring immediate decisions and measures within the competence of the Security Council.

(4) For a session to be held, at least three quarters of the Council's members shall be present.

(5) The Security Council shall adopt internal rules on the organisation and holding of its sessions.

**Article 13.** (1) The Prime Minister shall lead the Security Council's dealings.

(2) Where the Prime Minister is absent, the Security Council's sessions shall be led by a Member of the Security Council explicitly authorised by the Prime Minister.

(3) Where a member of the Security Council is absent, he/she shall be represented by a proxy explicitly authorised by such member.

**Article 14.** (1) The Security Council's decisions shall be passed by open voting, with a simple majority of all attending members.

(2) When voting on decisions, each member of the Security Council shall have the right to one vote.

**Article 15.** (1) As a part of the Security Council, an intelligence community shall operate, which shall comprise the Secretary of the Security Council, the Secretary General of the Ministry of Interior and the heads of the State Agency for National Security, the State Agency for Intelligence and the Military Information Service.

(2) The intelligence community may, on its own initiative, draw up thematic or summary reports on various issues related to national security, submit proposals to the Security Council under the Council of Ministers and draw up proposals to the Prime Minister to amend and supplement laws and regulations.

(3) Where necessary, the intelligence community shall be joined by other senior staff of various ministries and departments.

(4) The Secretary of the Security Council shall report to the Prime Minister on the documents drawn up under Paragraph (2).

**Article 16.** (1) The activities of the Security Council's Secretariat shall be managed and organised by a Secretary, to be appointed by the Prime Minister.

(2) To be eligible for a Secretary, a person shall:

1. have Bulgarian citizenship only;

2. hold a master's university degree;
3. have 10 years of experience in the authorities and structures of the system of national security protection;
4. hold an authorisation to access classified information with a "Top Secret" degree of classification.

(3) The Secretary shall organise and carry out the exchange of information related to the activities of the Security Council and the intelligence community.

(4) The Secretary shall organise the Security Council's coordination with government authorities and organisations, local authorities, legal entities and similar structures of other states and international organisations.

(5) The Secretary shall assign the drawing up of the expert opinions referred to in Article 10, Paragraph (1), Item 2 for the Security Council's needs.

## **Chapter Three**

### **CRISIS MANAGEMENT**

**Article 17.** (1) Crisis management shall be an essential element of the activities relevant to national security protection.

(2) A state of crisis shall be declared and cancelled through a decision by the Council of Ministers.

(3) Crisis management shall be conducted by the Council of Ministers through the National Crisis Management System.

**Article 18.** (1) The National Crisis Management System shall include a national situation centre, as well as departmental and regional situation centres.

(2) The Security Council's Secretariat shall perform the functions of a National Situation Centre.

**Article 19.** (1) The National Situation Centre shall support the Council of Ministers in:

1. managing and coordinating crisis prevention, response, management and control actions;
2. interacting and coordinating with the bodies of the European Union, the North Atlantic Treaty Organisation and other states, including in the access to the Public Regulated Service (PRS) provided by the global satellite-based navigation system GALILEO;
3. implementing the national communication strategy on informing citizens in case of crisis.

(2) The National Situation Centre shall ensure:

1. the coordination of the actions of departmental and regional situation centres;
2. a secure information exchange system;
3. continuous exchange of information for risk analysis and assessment.

**Article 20.** The functions and the territories of the departmental and regional situation centres shall be defined through an act by the Council of Ministers.

## **Chapter Four**

### **ACCOUNTABILITY AND CONTROL**

**Article 21.** The activities of the authorities and structures in the system of national security protection shall be subject to parliamentary, administrative, judicial and civil control.

**Article 22.** (1) The National Assembly shall control the activities of the State Agency for National Security, the State Agency for Intelligence, the Military Information Service and the National Security Guard Service through a standing parliamentary committee.

(2) The heads of the State Agency for National Security, the State Agency for Intelligence, the Military Information Service and the National Security Guard Service shall, when asked, be under the obligation to appear before the National Assembly or committees thereof, according to their fields of expertise, and provide the information requested from them, subject to the requirements of the Classified Information Protection Act.

(3) The heads of the State Agency for National Security, the State Agency for Intelligence and the National Security Guard Service shall, by 31 March every year, submit to the Council of Ministers annual reports on the activities of the relevant structures headed by them.

(4) The annual report on the activities of the Military Information Service shall be submitted to the Council of Ministers by the Minister of Defence in the time limit under Paragraph (3).

(5) The State Agency for National Security, the State Agency for Intelligence and the Military Information Service shall, through the Minister of Defence, draw up non-classified annual reports and submit them for publication on the website of the Council of Ministers.

(6) The Council of Ministers shall put forward the reports to the National Assembly, which shall adopt them by separate decisions.

**Article 23.** The National Assembly shall, through a standing parliamentary committee, monitor and control the activities related to managing and spending the funds granted to the structures referred to in Article 22.

**Article 24.** (1) Citizens and organisations thereof shall control the system of national security protection within their statutory rights.

(2) The Council of Ministers shall establish a consultative mechanism for participation of representatives of non-profit legal entities whose registered objects are related to national security protection in discussions or in drawing up draft statutory instruments, reports and other documents on issues within the competence of the Security Council, subject to the Public Information Access Act and the Classified Information Protection Act.

## **ADDITIONAL PROVISION**

**§ 1.** Within the meaning of this Act:

1. A "risk to national security" shall mean a likelihood of change in the security environment stemming from an intentional act or omission which might lead to a disruption of the state of national security.

2. A "threat to national security" shall mean a combination of conditions and factors directly resulting in processes or events disrupting the state of national security of the Republic of Bulgaria.

3. A "crisis" shall mean an event disrupting the state of national security as a result of targeted acts or omissions by individuals, groups or organisations.

4. A "situation centre" shall mean a structure collecting, analysing and immediately reporting any information obtained in relation to crisis prevention and/or containment and coordination of the crisis response, control and overcoming actions.

## **CONCLUDING PROVISIONS**

**§ 2.** The State Agency for National Security Act (promulgated, SG No. 109/2007; amended, SG No. 69 and 94/2008, SG No. 22, 35, 42, 82 and 93/2009, SG No. 16, 80 and 97/2010, SG No. 9 and 100/2011, SG No. 38/2012, SG No. 15, 30, 52, 65 and 71/2013,

SG No. 53/2014 and SG No. 14 and 24/2015) shall be amended and supplemented as follows:

1. In Article 54, Paragraphs (8) and (9) shall be added, as follows:

"(8) A competition for appointment in a government office at the Agency shall not be conducted for persons who are state servants at other security or public order services, provided that they satisfy the requirements for appointment in a government office at the Agency, subject to written approval by the Chairperson of the Agency and the head of the relevant service.

(9) A competition for appointment in a government office at the Agency shall not be conducted in the cases referred to in Article 55, Paragraph (2) of the Regulations on the Implementation of this Act either."

2. Paragraph (3) of Article 65 shall be amended as follows:

"(3) In the case referred to in Paragraph (1), the relevant person shall receive monthly remuneration equal to the basic monthly remuneration applicable for the rank and degree of the higher-standing position."

3. In Article 78, the words "the Chairperson and Deputy Chairpersons, as well as" shall be added after the words "The work of".

4. In Article 117, Paragraph (1), the words "the powers of the Chairperson and Deputy Chairpersons, as well as" shall be added after the words "Upon termination of".

5. In Article 132, Paragraph (3), the words "31 January" shall be replaced by "31 March".

6. In § 1 of the Additional Provision, Item 1 shall be amended as follows:

"1. "National security" is the concept referred to in Article 2 of the Act on the Management and Functioning of the System of National Security Protection."

§ 3. In the Classified Information Protection Act (promulgated, SG No. 45/2002; amended, SG No. 5 and 31/2003, SG No. 52, 55 and 89/2004, SG No. 17 and 82/2006, SG No. 46, 57, 95 and 109/2007, SG No. 36, 66, 69 and 109/2008, SG No. 35, 42, 82 and 93/2009, SG No. 16 and 88/2010, SG No. 23, 48 and 80/2011, SG No. 44 and 103/2012, SG No. 52 and 70/2013, SG No. 49 and 53/2014 and SG No. 14/2015), Item 13 of § 1 of the Additional Provisions shall be amended as follows:

"13. "National security" is the concept referred to in Article 2 of the Act on the Management and Functioning of the System of National Security Protection."

§ 4. In the Consultative Council on National Security Act (promulgated, SG No. 13/1994; amended, SG No. 28/2008 and SG No. 35/2009), Article 2, Paragraph (2) shall be amended and supplemented as follows:

1. New Items 9 and 10 shall be added:

"9. the Chairperson of the State Agency for Intelligence;

10. the Secretary of the Security Council;".



2. The previous Item 9 shall be renumbered as Item 11.

§ 5. In the Republic of Bulgaria Defence and Armed Forces Act (promulgated, SG No. 35/2009; amended, SG No. 74, 82, 93 and 99/2009, SG No. 16, 88, 98 and 101/2010, SG No. 23, 48, 99 and 100/2011, SG No. 20, 33 and 38/2012, SG No. 15, 66 and 68/2013, SG No. 1 and 98/2014 and SG No. 14 and 24/2015), Item 2 of Article 22, Paragraph (2) shall be repealed.

§ 6. The Council of Ministers and the Prime Minister shall be in charge of the implementation of this Act.

§ 7. This Act shall take effect as of 1 November 2015.

This Act was passed by the 43rd National Assembly on 29 July 2015 and bears the National Assembly's official seal.