

NEGOTIATING POSITION ON
CHAPTER 13 "SOCIAL POLICY AND EMPLOYMENT"

OVERALL POSITION

The Republic of Bulgaria accepts and will fully apply the *acquis communautaire* in the field of Social Policy and Employment in force by 31.03.2001.

Under the working hypothesis of the Bulgarian Government Bulgaria will become full member of the European Union as from 1.01.2007.

The Republic of Bulgaria requests a transitional period of 9 years, ending by 31 December 2016 with respect to the requirement of Council Directive 90/239/EEC on the approximation of laws, regulations and administrative provisions of the Member States concerning the maximum tar yield of cigarettes. The request is made with the view to implement the necessary changes in processing and production of tobacco products so that they could fully comply with the requirements of the Directive.

1. Labour Law

Bulgarian labour legislation currently in force (Labour Code, the Protection against Unemployment and Employment Promotion Act and the related secondary legislation) complies to a significant extent with the basic requirements of the EU in this field, by the adoption of the amendments of the Labour Code achieving an almost full transposition of Directives 93/104/EC, 91/533/EEC, 94/33/EC, 2001/23/EC, 1999/70/EC. The following Directives were partially transposed: 98/59/EC, 91/383/EEC. The rest of the Directives will be duly transposed by the forthcoming amendments of Bulgarian labour legislation.

Responsible institutions:

Ministry of Labour and Social Policy

“General Labour Inspectorate” Executive Agency

National Employment Service

Ministry of Transport and Communications

“Maritime Administration” Executive Agency

“Civil Aircraft Administration” General Directorate at the Ministry of Transport and Communications

The overall control of the observance of labour law is carried out by the “General Labour Inspectorate” Executive Agency. As regards information and consultation in cases of mass redundancies, the control is assigned to the National Employment Service in order to respond adequately to the consequences. The control of the observance of the directives in the field of work organisation of seamen and aircraft crew members is respectively carried out by “Maritime Administration” Executive Agency and “Civil Aircraft Administration” General Directorate at the Ministry of Transport and Communications. As for the judicial control, it is currently being carried out by specialised labour and business colleges within the civil courts system. In conformity with the recommendations of the European Commission, the Republic of Bulgaria will further undertake measures to improve the administrative and judicial capacity for implementation of the labour law and will in the mid-term examine the possibility for establishment of a new framework of the labour and social legal procedure.

2. Social dialogue

The social dialogue in the Republic of Bulgaria is being implemented on a tripartite principle as well on the principle of the bipartite dialogue. The Act on amending and supplementing of the Labour Code, elaborated together with the social partners revises the legal basis of the social dialogue (tri-partite co-operation, collective bargaining, information and consultation). By amendment to the Settlement of Collective Labour Disputes Act, the mechanism for conciliation and arbitration is being improved. An Executive Agency “National Conciliation and Arbitration Institute” is currently being established. It will assist for the voluntary settlement of collective labour disputes between employees and employers.

The Labour Code aims also to ensure the freedom and protection of labour, equitable and decent working conditions, as well as conduct of the social dialogue between the state, employees, employers and their organisations with the aim to regulate all industrial relations. According to the new Article 2 of the Labour Code “Social dialogue”, “the State regulates the labour relations and directly related to them other relations, social security relations and living standard issues after consultations and dialogue with the employees, the employers and their organisations in the spirit of cooperation, mutual concessions and consideration of the interests of each of the parties.”

The regulation of these relations is carried out in co-operation and after consultations with the representative employees’ and employers’ organisations. This procedure must be indispensably followed through for the adoption of legal acts.

The co-operation and consultations at national level are carried out by the National Council for Tripartite Co-operation (NCTC), which consists of representatives of the Council of Ministers and of the nationally representative trade unions and employers’ organisations.

The co-operation and consultations on sectoral/branch and municipal level is being carried out by sectoral, branch and municipal councils for tri-partite cooperation, which consist of representatives from: the relevant ministry, another establishment or municipal administration, the representative employees’ and employers’ organisations.

The NCTC discusses and gives opinions on draft legislation and CM Decisions. The sectoral, branch and municipal councils discuss and give opinions on settlement of the specific issues of the respective sector, branch or municipality.

A particularly important step of the Republic of Bulgaria with regard to the promotion of the autonomous bipartite dialogue is the possibility the application of a collective agreement (CA) at sectoral/branch level, which has been concluded between all representative employees’ and employers’ organisations, to be extended upon all enterprises from the relevant sector/branch, thus giving the opportunity to the social partners to regulate the labour relations and directly related to them relations. As regards the act of the Minister of Labour and Social Policy for the extension of the application of the CA, it aims at formalising legal power of the relevant CA.

The social partners participate actively in the process of harmonisation of the Bulgarian legislation with the *acquis* by consulting with them all draft legislation. An important step in this respect is the inclusion of the social partners in the working groups to the Co-ordination Council for Preparing of the Republic of Bulgaria for Accession to the European Union.

The National Assembly ratified on 29 March 2000 the European Social Charter (revised), thus the Republic of Bulgaria became one of the nine Member States of the Council of Europe, which have ratified this fundamental standardising document in the social sphere. The Articles of the Charter with regard to sub-sector “Social dialogue” with which Bulgaria binds itself with, are as follows: Art. 5 “The right to organise”, Art. 6 “The right to bargain collectively”, Art. 21 “The right to information and consultation”, Art. 22 “The right to take part in the determination and improvement of the working conditions and working environment”, Art. 28 “The right of workers’ representatives to protection in the undertaking and facilities to be accorded to them”, Art. 29 “The right to information and consultation in collective redundancy procedures”. The European Social Charter (revised) entered into force for Bulgaria on 1 August 2000 and this legislative initiative of the Bulgarian Government provides a constant international control upon the policy of the Republic of Bulgaria in the social sphere.

The Act on Establishment of an Economic and Social Council (ESC) was adopted by the National Assembly in April 2001. The ESC will serve as a permanent institutionalised form of the social dialogue.

A Joint Economic and Social Committee Bulgaria – European Union was established and is functioning for carrying out of an effective dialogue between the Bulgarian and European trade unions and employers’ organizations.

Responsible institutions

The National Council for Tripartite Co-operation – carries out the co-operation and consultations at national level between the state and the representative employees’ and employers’ organisations as regards to the regulation of labour relations and directly related to them other relations, social security relations and living standard issues.

The Social partners – are party to the social dialogue; co-operate with the Government and consult it; make proposals for the development, mechanisms and the scope of the social dialogue and for revision of the

legislation; elaborate and develop mechanisms and structures of the autonomous (bipartite) social dialogue; participate in the monitoring of the implementation of the Revised European Social Charter.

The Economic and Social Council shall:

- provide the participation of a wide range of representatives of the civil society in the public and economic life by endorsing the principles of a democratic and social state governed by law;
- serve as a permanent institutional form of the social dialogue and the consultations on the economic and social policy between the Government and the structures of the civil society;
- give opportunity to the structures of the civil society to voice opinions, stands and proposals in respect to the acts of the legislative and executive power which concern their interests.

The Ministry of Labour and Social Policy implements in co-operation with the social partners in all tripartite national councils and supervisory boards the state policy in the field of income and living standard, social security, protection against unemployment and employment promotion, labour market, safety and health at work, social assistance and social services and equal opportunities for women and men in the labour sphere.

The District and Municipal assist the conduct of the social dialogue on the respective regional level.

3. Equal Treatment for Women and Men

The principle of equality and prohibition of discrimination based on sex is laid down in Article 6 (1) of the Constitution of the Republic of Bulgaria and in all the legislative acts related to labour market. Meanwhile, the development of society makes necessary the detailing of the principle of gender equality through the elaboration of a system of specific rights and the establishment of effective mechanisms for their realisation.

The Act on Amendment and Supplement of the Labour Code lays down for the first time the term “indirect discrimination” providing its legal definition and the principle of equal pay for equal work or work of equal value. The possibility to dismiss a pregnant woman on whatsoever grounds was eliminated except for the case of closure of the enterprise.

The Supplementary Voluntary Pension Insurance Act and the Compulsory Social Security Code comprise the fundamental part of the legislation in the social security sphere with no discriminatory provisions, but some specific requirements with respect to the general social security schemes will be transposed as well as the full transposition of the requirements of Directive 86/378/EEC related to the occupational pension schemes.

Bulgaria has ratified the European Social Charter (Revised). The Articles concerning section “Equal Treatment” to which Bulgaria is bound are, as follows: Article 20 “Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on grounds of sex”, Article 26 “Right to honour dignity at the working place”, Article 27 “Right of workers with family obligations to have equal opportunities and to be subject to equal treatment”.

In June 2000 in implementation of the legislative programme of the Government, a working group was established where social partners and a great number of non-governmental organisations (over 30) were represented. The work of the group was carried out in three main directions, namely: collection and summarising of the available statistics as well as performance of polls; drafting a Bill on the Equal Opportunities for Women and Men; elaboration of a structure of the national machinery on the equality between women and men.

The Bill represents a complex approach towards resolving gender equality issues. It regulates in details the workers’ and employees’ rights related to equal opportunities for women and men in exercising their right to work as well as in the field of education. The Bill envisages provisions regulating the participation of women and men in public life, as well as measures to overcome the negative stereotypes for the role of women and men. The Bill lays down the framework of gender equality mainstreaming. The Bill also envisages active (promotion) measures for decreasing the existing inequality while the approach is a differentiated one: a quota principle is being introduced as regards the administration; concerning the private sector – promotion measures can be introduced by a collective agreement; promotion measures are also envisaged in education. The Bill also stipulates the framework of the national gender equality machinery which will consist in entrusting the Minister of Labour and Social Policy with responsibilities in the sphere of equal opportunities for women and men; establishment of a National Council on Equal Opportunities for Women and Men; establishment of a Public Defender (Ombudsman) on Equal Opportunities for Women and Men.

The Bill envisages the repeal of a provision under the Act on the Defence and the Armed Forces, which contradicts the Directive 76/207/EEC with regard to the judgments of the Court of Justice of the European Communities in cases C-273/97 and C-285/98. The Bill was approved by the Council of Ministers for submission to the National Assembly.

Beside the work carried out within the working group, Government's actions led to another positive results, such as the successful cooperation with the non-governmental sector and the its own activation, i.e. it can be concluded that there is a process of raising of the sensibility of the society to gender equality issues.

The Bill transposes fully Directives 75/117/EEC and 76/207/EEC as well as Directive 97/80/EC in relation to the cited directives and a considerable part of the amendments of Directive 76/207/EC submitted to the Council, in particular, the definition of sexual harassment as a form of discrimination. The Bill also lays down the institutional framework of the equality between women and men, which will contribute to fulfil Bulgaria's commitments under the Beijing platform, namely the establishment of the national machinery on women's rights.

Following Directives are envisaged to be transposed in medium term: Council Directive 79/7/EEC concerning the progressive implementation of the principle of equality between men and women in social security; Directive 86/378/EEC on the application of the principle of equal treatment for men and women in occupational social security schemes, as amended by Council Directive 96/97/EC; Council Directive 86/613/EEC relating to the implementation of the principle of equal treatment for men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood; Council Directive 92/85/EEC for introduction of measures to improve the safety and health at work of pregnant workers, workers who have recently given birth or are breast-feeding; Council Directive 96/34/EC relating to framework agreement on parental leave, as amended by Council Directive 97/75/EC.

For the transposition and implementation of Directive 76/207/EEC Bulgaria will have to denounce ILO Convention No 45 concerning the Employment of Women on Underground Work in Mines of all Kind. This step can be fulfilled in 2006 as the ILO Conventions can be denounced once in each 10 years from the entry of the relevant convention into force.

Responsible institutions

The Ministry of Labour and Social Policy elaborates, organises, coordinates and controls the implementation of the state policy in the field of equal opportunities for women and men in employment and occupation.

The “General Labour Inspectorate” Executive Agency assists the Ministry in its tasks in implementation of the state policy in the field of equal opportunities for women and men in employment and occupation (after the adoption of the Act on Equal Opportunities for Women and Men).

The Ministry of Education and Science elaborates, organises, coordinates and controls the implementation of the state policy in the field of equal opportunities for women and men in education (after the adoption of the Act on Equal Opportunities for Women and Men).

The National Council on the Equal Opportunities for Women and Men (its establishment is foreseen for the year 2002) will be permanent consultative body on gender equality issues.

The Public Defender of the Equal Opportunities for Women and Men and his administration (election is envisaged for 2002) will be an independent body for monitoring of the observance of the equal opportunities for women and men, for termination of the violations of the equality rights and for redressing of the inflicted damages.

All ministries and other institutions will have functions with respect to the gender mainstreaming (after the adoption of the Act on Equal Opportunities for Women and Men).

Municipal Councils will have functions with respect to the gender mainstreaming on regional level (after the adoption of the Act on Equal Opportunities for Women and Men)

4. Employment

The Republic of Bulgaria has carried out the respective preparation in respect of transposition of the acquis. The fundamental documents of employment policies in the short and medium term are the guidelines of the European Employment Strategy and EU directives concerning equal

treatment, vocational training and the other spheres related to employment.

The Protection against Unemployment and Employment Promotion Act, in force since 1 January 1998, governs the employment related issues. The Act stipulates the public relations at unemployment protection, employment promotion and social assistance, vocational qualification and re-qualification, job information and mediation services, and employment of Bulgarian nationals in other countries and of foreign nationals in the Republic of Bulgaria. The Act creates conditions for maintenance and protection of the labour market through promotion of productive and freely chosen employment. The Act is drawn in compliance with EU requirements and the experience of the developed European countries.

The Act on Establishment of the Social-Investment Fund was adopted in April 2001. The Fund aims at assisting the implementation of priority projects and activities included in the National Economic Development Plan and in the National Regional Development Plan.

In 1999 a National Economic Development Plan was elaborated for the period 2000-2006. It outlines the basic directions of human resources development and of the mechanisms for raise in employment. In 2000 the document was updated in accordance with the EU recommendations.

In 2000 the Republic of Bulgaria elaborated a Strategy for Human Resources Development 2000-2006. The Strategy examines the problem from four different aspects – realisation on the labour market, vocational education and training, health care and culture.

The elaboration of a “Joint Employment Policy Review” started in 2000 under the guidance and jointly with experts from the European Commission. It is envisaged to be completed in the second half of 2001 according to the schedule laid down by the European Commission. Upon finalisation of “Joint Employment Policy Review” and taking its conclusions and recommendations into consideration the Republic of Bulgaria will develop its National Employment Strategy.

National Action Plan on Employment (NAPE) for 2001 was developed on the basis of the four pillars and the guidelines of the European Employment Strategy. The NAPE was approved by the Council of Ministers in April 2001.

There have been established conditions in the Republic of Bulgaria for monitoring of the labour market and for assessment of the active policy measures in the labour market (including gross and net effect of the measures and employment programmes). The information system is constantly being developed and improved by ensuring compatibility with EUROSTAT and other international sources.

State and local authorities implement the policy of insurance against unemployment, employment promotion and vocational qualification of elderly people in dialogue and co-operation with the social partners and non-governmental organisations.

The system of employment services in Bulgaria was established with the technical assistance of the Member States and is constantly being improved.

In implementation of the policy of regionalisation and decentralisation Regional Employment Councils were established and are functioning in the country at regional and/or municipal levels.

An administrative capacity for the implementation of the acquis in “Employment” sub-sector was created in the Ministry of Labour and Social Policy – the “Protection against Unemployment and Employment Promotion” Directorate.

Responsible institutions:

The Ministry of Labour and Social Policy - elaborates, co-ordinates and implements the state policy in the field unemployment protection, employment promotion, vocational training and re-training of employed and unemployed and ensures the protection of the national labour market as well as the implementation of the principle of the equal treatment for men and women in the labour market.

The Ministry of Education and Science, Ministry of Regional Development and Public Works, Ministry of Economy, Ministry of Agriculture and Forestry assist for the implementation of NAPE; assist for the implementation of projects related to job provision, reducing the social consequences of the structural reform in some sectors of the economy, participate in elaboration and implementation of specialised programmes for raise in the employment through development of SMEs, promotion of the start of economic activity independently or jointly with other persons; assist for the extension of the entitlement to access to the

vocational training by removing the legal obstacles for binding training with existing vacancies.

The National Employment Service – implements the state policy of employment promotion, organisation of vocational training and re-training, unemployment protection and payment of unemployment benefits and allowances.

The National Agency for Vocational Education and Training is in charge with the: authorisation of institutions in the VET system; licensing the VET activities; elaboration of state educational requirements for acquisition of qualification by professions, coordination of the activities of elaboration of strategies for the development and improvement of VET as well as the creation of a register of the VET centres and of the centres for information and vocational guidance.

District Authorities, Municipal Administrations, nationally representative employees' and employers' organisations and non-governmental organisations assist the state authorities in implementation of the various projects for job provision.

5. Discrimination/Racism

Bulgarian legislation excludes any form of discrimination and racism: the Constitution of the Republic of Bulgaria, Labour Code, Act on Social Assistance, Act on Supplementary Voluntary Pension Insurance, Act on Child Protection, Act on Civil Servant, National Education Act, Higher Education Act, Act on Consumer Protection and on the Rules for Commerce, Radio and Television Act, Act on Physical Training and Sports. Some of the manifestations of racial or ethnic discrimination are proclaimed as crimes in the Penal Code.

The Republic of Bulgaria develops legislation giving legal guarantees for prevention of discrimination and carries out consistent policy for their implementation, as well as for creation of equal opportunities and social integration of the vulnerable groups of society, including the minorities and persons granted refugee status.

The Act on Amendment and Supplement of the Labour Code recently adopted by the National Assembly provides that there shall be no direct or indirect discrimination, privileges or restrictions based on nationality, origin, sex, race, age, political affiliation, religion, membership in trade

unions, marital status, other social status, or on the grounds of being a disabled person. This provision introduces for the first time in Bulgarian legislation the term and legal definition for 'indirect discrimination'. It should be noted that thus Bulgaria transposes one of the requirements of the Directive 2000/78/EU, adopted in the end of 2000 and due to be transposed by 2 December 2003.

The protection of human rights and fundamental freedoms as well as the recognition of the commonly accepted standards in this field is a main priority of the internal and foreign policy of the Republic of Bulgaria. Bulgaria has ratified the following international instruments by which guaranties the protection and interests of its national minorities:

2000 - European Social Charter (revised);
1998 –Framework Convention for the Protection of National Minorities;
1994 –European Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment and its Protocols No 1 and 2;
1993 – Convention on Refugees' Status of 1951 and UN's Protocol on Refugees' Status;
1992 – European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols № 1-8 and 11 to it;
1970 – International Covenant on Civil and Political Rights and the International Covenant on the Economic, Cultural and Social Rights
1966 – UN International Convention on Elimination of All Forms of Racial Discrimination
1962 – UNESCO Convention on the Fight against Discrimination in Education
1961 – ILO Convention № 111 concerning Discrimination in Respect of Employment and Occupation
1998 – ILO Convention № 105 concerning the Abolition of Forced Labour.

By a law Bulgaria recognised the competence of the European Commission on Human Rights as well as the jurisdiction of the European Court of Human Rights to consider appeals of natural persons, NGOs and groups of persons regarding breaches of rights provided by the European Convention.

The drafting of a Bill on Prevention of Discrimination is envisaged in the Framework Programme on Equal Integration of Roma Persons in the Bulgarian society, adopted by the Council of Ministers in April 1999.

A working group was established to elaborate a Bill on Prevention of Discrimination. In the process of elaboration the EU directives, recommendations of the European Commission on Racism and Discrimination with the Council of Europe as well as UN's High Commissionaire on human rights in the field of elaboration of specialised anti-discrimination legislation will be taken into consideration.

Responsible institutions

Council of Ministers

National Council on Ethnic and Demographic issues with the Council of Ministers

Agency for Refugees with the Council of Ministers

Ministry of Labour and Social Policy

Ministry of Justice

Ministry of Interior

Ministry of Education and Science

The National Council on Ethnic and Demographic Issues (NCEDI) was established with the Council of Ministers. It comprises representatives of ten ministries at deputy-ministerial level, four state agencies, including the Agency for Refugees and Agency for Bulgarians Living Abroad, NGOs of migrants and ethnic minorities. NCEDI is an institution for consultations, co-operation and co-ordination between the public institutions and NGOs on the elaboration and implementation of the national policy on ethnic and demographic issues and migration in Bulgaria as well as strengthening and protection of the tolerance and understanding between Bulgarian citizens with different ethnic origin or religion.

District Councils on Ethnic and Demographic Issues were established in 24 out of 28 districts with the participation of experts of Roma origin.

With view to the above-mentioned, the Republic of Bulgaria can play an active role in EU campaigns combating racism and xenophobia, as well as to participate in the activities of the European Monitoring Centre on Racism and Xenophobia.

6. European Social Fund

The Republic of Bulgaria performs preliminary actions on the preparation of the legislation, structures and mechanisms to manage and put into use

the funds which will be received by the structural funds of the European Union and in particular by the European Social Fund (ESF).

The programming and organisational measures for managing the future aid from the EU have been undertaken. The activities on the National Strategy on Human Resource Development for the period of 2000-2006 were finalised. It will guide the main directions of action, which will allow receiving the support of the European Social Fund.

The Ministry of Labour and Social Policy elaborates the required legislation as well as the structures and mechanisms which will make it possible to take effectively its role as main coordinator and recipient of the programmes and projects on human resource development.

In the field of establishment of instruments and structures for the management of programmes and projects financed by the EU Structural Funds the necessary procedures for the organisation of the management of the programmes and projects are being elaborated. Regional Employment Councils were established which will take care for programming and implementation of the programmes and projects at local level.

The capacity of the Ministry of Labour and Social Policy for planning, programming, financial control, monitoring and evaluation of programmes and projects is strengthening. The “International Programmes” Unit within the “European Integration, International Relations and International Programmes” Directorate of the MLSP was transformed into “Pre-accession funds and international programmes and projects” Directorate by an amendment in the Establishment Rules of the Ministry of Labour and Social Policy in April 2001. The new directorate: organises, co-ordinates and manages the activities on planning, programming, implementation, monitoring, and evaluation of programmes and projects financed by the EU pre-accession funds in the field of employment, vocational training and qualification, social protection and equal treatment; organises, co-ordinates and manages programmes and projects of the competence of MLSP financed by various international and foreign financial institutions and organisations; co-ordinates the management of the resources granted as aid from the EU pre-accession funds, including the Bulgarian co-financing of the programmes and projects; co-ordinates the management of the resources granted as aid or loans from the international and foreign financial institutions and organisations; co-ordinates its activities with the institutions concerned during preparation, implementation, monitoring

and evaluation of the projects; co-ordinates its activities with the respective units in other institutions as well as with the units of the European Commission in Brussels and Sofia and with other international and foreign financial institutions and organisations.

The organised training of servants of the employment services, regional and local authorities who will deal with the programming, implementation and monitoring of the activities of the European Social Fund started within the Programme on Training and Qualification of the Labour Administration.

In the field of legislation the main legislative acts and rules that will be directly applied to the management and put into use of the funds of ESF are, as follows:

- Act on Protection against Unemployment and Employment Promotion (APUEP);
- Rules for Implementation of APUEP;
- Act on Vocational Training and Education;
- Act on Public Orders;
- Act on the Establishment of the Social-Investment Fund
- as well as secondary legislation;

Responsible Authorities

Ministry of Labour and Social Policy

7. Social protection

In the field of social protection the Government is undertaking important steps towards attaining the international standards and provisions. In 2000 Bulgaria ratified the European Social Charter (Revised) and ILO Convention No.182 concerning the elimination of the worst forms of child labour. The ratification of Convention No.183 concerning the protection of maternity (revised) and the supplementing Recommendation for taking an act is being prepared.

The Compulsory Social Security Code which was enforced on 1 January 2000 regulates the state social security in cases of general disease, industrial accident, occupational disease, maternity, old age and death as well as the supplementary compulsory pension insurance (outside the scope of the Code remain the issues of health insurance, insurance against

unemployment and family assistance which are regulated by separate laws). In that relation a number of secondary legislation was adopted. Along with the Act on Supplementary Voluntary Pension Insurance a three-pillar pension system was introduced in Bulgaria.

The Social Assistance Act regulates public relations in the sphere of social assistance to citizens in the Republic of Bulgaria. The Act aims at assisting people who are not able to meet their subsistence needs on their own. Concerning the implementation of the Act there have been envisaged measures for the creation of a new social assistance and services model for the improvement of life quality of socially assisted persons. Certain amendments to the Rules for the implementation of the Act have been made which widen the opportunities for access to benefits.

The Act on Child Protection was adopted by the Parliament on 31 May 2000. It lays down the rights, principles and measures for child protection as well as participation of non-profit organisations and physical persons in such activities. Governmental Strategy and an Action Plan for child protection in the Republic of Bulgaria for the period 2000-2003 were adopted. The strategy targets the improvement of living conditions for children and protection of their rights and interests. The establishment Rules of the State Agency for Child Protection has been approved.

Responsible institutions

Ministry of Labour and Social Policy
National Social Security Institute
State Agency for Social Insurance Supervision
National Employment Service
National Social Assistance Service
State Agency for Child Protection
Regional and municipality administrations
National Council on Child Protection
Council on Social Assistance

The Ministry of Labour and Social Policy elaborates, co-ordinates and implements the state policy in the field of state social security, social assistance and social services.

The National Social Security Institute has prerogatives in the social security. It manages the state social security by collecting the social insurance instalments and the claims of the state social security, health insurance, Vocational Qualification and Unemployment Fund and the supplementary compulsory pension insurance; carrying out the payment

of the pensions and organising the activities of the other social insurance payments.

The State Agency for Social Insurance Supervision is responsible for licensing and supervision of the activity of the social insurance companies working in the field of supplementary voluntary social insurance, including pension insurance, health insurance and insurance against unemployment as well as supplementary compulsory pension insurance.

The State Agency for Child Protection is a specialised body at the Council of Ministers for elaboration, co-ordination and control in the field of the child protection.

The National Council for Child Protection was established at the State Agency for Child Protection. Rules on the Structure and Organisation of the National Council were adopted by the Council of Ministers. It has consultative functions and consists of representatives of the Ministry of Labour and Social Policy, Ministry of Justice, Ministry of Finance, Ministry of Culture, State Agency on Youth and Sport, as well as representatives of the NGOs working in this field.

The specialised bodies for implementation of the policy for child protection are the Municipal Social Assistance Services, which establish units on child protection.

The specialised bodies of the Ministry of Interior have prerogatives in the police protection of children.

The activities in the field of the social policy are carried out by the Ministry of Labour and Social Policy in co-operation with the municipalities and the non-profit charity and other organisations. A Council on Social Assistance was established at the Ministry of Labour and Social Policy. It comprises representatives of the Ministry of Labour and Social Policy, Ministry of Finance, Ministry of Health, Ministry of Education and Science, Ministry of Regional Development and Public Works, National Association of the Municipalities in Bulgaria, representatives of the nationally representative organisations of the employers and of the employees, as well as of the non-profit charity and other organisations.

The National Social Assistance Service is the specialised body in the field of the social assistance. It has legal personality and its seat is in Sofia.

District Social Assistance Services are established at the National Social Assistance Service.

Social Assistance Fund has been established at the Ministry of Labour and Social Policy. Its funds are gathered and spent as extra-budgetary resources for implementation of national and regional programmes targeted at the most vulnerable groups of the population: unemployed families, children and persons with physical or mental disabilities.

8. Disabled persons

The legislative reform undertaken in the area of disability lead to the harmonisation to a great extent of the Bulgarian legislation with the European standards. One of the major priorities related to raising the quality of life of Bulgarian citizens laid down in the updated Programme 2001 of the Government of the Republic of Bulgaria is assisting persons with disabilities in their integration in public life. The labour and social integration of persons with disabilities in the Republic of Bulgaria is regulated by a number of normative acts the most important of which are, as follows: the Labour Code, the Compulsory Social Security Code, the Act on Protection, Rehabilitation and Social Integration of Invalids and the Rules for its implementation, the Act on Social Assistance, the Public Education Act, the Act on Vocational Education and Training, the MLSP Ordinance on the terms and procedures for the provision of technical appliances, the Protection against Unemployment and Employment Promotion Act, the MRDPW Ordinance on the establishment of accessible environment for disabled persons.

The Government of the Republic of Bulgaria is pursuing a policy of rehabilitation, labour and social integration of disabled persons in several major directions: medical rehabilitation, education, vocational guidance and qualification, employment, accessible living and working environment, social, economic and legal protection, information and communication. It has been envisaged until 2002 to elaborate a National Strategy for the integration of disabled persons, followed by the elaboration of a Bill on integration of disabled persons in relation to the year 2003 announced as the European year of disabled people.

Responsible institutions

Ministry of Labour and Social Policy

Ministry of Health

Ministry of Education and Science

Ministry of Regional Development and Public Works

Municipal administrations

National Social Assistance Service

Rehabilitation and Social Integration Fund

National Council on Rehabilitation and Social Integration

NGOs

The Ministry of Labour and Social Policy regulates the activities of the institutions in the field of protection, rehabilitation and social integration of disabled people and supports the co-operation of all actors in this field, including the NGOs and the social partners. The Ministry elaborates standards, criteria and mechanisms for provision of social services for integration of the disabled people in the society. The Ministry jointly with the National Social Assistance Service sets establishments for provision of social services to the disabled people.

The prerogatives of the Protection against Unemployment and Employment Promotion Directorate include elaboration and implementation of national programmes for vocational qualification and guidance, participation in elaboration of the National Employment Plan and other tasks, which concern the disabled people.

The Social Services and Social Assistance Directorate elaborates projects and programmes for work with disabled people, children and other vulnerable groups.

The Ministry of Education and Science ensures elaboration of integration syllabuses, the provision of free educational materials, technical appliances for education, modern technologies necessary for the special education, as well as specific individual appliances and materials assisting the teaching process of disabled persons under 18 years of age with permanent disabilities until their high school graduation. General Education Directorate has prerogatives in implementation of the state policy in the field of education of children having special educational needs.

The Ministry of Health, the Ministry of Education and Science and the municipal councils establish consultative and diagnostic centres for the needs of rehabilitation and social integration of children and prognosis of their development.

The National Employment Service establishes and maintains centres for development of the abilities for professional skills of unemployed disabled people, training and assistance in finding job.

The Ministry of Regional Development and Public Works and the municipalities create appropriate living and architectural environment for the disabled people.

The Ministry of Transport and Communications and the Ministry of Regional Development and Public Works elaborate standards and rules for the transport services and traffic facilitations for disabled people.

The Ministry of Culture, the State Agency for Youth and Sports and the municipalities provide the recreational, cultural, sport and tourist facilities and services for disabled people. The municipalities provide the necessary locations and resources for social contacts of disabled people.

The National Council on Rehabilitation and Social Integration was established in accordance with the Act on Protection, Rehabilitation and Social Integration of Invalids. The Council is a consultative body with the Council of Ministers for co-operation on a broad public basis aiming at solving the problems of the rehabilitation and social integration of the disabled people. It consists of: representatives of the Government, of nationally represented organisations of disabled people and for disabled people and employers organisations. The nationally represented organisations of disabled people and for disabled people are entitled to subsidies from the state budget in accordance with the terms and conditions established in the Rules for Implementation of the Act on Protection, Rehabilitation and Social Integration of Invalids.

Rehabilitation and Social Integration Fund with the Ministry of Labour and Social Policy is the institution responsible for planning, regulation and implementation of the activities related to the state policy in the field of disability.

9. Public Health

A Bill on Public Health was drafted. It lays down the major features of the national health policy and public relations stemming from them as

well as the obligations of the state, municipalities, health insurance funds, legal persons and citizens for the improvement of living environment and creation of healthy way of life.

The basic objectives of the Bill are the introduction of health policy principles, corresponding to the new public relations resulting from the structural reform in the economy and health care system and the approximation of Bulgarian legislation in the field of public health to the European health legislation.

Tobacco Directives

The Act on the amendment and supplement to the Act on Tobacco and Tobacco Products was adopted. It treats, *inter alia*, the matter of Directives 89/622/EEC, 90/239/EEC and 98/438/EEC. In implementation of this Act, the Ordinance on the content of the labels and on the labelling of tobacco products was adopted (in force as of 1 January 2001), which complies with Directive 89/622/EEC.

On the transposition of the Council Directive 90/239/EEC on approximation of laws, regulations and administrative provisions of Member States on maximum tar contents in cigarettes, Bulgaria requests a 9-year transition period. The transition period is considered necessary with the view to implement the relevant significant measures in terms of investments and restructuring.

The request is directly related to the agricultural and employment policy and is justified by the necessity to direct significant investments due to the following specificities in the sector:

- Specific soil characteristics. The tobacco manufacturing in Bulgaria is concentrated in areas where other agricultural products could hardly yield.

- Ethnically mixed population. The work force involved in the tobacco production could be characterised as ethnically mixed population with other means of earning being scarce.

- High unemployment rate. Due to the developments on the tobacco market and the scarce other means of earning, the tobacco manufacturing areas in Bulgaria are also characterised with an unemployment rate at a level higher than the average for the economy.

- Small family business. In 1999, 51 291 persons were registered as involved in tobacco cultivation (97 per cent of them cultivating oriental

tobacco). With family dependants, the total number of those related to the tobacco manufacturing as a small family business goes up to 400.000.

With the view to reach the levels required by the Directive 90/239/EEC, investments are to be directed to accomplish the following main targets:

- Restructuring of tobacco production (oriental and big-leaves tobaccos) including the introduction of modern technology related to agricultural machinery, melioration and other systems and equipment, training for tobacco manufacturers and supporting activities.
- Structural and technological renovation of the industrial processing of tobacco and modernisation of the production capacities of high quality cigarettes with low content of tar, nicotine and carbon oxide.

The objective of the measures described is to implement a schedule of gradual reduction of the tar content in the industry, that will lead to the level required in Directive 90/239/EEC by the year 2016.

Programmes in the field of public health

The Council of Ministers adopted with a Decision a National Programme on prophylaxis, early diagnostics and treatment of tuberculosis for the period 2000-2003. This Programme has been elaborated in compliance with the requirements of the World Health Organisation.

With the aim to overcome the negative trends in health condition of the nation the priorities of health care included the National Strategy and the Working Programme for a prophylactic oncology screening 2001-2006 and the National Programme for combat against cardiovascular diseases for the period 2000-2005 which were approved by the Council of Ministers.

Thus, it can be considered that the necessary legal basis for the overall reform in the health care system in Bulgaria, which is in its essence an establishment of a new health care system, has been already created.

Several international projects were launched in support to the reform that started on 1 July 2000 in the out-patient care and for the needs of the in-patient care reform which will be introduced on 1 July 2001. The external assistance foresees significant investment in equipping the practices from the out-patient and in-patient care, establishment of information system linking the practitioners as well as training in management of medical practices and hospitals.

The Council of Ministers approved the participation of the Republic of Bulgaria in the long-term Community programme Fight against cancer financed jointly by the EU Phare Programme and the budget of the Republic of Bulgaria in the sphere of health care. By virtue of Decision 647/96/EC of 29 March 1996 of the European Parliament and the Council it has been adopted a programme for a Community action towards prevention of AIDS and other communicable diseases (1996 –2000). The aim of the programme is to reduce the spread of AIDS as well as the resulting and related contagious diseases and death. The raising of public awareness concerning the ways of spreading, reasons and epidemiology as well as rendering the precise social and medical assistance would lead to prevention from AIDS and other communicable diseases. In 2000 the Republic of Bulgaria took part in the European UMBRELLA NETWORK through the implementation of the project “Prophylaxis of HIV/AIDS among prostitutes and their clients in the south border region of Bulgaria”.

Participation of the Republic of Bulgaria in the initiative for establishment of a network for registration and reporting the communicable diseases in the Balkan countries

With regard to Decision 2119/98/EC of the European Parliament and the Council of 24 September 1998 for the establishment of a network for registration and reporting the communicable diseases in the Community it has been undertaken the initiative for establishment of a network for registration and reporting the communicable diseases in the Balkan countries. The objective is to create a network for fast reporting of communicable diseases and their outbreaks between the Balkan countries aimed at the limitation of their import and spread and the cooperation in the application of anti-epidemic measures.

The initiative is being financed by the European Union and managed by Greece as the main contractor. There have been elaborated forms of reporting the communicable diseases, which are subject to the agreed exchange of information by the countries.

Fight against drugs

Aside from the amounts provided from the national budget, the envisaged for the next 18 months signing of an agreement between the Republic of Bulgaria and the United Kingdom under Phare Programme BG/2000/IB/JH/02 Measures for elaboration and implementation of a National Strategy for fight against drugs abuse and illegal traffic, will be a significant contribution for the elaboration of a National Strategy for fight against drugs. The project amounts to about 1 million euro. The main objective of the project includes the decrease of drugs demand and supply, international, national and regional co-ordination of activities as well as establishment of an organisational network for the implementation of the strategy.

Improvement of the health of Roma population

In compliance with the Accession Partnership priorities, namely the implementation of the Framework programme, implementation of measures for fight against discrimination, promotion of employment opportunities and enhancing the access to education and health, Phare Programme 2001 has envisaged the financing of Improvement of the Health of Roma Population Project. It aims at harmonising the social integration of Roma people with the overall development of Bulgarian society and provision of access to health care and education.

Responsible institutions

Ministry of Health
National Health Insurance Fund
Bulgarian Doctors' Union
Bulgarian Dentists' Union
Ministry of Agriculture and Forestry
Ministry of Economy
NGOs

The Ministry of Health carries out the following activities in regard to the participation of the Republic of Bulgaria in the Community programmes and projects: organises and provides the financial conditions for the start of the specific programmes or projects; coordinates the implementation of such projects; carries out the management of specific projects; monitors the execution of the objectives and tasks of the programmes.

The National Health Insurance Fund, the Bulgarian Doctors' Union and the Bulgarian Dentists' Union are sub-contractors in implementation of the projects in the field of public health; they participate in the working groups on specific projects.

The Ministry of Agriculture and Forestry and the Ministry of Economy coordinate the measures for transposition and implementation of Directives 90/239/EEC и 89/622/EEC on the maximum tar content in the cigarettes and on the requirements for labelling of the tobacco products.

The NGOs assist the state bodies in implementation of different projects in this sub-sector. In some of the projects NGOs act as main contractors, in others – as sub-contractors.

10. Safety and Health at Work

Up to the moment in the field of Safety and Health at Work the most essential and broad part of the EU legislation is transposed. The measures which have been carried out up to this moment in transposition and implementation of the EU legislation into the national legislative framework include:

1. Directive 89/391/EEC on the implementation of measures supporting improvements of health and safety of the workers at work is transposed fully with the following acts:
 - Act on Safety and Health at Work (ASHW) – adopted in 1997;
 - Labour Code (LC) – adopted on 01.04.1986, in force from 05.04.1986, last amended in 2001;
 - MLSP and MH Ordinance No. 7 of 1999 on the minimum requirements for safety and health at work at the workplace and for the use of working equipment – adopted on 23.09.1999, in force from 08.01.2000;
 - MLSP Ordinance No.3 of 1998 on the functions and tasks of the officials and the specialised services in the undertakings for organisation of the activities related to the protection and prophylactics of the occupational risks – adopted on 27.07.1998, in force from 08.08.1998;
 - MLSP and MH Ordinance No.3 of 1996 on the safety, work hygiene and fire safety instructions of the employees – adopted on 14.05.1996, in force from 01.07.1996;

- MLSP & MH Ordinance No 5 on the procedure, methods and frequency of the risk assessment – adopted on 11.05.1999, in force from 25.05.1999;
 - Ordinance on ascertaining, investigation, registration and reporting of the occupational accidents – adopted on 30.12.1999, in force from 01.01.2000;
 - MH Ordinance No 14 on the Occupational Health Services – adopted on 07.08.1998, in force from 17.08.1998.
2. Directive 89/654/EEC concerning the minimum safety and health requirements for the workplace; transposed fully with the ASHW and MLSP and MH Ordinance No. 7 of 1999 on the minimum requirements for safety and health at work at the workplace and for the use of working equipment.
 3. Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work; transposed fully with the ASHW and MLSP and MH Ordinance No. 7 of 1999 on the minimum requirements for safety and health at work at the workplace and for the use of working equipment. Ordinance No. 7 of 1999 transposes partially also Directive 95/63/EC, the remaining part of which will be transposed in 2001-2002.
 4. Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace; transposed fully with MLSP and MH Ordinance No 3 on the minimum safety and health requirements for the use by workers of personal protective equipment at work – adopted on 19.04.2001, to be in force from 16.08.2001.
 5. Directive 92/58/EEC on the minimum requirements for the provisions of safety and/or health signs at work; transposed fully with ASHW and MLSP - MI-r Ordinance No 4 of 1995 on signs and signals for safety at work and fire protection – adopted on 02.08.1995, in force from 01.01.1996.
 6. Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment; transposed fully with MH Ordinance No 8/1996 on hygienic requirements to workplaces for work with display screen

equipment. This ordinance will be amended in relation with the repeal of some legislative acts.

7. Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers; transposed fully with MH & MLSP Ordinance No 16 of 31 May 1999 on the physiological standards and rules for manual handling of loads – adopted on 31.05.1999, in force from 15.09.1999 and MH and MLSP Ordinance No 15 of 31.05.1999 on the terms, conditions and requirements for elaboration and implementation of physiological work and rest regimes at work.

The deadlines for transposition and entry into force of the other ordinances which will transpose the remaining acquis in this field will meet the planned date for the accession of Bulgaria to the EU:

- Ordinance on amendment and supplement of Ordinance No 8/1996 on hygienic requirements to workplaces for work with display screen equipment – October 2001;
- Ordinance on asbestos which will repeal MH Ordinance No 12 on the sanitary and hygienic requirements for production, import and use of asbestos and materials and goods containing asbestos – December 2001;
- Guide on manual handling of loads (which will assist the implementation of Ordinance No 16 of 1999 – June 2001;
- MH Ordinance on the provision of safety and health at work with biological agents – November 2001;
- MH Ordinance on the protection of workers from risks related to exposure to carcinogens and mutagens – October 2001;
- Ordinance on amendment of MLSP Ordinance No 9 of 1997 on the general rules for management of the activities for provision of safety and health at work of the workers in the mines – 2001 – 2002;
- Ordinance on the minimum requirements for the safety and health protection of workers in the mineral - extracting industries through drilling – 2002;

- Ordinance on the minimum safety and health requirements for work on board fishing vessels – June 2002;
- Ordinance on the use of electric equipment in potentially explosive atmospheres in mines susceptible to firedamp - 2002;
- Ordinance on amendment of Ordinance No 7 of 1999 – 2002 (2003);
- Ordinance on amendment of the Ordinance on the reassignment – 2002;
- Ordinance on the protection of workers from risks related to exposure to chemical agents – 2002;
- Ordinance on the medical treatment on board vessels – June 2002;
- Ordinance on the minimum requirements for safety and health at work of workers in potentially explosive atmospheres – 2004.

In order to provide for the transposing and implementing the acquis communautaire, numerous institutional, structural and organisational measures and reforms have been undertaken:

1. Structural and organisational strengthening of the General Labour Inspectorate Executive Agency has been carried out. Training of inspectors is being carried out. A modern approach of inspection is being introduced with view to extend the scope and efficiency of the control. The new approach is based on the principle “one inspector – one undertaking”. The labour inspectors are specialised in branches.
2. The structures for social dialogue on all issues of health and safety at work have been established and are functioning on the basis of the legal requirements. More than 5000 committees and groups on working conditions have been established in the country, as well as
 - National Council on working conditions;
 - District and Municipal Councils on working conditions]
 - Sectoral and branch councils on working conditions;
 - Committees and groups on working conditions in undertakings and enterprises;

3. An initial (no less than 30 hours) and annual (no less than 6 hours) training of the representatives of the employees and members of the committees and groups on working conditions is being carried out. Attention is focused on the good practice of dialogue between the employers and employees in the undertakings.

4. The work on establishment of the infrastructure for assistance of the employers in performing their duties on ensuring health and safety at work continues. 223 Occupational Health Services have been registered.

A positive trend is the gradual implementation in practice of the requirements and principles for the provision of safety and health at work laid down in the ASHW and other abovementioned Bulgarian legislation transposing the EU Directives. The companies apply the requirements for safety and health at work at the workplace and for the use of working equipment since 1996.

There are some difficulties in implementation of the acquis in the field of safety and health at work in regard to:

- compliance of the existing working equipment in the companies with the relevant requirements;
- insufficiency of investments for implementation of the minimum requirements for the safety and health protection of workers in surface and underground mineral-extracting industries;
- there are a number of companies facing financial difficulties in complying with the working conditions requirements laid down in ASHW;
- abolition of the compensation system for bad working conditions;
- the implementation of the minimum requirements for safety and health protection of workers in surface and underground mineral-extracting industries and for the use of electric equipment in the potentially explosive atmospheres.

The following measures are envisaged in order to overcome the abovementioned difficulties and problems: Possibilities for additional investments for provision of safety and health at work in the mining industry are being examined. In regard to the working equipment measures will be taken for better informing and motivating of the employers, as well as measures for creation for improved business environment, strengthening and flexibility of the control over the

compliance with the legislation. The activities of the occupational services and of the employers will be promoted and they will be assisted. The full-scale functioning of the system for insurance against occupational accidents and occupational diseases on the basis of the aggregated resources in the specialised social insurance fund through differentiated instalments will create by 2004 conditions for economic motivation of the employers for greater investments in the safety and health at work.

Responsible institutions

Ministry of Labour and Social Policy
Ministry of Health
Ministry of Regional Development and Public Works
Ministry of Economy
Ministry of Transport and Communications
State Agency for Energy Efficiency and Energy Resources
General Labour Inspectorate Executive Agency

The main institutions responsible for the transposition of the EU legislation in the field of safety and health at work and implementation of the respective Bulgarian legislation are the Ministry of Labour and Social Policy and the Ministry of Health. The control over the compliance with the legislation is carried out by the General Labour Inspectorate Executive Agency and by other state bodies as provided for in the legislation. In regard to Directives 92/29/EEC and 93/103/EC, the control will be carried out by the Maritime Administration Executive Agency. The other responsible institutions – i.e. Ministry of Regional Development and Public Works, Ministry of Economy, State Agency on Energy Efficiency and Energy Resources have auxiliary functions in transposition and control of the implementation of the relevant acquis communautaire for their competences in the field of safety and health at work.

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The Bulgarian Government proposes the negotiations on Chapter 13 “Social Policy and Employment” to be temporarily closed on the basis of the existing legislation of the European Union.

Bulgaria is ready to reopen additional negotiations before the end of the Intergovernmental Conference if necessary due to the adoption of new legislation of the European Union.