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23/08/2012

RAP/RCha/BGR/X(2012)Add

**EUROPEAN SOCIAL CHARTER**  
**REPLIES TO SUPPLEMENTARY QUESTIONS**

10<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF BULGARIA**

(Article 1§2  
for the period 01/01/2007 – 31/12/2010)

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Report registered by the Secretariat on 25 July 2012

**CYCLE 2012**

## **INFORMATION ON THE IMPLEMENTATION OF ARTICLE 1, PARA 2 OF THE ESCH(R) IN BULGARIA**

### **On the 1st question:**

- Within the Armed Forces of the Republic of Bulgaria, servicemen are employed in specific type of labour – military service – and are thus able to obtain the means to support themselves through a freely chosen profession.

Military work is performed following conclusion of the respective contract with the employer – as represented by the Minister of Defence or any other official authorized thereby, for a fixed period of time, depending on the category of the serviceman. The categories and minimum contract terms (Article 144, par. 3 of the Republic of Bulgaria Defence and Armed Forces Act (RBDAFA), are as follows:

- soldiers (seamen) – 3 years;
- officer candidates, sergeants (sergeant majors) – 5 years;
- officers – 7 years.

### **On the 2nd question:**

- The valid provisions regulating military service in the Bulgarian Army are based on the principle of non-discrimination and equal opportunities for professional realization and for filling of posts in the Armed forces on the basis of previously established requirements and criteria.

Servicemen who have concluded a military service contract are trained under specialized programmes wherein they acquire specific skills and qualifications. The military education and training system is flexible and comprehensive and allows trainees to acquire both specialized and civilian qualifications.

No prohibitions or quotas apply to any of the servicemen recruitment competitions or the competitions for training under different specialties within the military-educational system.

The applicable Bulgarian legislation provides that, following completion of studies, the time term of the contract concluded with the respective serviceman shall be extended as follows (Article 145, par. 1, RBDAFA):

1. following military academy graduation – additional 5 years;
2. following acquisition of a Doctor's degree – additional 5 years;
3. following acquisition of a civilian Master's degree – additional 4 years;
4. following acquisition of a civilian Bachelor's degree – additional 3 years;
5. graduation from a professional college – additional 5 years;
6. graduation from a qualification course of more than 6 months – additional 2 years.

Where circumstances arise in connection with culpable breach of the above time terms, servicemen may leave the armed forces provided that they refund the costs related to their training, on a pro rata basis, depending on the respective breach of obligations.

**SECRETARIAT GENERAL**

DIRECTION GENERALE  
DROITS DE L'HOMME ET ETAT DE DROIT

DIRECTION DES DROITS DE L'HOMME

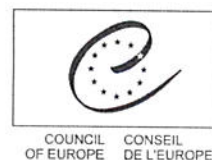
*LE CHEF DU SERVICE DE LA CHARTE SOCIALE EUROPEENNE  
ET DU CODE EUROPEEN DE SECURITE SOCIALE  
SECRETAIRE EXECUTIF  
DU COMITE EUROPEEN DES DROITS SOCIAUX*

ESC 170  
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Madame Elitsa Slavcheva  
Head of International Organisations  
and International Legal Affairs  
Department, Ministry of Labour and  
Social Policy - 2, Triaditza Str.  
BU - 1051 SOFIA  
Bulgarie

Strasbourg, le 14 juin 2012

Madame,

Le Comité européen des Droits sociaux examine à l'heure actuelle les rapports des Etats sur le groupe thématique « emploi, formation professionnelle et égalité des chances » de la Charte sociale européenne et m'a chargé de vous adresser les questions ci-jointes.

Le Comité vous saurait gré de bien vouloir répondre avant le 27 juillet 2012 afin de lui permettre de tenir compte de vos réponses.

Je vous prie d'agréer, Madame, l'expression de mes salutations distinguées.

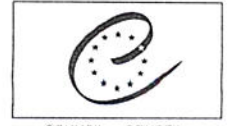
*Régis Brillat*

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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS**  
**COMITE EUROPEEN DES DROITS SOCIAUX**

14 juin 2012

### Questions adressées à la Bulgarie

Article 1§2 (interdiction de la discrimination dans l'emploi, interdiction du travail forcé, droit de gagner sa vie par un travail librement entrepris) :

- *Quelle est, le cas échéant, la durée obligatoire minimale de service exigée de ceux qui servent dans les forces armées professionnelles ?*
- *Existe-t-il des circonstances, telles que la formation spécialisée ou des exigences opérationnelles particulières, qui entraînent une durée minimale obligatoire de service différente dans les forces armées professionnelles et dans quelles conditions les personnes concernées peuvent-elles quitter les forces armées avant l'expiration de cette période ?*