

LAW FOR WAR DISABLED AND WAR VICTIMS

SG 27/29/03/2005, amend. SG 88/4/11/2005, amend. SG 110/30/12/2008, SG 35/12/05/2009, in force as of 12.05.2009, amended, issue 16 of 26.02.2010, in force as of 26.02.2010, issue 23 of 22.03.2011, in force as of 22.03.2011, Supp. 20 of 9.03.2012, in force as of 10.06.2012, amended and supplemented, issue 54 of 1.07.2014, in force as of 1.07.2014, issue 24 of 22.03.2019, in force as of 1.07.2020 (*), amended, issue 100 of 20.12.2019, in force as of 1.01.2020, issue 101 of 27.12.2019.

Chapter I

GENERAL

Art. 1. This Law shall regulate the public relations related to the status of war invalids, war victims and their nationally representative organisations.

Art. 2. (1) The State shall take special care of war invalids and war victims, providing them with appropriate conditions for their integration into public life.

(2) The State shall subsidize the activities of the nationally representative organizations of war invalids and war victims with funds from the State budget.

Art. 3. (1) (amend. - (1) (SG 35/09, in force from 12.05.2009, supplemented by SG 20/12, in force from 10.06.2012) Military invalids shall be Bulgarian citizens with permanently reduced working capacity as a result of illness or accident during or on the occasion of military service in peacetime or wartime, in the mobilization and permanent reserve, voluntary reserve and reserve, and certified according to the statutory procedure.

(2) The rights of the persons referred to in par. 1 shall be determined according to the degree of loss of their working capacity.

Art. 4. War invalids shall be:

1. (amend. - 35 of 2009, in force as of 12.05.2009, supplemented, issue 20 of 2012, in force as of 10.06.2012) the surviving spouse, children and parents of Bulgarian citizens who died during or on the occasion of military service in peacetime or wartime, in the mobilization or permanent reserve, voluntary reserve or reserve;
2. the surviving spouse and children of deceased war invalids, and if there are none - the parents;
3. the spouse and children of the war disabled, and if there are none, the parents;
4. the surviving spouse, children and parents of the Bulgarian citizens who died in or on the occasion of the defence of the country.

(1) War invalids and war victims may freely associate themselves in organizations to represent them and to defend their interests.

(2) Organisations of war invalids and war victims may, at their request, be recognised as nationally representative. The procedure, conditions and criteria for the recognition of organisations of war invalids and war victims as nationally representative shall be determined by an act of the Council of Ministers on the proposal of the the Minister of Defence and the Minister of Labour and Social Policy.

Art. 6. (suppl. - SG 54/14, in force from 1.07.2014) The nationally representative organisations of the war disabled and the war injured shall participate through their representatives in all national, regional and local military celebrations.

Art. 7. The nationally representative organisations of war invalids and war victims shall appoint a representative who, as an official of the Ministry of Defence, shall coordinate the Ministry's relations with these organisations.

Chapter Two

ADVISORY COUNCIL ON WAR INVALIDS AND WAR VICTIMS

Art. 8. A Consultative Council for the Disabled and War Injured shall be established within the Council of Ministers.

Art. (1) (amend. - SG 88/05) The Consultative Council shall be composed of a chairman, a deputy chairman and members - one representative each from the Ministry of Defence, the Ministry of Labour and Social Policy, the Ministry of Finance, the Ministry of Health, the Ministry of Transport, the National Insurance Institute, the National Health Insurance Fund, the National Association of Municipalities in Bulgaria and three representatives each from the nationally representative organisations of the war disabled and the war victims.

(2) The Consultative Council shall be chaired by the Minister of Defence, and its deputy chaired by one of the representatives of the nationally representative organisations of the war invalids and the war victims.

(3) The Advisory Council shall adopt internal rules for the organisation, distribution and conduct of its work.

(4) The activities of the Advisory Board shall be supported by the administration of the Ministry of Defence.

Art. 10. The Advisory Board shall:

1. provide assistance and support in the implementation of the state policy on issues related to the war disabled and war victims;
2. discusses and adopts opinions on draft legal acts establishing and guaranteeing the rights of war invalids and war victims;
3. assist in the coordination between the state authorities, local self-government bodies and non-governmental organisations and the nationally representative organisations of war invalids and war victims to ensure the necessary public support for their activities;
4. establish and maintain relations with international governmental and non-governmental organisations of war invalids and war victims, coordinate the activities of the organisations and implement international programmes;
5. prepare an annual report on its work and report on its activities to the Council of Ministers.

Chapter Three

REGISTRATION OF WAR INVALIDS AND WAR VICTIMS

Art. 11. A Central Register of War Invalids and War Injured shall be established in the Ministry of Defence.

Art. (1) The status of a war disabled or war injured person shall be established by the Ministry of Defence upon application and presentation of the necessary documents, and the person shall be issued with a war disabled or war injured person booklet and entered in the register.

(2) The status of a war disabled or war injured person shall be acquired from the date of application.

Art. 13. The procedure for establishing the status of a war invalid or war victim, the documents required for this, the keeping of the register referred to in Article 11 and its contents shall be determined by an act of the Council of Ministers.

Chapter Four

RIGHTS OF WAR INVALIDS AND WAR VICTIMS

Art. 14. War invalids and war victims who cannot satisfy their basic living needs on their own or with the help of their relatives shall be entitled to social assistance under the conditions and in accordance with the procedure established by the Social Assistance Act.

Art. (1) (amend. - SG 54/14, in force from 1.07.2014) Military invalids with 50 and more than 50 per cent reduced working capacity shall be entitled to prescription medicines according to a list approved by the Minister of Health, the funds being at the expense of the State budget.

(2) (suppl., SG 54/2014, in force from 1.07.2014, amend., SG 100/2019, in force from 1.01.2020) Military invalids with reduced working capacity up to 50 per cent and war victims shall have the right under par. 1 by paying 25 per cent of the price of medicinal products. The remaining funds shall be borne by the State budget.

(3) In cases where another legal regime provides for greater relief in the payment for medicinal products, the persons referred to in par. 1 and 2 shall benefit from it.

(4) (amend. - SG 54/14, in force from 1.07.2014) In cases where the National Health Insurance Fund is obliged to pay for a part of the price of medicinal products referred to in par. 1, the disabled persons with military disabilities and war victims referred to in paragraph 2 shall pay the corresponding percentage of the difference up to the retail selling price. The remaining funds shall be borne by the State budget.

(5) (suppl. - SG 54/14, in force from 1.07.2014) The Minister of Health, in coordination with the Minister of Defence, the Minister of Finance and the Minister of Labour and Social Policy, shall determine by regulation the procedure for obtaining and paying for the medicinal products referred to in par. 1 и 2.

Art. (amend. and supplemented, SG 54/14, in force from 1.07.2014) Disabled military personnel and war victims shall have the right to recreation for up to 15 days once a year and prophylaxis and rehabilitation for up to 30 days in total twice a year in the recreation bases and hospital bases under the Ministry of Defence, the Ministry of the Interior, the Ministry of Health and "Prophylaxis, Rehabilitation and Recreation" - EAD, paying 25 per cent of their cost. The difference up to the full value is charged to the state budget.

Art. 17. (1) (Supplemented, SG 110/08) Military invalids and war invalids referred to in Article 4, items 1 and 4 shall have the right to free travel on public passenger transport vehicles:

1. twice a year - round trip on a freely chosen route by railway and road transport in the country;
2. an unlimited number of journeys on the bus, trolleybus and tram network in the municipality where they live;
3. on intra-city transport, including the underground, throughout the country with the exception of additional bus lines.

(2) (amend. - SG 110/08).

(3) Compensation for free or reduced-price journeys shall be carried out in accordance with the procedure and in the manner laid down in the Road Transport Act and the Railway Transport Act.

(4) (new, SG 54/14, in force from 1.07.2014) An accompanying person of a disabled person with a disability of more than 90 per cent with a certain foreign assistance may travel in the intra-city transport with the transport document of the entitled person, including when he/she does not accompany him/her.

Art. 18. Military invalids with 50 per cent or more loss of working capacity shall be entitled to a monthly targeted allowance for telephone services in the amount of 20 per cent of the guaranteed minimum income.

Art. (1) (amend. - SG 24/2019, in force from 1.07.2020 - amend., SG 101/2019.) Disabled persons with military disabilities shall benefit with priority from social and integrated health and social services for residential care.

(2) (Suppl. - SG 110/08, SG 24/2019, in force from 1.07.2020 - amend., SG 101/2019.) Disabled persons and war victims referred to in Article 4, items 1 and 4 shall benefit with priority from the services of the social patronage financed by the municipalities, paying 30 per cent of the amount of the determined fee. The remainder of the costs shall be borne by the municipal budget.

Article 20. (1) (Former text of Article 20 - SG 54/2014, in force from 1.07.2014) The real estates managed by the Ministry of Defence shall be leased with priority to war invalids, war victims or their nationally representative organisations in case they offer equal conditions with those of the offer ranked first.

(2) (new - SG 54/14, in force from 1.07.2014) The nationally representative organisations of war invalids and war victims shall enjoy the rights under Article 226m of the Defence and Armed Forces of the Republic of Bulgaria Act for the immediate implementation of their public patriotic activities.

Art. 21. - 35 of 2009, in force as of 12.05.2009, issue 16 of 2010, in force as of 26.02.2010) War invalids and war victims shall enjoy the rights under Articles 226g and 226h of the Defence and Armed Forces of the Republic of Bulgaria Act.

Article 22. (1) (suppl. - SG 110/08) Upon the death of a war disabled or war injured under Article 4, items 1 and 4, the heirs shall be entitled to a one-off targeted funeral allowance in the amount of BGN 500.

(2) The allowance under par. (1) shall be charged to the budget of the Ministry of Defence and shall be paid by the military district at the last address of the deceased.

Art. 23. Military invalids and war victims, as well as their nationally representative organizations, may be assisted through tax exemptions determined by law.

Chapter Five

ADMINISTRATIVE PROVISIONS

Art. 24. (1) Whoever enjoys rights under this Act without fulfilling the necessary conditions shall, if not subject to a more severe penalty, be punished by a fine of BGN 300 to BGN 500.

(2) Where the act referred to in par. 1 is committed repeatedly or is of a large amount, the fine shall be from BGN 1,000 to 3,000.

(3) In all cases under par. 1 and 2 the use of the respective right shall be terminated.

Art. 25. (1) Violations under this Act shall be established by acts drawn up by officials of the relevant administration of the authorities which monitor compliance with the legislation in the area in which the violation has been committed.

(2) Penalty decrees under this Act shall be issued by the authorities referred to in par. 1.

Art. 26. The acts of establishing offences and the penalty decrees under this Law shall be drawn up, respectively issued, appealed against and enforced in accordance with the procedure provided for in the Law on Administrative Offences and Penalties.

ADDITIONAL PROVISION

§ 1. - 35 of 2009, in force from 12.05.2009, amended, issue 23 of 2011, in force from 22.03.2011) For the purposes of this Act:

1. "Children" shall mean persons up to the age of 18 years, and after the age of 18 years, if in full-time education, for the duration of the education, but not later than the age of 26 years.

2. "Military service" shall also mean the cadre and conscript military service under the repealed Defence and Armed Forces of the Republic of Bulgaria Act (promulgated in State Gazette, No. 112 of 1995; amended, No. 67 of 1996, No. 122 of 1997, No. 70, 93, 152 and 153 of 1998, 12, 67 and 69 of 1999, 49 and 64 of 2000, 25 and 34 of 2001, 1, 40, 45 and 119 of 2002, 50, 86, 95 and 112 of 2003, Art. 93 and 111 of 2004, issues 27, 38, 76, 88 and 105 of 2005, issues 30, 36, 56, 82, 91 and 102 of 2006, issues 11, 41, 46 and 59 of 2007, Constitutional Court Decision No. 9 of 2007 - issue 68 of 2007; amend, No. 89 and 109 of 2007, No. 13 of 2008, Decision No. 2 of the Constitutional Court of 2008 - No. 28 of 2008; amended, No. 36, 43 and 102 of 2008; amended, No. 35 of 2009).

TRANSITIONAL AND FINAL PROVISIONS

§ 2. Persons who, prior to the entry into force of this Act, had the status of a war disabled or war injured within the meaning of the Defence and Armed Forces Act, shall retain that status until they are entered in the central register of war disabled and war injured, but not later than one year after the entry into force of this Act.

§ 3. 70, 93, 152 and 153 of 1998, Art.

12, 67 and 69 of 1999, 49 and 64 of 2000, 25 of 2001, 1, 40, 45 and 119 of 2002, 50, 86, 95 and 112 of 2003, Art. 93 and 111 of 2004) shall be amended as follows:

1. In Article 107:

(a) in point 3, the words "first group" shall be replaced by "with a loss of working capacity exceeding 90 per cent";

(b) in paragraph 4, after the word 'deceased', the words 'or permanently reduced in capacity for work by more than 50 per cent' shall be inserted;

(c) in point 5, the words 'those categorised as first class invalids with an attendant during or in connection with the performance of military duties' shall be replaced by 'invalids with a loss of working capacity exceeding 50 per cent'.

2. Article 212 is amended as follows:

"(1) Disabled and war-injured persons within the meaning of the Disabled and War Injured Persons Act shall enjoy the rights of retired servicemen under this Act.

(2) The State and local administration shall provide suitable employment to the war disabled and war injured until they reach the appropriate retirement age under the conditions and in the manner determined by the Council of Ministers."

3. Throughout the law, the words "injured in or on the occasion of the defence of the country" and "injured in or on the occasion of the defence of the country" shall be replaced by "war invalids and war victims" and "war invalids and war victims" respectively.

§ 4. In the Employment Promotion Act (promulgated in 2001, SG 112; amended in 2002, SG 54 and 120, 2003, SG 26, 86 and 114, 2004, SG 52 and 81) in Art. 36, par. In Article 36(1), after the word "age" there shall be inserted "or a disabled person".

§ 5. The Council of Ministers shall adopt regulations for the implementation of the Act within six months of its promulgation in the Official Gazette.

§ 6. The implementation of the Act shall be entrusted to the Council of Ministers.

The Law was adopted by the 39th National Assembly on 17 March 2005 and is stamped with the official seal of the National Assembly.

TRANSITIONAL AND FINAL PROVISIONS

to the Social Services Act

(SG No. 24 of 2019, in force from 1.07.2020 - amended, SG No. 101 of 2019)

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§ 45. (amend. - SG 101/01/2019) The Act shall enter into force on 1 July 2020, except for:

1. paragraph 6, item 5, letter "a", § 7, item 2, letters "a" and "b", item 3, item 6, letter "a", items 9 and 10, § 18, item 2 in the part concerning "homes for medical and social care for children according to the Medical Institutions Act" and § 20, item 2, letter "a". 2 in the part concerning the deletion of the words "and medical-social care homes for children", and point 5(c), which shall enter into force on 1 January 2021;
2. paragraph 3(4)(f), (g) and (h) and § 28(1)(a)(2) and (5), which shall enter into force on 1 January 2019;
 - 1, Art. 124, Art. 161, para. 2, § 3, item 6, § 30, 36, 37 and 43, which shall enter into force on the day of the promulgation of the law in the Official Gazette.