

Country Paper

BULGARIA

4 - Capacity Strengthening on Social Programming

4.4 - Modelling trans-national welfare services

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Key terms

- Integration: a two-way process based on reciprocal rights and concomitant obligations of legally resident third-country nationals and the host society. Integration means that the longer a third-country national is resident in a Member State, the more rights and obligations he should acquire.
- The different categories of migrants: migrant workers, members of their family admitted for the purpose of family reunification, refugees, persons granted international protection or subsidiary or temporary protection.

Source by COM (2003) 336 final

1. Bilateral agreements and contacts for social security, which are in force by 01.01.2007 •

The agreements with the member states of the European Union as from 1 January 2007 were replaced by Regulation 1408/71 in the relations between Bulgaria and the corresponding member state (MS).

Conclusion of agreements on social security with MS, based on Regulations 1408/71 and 574/72

According to the recommendation of the EC to keep on concluding agreements on social security with MS, based on Regulations 1408/71 and 574/72, Bulgaria has signed the following agreements:

- A bilateral Agreement with Luxemburg (signed in December 2004 and ratified in March 2005);
- A bilateral agreement with the Netherlands (signed in February 2005);
- The agreement with Austria was signed on 14 April 2005, ratified;
- The agreement with Poland was signed on 9 June 2005, ratified;
- The agreement with Belgium was signed on 17 June 2005, ratified.

The Federal Science Policy Office is responsible for coordinating the preparation and the follow-up for the scientific section of the bilateral agreements for economic, industrial, scientific and technological cooperation which Belgium has concluded for already more than twenty years with a number of countries. The Federal Science Policy Office chairs the Belgian delegation at the regular meetings (about every 2 years) of the Mixed Committees for S&T cooperation where representatives of both countries examine the results of the bilateral cooperation and set together the course of future common projects.

Within this framework agreements, science policy acts as driving force for the overall relationships and the promotion of the commercial traffic between the concerned countries. The S&T cooperation can take various forms: information exchange, exploratory expert mission, common research and demonstration or valorisation project.

Alongside co-ordination, moreover, the Federal Science Policy Office itself finance co-operation projects in their areas of competence, particularly projects involving space research or that are linked to subjects dealt with national research programmes or conducted by federal scientific institutions under the jurisdiction of the Minister of Science Policy.

In this way, they contribute to the international valorisation of this research and the transfer of know-how.

- Bulgaria a bilateral agreement for economic, industrial, scientific and technical cooperation between the Belgian-Luxemburg Economic Union (BLEU) and the Republic of Bulgaria was signed on the 22nd of March 1974. Within this framework, the XIIth meeting of the Mixed Committee for S&T cooperation was held in Sofia on the 22nd of Mai 2003; 8 cooperation projects have been approved.

Although in the last Monitoring report there was no recommendation for continuing the process of conclusion of agreements on social security with MS, based on Regulations 1408/71 and 574/72, there were a couple of already coordinated drafts that were undersigned:

- With Romania – in October 2005, it is expected to be ratified in March/April 2006;
- With Hungary – in November 2005, it is expected to be ratified in March/April 2006 for social insurance:

For Bulgaria – temporary disablement and maternity, old-age pension and pension for disability and general disease, pension for labour accident and vocational disease, inherited pensions of the upper types, monetary compensations for unemployment, medical help within the obligatory health insurance,

For Hungary – health services, monetary payments from health insurance, social insurance for pensions – old-age, for disability, monetary payments in kind in case of accident, other pensions, compensation for unemployment

The following agreements that were concluded in the previous year will enter into force:

- A bilateral Agreement with Luxemburg - signed in December 2004, ratified in March 2005 and will enter into force on 1st March 2006 for social insurance:

For Bulgaria – obligatory health insurance and urgent medical help, compensation for temporary illness and maternity, pensions – old-age and for disability, pensions for labour accidents and vocational diseases, inherited pensions, monetary compensations for unemployment, family aids for children

For Luxemburg – family payments, insurance against labour accidents and vocational diseases, insurance for pensions - old-age, for disability, payments for unemployment, health insurance and maternity

- The agreement with Austria was signed on 14 April 2005, ratified in December 2005 and will enter into force on 1st April 2006.
- Agreements between the Government of the Republic of Latvia and the Government of the Republic of Bulgaria:

**Agreement* between the Government of the Republic of Latvia and the Government of the Republic of Bulgaria on the Readmission of Persons Entering their Territories and Residing there without Authorization

**Free Trade Agreement* between the Republic of Latvia and the Republic of Bulgaria

**Agreement* between the Government of the Republic of Latvia and the Government of the Republic of Bulgaria for the Promotion and Reciprocal Protection of Investments

**Convention* between the Republic of Latvia and the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income

- Agreement between the Republic of Bulgaria and Republic of Cyprus on social insurance, including:

**Rules on the legislation in force*

**Special regulations*

- *Special rules on calculation of the social insurance periods
- *Payments in case of illness and maternity
- *Payments in case of labour accidents and vocational illnesses
- *Pensions - old-age, for disability and inherited pensions
- *Support in case of death
- *Other rules

- Agreement between Bulgaria and the Netherlands on export of social insurance compensation (recoveries). It concerns:

For the Netherlands - compensation for illness and maternity, for disabilities, old-age, for inheritors, for children.

For Bulgaria – old-age pension, pensions for disabilities, inherited pensions, and pensions not connected with labour activities.

With other non-EU countries:

- Agreement on state social security between Bulgaria and Albania;
- Convention on social security between Bulgaria and Federal Republic of Yugoslavia (nowadays for Bosnia and Herzegovina, Serbia and Montenegro);
- New agreement with the FYROM on social security.
- Agreement between Bulgaria and Libya on social security;
- Agreement between the Government of Bulgaria and the Government of Turkey on payment of Bulgarian pensions in Turkey;
- Agreement between Bulgaria and the Ukraine on social security;
- Agreement between Bulgaria and Croatia on social security:

For Croatia – obligatory health insurance and health protection (disease, maternity, labour accidents, vocational disease), obligatory pension insurance – old-age pensions, disability, inherited pensions, other payments, compensation for unemployment

For Bulgaria – health services within the obligatory health insurance, obligatory state public insurance for temporary disablement, maternity, old-age, disability, labour accidents

2. Bilateral Agreements on employment:

- Agreements between the Republic of Bulgaria and Federal Republic of Germany:

**Agreement* between the Republic of Bulgaria and Federal Republic of Germany on employment of workers from Bulgarian enterprises for execution of labour contracts;

**Agreement* between the Republic of Bulgaria and Federal Republic of Germany on employment of workers for enlarging their vocational and linguistic skills – an agreement for foreign workers;

**Agreement* for intermediation of Bulgarian workers for fixed employment in the field of hotels and restaurants and in households;

- Swiss Confederation for exchange of trainees;
- The Czech Republic – for mutually employment of citizens of Republic of Bulgaria and the Check Republic;
- France - for exchange of trainees;
- Portugal for mutual employment of their citizens;
- Luxemburg for exchange of trainees;
- Spain for regulation of labour migration between both countries including:
 - *Exchange of labour proposals
 - *Labour conditions and social rights of the workers – migrants
 - *Returning back of the workers – migrants
 - *Special rules concerning seasonal workers
- Agreement between the Employment Agency at the Ministry of Labour and Social Policy and the Regional Labour Agency of Lombardy – Italy - mainly medical nurses
- Agreement between Bulgaria and China

Table 1: Geographical Distribution of Bilateral Migration Agreements between CEEC and EU-15

	Germany	Luxembourg	Austria	France	Other EU-15
Poland	6	1	0	2	6
Hungary	4	1	2	1	4
Czech Rep.	5	1	2	1	0
Slovak Rep	5	1	0	1	1
Bulgaria	3	1	0	0	3
Romania	3	1	0	0	3
Turkey	2	0	1	1	3
Serbia and Montenegro	0	0	0	0	0
Other CEECs	15	0	0	0	-

Source: Compiled from OECD (2003).

Table 2: Bilateral Migration Agreements between the EU and CEECs by Country and Type.

Country	Seasonal	Projects	Guest	Trainee	Cross-B	Others	Total
Austria	0	0	1	2	2	9	5
France	2	0	1	6	0	0	9
Germany	8	13	13	3	1	7	45
Spain	2	0	2	2	0	0	6
Other	4	2	4	14	1	2	27
Total	15	15	21	27	4	9	92
Czech Rep.	1	1	1	4	1	1	9
Hungary	1	1	1	5	1	1	10
Poland	3	1	3	6	1	1	15
Slovak Rep	1	1	1	4	0	1	8
Bulgaria	3	2	1	1	0	0	7
Romania	2	1	2	2	9	2	9
Turkey	0	1	6	1	0	0	8
Other	5	7	6	4	1	3	26
Total	16	15	21	27	4	8	92

Source: Compiled from OECD (2003)

3. Organizations for services for migrants

In Bulgaria the social policies are regulated on central, regional and local levels. The policy towards migrants is directed to Bulgarians living abroad and refugees. Corresponding laws were adopted and two agencies were established.

State Agency for Bulgarians Abroad

The Agency for Bulgarians Abroad was established by the Council of Ministers Decree No. 180 of October 1, 1992, as a coordinating body of the Government for the implementation of the state policy regarding Bulgarian expatriates and Bulgarian communities across the world. On February 21, 2000, by a Council of Ministers Decree No. 19 it was transformed into a State Agency for Bulgarians Abroad (SABA).

The main goals of the agency include the preservation of the spiritual heritage of the nations – its language, culture, traditions and history among our compatriots across the world and the establishment of Bulgarian lobbies abroad, which have to assist in increasing the authority of both Bulgaria and of the Bulgarian communities in the respective countries.

The agency carries out scientific and research activities. The prepared analyses and forecasts serve for the search of the most suitable approach in solving the specific issues of every Bulgarian community, which was formed under most different social, demographic, cultural, language, religious, economic and political conditions. Scientific conferences and round tables on the issues of the state policy towards the Bulgarians across the world, as well as on topics related to the establishment, formation, status and prospects of the Bulgarian communities in different countries are carried out.

The Agency is an important unit in the processes of acquiring Bulgarian citizenship and in obtaining permission for long-term residence in Bulgaria. It is the specialized body, certifying the Bulgarian origin of persons who have applied for obtaining Bulgarian citizenship, for permanent or continuous residence in the country, Issuance of Bulgarian Origin Certificate, Acquisition of Bulgarian Citizenship by Persons of Bulgarian Origin on the Grounds of Article 15 of the Bulgarian Citizenship Act.

Directorate “Bulgarian Citizenship” is a specialized administration within the structure of the Ministry of Justice and has the following basic functions: Accepts applications and proposals concerning Bulgarian citizenship files respective correspondence; Sends the correspondence for coordination with the interested institutions; Makes preparations for the meetings of the Citizenship Council and prepares the draft record; Issues the certificates stipulated under the Bulgarian Citizenship Act; Makes notifications to the municipalities or mayor’s offices at the respective person’s permanent address for entry of changes of citizenship into the civil status registers and to the Minister of Interior and the Ministry of Foreign Affairs for issue or seizure of identity, etc.

www.justice.government.bg , www.aba.government.bg

In Bulgaria the Parliament has adopted a Law for the Asylum and the Refugees. This law settles the conditions and the order of providing special protection to foreigners on the territory of the Republic of Bulgaria, as well as their rights and obligations.

The President of the Republic of Bulgaria shall provide asylum.

The Council of Ministers shall provide temporary protection in cases of massive entry of foreigners under the conditions of this law or in fulfilment of the conclusions of the Executive Committee of the High Commissioner of the United Nations Organisation for the foreigners and upon an appeal of other international organisations.

The chairman of the State Agency for the Refugees shall provide a refugee status and a humanitarian status by virtue of the Convention for the refugees status of 1951 and the Statement for the refugees status of 1967, of the international acts on the protection of the human rights and of this law.

The State Agency for Refugees...

... with the Council of Ministers is legal person financed by the State budget with a seat in the capital of Sofia and has territorial units in the country. The Agency is managed by a Chairperson who is an executive authority organ entrusted with special competence. He manages, coordinates and controls the implementation of the State policies relating to granting

a refugee status and humanitarian status to aliens in the Republic of Bulgaria. In performing his duties the Chairperson is assisted by two Deputy Chairmen.

The Agency is the administration, which supports the Chairperson in fulfilling his duties through technical assistance and rendering administrative services to natural and legal persons. The Agency staff numbers 127 on pay roll.

www.aref.government.bg

National Programme for Integration of Refugees in 2005-2007 has been adopted, including issues on Refugee integration policy; Accommodation/ Housing, Providing access to Bulgarian language education for facilitating the adaptation process and integration of the refugees in the Bulgarian society, Social Assistance; Health Care, Vulnerable groups of refugees, Education, Employment, Protection from discrimination, Institutional strengthening.

The Integration Centre for Refugees (ICR) is a territorial unit of the State Agency for Refugees with the Council of Ministers and supports the integration of refugees in the Republic of Bulgaria in accordance with the 1951 UN Convention related to the Status of Refugees, the 1967 New York Protocol and the Asylum and Refugees Act by: Main activities: Education and Training in Bulgarian; Vocational Qualification and Re-qualification; Work with Children; Social and Cultural Activities; Sport Activities.

Law for entering, residing and leaving the Republic of Bulgaria of EU citizens and members of their families:

This law regulates the terms and order under which the European Union citizens and members of their families may enter, reside and leave the Republic of Bulgaria. This law shall be applied to the citizens of countries - parties to the European Economic Area Agreement, the citizens of confederation Switzerland and the members of their families, who are not citizens of the European Union, the European Economic Area and confederation Switzerland, who, by virtue of international agreements concluded with the European Union, are entitled to free movement.

Currently there is no special public initiative or incentive focused on promoting the return of Bulgarian immigrants back to Bulgaria. In cooperation with the Ministry of Labour and Social Policy IOM Bulgaria aims at establishing of mechanisms for regulation of the labour migration and observing the rights of the labour migrants abroad. IOM Bulgaria works for the prevention of the illegal migration and traffic of people and supports the development of strategies for the reintegration of the labour migrants, who are coming back to Bulgaria.

IOM BULGARIA

History: Bulgaria joined IOM as a member state in 1994. An official Cooperation Agreement between the Republic of Bulgaria and IOM was signed and ratified by the National Assembly, followed by a Presidential Decree in 2000, giving IOM Bulgaria Mission the same privileges and immunities as those granted to the specialized agencies of the United Nations by virtue of the Convention on the privileges and immunities of the specialized agencies of 1947

Structure: IOM Bulgaria Mission has one central office in Sofia and 6 Regional Information-Consultancy Migration Centres under the umbrella of IOM in Plovdiv, Rouse, Vidin, Burgas, and Sliven, where IOM operates also a Roma Community Information Centre

Objectives: The core mission of IOM Bulgaria is to assist the Bulgarian government in the development and implementation of migration policies that respond effectively to migration challenges and realities and seek the optimal balance between the principles of free movement of people, control over irregular migration and respect for migrants' rights.

With the forthcoming EU accession IOM Bulgaria will aim to support and promote the establishment of strong migration management structures to respond to increasing external migration pressures, to promote orderly migration and curtail irregular migration, to diversify services for migrants, to raise public awareness and advance understanding on all aspects of migration.

As trafficking in persons remains a serious area of concern, IOM Bulgaria will continue to implement its counter-trafficking strategy supporting the development of national mechanisms for combating and preventing trafficking in persons.

Programme areas:

Counter-trafficking: IOM as leading international agency in the field of counter trafficking has been acknowledged in Bulgaria as the key government partner in developing effective response mechanisms for combating trafficking in persons both for adults and minors.

IOM Bulgaria has pursued a comprehensive, long term counter-trafficking strategy supporting the development of national mechanisms for combating and preventing trafficking in persons by stimulating cross-sectoral cooperation in the field of prevention, capacity-building and direct victims' assistance. To this aim IOM Bulgaria has developed a series of interlinked, complementary programs to develop the national capacities of both government and civil society to combat effectively trafficking in persons.

Labour migration: In cooperation with the Ministry of Labour and Social Policy, IOM Bulgaria seeks to establish mechanisms to regulate labour migration and guarantee the rights of Bulgarian migrants abroad. IOM Bulgaria supports the establishment of strategies for diminishing irregular labour migration and trafficking in persons, as well as for the comprehensive reintegration of returning Bulgarian labour migrants.

Technical cooperation on migration: Through trainings and study visits for Bulgarian experts to EU member states IOM Bulgaria supports and strengthens the government capacities to manage migration in view of achieving comprehensive compliance and harmonization with EU practices within the EU integration context, nurtures regional and inter-regional dialogue between relevant countries sharing similar migration challenges, develops national and regional networks of cooperation and coordinates institutional response mechanisms.

Services for migrants: IOM Bulgaria provides various services for returning, potential or stranded migrants in view of promoting orderly migration channels and curtailing irregular migration, while also supporting vulnerable groups of migrants in particular women and children.

In cooperation with other IOM missions and IOM partner organizations or within its own programs IOM Bulgaria assists with document and visa procurement, verifications, transportation, pre-departure, escort, reception, pre-consular services, medical screening, counselling and reintegration programs for migrants.

Research: Within regional initiatives, IOM Bulgaria coordinates the preparation of the Bulgarian input to regional migration research, carries out migration potential surveys and research in the field of regular/irregular/labour/temporary migration.

On 21.12.2006 the Council of Ministers of Bulgaria has adopted a decision for the full application of the Community law in the field of the free movement of workers (Regulation EEC1612/68 of the Council from October 15, 1968 for the freedom of movement of workers in the Community), allowing the EU citizens access to the Bulgarian Labour market as from 01.01.2007.

BARDA

The Bulgarian Association of Regional Development Agencies and Business Support Centres runs a project No VS/2006/0631 MINEM: *“Meeting the Information Needs of Economic Migrants”*.

Financing – ESF European Year of Workers 2006;

Duration: 01.11.2006-31.03.2008.

Budget – 299 912 EUR

The project had the following **main outputs**:

- Information packages – support to migrants to evaluate the advantages and the disadvantages of migration in a foreign country with the aim of finding a job;
- DVD – contains detailed information with practical consequences from migration by means of stories of employers and employees for transmitting of key messages and increase if awareness;
- Web site - www.minem.eu – In the English version you can find 2 documents – Executive Summary of the economic migration in Bulgaria – 4 pages and the Full Bulgarian report (in Bulgarian) – 50 pages
- Activities for increasing of awareness – work in networks and seminars with participation of employers from public and private sectors, migrants-workers, organizations for support and wide publicity ,
- Research on the status of the migrants.

The **project activities** include:

... to develop and test innovative instruments which facilitate the geographic and labour market mobility of workers and their families and remove existing obstacles to mobility...

- Producing a pre-arrival information pack to assist prospective migrant workers thinking about moving to work in the UK
- Producing an information DVD for migrant workers, employers, practitioners and policy makers
- Engaging private sector employers who recruit migrant workers to capture current good practice in terms of the support provided within and outside of the workplace
- Holding job awareness events, networks and seminars
- Researching current migration trends across our partner regions to identify areas of need and enable effective planning to address these needs
- Researching in two partner countries (Spain and the UK) on settled migrant communities
- Engaging policy makers and politicians from regional, national and European level to influence migration policy