

## Protection and Promotion of Culture Act

Promulgated SG. No. 50/1.06.1999, amended SG. No. 1/4.01.2000, corrected SG. No. 34/6.04.2001, amended SG. No. 75/2.08.2002, effective 2.08.2002, No. 55/25.06.2004, effective 1.01.2005, No. 28/1.04.2005, effective 1.04.2005, supplemented, SG No. 74/13.09.2005, effective 14.10.2005, amended and supplemented, SG No. 93/22.11.2005, amended, SG No. 99/9.12.2005, effective 10.01.2006, No. 103/23.12.2005, No. 21/10.03.2006, No. 41/19.05.2006, amended and supplemented, SG No. 106/27.12.2006, amended, SG No. 84/19.10.2007, SG No. 19/13.03.2009, effective 10.04.2009, supplemented, SG No. 42/5.06.2006, amended, SG No. 74/15.09.2009, effective 15.09.2009, supplemented, SG No. 13/16.02.2010, amended, SG No. 50/2.07.2010, SG No. 97/10.12.2010, effective 10.12.2010, SG No. 25/25.03.2011, effective 25.03.2009, supplemented, SG No. 54/15.07.2011, amended and supplemented, SG No. 77/9.10.2012

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\*Note: An update of the English text of this Act is being prepared

following the amendments in SG No. 102/21.12.2012

Text in Bulgarian: Закон за закрила и развитие на културата

### Chapter One GENERAL PROVISIONS

**Article 1.** This act shall identify the basic principles and priorities of the national cultural policy, the culture organisations and the bodies for protection of culture, of its national identity and the ways of supporting and financing cultural activities and creative artists.

**Article 2.** The basic principles of the national cultural policy shall be:

1. democratism of the cultural policy, freedom of artistic creativity and prevention of censorship;
2. decentralisation of the management and financing of cultural activities;
3. equal status of the artists and of the cultural organisations;
4. preservation and enrichment of the cultural and historic heritage, preservation of the Bulgarian literary language, traditions and customs;
5. protection of the national cultural identity and the culture of the Bulgarian communities abroad;
6. encouragement of the cultural diversity while preserving the unity of national culture;

7. encouragement of the cultural industry and of the market of works of art, and stimulation of producer activities in the field of culture;
8. discovering, support and training of young talents in the field of culture;
9. encouragement of donations, patronage and sponsorship in the field of culture;
10. development and improvement of education in the field of arts and culture.

**Article 2a.** (New, SG No. 106/2006) (1) (Previous Article 2a, SG No. 54/2011) The Council of Ministers shall adopt the National Strategy on the Development of Culture for a 10-year period, proposed by the Minister of Culture.

(2) (New, SG No. 54/2011) The National Strategy referred to in Paragraph 1 shall also contain strategic goals of cultural heritage management and preservation within the meaning of Article 12, Paragraph 2 of the Cultural Heritage Act.

## Chapter Two

### CULTURAL ORGANISATIONS

**Article 3.** (1) The cultural organisations shall engage in activities to create, disseminate, protect and preserve cultural values.

(2) The cultural organisations, in terms of form of ownership, shall be state-owned, municipal, private and with mixed participation.

**Article 4.** (1) Cultural institutes shall be state or municipal cultural organisations established under a special law or with an act of a body of the central or local governments.

(2) The cultural institutes shall:

1. identify independently their tasks and structure according to the subject of their activities;
2. be able to engage in additional activities, including economic activities connected with the principal ones, whereby the additional funds received shall remain in the cultural institute that has generated them;
3. (repealed, SG No. 1/2000);
4. be entitled to collect state fees for providing services and for issuing documents and copies in amounts stipulated by a tariff of the Council of Ministers, whereby 50 per cent of the revenues shall remain for the respective cultural institute and the rest shall be paid into the Culture Fund.

(3) In the event of restored right of ownership over immovable property made available for use by a state or municipal cultural institute, the Regional Governor or the Municipal Council shall provide, in compliance with the stipulated procedure, another equivalent state-owned or municipal property.

**Article 5.** (1) The state cultural institutes shall be legal entities with budget financing, which shall be established, transformed and closed down by the Council of Ministers subject to proposal by the Minister of Culture, or by law.

(2) State cultural institutes shall be financed entirely or partially out of the budget of the Ministry of Culture, with resources from the municipal budgets on the basis of contracts signed with the Ministry of Culture, or with the participation of other legal entities or individuals.

(3) (Amended, SG No. 106/2006, SG No. 77/2012) The Directors of state cultural institutes shall be appointed on the grounds of a competition under the Labour Code for a period of 4 years, unless provided for otherwise by a special act.

(4) (New, SG No. 106/2006) The competition shall be held after applicants submit a concept on the development of the respective cultural institute, in compliance with a procedure stipulated in an ordinance issued by the Minister of Culture.

**Article 6.** (1) State cultural institutes with government agencies outside the Ministry of Culture shall be established, transformed and closed down by the Council of Ministers subject to proposal by the head of the respective government agency in coordination with the Minister of Culture.

(2) State cultural institutes under Paragraph 1 shall be financed entirely or partially by the budget of the respective government agency.

(3) The directors of the cultural institutes under Paragraph 1 shall be appointed by the head of the respective government agency with competition.

**Article 7.** (1) State cultural institutes of national significance shall be the cultural institutes with national and representative functions for creating, permanent preservation and dissemination of cultural and historical values.

(2) The conditions and the procedure for acquisition and withdrawal of the status of state cultural institute of national significance shall be stipulated by Ordinance of the Council of Ministers subject to proposal by the Minister of Culture.

(3) State cultural institutes of national significance shall be financed entirely and with priority from the budget of the Ministry of Culture.

(4) (New, SG No. 106/2006) The Directors of state cultural institutes of national significance shall be appointed with competition under the Labour Code for a period of five years.

(5) (New, SG No. 106/2006) The competition shall be held after the applicants submit a concept on the development of culture following a procedure stipulated in the ordinance under Article 5, Paragraph 4.

**Article 8.** (1) Municipal cultural institutes shall be legal entities with autonomous budget, which shall be established, transformed and closed down by decision of the Municipal Council, coordinated with the Minister of Culture.

(2) Municipal cultural institutes shall be financed by the municipal budget.

(3) Upon drafting the municipal budgets for the respective year, the extent of the subsidy for each of the municipal cultural institutes shall not be lower compared to the previous year, regardless of the revenues from their activities.

(4) The subsidy under Paragraph 3 shall be determined at a rate of the expenditures not lower than the amount allocated for that purpose in the budget for the previous year.

(5) (Amended, SG No. 106/2006, SG No. 77/2012) The Directors of municipal cultural institutes shall be appointed by the Mayor of the municipality after competition organised under the Labour Code for a period of 4 years, unless provided for otherwise by a special act. The terms of the competition shall be coordinated with the Ministry of Culture.

**Article 9.** (1) Regional cultural institutes shall be legal entities with autonomous budget, which shall engage in cultural activities basically on a territory defined with the act of their establishment.

(2) Regional cultural institutes shall be established, transformed and closed down by the Council of Ministers subject to proposal by the Minister of Culture, in coordination with the Regional Governor, following a decision by the Municipal Council on whose territory their registered offices are located.

(3) Regional cultural institutes shall be financed by:

1. the municipalities on whose territory their registered offices are located, whereby additional funds shall be provided from the national budget for their financing;

2. payments made into their budgets also by the municipalities on whose territory the regional cultural institutes develop their activities, whereby their amount shall be determined every year by decision of the respective Municipal Councils.

(4) The amount of the additional funds from the national budget under Paragraph 3, item 1, shall be determined every year under the State Budget of the Republic of Bulgaria Act, subject to a proposal by the Minister of Culture.

(5) (Amended, SG No. 106/2006, SG No. 77/2012) The Directors of the regional cultural institutes shall be appointed for a period of 4 years following a competition organised under the Labour Code, unless provided for otherwise by a special act, by the Mayors of the municipalities on whose territory their registered offices are located.

(6) (Repealed, SG No. 106/2006).

**Article 9a.** (New, SG No. 42/2009) (1) The Directors of cultural institutes may not:

1. pursue business activities or be managers, attorneys-in-fact, commercial representatives, procurators, commercial brokers, liquidators or assignees in bankruptcy;

2. be members of a management or supervisory body of a non-profit legal entity, company or cooperative;

3. be freelancers, except in case they pursue scientific or lecturing activities or exercise copyright and neighbouring rights.

(2) The Directors of cultural institutes may participate as representatives of the State or a municipality in the management or supervisory bodies of companies with state or municipal participating interest or of legal entities established by a law, provided that they do not receive remuneration therefor.

(3) The Directors of cultural institutes may participate in the management bodies of non-profit legal entities in case of association of cultural institutes, provided that they do not receive remuneration therefor.

**Article 9b.** (New, SG No. 106/2006, redesignated from Article 9a - SG No. 42/2009) A state cultural institute shall be transformed into a municipal cultural institute and a municipal cultural institute shall be transformed into a state cultural institute by the Council of Ministers subject to decision of the municipal council in the respective municipality on whose territory the registered office of the cultural institute is located.

**Article 10.** (1) (Amended, SG No. 93/2005, effective as of the effective date of the Accession Treaty of Bulgaria to the European Union) Activities in the capacity as Private cultural organisations can be implemented by:

1. persons registered under the Commerce Act, the Non-profit Legal Persons Act, or the Cooperatives Act.
2. foreign persons established under the laws of any EU member country, or any other European Economic Area member country and Switzerland.

(2) (New, SG No. 93/2005, effective as of the effective date of the Accession Treaty of Bulgaria to the European Union) In order to be able to operate on the territory of the Republic of Bulgaria, persons specified under paragraph 1, item 2 must submit a translated copy of the document certifying the right to operate in the cultural sphere issued by the competent authorities in the country of incorporation to the Bulgarian Ministry of Culture prior to setting operation.

(3) (Renumbered from Paragraph 2, SG No. 93/2005, effective as of the effective date of the Accession Treaty of Bulgaria to the European Union) The unions of creative artists shall be voluntary non-profit associations, which unite persons engaged in similar creative activities in the field of culture. The unions of creative artists shall be entitled to approve rates for the minimum remuneration for their free lance members.

**Article 11.** (1) Cultural organisations with mixed participation shall be established between the State, the municipalities, legal entities and individuals, or between some of the above.

(2) The relations between the parties under Paragraph 1 shall be stipulated under the statutory act.

**Article 12.** Private cultural organisations and organisations with mixed participation shall participate equally with other organisations in the bids for subsidy for creative projects and programmes under the conditions and the procedure stipulated by this act.

**Article 13.** (Amended - SG, No. 41/2006, supplemented, SG No. 106/2006) Schools for arts and culture shall also be state cultural institutes. They shall ensure professional training and education in the field of arts and schools of culture, and shall be under the direct management and methodological guidance of the Minister of Culture, being financed by the budget of the Ministry of Culture.

## **Chapter Three**

### **BODIES AND ORGANISATIONS FOR PROTECTION OF CULTURE**

**Article 14.** (1) The Ministry of Culture shall conduct a policy for protection and promotion of culture in compliance with its functions and powers, and observing the principles of this act.

(2) The Ministry of Culture shall implement the activities under Paragraph 1 through:

1. financial support for cultural initiatives, targeted programmes, creative projects, etc. after organising competitions;
2. entire or partial financing from the national budget for cultural institutes;
3. ensuring conditions for professional training of creative artists and specialists in the field of culture and the management of secondary schools of arts and culture;
4. development of international cultural cooperation with state, municipal, private and international organisations;
5. providing information on participation in international programmes and funds;
6. support for the activities of organisational structures established with the aim of providing employment, professional qualification and promotion of the autonomous activities of individuals working in the field of culture;
7. (new, SG No. 106/2006) awarding Bulgarian cultural activists for their high creative achievements or for their contribution to the development and popularising of culture;
8. (previous item 7, SG No. 106/2006) developing statutory instruments for securing protection of the cultural activities and of the creative artists.

(3) The Ministry of Culture shall guarantee publicity in the developing and conducting of its policy for protection and promotion of culture through:

1. access to the information on its activities following a procedure stipulated by the Minister of Culture;
2. publishing of annual reports on its activities and intentions not later than three months after the end of the financial year;
3. meetings with creative artists, eminent figures of culture and experts on current issues of the cultural policy.

(4) (Amended, SG No. 93/2005, effective as of the effective date of the Accession Treaty of Bulgaria to the European Union) The Ministry of Culture shall create and maintain an information register of the cultural organisations and institutes, which shall submit an application for registration before starting to operate.

(5) (New, SG No. 106/2006) The organisation of the creative activities in state cultural institutes, in state cultural institutes of national significance, in Bulgarian cultural institutes abroad, as well as the criteria, terms and procedure for implementing the activities under Paragraph 2, item 7, shall be stipulated in ordinances issued by the Minister of Culture.

**Article 15.** (Amended, SG No. 1/2000, repealed, SG No. 106/2006).

**Article 16.** (1) (Amended, SG No. 106/2006) In implementing its functions, the Ministry of Culture shall be assisted by public councils and commissions of experts involving the participation of representatives of the unions of creative artists, interested government agencies and organisations, as well as individual artists and experts.

(2) (Amended, SG No. 106/2006) The public councils and commissions of experts shall be advisory bodies established for concrete cultural spheres and for a stipulated period of time with an order of the Minister of

## Culture.

(3) The public councils of experts shall discuss important and current issues in their respective spheres, express opinions and give recommendations on them to the management of the Ministry of Culture, consider and make proposals on projects and statutory instruments.

(4) The public councils of experts shall be entitled to express opinions in cases when certain works of art and culture infringe upon the good morals, openly advocate violence, pornography, racial, religious and national intolerance, or threaten the development of the young.

**Article 17.** (1) Bulgarian cultural institutes abroad shall be state cultural institutes and shall be methodologically and financially managed by the Ministry of Culture. They shall be established and shall function in compliance with bilateral international agreements.

(2) Bulgarian cultural institutes abroad shall promote the national cultural values in the respective countries and shall contribute to broadening the participation of the Republic of Bulgaria in various forms of international cooperation.

(3) (Amended, SG No. 106/2006, supplemented, SG No. 77/2012) The Directors of Bulgarian cultural institutes abroad shall be appointed under the provisions of the Bulgarian labour legislation following a competition under the Labour Code for a period of 4 years. The directors of Bulgarian cultural institutes abroad may not be appointed for more than two terms of office.

(4) (New, SG No. 106/2006) The competition shall be held after applicants submit a concept on the development of the respective cultural institute, in compliance with a procedure stipulated in the ordinance under Article 5, Paragraph 4.

(5) (New, SG No. 106/2006, supplemented, SG No. 13/2010) The employees of Bulgarian cultural institutes abroad shall be appointed by the Minister of Culture under the Labour Code for a period of three years.

**Article 18.** (1) The municipalities shall form and implement their policy for protection and development of culture by combining the principles of the national cultural policy with the local conditions and traditions.

(2) The Municipal Council shall adopt decisions on:

1. financing of the municipal cultural institutes from the municipal budgets;
2. determining the amount of the local fees for the development of the cultural organisations in the municipality;
3. conducting competitions for cultural initiatives, creative projects, targeted programmes, etc., financed by the municipal budget;
4. participation of the municipality in companies for joint activities, municipal foundations and associations for cultural activities;
5. establishing, transformation and closing down of regional cultural institutes with registered offices in the municipality under the provisions of Article 9, Paragraph 2;
6. granting creative scholarships for support of young creative artists in the sphere of culture;
7. establishing rewards for contribution and achievements in the sphere of culture;
8. supporting the development of amateur art, knowledge about the region and the country;
9. creating programmes for preservation of folklore and folk art.

(3) In implementing their functions, the municipalities shall be assisted by public councils and commissions of experts, in which representatives of unions of creative artists, interested government agencies and organisations, as well as individual artists and experts, shall participate.

(4) The public councils and commissions of experts shall be advisory bodies established for a concrete period of time with an order of the Mayor of the municipality.

(5) The public councils of experts shall give opinions and assessments on the activities of the municipal cultural institutes, the regional cultural institutes, on combining the principles of the national cultural policy with the local conditions and traditions, on individual works of art and culture that could affect adversely the mental health of children and young people.

## Chapter Four

# PROTECTION OF THE NATIONAL CULTURAL IDENTITY AND SPIRITUAL VALUES

**Article 19.** An annual state reward shall be instituted for stimulation of artists and performers of works connected with the Bulgarian history and traditions, which shall be conferred by the Prime Minister.

**Article 20.** With a view to promoting and consolidating the spiritual values of the nation and the universal human moral standards:

1. The Minister of Culture and the Directors General of the Bulgarian National Radio and of the Bulgarian National Television shall sign contracts every year for programmes and broadcasts in the field of culture, including TV films, radio and TV theatre, whereby the contracts shall define the obligations of the Bulgarian National Radio and of the Bulgarian National Television to create, broadcast and disseminate the cultural values, with priority presence of highly artistic Bulgarian production;

2. (amended, SG No. 75/2002, SG No. 103/2005, SG No. 74/2009, effective 15.09.2009, SG No. 50/2010) The Minister of Culture, the Minister of Education, Youth and Science, the Minister of Defence and the Minister of Physical Education and Sports shall submit every year to the Council of Ministers cultural and educational programmes for children and young people, which shall be financed from the budgets of the respective government agencies.

**Article 21.** (1) The Minister of Culture shall submit every year to the Council of Ministers a cultural calendar of national events and celebrations in honour of events and prominent persons. Their financing shall be provided for in the budget of the Ministry of Culture for the respective year.

(2) The national cultural calendar shall be approved by the Council of Ministers.

**Article 22.** (1) The guarantee for the promotion of national culture in the event of temporary export of valuable works belonging to the cultural and historical heritage and arts shall be provided by the State through the Ministry of Finance.



(2) The decision under Paragraph 1 for each concrete case shall be adopted by the Council of Ministers, subject to proposal by the Minister of Culture.

**Article 23.** Visual and auditory cultural products of national significance shall be kept at the National Film Library and the National Collection of Records and Tapes, which shall have the status of cultural institutes.

## **Chapter Five**

### **FINANCING OF CULTURE**

**Article 24.** (1) The National Culture Fund shall be established.

(2) (Amended, SG No. 106/2006) The National Culture Fund shall be a legal entity with secondary budget credit powers under the Minister of Culture.

(3) The Fund shall support the development of culture by collecting, managing and spending resources allocated for conducting the national policy in the field of culture.

(4) (Repealed, SG No. 106/2006).

(5) The Ministry of Culture shall ensure conditions for the functioning of the Fund.

**Article 25.** (Amended, SG No. 106/2006) Bodies of the Fund shall be its Management Board and the Executive Director.

**Article 26.** (1) The Management Board shall consist of Chairman and ten members.

(2) The Minister of Culture shall be the Chairman of the Management Board.

(3) (Amended, SG No. 106/2006) Members of the Management Board shall be one representative each from the Ministry of Culture, the Ministry of Finance and the National Association of Municipalities in the Republic of Bulgaria, the remaining members shall be appointed subject to proposals submitted by creative professional organisations, academic communities connected with culture, representatives of the non-profit organisations in the field of culture and eminent figures of culture.

(4) The members of the Management Board shall be appointed with an order by the Minister of Culture for a term of two years.

(5) Members of the Management Board may be relieved of their duties before the expiration of their term of office:

1. upon his/her request;
2. in the event of actual inability to discharge his/her duties for more than three months;
3. in the event that the motives for his/her appointment are no longer valid;
4. after judgement-at-law for premeditated crime;

5. (new SG No 42/2009, amended SG No. 97/2010, effective 10.12.2010) in case an act ascertaining conflict of interest under the Conflict of Interest Prevention and Ascertainment Act enters into force;

6. (renumbered from Item 5 - SG No. 42/2009) upon demise.

**Article 27.** (1) The Management Board shall manage the activities of the Fund. For this purpose it shall adopt:

1. rules for organising its work;
2. strategy and programme for the Fund's activities;
3. decisions on conducting competitions for financing of cultural initiatives, targeted programmes, creative projects, etc.;
4. annual report on the Fund's activities;
5. (supplemented, SG No. 106/2006) decision on electing and discharging the Executive Director;
6. structure of the Fund's administration;
7. other decisions connected with the management of the Fund.

(2) The Management Board shall have sessions in the presence of two-thirds of its members. The decisions shall be adopted with a majority of more than half of all its members.

(3) (Supplemented, SG No. 42/2009) Unless otherwise provided for by a law, the members of the Management Board shall receive remuneration stipulated with an order by the Minister of Culture.

(4) The Management Board may also meet upon request by more than half of its members.

**Article 28.** The Chairman of the Management Board shall:

1. convene and chair the session of the Management Board;
2. sign and terminate the employment contract of the Executive Director, subject to decision of the Management Board.

**Article 29.** (1) The Executive Director shall:

1. represent the Fund;
2. effect the Fund's operational management;
3. ensure the enforcement of the decisions of the Management Board;
4. draft and submit to the Management Board the annual financial statement;
5. draft and submit to the Management Board an annual report on the Fund's activity and ensure its publication.

(2) The Executive Director may not be member of the Management Board. He shall participate in the sessions of the Management Board with deliberative vote.

(3) (New, SG No. 42/2009) The Executive Director may not:

1. pursue business activities or be a manager, attorney-in-fact, commercial representative, procurator, commercial broker,

2. be a member of a management or supervisory body of a non-profit legal entity, company or cooperative;
3. be a freelancer, except in case he pursues scientific or lecturing activities or exercises copyright and neighbouring rights.

(4) (New, SG No. 42/2009) The Executive Director may participate as a representative of the State or a municipality in the management or supervisory bodies of companies with state or municipal participating interest or of legal entities established by a law, provided that he does not receive remuneration therefor.

**Article 30.** (Corrected, SG No. 34/2001, repealed, SG No. 106/2006).

**Article 31.** (1) The Fund's resources shall be accrued from:

1. (amended, SG No. 99/2005) fifty per cent of the fines under Article 98c, Paragraph 2 of the Copyright and Neighbouring Rights Act;
2. ten per cent of the revenues from rent received by the companies with state participation in the field of culture, the deductions being made prior to the division of the rent between the lessor and the national budget;
3. the sums under Article 33, first sentence, of the Copyright and Neighbouring Rights Act;
4. (amended, SG No. 25/2011, effective 25.03.2011) the sums under the second sentence of Article 26 (8) of the Copyright and Neighbouring Rights Act;
5. (repealed, SG No. 19/2009, effective 10.04.2009);
- 5a. (new, SG No. 74/2005, amended, SG No. 84/2007) fifty per cent of the fines and pecuniary penalties under Articles 54, 54a, 55, 56, 59, 60, Article 61 (2), Article 61a and Article 62 (2) and (3) of the Act on Administrative Regulation of the Manufacture and Trade in Optical Disks, Stampers and Other Storage Media Loaded with Subject Matter of Copyright and Neighbouring Rights;
6. (amended, SG, No. 55/2004, No. 21/2006, effective 1.01.2007, SG No. 19/2009, effective 10.04.2009) fifty per cent of the fines and sanctions under the Cultural Heritage Act;
7. the sanctions under Article 37;
8. (amended, SG No. 19/2009, effective 10.04.2009) ten per cent of the contracted price for rent of art exhibits - movable cultural values owned by the State, included in exhibitions abroad;
9. the sums under Article 33, Paragraph 4;
10. fifty per cent of the revenues from the fees under Article 4, Paragraph 2, item 4;
11. (new, SG No. 42/2009) the fines under Article 32 of the People's Chitalishte Act;
12. (renumbered from Item 11, SG No. 42/2009) grants, testaments and sponsorship by Bulgarian and foreign individuals and legal entities;
13. (renumbered from Item 12, SG No. 42/2009) interests from the Fund's accounts;
14. (renumbered from Item 13, SG No. 42/2009) subsidy stipulated under the State Budget of the Republic of Bulgaria Act for the respective fiscal year;
15. (renumbered from Item 14, SG No. 42/2009) other sources stipulated by a law or by an act of the Council of Ministers.

**(2) The resources of the Fund shall be spent for:**

1. projects and programmes of national, international and municipal significance for creating, preservation and dissemination of works of art and culture, as well as for preservation and promotion of the country's cultural and historical heritage;
2. scientific research in the field of culture;
3. support for cultural events and initiatives of national and international significance;
4. programmes and projects for broadening the international cultural activities;
5. programmes and projects for new experimental forms of cultural activities;
6. programmes and projects for protection of the freedom for cultural events of the citizens, including of the ethnic, religious and language communities;
7. educational programmes and projects in the field of culture, improvement and development of the structure and the quality of education in the field of art and culture;
8. creative scholarships for young and prominent artists and other young specialists in the field of culture for a period of up to two years.
9. programmes and projects for research, preservation and promotion of the cultural and historical heritage;
10. programmes and projects for protection and promotion of the culture of Bulgarian communities abroad;
11. programmes and projects for broader access of children and young people to cultural activities;
12. awards for high achievements in the field of culture;
13. programmes and projects for stimulating amateur art.
14. (new, SG No. 42/2009) programmes and projects supporting the activities of people's chitalishte.

**(3) (Amended, SG No. 106/2006) The Fund's resources shall be made available after conducting a competition under the terms and procedure stipulated by the Minister of Culture.**

**Article 32.** (Repealed, SG No. 106/2006).

**Article 33.** (1) All cultural organisations, including non-profit organisations, as well as individual cultural activists, may apply for receiving resources from the Fund.

(2) Persons and organisations sanctioned under Article 37 shall not have the right to apply for resources from the Fund.

(3) Resources of the Fund shall be made available on the basis of signed contracts under the provisions of Article 31, Paragraph 3.

(4) The persons spending the resources received from the Fund for other purposes than those stated shall refund them in full with interest equal to the basic interest rate of the Bulgarian National Bank, increased by 10 points.

**Article 34.** Within three months after the end of the calendar year, the Fund shall publish a detailed report on its activities and intentions.

**Article 35.** (1) Individuals or legal entities and sole traders may institute scholarships for education of secondary school and university students in Bulgarian art schools. The conditions for receiving scholarships shall be coordinated with the respective educational establishment.

(2) Individuals or legal entities and sole traders may secure the activities of the cultural organisations. The conditions under which the securing is implemented shall be agreed in writing between the parties.

**Article 36.** (1) The Municipal Council shall establish a municipal Culture Fund and shall adopt regulations for its work.

(2) The resources of the Fund shall be collected from:

1. resources provided for the implementation of targeted programmes and projects in the field of culture;
2. grants, testaments and sponsorship from Bulgarian and foreign individuals and legal entities;
3. interests from the Fund's accounts;
4. other sources stipulated with a decision of the Municipal Council.

(3) The Fund's resources shall be spent for:

1. implementation of projects and programmes in the field of culture;
2. support for the organising of cultural events;
3. participation in joint financing with individuals and legal entities of cultural initiatives with Bulgarian and international participation;
4. support of amateur art;
5. ensuring creative scholarships for talented children and young people.

## **Chapter Six**

### **ADMINISTRATIVE PENALTY PROVISIONS**

**Article 37.** (1) (Amended, SG No. 19/2009, effective 10.04.2009) An individual or legal entity failing to fulfil his obligations under Article 31, Paragraph 1, items 2, 4 and 8, shall be punished with a fine, respectively with proprietary sanction, for the double amount of the sum owed.

(2) Upon repeated violation, the fine or the proprietary sanction respectively shall be four times higher than the sum owed.

**Article 38.** (1) The statements for establishing the violations shall be drafted by officials of the Ministry of Culture authorised by the Minister of Culture.

(2) The penal decisions shall be issued by the Minister of Culture or by an official authorised by him.

(3) The establishing of the violations, the issuing, appealing and execution of the punitive decisions, shall be done in compliance with the Administrative Violations and Sanctions Act.

## SUPPLEMENTARY PROVISIONS

### § 1. Under this act:

1. "Culture" shall be the activity connected with creating, investigation, dissemination and protection of cultural values, as well as the results of this activity.
2. (Amended, SG No. 19/2009, effective 10.04.2009) "Cultural value" shall be the one within the meaning of the Cultural Heritage Act.
3. (Amended SG No. 93/2005, effective as of the effective date of the Accession Treaty of Bulgaria to the European Union, supplemented, SG No. 106/2006) "Cultural organisation" shall be a structure established under Article 4, Paragraph 1 or incorporated under Article 10, Paragraph 1, items 1 and 2, whose subject of activity is creating, dissemination and preservation of cultural values in the field of theatre, music, cinema, audiovision, literature, translation of fiction, dance, circus, plastic arts, architecture, design and folklore, including the protection and preservation of the cultural and historical heritage.
4. "Creative artist" shall be a person who creates and/or performs works of art.
5. "Amateur art" shall be a cultural activity of a person or a group of persons who are not professionally engaged in the field of art.
6. "Cultural and historical heritage" shall be the aggregate of cultural values carrying historical memory.
7. "Free lance profession" shall be the profession of persons exercised in the field of culture, which is exercised independently.

## TRANSITIONAL AND FINAL PROVISIONS

### § 2. Within six months after the act enters into force:

1. The Council of Ministers shall adopt, upon a proposal submitted by the Minister of Culture, the acts stipulated in this act for determining the statute of the cultural institutes.
2. The Minister of Culture shall draft and submit for approval by the Council of Ministers a draft tariff for the fees which the cultural institutes may collect.

§ 3. The cultural organisations and institutes existing prior to this act shall submit applications within six months after the act enters into force for registration in the information register of the Ministry of Culture.

**§ 4.** The following amendments and supplements shall be introduced in the Monuments of Culture and Museums Act (Promulgated SG No. 29/1969; amended and supplemented SG No. 29/1973, SG No. 36/1979, SG No. 87/1980, SG No. 102/1981, SG No. 45/1984, SG No. 45/1989, SG No. 10/1990 and 14/1990, SG No. 112/1995, SG No. 31/1996 - Decision No. 5 of the Constitutional Court of 1996; amended SG No. 44/1996, SG No. 117/1997, SG No. 153/1998):

1. Article 12 shall be amended as follows:

a) the earlier text shall become Paragraph 1 and in item a) at the end shall be added "and those declared by the National Institute for Monuments of Culture";

b) Paragraph 2 shall be created:

"(2) The procedure for announcement and declaring under Paragraph 1, item a) shall be defined by an Ordinance issued by the Minister of Culture."

2. The following amendments and supplements shall be made in Article 24:

a) the earlier text shall become Paragraph 1;

b) Paragraph 2 shall be created:

"(2) For the production of goods, labels and design solutions bearing images of a monument of culture, a permission shall be issued by the Ministry of Culture, for which an annual fee shall be collected in an amount stipulated under the tariff of the Council of Ministers."

3. In Article 34, the figures 10,000 and 100,000 shall be substituted by 50,000 and 1,000,000 respectively.

4. In Article 35 the words "up to 20,000" shall be substituted by "from 50,000 to 500,000".

**§ 5.** The following supplements shall be made in the Protection during Unemployment and Encouragement of Employment Act (Promulgated SG No. 120/1997; amended SG No. 155/1998, SG No. 26/1999):

1. Item 7 shall be introduced in Article 18:

"7. Obligatory participation of those working without employment contracts in the artistic companies of drama, musical and puppet theatres, film productions, operas, ballet, philharmonic, symphony and chamber orchestras, choirs and folk ensembles."

2. In Article 20, Paragraph 1, after the words "with employment contract" shall be added "or from the gross remuneration of the performers under Article 18, item 7."

3. In Article 23, Paragraph 1, after the words "their general assemblies" shall be added "without employment contracts in the artistic companies of professional drama, musical and puppet theatres, circuses, film productions, operas, ballet, philharmonic, symphony and chamber orchestras, choirs and folk ensembles" and a comma shall be put after the words "the employer" and the word "the assignor" shall be added.

4. In Article 67 the following supplements shall be made:

a) in Paragraph 3, after the words "with employment contract" a comma shall be put and the words "as well as artists-performers who had worked with employment contract during the respective calendar year" shall be added;

b) Paragraph 4 shall be created:

"(4) Unemployed individuals who have worked without employment contracts in the artistic companies of drama, musical and puppet theatres, film productions, operas, ballet, philharmonic, symphony and chamber orchestras, choirs and folk ensembles, who are insured or have received unemployment benefits for at least 4 of the last 12 months, shall also be entitled to

5. A new Paragraph 5 shall be created in Article 69:

"(5) The amount of the pecuniary compensation for the persons under Article 67, Paragraph 4, shall be 60 per cent of the average monthly remuneration received, but not less than 80 per cent of the minimum salary established for the country."

6. A new Paragraph 6 shall be created in Article 71:

"(6) The persons under Article 67, Paragraph 4, shall receive unemployment benefits for a period of six months."

7. Item 7 shall be created in Article 72, Paragraph 1:

"7. works under new non-employment contracts in the artistic companies of drama, musical and puppet theatres, film productions, operas, ballet, philharmonic, symphony and chamber orchestras, choirs and folk ensembles."

§ 6. Items 13 and 14 shall be created in Article 23, Paragraph 3 of the Corporate Income Tax Act (Promulgated SG No. 115/1997; corrected SG No. 19/1998; amended SG No. 21, 153/1998, SG No. 12/1999):

"13. the amount of the established and granted scholarships for the education of students in the Bulgarian art schools;

14. the amount of the grants for ensuring the activities of the cultural organisations during the calendar year."

§ 7. Items 4 and 5 shall be created in Article 22, Paragraph 1, of the Personal Income Tax Act (Promulgated SG No. 118/1997; SG No. 35/1998 - Decision No. 6 of the Constitutional Court of 1998; amended SG No. 71, No. 153/1998):

"4. the amount of the established and granted scholarships for education of students in the Bulgarian art schools;

5. the amount of the grants for ensuring the activities of the cultural organisations during the calendar year."

§ 8. This act shall repeal the Decree on Theatres (SG No. 145/1949).

§ 9. The provisions of § 5, 6 and 7 shall enter into force as of January 1, 2000.

§ 10. The enforcement of the act shall be assigned to the Minister of Culture.

Act to Amend and Supplement the Monuments of Culture and Museums Act  
(SG No. 55/2004, effective 1.01.2005).

§ 28. As of 1 January 2005, the Council of Ministers shall adopt, and accordingly the Minister of Culture shall issue, ordinances on the enforcement of the Act.



Act to Amend and Supplement the Tourism Act  
TRANSITIONAL AND FINAL PROVISIONS

(SG No. 28/2005, effective 1.04.2005)

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§ 14. The statutory instruments of secondary legislation on the application of the Protection and Promotion of Culture Act, the Public Education Act, the People's Chitalishte Act, the Monuments of Culture and Museums Act, the Vocational Education and Training Act and the Film Industry Act, issued by or together with the Minister of Culture prior to the entry of this Act into force, shall continue in effect.

§ 21 Throughout the Protection and Promotion of Culture Act (Promulgated SG. No. 50/1999, amended SG. No. 1/2000, corrected SG. No. 34/2001, amended SG. No. 75/2002, No. 55/2004), the words "the Minister of Culture " and "the Ministry of Culture " shall be replaced, accordingly, by "the Minister of Culture and Tourism" and "the Ministry of Culture and Tourism".

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Act to Amend and Supplement  
the Protection and Promotion of Culture Act  
(SG No. 93/2005)

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SUPPLEMENTARY PROVISION

§ 4. In the totality of the Act the words "the minister of culture and tourism" and "the Ministry of Culture and Tourism" shall be replaced respectively by "the minister of culture" and "the Ministry of Culture"

TRANSITIONAL AND FINAL PROVISIONS

§ 5. (Effective as of the effective date of the Accession Treaty of Bulgaria to the European Union) Cultural organizations and institutes which operate on the territory of the Republic of Bulgaria but have not been entered into the Ministry of Culture database should submit an application for registration in the database within one month after this Acts enters into force.

§ 6. Sections 1, 2, 3 and 5 shall be effective as of the effective date of the Accession Treaty of Bulgaria to the European Union

## FINAL PROVISION

to the Act to Amend and Supplement the Protection and Promotion of  
Culture Act

(SG No. 106/2006)

§ 20. (1) The Council of Ministers shall adopt the National Strategy on the Development of Culture under Article 2a within one year after this act comes into effect.

(2) The Minister of Culture shall issue the ordinances under Article 5, Paragraph 4 and under Article 14, Paragraph 5 within a period of six months after this act comes into effect.

## TRANSITIONAL PROVISIONS

to the Act to Supplement the Protection and Promotion of Culture Act

(SG No. 13/2010)

§ 2. Non-fixed-term employment relations existing prior to the entry into force of this Act in respect of directors of state cultural institutes, including employment relations resulting from competitions held under the Labour Code, shall be retained until the announcement of a competition for the relevant position as per the conditions and the procedure laid down in Articles 5(3), 7(4) and 17(3), but for no longer than 6 months following the entry into force of this Act.

§ 3. Employment relations existing prior to the entry into force of this Act in respect of employees/workers of Bulgarian cultural institutes located abroad shall be retained until their relevant contract expiration dates.

TRANSITIONAL AND FINAL PROVISIONS to the Act to Amend and Supplement  
the Protection and Promotion of Culture Act

(SG No. 77/2012)

§ 5. Any permanent employment relationships of directors of state, municipal and regional cultural institutes, existing as at the date of entry into force of this Act, shall remain in force pending announcement of competition for the respective position under the terms and procedure of this Act and of the Labour Code , but for not longer than 6 months after the entry into force of this Act.

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