

2011 Population Census and Census of Housing in the Republic of Bulgaria Act

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Text in Bulgarian: Закон за преброяване на населението и жилищния фонд в Република България през 2011 г.

Chapter one

GENERAL DISPOSITIONS

Article 1. This Act is intended to govern the preparation, organisation and conducting of the Population Census and Housing Census in the Republic of Bulgaria in 2011, hereinafter referred to as the "Census".

Article 2. (1) The data necessary for the census shall be collected directly from the natural persons - subject to the census, as well as from administrative sources.

(2) Government authorities and authorities maintaining administrative registers and information systems, provided for in a law, shall be obliged to provide to the National Statistics Institute (NSI) free of charge the individual data collected by them and necessary for the conducting of the census.

Article 3. (Amended, SG No. 100/2010) (1) The Census referred to in Article 1 shall commence at 00:00h on 1 February 2011 and shall close at 20:00h on 28 February 2011.

(2) Between 00:00h on 1 February 2011 and 24:00h on 9 February 2011 the census shall take place online through completion of an electronic form.

(3) Between 08:00h on 10 February 2011 and 20:00h on 28 February 2011 the census shall take place through personal visits to households, buildings and homes.

(4) The reference time point for the census shall be 00.00h on 1 February 2011. The data on population, buildings and housing collected during the census shall be valid as at that moment.

Chapter two

SUBJECT AND UNITS OF SURVEYING

Article 4. (1) Subject of surveying during the Census shall be:

1. Bulgarian citizens, residing permanently in the Republic of Bulgaria notwithstanding whether the said, as at the census reference time point, shall be found on the territory of their permanent residence or of any other settlement in the country;

2. (Amended, SG No. 100/2010) Bulgarian citizens who have left the country after 31 January 2011 and the accompanying family members thereof;

3. Bulgarian citizens, residing permanently in the Republic of Bulgaria, who, as at the census reference time point, are commissioned to stay abroad by the Bulgarian state, by its institutions or organisations, as well as the accompanying family members thereof;

4. (Amended, SG No. 100/2010, SG No. 9/2011) European Union citizens and foreigners who have obtained permanent residence permits pursuant to the Foreigners in the Republic of Bulgaria Act prior to 1 February 2010;

5. (Amended, SG No. 100/2010) Persons to whom protection has been granted under the Asylum and Refugees Act prior to 1 February 2010;

6. Bulgarian citizens, dual citizenship persons included, residing permanently abroad, who, as at the census reference time point, are found to stay on the territory of the Republic of Bulgaria;

7. (Amended, SG No. 100/2010, SG No. 9/2011) European Union citizens and foreigners who have obtained short-stay, prolonged-stay, long-term residence or permanent residence permits pursuant to the Foreigners in the Republic of Bulgaria Act after 31 January 2010, except for the persons referred to in sub-paragraph 4;
8. (Amended, SG No. 100/2010) Persons whose proceedings for granting protection are in progress or who have been granted protection under the Asylum and Refugees Act after 31 January 2010;
9. Residential buildings, including buildings which, as at the census reference time point, are not used for residential purposes;
10. (Amended, SG No. 100/2010) Housing used for residential purposes and uninhabited housing.

(2) The census technical surveying unit shall be the households wherein the persons - subject of the survey reside.

(3) The permanent population of the Republic of Bulgaria shall consist of the persons included in the census under sub-paragraphs 1-5 of Paragraph (1).

Article 5. Subject of surveying during the Census shall not be:

1. (Amended, SG No. 100/2010) Bulgarian citizens, dual citizenship persons included, who have left the country prior to 1 February 2010, nor accompanying family members thereof, excluding the persons referred to in sub-paragraph 3 of Article 4 (1);
2. Foreign citizens - foreign diplomatic or consular representative offices personnel, inter-state and inter-governmental organisations officers and accompanying family members thereof;
3. Foreign military personnel and accompanying family members thereof;
4. Foreign river and sea ships crews, to be found at the ports or in the territorial waters of the Republic of Bulgaria, nor the passengers on board of the said, nor foreign aircraft crews and passengers staying either on board or in the airport area;
5. Housing wherein persons referred to in sub-paragraphs 2 and 3 reside, nor any housing - property of other countries.

Article 6. (1) The following data shall be collected concerning persons subject to survey during the Census:

1. given name, patronymic and surname;
2. (amended and supplemented, SG No. 9/2011) Personal Identity Number (PIN) in respect of Bulgarian citizens and foreigners who have obtained permanent or long-term residence permits for the Republic of Bulgaria and Foreigner Personal Number (FPN) in respect of foreigners who have obtained short- or prolonged-stay permits;
3. age;
4. sex;
5. household members;
6. permanent and present addresses;
7. citizenship;
8. place of birth;
9. marital status;
10. completed educational degree;
11. ethnic group;
12. religion;
13. mother tongue;
14. employment status;

15. profession/position;
16. economic activity of employment;
17. location of the place of employment or the educational institution;
18. transport means to travel to the place of employment or to the educational institution;
19. internal and external migration of persons.
20. (new, SG No. 100/2010) degree of loss of capacity to work.

(2) Concerning persons referred to in Items sub- 6-8 of Article 4 (1) only data referred to in Items 1-8 shall be collected.

(3) (Amended, SG No. 100/2010) The provision of the data referred to in Items 11, 12, 13 and 20 of paragraph 1 shall be voluntarily in accordance with Article 21 (2) of the Statistics Act.

Article 7. Concerning residential buildings the following data shall be collected:

1. type of building;
2. location of building;
3. year of construction;
4. built-up area;
5. material of the external walls;
6. type of building structure;
7. number of floors;
8. elevator availability;
9. garage availability;
10. number of housings in the building;
11. number of other properties in the building used on independent legal grounds.

Article 8. Concerning housing the following data shall be collected:

1. type of housing;
2. type of use;
3. size of the housing and number of premises;
4. power supply;
5. water supply and sewerage availability;
6. manner of heating;
7. bathroom and WC availability;
8. movables and services of cultural and lifestyle application used in the household.

Article 9. (Amended and supplemented, SG No. 100/2010) Data referred to in Articles 6 and 8 shall be collected using census cards or via filling in of electronic forms, and data referred to in Article 7 shall be collected using census cards.

Article 10. The following census cards shall be used for the comprehensive census:

1. cards on households and household members containing the questions related to the data referred to in Article 6;
2. cards on residential buildings containing the questions related to the data referred to in Article 7;
3. cards on housings containing the questions related to the data referred to in Article 8;

Article 11. In the Census Programme sample statistics surveys shall be included during and after the census regarding:

1. birth rates;
2. migration rates;
3. time budget.

Article 12. (Amended, SG No. 100/2010) For the controlling samples, data from administrative sources shall be used to verify:

1. the accuracy of registered data;
2. the comprehensiveness of the survey.

Chapter Three

CENSUS BODIES

Article 13. The National Statistics Institute, the Central Census Commission and the territorial statistics Offices, jointly with Regional governors and Mayors of Municipalities, shall organise and conduct the Population Census and the Housing Census.

Article 14. The bodies conducting the Census shall be:

1. The National Statistics Institute;
2. The Central Census Commission;
3. The Territorial Statistics Offices;
4. the Regional Census Commissions;
5. The Municipal Census commissions;
6. Controllers and poll-takers.

Article 15. (1) The National Statistics Institute shall:

1. ensure the overall guidelines and a uniform methodology during the preparation and conducting of the Census in all the administrative-territorial and territorial units of the country;
2. (Amended, SG No. 100/2010) develop a Census Programme for carrying out of the census of population and housing as at 1 February 2011;
3. develop measures and perform activities related to the informing of the population of the goals and objectives of the Census;
4. organise and provide training to the Census bodies;
5. (Amended, SG No. 100/2010) determine the households wherein specialised sample surveys shall be performed;
6. process, publish, distribute and keep the census results;
7. provide Eurostat with the final verified and summarised data from the Census.

(2) The Chairperson of the National Statistics Institute shall:

1. chair the Central Census Commission;

2. organise and manage the work of the Central Census Commission;
3. represent the Central Census Commission;
4. lay before the Council of Ministers for endorsement the Census Programme, adopted by the Central Census Commission, not later than 10.05.2010;
5. lay before the Council of Ministers by 31.12.2011 a Census final report containing the main results thereof.

Article 16. (1) The territorial statistics Offices shall:

1. provide overall methodological guidance regarding the census in the administrative-territorial and territorial units of the country;
2. be responsible for the allocation of settlements by census sections and controlling areas - preparation of buildings, housing and households lists;
3. organise audits by municipalities and settlements and municipalities on census progress;
4. organise, jointly with the Regional and Municipal census Commissions, education of the population on the goals and objectives of the census ;
5. allocate the required census materials by municipalities and settlements;
6. deliver training to the census bodies in the Regions, Municipalities and settlements;
7. organise receipt of census materials and exercise control over completion thereof;
8. organise census cards coding, entering of the data onto technical media and their transmission to the National Statistics Institute.

(2) he territorial statistics Offices shall co-operate with the territorial structures of the central government administration in the territory of the corresponding region in connection with the use of their registers and information systems for the purposes of the Census.

Article 17. (1) The Central Census Commission shall be a temporary body consisting of Chairperson, deputy Chairperson, secretary and not more than 16 members, representatives of the NSI and government authorities and institutions, which develop and maintain registers or information systems containing information on the census objects, as well as one representative of NGOs, one representative of the mass media and one representative of the academic community.

(2) The Central Census Commission shall be appointed by the Prime Minister upon the proposal of the Chairperson of the NSI not later than 10.03.2010.

(3) The commission shall operate under the guidance of the Chairperson;

(4) The Central Census Commission shall:

1. discuss and adopt on the Census Programme and the other documents concerning the Census organisation, preparation and conducting;
2. coordinate the activities of the central government institutions responsible for census taking among specific population categories;
3. discuss and propose remedial measures as to rectification of omissions and errors in the work of the Census bodies;
4. adopt the reports on the results from the census conducted by the Regional Census Commissions;
5. prepare a report on the accomplishment of the Census objectives and on the main results thereof, which the Chairperson of the NSI submits for endorsement by the Council of Ministers, and shall discontinue functioning not later than 31.12.2011.

Article 18. (1) Not later than 6 months prior to the Census commencement date, a Regional Census Commission shall be established in each administrative region.

(2) The Regional Census Commissions shall be appointed by the chairperson of NSI and shall comprise 7 or 9 members, including the Chairperson and the Secretary.

(3) Regional Census Commissions shall include in their composition representatives of the regional administrations, municipalities, the territorial statistics offices and the territorial structures of other central government departments.

(4) Each Regional Census Commission shall be chaired by a Deputy Regional Governor of the corresponding region, designated by the Chairperson of the NSI upon the proposal of the Regional Governor.

(5) The commission shall operate under the guidance of the Chairperson.

(6) The Regional Census Commission shall:

1. support the appropriate conducting of the Census in the region in compliance with the Census Programme and the instructions of the Central Census Commission and the NSI;

2. take remedial measures on rectification of omissions and errors in the work performed by the Census bodies in the region;

3. advise the Central Census Commission and the NSI on Census preparation and progress in the region;

4. receive the reports of the Municipal Census Commissions on the census conducted in the territories of the municipalities in the corresponding region, prepare a report to the Central Census Commission concerning the submission of all census materials to the Territorial Statistics Offices, and discontinue functioning.

Article 19. (1) Not later than 6 months prior to the Census commencement date, Municipal Census Commissions shall be established in each municipality.

(2) The Municipal Census Commission shall be appointed by the Chairperson of the NSI and shall comprise 5 or 7 members, including the Chairperson and the Secretary.

(3) The Municipal Census Commission shall include two representatives of the municipal administration, at least one representative of the mayoralties and a representative of the NSI.

(4) The representatives of the municipal administration and of the mayoralties shall be appointed upon proposal by the Municipal mayor, while the representatives of the NSI - upon proposal by the Director of the territorial statistics Office.

(5) The commission shall operate under the guidance of the Chairperson.

(6) The Municipal Census Commission shall:

1. organise Census preparation and conducting in the municipality in compliance with the Census Programme, the instructions of the NSI and the guidelines of the Regional Commission;

2. support the organisation of the training of poll-takers and controllers;

3. advise the Regional Census Commission on Census preparation and progress in the municipality;

4. co-ordinate the activities related to the use of the data from registers and other information systems, required for the Census;

5. prepare a report to the Regional Census Commission on the submission of census materials from the municipality and discontinue functioning.

Article 20. The Director of the Territorial statistics Office shall appoint poll-takers and controllers and shall conclude with them contracts for performing of the work related to the conducting of the census.

Article 21. (1) Controllers shall manage, control and assist poll-takers in the allocated section. They shall be responsible for the completeness of data entered into the census cards by poll-takers in the allocated section.

(2) Controllers, while performing their obligations, shall be guided solely by the instructions on census cards completion, and in case of arising problems, shall seek guidance from the Chairperson of the Municipal Census Commissions.

(3) Upon census closing Controllers shall collect the census documents from poll-takers and shall prepare summarised tables

containing data about the controlling area.

Article 22. (1) Poll-takers shall perform the primary work on census cards completion in accordance with the instructions on census cards completion.

(2) If necessary in settlements of peculiar local conditions, where poll-takers encounter difficulties in their work, mayors shall appoint escorts. The escorts shall assist poll-takers and shall follow their instructions.

(3) For the purpose of capturing certain categories of persons, poll-takers appointed by the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Labour and Social Policy, the Ministry of Health and the Ministry of Justice, shall be used.

Article 23. Persons, appointed as controllers and poll-takers, shall attend training courses organised by the Territorial Statistics Offices and the Municipal Census Commissions.

Chapter Four

CENSUS PROCEDURES AND ORGANISATION

Article 24. (1) The National Statistics Institute must conduct a pilot census as the first phase of the census process to try out the census organisation, conducting and instruments.

(2) Regional Governors and Mayors of municipalities and settlements shall provide assistance for the organisation and conducting of the census.

(3) The pilot census in the Republic of Bulgaria shall commence at 08:00h on 1.09.2010 and shall close at 20:00h on 14.09.2010.

(4) The pilot census reference time point shall be 00:00h on 1.09.2010.

(5) The Chairperson of the NSI, in co-ordination with the Regional Governors and the Municipality Mayors, shall determine the settlements for the pilot census.

(6) The pilot census results and conclusions on its organisation, instruments and conducting shall be taken into consideration in the development of the final draft of the census Programme.

Article 25. Persons shall be covered by the census as per place of residence.

Article 26. (1) Poll-takers, controllers and escorts, while performing their obligations in the course of the census, shall have the right to visit each housing and building in the allocated census sections and controlling areas from 08:00h to 20:00h.

(2) The persons referred to in Item 1 and Items 4-8 of Article 4 (1), shall be obliged to provide the census bodies with access to their residencies during the hours referred to in Paragraph 1.

Article 27. (1) Data on the persons and households referred to in Article 6 shall be obtained personally from the interviewed persons. Exceptions shall only be made for:

1. underage and minor household members;
2. persons seriously ill;
3. military personnel on missions abroad;
4. (Amended, SG No. 100/2010) persons detained at detention facilities and persons serving prison sentences;
5. persons temporarily absent.

(2) Data on persons referred to in Paragraph 1 may be obtained from the head of the household or from another household member of age. In the cases when all household members are absent from the permanent residence place thereof during the entire census period, data on them may be obtained from the corresponding municipality, region or mayoralty.

(3) (Amended, SG No. 100/2010) Data referred to in Articles 7 and 8 on residential buildings and housing shall be obtained from the head of the household or from another household member of age, and if not possible, data shall be obtained from the relevant municipality, region or mayoralty.

Article 28. (1) The NSI shall contract external persons for the purposes of the census in compliance with the Obligations and Contracts Act.

(2) The Directors of the territorial statistics Offices shall conclude contracts with controllers, poll-takers and other participants in the census.

(3) Each poll-taker, controller or escort shall be issued an official card containing their names, official number, period of validity and photograph. A sample official card must be publicised in the mass media. Official cards shall be handed back to the territorial statistics Offices together with the census materials.

(4) Poll-takers, controllers and escorts, while paying visits to individual residences of citizens, shall be obliged to present their official cards.

Chapter Five

CONFIDENTIALITY OF DATA AND SECRECY

Article 29. Statistics data, resulting from the census cards processing, shall be used solely to statistics purposes.

Article 30. Persons, involved in collecting, controlling, entering and processing Census data, may not disclose or provide any individual or summarised data they became aware of during the Census.

Article 31. (1) The National Statistics Institute and the territorial statistics Offices shall ensure the confidentiality of personal data by undertaking the necessary organisational and technical measures and by allowing access to data solely to persons having signed confidentiality affidavits.

(2) Poll-takers, controllers and escorts shall sign affidavits during the induction meetings on receipt of the official cards referred to in Article 28 (3).

(3) The obligation referred to in Article 29 and Article 30 shall also be valid after the end of the work with these data.

Article 32. (1) Census cards, completed during the Census, shall be destroyed after a lapse of 3 years following the Census closing date.

(2) The procedures and organisation concerning the destroying of the census cards shall be determined by an order of the Chairperson of the NSI.

Chapter Six

CENSUS FINANCING

Article 33. (1) The resources necessary for the preparation, organisation, conducting, processing and publishing of the census results shall be provided to the purpose from the central budget.

(2) The resources referred to in Paragraph 1 shall be utilised according to the estimated budget proposed by the Chairperson of the NSI and approved by the Minister of Finance.

Article 34. The Chairperson of the NSI shall prepare and present to the Ministry of Finance annual reports concerning the utilised resources on the preparation, conducting, data processing and publishing of the census results.

Chapter Seven

ADMINISTRATIVE PENALTY PROVISIONS

Article 35. (Amended, SG No. 100/2010) Persons who fail to provide the data referred to in Articles 6-8 or provide false data shall be penalised with a fine of BGN 120.

Article 36. Poll-takers, controllers or other officials, who fail to perform their obligations under this Act, shall be penalised with a fine in the range of BGN 250 - 500.

Article 37. Officials with access to individual data, who provide or use these data to any other purposes in Article 29, in the event that the act does not constitute an offence, shall be penalised with a fine in the range of BGN 2000 - 6000.

Article 38. (1) Offences shall be established by documents prepared by officials, appointed by the Chairperson of the NSI.

(2) In pursuance with the findings documents the Chairperson of the NSI or officials, authorised by him, shall issue penalty decrees.

(3) Preparation of findings documents, issuance, appeal and execution of penalty decrees shall be in conformity with the procedures set out in the Administrative Violations and sanctions Act.

SUPPLEMENTARY PROVISIONS

§ 1. (Repealed, SG No. 100/2010).

§ 2. The information collected during the Census may not be distributed in whatsoever manner prior to the official announcement of the Census results by the NSI.

§ 3. In the context of this Act:

1. "Administrative source" shall mean a register or information system, established by law, which contain information about the objects of the statistical surveys.

2. "Time budget" shall mean the time spent by a person, subject to a sample statistical survey accompanying the census, on different activities within 24 hours.

3. "head of the household" shall mean the person providing or acknowledged, by the household, to be providing the basic means of existence.

4. "Movables and services of cultural and lifestyle application used in the household" shall be: colour TV sets; video players, video cameras; satellite/cable television; stereo decks; home telephones; internet; home computers; mobile telephones; cookers with ovens; microwave ovens; automatic washing machines; automatic dish washers; refrigerators; freezers; passenger cars/mini-buses; boats/yachts; books and compact discs in the household.

5. "Household" shall mean two or more persons living together in the same housing or part thereof. Household shall also mean a single person living in an individual housing, room or part thereof within an individual housing, supporting oneself on an independent budget in respect of cost of food and costs covering other needs.

6. "Residential fund" shall mean residential premises and buildings and the housing conditions and the relationship between the population and the residential premises at national, regional and local level as at the reference date.

7. "Individual data" shall mean data concerning an individual statistical unit.

8. "Instruments" shall mean the set of all the documents and technical media required for the preparation, organisation and conducting of the census.

9. "Population" shall mean the national, regional and local population at its usual residence at the reference date.

10. "Usual residence" shall mean the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage.

11. "Personal data" shall mean the individual data obtained for statistical purposes.

12. "Reference date" shall mean the date to which the data of the respective Member State refer.

13. "Buildings" shall mean permanent buildings that contain living quarters designed for human habitation, or conventional dwellings that are reserved for seasonal or secondary use or that are vacant.

§ 4. Regulation (EC) No 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses (OJ, L218/14 of 13 August 2008) is the applicable act of the EU legislation.

FINAL PROVISIONS

§ 5. The Chairperson of the NSI shall issue instructions on the completion of all cards, lists and other documents required for the census.

§ 6. The implementation of this Act shall be entrusted to the Chairperson of the NSI.

This Act was passed by the 40th National Assembly on 15 May 2009 and is affixed with the official seal of the National Assembly.