



GMS Flash Alert

Immigration Edition

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Bulgaria – Rules Amended Concerning Labour Mobility and Obtaining an EU Blue Card

Recently approved amendments in Bulgaria aim to simplify the access of highly-skilled specialists, third-country nationals, to the Bulgarian labour market and to align the country's national legislation with European trends and policies with regards to providing opportunities for and attracting highly-skilled workers from outside the European Union (EU).¹

Bulgaria's National Assembly adopted amendments and supplements to the *Labour Migration and Labour Mobility Act* ("LMLMA"), making final amendments and supplements in the *Foreigners in the Republic of Bulgaria Act* ("FRBA") and in the *Health Insurance Act*. The amended LMLMA is published in Bulgaria's official journal, known in English as "State Gazette," issue No. 8, dated 25 January 2023, and is effective as of 29 January 2023.²

We provide a summary below of some key amendments.

WHY THIS MATTERS

The amendments aim to align Bulgaria's policies and practices with the terms and requirements as outlined in Directive (EU) 2021/1883, which is intended to create a more level playing field amongst EU member states regarding the assigning of and employment of foreign nationals with desirable skills and qualifications.

They also, like the EU Directive, seek to address heretofore shortcomings in existing rules that hampered Bulgaria's – and the EU's – (i) competitiveness in the global race for talent and (ii) ability to fill gaps in the country's labour market in terms of skills and resources.

Finally, the amendments are expected to create a more consistent, standardised, and less "maze-like" set of rules and procedures in respect of the hiring and mobility of highly-qualified foreign talent in and from Bulgaria and within the EU.

Legal Definition of “High Professional Qualification” Is Modified

Candidates can now prove their high professional qualification, in addition to a university degree, in one of the following ways:

- (1) With an official document proving at least five years of professional experience at a level comparable to higher education, related to the positions or sector specified in the foreign national’s employment contract – for positions included in a list approved by Bulgaria’s Minister of Labour and Social Policy;

or

- (2) With knowledge, skills, and qualifications which are certified by an official document for at least five years’ professional experience at a level comparable to that of a university education and which are relevant to the positions or sector specified in the employment contract – for positions outside the above hypothesis.

The approval of the above-mentioned list with positions is expected shortly.

Extended Scope of Persons Who Can Apply for an “EU Blue Card”

The legislative amendments allow third-country nationals who meet the requirements for highly-qualified employment to apply for an “EU Blue Card,” provided they have:

- a long-term residence permit in Bulgaria, irrespective of the grounds on which it was issued (except for the persons referred to in Article 33k, para. 21 of the FRBA and Article 23 of the LMLMA);
- been granted international protection in the Republic of Bulgaria or an EU member state within the meaning of the *Asylum and Refugees Act*.

Maximum Allowed Term of Validity of EU Blue Card Is Extended

The long-term residence and work permit type EU Blue Card can now be issued for a maximum period of five years.

The employment contract can now be concluded for a minimum period of six months. Where the term of the employment contract is shorter than 24 months, the permit will be issued for the term of the contract, extended by three months, but for a maximum period of 24 months.

Applying for an EU Blue Card Electronically

The adopted amendments enable the application for an EU Blue Card to be submitted electronically to the Migration Directorate or to the regional directorates of the Ministry of Interior.

The application for the issuance of the EU Blue Card can also be submitted to the Migration Directorate, regardless of the address of residence of the foreign national, while the application of the plastic card shall be submitted at the address of residence of the foreign national.

Working Remotely

The holder of an EU Blue Card is allowed to carry out his/her employment duties remotely if this is agreed in the foreign national’s employment contract or in an annex thereto, under the conditions and the procedure determined by the

Labour Code. Upon the transition to remote working, the employer or a person authorised by the employer shall immediately notify the Migration Directorate.

In the event of a transition to remote work in a location other than the one specified in the EU Blue Card permit, the employer or a person authorised by the employer or the foreign national himself/herself shall change the employee's address registration under the conditions and the procedure determined in the *Civil Registration Act*.

Business Trips of EU Blue Card Holders

According to the latest amendments, the holder of an EU Blue Card, issued by the Republic of Bulgaria, can enter and reside in an EU member state for a period of up to 90 days within a period of 180 days for the purpose of carrying out work. Still, before initiating the business trip it is advisable this entry and short-term stay option be further checked with the consular office of the destination country because not all EU member states have implemented Directive (EU) 2021/1883 in their national legislation.

On the other hand, the holder of an EU Blue Card, issued by another EU member state can enter and reside in the territory of Bulgaria for the purpose of carrying out a specific work activity for a period of up to 90 days within a 180-day period. If the work activity is planned to last for or exceed 90 days within those 180 days, the EU Blue Card holder should apply for an EU Blue Card in Bulgaria if at least 12 months have elapsed since the first EU member state issued the card, or immediately cease his/her employment activity in the territory of Bulgaria.

Simplified Change of Employer

After the first 12 months of employment, the holder of an EU Blue Card can change his/her employer only by way of submitting a notification form on paper or electronically coming from the new employer. This option will be feasible once the technical conditions for that are established at the Migration Directorate.

Evidence of Insured Accommodation

A new option for electronic submission of the declaration for provision of the individual's residence address has been created. For this purpose, the declaration should be signed with a qualified electronic signature by the owner of the rented housing.

Health Insurance

Foreign nationals who have been granted a residence and work permit type EU Blue Card are subject to mandatory health insurance as from the date of obtaining the EU Blue Card.

KPMG INSIGHTS

Employers may wish to familiarise themselves with the recent amendments to Bulgaria's labour mobility rules and assess their existing policies and procedures with respect to intra-EU mobility and highly-qualified foreign national migrants, as well as processes and policies around EU Blue Cards.

If questions arise or companies find they need assistance regarding the interpretation and application of the amendments and supplements to the LMLMA and FRBA, they should contact their qualified legal counsel and/or global-mobility service provider or a member of the team with KPMG in Bulgaria (see the Contacts section).

FOOTNOTES:

1 See Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC.

2 See in the “State Gazette,” issue No. 8, dated 25 January 2023 / Държавен вестник, брой 8 от дата 25.1.2023 г. Act for amending and supplementing the *Labour Migration and Labour Mobility Act* / Закон за изменение и допълнение на Закона за трудовата миграция и трудовата мобилност at: <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=184764> .

See *Labour Migration and Labour Mobility Act* / Закон за трудовата миграция и трудовата мобилност at: <https://lex.bg/laws/ldoc/2136803084> .

See *Foreigners in the Republic of Bulgaria Act* / Закон за чужденците в Република България at: <https://lex.bg/laws/ldoc/2134455296> .

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RELATED RESOURCE:

This *GMS Flash Alert* is excerpted, with permission, from “Bulgaria: Amendments to the ‘EU Blue Card’ Procedure” in *Legal News*, a publication of the KPMG International member firm in Bulgaria. See: <https://kpmg.com/bg/en/home/insights/2023/01/amendments-to-the-eu-blue-card-procedure.html>

Contact us

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