

**NEGOTIATION POSITION
OF THE GOVERNMENT OF THE REPUBLIC OF BULGARIA
ON CHAPTER 24
“JUSTICE AND HOME AFFAIRS”**

The Republic of Bulgaria accepts and will apply in full the *acquis* in the field of Justice and Home Affairs.

As a working hypothesis, the Bulgarian Government considers that Bulgaria will become a member of the EU on 01.01.2007.

The Republic of Bulgaria does not consider it necessary to request any derogations and transitional periods in the field of justice and home affairs.

This Position Paper is based on the *acquis communautaire* as of 31.12.1999.

1. ASYLUM, MIGRATION, AND BORDER CONTROL

1.1 Asylum

Current legislation of the Republic of Bulgaria

The Refugees Act, which entered into effect on August 1, 1999, regulates the organisation and procedure for granting the status of refugee, defines the rights and obligations of both refugees and state authorities, as well as the latter's competencies regarding the protection of refugees in the Republic of Bulgaria. The Act focuses in particular on individuals with special needs such as women and unaccompanied minors. The Act complies with the European criteria and standards in respect of asylum, and its efficient implementation is among the chief priorities of the National Program for the Adoption of the Acquis (NPAA). *The Refugees Act* is a fundamental instrument regulating all issues concerning asylum in the territory of the Republic of Bulgaria.

The Refugees Act complies to a great extent with the main international instruments such as the *UN Geneva Convention on the Status of Refugees of 1951*, the *New York Protocol on the Status of Refugees of 1967*, and the *European Convention on the Protection of Human Rights and Fundamental Freedoms of 1950*. The Act enshrines the following basic principles:

- Principle of non-refoulement under Article 33 of the *Geneva Convention of 1951*, Article 3 and Article 5 of the *European Convention on the Protection of Human Rights and Fundamental Freedoms of 1950*, and the *acquis (Resolution on minimum guarantees for asylum procedures)*;
- Access to procedure for any individual who seeks asylum;

- Accelerated procedure for examination of manifestly unfounded requests as provided for by the EU *Resolution on manifestly unfounded applications for asylum* (Resolution of 1992);
- The principle under which requests should be handled by government and local authorities who have received clear and detailed instructions on refugee issues under the *Council Resolution of June 20, 1995 on minimum guarantees for asylum procedures*;
- Requests for asylum are to be examined by fully qualified authorities who are competent in the matters of asylum and refugees as required by the above Resolution;
- The principle laid down in the *Council Resolution on minimum guarantees* which provides an opportunity to establish all necessary facts and information relevant to a case by the interviewing authority.

By *Decision 205* of April 19, 2000 the Bulgarian Council of Ministers approved lists of secure countries of origin and secure third countries which will be updated annually in close consultation with the EU Member States.

Harmonisation of legislation with the *acquis*

Once the *Refugees Act* entered into effect, the main emphasis in the area of asylum was placed on creating conditions that are conducive to its efficient application. Guarantees were therefore provided for the interpretation of the Act in conformity with the EU *acquis* in the field of asylum. Under the PHARE-Horizontal / Justice and Home Affairs EU Programme on asylum and refugees (January 1999 - November 2000) the Republic of Bulgaria developed and approved a National Action Plan 1999 (NAP 1999) and National Action Plan 2000 (NAP 2000), as well as a National Report on Future Action in Connection with the Further Harmonisation of Legislation with the *Acquis*.

The updated NAP 2000 and the National Report on Future Action in Connection With The Further Harmonisation of Legislation With The *Acquis* (which were handed officially to the EU at the Concluding Conference of the PHARE-Horizontal Programme on November 22, 2000) outline the changes that will need to be made in the regulatory base and practice by focusing on:

- Amendments to Article 13 and Article 14 of the *Refugees Act* for the purpose of providing a clearer differentiation between the excluding and terminating clauses to ensure better compliance with the appropriate texts of the *Geneva Convention of 1951*;
- Changes in the time period for providing humanitarian protection to ensure that long-lasting and long-term solutions are found;
- Clear definition of the role, independence, and qualifications of the authorities that conduct the accelerated procedure and make decisions;
- Extension of deadlines for appeal of accelerated procedure rulings from 24 hours to three days;
- The principle of non-refoulement, which is reflected in the *Refugees Act* (Paragraphs 10 and 11 of the Supplementary Provisions) and corresponds to Article 33 of the *Geneva Convention* and Articles 3 and 5 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950* (ECPHRFF), should be embodied also in Article 6, Paragraph 3 of the *Refugees Act*. Articles 3 and 5 of the ECPHRFF should be reflected in the *Foreign Nationals Act* (Article 44, Paragraph 3) for ensuring observance of the principle of non-refoulement;
- The principle of protection from persecution by non-state agents.

➤ Undertaking practical measures to guarantee observance of the rights of vulnerable groups of refugees and individuals with special needs as provided for under *the Refugees Act* (Agency for Refugees jointly with the UN High Commissioner for Refugees and the NGOs). A draft *Amendment to the Refugees Act* will be submitted to the Council of Ministers by 31 May 2001.

Institutional framework for application of the harmonised legislation

The *Structural Regulation of the Refugees Agency* was adopted by *Decree of the Council of Ministers N 78* of May 9, 2000. The Agency for Refugees reports to the Council of Ministers and is the state authority in charge of implementing the policies of the Republic of Bulgaria on asylum. This regulation brought the structure of the Agency in line with the provisions of *the Refugees Act* and *the Administration Act*, as well as with all relevant requirements of the EU. The regulation established the structure, functions, and staff numbers of the Refugees Agency.

One Refugee Registration and Acceptance Centre is already in operation. By the end of March 2001 the Government will prepare a draft *Ordinance on opening a Refugee Registration Centre and a Refugee Integration Centre in Sofia*, which will improve the territorial infrastructure of the Agency. Additionally, two permanent transit centres for refugees will be opened by the end of 2005 (at Sofia Airport and Kapitan Andreevo Border Checkpoint). They will be funded by the national PHARE Programme and the Council of Europe's Social Development Bank and the national budget. As an interim measure UNHCR and NGOs have supported the establishment of a Temporary Refugee Transit Centre at Kapitan Andreevo Border Checkpoint, and another one will be opened at Sofia Airport by the end of 2001. Those centres will be operational until the permanent ones have been set up. A National Information and Document Centre on Refugees will also be established before the end of 2005. Thus, by the time of accession, the Republic of Bulgaria will have the facilities necessary to maintain an efficient exchange of information with the Member States under the *Dublin Convention*, the *draft EURODAC convention* and other EU documents which are not open to countries which are not members of the EU.

A particular focus is placed on the strengthening of the administrative capacity of the Agency for Refugees through training organised jointly with the UN High Commissioner for Refugees and the International Organisation on Migration, as well as in the framework of bilateral co-operation, with similar European offices, on sharing experience, conducting practical on-site training, participation in seminars, and other forms of joint training.

The Agency for Refugees regularly takes part in events organised by CIREA, and in the exchange of information which is structured to meet the requirements of the EU.

The Republic of Bulgaria is ready to guarantee that the legislative and institutional framework, including the appropriate administrative capacity for adoption and application of the *acquis* in the area of asylum, will be in place by December 31, 2005 to the maximum degree that is possible, before the country becomes full member of the Union.

1.2 Migration

Current legislation of the Republic of Bulgaria

Bulgarian legislation in the area of **migration** has largely been harmonised with the *acquis*.

The terms and procedure under which aliens may enter, stay and leave the Republic of Bulgaria, as well as their rights and obligations are regulated under the **Foreign Nationals Act** (State Gazette no. 153/23.12.1998, amended state Gazette no. 70/6.08.1999) and *the Regulation on the Implementation of this Act* (Council of Ministers Decree №87/19.05.2000, promulgated in the State Gazette no. 43/26.05.2000). Issuing of visas at border checkpoints was discontinued with the entry into effect of *the Aliens Act*. This law also provides for administrative penalties and criminal prosecution of individuals found to have violated the border regime.

The Bulgarian Identity Documents Act establishes the terms and procedure for issuing of identity documents. The new identity documents - personal ID cards, passports, and driving licenses - which have been issued since April 1, 1999, comply in full with the applicable EU standards and are protected against forgery as required. The documents are machine-readable and meet all modern requirements for such documents. This law contains provisions for control and sanctions in respect of individuals who violate the passport and visa regime or who commit criminal offences on the territory of another country.

The *Civil Registration Act* entered into effect on July 31, 1999. It provides the terms and procedure under which all natural persons should register themselves in the Republic of Bulgaria. Its provisions cover all Bulgarian citizens, the aliens who are legally admitted for permanent residence, as well as stateless persons who have settled on a long-term basis and predominantly in Bulgaria and have been granted refugee status.

The manner in which aliens may be employed on the territory of the Republic of Bulgaria under the *Act for The Protection Against Unemployment and for Encouraging Employment* largely complies with the *Resolution of June 20, 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment*. The current law does not contain any provisions on self-employment of aliens. In this context further improvement of the legislation is planned so as to bring it in line with the applicable European requirements.

Bulgarian legislation on the country's **visa policy** is almost fully compliant with the *acquis communautaire*.

In the Republic of Bulgaria the issuing of visas is regulated under the *Foreign Nationals in the Republic of Bulgaria Act* and the *Regulation on the Terms and Procedures for Issuing Visas by the Diplomatic and Consular Missions of the Republic of Bulgaria*.

The Republic of Bulgaria has, to a great extent, brought its visa policy into compliance with *Council Regulation (EC) No 574/1999 of 12 March 1999* (which adopted the visa list of the repealed Regulation 2317/95) *determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States*. Bulgaria has adopted unilaterally a visa-free regime for individuals carrying ordinary passports who are citizens of the Member States of the European Union and the European Free Trade Association, the United States, Canada, Japan, Israel, New Zealand, and Australia holders of ordinary travel documents. Bulgaria also maintains a visa-free regime under bilateral agreements with the Czech Republic, Poland, Slovenia, Slovakia, Hungary, Croatia, Lithuania, South Korea, Russia, Ukraine, Georgia, Romania, San Marino, Tunisia, FYROM, and FR of Yugoslavia.

Based on *Government Decision of December 2000*, a procedure has already started for the termination of the visa-free agreements with Georgia (from 19.12.2000), the Russian Federation (from 12.12.2000), Ukraine (from 13.12.2000) and Tunisia, in accordance with the revocation mechanism laid down in the agreements (within 6 months' unilateral notice for the first three countries and 30 days' notice for Tunisia). The Bulgarian negative visa list will therefore be largely harmonised with the corresponding EU/Schengen list very soon. At this time the only difference between the two lists will be that the Republic of Bulgaria will continue to maintain on a bilateral basis visa-free regimes with FYROM and the FRY. These are neighbouring countries with ethnic Bulgarian minorities and with whom Bulgaria maintains close economic ties.

Under the *Regulation on the Terms and Procedures for Issuing Visas by the Diplomatic and Consular Missions of the Republic of Bulgaria* 62 countries are considered as high-risk countries from the point of view of illegal immigration. The citizens of those countries are required to comply with additional requirements for obtaining Bulgarian visas. These requirements include proof of the purpose of the visit, availability of sufficient funds or ticket to prove intent to return, availability of sufficient funds for supporting, a monetary guarantee by the inviting party, etc. The Republic of Bulgaria has the necessary administrative capacity to apply Council Recommendation of 4 March 1996 relating to local consular co-operation regarding visas and is ready to do so before the time of accession.

The new *Bulgarian Identity Documents Act* and the *Regulation on the Terms and Procedure for Issuing Visas by the Diplomatic and Consular Missions of the Republic of Bulgaria* are in compliance with *Regulation № 1683/95 of the EU Council of May 29, 1995 laying down a uniform format for visas*. Under Bulgarian law visas are in the form of stickers which are placed in a foreign travel passport or other valid document which entitles the bearer to cross the border. The only exception which is not in full compliance with the *acquis* is that the transit permits which are issued to Turkish citizens who are permanent residents of EU Member States or are in possession of visas to visit such states are different from the other type of Bulgarian visas due to the use of a different sticker. The new Bulgarian visa sticker complies in full with the format that was established by *ISO 7810* and contains all data and the protective measures that are required under the EU Council Resolution. Use of the new Bulgarian visa sticker started in the beginning of 2001.

Pursuant to the *Foreign Nationals Act*, only the diplomatic and consular missions of the Republic of Bulgaria are authorised to issue visas. The only exception to this regulation, not entirely compliant with the *acquis*, is based on a bilateral agreement, which stipulates that Turkish nationals can be issued transit permits at the border if, and only if, they are in possession of visas for, or are permanent residents of, a Member State.

The Republic of Bulgaria complies with *Council Conclusions of 30 November 1994 on the organisation and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI)* and participates on a regular basis in the work of CIREFI and its early-warning system.

To ensure compliance with the *Joint Action of 4 March 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union on airport transit arrangements*, the airport transit visas that are provided for, under the *Foreign Nationals Act* and the *Regulation on the Terms and Procedure for Issuing Visas by the Diplomatic and Consular Missions of the Republic of Bulgaria* will be issued once facilities for transit passengers have been provided.

Bulgarian legislation in the area of **return** and **readmission** is in full compliance with the EU *acquis*. In drafting readmission agreements, the Republic of Bulgaria adheres to the *Council Recommendation №274/20 of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country*. The Republic of Bulgaria has concluded bilateral readmission agreements with all EU Member States except the United Kingdom and Ireland, with which there are ongoing negotiations to be completed no later than the end of 2001. Readmission agreements have also been concluded with Norway, the Czech Republic, Poland, Hungary, Slovakia, Slovenia, Romania, and FR Yugoslavia. A readmission agreement with Ukraine has been initialled by the two parties, and is to be signed in 2001. These agreements comply in full with the above mentioned *Recommendation*. Draft readmission agreements have been exchanged with another eight countries: Latvia, Estonia, Croatia, the Russian Federation, Georgia, Tunisia and FYROM.

The *Foreign Nationals Act* establishes the procedures and grounds for expelling persons illegally staying in the country. This is an administrative measure for compulsory removal from the country, within a short period of time, of a foreign national who has committed an offence or who has no reason to stay in the country. The legal framework of expulsion is largely compliant with the European *acquis* making this measure an efficient tool for combating illegal migration.

Harmonisation of legislation with the *acquis*

In compliance with *Regulation 574/99/EEC of 12 March 1999* and *Regulation 1683/95/EEC of 29 May 1995*, the Republic of Bulgaria will introduce from June 2001 a visa requirement for the citizens of Tunisia, Georgia, Ukraine and the Russian Federation.

The Republic of Bulgaria will end its bilateral visa-free agreements, not compliant with the *acquis*, before accession.

The Republic of Bulgaria will fully introduce *acquis* compliant airport transit visas (ATVs) before accession.

The Republic of Bulgaria has undertaken the necessary steps to bring its legislation in conformity with the *Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment*. The adoption, by the end of 2001, of the *Unemployment Protection Act* and the *Regulation on Foreign Nationals' Work Permits* will make Bulgarian law compliant with the *acquis* in this area.

Citizens of EU Member States will not be required to possess work permits as of the time of Bulgaria's accession to the EU.

The *draft Amending Act on the Foreign Nationals Act*, which has been elaborated, aims to:

- Define the concept of “stateless person” in compliance with the *Convention of 1954 on the Status of Stateless Persons*;
- Introduce a relieved regime for travel for school purposes according to the *Council Decision of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (394D0795)*;
- Lift the visa requirement for foreign school pupils legally resident in a country with which the Republic of Bulgaria maintains a visa-free regime, when they travel in the framework of a school excursion and are accompanied by a teacher who has a list of the schoolchildren he or she is accompanying, issued by the school in question.
- Introduce a visa classification in full compliance with the classification contained in the Schengen Agreement, viz.: airport transfer visas, transit visas, short-term visas, group visas, long-term visas and visas issued at the border.
- Establish special protection for foreign nationals under 18 years in accordance with *Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries (397Y0719(02))*, and ensuring that they are provided with the necessary material support and care and their legal, social, and medical needs, are duly met including guardianship and access to school rendered by the Child Protection Agency;
- Define under *Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience (397Y1216(01))* the basis for refusing a residence permit or revoking such a permit with respect to a foreign national married to a foreign national who has been granted a residence permit if it is evident that the marriage is arranged in evasion of the legal provisions of the foreign nationals regime regulations with a view to obtaining a residence permit.
- Include the provisions of the *Council Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons*, which regulates the terms and conditions for obtaining a residence permit in view of pursuing activities as self-employed persons and defines “self-employed person”;
- Establish terms of co-operation between the state authorities enforcing the regime under which foreign nationals can enter, stay and leave the Republic of Bulgaria and the competent authorities of other countries in view of fighting against illegal migration and carrying out expulsion measures, in accordance with the *Council recommendation of 22 December 1995 on concerted action and co-operation in carrying out expulsion measures (396Y0110(02))*;

- Introduce the prohibition for expulsion of foreign nationals when their lives and freedom will be threatened in the country whereto they are being expelled, and they are at a risk of being persecuted, tortured or put to inhuman treatment or humiliation in view of achieving higher-degree alignment of the regulatory instruments concerning foreign nationals with the main international conventions on the protection of human rights and freedoms ratified by the Republic of Bulgaria.

The draft Amending Act on the Foreign Nationals Act contains provision for passport control authorities at border checkpoints, in co-ordination with the offices for control of foreign nationals or the Ministry of Foreign Affairs' Consular Relations Directorate, to issue the following single entry visas: airport transfer visas, transit visas and short-term visas for a period of up to ten days, when this is ordained by the national interest, force majeure circumstances or due to humanitarian reasons.

Under certain circumstances, explicitly stipulated by the Act, the passport control authorities at the border can cancel issued visas. In such circumstances they must immediately inform the Ministry of Foreign Affairs.

Preparatory work for developing rules and procedures for issuing visas which will guarantee full compliance with the Schengen acquis, and the development of a new automated visa system similar to the ones used in the states-parties to the Schengen agreement will continue in 2001-2002 within the framework of the EU PHARE/Horizontal programme and in co-operation with Austria and Germany.

Institutional framework for applying the harmonised legislation

In the Ministry of Foreign Affairs a computer system for visa control based on specially designed software is operational. It is based on an existing on-line connection between the Visa Centre at the Ministry of Foreign Affairs and the Bulgarian diplomatic missions abroad on the one hand, and between the Visa Centre and the Bulgarian border checkpoints on the other. Within the network, information about every visa that has been issued goes automatically into the database accessed by the Bulgarian border checkpoints and by the National Border Police Service. This ensures protection to every Bulgarian visa that has been issued, i.e. the border control authorities check not only the validity of a Bulgarian visa, but also the presence of its holder into the database of persons who have been granted visas.

In order to facilitate towards future harmonisation with the Schengen Information System, the new *Bulgarian Identity Documents Act* provides for the creation of an on-line connection, which will allow the Bulgarian consulates to consult the Ministry of Interior information database before granting a visa. At present consultations are exercised only by the Visa Centre at the Ministry of Foreign Affairs in the respective database systems of the Ministry of Interior, and the consulates have automatic access only to the database of undesirable persons and of persons whose movement is restricted for administrative or judicial purposes.

1.3 Border control

Current legislation of the Republic of Bulgaria

The current legislation of the Republic of Bulgaria in reference to external borders is largely compliant with the *acquis*. The following legal instruments provide the legal framework of border control:

- The *Ministry of Interior Act* and the *Regulation on its implementation* describe and regulate the functions, structure and authority of the Border Police within the Ministry of Interior;
- The *Penal Code* defines as criminal offences the illegal crossing of borders, trafficking in humans, document-related crimes, and other related offences;
- The *Foreign Nationals Act* establishes the terms and conditions, and the procedure, under which aliens may enter, stay, and leave the Republic of Bulgaria, as well as their rights and obligations.
- The *Regulation on the Implementation of The Foreign Nationals Act* provides detailed terms, conditions, and procedures, under which aliens may enter, stay, and leave the Republic of Bulgaria;
- The *Maritime Territories, Interior Waterways, and Ports of the Republic of Bulgaria Act* provides the legal regime of the use of the maritime territories of the Republic of Bulgaria over which the country exercises sovereignty, certain sovereign rights, jurisdiction, and control.
- The *Bulgarian Identity Documents Act* provides the terms, conditions, and procedure for the issue and use of Bulgarian identity documents by Bulgarian citizens and foreign nationals. The Act defines the reasons that serve as legal grounds to prohibit travel outside the country of individuals who have committed criminal offences and of persons who are considered a threat to national security. The law also provides for the imposition of a restrictive measure whereby Bulgarian nationals who have violated the law of a foreign country, or have been expelled from such a country, may be prohibited to travel outside of Bulgaria for a period of one year.
- The *Council of Ministers Decree № 213/15.05.1997* on the adoption of the *Regulation of Border Checkpoints* defines the organisation, operation, and management of the border checkpoints and the interaction between the authorities who perform controlling functions at such checkpoints. The Regulation also provides for an Interdepartmental Council on Border Checkpoints;
- The *Council of Ministers Decree № 70/27.03.1998* adopts the *Rules of Structure and Operation of the Interdepartmental Council on Border Checkpoints*;
- The *Council of Ministers Decree № 35/25.02.1999* adopts *Regulation on the Terms and Procedure for Issuing Visas by the Diplomatic and Consular Missions of the Republic of Bulgaria*.

In February 1998, the Bulgarian Government adopted a Programme for Combating Illegal Migration and Illegal Residence by Foreign Nationals which provides the framework for action in this area. Nine ministries are involved in the implementation of this programme. An Interdepartmental Council on the Border Checkpoints was established. The Council is chaired by the Chief Secretary of the Ministry of Interior. This Government Program is based on the main provisions of the Council Recommendation of 22 December 1995 on harmonising means of combating illegal immigration and illegal employment and improving the relevant means of control.

Under the *Foreign Nationals Act* and the *Regulation of Border Checkpoints*, only individuals who are in possession of valid foreign travel document and are not subject to lawfully imposed restrictions or prohibitions may cross the country's borders and only at the border checkpoints that have been established expressly for that purpose.

The following controls are performed by the competent authorities at border checkpoints: passport, motor vehicle, customs, sanitary, veterinary, and phytosanitary.

The Border Police authorities perform mandatory passport and visa control at the border of all individuals who enter, leave or transit through the country. The border control system registers all crossings of individuals and vehicles. The Ministry of Interior has established an automated border control information system. This system contains data about wanted persons, vehicles, and objects, about individuals who are banned from entering or leaving the country, as well as other categories of information similar to the information stored in the Schengen Information System. Automated workstations with direct access to the information system databases have been set up at all the border checkpoints. The Visa Centre with the Ministry of Foreign Affairs sends the information about all issued visas and rejected visa applications to all border checkpoints. This information is used to check the validity of the visas of all individuals who cross the borders. Additional controls are in place for the citizens of high-risk countries.

Border Police authorities at the border checkpoints are currently upgrading the equipment for primary and secondary document control by installing modern document analysis machines. The attainment of the EU requirements and standards regarding the technical equipment at border checkpoints will be supported by additional investments under PHARE projects, from the national budget, the National PHARE Programme and other donors. The technical facilities at border checkpoints are aimed at enhancing the effectiveness of the control activities and reducing border-crossing time. A specialised laboratory and a database of false, forged and counterfeit documents will be set up by 2004.

Depending on the type of border traffic and the assessment of risk levels, the border checkpoints are equipped to detect illegal immigrants concealed in vehicles as well as prohibited and restricted goods.

By virtue of the *Ministry of Interior Act* and the *Regulation on its implementation*, the National Border Police Service is responsible for the surveillance of the "green" and "blue" borders. A border zone 2 to 15 kilometres wide has been established pursuant to *Council of Ministers Regulation № 36/1988*. Its width depends on the intensity of migrant pressure. The Border Police have specific powers to exercise control over people within this zone for the purpose of preventing illegal migration. The achievement of a high degree of efficiency of border surveillance and control, calls for the installation of modern all-weather facilities, various border detection systems for groups of people and individuals such as thermovisual systems, zoom-in systems, radar and night vision goggles, which is a key priority in the Border Police Development Plan 2001-2004. This equipment is included in the investment programme under the PHARE Programme and the national budget.

The Ministry of Interior operates centralised databases which function as an integrated information system and include: a register of the population, a register of aliens and refugees who are permanent or long-term residents, a register of ID documents (passports, ID cards, driving licenses, alien and refugee documents for permanent and long-term residence), a register of motor vehicles, a register of stolen vehicles (Bulgarian or wanted by Interpol), a register of stolen or missing identity documents, of invalid foreign documents, of prohibitions to enter or leave the country, of administrative sanctions for violations of the passport and visa regime, of wanted persons (including those wanted by Interpol), a register of issued visas and rejected visa applications, a register of individuals with a criminal record, information about travel of Bulgarian nationals and vehicles abroad and about travel of foreign nationals and vehicles through Bulgaria. The population

register includes digitised photographs of every person and their signatures which are accessible by computer.

Harmonisation of the legislation with the *acquis*

A new *Draft Border Security Act* should be ready by the end of 2002. This Act will regulate all legal matters in respect of the organisation, interaction, and methodology of crossing borders, and will also facilitate the implementation of modern forms of police co-operation through cross-border surveillance and pursuit. This will create conditions for applying the provisions of the Schengen *acquis*. The Act will further regulate the co-ordination of control activities of the various state agencies with duties in the border areas. Apart from this Act, the Bulgarian Border Police will further improve its operational methods and strategies to bring it into line with the EU standards. This will be done through a twinning project under the PHARE programme in co-operation with Germany.

The implementation of the Bulgarian Government Program for Public Investment in the 1998-2001 Period should be completed by the end of 2001. This programme provides for the funds necessary to ensure effective border management on the River Danube and the Black Sea. These include the purchase and installation of modern and highly efficient shore and ship-based radar stations to enhance control of the territorial sea and internal waterways.

A National Action Plan for the adoption of the Schengen *acquis* will be drafted in 2001. The strategy will include the establishment of a SIRENE Contact Point.

The Strategy to enhance Bulgarian borders with additional technical equipment will be updated by the end of June 2001. In addition to reflecting the significant changes in connection with the new equipment delivered under the PHARE 2000 investment project, this updated version of the Strategy sets the future border management investment priorities of the Bulgarian Government.

By the end of June 2001, substantial investment through PHARE 2000 projects and by the national budget will be made to change and upgrade the equipment for monitoring and protecting the land, maritime, and river borders, as well as the equipment used for document control at the border checkpoints. This will allow full compliance with *Council Recommendation of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the EU*.

The further development of the Interior Ministry's information system is benefiting from a twinning project under PHARE (jointly with Spain and France) whose aim is to bring the management of criminal data systems in line with European standards. This project provides for the setting up of a new information system for stolen vehicles by 2002 which will meet the requirements of the Schengen information system. The project will allow the establishment of full technical and legal compatibility between the Bulgarian information systems and the SIS.

In the area of data protection, the Republic of Bulgaria will adopt no later than the end of the second quarter of 2001 a *Personal Data Protection Act*, which will ensure compliance with the *Council of Europe Convention 108 for the Protection of Individuals with regard to automatic processing of personal data (1981)* and *Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data*. This Act will create an independent authority to supervise compliance with the law in the field of personal data protection – the Data Protection Commission. The Commission will be established as a legal entity funded by the state budget and functioning as a collegiate body of five members elected by the National Assembly upon the recommendation of the Council of Ministers. The Commission will have a 5-year mandate.

The commission will be authorised to:

- analyse and control compliance with data protection legislation;
- keep a register of data administrators;
- inspect the administrators;
- issue compulsory instructions to administrators;
- suspend temporarily the collection and processing of personal data following prior notification;
- consider complaints against administrators regarding refusal of access by subjects of personal data as well as administrators' or third persons' complaints on their legal rights;
- inspect the implementation of the Act;
- publish an Information Bulletin containing information on its activities and decisions.

The Personal Data Protection Act will oblige the government authorities and corresponding bodies, managing other data administrators, to provide the commission with access to personal data records.

Institutional framework for applying the harmonised legislation

The National Border Police Service was established at the end of 1997 as a unified and centralised police structure within the Ministry of Interior. The National Border Police Service is in charge of managing the country's borders and monitoring compliance with the border regime. It performs its functions within the border zones, the border checkpoint zones, the international airports and ports, the territorial sea, the adjacent zone, the continental shelf, the Bulgarian part of the River Danube, and the other border rivers.

An Interministerial Council on the border checkpoints which reports directly to the Council of Ministers of the Republic of Bulgaria was set up in 1998 to co-ordinate at national level all mandatory border control activities.

A plan for the replacement of conscripts on the National Border Police staff by professional border control officers was started in June 1999. A fully professional service in compliance with the *acquis* will be in place by the end of 2002, whereby the Republic of Bulgaria will comply with one major EU requirement, namely, that the country's borders are protected by a fully professional service.

The first regional centre for training of border control officers was opened in October 2000. It employs 149 trainers delivering four core courses:

- initial police training (Criminal Law, Criminal Procedure Law, Police Law, EU Law, Psychology, Border Police Training, etc.)
- specialised police training;
- tailor-made courses for border police officers (border police at checkpoints, border guard police, border police at river and maritime border);
- foreign language training.

In addition to core training, the Centre offers senior management courses and training of trainers in: the following subjects: European integration—EU Law; Schengen Information System; visas and the visa regime of Bulgaria; transborder crime; human rights; refugee law and asylum; technical equipment for checking of travel documents and border surveillance; and the Border Control Automated Information System.

A PHARE twinning programme will be implemented jointly with Germany to further develop the training courses. The programme will be completed by the end of 2001 and will provide all border control officers with the knowledge and skills to work to EU standards and rules.

2. POLICE CO-OPERATION

Current legislation of the Republic of Bulgaria

Bulgarian legislation in the area of *police co-operation* has been harmonised to a large degree with the *acquis*. At this time police co-operation is carried out under the *Ministry of Interior Act* (1997) and the *Regulation on its implementation* (1998) under which there are numerous options for providing various kinds of professional assistance. In pursuing the goals of police co-operation and under the current legislation in this area, the Bulgarian law enforcement authorities can employ various methods for tracking down persons, they can engage in controlled deliveries, in penetration of criminal groups and organisations, and in taking samples for the purpose of performing comparative analysis.

So far, 21 inter-ministerial and intergovernmental agreements on combating international organised crime have been signed with European countries: two trilateral and 19 bilateral agreements, 6 of them with EU Member States (Greece, Austria, Germany, Belgium, Spain, and Italy), and five with candidates for EU membership (Hungary, Czech Republic, Poland, Slovakia, and Romania). The Republic of Bulgaria is currently in the process of building up a network of liaison officers abroad and already has such officers stationed in Rome, Prague and Moscow. By 2002, the Republic of Bulgaria will second liaison officers to Berlin and Athens. The Republic of Bulgaria complies with *Joint Action of 14 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty of EU providing for a common framework for the initiatives of the Member States concerning liaison officers*.

In September 1998, the Bulgarian Government approved a draft agreement with Europol which should serve as a basis for the future negotiations. The Republic of Bulgaria is currently negotiating a co-operation agreement with Europol which is due to be signed before the end of 2001.

The Republic of Bulgaria supported a number of other actions undertaken by the EU: the La Gomera Declaration of October 14, 1995 for improving the level of co-operation between the law enforcement and judicial authorities of the Member States in the area of terrorism; *The Joint Position of 29 March 1999 defined by the Council on the basis of Art. 3 of the Treaty of the European Union on the proposed UN convention on organised crime* and the *Common Position of 27 May 1999 adopted by the Council on the basis of Art. 34 of the Treaty of the EU on negotiations relating to the Draft Convention on Cyber Crime held in the Council of Europe*. The acts described in Article 2, Paragraph 2 of the *Europol Convention* are qualified as crimes in the *Penal Code* of the Republic of Bulgaria. This guarantees successful participation in the European co-operation in this area. This co-operation is complemented by action in the framework of Interpol.

The Republic of Bulgaria has complied with *Joint Action of 21 December 1998 adopted by the Council on the basis of Art. 3 of the Treaty on European Union on making it a criminal offence to participate in a criminal organisation in the Member States of the EU*.

The Republic of Bulgaria has started to harmonise its legislation with the *acquis* regarding the maintenance of order at sports events and combating football hooliganism. *European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches* was ratified by the 37th National Assembly on 13 September 1996, effective from 1 December 1996. The sports area is regulated on a domestic level by the *Physical Education and Sports Act*, adopted in 1996, amended in 2000. On the basis of Article 4 of the *European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches* and Article 41, Paragraph 2 of the *Physical Education and Sports Act*, a *Government Ordinance No. 173 of 31 August 2000 adopted the Regulation regarding the security of sports facilities and the measures against spectator violence and misbehaviour before, during or after sports events organised in outdoor or indoor sports facilities.*

This also applies to DNA analysis. Bulgaria was among the first countries to start building a national DNA information database as part of police registration. In this connection the Minister of Interior has approved Instruction № I - 73/29.05.2000 on the organisation and operation of the National System for DNA Identification. The national DNA database employs the standards (DNA markers) which were proposed by the IEWP DNA and were approved by a resolution of the Interpol General Assembly on October 27, 1998. The Republic of Bulgaria has the necessary administrative capacity to comply with Council Resolution of 9 June 1997 on the exchange of DNA analysis results and is ready to do so before accession to the EU.

The Republic of Bulgaria has regularly participated in the work of PAPEG ensuring compliance with *Joint Action of 29 November 1996 adopted by the Council of the basis of Article K.3 of the Treaty of EU concerning the creation and maintenance of a directory of specialised competencies, skills and expertise in the fight against international organised crime in order to facilitate law enforcement co-operation between the Member States of the EU.*

The Republic of Bulgaria has participated as an accession country in all Article VI Programmes in the area of Justice and Home Affairs. Thus, Bulgaria has sought to comply with the EU *acquis*: 496 X 0636, 498 X 0244 and 498 X 0245.

The transfer of personal data in response to a specific request or on the initiative of a competent Bulgarian authority is permitted provided rules on the protection of personal data are observed. At this time, valid are those rules which are set down by bilateral and multilateral agreements, as well as the obligations which have been established by an order of the Minister of Interior (*Instruction on Registration of 1998*). Under these, any information that is received in the process of international police co-operation should be classified with the level of secrecy that has been requested by the authority which has provided the information. Any violation of the secrecy provisions regarding transmitted or received information constitutes a crime under *the Penal Code* of the Republic of Bulgaria which is punishable under the law.

Harmonisation of legislation with the *acquis*

The Republic of Bulgaria will adopt new legislation on the operation of the services in the area of public order no later than the end of 2002, which will complete the harmonisation of legislation in the area of police co-operation with the *acquis*. This new legislation will further regulate the division of responsibilities between the police services, the forms of co-operation and the use of the multi-agency approach. It will also ensure compliance with *Council Resolution of 27 May 1999 on combating international crime with fuller cover of the routes used*. This new legislation will also regulate the terms, conditions, and procedures for maintaining cross-border police co-operation and data protection in law enforcement databases.

As regards ensuring order at sports events and combating football hooliganism, a complete harmonisation with the *acquis* will be achieved by 2002, thereby ensuring compliance with *Council Recommendation of 22 April 1996 on guidelines for preventing and restraining disorder connected with football matches*, *Council Resolution of 9 June 1997 on preventing and restraining football hooliganism through the exchange of experience, exclusion from stadiums and media policy* and *Council Resolution of 21 June 1992 concerning a handbook for international police co-operation and measures to prevent and control violence and disturbances in connection with international football matches*.

Bulgaria will adopt a *Personal Data Protection Act* no later than by mid-2001. In accordance with *Convention 108 of the Council of Europe for the protection of individuals with regard to automatic processing of personal data* and *Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data*, the Act envisages establishment of an independent authority which will exercise control over the compliance with legislation in this field (described above in the Border Control section)

Once the Act is adopted, all existing agreements on co-operation in combating organised and transborder crime will be updated to ensure full compliance with the legal framework in the field of personal data protection.

The Republic of Bulgaria is currently working on the establishment of National Point for Co-operation with Europol which will be in place before the co-operation agreement with Europol enters into force. The work of the National Point will be in full compliance with the Europol *acquis*, more specifically, 499 Y 0330 (01), 499 Y 0130 (02), 499 Y 0130 (03), 499 Y 0130 (04) and 499 Y 0130 (09).

The Republic of Bulgaria has the necessary administrative capacity to comply with *Joint Action of 16 June 1997 adopted by the Council on the basis of Article K.3 of the Treaty of the EU concerning the information exchange, risk assessment and the control of new synthetic drugs* and *Council Decision of 13 September 1999 defining 4-MTA as a new synthetic drug which is to be made subject to control measures and criminal penalties and is willing to do so before accession to the EU*.

Institutional framework for applying the harmonised legislation

Pursuant to the EU Plan for combating organised crime of April 1997 and *the Pre-accession Pact on Organised Crime with the candidate countries of May 1998*, the National Service for Combating Organised Crime with the Ministry of Interior was designated as the central national authority that is responsible for co-ordinating the fight against organised crime. The National Service plays a leading role in co-ordinating joint actions by the competent law enforcement authorities (the Ministry of Interior's National Service for Combating Organised Crime and the Ministry of Finance's Financial Intelligence Bureau, the customs and tax administrations). The exchange of information, the use of the information databases and operational and technical assistance in co-ordinated operations are regulated by instructions issued jointly by the Minister of Interior and the Minister of Finance as required under *the Ministry of Interior Act* (Article 23, Paragraph.1, item.2 in connection with Article 90), *the Measures Against Money Laundering Act* (Article 10, Paragraph 4), *the Customs Act* (Article 15, Paragraph 3) and *the Tax Procedure Code* (Article 233, Paragraph 3).

By the time of its accession to the EU, the Republic of Bulgaria is prepared to harmonise fully its institutional structure for carrying out police co-operation according to European standards.

3. CUSTOMS CO-OPERATION

Current legislation of the Republic of Bulgaria

The Republic of Bulgaria has largely harmonised its legislation in the area of customs co-operation. The framework law in this area is the *Customs Act* and the *Regulation on its implementation*, which entered into effect on January 1, 1999. The *Customs Act* was modelled along the Community's *Customs Code*.

In reference to the joint actions of the European Commission, where possible the Bulgarian Customs Administration already implements some of them and is currently creating the necessary legal prerequisites for the implementation of others:

1. With the adoption of a Program for concluding Memoranda of Understanding with the business sector compliant with the WCO Program as a precursory program, the *Joint Action of the European Commission of 29 November 1996 No 496X0698* is already being implemented. So far the following Memoranda of Understanding have been signed and are implemented:
 - Memorandum of Understanding between the Bulgarian Customs and DHL-Bulgaria signed on 11 January 2000.
 - Memorandum of Understanding between the Bulgarian Customs on the one hand and HM Customs and Excise, British Airways and Balkan Airlines on the other, signed on 12 February 2000.

2. *Joint Action of 9 June 1997 No 497X0372*

At the moment the Customs Administration is able to implement this Joint Action of the European Commission. A *Joint Instruction of the Minister of Finance and the Minister of Interior regulating the terms and conditions for co-operation between the customs and the Ministry of Interior authorities* has been drafted. This instruction will also regulate the exchange of drugs intelligence. Although not supported by specific legislation, the current level of co-operation and information exchange is good.

The Customs Administration is engaged in international operational customs co-operation by its active participation in international intelligence systems such as BALKANINFO, CARGOINFO and MARINFO, which is among the requirements of the above mentioned Joint Action.

3. *Joint Action of 9 June 1997 No 397Y0624(03)*

This document concerns the arrangements for joint customs surveillance operations. The Bulgarian Customs Administration has already taken part in three successful joint EU operations on drug trafficking.

4. *Council Resolution No 496Y1212(01)*

The requirements of this European Commission instrument will be implemented with the adoption of an *Instruction on the interaction between the Customs and the Ministry of Interior authorities*.

The Bulgarian Customs Administration has placed a strong focus on international co-operation in the performance of efficient border control and in the adoption of adequate measures for combating illegal trafficking in narcotics and precursors, forgeries and pirated goods, contraband, illegal trade in arms and nuclear materials, and other forms of illegal trafficking. This co-operation is based on multilateral and bilateral agreements. The mutual assistance which the administrative authorities of the EU Member States and the Republic of Bulgaria extend to each other on customs issues complies with the provisions of *Protocol №6 to the European Association Agreement*.

Harmonisation of legislation with the *acquis*

The following measures will be taken during the pre-accession period in order to reach higher degree of harmonisation of national legislation with European law:

- *Amendment of the Customs Act* to reflect the changes which have been made in European law;
- Adoption, by the end of 2001, of the *Amendments to the Regulation on implementation of the Customs Act* in compliance with the *Amendment to the Customs Act* (published in the State Gazette No. 63/01.08.2000) as well as of subsequent on-going amendments in accordance with the changes in the *acquis*.
- Adoption of secondary legislation for harmonisation with the *acquis* in other areas.

The Personal Data Protection Act is the necessary legal basis for accession to the *Convention on the use of information technologies for customs purposes* and the *Convention on mutual assistance and co-operation between customs administrations*. The structures that will be engaged in the implementation of these two Conventions – the Customs Intelligence and Investigation Directorate's Customs Intelligence Sections established at the Central Customs Administration, the Regional Customs Directorates and the Customs Offices – are already in place.

Institutional framework for application of the harmonised legislation

The administrative structure which applies European law in the area of customs co-operation is the Customs Agency with the Ministry of Finance.

Efforts to develop further the administrative capacity and structures in the area of the customs administration will go on. There will be a strong emphasis on the strengthening of the current structures of the Bulgarian Customs Administration for the purpose of ensuring the successful adoption and application of European law. Legislative changes were made in July 2000 to bring the structure and organisation of the Customs Administration in line with the administrative reform in the country and to ensure compliance with the provisions of *the Administration Act* and *the Civil Service Act*.

The Customs Administration is carrying out a structural reform and is currently creating structures corresponding to those in the EU Member States. A special Customs Intelligence and Investigation Directorate has been established in accordance with the new authority delegated to the Customs Administration. The staff of the Directorate has been sufficiently increased in view of responding to the requirements for accession to the EU. Currently, the administration is in a process of reorganisation – both on a regional level (Regional Customs Directorates) and on a local level (Customs Offices).

The Bulgarian Customs Administration applies modern technical means and methods for control and is in a process of introducing modern technology, particularly in combating contraband and all forms of illegal trafficking. The Bulgarian Integrated Customs Information System (BICIS) will become operational by mid-2001. At the same time additional subsystems will also be developed and built within BICIS. This will result in an information system meeting all EU requirements in this field and will also create the necessary capacity for effective application of the *acquis*.

The Bulgarian Customs Administration's structural reorganisation and international co-operation activities are financially secured by the Customs Agency budget 2001.

4. JUDICIAL CO-OPERATION IN COMBATING ORGANISED CRIME, FRAUD, CORRUPTION, MONEY LAUNDERING, AND TERRORISM

Current legislation of the Republic of Bulgaria

The Republic of Bulgaria pursues a consistent policy aimed at preventing and prosecuting organised crime, fraud, corruption, money laundering, and terrorism, and is maintaining active international co-operation in these areas. The Unified National Strategy for Combating Crime of 1998 established the main areas where that policy is applied. The Strategy contains separate chapters on combating organised crime, corruption, and on international co-operation and is in compliance with Council Resolution of 21 December 1998 on the prevention of organised crime with reference to the establishment of a comprehensive strategy for combating it.

Bulgarian law in the areas of the prevention and prosecution of organised crime, fraud and corruption is largely consistent with the standards and instruments of the *acquis communautaire*:

➤ At present *the Penal Code* defines it a crime to form, lead or participate in a group that is assembled for the purpose of committing criminal offences in Bulgaria or abroad. It is also a crime to form, lead or participate in a group which engages in violence or uses intimidation to derive benefits or to enter into commercial transactions. At this time the definition of an organised criminal

group is broader than the definition contained in the *1998 Joint Action on making it a criminal offence to participate in a criminal organisation in the EU Member States* and the definition laid down in the *UN Convention on Transnational Organised Crime*. On 13 December 2000 Bulgaria signed the *UN Convention on Transnational Organised Crime* and the two protocols supplementing it. In February 2001 the Government approved a draft *Amending Act on the Penal Code* in order to include a definition of "organised criminal group/criminal organisation", which is in full compliance with the standards of the *Joint Action of 1998 and the UN Convention of 2000*;

➤ The regulations of witness protection comply with the *1995 Resolution on the protection of witnesses in combating international organised crime*. *The Penal Procedure Code* regulates witness protection. Such protection can be provided by keeping secret the identity of the witnesses, or by providing physical protection both to the witnesses themselves and to their family and relatives;

➤ Pursuant to the European instruments on combating organised crime and corruption, *the Penal Procedure Code* provides regulation of the use of technical means for gathering evidence (special investigative techniques). *An Act on Technical Intelligence-Gathering Means* has already been adopted;

➤ Pursuant to the *Council Resolution of 20 December 1996 on individuals who cooperate with the judicial process in the fight against international organised crime*, *the Penal Code* contains a provision (as part of the provisions on organised crime) according to which members of criminal

organised groups may not be punished or may receive lighter sentences if they co-operate in preventing, exposing, and proving an organised criminal activity;

➤ *The Penal Code* contains a number of provisions which criminalise the actions that are described in the *Joint Action of 24 February 1997 concerning action to combat trafficking in human beings and sexual exploitation of children*. Severer penalties are provided for cases where the person who is transferred across the border is under the age of 16 or the transfer is organised by a group or organisation. In February 2001 the Government approved a draft *Amending Act on the Penal Code* in order to set these provisions in compliance with the standards of the *Joint Action of 1997 and the protocol to prevent, suppress and punish trafficking in persons, especially women and children* supplementing the *UN Convention on Transnational Organised Crime of 2000*. This draft provides also for criminalisation of the possession of child pornographic materials;

➤ The Republic of Bulgaria has ratified the *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*

Money laundering was criminalised in 1997 and more severe penalties are provided for cases where such an act is committed by an organisation. *The Act on Measures against Money Laundering* was adopted in 1998. Violations of the provisions of this Act by officials also constitutes a crime. The *Amending Act on the Act on Measures against Money Laundering* was adopted by the National Assembly on 21 December 2000 (published in the State Gazette No. 1/01.2001);

➤ Under *the Penal Code* it is a crime to dispose of budgetary funds or special purpose allocations for purposes other than those for which the money was allocated. This is in compliance with the *Convention on the Protection of the European Communities Financial Interests of 1995*;

➤ The Republic of Bulgaria has ratified the *1997 OECD Convention on Combating Bribery of Foreign Officials in International Business Transactions* (Bulgaria was the first non-member of the OECD to ratify this Convention), and also signed the *Council of Europe Criminal Law Convention on Corruption* (1999).

Following the standards laid down in these international instruments and in the *1997 Convention on the fight against corruption, involving officials of the European Communities or officials of the Member States of the European Union*, *the Penal Code* qualifies as a crime the promising, offering or giving (active bribery of domestic and foreign officials) of a bribe to domestic or foreign public officials, as well as request, receipt, or acceptance of an offer or a promise of a bribe by a domestic official (passive bribery of domestic officials). The definition of "foreign official" in *the Penal Code* complies with the *OECD Convention*. Active or passive bribing of a court expert is also punishable under the law. Certain forms of passive corruption in the private sector and of the trading in influence are also established as crimes in *the Penal Code*.

Bulgaria has been taking part in the OECD working group on corruption in international business transactions since 1997 and in 1999 joined the *Partial Agreement on Establishing of Group of States against Corruption* (GRECO).

The Republic of Bulgaria was the first country to ratify the *Council of Europe Civil Convention on Corruption* in 2000.

Bulgarian law does not provide for criminal prosecution of legal persons. In accordance with the standards laid down in the *OECD Convention*, *the Criminal Convention on Corruption*, and the *Second Protocol to the Convention on Protection of the European Communities Financial Interests of 1997*, in September 2000 the National Assembly approved at first reading a draft *Amending Act on the Administrative Violations and Penalties Act*, which provides for administrative liability of legal persons for several criminal offences. The draft envisages the imposition of monetary sanctions on legal persons for involvement of their leading officials in money laundering, corruption or other crimes that have benefited that corporate body.

Bulgarian legislation on **money laundering** is largely harmonised with the *acquis*. The Ministry of Finance established a special unit, the Bureau of Financial Intelligence in 1998. The Bureau operates under the *Act on Measures against Money Laundering, the Regulation on its implementation, and the Regulation on the Structure and Organisation of the Bureau of Financial Intelligence*. Under the *Amending Act on the Act on Measures against Money Laundering*, the Bureau of Financial Intelligence was transformed into an agency – an independent administrative body reporting to the Minister of Finance. The Rules for its organisation and activities were established by *Government Ordinance No. 33 of 8 February 2001*.

Bulgarian legislation is in compliance with the *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*, the *Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering* and the *Forty Recommendations of the Financial Action Task Force on Money Laundering*.

Combating terrorism occupies a prominent position in the Unified Strategy for Combating Crime, which was adopted in 1998. The priority goal in this area is to prevent use of the country's territory by foreign and international terrorist organisation, as well as the prevention of attempts to set up channels of communications between domestic organised criminal structures and international terrorist groups and networks.

Bulgarian anti-terrorism law is largely harmonised with the *acquis*. The Republic of Bulgaria ratified the *European Convention on the Suppression of Terrorism* in 1998. The acts which are described in Article 1 of the Convention constitute crimes under Bulgarian criminal law.

Under the Bulgarian *Penal Code* the perpetrators of terrorist acts can be both individuals and groups and organisations. In a broad sense the law covers all kinds of terrorist acts which are mentioned in international legal instruments. These include crimes committed on board of an aircraft, prevention of violations that threaten the safety of air traffic, taking of hostages, safeguarding nuclear materials, extradition of individuals who have committed terrorist acts. It is a crime to prepare or organise a group on Bulgarian territory for the purpose of committing a crime abroad that involves use of explosives, taking of hostages, threatens the safety of civil aviation, or may involve hazardous pollution of the environment.

The Republic of Bulgaria has ratified all major international instruments for prosecution and punishment of the various forms of terrorism.

In reference to the **judicial co-operation** in fighting organised crime, fraud, corruption, money laundering, and terrorism it should be noted that under the *Constitution of the Republic of Bulgaria* all international treaties, once they are ratified, published in the State Gazette, and have entered into force, become part of the domestic law of the country and enjoy precedence over any provisions in domestic law with which may contradict them. *The Penal Code* and *the Penal Procedure Code* also contain express guarantees for the application of the international agreements. For instance, the provisions of *the Penal Code* that establish its scope of application provide for a broader application of the Bulgarian criminal law and for taking into consideration of rulings of foreign courts in cases that are specified in international agreements. *The Penal Procedure Code* grants precedence of international agreements where criminal proceedings have been started by an authority of a different country or the serving of sentenced imposed by foreign courts, as well as in the application of extradition and the transfer of sentenced persons.

This regulation of penal and penal procedure matters and the established supremacy of the international agreements over domestic law establish conditions for combating efficiently organised crime, fraud, corruption, money laundering, and terrorism, as well as for the maintenance of fully-fledged judicial co-operation with the EU Member States in this area.

Harmonisation of legislation with the *acquis*

In the area of the fight against crime, the Republic of Bulgaria will ratify the *UN Convention against Transnational Organised Crime* by May 31, 2001. In the area of **corruption**, by 31 May 2001 the Republic of Bulgaria will ratify *the Criminal Convention on Corruption* signed in 1999.

At the time of accession to the European Union the Republic of Bulgaria will be prepared to join the *Convention on the Protection of the European Communities' Financial Interests of 1997* and its protocols, as well as *the 1997 Convention on the fight against corruption involving officials of the European Communities of officials of Member-States of the European Union*.

Additional amendments to the legislation with a view to harmonising the criteria used in punishing organised crime, the inclusion of non-material services in the definition of bribe (in February 2001 *the Amending Act on the Penal Code* was approved by the Government and submitted to the National Assembly for deliberation) and the criminalisation of all forms of fraud under *the Convention on the Protection of the European Communities' Financial Interests* will be passed in the 2001-2002 period.

The Amending Act on the Measures against Money Laundering Act will achieve closer harmonisation with the *acquis* in the field of **money laundering**. Particularly, the country's regulatory base will be aligned with *the Council Directive 91/308/EEC* and the *FATF recommendations*.

The Republic of Bulgaria will continue to harmonise its legislation in the **fight against terrorism** with the *acquis* and the other relevant international instruments. In the short-term the country will sign the *UN Convention on the Suppression of Terrorist Bombings* (New York/December 15, 1997) and the *UN Convention for the Suppression of Financing of Terrorism Prosecution of the Financing of Terrorism* (New York/ December 12, 1999). In doing so the Republic of Bulgaria will support the efforts of the EU Member States and some candidates for EU membership for the accelerated signing of the Convention prior to the deadline which was established in Article 25, Paragraph 1 (December 31, 2001). The signing of *the Convention for the Suppression of Financing of Terrorism* and its subsequent ratification will ensure compliance of Bulgarian law and law enforcement with *Declaration (123) of November 30, 1993 on the funding of terrorism*.

The Republic of Bulgaria intends, prior to its accession to the EU, to take the necessary action to withdraw its reservation under Article 13, Paragraph 1 of *the European Convention on Suppression of Terrorism*.

Institutional framework for applying harmonised legislation

Authorities which are part of the *executive branch*: Ministry of Interior - National Service for Combating Organised Crime (this service has a special unit for combating corruption), Ministry of Justice - International Legal Co-operation and International Legal Assistance Department, and Ministry of Finance - Bureau of Financial Intelligence, and the customs administration. These specialised authorities perform various functions and tasks pertaining to preventing and exposing organised crime, fraud, and corruption. They are also engaged in preparing and applying modern regulatory instruments and in maintaining co-operation with foreign countries and international organisations. *The Penal Procedure Code, the Ministry of Interior Act, the Money Laundering Act* as well as several regulations provide a legal framework for the performance of the above tasks and for maintaining interdepartmental co-operation. The Ministry of Justice has created a special system for monitoring of all cases that involve acts of corruption and follows them on a constant basis.

Within the framework of the *judiciary* the investigation and punishing of organised crime, fraud, and corruption are the responsibility of the specialised investigative authorities, the prosecution, and the courts. The Investigative Service was set up under *the Judiciary Act* to investigate, where authorised by the law, criminal cases that are particularly complicated in terms of establishing facts or from a legal point of view. The service investigates crimes committed on the territory of the country as well as ones committed abroad, and is entrusted with cases which have been started as a result of legal assistance agreements with other countries. In 1999 the prosecutor's office established a special unit to co-ordinate prosecution of corruption-related offences. A Centre for Magistrate Training was opened in 1999. It educates magistrates in applying the European instruments for combating organised crime and corruption. The aims of the Centre are to improve the professional qualifications of the magistrates, their language and computer skills; to train the magistrates and improve the professional qualifications of the heads of courts, prosecutor offices and investigative services; to assist in the establishment of effective judicial administration; to increase magistrates' knowledge in international law, the *acquis communautaire* and comparative law; to disseminate information, etc.

Additional measures will be adopted during the 2001-2002 period to train the officials and magistrates who are involved in the fight against corruption and in international co-operation in that area. These measures will increase capacity to apply the *acquis* and will include also language classes and technical equipment that would facilitate the direct contacts with the competent authorities of the EU member-countries. A Public Magistrate Training and Career Development Institute will be established by the end of 2002, with financial support from the national budget and the national PHARE Programme, utilising the experience of the Member States.

The Bureau of Financial Intelligence (BFI) with the Ministry of Finance plays a leading role in the fight against **money laundering**. With the adoption of *the Amendment Act on the Act on Measures against Money Laundering*, the Bureau was transformed into a Bureau of Financial Intelligence Agency. It will operate as an independent administrative structure reporting to the Minister of Finance. Unlike the police and the investigative services, BFI has no investigative authority. Pursuant to *the Act on the Measures against Money Laundering* BFI shall keep, study, analyse and disclose to the relevant authorities (prosecution and the competent authorities abroad) information reported by the persons under Article 3, Paragraphs 2 and 3 of the *Act on the Measures against Money Laundering*. BFI is authorised to collect additional information on cases filed on the bases of reported operations or transactions raising suspicions of money laundering.

The Bureau places a very strong emphasis on increasing its administrative capacity by training its officers and by exchanging information with similar services in the EU member-countries. In a short-term perspective the Bureau intends to introduce software that is compatible with the one used by the financial intelligence units of the Segment Group. The Bureau is also trying to take a more active part in the working groups of the Egmont Group and to broaden its co-operation with similar services in the Member States.

In reference of **terrorism**, an interdepartmental mechanism has been established to collect, process, and distribute information on preparations for or commitment of terrorist acts. Information on such activity is received from the intelligence services, the Ministry of Interior's National Security Service and the Ministry of Economy, which issues the licences for business activities and arms trade.

The Security Council at the Office of the Prime Minister functions on the basis of *the National Security Plan* (published in the State Gazette No. 46/1998) and are statutorily regulated by the *Government Ordinance No. 216/29.09.1998*. The Council comprises the Ministers of Foreign Affairs, Defence and Interior, the Deputy Ministers of Foreign Affairs and Defence, the Chief Secretary of the Ministry of Interior and the Directors of the National Intelligence Service and the National Security Service. The Security Council summarises and analyses the current information making conclusions of the risks for the national security. It delivers professional assessment and prognosis of threat dynamics; gives opinion on the allocation of resources; proposes solutions in crisis situations. In additions, the Security Council is the major institution determining the government policy on terrorism.

Fighting terrorism is one of the chief functions of the National Service for Combating Organised Crime (NSCOC) under the Interior Ministry. Its anti-terrorist division has been in place since 1991, with two specialised units: internal terrorism and international terrorism. Under the *Rules for Implementation of the Ministry of Interior Act* and the terms and conditions for international police co-operation, the Counterterrorism Division is engaged in direct information exchange and operation collaboration with the respective law enforcement services of other countries. According to the current NSCOC's Institutional Building Plan, the anti-terrorist division will be transformed into a law enforcement information and co-ordination centre.

The preliminary procedural investigation into terrorist acts is carried out by the Specialised Investigative Service and the 28 Regional Investigative Services, which are within the judiciary.

The Specialised Investigative Service investigates the acts of terrorism committed abroad, politically motivated terrorism as well as kidnapping and illegal deprivation of liberty of persons who are under international protection. It also works on the cases of hostages whose liberation is dependent on the fulfilment of certain demands and the criminal acts against air safety in civil aviation envisaged in the relevant conventions. The Service implements foreign requests of legal assistance concerning procedural investigation of terrorist acts. It employs special investigators of terrorist acts.

5. DRUGS

Current legislation of the Republic of Bulgaria

The national legislation in the area of narcotic drugs has been largely harmonised with the *acquis* both in terms of combating drug trafficking and in terms of prevention of distribution of drugs. The *Narcotic Drugs and Precursors Control Act* entered into force in October 1999. It is in conformity with the basic requirements of the *acquis*. This Act is elaborated on the basis of a UN pattern and involves the commitments of the Republic of Bulgaria as a party to the three conventions on narcotics, namely the *Single Convention on Narcotic Substances (1961)*; the *Convention on Psychotropic Substances (1971)* and the *Convention against the Illegal Traffic of Narcotic Drugs and Psychotropic Substances (1988)*.

In the implementation of the *Narcotic Drugs and Precursors Control Act*, the following secondary legislation was adopted:

- *Regulation on the Procedure and the Conditions for Confiscation, Storage, Destruction, and Use for Scientific Purposes of Narcotic Drugs*;
- *Regulation of Precursor Control*;
- *Regulation on the Conditions and the Procedure for Expert Analysis of Confiscated Narcotic Drugs and Precursors*.
- *Regulation on the terms and conditions for issuance of licenses for activities involving narcotic substances for medical or veterinary purposes pursuant to Appendix No. 2 and 3 of Article 3, Paragraph 2 of the Narcotic Drugs and Precursors Control Act*;
- *Regulation No. 3 on the destruction of legally produced, acquired and stored narcotic substances and their by-products, which have become unfit for use*;
- *Regulation No. 21 on the requirements regarding record keeping and accountability of activities involving narcotic substances and their by-products*;
- *Regulation No. 24 on the terms and conditions for implementation of substituting and support programmes reducing the health damages to drug dependants*;
- *Regulation No. 30 on the order of participating in pre-medication recreational programmes designed for drug dependants and drug abusers*;
- *Regulation on the terms and conditions of seizing, storing, destroying and scientific research of drugs and drug plants, and taking samples from them*;
- *Tariff of charges collected for issuance of licenses for activities pursuant to the Narcotic Drugs and Precursors Control Act*;
- *Regulation No. 7 on the terms and conditions for issuance of permits for import and export of drug substances and their preparations*.

This Act applies to all plants and substances considered as narcotic or psychotropic, as well as to all substances in which these may be contained. What is more, the scope of the Act is extended to cover the so-called precursors. The Act has four annexes containing the names of the narcotic drugs and precursors.

The adoption of the *Narcotic Drugs and Precursors Control Act* has resulted in amendments to the following other legal instruments:

- *The Penal Code*: its amendments entered into effect on March 21, 2000. The general part of the Code now provides definitions of "narcotic drugs", "precursors", "illegal trafficking" and "analogous substances." A large number of new regulations have been introduced in the specialised section in connection with crimes related to narcotic substances and precursors such as: money transfers using false documents, when the perpetrator knew or suspected that the money was acquired through illicit trafficking in drugs; laundering of money through means and property acquired from illicit drugs trafficking; organised crime with a view to illicit drug trafficking; all kinds of illegal activities involving narcotic substances; planting or growing plants of drug plants such as opium poppies, cocaine bushes or cannabis, which contain narcotic substances over the established levels, etc. The Code envisages considerably severer penalties for serious crime. These measures ensure compliance with *Council Resolution of 20 December 1996 on sentencing for serious illicit drug trafficking*.
- *The Criminal Procedure Code*: under this legislation the drugs samples seized in conformity with the provisions of law can serve as material evidence in the court.

Harmonisation of legislation with the *acquis*

By the end of 2002, the provisions of the Agreement on the Illicit Traffic by Sea will be introduced in the Bulgarian legislation. This will ensure compliance with Article 17 of the UN *Convention against the Illegal Trafficking in Narcotic Drugs and Psychotropic Substances*.

A *National Strategy for Combating Drugs* will be elaborated and adopted by mid-2002 within the framework of a PHARE project which will be implemented jointly with the United Kingdom. This Strategy will be complemented with strategies and action plans for the various spheres of activity which will be consistent with European standards and practices. The Republic of Bulgaria has already applied for the status of observer of the EMCDD and will comply with *Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction*.

Institutional framework for implementation of the harmonised legislation

The adoption of *the Narcotic Drugs and Precursors Control Act* provided for establishing of the National Council on Narcotic Drugs (NCND) to the Council of Ministers as a collective body mandated to implement the national policy for combating drug trafficking and drug abuse. All institutions involved in drug-related activities are represented in NCND. One of the main obligations of NCND is to elaborate on a triennial basis a National Strategy against the illegal drug trafficking and drug abuse. At the moment the National Strategy is being elaborated under the PHARE twinning project implemented jointly with the United Kingdom. Apart from that, the twinning project aims at: increasing the interdepartmental co-ordination and co-operation and setting up and developing appropriate structures and relations for the implementation of the strategies and action plans in the various spheres of activity.

There is a Secretariat constituted at NCND. Its duties include: to assist the Council in its activity; to keep a specialised drug information database; to collect statistical data on drug abuse and drug trafficking. The twinning project under the PHARE Programme designates that the Secretariat will serve as the National Focal Point for closer co-operation with the EMCDDA Centre in Lisbon.

By virtue of *the Narcotic Drugs and Precursors Control Act*, an Expert Board shall be established at the NCND. It will be responsible for the provision of scientific and medical statements on each proposal for inclusion of new plants and substances as well as for the removal or transfer of one Appendix to the Act to another.

There are Municipal Drug Councils established throughout the country, which implement the policies of the NCND on a regional and local levels.

Drug trafficking and distribution are combated on an operational level by the specialised services of the Ministry of Interior.

The National Drug Intelligence Centre was established at the Drugs Division with the National Service for Combating Organised Crime with a special order of the Minister of Interior. The Centre will gather, process and analyse intelligence. It will include liaison officers from all Interior Ministry services and an observer from the Customs Agency. In 2000, Interpol, which is a partner in the PHARE/UN Drug Enforcement Programme, facilitated the Centre with technical equipment.

The Customs Agency with the Ministry of Finance is responsible for customs control on border checkpoint entry/exit, including precursor chemicals, and co-operation in controlled delivery operations carried out by NSCOC's *Drugs Division*. According to the amended *Penal Procedure Code* the custom authorities have power to investigate cases related to drug trafficking when the offenders are Bulgarian citizens. The Bulgarian Customs Administration has approved *Rules for organisation of the customs activities relating to prevention and disclosure of illegal trafficking in drugs and precursors*. At the Customs Agency Directorate there is a *National Customs Intelligence Unit* within the Drug Enforcement Division. Its aims are to set up regional information exchange networks. It is linked to the Regional Information Liaison Office (RILO) in Warsaw. The Intelligence Unit has an obligation to transfer drug-related data to the WCO Central Information System in Brussels. Everyday co-operation in data exchange with the Germany Customs Criminal Agency (ZKA) in Cologne is implemented through BALKANINFO and CARGOINFO. It also takes part in the preparation of the UNDCP Annual Report Questionnaire Part III - "Drug Trafficking".

An Interministerial Precursor Control Commission was set up at the Ministry of Economy. The Commission is chaired by the Minister of Economy. Its members are representatives of the Ministry of Economy, National Service for Combating Organised Crime (Ministry of Interior), National Drug Service (Ministry of Health), Ministry of Justice and the Customs Agency (Ministry of Finance). The Commission exercises control over production, processing, keeping and use in other industries of precursors, as well as their storage, trading, import, export, re-export and transit in the national territory (Schedule 4th of the Act). One of the key responsibilities of the Commission is issuing licenses for the above mentioned activities. It also exercises control on the compliance with the provisions of Article 12 of the *1988 UN Convention against the Illicit Traffic of Narcotic Drugs and Psychotropic Substances*.

6. INTERNATIONAL CO-OPERATION - CO-OPERATION IN THE FIELD OF THE CRIMINAL LAW, CO-OPERATION IN THE FIELD OF CIVIL LAW

6.1 Co-operation in the field of criminal law

Current law of the Republic of Bulgaria

Bulgaria's legislation in the area of the legal co-operation on criminal cases has been largely harmonised with the European law.

The Republic of Bulgaria is a party to the basic conventions of the Council of Europe in the area of criminal law which are also part of the European Acquis:

- *The European Convention on Extradition (1957)* and the two *Additional Protocols (1975 and 1978)*;
- *The European Convention on Mutual Assistance in Criminal Law Issues (1959)* and the *Additional Protocol of 1978*;
- *The Convention on Transfer of Convicted Persons (1983)*;
- *The European Convention on the Suppression of Terrorism (1977)*;
- *The European Convention on the Exchange of Juridical Information (1968)* and the *Additional Protocol of 1978*;
- *The Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*.
- *The Civil Law Convention on Corruption (1999)*.

In 1997, the Bulgarian national legislation was amended updating its the provisions on extradition, transfer of sentenced persons and legal assistance in criminal matters. This provides for efficient judicial co-operation both on the basis of agreements and on the principle of reciprocity. The amendments to *the Penal Code* (offences were added to the lists of crimes) and of *the Penal Procedure Code* (legal assistance, extradition, and transfer were regulated in compliance with the European law) provide for co-operation even in circumstances of duplicate penalties.

In its provisions for regulating the transfer of convicts, the Bulgarian *Penal Procedure Code* provides for enacting of sentences, imposed by the courts of other countries which is a new form of international legal co-operation.

Extradition is an important component of international legal co-operation. The Republic of Bulgaria has therefore not only adopted special provisions related to extradition in its domestic law but has been improving the implementation of that law in line with the practices in the countries of the European Union. In 2000, the Bulgarian Government approved a decision to withdraw its reservation on Article 12 of *the European Convention on Extradition*, which hampers the quick examination of extradition requests of other countries. The draft law elaborated by the Government has been deliberated by the Commissions of the National Assembly, has been approved and should be passed soon.

The Act on Measures against Money Laundering was adopted on the basis of the *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*.

The Republic of Bulgaria participates actively in the Committee on Criminal Law and in other expert committees on criminal law with the Council of Europe. Bulgaria also maintains bilateral co-operation on criminal cases under bilateral agreements on legal assistance, extradition, and transfer of convicted persons with 27 countries.

Legal assistance agreements will be concluded with nine other countries.

Harmonisation of legislation with the *acquis*

The amendments to *the Penal Code* and the Penal Procedure Code, which are scheduled for 2001, will ensure full compliance with EU criminal law and with the European standards in judicial co-operation. This will create the necessary prerequisites for Bulgaria's accession to the remaining EU conventions (*the European Convention on the Transfer of Proceedings in Criminal Cases* (1990), *the European Convention on the Enforcement of Foreign Criminal Sentences* (1991), *the Convention on Simplified Extradition Procedures* (1995), and to *the Council of Europe Convention on the International Validity of Criminal Judgements* (1970). This will provide for implementation of the provisions of the *acquis* and the Schengen agreement.

The establishment of direct contacts between competent authorities through the European Judicial Network will further improve judicial co-operation. Preparatory work for joining this network has already started in Bulgaria.

Institutional framework for applying the harmonised legislation

The institutions necessary for applying the European *acquis* in the area of legal co-operation in criminal matters have already been established. There are provisions in the Bulgarian legislation determines which structures are involved in providing legal assistance in criminal matters, extradition, transfers. The competencies of those structures have also been defined. These are the central authorities competent on the particular conventions and agreements and the competent judicial bodies.

On the initiative of the Ministry of Justice, the Bulgarian Association of Judges and the Legal Collaboration Alliance, the Centre for Magistrate Training was established on 16 April 1999 as a training foundation for enhancement of judicial officers' professional qualifications. The aims of the Centre are to improve the professional qualifications of the magistrates, their language and computer skills; to train the magistrates and improve the professional qualifications of the heads of courts, prosecutor offices and investigative services; to assist in the establishment of qualified judicial administration; to enlarge magistrates' knowledge in International Law, the EU Law and Comparative Law; to disseminate information, etc.

In 2001, The Centre for Magistrate Training has started a series of seminars in harmonisation of the EU Law, which will be organised under a project called Assistance for the implementation of the *acquis* in Bulgaria funded under the MATRA Programme by the Dutch Ministry of Interior. The seminars will have participation from all institutions of the judiciary as well as members of the Ministry of Justice and lecturers from Sofia University.

A Public Magistrate Training and Career Development Institute will be established by the end of 2002, with financial support from the national budget and the national PHARE Programme, utilising the experience of the Member States.

At the moment, junior judges start with payment twice as high compared to the average salary in the country. Their salaries increase with promotion in position or rank.

6.2 Co-operation in field of civil law

Current legislation of the Republic of Bulgaria

Co-operation in the area of civil law in the Republic of Bulgaria is regulated by:

- *Civil Procedure Code*;
- *Obligations and Contracts Act*;
- Various provisions in laws and secondary legislation which contain also provisions of international private law and procedure.

For achieving full compliance of the national legislation with the *Rome Convention on the Law Applicable to Contractual Obligations* (1980), an amendment was made to *the Commerce Act* in 1994 to incorporate its principles. The provisions of this Convention were also incorporated in the *Obligations and Contracts Act* in 2000.

The Republic of Bulgaria is maintaining judicial co-operation in the area of civil law pursuant to 39 bilateral agreements with various countries, including some members of the EU. Co-operation is also maintained on reciprocal basis.

Since April 1999 Bulgaria has acceded to *the Hague Conference on International Private Law*. This cleared the way for Bulgaria to participate in lawmaking - the elaboration of new conventions and the updating of existing ones.

Bulgaria acceded to the following Hague civil law conventions:

- *The Hague Convention of 1965 on the Service Abroad of Judicial and Extra judicial Documents in Civil or Commercial Matters*;
- *The Hague Convention of 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*;
- *Convention on International Access to Justice* (1980)
- *The Hague Convention of 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents*, which is due to enter into effect for Bulgaria on 28 February 2001.

Bulgaria's accession to these civil law conventions will ensure that Bulgarian courts apply the same norms of material and procedural law as the courts in the EU member-countries.

The European Agreement on Requesting Legal Assistance /1996./, to which the Republic of Bulgaria is a party, facilitates the co-operation in executing legal assistance requests between the Bulgarian judicial authorities and those of the Member States which are also parties to the Agreement.

Bulgaria has also acceded to some of the UN conventions, regulating the international co-operation in the area of the Civil law, to which the EU Member States are also parties:

- *The Convention on the Recognition and Enforcement of Foreign Arbitral Awards* (1958);
- *Convention on the Rights of the Child* (1989);
- *Vienna Convention on Contractual Law* (1969)

Harmonisation of legislation with the *acquis*

Amendments will be made to the *Civil Procedure Code* by the end of 2001 to achieve the required degree of preparedness of the national legislation in the area of Civil Law whereby Bulgaria will be able to accede to the *Lugano Convention of 1988 on Jurisdiction and on Enforcement of Court Judgements in Civil and Criminal Matters*.

Bulgaria is prepared also to sign in 2001 the *Hague Convention of 1993 on Protection of Children and Co-operation on Issues of Inter-State Adoption*.

By the end of 2001 Bulgaria will accede to the *Hague Convention of 1954 on Civil Procedure*, the *Convention on the Civil Aspects of International Child Abduction (1980)*, and the *European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children (1980)*.

Institutional framework for application of the harmonised legislation

The Republic of Bulgaria has already established the relevant institutions for legal co-operation in the area of Civil Law. This co-operation is carried out through the competent courts and the Ministry of Justice. The better functioning of these institutions will be subject both to the provision of appropriate legislative and technical conditions, and to the further training of experts and magistrates in applying the European legal principles and norms in this area in the Republic of Bulgaria.

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The Bulgarian government proposes the negotiations on this chapter to be provisionally closed on the basis of the existing *acquis*.

Should new elements of the *acquis* make it necessary, Bulgaria recognises the possibility of opening supplementary negotiations before the end of the Intergovernmental conference.
