

REPUBLIC OF BULGARIA

COUNCIL OF MINISTERS

DECREE

№ 18 of 4 February 2003

on the establishment of Council co-ordinating the fight against the infringements affecting the financial interests of the European Communities

**THE COUNCIL OF MINISTERS
RULES THE FOLLOWING:**

Article 1. A Council co-ordinating the fight against the infringements affecting the financial interests of the European Communities shall be established hereinafter referred to as “the Council”.

Article 2. The Council shall draw up guidelines, monitor and coordinate the activity of the state bodies to prevent and combat the infringements related to fraud, misuse, ineffective management or utilization of financial assets and property belonging to the European Union or provided to Bulgaria within the framework of European Union funds or programmes.

Article 3. (1) The Council shall consist of a Chairman, a Deputy Chairman and members.

(2) The Chairman of the Council shall be the Minister of Interior.

(3) The Deputy Chairman of the Council shall be a Deputy Minister of Interior appointed by the Chairman.

(4) Members of the Council shall be the Director of the National Police Service of the Ministry of Interior; the Director of the National Service for Combating Organised Crime of the Ministry of Interior; the Director of the National Border Police Service of the Ministry of Interior; the Director of the Customs Agency with the Minister of Finance; the Director of the Bureau for Financial Intelligence Agency with the Minister of Finance; the Director of Public Internal Financial Control Agency with the Minister of Finance; the Director of the General Tax Directorate of the Ministry of Finance; the Director of the Central Financing and Contracting Unit of the Ministry of Finance; the Director of the EU Funds Management Directorate of the Ministry of Finance, the Director General of the National Veterinary Service with the Minister of Agriculture and Forestry; the Director of the Integration Policy Directorate of the Ministry of Agriculture and Forestry and the Director of the Development of Rural Areas and Investment Directorate of the Ministry of Agriculture and Forestry.

Article 4. The Council shall have the following functions:

1. to carry out interaction between the competent bodies in detection and prevention of infringements committed with funds and property provided within the framework of European Union funds or programmes;

2. to interact with the European Anti-Fraud Office and the relevant bodies competent in the area of the protection of the financial interests of the European Communities in the Member States of the European Union and in other states;

3. to interact with the judicial authorities by way of mutual instruments regulating the specific forms of interaction and co-operation;
4. to propose measures to prevent and combat fraud and misuse as well as other offences or ineffective management of financial assets belonging to the European Union or provided within the framework of European Union funds or programmes;
5. to examine the prerequisites and analyse the existing practices in order to enable the competent authorities to take appropriate measures to remove the conditions for misuse, fraud and other offences or ineffective management of financial assets provided within the framework of European Union funds or programmes;
6. to analyse and evaluate the activities and the results from actions taken to prevent and combat the infringements related to the management and the utilization of financial assets and property provided within the framework of European Union funds;
7. to file requests for information with the competent bodies in compliance with their prerogatives stipulated by law, propose checks and recommend measures to prevent, detect and discontinue all action that could lead to fraud and other offences or to inadequate management of assets and property within the framework of European Union funds and programmes;
8. to inform the competent bodies about indications or other data related to infringements with assets or property provided to Bulgaria within the framework of European Union funds or programmes;
9. to recommend adequate measures and guarantees to be introduced by the competent authorities aimed to protect the financial interests of the European Communities and to establish effective control mechanisms thereto;
10. to make recommendations and coordinate the activities related to the qualification and training of the officials of the competent bodies involved in the combat against the infringements affecting the financial interests of the European Communities;
11. to elaborate draft legislation
12. to elaborate draft instruments of strategic or programming character in the area of the protection of the financial interests of the European Communities and to coordinate their implementation;

Article 5. (1) The Council shall meet at the request of the Chairman at least once in every 3 months. If required the Council shall meet at the request of the Chairman or any of the members.

(2) The agenda and the documentation for the meetings of the Council shall be forwarded to the members of the Council at least 5 days before the date of the meeting. Members of the Council shall propose amendments to the agenda at least 2 days before the meeting.

(3) The meetings of the Council shall be legitimate if they are attended by at least than 50 per cent of its members. Decisions shall be taken by simple majority of the members of the Council present at the meeting.

(4) Minutes shall be kept of each meeting, which shall be signed by the Chairman and the Secretary. The decisions taken shall be contained in the minutes, to which the documents discussed at the meeting shall be enclosed.

(5) As necessary the Council shall invite experts and establish working groups on specific issues related to its functions.

Article 6. (1) The Chairman of the Council shall:

1. represent the Council;
2. draw up the agenda of the meetings;
3. appoint the date of the meetings and govern the work of the Council;
4. organise and control the implementation of the decisions of the Council;
5. inform the agencies concerned about the decisions, opinions and proposals of the Council;
6. appoint the members of the expert working groups on a proposal of the members of the Council;
7. invite representatives of other state bodies, local authorities and organisations to take part in the work of the Council;
8. appoint a Secretary of the Council;
9. propose to the Council to adopt additional rules governing its activity on issues not covered by this Decree.
10. propose the draft legislation and instruments elaborated by the Council pursuant to Article 4, Items 11 and 12 for submission to the Council of Ministers;

(2) In the absence of the Chairman his functions shall be performed by the Deputy Chairman of the Council.

Article 7. The Secretary of the Council shall be the contact person with the European Anti-Fraud Office and the relevant bodies competent in the area of the protection of the financial interests of the European Communities in the Member States of the European Union and in other states.

FINAL PROVISIONS

§ 1. The implementation of the Decree shall be entrusted to the Chairman of the Council co-ordinating the fight against the infringements affecting the financial interests of the European Communities.

§ 2. This Decree is ruled pursuant to Article 21 of the Administration Act.