

**REPORT**  
**ON THE IMPLEMENTATION OF THE NATIONAL**  
**ACTION PLAN FOR THE ADOPTION OF THE EUROPEAN**  
**ACQUIS RELATED TO THE CONVENTION IMPLEMENTING THE**  
**SCHENGEN AGREEMENT**  
**IN 2004**

**I. BORDER CONTROL**

**Legislative measures**

Within PHARE twinning project BG 02/IB-JH-06 (BG 0203.11) “Further strengthening of border management and control on future external EU borders /blue borders/”, a draft Ordinance was developed on guard of sea part of the state border of the Republic of Bulgaria as well as a draft Ordinance on guard of the river part of the state border of the Republic of Bulgaria in the implementation of Article 94, paragraph 4, item 2 of the Ministry of Interior Act. The two ordinances were adopted by the Minister of Interior in January 2005.

Following the amendments to the Ministry of Interior Act of November 2003, an Instruction of the Minister of Interior was adopted on 28 October 2004 on border passport and visa control at border checkpoints. The Instruction regulates to a maximum degree the technological order for work at border checkpoints. Until its entry into force, this order was determined by a variety of internal orders, guidelines and rules, which complicated the work of border officials at border checkpoints and controlling bodies of the National Border Police Service and the Ministry of Interior NBPS. The regulations of the Instructions have entirely transposed the respective acts of the Schengen *acquis*

On 22 December 2004 an Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Romania was signed in Sofia on cooperation between border security authorities. It envisages a number of forms for border-police cooperation in the light of Article 7 of the Convention Implementing the Schengen Agreement.

On 27 July 2004 an Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of the Czech Republic was signed, which amends the inter-governmental readmission agreement signed on 9 April 1998 in Sofia. The amendment regulates the transit of third country nationals.

In May and June 2004 in Sofia and Berlin respectively two rounds of expert negotiations were held on the new Agreement between the Government of the Republic of Bulgaria and the Government of the Federal Republic of Germany on

readmission and transit of people (Readmission Agreement). The draft agreement has been agreed upon in principle. A final meeting in the beginning of 2005 is forthcoming for final language edition of the text of the agreement.

A consecutive round of negotiations under the Readmission Agreement between the Republic of Bulgaria and Republic of Turkey was held during which no common definitions were agreed due to the negative Turkish position on basic principles of law and practice of EU in the field of readmission.

In compliance with the measures laid down in the National Schengen Action Plan a Draft Agreement between the Republic of Bulgaria and the Republic of Greece on extended police and border-police cooperation and a Draft Agreement between the Republic of Bulgaria and the Republic of Romania on extended police and border-police cooperation were prepared which stipulate vastly larger opportunities for border police and police cooperation as per the provisions of Articles 39-47 of the Convention Implementing the Schengen Agreement. On 23 December 2004 the Council of Ministers approved the two drafts as a basis for negotiations.

During the reporting period a draft agreement was prepared between the Governments of the Republic of Bulgaria and the Republic of Greece for setting up a joint Border Checkpoint at Ilinden on Bulgarian territory and for use of the adjacent tunnel. After the Greek party was handed the draft agreement it disagreed with the setting up of a joint border checkpoint at the territory of the Republic of Bulgaria.

### **Institution building**

*Crossing internal borders* The Director of the National Border Police Service by its orders of 17 December 2004 nominated three additional officers to assist the work of Contact Bureau at Giurgiu at conduction of joint investigations on particular cases with Romanian border-police authorities as well as four officers for carrying out cross-border cooperation on particular occasions and for particular cases jointly with the border security authorities from the Republic of Greece /the so-called ad hoc liaison officers/. The aim of these orders is to formally regulate the existing forms of practical border-police cooperation with regional Romanian and Greek structures.

The envisaged establishment of joint mobile units at national level for carrying out checks inside the border zone (border security bodies, police, customs, the service for administrative control over foreigners) is under realization. The actual start of the stated units is subject to the elaboration of an unified concept of the respective services, which will be incorporated into the future Strategy on Integrated Border Management. This document will specify the composition and concrete tasks as well as the ways of functioning of the mobile units.

*Crossing external borders* The implementation of the envisaged measure for elaboration of a Strategy on Integrated Border Management is laid down as an objective in a twinning project under PHARE 2004-2006 Program in view of providing better opportunities for analysis and adoption of best practices and standards for interaction of border security authorities.

By Council of Ministers Decrees № 13/2004 and № 508/2004 certain measures were outlined for re-organizing and optimizing the work of the competent authorities at border checkpoints in view of facilitating the traffic. At present the concrete forms of action are discussed which are to provide the achievement of the envisaged result. On the other hand, the technical reconstruction will not be of big size in so far as it will include removal of installations and buildings and not the construction of new ones.

Again, in view of facilitating the traffic and optimizing border passport and visa control an Instruction has been elaborated on the border passport and visa control at border checkpoints. The Instruction regulates to a maximum degree the technological order for work at border checkpoints as well as different organization issues and activities in terms of control exercised at border checkpoints. Thus, the legal basis in the field of border trafficking was up-dated with the aim of facilitating it.

Republic of Bulgaria continues its active participation in a project under the Regional Program for Enhancing the Trade and Transport in South-Eastern Europe, financed under a World Bank loan to the amount of 7, 73 MEUR and co-financed by the state budget. Within the framework of the project there was a reconstruction and rehabilitation at border checkpoint Kapitan Andreevo at the Turkish border of two buildings for border passport-visa and customs control and TIR flow, as well as two booths for passport-visa control of roadbed for automobiles and buses. The aim is to significantly reduce the duration of border crossings as well as to improve the conditions of border control over persons and vehicles.

Regulations for river and sea traffic The Center for Coordination, Control and Information Exchange on Black Sea traffic started its actual functioning: the countries exchange information on suspected ships under approved protocols in real time. At present the information exchange is continuous and includes all Black Sea countries. By the end of 2004 more than 150 vessels have been listed and watched as suspected of illegal activities. The removal of the Center to a new building in Burgas that provides substantially better working conditions is forthcoming.

### **Further progress needed**

Crossing internal borders In the field of institutional strengthening of future internal borders it is necessary to continue the efforts for gradual development of the joint mobile units at national level for conducting checks inside the border zone on the basis of the Strategy on Integrated Border Management.

Bulgaria considers it a necessary and fully achievable measure to establish a Contact Bureau for border-police cooperation at the Bulgarian-Greek Border, similar to the one at Giurgiu, Romania, which has been functioning for two years now. In this regards, it is of particular importance to have the consent and commitment of the Greek side.

Crossing external borders The adoption and practical implementation of the Strategy on Integrated Border Management is undoubtedly a priority.

Setting up new border checkpoints and modernizing existing ones is a long-term process, which involves substantial financial resources. Bringing Bulgarian border checkpoints in line with requirements and standards for efficiency of border control and at the same time facilitating border crossings should continue.

Regulations for river and sea traffic Enhancing the contacts and strengthening the cooperation of the Center for Coordination, Control and Information Exchange on Black Sea Traffic with other similar coordination centers and especially the one at the Baltic Sea.

### **Administrative capacity**

When setting up an efficient system of state border control the Bulgarian Border Police continues to focus on training and qualification of border officials, which is to a maximum degree oriented towards the European Union standards.

The full 12-month training courses at the Pazardjik Training Center of the Border Police which started last year, continued. By the end of 2004 three 12-month training courses for initial professional training were completed; 356 officers were trained during these courses. At present the fourth and fifth courses are being held, involving a total of 320 officers.

In the up-dated curriculum for initial professional training of newly recruited officials as of 1<sup>st</sup> November 2004, a separate module for foreign language training in English, German and French has been included. A new subject - Countering Crime, has been included in the curriculum.

In 2004 continued the centralized complimentary training of sergeants at the National Border Police Service who have passed short course for initial professional training during the period 1999 – 2002. This kind of training was introduced in 2003 and its duration is 6 weeks. Since September 2004 until now two courses were conducted with the participation of 100 officers.

Training of border officers at training courses for increasing the qualification at the Pazardjik Training Center and the Academy of the Ministry of Interior continues as well.

Within the framework of established contacts and interaction with the Federal Republic of Germany three officials of the National Border Police Services are trained at the training centers of the Federal Border Guard of the Federal Republic of Germany.

One of the current priorities of Bulgaria is strengthening the staff potential and modernizing technical equipment along future external borders, and in particular along the border with Serbia and Montenegro and Republic of Macedonia. To this end, the number of executive sergeant staff, directly engaged in guard of the Western border of the Republic of Bulgaria, was increased by 86.

### **Further progress needed**

The centralized complimentary training of sergeants from the National Border Police Service who have passed the short /four-month/ initial training course during the period 1998 – 2002 should include all officers falling into this category.

### **Technical equipment for border guard**

In view of the reorganization of the Bulgarian Border Police and the replacement of military conscripts with professional border police officers (the process was finalized in December 2002) in 2004 investments were made in modern technical equipment and infrastructure to the total value of 1 780 406 euro:

- Funds under Phare project BG 0203.11 “Further strengthening of border management and control on future external EU borders /blue borders/”- 118 476 euro, by which 36 goggles for green and blue borders surveillance were purchased and delivered.
  
- Funds from the national budget in the form of co-financing under three PHARE projects: project BG 0203.11 “Further strengthening of border management and control on future external EU borders /blue borders/”, project 0012.02 “Strengthening Control of the Bulgarian Black Sea Maritime Border” and project BG 0005.02 – “Modernizing Border Police Equipment at the Turkish Border” – a total of 1 661 930 euro, by which a third second-hand 200-ton patrol ship and one floating ferro-concrete pier for patrol ship repairs were purchased and delivered. In addition, the Command and Communication Center on the Bulgarian-Turkish Border at Svilengrad was repaired and there was a supply for equipment for it.

Programs for technical re-equipment are currently up-dated in view of the specific conditions along the borders.

### **Further progress needed**

Further provision of required modern equipment for the needs of the Border Police in compliance with the available financial resources and the analysis of the situation of separate parts of state border.

## II. VISAS

### Legislative measures

#### *Progress made*

Amendments to the Bulgarian Identity Documents Act have been adopted /promulgated in State Gazette No.103/2004/ regulating the terms and procedures for issuing diplomatic passports and the category of people to whom they are issued.

For the purpose of achieving full compliance with Schengen requirements and creating prerequisites for using the Schengen Information System, amendments to the Regulation on the terms and procedures for issuing visas have been adopted /promulgated in State Gazette No. 21 of 16 March 2004, in force as of 16 March 2004/, introducing the possibility for providing EU Member States or International Governmental Organizations with statistic data on the number of issued, refused and not received visas /in a way that does not allow people to be identified/ according to citizenship and type of visas. In conformity with concluded bilateral agreements, the adopted amendments update the Annexes to the Regulation regarding the lists of countries whose nationals are subject to, respectively exempt from visa requirement. Visa requirements for citizens of the autonomous province Kosovo, travelling with documents, issued by the United Nations Temporary Administration – UNMIK, have been introduced. The amendments introduce visa-free regime for nationals of Malaysia.

Regulation on the terms and procedures for issuing diplomatic and service passports by the Ministry of Foreign Affairs has been adopted / Council of Ministers' Decree No. 29 of 3 February 2004, promulgated in State Gazette No.11 of 10 February 2004, in force as of 10 February 2004; amended by a Decision of the Supreme Administrative Court No. 8265 of 14 October 2004, State Gazette No. 96 of 29 October 2004, in force as of 29 October 2004/. The Regulation stipulates the terms and procedures for issuing service passports and the category of people to whom they are issued.

The process of harmonizing the Bulgarian positive visa list to that of the EU is ongoing. On 11 August 2004 an Agreement between the Government of the Republic of Bulgaria and the Government of the Bolivarian Republic of Venezuela on lifting visa requirements for holders of ordinary passports has been signed.

An Agreement between the Government of the Republic of Bulgaria and the Government of the Eastern Republic of Uruguay regarding mutual lifting of visa requirements has been signed on 10 January 2005.

The process of negotiating draft agreements for visa-free regime with the other countries on the positive list is ongoing.

### ***Further progress needed***

With a view of achieving full compliance with acquis, more efforts for introducing visa-free regime for nationals of countries on the positive EU list, holders of ordinary passports, are needed.

### **Institution building**

#### ***Progress made***

As of June 2004 the timetable approved by the Minister of Foreign Affairs for installing and putting into operation the technical equipment necessary for issuing the new Bulgarian visas in 89 /including the recently opened General Consulate in Podgoritza/ from all 94 diplomatic and consular missions has been implemented. In the diplomatic and consular missions of the Republic of Bulgaria in Afghanistan (Kabul), Iraq (Baghdad), Peoples' Democratic Republic of Korea (Pyongyang) the Visa Control System will not be introduced at the current stage due to security reasons, and in Ethiopia (Addis Ababa) the system will not be installed because there are only buildings there and visas are not issued. In Benghazi (Libya) all visas and temporary passports issued are put into the system through the Embassy in Tripoli.

#### ***Further progress needed***

Bulgaria will provide the necessary technical equipment for detecting forged documents in compliance with the EU recommendations by the date of accession.

#### **Administrative capacity**

#### ***Further progress needed***

The process of providing technical equipment for detecting forged/counterfeit documents and adequate staff training has to continue.

### **III. MIGRATION**

#### **Legislative measures**

In view of the establishment of special facilities for temporary accommodation of foreigners who have been issued an order for forcible escort to the border or expulsion, the Minister of Interior approved an Ordinance № I-13 of 29 January 2004 /promulgated in State Gazette, No 12 of 2004/. It regulates the terms and conditions for accommodation, stay and release from the special facilities, the organization of work and management of the special facilities.

During the reporting period a draft Memorandum between the Government of the Republic of Bulgaria and Government of Australia on Cooperation in the Fight against Illegal Migration, trafficking in human beings and readmission was initialed.

On 25 June 2004 an Agreement was signed between the Government of the Republic of Bulgaria and the Federal Government of the Republic of Austria on mutual data exchange in the field of migration control and asylum. The agreement was approved by a Council of Ministers Decree No 696 of 27 August 2004.

#### **Institutional Building**

In compliance with the Act Amending the Ministry of the Interior Act (promulgated in State Gazette No. 103/25.11.2003) adopted by the National Assembly, the Migration Directorate within the framework of the Ministry of the Interior was established on 26 February 2004 as a specialized state body, responsible for administrative control over foreign nationals and carrying out the migration policy of the Republic of Bulgaria. The Directorate collects, systemizes and analyses information on the basis of data on state and dynamics of migration processes. The Directorate also plans, develops and proposes to the management of the Ministry of Interior measures to regulate the migration processes as well as elaboration of legal acts for improving the administrative control over foreign nationals. The Migration Directorate carries out the information and practical interaction with other Ministry of Interior services and other state institutions on issues concerning foreign nationals, asylum and refugees.

In the framework of its scope of responsibility, the Migration Directorate cooperates with public, non-governmental and international organizations.

The Migration Directorate is already fully staffed in terms of the numbers of full-time employees provided for in its structure. Employees are being trained with a view of the specific nature of their work.

One of the main activities of the Directorate is the establishment of special facilities for temporary accommodation of foreigners residing illegally in the country.

All coordinating procedures have been finalized, the design projects for the erection of the temporary accommodation facility for foreigners in Bousmantzi have been

adopted, and also a construction permission has been obtained, under the Law on the Structure of the Territory.

The amendments to the Bulgarian legislation, and more specifically, the amendments to the Law on the Structure of the Territory and the Law on Public Orders, have made it necessary to reschedule the deadline for the completion of construction activities, so erection and assembly procedures, as well as infra-structural work, are still in progress.

*Further progress required*

The process of construction of the facility for temporary accommodation of illegally residing foreigners in Bousmantzi will need to be speeded up.

## **IV. POLICE AND SECURITY**

### **Legislative measures**

A draft Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Turkey on Police Cooperation was submitted to the Turkish side in the accounting period. Negotiations are in progress on the draft Police Cooperation Agreement between the Governments of Bulgaria and Albania.

On 23 December 2004 the Council of Ministers adopted as a basis for negotiations a draft Agreement between the Governments of the Republic of Bulgaria and the Hellenic Republic on Enhanced Police and Border Police Cooperation, as well as a draft Agreement between the Governments of the Republic of Bulgaria and Romania on Enhanced Police and Border Police Cooperation, which, alongside with the considerably enhanced possibilities for border police cooperation also involve specific forms of police cooperation, in compliance with Art. 39-47 of the Convention for the Implementation of the Schengen Agreement.

The agreements are focusing on trans-border crime and illegal migration and trafficking in human beings, in particular. They contain detailed regulations concerning general and special forms of cooperation, such as exchange of information, joint working teams joint operations, collaboration in cases of natural disasters and emergency situations, trans-border surveillance and pursuit, joint bureaus and liaison officers. The legal status and the scope of powers of official representatives of the contracting parties in the process of performance of duties on foreign territory have been regulated extensively, as well as their criminal and civil liabilities.

### **Institutional building**

In the accounting period the Ministry of the Interior of the Republic of Bulgaria appointed its liaison officers to Serbia and Montenegro, and also to the Republic of Turkey.

Under the Cooperation Agreement between the Republic of Bulgaria and Europol, a contact point for liaison with Europol was established on 1 March 2004. The newly established unit is an element of the coordinated model of the National Contact Point.

## V. JUDICIAL CO-OPERATION

### Legislative measures

On 30 September 2004 the National Assembly adopted Amendments and Supplements to the Penal Procedure Code (State Gazette № 89/ 12.10.2004). It introduced important amendments concerning international legal co-operation and international legal assistance that allow the implementation of the ratified in 2004 acts of the Council of Europe accepted as a part of *Acquis*: the Additional Protocol to the Convention on Transfer of Sentenced Persons (1997), European Convention on the Transfer of Proceedings in Criminal Matters (1972), European Convention on the International Validity of Criminal Judgements (1970) and the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (2001).

The amendment to the Penal Procedure Code arranged the possibility for transfer of a person without his consent so Republic of Bulgaria can effectively execute its duties taken by ratifying of the Additional Protocol to the Convention on the Transfer of Sentenced Persons. For that purpose it was made new Art. 442a that includes the transfer of the enforcement of judgments without consent of the sentenced person:

1. the sentence or the following administrative decision of the sentenced state includes order for expulsion (deportation) or other act, by the force of which the person after releasing from the place for deprivation from liberty cannot stay on the territory of the state sentenced him;
2. before serving the sentence the convicted person has escaped from the state sentenced him to the territory of the state which citizen he is.

In this way it was achieved a compliance of Bulgarian Legislation with Art. 68 and 69 of Convention Implementing the Schengen Agreement.

In section “International legal assistance in criminal cases” of Chapter twenty two from Penal Procedure Code were made amendments and supplements directed to create a national legal mechanism for implementation of new forms of international legal assistance and co-operation as well as to reflect the changes in the ones that were implemented until now according to the requirements of the Second Additional Protocol to the European Convention on Mutual assistance in Criminal Matters and to the Convention on Mutual Legal Assistance between the Member-States of the EU from 2000. It is also achieved a compliance with Art. 52 from the Schengen Convention.

The new Art. 463a of Penal Procedure Code regulates the use of special modes-video-conference and telephone conference for interrogation of people - witnesses, experts or accused. These modes are used if the accused, the witness or the expert are out side the country of the criminal proceeding. The Penal Procedure Code also introduced the “trans-border observation” of persons for the purposes of the international legal assistance between the bodies who collect evidence in the criminal procedure as well as “controlled shipments” and “investigation under cover” as modes of collecting evidence that can be used in the criminal procedure in the requesting country. The

Central Competent Body for receiving of requests for fulfilment of controlled shipments and trans-border observation is Supreme Cassation Prosecutor's office, section "International legal assistance". The requests could be sent not only by ordinary post but also by fax or e-mail. With the adopted amendments and supplements of the Penal Procedure Code has been achieved a harmonization with Art.39 of the Convention Implementing the Schengen Agreement.

The Penal Procedure Code allows also the creation of "joint team for investigation" by concluding of an agreement between the participating countries and defines the Supreme Cassation Prosecutor's Office as a competent body from Bulgarian party for taking decisions in connection with their creation.

The draft for new Law for extradition is approved by the Council of Ministers on 6 January 2005 and it is submitted to the National Assembly. The draft law introduces in our national legal system the requirements of the Framework decision regarding the European Arrest Warrant that is in a separate chapter of the draft.

### **Institutional building**

In June 2003 started the execution of the project BG-0103.03 (Technical assistance) "Strategy for selection and professional qualification of magistrates and court clerks" supported by Program PHARE 2001 aiming the building of a base of overall politics for strengthening and improvement of the human resources in the Bulgarian legal system according to the European examples of good practice.

The second element "Harmonization of the system of law education" in Bulgaria is almost complete: it was elaborated comparative analysis of the juridical education in the Member-States of the EU and candidate-states, the current system of the law education has been evaluated and on its bases have been prepared a number of recommendation for its improvement in compliance with the educational standards of the EU. The final report was presented to the concerned institutions and widely debated on a National Conference "Reform of the juridical education - a guarantee for successful implementation of the judicial reform" which was held in October 2004 in the frames of the Communication Strategy for accession of Republic of Bulgaria in the European Union.

The Managing Board of the National Institute of Justice with its decision accepted Internal Rules for organization of the training activities.

On 1 November 2004 officially was opened the building of the National Institute of Justice. On the same date the director of NIJ took position.

A new project of training program for new prosecutor and investigator is being prepared; it was elaborated following the model of the program for initial training of new judges.

The program for the obligatory six- months training of junior judges, prosecutors and investigators, regulated in the Law for Judicial System (art. 38) will start in the beginning of 2005 once the junior magistrates passed successfully the competition at the end of 2004 are nominated. Its elaboration was assisted also by the PHARE project BG 2002/IB/JH/01/B that started in the end of June 2004 “Strengthening of the national institution for professional qualification” together with the National School of Magistracy of France.

It was elaborated a calendar of the training activity of NIJ for 2004 and it includes the permanent training programs for initial and ongoing qualification and EU law training.

At the present moment NIJ has a unified program for training of all magistrates in the field of EU law that is still developing and expanding. At the moment are being held the following trainings:

- Basic course “Introduction in EU law”
- Specialized course “The practice of the Court of EU in Luxembourg”
- Specialized course “Police and judicial co-operation in criminal and civil cases in EU”
- Specialized course “Protection of the intellectual property”
- Specialized course on the European Convention for the protection of Human rights that is carried out in the frame of the three years project of MATRA program in co-operation with Dutch Institute for Human Rights and “Bulgarian lawyers for Human Rights”

In June 2004 a project for training of magistrates on judicial co-operation in the field of criminal and civil law has started. The project is carried out together with the European Institute for Public Administration - Luxembourg and will continue during 2005.

*Further progress needed*

Strengthening the capacity of the National Institute of Justice and actualization of the program for training of magistrates assisted by the PHARE project BG 01.03.3.

## VI. COUNTERING NARCOTIC SUBSTANCES

### Legislative measures

With the amendments and supplements to the Penal Procedure Code, adopted in September 2004 (promulgated in the State Gazette, issue 89 of 12 October 2004) that will enter into force on 12 April 2005, pre-trial proceedings of drug-related and precursor-related crimes shall be the responsibility of police investigating authorities (doznateli)<sup>1</sup> Pre-trial proceedings of drug-related or precursor-related crimes shall be undertaken by the National Investigation Service only in cases when the perpetrators are foreign nationals, or if Bulgarian nationals have perpetrated a crime abroad.

Concerning controlled deliveries, (Art. 73 of the Schengen Convention) in the above Amending and Supplementing Act to the Penal and Procedural Code a new Paragraph 4 of Article 465 was adopted (in force since 16 October 2004). Under this regulation, the Supreme Prosecutor's Office of Cassation is the competent authority for submitting requests to other countries for investigation through undercover agents, through controlled deliveries and trans-border surveillance, and also for decision-making following such requests from the investigating authorities of other countries. Requests for legal assistance and all other messages from the competent authorities of another country, sent or received via fax or e-mail, are considered by the Bulgarian competent authorities following the same procedural manner as those sent by regular mail.

In cases of emergency, the requests for controlled deliveries may be addressed directly to police or customs authorities through Interpol, Europol, or through bilateral cooperation. In such cases the service or agency, which is the addressee of the request, informs the Supreme Prosecutor's Office of Cassation which makes a decision following the request.

Pursuant to Council of Ministers Decree No. 116/ 3 June 2004 (promulgated in the State Gazette, issue 50 of 11 June 2004) an Ordinance on Drug Precursors Control was adopted, which provide full alignment with the EU acquis concerning the conditions and regulations to be followed when issuing licenses to people who produce, process, use in other types of production, store, import, export, re-export, transit or trade in precursors in this country.

Pursuant to Council of Ministers Decree No.216 of 19 August 2004 (promulgated in the State Gazette, issue 76 of 31 August 2004) an Ordinance permitting the activities under Art. 73, paragraph 1 of the Narcotic Substances and Precursors Control Act, was adopted. The Ordinance determines the conditions and procedures for permitting activities involving acquisition, import, storage and use of limited quantities of narcotic substances and precursors for medical and scientific research, educational purposes and training dogs who detect narcotic substances.

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<sup>1</sup> These amendments do not affect the powers of customs authorities in terms of investigation of smuggling narcotic substances.

## **Institutional building**

Since 1 October 2004 employees from the following services or agencies have been seconded to the National Drug Intelligence Unit (NDIU): the National Security Service, the National Police Service, the National Service for Countering Organized Crime, the National Border Police Service, the Customs Agency and the Financial Intelligence Agency.

At present, the work is organized in order to provide bilateral information exchange between the NDIU and each of the six national services and agencies represented in the NDIU. NDIU Working Rules have been elaborated, as well as a draft Annual Situational Report on Drug Trafficking, Drug Distribution and Drug-Related Crimes.

In 2004 strategic analysis and analytical techniques training was organized under an UNDCP project.

In September 2004 a specialised information system for real-time operational data exchange among drug enforcement units was experimentally introduced at the Customs Agency. 3 training courses for the users of the specialized software have been organized.

A biennial regional PHARE project on combating drug trafficking was finalized in June 2004. A total of 165 representatives of Bulgarian law enforcement authorities (70 representatives of the Customs Agency, 85 Ministry of Interior employees and 10 representatives of the Supreme Prosecutor's Office of Cassation) took part in the various activities related to the implementation of the project objectives.

In October 2004 the school for training dogs for detection of customs offences started functioning in Balchik. 2 general training courses have been organized so far. New rules have been elaborated for breeding, training and using such dogs to look for narcotic substances, as well as methodological rules for their implementation.

The legislative basis has been adopted regulating the order and conditions for provision of certain amounts of narcotic substances for training and maintenance of the skills of dogs, who detect customs offences.

### *Further progress required*

It is necessary to strengthen further the administrative capacity of the NDIU through training its whole staff.

In order to create proper conditions for the implementation of Article 75 of the Convention Implementing the Schengen Agreement concerning the right of persons traveling abroad to carry narcotic substances for medical purposes, it is necessary to adopt a by-law which would determine the form and content of the certificate verifying the above, and also to identify the competent Bulgarian authority.

## **VII. FIREARMS AND AMMUNITION**

### **Legislative measures**

In order to strengthen the control of foreign trade with weapons, which is under the responsibility of the respective competent state authorities, in September 2004 an agreement for exchange of information was signed between the Customs Agency and the Security, Military Information and Military Counter-Intelligence Service under the Ministry of Defense.

### **Institutional building**

In the framework of the conditions for usage of the existing Automated Information System for police control of substances posing a general risk to the public of the Ministry of the Interior, in 2004 a process of developing the system started, related to the establishment of a centralized database for registration of firearms, pursuant to the requirements of the Explosives, Firearms and Ammunition Control Act, and also the Convention Implementing the Schengen Agreement.

Under various donor programs in 2004, the following equipment was provided for the purposes of customs control:

- 2 mobile X-ray facilities for control of cargos;
- 2 PASS systems for ultrasonic control of tanks and barrels;
- 6 endoscopes;
- 14 radiation pagers;
- 5 detection kits for smuggling.

In October 2004 the Director of the Customs Agency adopted Organizational Rules related to the usage of X-ray equipment, so the equipment has been in use since 1 November 2004 in order to inspect suspicious cargos not only at border and customs control checkpoints, but also in customs offices throughout the country.

## **VIII. FUNCTIONING AND IMPLEMENTATION OF THE SCHENGEN INFORMATION SYSTEM**

### **Institutional building**

In the framework of a PHARE 2002 project, the experience of experts related to the design and establishment of Schengen Information System II was studied, as well as the core organization of the Schengen Information System in Strasbourg.

Specialized training for administrators and users was organized in order to be trained to work with the sub-systems Wanted Persons and Invalid Documents/ID Forms of the Ministry of the Interior Automated Information System for activities related to searching and tracing down.

### **Technical Setup**

On 16 July 2004 the Ministry of Interior subsystems for searching and tracing down persons and invalid identity documents started functioning, which is a reflection of the commitments of Bulgaria aiming at establishment and development of information systems under the standards and requirements of the Schengen Information System. The sub-systems provide the functions related to processing, storage and circulation of data on the following:

- invalid (lost, stolen or acquired illegally) national identity documents, which had been issued/national ID forms (Article 100 of the Convention Implementing the Schengen Agreement), based on the existing information in the Bulgarian Identity Documents Automated Information System;
- invalid (lost, stolen or acquired illegally) national identity documents, which had been issued/national ID forms (Article 100 of the Convention Implementing the Schengen Agreement) of foreign nationals, based on information obtained from the Interpol National Central Bureau, the Ministry of Foreign Affairs or the territorial services of the Ministry of the Interior;
- administrative sanctions imposed (Article 96 of the Convention Implementing the Schengen Agreement) against foreign nationals, including personae non grata, based on the existing information in the Automated Information System about administrative sanctions that had been imposed;
- wanted people (Articles 95, 97 and 98 of the Convention Implementing the Schengen Agreement), in compliance with the new technological requirements, coordinated with police procedures implemented in EU Member States.

#### *Further progress required*

1. Development and establishment of a centralized information database for data maintenance in accordance with the scope of information of the Schengen Information System (SIS). Establishment of a national system for searching and tracing down.
2. Development of the technical and communication infrastructure for provision of access to data in centralized information databases under the above item, of the

competent authorities, under Article 101 of the Convention Implementing the Schengen Agreement.

3. Establishment of a National Schengen Information System (NSIS).

4. Establishment of the information and communication system of the SIRENE bureau.

5. Development of the system for issuance of visas in accordance with the requirements of the Convention Implementing the Schengen Agreement and the General Consular Instruction.

6. Development of the information and communication structure of the system for issuance of visas in order to connect it to the VISION network.

7. Participation in SIS – II, VISION and SIRENE.

## **IX. PERSONAL DATA PROTECTION**

### **Institutional building**

Following the provisions of the Personal Data Protection Act and the Classified Information Protection Act, an Automated Information Systems and Networks Security Unit was created in the Ministry of the Interior on 8 December 2003 by an internal regulation (Order of the Minister of the Interior). The Unit has the following functions:

- participation in defining the information security policy in the process of development and exploitation of the automated information databases for common use and the MoI data transfer network, in which classified information and personal data are stored, processed and transmitted;
- participation in the elaboration of legal regulations and methodological guidelines connected to the security of the automated information databases and to the data transfer network;
- organizing and exercising control for compliance with the requirements for the accreditation of the automated information databases and the MoI data transfer network and to submit as appropriate applications for database or network accreditation;
- monitoring jointly with the specialized directorate of the Ministry of the Interior, responsible for the protection of communications (Communications Protection Directorate) the drafting and implementation of the data protection measures in the process of exploitation of the automated information databases and the MoI data transfer network in which classified information and personal data are stored, processed and transmitted;
- providing methodological guidelines, to organize and carry out training jointly with the competent MoI units on automated information databases and MoI data transfer network security for automated information databases security officers and the users from the Ministry of the Interior;

### **Further progress required**

Training of information system security officers needs to be continued.