

Project on Cybercrime

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Cybercrime legislation – country profile

Bulgaria

This profile has been prepared within the framework of the Council of Europe's Project on Cybercrime in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the country covered or of the Council of Europe.

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Country:	Bulgaria
Signature of Convention:	Yes:23.11.2001
Ratification/accession:	Yes:07.04.2005
Provisions of the Convention	Corresponding provisions/solutions in national legislation <i>(pls quote or summarise briefly; pls attach relevant extracts as an appendix)</i>
<i>Chapter I – Use of terms</i>	
Article 1 – “Computer system”, “computer data”, “service provider”, “traffic data”	Art. 93 items 21, 22, 23 of the Penal Code /PC/ and § 1 (2) Additional provisions of the Penal Procedure Code /PPC/
<i>Chapter II – Measures to be taken at the national level</i>	
<i>Section 1 – Substantive criminal law</i>	
Article 2 – Illegal access	Art.216 (3), (5), (6) and Art. 319a of the PC
Article 3 – Illegal interception	Art. 171 (1), p.3 and (3) of the PC
Article 4 – Data interference	Art. 319b and Art. 319c, Art. 319e of the PC
Article 5 – System interference	Art. 319b, Art. 319c and Art. 319d of the PC
Article 6 – Misuse of devices	Art. 319e of the PC (partially)
Article 7 – Computer-related forgery	Art. 319b and Art. 319c of the PC
Article 8 – Computer-	Art. 212a and Art. 319b (2) of the PC

related fraud	
Article 9 – Offences related to child pornography	Art. 159 (2) - (5) of the PC
Title 4 – Offences related to infringements of copyright and related rights	
Article 10 – Offences related to infringements of copyright and related rights	Art. 172a of the PC
Article 11 – Attempt and aiding or abetting	Art. 18 and Art. 20-22 of the PC
Article 12 – Corporate liability	Art. 83a of the Law on Administrative Offences and Sanctions
Article 13 – Sanctions and measures	For art. 13(1) of Convention on Cybercrime - Art. 171 (1), item 3 and (3), Art. 172a, Art. 159, Art. 212a, Art. 216 (3), Art. 319a to Art. 319 e of the PC For art. 13(2) of Convention on Cybercrime – Art. 83a of the Law on Administrative Offences and Sanctions
<i>Section 2 – Procedural law</i>	
Article 14 – Scope of procedural provisions	The investigation and prosecution of cybercrimes in Bulgaria are conducted according to the general principles of Penal Procedure Code (PPC). In addition, with regard to the techniques for establishing evidences there are special provisions adopted, concerning the investigation of cyber crimes as referred to Art. 159, Art.160, Art. 162 (6), Art. 163, Art. 165 of the Penal Procedural Code. Powers to conduct criminal investigations on cybercrimes– Art. 78-80 item 7 in connection with Art. 8 and Art. 9 (1) item 2 of the Regulation for the Implementation of the Ministry of Interior Act
Article 15 – Conditions and safeguards	Art. 30 to 34 of the Constitution of the Republic of Bulgaria; Limited scope and specific procedure envisaged for the use of special intelligence means – Section VIII “Special Intelligence Means” (Art. 172 at seq.) of the Penal Procedure Code; Art. 138-146 of the Ministry of Interior Act
Article 16 – Expedited preservation of stored computer data	Art. 125, Art. 159, Art.162 (6), Art.163, Art. 172 (3) PPC Art. 55, Art. 56, Art. 148 Ministry of Interior Act
Article 17 – Expedited preservation and partial disclosure of traffic data	Art. 159 PPC Art. 55, Art. 56, Art. 148 of the Ministry of Interior Act
Article 18 – Production order	Art. 159, Art. 172 (3) PPC Art. 55, Art. 56 , Art. 148 (1) Ministry of Interior Act
Article 19 – Search and seizure of stored computer data	Art. 159, Art. 160 (1), Art. 165 (5), PPC
Article 20 – Real-time collection of traffic data	Reservation
Article 21 – Interception of content data	Art. 172 PPC

<i>Section 3 – Jurisdiction</i>	
Article 22 – Jurisdiction	Art. 3- 6 of the Penal Code
<i>Chapter III – International co-operation</i>	
Article 24 – Extradition	Law on Extradition and European Arrest Warrant (Art. 2, Art. 4, Art. 6 to Art. 34)
Article 25 – General principles relating to mutual assistance	Section III “Mutual Legal assistance on criminal cases” of the PPC: Art. 471 –Art. 477
Article 26 – Spontaneous information	Art. 57 (2), Ministry of Interior Act in connection with Art. 55 (6) of the Regulation for the implementation of the Ministry of Interior Act; Art. 471, (1) item 4 of the PPC Chapter 7, Law on Protection of the Classified Information The 24/7 Contact Point established to the Ministry of Interior is entitled to execute requests for mutual assistance under Art. 29
Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements	Art. 471 and Art. 472, Art. 476 (2) PPC Except this in accordance of Art. 5, para. 4 of the Constitution every International Agreement to which the Republic of Bulgaria is a State-Party is directly applicable.
Article 28 – Confidentiality and limitation on use	Art. 472, PPC Chapter 7, Law on Protection of the Classified Information
Article 29 – Expedited preservation of stored computer data	The 24/7 Contact Point established to the Ministry of Interior is entitled to execute requests for mutual assistance under Art. 29
Article 30 – Expedited disclosure of preserved traffic data	The 24/7 Contact Point established to the Ministry of Interior is entitled to execute requests for mutual assistance under Art. 29
Article 31 – Mutual assistance regarding accessing of stored computer data	Art. 471 (2) of the PPC
Article 32 – Trans-border access to stored computer data with consent or where publicly available	Law on the Access to Public Information
Article 33 – Mutual assistance in the real-time collection of traffic data	Ref. to the reservation in accordance with Art. 14
Article 34 – Mutual assistance regarding the interception of content data	Section III “Mutual Legal assistance on criminal cases” of the PPC, Art.172 PPC The 24/7 Contact Point Art.172 PPC
Article 35 – 24/7 Network	In implementation of Art. 35 of the Convention and according to the legally provided powers of the Ministry’s of interior services a 24/7 Contact Point was established. It is empowered with all relevant competences in conformity with the provisions of the Convention.
Article 42 – Reservations	<i>[copied from the CoE treaty database]</i> Reservation contained in the instrument of ratification deposited on 7 April 2005 - Or. Engl. In accordance with Article 14, paragraph 3, of the Convention, the Republic of Bulgaria reserves the right to apply the measures referred to in Article 20 only to serious offences, as they are defined by the

Bulgarian Criminal Code.

Period covered: 1/8/2005 -

The preceding statement concerns Article(s) : 14

Declaration contained in a Note verbale from the Permanent Representation of Bulgaria, dated 9 September 2005, registered at the Secretariat General on 12 September 2005 - Or. Engl.

In accordance with Article 24, paragraph 7.a, of the Convention, the Republic of Bulgaria declares that it designates the Ministry of Justice as the Central Authority responsible for making or receiving requests for extradition, and the Supreme Cassation Prosecutor's Office as the Central Authority responsible for making and receiving requests for provisional arrest.

Period covered: 12/9/2005 -

The preceding statement concerns Article(s) : 24

Declaration contained in a Note verbale from the Permanent Representation of Bulgaria, dated 9 September 2005, registered at the Secretariat General on 12 September 2005 - Or. Engl.

In accordance with Article 27, paragraph 2.c, of the Convention, the Republic of Bulgaria declares that it designates the following Central Authorities responsible for sending and answering requests for mutual assistance:

- the Supreme Cassation Prosecutor's Office - in respect of requests for mutual assistance at the stage of pre-trial proceeding;
- the Ministry of Justice - in respect of requests for mutual assistance at the stage of the trial.

Period covered: 12/9/2005 -

The preceding statement concerns Article(s) : 27

Declaration contained in a Note verbale from the Permanent Representation of Bulgaria, dated 9 September 2005, registered at the Secretariat General on 12 September 2005 - Or. Engl.

In accordance with Article 35, paragraph 1, of the Convention, the Republic of Bulgaria declares that it designates the National Service for Combating Organized Crime under the Ministry of Interior to perform the functions of point of contact for the purpose of investigations concerning cybercrime.

Period covered: 12/9/2005 -

The preceding statement concerns Article(s) : 35

APPENDIX:

CONSTITUTION OF THE REPUBLIC OF BULGARIA

Chapter one. FUNDAMENTAL PRINCIPLES

Art. 5.

- (1) The Constitution shall be the supreme law, and no other law shall contravene it.
- (2) The provisions of the Constitution shall apply directly.
- (3) No one shall be convicted for action or inaction which at the time it was committed, did not constitute a crime.
- (4) Any international instruments which have been ratified by the constitutionally established procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise.
- (5) All legislative acts shall be promulgated and shall come into force three days after the date of their promulgation unless otherwise envisaged by the acts themselves.

Chapter two. FUNDAMENTAL RIGHTS AND OBLIGATIONS OF CITIZENS

Art. 30.

- (1) Everyone shall be entitled to personal freedom and inviolability.
- (2) No one shall be detained or subjected to inspection, search or any other infringement of his personal inviolability except on the conditions and in a manner established by law.
- (3) The state authorities shall be free to detain a citizen only in the urgent circumstances expressly stipulated by law, and shall immediately advise the judicial authorities accordingly. The judicial authorities shall rule on the legality of a detention within the next 24 hours.
- (4) Everyone shall be entitled to legal counsel from the moment of detention or from the moment of being charged.
- (5) Everyone shall be entitled to meet his legal counsel in private. The confidentiality of such communication shall be inviolable.

Art. 31.

- (1) Anyone charged with a crime shall be brought before a court within the time established by law.
- (2) No one shall be forced to plead guilty, and no one shall be convicted solely by virtue of confession.
- (3) A defendant shall be considered innocent until proven otherwise by a final verdict.
- (4) The rights of a defendant shall not be restricted beyond what is necessary for the purposes of a fair trial.
- (5) Prisoners shall be kept in conditions conducive to the exercise of those of their fundamental rights which are not restricted by virtue of their sentence.
- (6) Prison sentences shall be served only at the facilities established by law.
- (7) There shall be no limitation to the prosecution and the execution of a sentence for crimes against peace and humanity.

Art. 32.

- (1) The privacy of citizens shall be inviolable. Everyone shall be entitled to protection against any illegal interference in his private or family affairs and against encroachments on his honour, dignity and reputation.
- (2) No one shall be followed, photographed, filmed, recorded or subjected to any other similar activity without his knowledge or despite his express disapproval, except when such actions are permitted by law.

Art. 33.

- (1) The home shall be inviolable. No one shall enter or stay inside a home without its occupant's consent, except in the cases expressly stipulated by law.
- (2) Entry or stay inside a home without the consent of its occupant or without the judicial authorities' permission shall be allowed only for the purposes of preventing an immediately impending crime or a crime in progress, for the capture of a criminal, or in extreme necessity.

Art. 34.

(1) The freedom and confidentiality of correspondence and all other communications shall be inviolable.

(2) Exceptions to this provision shall be allowed only with the permission of the judicial authorities for the purpose of discovering or preventing a grave crime.

PENAL CODE

Additional provisions

Explanation of some words

Art. 93. The words and expressions below have been used in this Code in the following context:

21. (New, SG 92/02) "**Computer information system**" is every individual device or a totality of interconnected or similar devices which, in fulfilment of a definite programme, provides, or one of the elements provides automatic data processing.

22. (New, SG 92/02) "**Computer information data**" is every presentation of facts, information or concepts in a form subject to automatic processing, including such a programme which is capable of doing so that a given computer system can fulfil a definite function.

23. (New, SG 92/02) "**Provider of computer information services**" is every corporate body or individual offering the possibility of communication through a computer system or which processes or stores computer data for this communication service or for its users.

Penal Procedure Code Additional provisions: § 1. (2) For the purposes of this Code "**data concerning traffic**" shall mean all data related to a message going through a computer system which have been generated as an element of a communications chain indicating the origin, destination, route, hour, date, size and duration of the connection or of the main service

Chapter two.

OFFENCES AGAINST THE PERSON

Section VIII.

Debauchery

Art. 159. (Amend., SG 92/02) (1) (Amend., SG 28/82; SG 10/93; SG 62/97) Who produces, exhibits, broadcasts, offers, sells, lends or in any other way circulates works of pornographic contents shall be punished by imprisonment of up to one year and a fine of one thousand to three thousand levs.

(2) Who exhibits, presents, offers, sells or lends works of pornographic nature to persons under 16 years of age shall be punished by imprisonment of up to three years and a fine of up to five thousand levs.

(3) (amend. – SG. SG 75/06, in force from 13.10.2006) For acts under para 1 and 2 the punishment shall be imprisonment of up to six years and a fine of up to eight thousand levs if, for the purposes of creation of the work, was used a minor, underage or a person with such an appearance.

(4) When the act under para 1 - 3 has been committed by an errand or in fulfilment of a decision of an organised criminal group the punishment shall be imprisonment of two to eight years and a fine of up to ten thousand levs, as the court may rule confiscation of a part or of the whole property of the offender.

(5) Who keeps a pornographic work for whose creation a minor, underage or a person with appearance of a minor or underage has been used shall be punished by imprisonment of up to one year or a fine of up to two thousand levs.

(6) The subject of the crime shall be seized in favour of the state, and if it is missing or has been expropriated its equivalence shall be awarded.

Chapter three.

CRIME AGAINST THE RIGHTS OF THE CITIZENS

Section V.

Infringing the inviolability of the correspondence

Art. 171. (1) (Amend., SG 28/82; SG 10/93) Who illegally:

1. opens, forges, hides or destroys another's letter, telegram, sealed papers, package

or the like;

2. (Amend., SG 92/02) takes another's, although opened, letter or telegram with the purpose of learning their contents or, with the same purpose, submit to somebody else another's letter or telegram,

shall be punished by imprisonment of up to one year or by a fine of one hundred to three hundred levs.

3. (New, SG 92/02) learns an announcement not addressed to him, send by electronic means or diverts such an announcement from its addressee.

(2) (amend. – SG. SG 75/06, in force from 13.10.2006) If the act is committed by an official who has used his official position the punishment shall be imprisonment of up to two years, and the court can also rule revoking of a right according to art. 37, para 1, item 6.

(3) (Suppl., SG 92/02) Who, by using special technical devices, illegally learns a message not addressed to him, transmitted by a telephone, telegraph, through a computer network or other telecommunication device, shall be punished by imprisonment of up to two years.

Section VII.

Crime against the intellectual property (Title, amend., SG 50/95)

Art. 172a. (New, SG 50/95)

(1) (Amend., SG 62/97; amend. – SG. SG 75/06, in force from 13.10.2006) Who records, reproduces, circulates, broadcasts or transmits or uses in any other way another person's subject of copyright or related right or copies of it, without the consent of the proprietor of the respective right required by the law, shall be punished by imprisonment of up to five years and by a fine of up to five thousand levs.

(2) (Amend., SG 62/97; amend. – SG. SG 75/06, in force from 13.10.2006) Who keeps material carriers containing another person's subject of copyright or related right amounting to huge extent, or keeps a matrix for reproduction of such carriers, shall be punished by imprisonment of two to five years and a fine of two thousand to five thousand levs.

(3) (Amend., SG 62/97; amend. – SG. SG 75/06, in force from 13.10.2006) If the act under para 1 and 2 has been committed again or substantial harmful consequences have been caused the punishment shall be imprisonment of one to six years and a fine of three thousand to ten thousand levs.

(4) (new – SG. SG 75/06, in force from 13.10.2006) In case the act under para 2 is in particularly large extent, the punishment shall be imprisonment of two to eight years and a fine of ten thousand to fifty thousand levs.

(5) (prev. text of para 4 - SG. SG 75/06, in force from 13.10.2006) For minor cases the perpetrator shall be punished through administrative channels according to the Law for the copyright and its related rights.

(6) (prev. text of para 5 - SG. SG 75/06, in force from 13.10.2006) The subject of the crime shall be seized in favour of the state, irregardless of whose property it is, and shall be destroyed.

Chapter five.

CRIME AGAINST THE PROPERTY (Title, amend., SG 10/93)

Section IV.

Fraud

Art. 212a. (New, SG 92/02)

(1) Who, for the purpose of obtaining for himself or for another benefit, excites or maintains deception in somebody by entering, changing, deleting or obliterating computer information data or uses another's electronic signature, thus causing him or some one else damage, shall be punished for computer fraud by imprisonment from one to six years and a fine of up to six thousand levs.

(2) The same punishment shall be imposed on one who, without having right, enters, changes, deletes or obliterates computer information data in order to obtain something which is not due to him.

Section VII.

Destruction and Damaging

Art. 216.

(1) (Amend., SG 10/93) Who destroys or damages illegally another's chattel or things real shall be punished by imprisonment of up to five years.

(2) (New, SG 92/02) Who destroys, runs down or damages his mortgaged or pawned

property shall be punished by imprisonment of up to five years and a fine of up to two thousand levs.

(3) (New, SG 92/02) Who, by unwarranted access to a computer of importance for an enterprise, corporate body or individual, destroys or damages another's property, shall be punished by imprisonment of one to six years and a fine of up to ten thousand levs.

(4) (Amend., SG 28/82; SG 10/93; Prev. para 2 - SG 92/02) In minor cases the punishment shall be imprisonment of up to six months or a fine of one hundred to three hundred levs.

(5) (Suppl., SG 62/97; Prev. para 3 - SG 92/02; amend. and suppl., SG 26/04) If substantial damages have been caused or other serious consequences have occurred or if the act has been committed by a person under art. 142, para 2, item 6 and 8, or if the act is related to a destruction or damaging of elements of the telecommunication network, the punishment shall be imprisonment of up to ten years, whereas the court can also rule revoking of rights according to art. 37, para 1, item 6 and 7.

(6) (Amend., SG 10/93; Prev para 4 - amend., SG 92/02) If the act under para 1, 2, 3 and 5 has been committed by negligence the punishment shall be imprisonment of up to two years or a fine of one hundred to three hundred levs.

Chapter nine.

"A" COMPUTER CRIMES(New, SG 92/02)

Art. 319a. (New, SG 92/02)

(1) Who fulfils unwarranted access to the resources of a computer, copies or uses computer data without permit, when required, shall be punished by a fine of up to three thousand levs.

(2) If the act under para 1 has been committed by two or more persons having arranged in advance such an act the punishment shall be imprisonment of up to one year or a fine of up to three thousand levs.

(3) If the act under para 1 has been committed repeatedly the punishment shall be imprisonment of up to three years or a fine of up to five thousand levs.

(4) (amend., SG 26/04) If the acts under para 1 - 3 have been committed regarding information constituting a state secret the punishment shall be from one to three years of imprisonment unless being subject to a more severe punishment.

(5) If the act under para 4 has caused severe consequences the punishment shall be from one to eight years.

Art. 319b. (New, SG 92/02)

(1) Who, without the permit of the person who administers or uses a computer, adds, changes, deletes or destroys a computer programme or data, in significant cases, shall be punished by imprisonment of up to one year or a fine of up to two thousand levs.

(2) If the act under para 1 has caused significant damages or other severe consequences have occurred the punishment shall be imprisonment of up to two years and a fine of up to three thousand levs.

(3) If the act under para 1 has been committed with the purpose of proprietary benefit the punishment shall be imprisonment of one to three years and a fine of up to five thousand levs.

Art. 319c. (New, SG 92/02)

(1) Who commits an act under art. 319b regarding data provided by virtue of a law, by electronic means or on magnetic carrier, shall be punished by imprisonment of up to two years and a fine of up to three thousand levs.

(2) If the act under para 1 has a purpose of frustrating fulfilment of an obligation the punishment shall be imprisonment of up to three years and a fine of up to five thousand levs.

Art. 319d. (New, SG 92/02)

(1) Who introduces a computer virus in a computer or in an information network shall be fined by up to three thousand levs.

(2) If the act under para 1 has caused considerable damages or it has been repeated the punishment shall be imprisonment of up to three years and a fine of up to one thousand levs.

Art. 319e. (New, SG 92/02)

(1) (amend., SG 26/04) Who circulates computer or system passwords thus causing disclosure of personal data or an information representing a state secret shall be punished by imprisonment of up to one year.

(2) For an act under para 1 committed from mercenary motives, or if it has caused considerable damages the punishment shall be imprisonment of up to three years.

Art. 319f. (New, SG 92/02) Who, on providing information services, violates the provisions of art. 6, para 2, item 5 of the Law for the electronic document and electronic signature, shall be punished by a fine of up to five thousand leva, unless subject to a more severe punishment.

Chapter one.

OBJECTIVE AND SCOPE OF THE PENAL CODE

Section II.

Scope of the Penal Code

Art. 2.

(1) Applied for each crime shall be the law which has been in force at the time of its perpetration.

(2) If, until the enactment of the verdict different laws follow applied shall be the law which is most favourable for the perpetrator.

Art. 3.

(1) The Penal Code shall apply for every crime committed on the territory of the Republic of Bulgaria.

(2) The issue of the responsibility of foreigners having immunity with respect of the criminal jurisdiction of the Republic of Bulgaria shall be resolved according to the norms of the international law adopted by it.

Art. 4.

(1) The Penal Code shall apply for the Bulgarian citizens and for the crimes committed by them abroad.

(2) (amend. - SG, 75/06, in force from 13.10.2006) A citizen of the Republic of Bulgaria cannot be delivered to other state or international court for the purposes of punitive prosecution, unless this is provided in international agreement, which has been ratified, promulgated and entered into force for the Republic of Bulgaria.

Art. 5. The Penal Code shall also apply for foreigners who have committed crime of general nature abroad, affecting the interests of the Republic of Bulgaria or of a Bulgarian citizen.

Art. 6.

(1) The Penal Code shall also apply regarding foreigners who have committed crime abroad against the peace and mankind, thus affecting the interests of another country or foreign citizens.

(2) The Penal Code shall also apply for other crimes committed by foreigners abroad wherever stipulated by an international agreement party to which is the Republic of Bulgaria.

Art. 7. In the cases of art. 4 and 5 the protective custody and the sustained conviction abroad shall be deducted. When the two punishments are heterogeneous the sustained conviction abroad shall be taken into consideration in determining the punishment by the court.

Chapter two.

CRIME

Section II.

Preparation and Attempt

Art. 18.

(1) The attempt is the started commitment of a deliberate crime whereas the act has not been completed or, though completed, the social dangerous consequences of this crime stipulated by the law or wanted by the perpetrator have not occurred.

(2) For an attempt the perpetrator shall be punished by the penalty stipulated for the committed crime, taking into consideration the degree of fulfilment of the intention and the reasons for which the crime has remained unfinished.

(3) The perpetrator shall not be punished for an attempt when, by his own motives:

- a) he has given up to complete the commitment of the crime or
- b) has prevented the occurrence of the criminal consequences.

Art. 19. In the cases of art. 17, para 3 and art. 18, para 3, if the act in which the preparation or the attempt have been expressed, contains the signs of another crime the perpetrator shall

be responsible for this crime.

Section III. Implication

Art. 20.

(1) Accomplices in a deliberate crime are: the perpetrators, the abettors and the accessories.

(2) Perpetrator is the one who participates in the very commitment of the crime.

(3) Abettor is the one who has deliberately persuaded somebody else to commit the crime.

(4) Accessory is the one who has deliberately facilitated the commitment of the crime through advice, explanations, promise to provide assistance after the act, removal of obstacles, providing resources or in any other way.

Art. 21.

(1) All accomplices shall be punished by the penalty stipulated for the committed crime, taking into consideration the nature and the degree of their participation.

(2) The abettor and the accessory shall be responsible only for what they have deliberately abetted or helped the perpetrator.

(3) When due to a definite personal quality or relation of the perpetrator the law proclaims the act as a crime responsible for this crime shall also be the abettor and the accessory for whom these circumstances are not present.

(4) The particular circumstances due to which the law excludes, reduces or increases the punishment for some of the accomplices shall not be taken into consideration regarding the rest of the accomplices with respect of whom these circumstances are not present.

Art. 22.

(1) The abettor and the accessory shall not be punished if, by their own motives, they give up further participation and impede the commitment of the act or prevent the occurrence of the criminal consequences.

(2) Applied in these cases shall be the provision of art. 19 respectively.

LAW FOR THE ADMINISTRATIVE OFFENCES AND SANCTIONS

Chapter four.

Administrative punitive sanctions to legal persons and sole entrepreneurs (title amended SG 790/05)

Art. 83a. (new – SG 79/05)

(1) To a person who has enriched themselves or would enrich from a crime under Art. 108a, 109, 110 (preparation to terrorism), 142 – 143a, 159-159c, 209 – 212a, 213a, 214, 215, 225c, 242, 250, 252, 253, 254, 254b, 256, 257, 280, 283, 301 – 307, 319a-319f, 320 – 321a and 354a-354c of the Penal Code, as well as from crimes committed under assignment or in execution of a decision of an organized criminal group, whereas they have been committed by:

1. a person empowered to form the will of the legal person;

2. a person, who represents the legal person;

3. a person elected as a controlling or a supervising body of the legal person, or

3. a worker or employee to whom the legal person has assigned certain work, whereas the crime is committed at or in connection with this work, a property sanction in amount to 1 000 000, but not less than of the value of the benefit, when it is of property nature, and if the benefit is not of property nature or its amount cannot be evaluated, the sanction shall be from 5 000 to 100 000 BGN.

(2) The property sanction shall be imposed to the legal person also whereas the persons under Para 1, item 1, 2 and 3 have abetted or assisted the commitment of the envisaged acts, as well as if the acts had stopped on the phase of attempt.

(3) The property sanction shall be imposed not depending on the realization of the criminal liability of the perpetrator of the criminal act under Para 1.

(4) The benefit or its equivalent value shall be expropriated in favour of the state, if it is not a subject to retrieval or recovery, or to deprivation under the order of the Penal Code.

(5) To the state, state bodies and the bodies of local administration as well as to the international organizations the property sanction under Para 1 shall not be imposed.

PENAL PROCEDURE CODE

Chapter fourteen
TECHNIQUES FOR ESTABLISHING EVIDENCE
Section III.
Types of objectives forms of evidence

Preparation and attachment to the case file of material evidence

Article 125

(1) Where material evidence cannot be separated from the place, where it was found, and also in other cases specified by this Code, the following shall be prepared: photographs, slides, films, video tapes, sound-recordings, recordings on carriers of computerized data, layouts, schemes, casts or prints thereof.

(2) The court and the authorities entrusted with pre-trial proceedings shall also collect and inspect the objective forms of evidence prepared with the use of special intelligence means in the hypotheses herein set forth.

(3) The materials under the paragraphs 1 and 2 shall be enclosed with the case file.
Persons who shall prepare objective forms of material evidence

Section V.
Searches and seizures

Obligation to hand over objects, papers, computerised data, data about subscribers to computer information service and traffic data

Article 159

Upon request of the court or the bodies of pre-trial proceedings, all institutions, legal persons, officials and citizens shall be obligated to preserve and hand over all objects, papers, computerized data, including traffic data, that may be of significance to the case.

Grounds for and purpose of the search

Article 160

(1) Should there be sufficient reasons to assume that in certain premises or on certain persons objects, papers or computerized information systems containing computerized data may be found, which may be of significance to the case, searches shall be conducted for their discovery and seizure.

(2) A search may also be conducted for the purpose of finding a person or a body.

Bodies making decisions on searches and seizures

Article 161

(1) In pre-trial proceedings search and seizure shall be performed with a authorisation by a judge from the respective first instance court or a judge from the first-instance court in the area of which the action is taken, upon request of the prosecutor.

(2) In cases of urgency, where this is the only possible way to collect and keep evidence, the bodies of pre-trial proceedings may perform physical examination without authorisation under paragraph 1, the record of the investigative action being submitted for approval by the supervising prosecutor to the judge forthwith, but not later than 24 hours thereafter.

(3) In court proceedings a search and seizure shall be performed following a decision of the court which is trying the case.

Persons present in the course of searches and seizures

Article 162

(1) Searches and seizures shall be conducted in the presence of certifying witnesses and of the person who uses the premises, or of an adult member of the person's family.

(2) Where the person who uses the premises or a member of his/her family cannot attend, the search and seizure shall be effected in the presence of the house manager or of representative of the municipality or mayor's office.

(3) Searches and seizures in premises used by state and/or municipal services shall be effected in the presence of a representative of the service.

(4) Searches and seizures in premises used by a legal person shall be performed in the presence of a representative thereof. Where no representative of the legal person may be present, the search and seizure shall be carried out in the presence of a representative of the municipality or mayoralty.

(5) Searches and seizures in premises of foreign missions and of missions of international organizations or in dwellings of their employees who enjoy immunity with respect to the criminal

jurisdiction of the Republic of Bulgaria, shall be conducted with the consent of the head of mission and in the presence of a prosecutor and a representative of the Ministry of Foreign Affairs.

(6) Where searches and seizures concern computerized information systems and software applications, these shall be conducted in presence of an expert- technical assistant.

Conducting searches and seizures

Article 163

(1) Searches and seizures shall be performed in daytime, except where they can suffer no delay.

(2) Before proceeding with a search and seizure, the respective body shall submit the authorisation therefore, and shall ask the objects, papers, and computerized information systems containing computerized data sought to be shown to him/her.

(3) The body performing the search shall have the right to forbid those present to contact other persons or each other, as well as to leave the premises until completion of the search.

(4) No actions may be undertaken during searches and seizures, which are not necessitated by their purposes. Premises and storerooms shall only be forcefully opened in the case of refusal to be opened, unnecessary damage being avoided.

(5) Where in the course of searches and seizures circumstances of the intimate life of citizens are revealed, measures shall be taken as necessary so that they are not be made public.

(6) The objects, papers and computerized information systems containing computerized data seized shall be shown to the certifying witnesses and the other attending persons. Where necessary, these shall be wrapped and sealed at the location where they had been seized.

(7) Seizure of computerized data shall be operated through record on paper or another carrier. In case of a paper carrier, each page shall be signed by the persons under Article 132, para 1. In other cases the carrier shall be sealed with a note stating: the case, the body performing the seizure, the location, date, and names of all individuals present under Article 132, para 1 who shall sign it.

(8) Carriers prepared in pursuance of para 7 will only be unsealed with the authorisation of the prosecutor for the needs of the investigation, which shall be carried out in presence of certifying witnesses and an expert- technical assistant. In court proceedings carriers shall be unsealed upon decision of the court by an expert technical assistant.

Search of a person

Article 164

(1) The search of a person in pre-trial proceedings without authorisation by a judge from the respective first instance court or a judge from the first-instance court in the area of which the action is taken shall be allowed:

1. at detention;

2. should there be sufficient grounds to believe that persons who are present at the search have concealed objects or papers of significance to the case.

(2) The search of a person shall be performed by an individual of the same gender in the presence of certifying witnesses of the same gender.

(3) The record of the performed investigative action shall be submitted for approval to the judge forthwith, but not later than 24 hours thereafter.

Interception and seizure of correspondence

Article 165

(1) Interception and seizure of correspondence shall be allowed only where this is necessary for disclosure or prevention of serious crime.

(2) Interception and seizure of correspondence in pre-trial proceedings shall be performed upon request of the prosecutor with the authorisation of a judge from the respective first instance court or a judge from the court in the area of which the action is taken.

(3) In court proceedings search and seizure of correspondence shall be performed by a decision of the court which is trying the case.

(4) The interception and seizure of correspondence shall be carried out in pursuance of Article 162, paras 1 - 4.

(5) The provisions of paragraphs 1 - 4 shall also apply to searches and seizures of electronic mail.

Section VIII

Special intelligence means

Material objective forms of evidence prepared with the use of special intelligence means

Article 172

(1) Pre-trial bodies may use the following special intelligence means: technical means - electronic and mechanical devices and substances that serve to document operations of the controlled persons and sites, as well as operational techniques - observation, interception, shadowing, penetration, marking and verification of correspondence and computerised information, controlled delivery, trusted transaction and investigation through an officer under cover.

(2) Special intelligence means shall be used where this is required for the investigation of serious criminal offences of intent under Chapter one , Chapter two , Sections I, II, IV, V, VIII, and IX, Chapter five , Sections I - VII, Chapter six , Section II - IV, Chapter eight , Chapter nine "a" , Chapter eleven , Sections I - IV, Chapter twelve , Chapter thirteen , and Chapter fourteen , as well as with regard to criminal offences under Article 219 , para 4, proposal 2, Article 220 , para 2, Article 253 , Article 308, paras 2, 3 , and 5, sentence two, Article 321 , Article 321a, Article 356k . and 393 of the Special Part of the Criminal Code, where the irrelevant circumstances cannot be established in any other way or this would be accompanied by exceptional difficulties.

(3) Computer information service providers shall be under the obligation to provide assistance to the court and pre-trial authorities in the collection and recording of computerized data through the use of special technical devices only where this is required for the purposes of detecting crimes under paragraph 2

(4) The special intelligence means of controlled delivery and trusted transaction may be used to collect material evidence, whereas under cover officers shall be interrogated as witnesses.

(5) The materials under paragraphs 1-4 shall be enclosed with the case file.

Request for use of special intelligence means

Article 173

(1) A written reasoned request for the use of special intelligence means in a specific case at pre-trial proceedings shall be filed by the prosecutor supervising the investigation to the court.

(2) The request must set out:

1. Information about the criminal offence for the investigation of which the use of special intelligence means is required;

2. A description of the action taken so far and its outcomes;

3. Information about the persons or sites in respect to which special intelligence means are to be applied;

4. Operational techniques to be applied;

5. The duration of use.

(3) Where the request is for investigation through an officer under cover, a written declaration by the officer shall be enclosed with it, stating that he/she has been informed of his duties and the objectives of the specific investigation.

(4) In urgent cases where this is the only possible way to conduct investigation, an officer under cover may also be used following an order of the prosecutor supervising the investigation. The activity of the officer under cover shall terminate where within 24 hours no authorisation is given by the respective court, which shall also rule with respect to the storage or destruction of the information collected.

(5) In cases under Article 123, para 7 written consent from the person in respect to whom special intelligence means are to be used shall also be enclosed with the request.

Chapter thirty-six

PROCEEDINGS IN RELATION TO INTERNATIONAL COOPERATION IN CRIMINAL MATTERS

Section III

International Legal Assistance in Criminal Cases

Grounds and contents of international legal assistance

Article 471

(1) International legal assistance in criminal matters shall be rendered to another state under the provisions of an international treaty executed to this effect, to which the Republic of Bulgaria is a party, or based on the principle of reciprocity. International legal assistance in criminal cases shall also be made available to international courts whose jurisdiction has been recognised by the Republic of Bulgaria.

(2) International legal assistance shall comprise the following:

1. Service of process;

2. Acts of investigation;

3. Collection of evidence;

4. Provision of information;

5. Other forms of legal assistance, where they have been provided for in an international agreement to which the Republic of Bulgaria is a party or have been imposed on the basis of reciprocity.

Refusal of international legal assistance

Article 472

International legal assistance may be refused if the implementation of the request could threaten the sovereignty, the national security, the public order and other interests, protected by law.

Appearance of witnesses and experts before a foreign national court

Article 473

(1) Appearance of witnesses and experts before foreign national judicial bodies shall be allowed only if assurance is provided, that the individuals summonsed, regardless of their citizenship, shall not incur criminal liability for acts committed prior to summonsing. In the event they refuse to appear, no coercive measures may be taken in respect thereof.

(2) The surrender of individuals remanded in custody to the purpose of being interrogated as witnesses or experts shall be only admitted under exceptional circumstances at the discretion of a panel of the respective district court, based on papers submitted by the other country, or an international court, provided the individual consents to being surrendered, and his/her stay in another state does not extend beyond the term of his/her remand in custody.

Interrogation of individuals through a video or phone conference

Article 474

(1) The judicial body of another state may conduct the interrogation, through a video or phone conference, of an individual who appears as a witness or expert in the criminal proceedings and is in the Republic of Bulgaria, where so envisaged in an international agreement to which the Republic of Bulgaria is a party. An interrogation through a video conference involving the accused party or a suspect may only be conducted upon their consent and once the participating Bulgarian judicial authorities and the judicial authorities of the other state agree on the manner in which the video conference will be conducted. An interrogation through a video or phone conference may only be conducted where this does not stand in contradiction to fundamental principles of Bulgarian law.

(2) The request for interrogation filed by a judicial body of the other state should indicate:

1. The reason why the appearance in person of the individual is undesirable or impossible;
2. The name of the judicial body of the other state;
3. The data of individuals who shall conduct the interrogation;
4. The consent of the individual who shall be interrogated as a witness or expert through a phone conference;
5. Consent of the accused party who will take part in an interrogation hearing through a video conference.

(3) Bulgarian competent authorities in the field of criminal proceedings shall implement requests for interrogation through a video or phone conferences. A request for interrogation through a video or phone conference shall be implemented for the needs of pre-trial proceedings by the National Investigation Service. For the need of judicial proceedings, a request for interrogation through a phone conference shall be implemented by a court of equal standing at the place of residence of the individual, and for interrogation through a video conference - by the Appellate Court at the place of residence of the individual. The competent Bulgarian authority may require the requesting party to ensure technical facilities for interrogation.

(4) The interrogation shall be directly conducted by the judicial authority of the requesting state or under its direction, in compliance with the legislation thereof.

(5) Prior to the interrogation the competent Bulgarian authority shall ascertain the identity of the person who needs to be interrogated. Following the interrogation a record shall be drafted, which shall indicate:

1. The date and location thereof;
2. The data of the interrogated individual and his or her consent, if it is required;
3. The data of individuals who took part therein on the Bulgarian side;
4. The implementation of other conditions accepted by the Bulgarian party.

(6) An individual who is abroad may be interrogated by a competent Bulgarian authority or under its direction through a video or phone conference where the legislation of said other state so admits. The interrogation shall be conducted in compliance with Bulgarian legislation and the provisions of international agreements to which the Republic of Bulgaria is a party, wherein the above means of interrogation have been regulated.

(7) The interrogation through a video or phone conference under para 6 shall be carried out in respect of pre-trial proceedings by the National Investigation Service, whereas in respect of trial proceedings - by the court.

(8) The provisions of paras 1 - 5 shall apply mutatis mutandis to the interrogation of individuals under para 6.

Procedure for submission of a request to another country or international court

Article 475

(1) A letter rogatory for international legal assistance shall contain data about: the body filing the letter; the subject and the reasoning of the letter; full name and citizenship of the individual to whom the letter refers; name and address of the individual on whom papers are to be served; and, where necessary - the indictment and a brief description of the relevant facts.

(2) A letter rogatory for international legal assistance shall be forwarded to the Ministry of Justice, unless another procedure is provided by international treaty to which the Republic of Bulgaria is a party.

Execution of request by another country or international court

Article 476

(1) Request for international legal assistance shall be executed pursuant to the procedure provided by Bulgaria law or pursuant to a procedure provided by an international agreement to which the Republic of Bulgaria is a part. A request may also be implemented pursuant to a procedure provided for in the law of the other country or the statute of the international court, should that be requested and if it is not contradictory to the Bulgarian law. The other country or international court shall be notified of the time and place of execution of the request, should that be requested.

(2) Request for legal assistance and all other communications from the competent authorities of another state which are sent and received by fax or e-mail shall be admitted and implemented by the competent Bulgarian authorities pursuant to the same procedure as those sent by ordinary mail. The Bulgarian authorities shall be able to request the certification of authenticity of the materials sent, as well as to obtain originals by express mail.

(3) The Supreme Prosecution Office of Cassation shall set up, together with other states, joint investigation teams, in which Bulgarian prosecutors and investigative bodies will take part. An agreement with the competent authorities of the participant states shall be entered in respect of the activities, duration and composition of a joint investigation team. The joint investigation team shall comply with provisions of international agreements, the stipulations of the above agreement and Bulgarian legislation while being on the territory of the Republic of Bulgaria.

(4) The Supreme Prosecution Office of Cassation shall file requests with other states for investigation through an under-cover agent, controlled deliveries and cross-border observations and it shall rule on such requests by other states.

(5) In presence of mutuality a foreign authority carrying out investigation through an agent under cover on the territory of the Republic of Bulgaria shall be able to collect evidence in accordance with its national legislation.

(6) In urgent cases involving the crossing of the state border for the purposes of cross-border observations on the territory of the Republic of Bulgaria the Supreme Prosecution Office of Cassation shall be immediately notified. It shall make a decision to proceed with or terminate cross-border observations pursuant to the terms and conditions of the Special Intelligence Instruments Act .

(7) The implementation of requests for controlled delivery or cross-border observations filed by other states shall be carried out by the competent investigation authority. It shall be able to request assistance from police, customs and other administrative bodies.

Costs for execution of request

Article 477

The costs for execution of request shall be distributed between the countries in compliance with international treaties to which the Republic of Bulgaria is a party, or on the basis of the principle of reciprocity.

MINISTRY OF INTERIOR ACT

Chapter One

GENERAL PROVISIONS

Article 1.

(1) This act regulates the principles, activities, structure and managing bodies, the means employed, the rights and obligations of employees, their training and career development, as well as the resources available to the Ministry of Interior (MoI), for protecting national security, countering crime and maintaining public order in the Republic of Bulgaria.

(2) Activities, related to protection of national security, countering crime and maintaining public order are performed by the MoI bodies independently or jointly with other authorized state bodies.

Chapter Seven
NATIONAL POLICE SERVICE
Section II
Legal Powers of Official Bodies

Article 55.

(1) Police bodies may issue orders to state bodies, organizations, legal entities and citizens, whenever required for fulfilment of the functions, assigned to them. The orders shall be given verbally or in writing.

(2) Should it be impossible to issue orders verbally or in writing, they may be conveyed through actions, the meaning of which is understandable for the persons they concern.

(3) In fulfilment of the functions of control of road traffic safety, the orders may be conveyed by actions or signs, as stipulated by act.

(4) The orders of a police body are obligatory unless they would force a person to commit an obvious crime or a violation.

(5) Orders issued in writing may be appealed against in accordance with the Administrative Procedure Code.

Article 56.

(1) Police bodies issue a verbal or written warning to persons, in regard to whom sufficient data exist and they lead to suspicion that he/she would commit a crime or a violation of public order.

(2) Written warnings are included in a notice to the person informing him/her of the liability related to the respective crime or violation of the public order.

(3) The notice of warning is issued in the presence of the person and one witness, and signed by the police body, the person and the witness after being read by them. Should the person refuse to sign the notice, the fact is certified by signature of the witness. In cases of domestic violence a copy of the notice of warning would be made available to the victim upon request.

Article 57.

(1) In case police bodies detect any conditions or grounds for incidence of crime and other violations of public order, they will take measures to eliminate them.

(2) When the measures under paragraph (1) are within the authority of other bodies or organizations, the police bodies inform them thereof in writing.

(3) The competent bodies under paragraph (2) must provide within one month written information to police bodies of any measures taken.

Chapter Eleven
INVESTIGATIVE WORK
Section I
Principles of Investigative Work

Article 138.

(1) Investigative work is an activity carried out by MoI for protection of national security and public order in the Republic of Bulgaria, of the life, health, rights and freedoms and the property of the citizens against criminal encroachment.

(2) The activity under paragraph (1) shall be carried out by the investigative and technical structural units of MoI by overt and covert means and ways, in compliance with their competences, under terms and procedure, determined by law, an act of the Council of Ministers and the Minister of Interior.

(3) The activity under paragraph (1) is carried out in conformity with the Constitution and the laws, respecting the rights and freedoms of citizens and their personal dignity, as well as applying the principle of secrecy, while combining of overt and covert methods and means.

Article 139. The investigative work is aimed at:

1. detecting, preventing and curbing crimes and other violations related to the national security and public order;

2. establishing the identity of persons who contemplate, perpetrate or had perpetrated criminal activity;
3. investigation of persons, who hide from criminal prosecution, convicts who evade penalty under felony sentences, as well as of missing persons;
4. obtaining information regarding activities, representing a threat to national security and public order;
5. preparing and keeping material evidence and submitting it to the respective judiciary authorities.

Article 140. (1) Investigative work is carried out by:

1. taking explanations from citizens;
2. checking in information databases data about persons involved in criminal activities;
3. taking samples for comparative analysis;
4. marking objects and sites;
5. examination of objects and documents;
6. carrying out surveillance;
7. identification of persons and objects;
8. breaking into and scrutinizing premises, buildings, installations, vehicles and sections of areas;
9. monitoring of postal, telegraph and other correspondence;
10. monitoring telephone calls;
11. collecting information from technical communication channels;
12. operative infiltration;
13. operative experiments;
14. verbal and written admonitions seeking to curb breaches of the rule of law;
15. operative examination of collected data and documentation thereof;
16. making controlled deliveries and confidential transactions;
17. carrying out documentary counterchecks.
18. control of the radio frequency spectrum;
19. issuance and use of identity documents with changed basic data regarding undercover operatives;
20. setting up and use of not-for-profit legal entities or of commercial companies under terms and procedure, established by a law, to provide cover for investigation activities, involving undercover operatives or when conducting undercover operations under pursuant to item 16.

(2) The activities under paragraph (1) are carried out through specific methods and techniques, as well as through using special investigative techniques and citizens who have volunteered to support the functions of the bodies of MoI.

Article 141. The terms and conditions of using special investigative techniques are determined by a law.

Article 142. (1) Deployment of undercover operatives may be ordered only by employees of the MoI, designated by the Minister of Interior.

(2) The procedure of conducting the activities under paragraph (1) is prescribed by ordinance of the Council of Ministers.

Article 143. (1) Only the specialized bodies of MoI authorized by virtue of this Act, may work with voluntary collaborators.

(2) The Minister of Interior regulates by his instruction the organization of cooperation with the citizens in support of the functions of the MoI.

(3) The recruitment and activities of the persons under paragraph (1) take place in conformity with the following principles:

1. voluntary manner of enlistment, service and release;
2. protection during and on occasion of the cooperation;
3. preserving in secret the identity and other personal data, as well as of their activity.

(4) Data of persons who have agreed to assist voluntarily the bodies of MoI may be provided to the court and the prosecutor's office only with the written consent of the persons in relation to a specific case of criminal proceedings and in compliance with the provisions of the Classified Information Protection Act.

Article 144. Investigative work is carried out on the following grounds:

1. receipt of data about persons contemplating, perpetrating or having perpetrated illegal activities, where there is not enough evidence to open or initiate criminal proceedings;
2. receipt of data about events or activities causing a threat to national security or the public order;
3. investigating persons, hiding from the bodies of the criminal prosecution or who have evaded service of punishment, imposed by sentences in felony cases
4. search for missing persons and identification of unidentified corpses;
5. request from the bodies of the preliminary proceedings and the court;
6. request from state bodies and organizations, according to their lawful competences;
7. fulfilment of international treaties, to which the Republic of Bulgaria is party.

Article 145. Material evidence, prepared and collected in the course of the investigative work, is submitted to the respective judiciary bodies under terms and procedure, established by law.

Article 146. In the course of investigative work it is inadmissible to harm the life, health, dignity and the property of citizens, as well as to pollute or damage the environment.

Section II

Legal Powers of MoI Bodies, Conducting Investigative Work

Article 147. The MoI bodies, conducting investigative work, are the civil servants from the investigative and technical units in the respective national services and in the specialized directorates under Articles 111-114.

Chapter Nine

SPECIALIZED DIRECTORATES

Section I

Objectives and Activities

Article 111. (1) The Technical Information Directorate conducts covert technical operations such as:

1. providing, developing and applying special investigative techniques and preparing material evidence under terms and conditions determined by the law;
2. surveillance, forced entry, photographing, recording video and audio materials, filming, marking of objects and producing psychological analyses in respect of collecting evidence about crimes and for the purpose of protecting the national security and the public order;
3. technical inspection of postal and other correspondence for the purpose of protecting the life, health and security of the citizens, protecting the national security and the public order;
4. controlling the transfer of data and receiving information through cable communications;
5. preventing by technical means terrorist activities directed against state bodies, organizations, legal entities and citizens, as well as against strategic sites and activities;
6. conduct of information activity.

(2) The Technical Information Directorate directs and controls the activities of its territorial units.

Article 112. The Communications Directorate is providing the necessary special communication means for the state and Ministry leadership by:

1. studying, designing, developing and implementing new systems, technical installations and utilities within the communications network;
2. providing the special and operative communications used by the state leadership and MoI on the entire territory of this country;
3. planning and organizing the operation of the communication system and ensuring the management, control and automation thereof;
4. utilizing, maintaining and servicing the technical equipment and devices in the communication system;
5. organizing communications during business events and exercises of the state authority bodies and the services and directorates of MoI;
6. organizes the hire of installations and services from licensed telecommunications operators;
7. ensuring the preparedness of the communication system for times of war, disasters and industrial accidents;

8. interacting with the national services and specialized directorates of MoI, with state bodies, organizations and legal entities with regard to discharging its functions;
9. conduct of information activity.

Article 113. (1) The Communications Protection Directorate is a unit for cryptographic protection of classified information in the Republic of Bulgaria and in its diplomatic and consular missions, for acquisition, collation and processing of information from foreign sources which is in the interest to national security, and operative monitoring of the national radio frequencies by:

1. assessing and developing cryptographic algorithms and devices for cryptographic protection of classified information; approving and controlling cryptographic networks for classified information; creating and distributing the cryptographic keys used; permitting and controlling the use, production and import of cryptographic protection devices;

2. conducting accreditation and granting certificates for security of the automated information systems or networks used for handling of classified information; coordinating and controlling the protection of the technical devices processing, storing and transferring classified information against parasitic electromagnetic emissions;

3. organizing and implementing the communications of the Republic of Bulgaria with its diplomatic and consular missions, as well as the cryptographic security of the exchanged information, and providing the competent personnel to the government institutions and the diplomatic and consular missions;

4. acquiring, processing and collating by technical means from technical sources of other countries information of importance to the national security and submitting it to users determined by an order of the Minister of Interior;

5. detecting and preventing the use of the national radio frequencies against the security of the country or in violation of the laws, and interacting with the competent state bodies;

6. controlling and removing the sources of radio interference in the radio frequency spectrum, allocated for the needs of national security and defence of the Republic of Bulgaria;

7. providing and applying special investigative techniques and preparing material evidence under terms and conditions determined by the law;

8. conducting investigative activity;

9. cooperating, within its competences, with the other MoI services and with specialized state bodies, as well as with like services of other countries and international organizations;

10. conducts information and analytical activities, the materials regarding which if makes available to the MoI leadership, the services and directorates of the Ministry and to other state bodies under procedure, determined by the Minister of Interior.

(2) Government institutions provide financial resources for the activities of the services under paragraph (1) item 3 and in the diplomatic and consular missions.

(3) The activity under paragraph (1) item 3 is organized according to an Ordinance of the Council of Ministers.

(4) for the purpose of discharging the functions under paragraph (1), items 4 and 5, Communications Protection Directorate develops and applies specific methods and means.

Article 114. The Operative Investigation Directorate conducts covert technical operations aimed at detecting and putting on record crimes, including preparing material evidence, by:

1. carrying out surveillance of persons and sites and assisting the prevention of criminal acts;

2. shadowing persons;

3. recording, filming and photographing persons and sites;

4. controlling telephone conversations made from public payphones;

5. protecting, by use of specific methods and special investigative means, the property and the life of natural persons;

6. making operative inquiries in regard to persons and sites;

7. guiding and controlling the activities of its territorial units;

8. participating in joint activities with the competent structural units of the MoI, aimed at detecting and preventing crimes;

9. participating in training of officials of the intelligence and counter intelligence services of the Republic of Bulgaria;

10. building and using its own information database, as part of the MoI information system;

11. safekeeping the material evidence, prepared by the directorate, and making them available to the respective bodies of the judiciary upon their request.

Article 148.

(1) The bodies carrying out investigative work, issue compulsory instructions to state bodies, organizations, legal entities and citizens, within their competences.

(2) State bodies and organizations must provide to the bodies under paragraph (1) access to official premises, technical junctions and other property of theirs.

REGULATION ON THE IMPLEMENTATION OF THE MINISTRY OF INTERIOR ACT

Part Two

STRUCTURE AND MANAGEMENT OF THE SYSTEM

Chapter One

STRUCTURE

Article 8

The National Police Service (NPS) shall consist of:

1. The General Police Directorate (GPD);
2. Regional Police Directorates (RPDs)

Article 9

(1) The following structures shall be established within the General Police Directorate:

1. General Directorate of Combating Crime, Protection of Public Order, and Crime Prevention (GDCCPOCP);
2. General Directorate of Combating Organised Crime (GDCOC);
3. General Directorate of Border Police (GDBP);
4. General Directorate of the Gendarmerie;
5. Directorate of Migration;
6. Directorate for International Operational Police Co-operation;
7. Anti-Terrorism Task Force (ATTF);
8. Aviation Task Force (ATF).

(2) Departments, sectors and structural units of lower rank shall be established within the General Police Directorate, besides the units mentioned in paragraph (1).

(3) The approval of the organisational structure of the General Police Directorate, and the opening and closing of structural units besides the ones mentioned in paragraph (1) shall be carried out by the minister of interior, using the resources of the Directorate.

Chapter Two

NATIONAL POLICE SERVICE

Section I

GENERAL POWERS OF POLICE

Article 55

General Powers Exercised by the Police

(1) In order to achieve a general prevention of criminal offences, police bodies shall develop and implement a set of measures aiming to establish and remove the reasons and preconditions for criminal and other offences to be committed.

(2) In order to achieve an individual prevention of criminal offences, police bodies shall undertake action in respect of persons who might commit an offence or another illegal action that poses a threat to public order.

(3) In order to prevent the occurrence of intended or prepared criminal offences, police bodies shall develop and carry out measures aiming to establish the persons who intend to make an offence, or who prepare an offence, and to dissuade them.

(4) In order to intercept a crime, police bodies shall take measures to stop the intended action, to prevent the criminal consequences thereof, and to restrict their impact.

(5) Police bodies shall carry out signalling and explanatory activities to prevent crimes and other illegal activities; they shall inform state bodies, individuals and corporate bodies about the

reasons and the conditions facilitating the implementation of such activities, and shall issue compulsory recommendation and orders.

(6) For the purposes of international police co-operation, police bodies shall realise, co-ordinate and control the exchange of police and judicial information, the delivery of persons and objects on the search list, pursuant to the international agreements, treaties and arrangements to which the Republic of Bulgaria is a Party.

Section III

GENERAL DIRECTORATE OF COMBATING ORGANISED CRIME

Article 78

The General Directorate of Combating Organised Crime is a specialised structural unit of the General Police Directorate, and carries out operational investigation, information and analytical activities aimed to prevent, intercept, detect and investigate into criminal offences, to detect local and transnational criminal structures, and to put them under surveillance.

Article 79

(1) In order to carry out their activities, the bodies of the General Directorate of Combating Organised Crime shall:

1. Carry out operational investigation, detect, monitor and control crime groups organisations, and relations between them, by proposing solutions concerning the tactical organisation of operations and the gathering of information by the Regional Police Directorates;

2. Directly participate in the prevention, interception and detection of crimes;

3. Carry out an investigation by using under-cover police, carry out controlled supplies and confidential purchases;

4. Perform police registration and identification of persons in the order established by the minister of interior;

5. Request information from the automated centralised information systems and libraries, collect, process and analyse the incoming information concerning organised criminal structures, their specialisation, their management and relations with other criminal associations in the country and abroad, the criminal offences perpetrated by the members of such groups, and the profile of their victims, in order to uncover the criminal activities in the course of the investigation;

6. Study and evaluate the methods and tactics used by the police in the struggle against organised crime, and formulate proposals aiming to improve the organisation of work;

7. Develop draft normative acts and other important documents regulating the struggle against organised crime;

8. Gather, analyse and provide information concerning the status and dynamics of the organised crime, evaluate the risks and threats of organised crime, and make forecasts to identify the strategic tendencies in the development of programmes for effective crime prevention;

9. Work in teams set up jointly with other competent public bodies;

10. Carry out co-ordinated action jointly with the respective services of other states, pursuant to the international agreements to which the Republic of Bulgaria is a Party;

(2) In order to detect organised criminal activities of local and transnational criminal groups and organisations, the General Directorate of Combating Organised Crime shall carry out an investigation of grave crimes related to:

1. the formation, management and participation in criminal structures established for the purpose of obtaining benefits, property or financial means;
2. the use of corruption mechanisms and pressure with a view to making profit and preventing penal procedures;
3. the use of violence or threat by criminal structures in order to eliminate competitors, to force officials to cooperate with or assist criminal structures against the law;
4. money laundering, and their subsequent use in legal activities.

Article 80

The activities under Article 79 shall be exercised independently or jointly with other specialised bodies in the following areas:

1. smuggling of goods and related crimes, including by using funds and/or assets of funds belonging to the European Union or allocated by the European Union to the Bulgarian State;
2. illegal production and traffic in explosives, firearms, chemical, biological or nuclear weapons or ammunitions, in nuclear materials, nuclear equipment or other ionised radiation sources, in toxic or chemical weapons and their precursors, in biological agents and toxins, or in goods and technologies with dual use;
3. illicit deals and international traffic in monuments of culture, valuable historical finds and objects of art;
4. production, trade and trafficking in counterfeit currency, payment instruments and official certification documents;
5. cross-border trafficking of human beings for the purpose of sexual exploitation, removal of human organs, and illegal adoption of newly born infants abroad;
6. illegal production and trafficking of narcotic drugs, their analogues and precursors, illegal growing of plants containing narcotic substances;
7. cyber-crimes or crimes perpetrated in or using computer networks or systems;
8. taking of hostages, use of force, detonation, suggestion of fear, or kidnapping/hijacking of persons for profit;
9. money laundering: performing financial operations using money obtained from criminal activities, transformation of property which is the proceeds of crime and therefore subject to confiscation in favour of the State;
10. terrorist action carried out by organised crime groups with the participation of Bulgarian or foreign nationals against persons or property in the territory of the country;
11. making threats against the life, health or property of high government officials;
12. acts of corruption on the part of officials who are in the service of organised crime groups;
13. acts of corruption on the part of members of the staff of the structural units of the Ministry of Interior.

LAW ON EXTRADITION AND EUROPEAN ARREST WARRANT

Chapter One GENERAL CONDITIONS

Subject of the Law

Art. 1. This law shall define the rules and procedures on extradition, as well as the rules and procedures on the issue and execution of European arrest warrant.

Extradition

Art. 2 Extradition means surrender of a person and shall be granted to person continuously living on a territory of a country:

1. against whom the competent authorities of the requesting Party or International Court are proceeding for an offence;
2. who is wanted by the judicial authorities of the requesting Party or by International Court for the carrying out of a sentence for imprisonment;
3. if a person is wanted by the competent authorities of the requesting Party or by International Court for the carrying out of detention order.

European warrant for arrest

Art 3. European warrant for arrest is a statement made by the competent authorities of a Requesting Party - member of European Union, for detention and surrender of a person to the requested country in case of offence proceeding or deprivation of liberty or a request for carrying out a detention order.

Application

Art. 4.

(1) This law shall be applied only if there is an international agreement under which Bulgaria is a Part. If unsettled matters, the provisions of this Law shall supplement the International agreement.

(2) In case of non existence of International agreement the law is applied under multilateral agreement. Minister of Law is responsible for the interaction.

(3) This law shall be applied on request for international inquiry through International Criminal Police (Interpol) on detention and extradition.

Chapter two EXTRADITABLE CONDITIONS. RENUNCIATION FOR EXTRADITION

Double criminality

Art. 5.

(1) Extradition shall be granted in respect of offences punishable under the Bulgarians Laws and of the requested Party by deprivation of liberty or under a detention order for a maximum period of at least one year or by a more severe penalty.

(2) Where a conviction and prison sentence have occurred or a detention order has been made in the territory of the requesting Party the punishment awarded must have been for a period of at least four months.

(3) The criminal act is an offence in the requested and requesting Party when with regard to the different corpus delicti, the main principles of the offences comply.

Exclusion of extradition over claimed person

Art. 6.

- (1) Extradition shall not be granted over for offences in respect of:
1. Bulgarian citizen, except when the extradition is a matter of international agreement in force, under which Republic of Bulgaria is a part;
 2. if the person claimed is, granted with political asylum in Republic of Bulgaria;
 3. if the person claimed is a foreigner and become immune from prosecution or punishment under the criminal jurisdiction of Republic of Bulgaria;
 4. if the person claimed is excluded from criminal responsibility under the Bulgarian legislation.

(2) The Bulgarian nationality, the granted political asylum or the immune from prosecution or punishment under the criminal jurisdiction of Republic of Bulgaria shall be determined as at the time of receipt of the request for extradition.

Conditions on which extraditable offences are not granted

Art. 7. Extradition shall not be granted:

1. if the offence in respect of which extradition is requested is regarded as a political offence or as an offence connected with a political offence. This paragraph shall not apply for offences which under a Law or international agreement under which Republic of Bulgaria is a part shall not be considered as political offence;
2. for offences under military law which are not offences under ordinary criminal law;
3. if the person claimed shall be proceeded in the requested country before a special court or against him shall be executed an offence sentenced by such court;
4. if the request on extradition has been made for the purpose of prosecution or punishing a person on account of his race, religion, nationality, ethnical affiliation, gender, civic status, political opinion, or that that person's position may be prejudiced for any of these reasons;
5. if in the requested Party the person claimed shall be resort to violence, put to torture, undergo humiliation or severe punishment or in accordance with the International Law in the criminal procedure and through the execution of offence his personal rights are not guaranteed;
6. when the person claimed according to the Bulgarian or the requesting country legislation, become immune by reason of laps of time from prosecution or punishment;
7. if final judgement has been passed by the competent authorities of Republic of Bulgaria upon the person claimed in respect of offences for which extradition is requested;
8. if the offence for which extradition is requested is punishable by death or death penalty is enforced under the law of the requesting Party, extradition may be refused unless the requesting Party gives such assurance as the requested country considers sufficient that the death-penalty will not be carried out, not provided by the law or commute with other.

Conditions on which extraditable offences might be refused

Art. 8. Extradition might be refused:

1. where the offence for which it is requested is regarded under the competence of Bulgarian court;
2. where for the same offence the criminal procedure in Republic of Bulgaria is abandoned;
3. where in Republic of Bulgaria a prosecution is pending against the person claimed for the offence for which extradition is requested;
4. when a extradition is requested of a person for the purpose of carrying out a sentence imposed by a decision rendered against him in absentia and the person was not informed for the persecution, extradition shall be granted if the requesting Party gives an assurance considered sufficient to guarantee to the person claimed the right to a retrial which safeguards the rights to defense;
5. when the offence for which extradition is requested has been committed outside the territory of the requesting Party, if the law of the Republic of Bulgaria does not allow prosecution for the same category of offence.

Chapter three

EXTRADITION PROCEDURE

Part I

Extradition on request of another country

Request for extradition

Art. 9.

(1) The request for extradition shall be in writing applied to the Ministry of Justice of Republic of Bulgaria through the competent authority of the requesting country.

(2) The request might be communicated through the diplomatic channel through International Criminal Police (Interpol). Other means of communication may be arranged by direct agreement between the requesting Party and Republic of Bulgaria.

(3) The request shall be supported by:

1. the original or an authenticated copy of the conviction and sentence or detention order, or of the warrant of arrest or other order having the same effect and issued in accordance with the procedure laid down in the law of the requesting Party;

2. a statement of the offences for which extradition is requested. The time and place of their commission, their legal descriptions, damages scope if there are such, and a reference to the relevant legal provisions, including lapse of time shall be set out;

3. Accurate description of the person claimed, together with any other information which will help to establish his identity and nationality;

4. In case of request for extradition of a convicted person, supplementary information on the part of unserved term of imprisonment shall be applied;

5. Documents proving the guarantees under Article 7, paragraph 8 and Article 8, paragraph 4.

(4) The request for extradition and the supporting documents shall be written on the official language of the requesting Party. Except, if in an International agreement any other requirements are not provided, translation into Bulgarian language shall be applied.

Verification of the request for extradition

Art. 10.

(1) The Minister of Justice or duly authorized by him official shall verify the request for extradition and the supported to it documents.

(2) If the request and the supported documents are not in comply with Article 9, the Minister of Justice or the authorized by him person shall refer them back to the requesting Party and shall grounded reasons for the return.

Conflicting requests

Art. 11. If extradition is requested concurrently by more than one State either for the same offences or for different offences, the Minister of Justice shall immediately inform the competent authorities of the requesting Parties on the numbers of the requests for extradition.

Transmitting of the request for extradition and the supported documents to the Supreme Casation Prosecution

Art. 12.

(1) The Minister of Justice shall transmit immediately to the Supreme Casation Prosecution the request for extradition and the supported documents or the request for provisional arrest, after complete the verification under Article 10.

(2) In case of more than one request for extradition the Supreme Casation Prosecution confirms the series with the Ministry of Law.

Provisional arrest

Art. 13.

(1) In case of urgency, before applying the request for extradition, the competent authorities of the requesting Party may request from the Ministry of Justice or from the Supreme Casation Prosecution provisional arrest of the person sought.

(2) The request for provisional arrest shall state the detention order, the conviction and sentence order and the intention of the requesting Party to apply for extradition. It shall also state for what offence extradition will be requested and when and where such offence was committed as well as description of the person sought.

(3) If a country with which Republic of Bulgaria has not a written agreement for extradition applies a request for provisional arrest, the Minister of Justice shall inform The Supreme Casation Prosecution for consensual obligations.

(4) A request for provisional arrest shall be sent to the competent authorities of the requested party either through the diplomatic channel or direct by post, telegraph, fax, or through the International Criminal Police Organisation (Interpol) or by any other means affording evidence in writing or accepted by the requested Party.

(5) After determining the identity of the person and his location on the territory of Republic of Bulgaria The Supreme Casation Prosecution shall remand the said person in custody for a period of 72 hours. He shall direct the request for provisional arrest with the supported documents to the District Prosecutor on the territory of which the person is.

(6) In the period under paragraph 5. The District Prosecutor shall provide a legal counsel and interpreter to the person, if he speaks not Bulgarian language and assigned to the District Court a request for provisional arrest.

(7) (Amended SG No. 86/2005) In accordance with Article 64, paragraph 3 and 5 of the Criminal Procedure Code the District Court shall examine the request for the provisional arrest and shall sentence an assignment. The assignment shall define the provisional arrest of the person said, or any other legal measure of duress that shall serve the participation of the person said in

the extradition procedure. The provisional arrest could not extend for more than 40 days or for any other period defined under an International agreement, signed by Republic of Bulgaria.

(8) Within a period of three days, the court assignment under Article 7 could be protested to the relevant Court of Appeal.

(9) The Supreme Casation Prosecution shall immediately inform the Minister of Justice and the requesting Party on the applied legal measure.

(10) (Amended SG No. 86/2005) On request of the person in custody, within the period as per Article 7, the District Court might change the provisional arrest to other legal procedure measure of duress. In accordance with Article 65 of the Criminal Procedure Code this procedure measure shall provide participation of the said person in the extraction procedure. The assignment of the District Court may be protested before the relevant Court of Appeal in a period of three days.

(11) Provisional arrest shall be terminated by the Prosecutor if, within the defined by the Court period for provisional arrest Republic of Bulgaria has not received the request for extradition and the documents mentioned in Article 9, paragraph 3.

(12) The release of the person asked shall not prejudice re-arrest and extradition If a request for extradition is received subsequently after expire period under Article 7.

Prosecution procedures after the receive of the request for extradition

Art. 14.

(1) On the request for extradition the Supreme Casation Prosecution shall constitute a case file. If, more than one requests are applied they shall be combined in one.

(2) Even when the defined by the Court under Article 13, paragraph 7 period for provisional arrest has expired, or any other legal measure that ensures the participation of the person said in the extradition procedure was applied. The Supreme Casation Prosecution shall remand the said person in custody within a period of up to 72 hours.

(3) The case file and the obligatory onus shall be assigned to the relevant District Prosecutor, in the region where the person said is.

(4) Within the period under paragraph 2, the District Prosecutor shall:

1. nominate to the person said a professional legal counsel and representation and interpreter, in case he speaks not Bulgarian language;
2. introduce to the person said and his defender the case file documents and take written evidences form the person said;
3. inform the person said on his right to declare before the Court his consent for immediate extradition;
4. make a proposal before the relevant District Court to remand the said person in custody pending receipt that the procedure for extradition has been duly concluded;
5. Introduce the case file in the relevant District Court.

Procedure on Remand in Custody

Art. 15.

(1) (Amended, SG No. 86/2005) In accordance with the provisions of Article 64, paragraph 3 and 5 of the Criminal Procedure Code and in cases provided by article 14, paragraph 4, point 4, The District Court shall immediately examine the request on remand in custody.

(2) The person said shall appear before the court on the obligation of the Prosecutor. The participation of a legal counsel and interpreter in the court session is obligatory.

(3) The assignment of the District Court might be protested in a period of three days before the relative Court of Appeal.

Proceedings before court on extradition

Art. 16.

(1) After receiving the case file for the request on extradition, the District Court shall constitute court proceedings and shall put down the sitting of the court not later than 7 days from the day of receipt.

(2) According to the provisions provided in Art. 6 the Justice may abandon the procedure on extradition.

(3) The justice shall pass a decision and appoint the sitting of the court and shall judge on the custody of the person said.

First instance proceedings

Art. 17.

(1) The request for extradition shall be considered in public sitting of the Court with three juries' members and a prosecutor.

(2) The Court shall provide the person said with professional legal counsel and representation and with the services of an interpreter, if he speaks not Bulgarian language. The Court shall inform the person said on his right to declare his consent for immediate extradition and shall inform him on the extradition consequences.

(3) The Court might request necessary supplementary information from the requesting Party and may fix a time-limit for the receipt thereof.

(4) In the court sitting the jury shall listen to the prosecutor, the person said and his counsel for the defender.

(5) The Court shall take in consideration:

1. Availability of the requirements provided by Article 5 and 6 and good reason grounds to refuse the requested extradition under Article 7 and 8;

2. Good reason grounds for extradition adjournment or temporary extradition.

(6) If for one and the same person, for one or more different offences number of requests for extradition are applied, the Court shall make its decision having regard to: the place the offences were committed, the nationality of the person said, the relative seriousness of the committed offences, the succession of the committed offences. The Court shall take into consideration the opportunity for eventual subsequent extradition in another requesting Party, the respective dates of the requests, and the possibility for consensual obligations. The request for extradition applied by an International Criminal Court, shall be prior to the others.

(7) The Court shall make order either for extradition of the person said or shall refuse the extradition. After the procedure provided for in 4 the Court shall announce the record instantly.

(8) With the order the Court shall pass judgement on hand over of all belongings, documents and papers found with the person said and associated with the criminal act to the requesting Party. The property shall be handed over even if extradition, having been agreed to, cannot be carried out owing to the death or escape of the person claimed.

Postpone of the extradition. Temporary extradition

Art. 18.

(1) The Court may after making the order for extradition postpone the surrender of the person claimed, in order that against him on the territory of Republic of Bulgaria there is a pending criminal procedure or sentence in force for an offence other than that for which extradition is requested.

(2) If, the postpone of the extradition provided in paragraph 1 may serve lapse of time from criminal prosecution in the requesting Party or seriously impede it, The Court may order provisional extradition of the person claimed, on condition after covering the procedures on which the requested extradition was admitted, the person said should be returned back to Republic of Bulgaria.

Procedures in consent for prompt extradition

Art. 19.

(1) During the court session the person said may consent on prompt extradition. The Court shall ask him whether his consent is voluntarily and does he assume the consequences of it.

(2) As the Court convinces that the consent of the person said is given voluntarily inscribes that fact in the protocol. The protocol shall be signed by the person said and his defender.

(3) In absence of evidences provided in Article 7 for traverse of extradition, the Court shall pass prompt extradition of the person said in a period of 24 hours. The record is final.

(4) In a period of 24 hours authenticated copy of the order under paragraph 3 shall be send to the Minister of Justice, for: notification of the requesting Party and to the Supreme Casation Prosecution for issue of decree for execution of the extradition.

Procedure before the Court of Appeal

Art. 20.

(1) The decision of the District Court is a matter of protest in a period of seven days after promulgation before the Court of Appeal under litigation on behalf of the person sought his legal counsel or under prosecutors protest.

(2) The court shall sit under the litigation or the protest in a period of 10 days from the day of lodgment under the provisions provided in Article 17.

(3) The decision of the Court of Appeal is final.

(4) In a period of 24 hours authenticated copy of the order shall be send to the Minister of Justice, for: notification of the requesting Party and to the Supreme Casation Prosecution for issue of decree for execution of the extradition.

Traverse for extradition

Art. 21.

- (1) The Minister of Justice shall inform the requesting Party on traverse for extradition.
- (2) If the offence is justifiable before the Bulgarian court, the case file shall be lodge to the relevant prosecutor. In case of evidences the prosecutor shall proceed a prosecution.
- (3) In case of evidences the traverse for extradition of a foreigner convicted in a third Party, or in respect of offence shall not be a reason for a criminal prosecution in Bulgaria.

Extradition on request of International Court

Art. 22. In case of request for extradition on behalf of International Court, the provisions of this part shall be applied.

Part II

Extradition on request of Republic of Bulgaria

Authorities requesting extradition

Art. 23. The request for extradition of a person in respect of offence justifiable before the Bulgarian Court shall be made on behalf of:

1. The Chief Prosecutor - for indicted person or convicted person with sentence in force;
2. The Minister of Justice - for accused person on request of the relevant court.

Request for extradition

Art. 24.

- (1) The request for extradition shall be in writing. The request shall be supported by the documents provided in Article 9, paragraph 3.
- (2) The request for extradition and the supported documents shall be sending to the Ministry of Justice under the procedures provided in Article 9, paragraph 2. If the requested Party request supplementary documents they shall be send under the same procedure.
- (3) In cases provided under Article 23, paragraph 1 the translation of the request for extradition and the supported documents shall be provided by the Supreme Prosecution of Cassation and by the Minister of Justice in cases under the provisions of Article 23, paragraph 1.

Provisional arrest

Art. 25.

- (1) In case of urgency the body under the provisions of Article 23 may before applying the request for extradition, to request the competent authorities of the requesting Party the provisional arrest of the person sought.
- (2) The request for provisional arrest shall be issued and send under the provisions of Article 13, paragraph 2 and 4.
- (3) The International Criminal Police Organisation "Interpol shall issue and distribute a Bulletin" for international injuri of the person said for arrest and extradition.

Chapter four

CONSEQUENCES OF THE ADMITTED EXTRADITION

Part I

Obligations of Republic of Bulgaria in respect of Requested Party

Surrender of the person to be extradited

Art. 26.

- (1) If the request for extradition is admitted, The Supreme Casation Prosecution with the help of the National Central Bureau "Interpol" shall inform the requesting Party of the place and date of surrender.
- (2) The surrender of the person said shall be executed under the decree of the Supreme Casation Prosecution. The authorities of the Ministry of Justice shall provide the security and the escort of the person said.
- (3) When the surrender is executed, a protocol shall be signed. The protocol shall record: the surrender and acceptance of the person said, the authorities participated in, and any other circumstances. To the protocol shall be applied: the identity card of the person said, list with the personal belongings of the person said, statement on his health status, statement on duration of custody for the execution of the extradition.

(4) If circumstances prevent execution of surrender, the competent authorities of the two Parties shall agree on a new date for surrender. If the person claimed has not been taken over on the appointed new date he shall in any case be released after the expiry of 30 days.

Postponed and conditional surrender

Art. 27. Under the provisions, provided in Article 18, paragraph 1, the surrender of the person claimed shall be executed after the prosecution is abandoned, if the court procedure is over with a verdict of not guilty or after serve a term of imprisonment.

Re-extradition

Art. 28.

(1) If by circumstances the person extradited escape a prosecution or to serve a term of imprisonment in the country he is extradited and return on the territory of Republic of Bulgaria he may be re-extradited.

(2) Re-extradition shall be carried in respect of request of the requesting Party based on the preliminary court order. Re-extradition shall be carried in accordance with the provisions of Article 26.

Transit of extradited person

Art. 29.

(1) Transit of extradited person through the territory of Republic of Bulgaria shall be granted on submission of a request by the means mentioned in Article 9, paragraph 2, on condition that the extradition for which transit is required is not inadmissible according to Article 7. The Supreme Casation Prosecution shall grant the transit of the extradited person.

(2) Transit of Bulgarian national shall be granted under the provisions of admitted extradition.

(3) If air transit is used, the following provisions shall apply:

1. when, it is intended to land, the requested Party shall submit a request for transit in advance;

2. In case of unscheduled landing, the requesting Party shall submit a request for transit immediately after the landing.

(4) The request under Article 3 shall be transferred under the provisions of Article 13. Paragraph 4 and shall have the effect of a request for provisional arrest.

(5) In case the competent Bulgarian authorities' submit a request for transit through the territory of another country, the provisions of this article shall be reciprocally applied.

Part III

Obligation of Republic of Bulgaria, in respect of requesting Party

Admittance of extradited person

Art. 30.

(1) The extradited in Republic of Bulgaria person shall be admitted under the provisions provided in Article 26.

(2) The person extradited shall be immediately sentenced in places for serving the term of imprisonment, or in a place for executing the detention. The competent authority under Article 23 shall be immediately informed.

Legal proceedings against person surrendered by a Party - Rule of specialty

Art. 31.

(1) A person who has been extradited shall not be proceeded against any other offence than that for which he was extradited, except in the following cases:

1. When the Party which surrendered him consents on legal proceedings for other offence committed prior to his surrender;

2. when that person, having had an opportunity to leave the territory of the Republic of Bulgaria where he has been surrendered, has not done so within 45 days of his final discharge, or has returned to its territory after leaving it.

(2) A request for the consent under paragraph 1, point. 1 shall be applied to the other party by the competent body under Article 23 and in accordance with the provisions of Article 9, paragraph 3.

(3) If the person surrendered has committed or has been sentenced for other offence, the criminal procedure for that offence or the execution of the imposed punishment shall be suspended to the day of the answer receipt of the requested Party.

(4) When the description of the offence is altered in the course of proceedings, the extradited person shall only be proceeded against or sentenced in so far as the offence under its new description is shown by to be an offence, that would allow extradition. In that case the required under paragraph 1 - 3 consent form the Party that surrender the person shall be excluded.

Re-extradition to a third state

Art. 32. The extradition shall not be carried out without the consent of the State, surrendered the person to Republic of Bulgaria, if a third State requests extradition of a person who is not Bulgarian national, in respect of offences committed before his surrender, different in constituent elements form the offences under which the person have been extradited in Republic of Bulgaria,

Ostensible Extradition

Art. 33. Surrender of the person shall not be granted in respect: of a transfer, expel, mutual surrender at the state boarder that shall concealed the extradition.

Expenses

Art. 34.

(1) Expences incurred on the territory of Republic of Bulgaria, as a requested Party by reason of extradition shall be born by it and reciprocal.

(2) Expenses incurred by reason of transit through the territory of Republic of Bulgaria by reason of extradition shall be born by the requesting Party.

CLASSIFIED INFORMATION PROTECTION ACT

Chapter Seven

DISCLOSURE OR EXCHANGE OF CLASSIFIED INFORMATION BY THE REPUBLIC OF BULGARIA TO, OR WITH, ANOTHER STATE OR AN INTERNATIONAL ORGANISATION

Article 113

(1) The Republic of Bulgaria discloses or exchanges classified information to, or with, States or international organisations where international treaties on the protection of such information exist between the Republic of Bulgaria and such States or international organisations.

(2) Where an international treaty under paragraph 1 does not provide for the applicable law with regard to any matters not provided for thereunder, the applicable law shall be that of the party of information source.

Article 114

The decision to disclose or exchange information in pursuance of Article 113(1) shall be made by SISC on the basis of the preliminary opinion of the organisational unit which releases such information.

Article 115

(1) In accordance with the relevant international treaty, SISC and the competent information security authority of the other State or of the international organisation must, on a reciprocal basis and prior to the disclosure or exchange of information, ensure that such information will be properly protected.

(2) For the purposes of paragraph 1, the competent information security authority of the other State or of the international organisation must certify before SISC that the persons who will have access to the information disclosed or exchanged are duly cleared for access to information classified at the appropriate or at a higher level.

Article 116

With respect to classified information exchanged with, or disclosed to, the Republic of Bulgaria by an international organisation of which the Republic of Bulgaria is a member, such protection of classified information principles, norms, and procedures shall apply, as exist within such international organisation, if such an obligation derives from the Republic of Bulgaria's membership of such organisation.