

# UNTOC Review Mechanism

## Self-assessment questionnaire submitted by Bulgaria

### UNTOC

#### Step A

##### Article 2 - Use of Terms.

1. Does your country's legal framework include the definitions set forth in article 2?

No

Yes

Yes, in part

1(a). Please explain

*The Convention against Transnational Organised Crime was ratified by law adopted by the XXXVIII National Assembly on April 12, 2001 – State Gazette No. 42 of 2001. It entered into force in the Republic of Bulgaria on September 29, 2003.) Published in State Gazette No. 98 of December 6, 2005. The answer is based on Article 5 (4) of the Constitution of the Republic of Bulgaria, pursuant to which international treaties ratified by the constitutional order, published and entered into force for the Republic of Bulgaria, form part of the domestic law of the country. They shall take precedence over those rules of domestic law that conflict with them.*

2. Does your country's legal framework permit it to implement the Convention without adopting the specific definitions set forth in article 2?

No

Yes

Yes, in part

2(a). Please explain

*According to Article 5, paragraph 4 of the Constitution of the Republic of Bulgaria.*

##### Article 5 - Criminalization of participation in an organized criminal group.

3. Is participation in an organized criminal group criminalized under your country's legal framework, in accordance with article 5?

No

Yes

3(a). If the answer to question 3 is "Yes", does participation in an organized criminal group consist of agreeing with one or more other persons to commit a serious crime in order to obtain, directly or indirectly, a financial or other material benefit (art. 5, para. 1 (a) (i))?

No

Yes

Yes, in part

3(a)(i). If the answer to question 3 (a) is “Yes”, does the criminal offence as provided in your domestic law require an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group (art. 5, para. 1 (a) (i))?

No

Yes

Yes, in part

3(b). If the answer to question 3 is “Yes”, does participation in an organized criminal group consist of taking an active part in the criminal activities of an organized criminal group with knowledge of either the aim and general criminal activity of that group or its intention to commit the crimes concerned, or taking an active part in other activities of an organized criminal group in the knowledge that such participation will contribute to the achievement of the criminal aim of that group (art. 5, para. 1 (a) (ii))?

No

Yes

Yes, in part

3(c). If the answer to question 3 (a) is “Yes”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

3(d). If the answer to question 3 (a) is “Yes in part” or “No”, please specify how participation in a criminal group is treated under your country’s framework.

*Articles 321 and 321a of the Penal Code provide the definition of participation in OCG.*

4. If your domestic law requires an act in furtherance of the agreement, has your country so informed the Secretary-General of the United Nations, as required under article 5, paragraph 3?

No

Yes

5. Does your country’s legal framework establish as criminal offences the acts of organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group (art. 5, para. 1 (b))?

No

**Yes**

Yes, in part

5(a). Please explain, if needed.

*Accomplices in a deliberate crime are the perpetrators, the abettors, and the accessories. All accomplices shall be punished by the penalty stipulated for the committed crime, taking into consideration the nature and the degree of their participation. (Articles 20 and 21 of the Bulgarian Penal Code). 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 (Article 22 of the Bulgarian Penal Code).*

## **Article 6 – Criminalization of the laundering of proceeds of crime.**

6. Is the laundering of proceeds of crime criminalized under your country’s legal framework, in accordance with article 6, paragraph 1 (a), of the Convention (art. 6, paras. 1 (a) (i)–(ii))?

No

**Yes**

Yes, in part

6(a). If the answer is “Yes, in part”, please specify the manner in which the laundering of proceeds of crime is criminalized under your country’s legal framework.

7. Are the acquisition, possession and use of property known at the time of receipt to be the proceeds of crime criminalized under your country’s legal framework (art. 6, para. 1 (b) (i))?

No

**Yes**

Yes, in part

7(a). Please explain briefly

*According to Art. 253, para.2 of the Bulgarian Penal Code the penalty shall also be imposed on those who acquire, receive, keep, use, transform or contribute in any way to the transformation of a property for which he knows or suspects by the moment of its receipt that it has been acquired through a crime or another socially dangerous act.*

8. Are participation in, association with and conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of a money-laundering offence criminalized under your country’s legal framework (art. 6, para. 1 (b) (ii))?

No

**Yes**

Yes, in part

8(a). Please explain briefly

*According to Art. 253a, para.2 of the Bulgarian Penal Code the preparation of money laundering or the association for this purpose shall be punished by imprisonment of up to two years or by a fine of five thousand to ten thousand levs. Accomplice and abetting and attempts related to the offense are also punishable, as the General Part of the Bulgarian Penal Code is applicable to all offenses of the Special Part, among which is money laundering.*

9. If the answer to question 6, 7 or 8 is “Yes”, are all serious crimes and the offences covered by the Convention and the Protocols to which your State is a party predicate offences under your domestic law to the offence of money-laundering (art. 6, para. 2 (a) and (b))?

No

**Yes**

9(a). If the answer is “No”, please specify which of the offences covered by the Convention and the Protocols to which your State is a party are not predicate offences under your domestic law to the offence of money-laundering (art. 6, para. 2 (b)).

10. Please provide information on the scope of predicate offences set out in your domestic law, including any list of specific predicate offences that may be set out by your domestic law; indicate, for example, the relevant acts and article numbers (art. 6, para. 2 (b)).

*A predicate offense can be any offense under the Bulgarian Penal Code from which profits can actually be generated.*

11. Does your country’s legal framework include predicate offences committed outside your country’s jurisdiction (art. 6, para. 2 (c))?

No

**Yes**

Yes, in part

11(a). If the answer is “Yes” or “Yes, in part”, please describe the circumstances under which a predicate offence committed in a foreign jurisdiction may be recognized pursuant to your domestic law.

*In case the offense is also criminalized under the Bulgarian Penal Code or if it is a socially dangerous act within the meaning of Art.253 para. 1 of the Penal Code.*

12. Has your country furnished copies of its laws that give effect to article 6 and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations (art. 6, para. 2 (d))?

12(a). If yes, please provide a link.

12(b). If not, please provide this information

### **Article 8 – Criminalization of corruption.**

13. Is the conduct described in article 8, paragraph 1 (a), criminalized in your country’s legal framework?

No

Yes

Yes, in part

13(a). Please explain briefly

14. Is the conduct described in article 8, paragraph 1 (b), criminalized in your country’s legal framework?

No

**Yes**

Yes, in part

14(a). Please explain briefly

*This conduct is stipulated in Section II, Art. 282 “Criminal Breach of Trust” of the Penal Code.*

15. Is the form of corruption described in article 8, paragraph 1, involving a foreign public official or international civil servant criminalized in your country’s legal framework (art. 8, para. 2)?

No

Yes

Yes, in part

15(a). If appropriate, please explain briefly

16. Is any other form of corruption established as a criminal offence in your country’s legal framework (art. 8, para. 2)?

No

Yes

Yes, in part

16(a). If appropriate, please explain briefly

17. Is participation as an accomplice in offences established in accordance with article 8 criminalized under your country’s legal framework (art. 8, para. 3)?

No

Yes

## **Article 9 – Measures against corruption.**

18. Has your country adopted measures to promote integrity and to prevent, detect and punish the corruption of public officials (art. 9, para. 1)?

No

**Yes**

18(a). If the answer is “Yes”, please specify the measures implemented to promote integrity and to prevent, detect and punish the corruption of public officials.

*Measures to punish the corruption of public officials are contained in Section IV, Art. 301 “Bribery” of the Penal Code.*

19. Has your country taken measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions (art. 9, para. 2)?

No

**Yes**

19(a). If the answer is “Yes”, please specify the measures implemented to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.

## **Article 10 – Liability of legal persons.**

20. Is the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences covered by the Convention and the Protocols to which your State is a party established under your country’s legal framework (art. 10)

No

**Yes**

Yes, in part

20(a). If the answer is “Yes, in part” or “No”, please explain

21. If the answer is “Yes”, is this liability:

21(a). Criminal:

No

**Yes**

21(b). Civil:

**No**

Yes

21(c). Administrative:

**No**

Yes

22. What kind of sanctions are provided for in your country’s legal framework to implement article 10, paragraph 4, bearing in mind article 11, paragraph 6, of the Convention?

## **Article 15 – Jurisdiction.**

23. Are there any circumstances under which your country does not have jurisdiction over offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which it is a party committed in its territory (art. 15, para. 1 (a))?

**No**

Yes

23(a). If the answer is “Yes”, please specify the circumstance(s) under which your country does not have jurisdiction over offences committed in its territory.

24. Does your country have jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which it is a party when the offences are committed on board a vessel flying its flag or an aircraft registered under its laws (art. 15, para. 1 (b))?

No

**Yes**

Yes, in part

24(a). If the answer is “Yes” or “Yes, in part”, please specify the manner in which your country has jurisdiction to prosecute the offences covered by the Convention and the Protocols to which it is a party, in accordance with article 15, paragraph 1 (b).

25. Does your country’s legal framework allow for the following extraterritorial jurisdictional bases:

25(a). Jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which your country is a party when committed outside its territory by its nationals (or stateless persons who have habitual residence in the country) (art. 15, para. 2 (b))?

No

**Yes**

25(b). Jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which your country is a party when committed outside its territory against its nationals (art. 15, para. 2 (a))?

No

**Yes**

25(c). Jurisdiction to prosecute participation in an organized criminal group that occurred outside its territory with a view to the commission of a serious crime (art. 2, para. (b)) within its territory (art. 15, para. 2 (c) (i))?

No

**Yes**

25(d). Jurisdiction to prosecute ancillary offences related to money-laundering offences committed outside its territory with a view to the commission of the laundering of proceeds of crime in its territory (art. 15, para. 2 (c) (ii))?

No

**Yes**

### **Article 23 - Obstruction of Justice**

26. Is obstruction of justice in relation to offences covered by the Convention and the Protocols to which your country is a party criminalized under your country’s legal framework, in accordance with article 23 of the Convention?

No

**Yes**

Yes, in part

26(a). Please explain briefly

*Section III. "Crimes Against Justice" of Chapter VIII "Crimes against the activity of state bodies, public organizations and persons performing public duties" of the Penal Code provides sanctions against offenses related to obstruction of justice.*

### **Criminalization: cases and judgements**

27. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

*No answer.*

### **Difficulties encountered**

28. Has your country encountered any difficulties or challenges in implementing the Convention?

**No**

Yes

28(a). If the answer is "Yes", please specify:

Problems with the formulation of legislation

Need for further implementing legislation (laws, regulations, decrees, etc.)

Reluctance of practitioners to use existing legislation

Insufficient dissemination of existing legislation

Limited inter-agency coordination

Specificities of the legal system

Competing priorities for the national authorities

Limited resources for the implementation of existing legislation

Limited cooperation with other States

Lack of awareness of the existing legislation

Other issues (please specify)

### **Need for technical assistance**

29. Does your country require technical assistance to overcome difficulties in implementing the Convention?

**No**

Yes

30. If the answer is "Yes", please specify the type of technical assistance needed.

31. Which of the following forms of technical assistance, if available, would assist your country in fully implementing the provisions of the Convention? In identifying the forms of technical assistance as listed below, please also indicate for which provisions of the Convention such assistance would be needed.

Legal advice

Legislative drafting support

Model legislation or regulations

Model agreements

Standard operating procedures

Development of strategies, policies or action plans

Dissemination of good practices or lessons learned

Capacity-building through the training of practitioners or trainers  
On-site assistance by a mentor or relevant expert  
Institution-building or the strengthening of existing institutions  
Prevention and awareness-raising  
Technological assistance  
Establishment or development of information technology infrastructure, such as  
databases or communication tools  
Measures to enhance regional cooperation  
Measures to enhance international cooperation  
Other assistance (please specify)

32. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

*No.*



# TIP

## Step A

### Uploads

#### Upload

Attachment ID

*cluster1.section\_tip.article\_3\_5.question\_33*

File Path

*/reviews/data/bgr/1/cluster1.section\_tip.article\_3\_5.question\_33/1666682020984\_Criminal Code.pdf*

Parent UUID

*ec74f163*

#### **Article 3 - Use of Terms - and Article 5 – Criminalization.**

33. Is trafficking in persons, when committed intentionally, criminalized under your country's legal framework (art. 5, para. 1, in conjunction with art. 3)?

No

**Yes**

Yes, in part

33(a). If yes, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

*Penal Code of the Republic of Bulgaria Section IX. The traffic of person Art. 159a. Whoever gathers, transports, hides or receives individuals or groups of people in order to be used for vicious practice, involuntary servitude, mendicancy, removal of organs, tissues cells, or bodily fluids or to be kept under compulsory submission regardless of their consent, shall be punished by imprisonment of two to eight years and a fine from three thousand to twelve thousand levs. (2) When the act under para 1 is committed: 1. regarding a person under eighteen years of age; 2. by compulsion or by deceiving the person; 3. by kidnapping or illegal deprivation of freedom; 4. by using a state of dependence; 5. by malfeasance; 6. by promising, providing or obtaining a benefit, 7. by an official during or on the occasion of the performance of their duties, the penalty shall be imprisonment of three to ten years and a fine from ten thousand to twenty thousand levs. (3) In case the act under para 1 has been committed with regards to a pregnant woman with the purpose of selling the child, the penalty shall be imprisonment of three to fifteen years and a fine of twenty thousand to fifty thousand levs. Art. 159b. Whoever recruits, transports, hides, or receives individuals or groups of people and transfers them through the border of the country with the purpose of art. 159a, para 1 shall be punished by imprisonment of three to twelve years and a fine from ten thousand to twenty thousand levs. (2) If the act under para 1 is committed under the conditions of art. 159a, para 2 and 3, the penalty shall be imprisonment of five to twelve years and a fine from twenty thousand to fifty thousand levs. Art. 159c. Whoever uses a person who is a victim of the traffic of people for acts of debauchery, forced labor, mendicancy, removal of organs, tissues cells, or bodily fluids or to be kept in forced obedience regardless of his consent shall be punished by imprisonment for three to ten years and*

*fine from ten thousand to twenty thousand levs Art. 159d. Where the act under Art. 159a - 159c represents dangerous recidivism or is committed on the order or as the execution of the decision of an organized criminal group, the penalty shall be imprisonment of five to fifteen years and a fine of twenty thousand to one hundred thousand levs, whereby the court may also order the confiscation of part or the whole property of the perpetrator.*

34. If the answer to question 33 is “Yes, in part” or “No”, please specify how trafficking in persons is treated under your country’s legal framework.

35. If the answer to question 33 is “Yes”, is trafficking in persons treated as a criminal offence in your country, in accordance with article 3, paragraph (a), of the Protocol (combination of three elements: action, means and purpose of exploitation)?

No

**x Yes**

35(a). Please explain

*Penal Code, Section IX, Art. 159a – Traffic of people Whoever gathers, transports, hides or receives individuals or groups of people in order to be used for vicious practice, involuntary servitude, mendicancy, removal of organs, tissues cells or bodily fluids or to be kept under compulsory submission regardless of their consent, shall be punished by imprisonment of two to eight years and a fine from three thousand to twelve thousand levs.*

36. If the answer to question 33 is “Yes”, are the following actions of trafficking in persons criminalized in your country (art. 3, para. (a))?

36(a). Recruitment

No

**x Yes**

36(b). Transportation

No

**x Yes**

36(c). Transfer

No

**x Yes**

36(d). Harboring

No

**x Yes**

36(e). Receipt of persons

No

**x Yes**

36(f). Other actions, please specify

36(g). Please provide further detail, if needed

*Penal Code, Section IX, Art. 159e – Traffic of people – Whoever recruits, transports, hides or receives individuals or groups of people and transfers them through the border of the country with the purpose under art. 159a, para 1*

37. If the answer to question 33 is “Yes”, do the means of trafficking in persons consist of any of the following (art. 3, para. (a))?

37(a). Threat or the use of force or other forms of coercion

No

**x Yes**

37(b). Abduction

No

**x Yes**

37(c). Fraud

No

**x Yes**

37(d). Deception

No

**x Yes**

37(e). Abuse of power

No

**x Yes**

37(f). Abuse of position of vulnerability

No

**x Yes**

37(g). The giving or receiving of payments or benefits to achieve the consent of a person having control over another person

No

**x Yes**

37(h). Other means, please specify.

37(i). Please provide further details, if needed.

*Penal Code, Section IX, Art. 159a – Traffic of people When the act is committed: 1. regarding a person under eighteen years of age; 2. by compulsion or by deceiving the person; 3. by kidnapping or illegal deprivation of freedom; 4. by using a state of dependence; 5. by malfeasance; 6. by promising, providing or obtaining a benefit, 7. by an official during or on the occasion of a performance of their duties, the penalty shall be imprisonment of three to ten years and a fine from ten thousand to twenty thousand levs. (3) In case the act under para 1 has been committed with regards to a pregnant woman with the purpose of selling the child, the penalty shall be imprisonment of three to fifteen years and a fine of twenty thousand to fifty thousand levs.*

38. If the answer to question 33 is “Yes”, does the purpose of exploitation include, at a minimum, any of the following (art. 3, para. (a))?

38(a). The exploitation of the prostitution of others or other forms of sexual exploitation

No

**x Yes**

38(b). Forced labour or services

No

**x Yes**

38(c). Slavery or practices similar to slavery

No

**x Yes**

38(d). Servitude

No

**x Yes**

38(e). The removal of organs

No

**x Yes**

- 38(f). Other purpose, please specify.  
38(g). Please provide further details, if needed.

*Other forms of exploitation are the removal of organs, tissue cells, or bodily fluids.  
There are aggravating circumstances when a crime is committed against a pregnant woman with the purpose of selling the child.*

39. Does your country ensure that, when the means set forth in article 3, paragraph (a), of the Protocol have been established, the consent of the victim to the intended exploitation is irrelevant (art. 3, para. (b))?

No

**Yes**

39(a). Please explain

*These conducts are punished regardless of the consent of the victim.*

40. Does your country's legal framework criminalize trafficking in children (recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation) even where it does not involve any of the means set forth in article 3, paragraph (a), of the Protocol (art. 3, para. (c))?

No

**Yes**

40(a). If yes, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

*Art. 159a of the Penal Code provides for aggravating circumstances when the crime is committed against a person under eighteen years of age.*

41. Who is considered to be a "child" under your country's legal framework (art. 3, para. (d)):

**"Child" means any person under 18 years of age (art. 3, para. (d))?**

Other? Please specify.

42. Subject to the basic concepts of your legal framework, does your country criminalize attempting to commit trafficking in persons (art. 5, para. 2 (a), in conjunction with art. 3)?

No

**Yes**

Yes, in part

42(a). Please explain. If the answer is "Yes" or "Yes, in part", please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

*Penal Code, Section IX, Art. 159a – Traffic of people Art. 18. of the Penal Code (1) The attempt is the started commission of a deliberate crime whereas the act has not been completed or, though completed, the socially 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 fulfillment 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 completing the commission of the crime or b) has prevented the occurrence of criminal consequences.*

42(b). If your answer is “No”, do the basic concepts of your legal framework prevent the adoption of measures to criminalize attempting to commit trafficking in persons?

43. Does your country criminalize participating as an accomplice in trafficking in persons (art. 5, para. 2 (b), in conjunction with art. 3)?

No

**Yes**

Yes, in part

43(a). Please provide further details, if needed.

*Art. 159d of Section IX “Traffic of people” of the Penal Code contains provisions for cases where the act under Art. 159a – 159c represents dangerous recidivism or is committed on the order or as the execution of the decision of an organized criminal group.*

43(b). If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

*Art. 159d of Section IX “Traffic of people” of the Penal Code provides that the penalty shall be imprisonment of five to fifteen years and a fine of twenty thousand to one hundred thousand levs, whereby the court may also order the confiscation of part or the whole property of the perpetrator.*

44. Does your country criminalize organizing or directing other persons to commit trafficking in persons (art. 5, para. 2 (c), in conjunction with art. 3)?

No

**Yes**

Yes, in part

44(a). If your answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

### **Criminalization: cases and judgments**

45. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

### **Difficulties encountered**

46. Does your country encounter difficulties or challenges in implementing any provisions of the Trafficking in Persons Protocol relevant to cluster I?

**No**

Yes

46(a). If the answer is “Yes”, please explain.

### **Need for technical assistance**

47. Does your country require technical assistance to implement the Protocol?

**No**

Yes

47(a). If the answer is “Yes”, please indicate the type of assistance required:

Assessment of criminal justice response to trafficking in persons  
Legal advice or legislative drafting support  
Model legislation, regulations or agreements  
Development of strategies, policies or action plans  
Good practices or lessons learned  
Capacity-building through the training of criminal justice practitioners and/or the training of trainers  
Capacity-building through awareness-raising among the judiciary  
On-site assistance by a relevant expert  
Institution-building or the strengthening of existing institutions  
Prevention and awareness-raising  
Technological assistance and equipment

47(b). Please be specific.

Question \_47b\_option \_1

Development of data collection or databases  
Workshops or platforms to enhance regional and international cooperation  
Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures  
Other (please specify)

48. Is your country already receiving technical assistance in those areas?

No

**Yes**

48(a). If the answer is “Yes”, please specify the area of assistance and who is providing it.

49. Please provide any other information that you believe is useful to understand your implementation of the Trafficking in Persons Protocol and information that is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Protocol.

# SOM

## Step A

### Uploads

#### Article 3 – Use of Terms - Article 5 – Criminal liability of migrants and Article 6 Criminalization

50. Is the smuggling of migrants criminalized under your domestic legal framework (art. 6, para. 1)?

No

Yes

50(a). If the answer is “No”, please explain.

50(b). If the answer is “Yes”, is the smuggling of migrants defined in your country as a criminal offence, in accordance with article 3, paragraph (a)?

*Art. 280 of the Penal Code provides that: (1) Whoever takes across the border of the country individuals or groups of people without a permit of the respective bodies of the authority or, though by a permit but not at the places determined for that purpose, shall be punished by imprisonment of one to six years and a fine of five thousand to twenty thousand levs. (2) The penalty shall be imprisonment of one to ten years, a fine of ten thousand to thirty thousand levs, and a confiscation of a part or the whole property of the perpetrator if: 1. a person who has not accomplished 16 years of age has been taken across the border; 2. the transfer has taken place without the consent of the person; 3. the person transferred across the border is not a Bulgarian citizen; 4. motor, air or other vehicle has been used; 5. the transfer has been organized by a group or organization; 6. the transfer was carried out in a way, which was dangerous to the life of the transferred persons. (3) The penalty shall be imprisonment of three to twelve years, a fine of ten thousand to thirty thousand levs, and confiscation of a part or the entire property of the perpetrator, where the act was committed with the participation of an official, who took advantage of his official capacity. In the cases of Para 2, Item 1, the vehicle shall be seized in favor of the state, if it was owned by the perpetrator.*

*Art.281. Whoever, with the purpose of obtaining for himself or for somebody else property benefit, illegally assists a foreigner to reside or move into the country contrary to the law, shall be punished by imprisonment of up to five years and a fine from three thousand to ten thousand levs. (2) The penalty shall be imprisonment of one to six years and a fine of five thousand to twenty thousand levs, where the act was: 1. committed by using a motor, air, or another transportation vehicle; 2. organized by a group or an organization; 3. committed in a life-threatening manner for the person; 4. committed with regard to a person under the age of 16; 5. committed with regard to more than one person. (3) In the cases of Para 2, Item 1, the vehicle shall be seized in favor of the state, if it was owned by the perpetrator. 51. Is in particular the purpose of obtaining.*

51. Is in particular the purpose of obtaining a “financial or other material benefit” a constituent element of the offence, in accordance with article 6, paragraph 1, in conjunction with article 3, paragraph (a), of the Protocol?

No

Yes

52. Can the presence of a “financial or other material benefit”, when appropriate, constitute an aggravating circumstance of the crime?

No

**Yes**

52(a). Please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

*Art. 281 of the Penal Code provides that: (1) Whoever, with the purpose of obtaining for himself or for somebody else property benefit, illegally assists a foreigner to reside or move into the country contrary to the law, shall be punished by imprisonment of up to five years and a fine from three thousand to ten thousand levs. (2) The penalty shall be imprisonment of one to six years and a fine of five thousand to twenty thousand levs, where the act was: 1. committed by using a motor, air, or another transportation vehicle; 2. organized by a group or an organization; 3. committed in a life-threatening manner for the person; 4. committed with regard to a person under the age of 16; 5. committed with regard to more than one person. (3) In the cases of Para 2, Item 1, the vehicle shall be seized in favor of the state, if it was owned by the perpetrator or was voluntarily provided to him.*

53. Does your country’s legal framework make a distinction between the smuggling of migrants and trafficking in persons?

No

**Yes**

53(a). If the answer is “No”, please explain.

54. Is producing, procuring, providing or possessing a fraudulent travel or identity document (as defined in art. 3, para. (c)) for the purpose of smuggling migrants criminalized under your country’s legal framework (art. 6, para. 1 (b)), or as a related offence or offences?

No

**Yes**

54(a). If the answer is “Yes”, please specify.

*Art. 308. from the Bulgarian Criminal Code provides that: (1) Whoever draws an untrue official document or forges the contents of an official document with the purpose of being used shall be punished for forging a document by imprisonment of up to three years. (2) When the subject of the act under para 1 is certificates about heirs or acts on the civil status, notary acts or notary certificates, Bulgarian or foreign identification documents, documents for the degree of education or for acquired qualification, certificates for driving vehicles, for registration of vehicles, visa stickers or other documents certifying transfer or constitution of property or other real rights, legal capacity, personal or registration data the penalty shall be imprisonment of up to eight years. Art. 316. The penalty stipulated by the preceding articles of the present chapter shall also be imposed on the person who knowingly uses a false or falsified document, a document with untrue contents, or a document under the preceding Art. when no criminal liability can be sought from him for the compilation itself of said document. These provisions do not explicitly refer to the provision of Art. 280, but provide criminalization of the use of untrue official or forged documents.*

55. Is enabling a person who is not a national of or a permanent resident in your country to remain in its territory without complying with the necessary requirements for legally



remaining, by using the means referred to in question 54 or any other illegal means, criminalized under your domestic legislation (art. 6, para. 1 (c))?

No

**Yes**

56. Does your country's legal framework establish as a criminal offence the attempt to commit the offences referred to in questions 50, 54 and 55 (art. 6, para. 2 (a), in conjunction with art. 6, para. 1)?

No

**Yes**

56(a). If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

*Art. 18. of the Penal Code (1) The attempt is the started commission of a deliberate crime where the act has not been completed or, though completed, the socially 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 fulfillment 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 completing the commission of the crime or b) has prevented the occurrence of criminal consequences.*

57. Is participating as an accomplice in the offences referred to in questions 50, 54 and 55 criminalized under your country's legal framework (art. 6, para. 2 (b), in conjunction with art. 6, para. 1)?

No

**Yes**

57(a). If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions

*The Penal Code provides that: 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 commission 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 commission 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 liable only for what they have deliberately abetted or helped the perpetrator. (3) When due to a certain personal quality or relation of the perpetrator the law proclaims the act as a crime, liable 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 penalty for some of the accomplices shall not be taken into consideration regarding the rest of the accomplices with respect to 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 commission of the act or prevent the occurrence of the criminal consequences. Art. 321. (2) Whoever participates in such a group shall be punished by imprisonment of one to six years. (3) If the group is armed, or formed for for-profit purposes or for the purpose of committing a crime under*

*Art.280 or an official participates in it, the penalty shall be - imprisonment of three to ten years.*

58. Is organizing or directing other persons to commit the offences referred to in questions 50, 54 and 55 criminalized under your country's legal framework (art. 6, para. 2 (c), in conjunction with art. 6, para. 1)?

No

**Yes**

58(a). If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

*The Criminal Code Art. 321. (1) Whoever creates or leads an organized criminal group shall be punished by imprisonment of three to ten years. Art. 321 (3) p.1 When the group is armed or created for a material benefit purpose or with the purpose of committing crimes under Art. 280 – imprisonment from five to fifteen years.*

59. Does your country adopt such legislative and other measures as might be necessary to establish as aggravating circumstances to any of the offences referred to in questions 50, 54, 55, 57 and 58, conduct that endangers, or is likely to endanger, the lives or safety of the smuggled migrants or that subjects them to inhuman or degrading treatment, including for exploitation (art. 6, para. 3, in conjunction with art. 6, paras. 1 and 2)?

No

**Yes**

59(a). If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

*Art. 280 of the Penal Code provides aggravating circumstances: (2) The penalty shall be imprisonment of one to ten years, a fine of ten thousand to thirty thousand levs, and a confiscation of a part or the whole property of the perpetrator if Point 6. The transfer was carried out in a way, which was dangerous to the life of the transferred persons. Art. 321. (1) Whoever creates or leads an organized criminal group shall be punished by imprisonment of three to ten years. (2) Whoever participates in such a group shall be punished by imprisonment of one to six years. (3) If the group is armed, or formed for for-profit purposes or for the purpose of committing a crime under Art. 142, Art.142a, Art.143aart. 243, 244, 253, 280, 337, art. 339, para 1 - 4, art. 354a, para 1 and 2 and art. 354b, para 1 - 4, or an official participates in it, the penalty shall be 1. under para 1 - imprisonment of five to fifteen years; 2. under para 2 - imprisonment of three to ten years. (4) Not punished shall be a participant in the group who voluntarily delivers himself up to the bodies of the authority and discloses everything he knows about the group before a crime is committed by him or by it. (5) A participant in the group who voluntarily delivers himself up to the bodies of the authority, discloses everything he knows about the group, thus substantially facilitating the discovery and the proving of crime committed by it shall be punished under the conditions of art. 55. (6) Whoever arranges with one or more persons to commit crimes in the country or abroad, provided for which is a penalty of imprisonment of more than three years, and which aim at obtaining a proprietary benefit or exercising an illegal influence on the activity of a body of the authority or of the local independent government shall be punished by imprisonment of up to six years.*

**Criminalization: cases and judgments**

60. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

### **Difficulties encountered**

61. Does your country encounter difficulties or challenges in implementing any provisions of the Smuggling of Migrants Protocol relevant to cluster I?

**No**

Yes

61(a). If the answer is “Yes”, please explain.

62. If domestic legislation has not been adapted to the Protocol requirements, what steps remain to be taken? Please specify.

### **Need for technical assistance**

63. Does your country require additional measures, resources or technical assistance to implement the Protocol effectively?

**No**

Yes

63(a). If the answer is “Yes”, please indicate the type of assistance required to implement the Protocol:

Assessment of criminal justice response to the smuggling of migrants

Legal advice or legislative drafting support

Model legislation, regulations or agreements

Development of strategies, policies or action plans

Good practices or lessons learned

Capacity-building through the training of criminal justice practitioners and/or the training of trainers

Capacity-building through awareness-raising among the judiciary

On-site assistance by a relevant expert

Institution-building or the strengthening of existing institutions

Prevention and awareness-raising

Technological assistance and equipment (please be specific)

Development of data collection or databases

Workshops or platforms to enhance regional and international cooperation

Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures

Other (please specify)

64. In which areas would border, immigration and law enforcement officials in your country need more capacity-building?

65. In which areas would criminal justice institutions in your country need more capacity-building?

66. Is your country already receiving technical assistance in those areas?

**No**

Yes

66(a). If the answer is “Yes”, please specify the area of assistance and who is providing it.

# FA

## Step A

### Uploads

#### General information

67. States are invited to list other multilateral, regional or bilateral international firearms control regimes to which they are a party.

*The Republic of Bulgaria implements the Protocol against the illegal production and trafficking of firearms, their parts, and components, and ammunition to the United Nations Convention against Transnational Organized Crime and has set up the necessary framework guaranteeing the security of export, import and transit measures of firearms, their parts, and main components and ammunition. In accordance with its international commitments, on a voluntary basis, the Republic of Bulgaria annually provides information to the UN Register of Conventional Weapons and small arms and light weapons (SALW), regarding the export, import, and transfer carried out. In the field of export control, the Republic of Bulgaria conducts a responsible and consistent policy in compliance with the commitments made under the multilateral agreements on export control and taking into account the international sanctions or restrictions imposed by the UN, EU, and OSCE. Our country has a fully developed export control system for defense-related products and dual-use items and technologies that meets the highest European and global standards. National legislation in the area includes the Law on the Export Control of defense-related products and dual-use products and technologies and Regulations for its Implementation. Control over export, import, transit, transfer, and transportation, as well as over brokering of weapons and dual-use items and technologies is carried out at two levels: 1) Interdepartmental Council for Defense Industry and Security of Supply to the Council of Ministers; 2) Interdepartmental Commission for Export Control and Non-Proliferation of Weapons of Mass Destruction. The Ministry of Foreign Affairs takes an active part in both levels of the export control system. Our country also participates in the following multilateral export control regimes: the Australian Group, the Wassenaar Arrangement, the Nuclear Suppliers Group, the Missile Technology Control Regime, and the Zanger Committee. We strictly implement in our export policy the requirements arising from the guiding rules and lists of weapons, goods, and technology with possible dual use of the mentioned regimes. The Republic of Bulgaria provides, through the International Exchange for SALW according to the OSCE Document on SALW, information on the actual export and import of SALW for the previous calendar year too and from OSCE member countries. Bulgaria's contribution in the field of limiting the proliferation of SALW defines our country as one of the important factors of regional cooperation and international efforts to limit the excessive and destabilizing concentration of SALW in conflict regions. The Republic of Bulgaria considers the implementation of responsible policy in this area as a priority task in the context of regional and international security. Our country has actively participated in the drafting of the Arms Trade Treaty (ATT) since its inception in 2006. On April 2, 2014, the Republic of Bulgaria, together with 15 and 24 other countries, submitted its instruments of ratification for accession to the Treaty, thereby supporting the process of its entry into force on 24 December 2014.*

*Pursuant to item 4 of the Decision of the Council of Ministers No. 63/05.02.2014, the ATT was promulgated in no. 4 of SG No.15/01/2016. The implementation of the ATT is among the priorities of the Republic of Bulgaria in the field of export control and arms control. As a member of the EU and all export control regimes, the Republic of Bulgaria applies extremely high standards in the regulation of arms transfers and strives for the universalization of the principles of export control laid down in the ATT in order to achieve transparency in relation to foreign trade activities with defense products. Regulating commercial activities, and helping to curb the illicit trade in conventional arms through common standards, represent an essential contribution to maintaining peace, security, and stability internationally and regionally, to the observance of human rights and international humanitarian law, as well as to the fight against terrorism and organized crime. The ATT increases transparency in the arms trade by promoting accountability and reporting. In the Law on Weapons, Ammunition, Explosives and Pyrotechnic Products (LWAEP) the corresponding relevant acts in the field from the European legislation (directives, regulations, and decisions) have been transposed. Directive 91/477/EU of June 18, 1991, on the control of the acquisition and possession of weapons, as amended by Directive (EU) 2017/853 of May 17, 2017, has been fully transposed into the LWAEP, which regulates activities with weapons, their parts, the main components for them, as well as ammunition.*

### **Article 3 – Use of terms.**

68. Does your country's legal framework permit your country to implement the Firearms Protocol without adopting the specific definitions set forth in article 3 of the Firearms Protocol?

No

Yes

**x Yes, in part**

68(a). Please explain

*According to the provision of Art. 4, para. 2 of the LWAEP a firearm is a portable barrel weapon that produces, is designed to produce or can be modified so as to produce, a shot with a bullet or projectile through the action of an explosive substance, except in cases where it is: 1. rendered permanently unusable by deactivation in which all major components of the firearm are in a state of irreversible non-functionality and cannot be removed, replaced or modified in a manner that would allow the firearm to be put back into service, under conditions and according to the order determined by the regulation under Art. 91, para. 3 from LWAEP; 2. designed for alarm, signaling, rescue, killing animals, spearfishing or intended for industrial or technical purposes and may be used only for that purpose; 3. a weapon manufactured before December 31, 1900, which is priming, or split-loading, or designed for smoke powder ammunition and an unjacketed lead bullet; 4. a replica of a weapon under Art. 4, para. 2, item 3 of the Civil Code, which has the appearance of a firearm, but is manufactured in such a way that it cannot produce a shot with a bullet or projectile through the action of an explosive substance. 25 Any article having the appearance of a firearm that has construction and is made of a material enabling that article to be modified to produce a bullet or projectile by the action of an explosive is considered a firearm. Any device which is designed for use only with blank ammunition, irritant ammunition, other active substances, or pyrotechnic signaling devices and which is modified to produce a bullet or projectile shot by the action of an explosive substance is considered a firearm. Point 40 of the Supplementary*

*Provisions of the LWAEP contains a definition of "limited action firearm" according to which it is a firearm specially designed and manufactured to fire a shot with ammunition that is specially designed and manufactured with the aim of making it impossible to inflict injury and/or injury causing death and is fired with a bullet or projectile made of an elastic rubber/rubber compound without a metallic core and/or metallic elements therein, with a kinetic energy of not more than 91 joules.*

69. Does your country's legal framework include definitions for the following terms?

69(a). Firearms (art. 3, para. (a))

No

Yes

**x Yes, in part**

69(a)(i). If the answer is "Yes" or "Yes, in part", are antique firearms and their replicas excluded from the definition of firearms?

No

**x Yes**

69(a)(ii). Please indicate any method or threshold used to exclude antique firearms and describe any criterion used to exclude replicas from the scope of application of your country's national laws on firearms.

*According to the provision of Art. 4, para. 2, item 3 of LWAEP, a weapon manufactured before December 31, 1900, which is preloaded, or with separate loading, or developed for ammunition with smoke powder and an unjacketed lead bullet, is not considered a firearm. According to the provision of Art. 4, para. 2, item 4 of the LWAEP replica of a weapon under Art. 4, para. 2, item 3 of the Civil Code, which has the appearance of a firearm but is manufactured in such a way that it cannot fire a bullet or projectile through the action of an explosive substance, is not considered a firearm.*

69(a)(iii). If the answer to question 69 (a) is "Yes" or "Yes, in part", do weapons that may be readily converted to expel a shot, bullet or projectile by the action of an explosive fall under the definition of firearms in your country's legal framework (art. 3, para. (a))?

No

**x Yes**

69(b). Parts and components of firearms (art. 3, para. (b))

No

**x Yes**

69(c). Ammunition (art. 3, para. (c))

No

**x Yes**

69(c)(i). If the answer is "Yes", please indicate which of the components of ammunition referred to in article 3, paragraph (c), are themselves subject to authorization in your country.

*The provisions of the LWAEP also apply to the main components as well as to the parts of firearms. Pursuant to item 35 of the Supplementary Provisions of the Firearms Act "part of a firearm" is any part, other than the main component, specially designed and manufactured for a firearm and necessary for its operation, and any device that is designed or adapted to silence the sound of a shot with a firearm. Pursuant to item 22 of the Supplementary Provisions of the Firearms Act "the main component of a firearm" is*

*a barrel, bolt frame, barrel box, suppressor, drum, bolt breech, or closed block which as separate items are included in the category of firearms on which they are installed or intended to be installed. According to Art. 7, para. 1 of the LWAEP within the meaning of this law are cartridges or shots or their components - shell casings, capsules, or projectiles that are used in firearms. Ammunition for warning and signal weapons within the meaning of the LWAEP is a set of explosive substances and other elements that, when ejected from the weapon cause a sound, light, or reflex effect. Ammunition for pneumatic weapons is solid metal objects (balls) of various configurations and calibers. In the additional provisions of the LWAEP, definitions are given for: - armor-piercing ammunition; - explosive ammunition; - ammunition with incendiary action; - blank ammunition; - explosive ammunition; - limited action firearm ammunition. According to the provision of Art. 7, para. 1 of the LWAEP, subject to a permit regime are cartridges or shots or their components - shell casings, capsules, or projectiles that are used in firearms.*

69(d). Tracing (art. 3, para. (f))

No

**x Yes**

69(e). Other definitions relevant to the implementation of the Firearms Protocol (please cite them).

*Pursuant to item 26 of the Supplementary Provisions of the LWAEP, "tracing" is the systematic recording of the movement of explosives, pyrotechnic articles, weapons, and ammunition from the person who received a production permit to the end user in order to prevent, the detection and investigate crimes by the competent authorities.*

69(f). If the answer to any of the follow-up questions 69 (a) to (e) is "Yes", please cite the relevant laws or regulations and definitions.

*The definitions are in the answers mentioned.*

## **Article 5 – Criminalization.**

70. Is the illicit manufacturing or assembly of firearms, their parts and components, and ammunition, when committed intentionally, a criminal offence under your country's legal framework, according to article 5, paragraph 1 (a), in conjunction with article 3, paragraph (d)?

No

**x Yes**

Yes, in part

70(a). If the answer is "Yes, in part" or "No", please explain, if needed.

70(b). If the answer is "Yes" or "Yes, in part", are the following conducts, when committed intentionally, included in the criminal offence of the illicit manufacturing or assembly of firearms, their parts and components, and ammunition?

70(b)(i). The manufacturing or assembly of firearms from illicitly trafficked parts and components (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (i))

No

**x Yes**

Yes, in part

70(b)(ii). The manufacturing or assembly of firearms, their parts and components and ammunition without a licence or authorization from a competent national authority (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (ii))

No

**Yes**

Yes, in part

70(b)(iii). The reactivation of deactivated firearms or essential parts thereof without a licence or authorization from a competent national authority (art. 5, para. 1 (a), and art. 3, para. (d) (ii), in conjunction with art. 9 (1))

No

**Yes**

Yes, in part

70(b)(iv). The conversion of weapons into a firearm without a licence or authorization from a competent national authority (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (ii))

No

**Yes**

Yes, in part

70(b)(v). The manufacturing or assembly of firearms, without marking them at the time of manufacture or with markings that do not meet the requirements of article 8 of the Firearms Protocol (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (iii))

No

**Yes**

Yes, in part

70(c). If the answer to any of these questions is “Yes” or “Yes, in part”, please cite for each of these modalities the applicable laws and regulations and/or other measures, including the applicable sanctions.

*Chapter 11 “Generally dangerous crimes” of the Penal Code of Bulgaria incriminates the abovementioned conduct.*

70(d). If the answer to any of these questions is “Yes, in part” or “No”, please explain how the modalities of the illicit manufacturing or assembly of firearms, their parts and components and ammunition are treated under your country’s legal framework.

71. Is the offence of illicit trafficking in firearms, their parts and components and ammunition, when committed intentionally, criminalized under your country’s legal framework, in accordance with article 5, paragraph 1 (b), in conjunction with article 3, paragraph (e), of the Firearms Protocol?

No

**Yes**

Yes, in part

71(a). If the answer is “Yes, in part” or “No”, please explain, if needed.

71(b). If the answer is “Yes” or “Yes, in part”, are the following conducts, when committed intentionally, included in the criminal offence of illicit trafficking in firearms, their parts and components and ammunition?

71(b)(i). The import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components or ammunition from or across the territory of one State to that of another State without authorization of any of the countries concerned (art. 5, para. 1 (b), in conjunction with art. 3, para. (e), and art. 10)

No



**x Yes**

Yes, in part

71(b)(ii). The import, export, acquisition, sale, delivery, movement or transfer of firearms from or across the territory of one State to that of another State without appropriate marking, in accordance with article 8 of the Firearms Protocol (art. 5, para. 1 (b), in conjunction with art. 3, para. (e), and art. 8)

No

**x Yes**

Yes, in part

71(c). If the answer to any of the questions above is “Yes” or “Yes, in part”, please cite for each of the modalities the applicable laws and regulations and/or other measures, including the applicable sanctions.

*Art. 242 of Chapter 6 “Crimes against the economy” of the Penal Code provides sanctions to whoever carries through the border of the country explosive substances, weapons or munitions, firearms, and pyrotechnics without the knowledge and the permit of the customs.*

71(d). If the answer to any of the questions above is “Yes, in part” or “No”, please explain how these modalities of the illicit transfer of firearms, their parts and components and ammunition are treated under your country’s legal framework.

72. If the answer to question 71 is “Yes” or “Yes, in part”, are any of the following actions included in the offence(s) of illicit trafficking established under your country’s legal framework (art. 5, para. 1 (b), in conjunction with art. 3, para. (e))?

**x Import**

**x Export**

**x Acquisition**

**x Sale**

**x Delivery**

**x Movement**

**x Transfer**

Other, if any

72(a). Please provide further details, if needed.

73. If the answer to question 71 is “Yes” or “Yes, in part”, does the offence of illicit trafficking established under your country’s legal framework require a transnational transfer of the items between at least two States to qualify as illicit trafficking under your country’s legal framework (art. 5, para. 1 (b), in conjunction with art. 3, para. (e))?

No

**x Yes**

Yes, in part

73(a). If your answer is “Yes, in part” or “No”, please explain, on a voluntary basis, and cite the applicable laws and regulations and/or other measures

74. Is the act of falsifying or illicitly obliterating, removing or altering the marking(s) on firearms, when committed intentionally, criminalized under your country’s legal framework according to article 5, paragraph 1 (c), in conjunction with article 8 of the Firearms Protocol?

No

Yes

**x Yes, in part**

74(a). If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures, including the applicable sanctions for this offence(s).  
74(b). If the answer is “Yes, in part” or “No”, please explain how the falsifying, obliterating, removing or altering of required marking(s) on firearms is treated under your country’s legal framework.

*In case the marking of a weapon is falsified, obliterated, removed, or altered, thus makes the weapon illegal.*

75. Subject to the basic concepts of its legal system, does your country’s legal framework criminalize the following ancillary offences:

75(i). Attempting to commit any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (a))?

No

**x Yes**

Yes, in part

75(ii). Participating as an accomplice in any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (a))?

No

**x Yes**

Yes, in part

75(iii). Organizing, directing, aiding, abetting, facilitating or counselling the commission of any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (b))?

No

**x Yes**

Yes, in part

75(a). If the answer to any of the questions above is “Yes” or “Yes, in part”, please cite for each of these offences the applicable laws and regulations and/or other measures, including the applicable sanctions.

*Art. 337 of Chapter 11 “Generally dangerous crimes” of the Penal Code provides the legal framework that criminalizes the listed offenses.*

75(b). If the answer to any of the questions above is “Yes, in part” or “No”, please explain how these conducts are treated under your country’s legal framework.

76. States are invited to provide any information on any additional criminal offences that may be established under their country’s legal framework to enforce the provisions of the Firearms Protocol (art. 34, para. 3, of the Convention, in conjunction with art. 1, para. 2, of the Firearms Protocol):

Acts related to the failure to keep records of firearms and, where appropriate and feasible, their parts and components and ammunition, and the falsification and destruction of such records, when committed intentionally (art. 7 of the Firearms Protocol)

Criminalization of acts of intentionally giving false or misleading information likely to unduly influence the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, end use or end user certificates

**x Criminalization of acts related to the intentional falsification or misuse of documents for the purpose of achieving the issuance of the required licence or**

**authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, end use or end user certificates**

**x Criminalization of acts related to the intentional possession or use of fraudulent licences or authorizations in relation to the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, fraudulent end use or end user certificates**

**x Criminalization of intentional acts related to the illicit reactivation of deactivated firearms, consistent with article 9, paragraphs (a) to (c), of the Firearms Protocol**

Criminalization of the illicit brokering of firearms, their parts and components or ammunition and failure to provide required information about brokering activities (see also art. 15)

Other(s) (please specify)

76(a). Please explain and cite the applicable laws and regulations and/or other measures, including the applicable sanctions.

*Art. 308-311 of Chapter 9 “Documentary crimes” of the Penal Code provides sanctions on drawing untrue official documents or forging the contents of official documents with the purpose of being used, as well as on drawing untrue private document or forging the contents of the private document and using it in order to prove the existence or nonexistence, or termination or amendment of a certain right or obligation or some legal relation. Art. 212 of Chapter 3 “Property crimes” of the Penal Code provides sanctions on using a document with false content or a false or falsified document and obtaining without legal basis someone else's movable or immovable property with the intention of misappropriating it.*

### **Criminalization: cases and judgments**

77. If possible, provide examples, relevant cases or judgments of successful implementation and enforcement for each of the criminal offences reviewed above.

*No answer.*

### **Difficulties encountered**

78. Does your country encounter difficulties in implementing the provisions of the Firearms Protocol?

No

Yes

**x Yes, in part**

78(a) . If the answer is “Yes” or “Yes, in part”, please explain.

*Possible difficulties could encounter due to the lack of legal requirements for preliminary police authorization for the acquisition of gas - alarms and pneumatic weapons.*

79. Has your country assessed the effectiveness of its measures against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

No

**Yes**

79(a) . If the answer is “Yes”, please explain and cite any relevant document(s) (e.g., assessments, gap analysis, reports of other international and regional review mechanisms, policy studies, etc.).

*Operational and strategic analysis is regularly carried out within the Ministry of Interior (MoI) of Bulgaria. On this basis, assessments, gap analysis, and reports are done and risks for security are identified. As a result, measures are drafted in the annual Goals of the MoI on addressing these challenges.*

80. Does your country have a national strategy or action plan to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition or to implement relevant regional or international instruments in this field?

**No**

Yes

80(a) . If the answer is “Yes”, please cite the relevant strategy or action plan, providing a short explanation of their scope, and/or other measure(s).

81. If your country’s domestic legal framework has not been adapted to the Protocol requirements, please specify what steps remain to be taken.

81(a) . Are there any difficulties with regard to the adoption of new national legislation or the implementation of national legislation?

**No**

Yes

81(a)(i). If the answer is “Yes”, does any of the below apply?

Problems with the formulation of legislation

Need for institutional reforms or the establishment of new institutions

Need for further implementing legislation (laws, regulations, decrees, etc.)

Difficulties encountered by practitioners in using legislation

Lack of awareness

Lack of inter-agency coordination

Specificities of the legal framework

Lack of technical knowledge and skills

Limited or no cooperation from other States

Limited resources for implementation

Other issues (please specify)

*If needed, legal amendments are drafted and proposed for adoption.*

### **Need for technical assistance**

82. Does your country require technical assistance to overcome difficulties in implementing the Protocol?

**No**

Yes

82(a). If the answer is “Yes”, please indicate the type of assistance required:

Assessment of criminal justice response to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and its links to other serious crimes

Legal advice or legislative reforms and regulations

Model legislation, regulations or agreements

Establishment of competent authorities, national focal points or points of contacts on firearms

Institution-building or the strengthening of existing institutions

Development of strategies, policies or action plans

Dissemination of good practices or lessons learned

Capacity-building through the training of criminal justice practitioners and/or the training of trainers

Prevention and awareness-raising

On-site assistance by a mentor or relevant expert

Border control and risk assessment

Standard operating procedures

Detection of illicit trafficking flows at border crossings, by postal services or by means of the Internet

Information exchange

Investigation and prosecution

Measures to enhance regional and international cooperation

Establishment or development of information technology infrastructure, such as record-keeping systems, digital templates and tools, databases or communication tools

Collection and analysis of firearms trafficking data

Other areas (please specify). Please prioritize the technical assistance needs and refer to the specific provisions of the Protocol when providing information.

82(b). Technological assistance and equipment:

Marking

Record-keeping systems

Identification and tracing of firearms

Transfer controls

Collection campaigns

Deactivation and destruction

Stockpile management

question\_82b\_option\_8

82(c). Is your country already receiving technical assistance in those areas?

No

Yes

82(c)(i). If the answer is “Yes”, please specify the area of assistance and who is providing it.

82(d). Please describe practices in your country that you consider to be good practices in relation to the control of firearms and to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, which might be of interest to other States in their efforts to implement the Firearms Protocol.

*In the Ministry of Interior, a single automated electronic register is created for the activities under the Single Automated Register within the Control of Hazardous Goods Unit (SAR-CHGU). The data contained in the register is collected, stored, and processed electronically. According to the provisions of Art. 11, para. 3 of the LWAEP the Ministry of Interior provides the information from the register under Art. 11, para. 1 of 34 the*

*same normative act of the competent authorities of the other member states and the European Commission. SAR-CHGU makes an automatic connection with NSIS and provides users with information about the availability of data on wanted persons, weapons, and components for them. In this way, conditions are created for more effective interaction with the police authorities of other countries in the prevention, investigation, and detection of crimes related to weapons. The national register facilitates the work of the police officers in issuing permits for the activities under the LWAEP, thereby speeding up the service to individuals and legal entities. The SAR\_CHGU system facilitates the tracking of all stages of the life cycle of firearms/SALW and ammunition. According to the provision of Art. 11a, para. 1 of the Ministry of Economy, a register of natural and legal persons who have received a permit or certificate for the production of weapons, ammunition, explosives, and pyrotechnic articles is created and maintained in the Ministry of Economy. Art. 26 of LWAEP provides that persons who have received a permit for the production of firearms apply a unique marking that includes: the name of the manufacturer or brand, the country or address of the production site/s, the serial number, and the year of production if it does not represent part of the serial number, as well as possibly the model. Art. 27 of LWAEP stipulates that persons who have received a permit for the production of ammunition for weapons apply a unique mark on each individual package, which includes the name of the manufacturer, the batch identification number, the caliber, and the type of ammunition. According to the provisions of Art. 18, paragraph 4 of Directive (EU) 2021/555 of the European Parliament and of the Council regarding the control of the acquisition and possession of weapons, the exchange of information on refusals to issue permits for activities with weapons and ammunition EU member states are required to import data into the Firearms Refusals Module in the European Commission's Internal Market Information System (IMI) web application. In addition to the above, the competent authorities are obliged to electronically exchange information regarding the permits issued for the transportation of firearms to another member state. It is necessary to note that in the Republic of Bulgaria an organization has been established for entering data in all its modules. This good practice aims to avoid the administrative burden created by making formal inquiries between the Member States and waiting for a response from the interested party. An Expert Council has been established to coordinate the internal rules of postal operators providing postal services on the territory of the Republic of Bulgaria, for the actions of employees in case of the suspected presence of weapons, ammunition, pyrotechnic articles, explosive, incendiary or other dangerous substances and objects in postal items. The CHGU sector continues to actively cooperate and interact with the Directorate "International Operational Cooperation" - Ministry of Interpol (use of EUROPOL and INTERPOL channels) and the Directorate "European Union and International Cooperation" - Ministry of Interior regarding issues related to weapons, ammunition, explosives substances, and pyrotechnic articles. Another good practice that is bringing significant added value for international operational cooperation is the participation of Bulgaria in the EMPACT priority on firearms where we are a leader of operational activities.*

82(e). Please provide any other information that you believe is important to consider regarding aspects of, or difficulties in, the implementation of the Protocol other than those mentioned above.