



**PERMANENT MISSION OF THE REPUBLIC OF
B U L G A R I A
T O T H E U N I T E D N A T I O N S**

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№ 484

The Permanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the Secretariat of the Sixth Committee, Office of Legal Affairs, Codification Division of the United Nations, and referring to the Extracts of resolutions adopted by the General Assembly, on the recommendation of the Sixth Committee, containing requests addressed to States, international organizations and the Secretary-General, has the honour to submit the following documents related to laws and other normative documents from the competence of the Ministry of Justice of the Republic of Bulgaria related to the Criminal Accountability of UN Officials and Experts on Mission and the Scope and Application of the Principle of Universal Jurisdiction:

- 1. Information on I. Criminal accountability of UN officials and experts on mission, and II. The scope and application of the principle of universal jurisdiction from the Ministry of Justice of the Republic of Bulgaria - 11 pages**
- 2. Crime Victim Assistance and Financial Compensation Act of the Republic of Bulgaria - 10 pages**
- 3. Extradition and European Arrest Warrant Act of the Republic of Bulgaria - 35 pages**
- 4. Protection of Individuals at Risk in Relation to Criminal Proceedings Act - 10 pages**

The Permanent Mission of the Republic of Bulgaria to the United Nations avails itself of this opportunity to renew to the Secretariat of the Sixth Committee, Office of Legal Affairs, Codification Division of the United Nations, the assurances of its highest consideration.

Encl.: As stated - 4 documents.

New York, 29 March 2018



**Secretariat of the Sixth Committee
Office of Legal Affairs, Codification Division
United Nations
New York**

ИНФОРМАЦИЯ

от компетентност на МП относно наказателната отговорност на
служителите на ООН и експертите, участващи в мисии под
егидата на организацията, и принципа на
универсалната юрисдикция

I. Criminal accountability of UN officials and experts on mission:

1. General principles under the Criminal Code:

Criminal Code:

**Chapter One „Objective and scope of application of the Criminal Code“,
Section II „Scope of application of the Criminal Code“**

„Article 3

(1) The Criminal Code shall apply to all crimes committed on the territory of the Republic of Bulgaria.

(2) The issue of liability of foreign citizens who enjoy immunity with respect to the penal jurisdiction of the Republic of Bulgaria shall be decided in compliance with the norms of international law adopted thereby.

Article 4

(1) The Criminal Code shall apply to the Bulgarian citizens also for crimes committed by them abroad.

Article 5

The Criminal Code shall also apply to foreign citizens who have committed crimes of general nature abroad, whereby the interests of the Republic of Bulgaria or of Bulgarian citizens have been affected.

Article 6

(1) The Criminal Code shall also apply to foreign citizens who have committed abroad crimes against peace and humanity, whereby the interests of another state or foreign citizens have been affected.

(2) The Criminal Code shall also apply to other crimes committed by foreign citizens abroad, where this is stipulated in an international agreement, to which the Republic of Bulgaria is a party. “

2. Assistance between Member States in connection with criminal investigations and extradition proceedings:

2. 1. Criminal Procedure Code: 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) (Amended, SG No. 32/2010, effective 28.05.2010) The judicial body of another state may conduct an interrogation, through a video or phone conference, of an individual who appears as a witness or expert in the criminal proceedings and is located in the Republic of Bulgaria, as well as an interrogation with the participation of an accused party only if such interrogating does not run counter to the fundamental principles of Bulgarian law. 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.

(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) (Supplemented, SG No. 63/2017, effective 5.11.2017) Bulgarian competent authorities in the field of criminal proceedings shall implement requests for interrogation through a video or phone conferences. For the needs of pre-trial proceedings, a request for interrogation through a video or phone conference shall be implemented by the National Investigation Service. For the need of judicial proceedings, a request for interrogation through a phone conference shall be implemented by a judge in a court of equal standing at the place of residence of the individual, and for interrogation through a video conference – by a judge in 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 Paragraph 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 Paragraphs 1 - 5 shall apply mutatis mutandis to the interrogation of individuals under Paragraph 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 Means 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. “

2.2. Concerning the extradition procedure - please see attached the text of the Law on extradition and European Arrest Warrant.

3. Provision of effective protection for victims, witnesses and others who provide information in relation to crimes of a serious nature; support and assistance to victims:

3.1. Penal Procedure Code - Please, see below the relevant provisions concerning the protection to crime victims/ witnesses during the criminal proceedings:

„Victim Protection Measures

Article 67

(1) (Amended, SG No. 41/2015, effective 6.07.2015) At the proposal of the prosecutor with consent of the victim or at the request of the victim, the competent first-instance court may prohibit the accused party from:

- 1. directly approaching the victim;*
- 2. contacting the victim, in any form, including by phone, electronic or ordinary mail, and fax;*
- 3. entering certain localities, areas, or places where the protected person resides or visits.*

(2) (New, SG No. 41/2015, effective 6.07.2015) The court shall inform the protected person about the possibility of having a European protection order issued.

(3) (Renumbered from Paragraph (2), SG No. 41/2015, effective 6.07.2015, supplemented, SG No. 63/2017, effective 5.11.2017) The court shall immediately hear the proposal or request in a panel of one at an open hearing, at which the prosecutor, the accused party and the victim shall be heard. The ruling of the court shall be final. The court ruling shall be final.

*(4) (Renumbered from Paragraph (3), SG No. 41/2015, effective 6.07.2015)
The prohibition shall extinguish after termination of the case by virtue of a sentence in force or where proceedings are terminated on any other ground.*

.....
Witness protection

Article 123

(1) The prosecutor, the judge-rapporteur or the court shall, upon request or with consent of the witness, take measures for his/her immediate protection, should there be sufficient grounds to assume that, as a result of testimony, a real threat has arisen or may arise to the life, health or property of the witness, his/her ascending and descending relatives, brothers, sisters, spouse or individuals with whom he is in a particularly close relationship.

(2) Witness protection shall be of a temporary nature and be provided by means of:

1. (Amended, SG No. 21/2014, effective 9.04.2014) Provision of personal physical protection by:

(a) The authorities of the Ministry of Interior;

(b) The officers of the Bureau for Protection with the Prosecutor General - where necessary and in case of explicit assignment thereof by a prosecutor under paragraph 1;

2. Keeping his/her identity secret.

(3) Personal physical protection may also be provided to ascending or descending relatives, brothers, sisters, the spouse or individuals with whom the witness is in a particularly close relationship, with their consent or with consent from their statutory representatives.

(4) The act of the respective body on the provision of witness protection shall indicate:

1. The issuing body;

2. The date, hour and place of issuance;

3. The circumstances warranting that protection be provided;

4. The type of measure applied;

5. Information about the identity of the individual for whose protection arrangements are made;

6. The identification code given to the individual whose identity is kept secret;

7. Signature of the respective body and the individual concerned.

(5) The respective pre-trial authorities and the court shall have direct access to the protected witness, while the defence counsel and the counsel may have such access only if the witness has been summonsed upon their request.

(6) The measures for protection under paragraph 2 shall be withdrawn upon request of the person, in respect of whom they have been taken, or in the event of

elimination of the need for application of such measures, through an act of the body under paragraph (1).

(7) In order to ensure the protection of the life, health or property of individuals under Paragraph 1, who have given their written consent, special intelligence means may be used.

(8) Within up to thirty days of taking a measure under Paragraph 2, the prosecutor or judge-rapporteur may propose the inclusion of the witness or his/her ascending or descending relatives, siblings, spouse or of the persons with whom he/she is in particularly close relationships into the protection programme subject to the conditions and procedure of the Protection of Individuals at Risk in Relation to Criminal Proceedings Act.

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Interrogation of a witness with a secret identity

Article 141

(1) (Amended, SG No. 32/2010, effective 28.05.2010) Pre-trial authorities and the court shall interrogate the witness with a secret identity and undertake all possible measures to keep his or her identity secret, also in cases where witnesses are interrogated, through a video or phone conference.

(2) Transcripts of the records for interrogation of the witness that do not bear his/her signature should be submitted forthwith to the accused party and to the defence counsel thereof, and in court proceedings - to the parties who may put questions to the witness in writing.

(3) (Amended, SG No. 32/2010, effective 28.05.2010) Any interrogations as per the procedure of Article 139(8) of a secret identity witness shall be conducted by applying the method of voice alternation, and any interrogation through a video conference shall be conducted with the witness's image having been altered. Prior to commencing the interrogation, a judge from the court of first instance in the area where the witness is located shall verify that the person to be interrogated is the same person who has been given the identification number under Article 123(4)(6).

(4) (New, SG No. 32/2010, effective 28.05.2010) Paragraphs 1-3 shall apply accordingly to interrogations of persons in respect of whom a measure for protection has been effected under Article 6, Paragraph 1, items 3, 4 and 5 of the Protection of Individuals under Threat in Relation to Criminal Proceedings Act. “

3.2. The Law for the protection of persons endangered in connection with the criminal proceedings was adopted on the 9-th of November 2004 and the law is in force since 25-th of May 2005. This law provides for the conditions and the order for ensuring **special protection** on behalf of the state to persons, threatened in connection with criminal proceedings, and to persons, directly related to them **when they cannot be protected with the means, provided in the Penal Procedure Code.**

The following threatened persons under this law can receive special protection: participants in criminal proceedings - witnesses, private prosecutors, civil parties, the accused, defendants, expert witnesses, certifying witnesses; convicts; and individuals directly related to the abovementioned individuals, i. e. their ascendants, descendants, brothers, sisters, spouses or the individuals who are very closely related to them. Individuals at risk may receive special protection where the testimony, explanations or depositions of the abovementioned individuals provide evidence of significant importance to criminal proceedings for serious offences as well as for all criminal offences committed at the orders or in implementation of a decision made by an organised criminal group. For detailed information concerning the protection measures, the mechanism for their provision, the possibilities for international cooperation, etc., please see attached the text of the Protection of Individuals at Risk in Relation to Criminal Proceedings Act.

3.3. The Law on support and financial compensation to crime victims was adopted by the National Assembly on December 18th 2006, promulgated in State Gazette, issue 105 from December 22-nd 2006 and has been in force since January 1-st 2007. Its objective is recognition and guaranteeing the rights and the legal interests of the victims. Various types of support to such persons are regulated, (*psychological, legal, health, etc.*) as well as provision of financial compensation from the state. Under the Law on support and financial compensation to crime victims support and financial compensation may be granted to the victims, who have suffered damages from the following crimes: terrorism; intentional murder; attempted murder; intentional grievous bodily harm; sexual abuse; rape; trafficking in people; a crime committed by order or under a decision of an organized criminal group; or another serious premeditated crime resulting in death or grievous bodily harm, as consequences of offence defined by statute. For detailed information concerning the assistance and support measures, the mechanism for their provision, the possibilities for international cooperation, etc., please see attached the text of the Crime Victim Assistance and Financial Compensation Act.

II. The scope and application of the principle of universal jurisdiction:

Criminal Code:

**Chapter One „Objective and scope of application of the Criminal Code“,
Section II „Scope of application of the Criminal Code“**

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(1) The Criminal Code shall apply to all crimes committed on the territory of the Republic of Bulgaria.

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The Criminal Code shall also apply to foreign citizens who have committed crimes of general nature abroad, whereby the interests of the Republic of Bulgaria or of Bulgarian citizens have been affected.

Article 6*(1) The Criminal Code shall also apply to foreign citizens who have committed abroad crimes against peace and humanity, whereby the interests of another state or foreign citizens have been affected.*

(2) The Criminal Code shall also apply to other crimes committed by foreign citizens abroad, where this is stipulated in an international agreement, to which the Republic of Bulgaria is a party. “

Crime Victim Assistance and Financial Compensation Act

Promulgated, SG No. 105/22.12.2006, effective 1.01.2007, amended, SG No. 32/27.04.2010, effective 28.05.2010, amended and supplemented, SG No. 51/5.07.2016, effective 6.10.2016, amended, SG No. 63/4.08.2017, effective 5.11.2017

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Chapter One GENERAL PROVISIONS

Article 1. (1) This Act shall set forth the terms and procedures for assistance and financial compensation from the State to victims of crime who are Bulgarian nationals or nationals of European Union Member States.

(2) Under the terms and procedures of this Act, assistance and financial compensation may also be provided to foreign nationals in cases envisaged by international agreements to which the Republic of Bulgaria is a party.

Article 2. The purpose of this Act is to recognize and ensure the protection of the rights and legitimate interests of victims of crime.

Article 3. (1) (Supplemented, SG No. 51/2016, effective 6.10.2016) Under the terms and procedure of this Act, assistance may be provided to victims who have suffered pecuniary and non-pecuniary damages as a result of crime of general nature, and financial compensation may be awarded to victims who have suffered pecuniary damages from the crimes referred to in Paragraph 3.

(2) (Amended, SG No. 51/2016, effective 6.10.2016) Where a victim has died as a result of a crime, the victim's rights to assistance and financial compensation shall be transferred to the victim's heirs or the person with whom the victim has been in actual cohabitation.

(3) (Amended, SG No. 51/2016, effective 6.10.2016) Financial compensation may be provided to persons referred to in Paragraphs 1 and 2, who have suffered damages as a result of any of the following crimes:

1. terrorism; intentional murder; attempted murder; intentional grievous bodily harm; sexual abuse; rape; trafficking in people;
2. a crime committed by order or under a decision of an organized criminal group;
3. or another serious premeditated crime resulting in death or grievous bodily harm, as consequences of offence defined by statute.

Article 4. This Act shall apply where a crime referred to in Article 3, Paragraph 3 has been committed in the Republic of Bulgaria, or where such a crime has been committed outside the country and the victim is a Bulgarian national.

Article 5. Assistance and financial compensation are forms of humane treatment extended by the State to victims of crime.

Chapter Two INFORMING CRIME VICTIMS OF THEIR RIGHTS

Article 6. (1) (Amended, SG No. 51/2016, effective 6.10.2016) The bodies of the Ministry of Interior, investigators and victim support organisations shall immediately inform the victims

or the persons under Article 3 (2) of:

1. (amended, SG No. 51/2016, effective 6.10.2016) their right to access to medical care, the organisations to which they can refer for free psychological help and support, as well as of any kind of specialised help they are entitled to receive;

2. victims' right to legal aid, the services to which they can turn in order to exercise that right, and the terms and procedures for obtaining legal aid free of charge;

3. the services to which a crime can be reported, the procedures following such a report, and the types of action which victims can take under the applicable terms and procedures;

4. (new, SG No. 51/2016, effective 6.10.2016) the bodies to which a signal of infringement of their rights by the competent authority acting in the criminal proceedings may be sent;

5. (renumbered from Item 4, SG No. 51/2016, effective 6.10.2016) victims' rights in the criminal process and the options for their participation in it;

6. (renumbered from Item 5, SG No. 51/2016, effective 6.10.2016) the services to which victims can turn for protection for themselves and their relatives, and the terms and procedures for obtaining such protection;

7. (renumbered from Item 6, SG No. 51/2016, effective 6.10.2016) the services to which victims can turn for financial compensation from the State, and the terms and procedures for obtaining such compensation;

8. (renumbered from Item 7, SG No. 51/2016, effective 6.10.2016) possible ways of protecting victims' rights and interests if they are foreign nationals who are victims of crime in the Republic of Bulgaria;

9. (renumbered from Item 8, SG No. 51/2016, effective 6.10.2016) possible ways of protecting victims' rights and interests if they are victims of crime in another country, and the services to which they can turn in such cases.

(2) (Amended, SG No. 51/2016, effective 6.10.2016) The monitoring prosecutor in the course of the pre-trial proceedings shall monitor performance of the duties of investigating authorities for provision of the information referred to in Paragraph 1.

(3) (Repealed, SG No. 51/2016, effective 6.10.2016).

Article 6a. (New, SG No. 51/2016, effective 6.10.2016) (1) Upon notification under Article 6 (1), the competent authorities shall take into account the condition of the victims or the persons under Article 3 (2), including their age.

(2) Notification shall be made orally and in writing by means of a form according to a standard form in a language that the victims or the persons under Article 3 (2) understand.

(3) A protocol shall be drawn up for the notification, in duplicate, which shall be registered in line with the procedure established by the relevant body or organisation under Article 6 (1). One copy of the protocol and the form under Paragraph 2 shall be served on the victim or the persons under Article 3 (2).

Article 6b. (New, SG No. 51/2016, effective 6.10.2016) Overseas representative offices of the Republic of Bulgaria in the Member States of the European Union shall inform in writing the Bulgarian citizens who are there and who have become victims of crimes in the territory of the host State, as well as the persons under Article 3 (2), on request, of the competent authorities in such State to which they may refer on the procedures for receiving support and financial compensation, of the possibility under Article 19 (1), as well as of the conditions and procedures for receiving relevant support under Articles 8 – 11 on the territory of the Republic of Bulgaria.

Article 7. (1) A National Council for Assistance and Compensation to Victims of Crime, hereinafter called the "National Council", shall:

1. publish and distribute a brochure in the Bulgarian, English, German and French languages, containing the information required under Article 6, Paragraph 1;

2. (amended, SG No. 51/2016, effective 6.10.2016) provide the brochure, for the purpose of its free circulation, to the bodies and organisations referred to in Article 6 (1) and to first aid centres, social assistance directorates and other legal entities which in the course of their operations come into contact with victims of crime.

(2) (Supplemented, SG No. 51/2016, effective 6.10.2016) The information contained in the brochure shall be published on the websites of the National Council, the Ministry of Interior, the victim support organisations and those referred to in Paragraph 1, Item 2.

(3) The National Council, jointly with victim support organizations, shall be in charge of maintaining a permanent toll-free telephone line using a single national telephone number to provide information to victims of crime. The telephone line operator shall report to the services of the Ministry of Interior any victims who are in danger.

(4) The National Council, jointly with victim support organizations and executive or local government services with authority in the field of crime victim protection, shall organize public campaigns to raise citizens' awareness of their rights as victims of crime.

Chapter Three

FORMS OF ASSISTANCE AND FINANCIAL COMPENSATION TO VICTIMS OF CRIME

Article 8. (1) The forms of assistance to victims of crime shall be:

1. medical treatment in emergency situations according to the procedures established by the Health Act ;

2. psychological counseling;

3. (supplemented, SG No. 51/2016, effective 6.10.2016) free legal assistance under the Legal Aid Act:

4. practical help.

(2) Persons referred to in Article 3, Paragraph 2 shall be entitled to the forms of assistance under Paragraph 1, Items 2 to 4.

(3) (Amended, SG No. 51/2016, effective 6.10.2016) The forms of support under Paragraph 1, Items 2 and 4 shall be provided in accordance with the principle of confidentiality prior to the initiation of criminal proceedings, at the time of or within a reasonable period of time after the completion of criminal proceedings in accordance with the needs of the victims and the persons under Article 3 (2).

(4) (New, SG No. 51/2016, effective 6.10.2016) Where necessary, free psychological counselling and assistance under Paragraph 1, Item 2 shall be provided after award of the judgment under Article 24.

Article 9. (1) (Supplemented, SG No. 51/2016, effective 6.10.2016) Free psychological counselling and support shall be provided by specialist psychologists from victim support organisations in accordance with the needs of the victim and his/her psychological condition.

(2) (Amended, SG No. 51/2016, effective 6.10.2016) The activity under Paragraph 1 shall be funded by the Ministry of Justice, and the procedure for selection of victim support organisations, the terms and procedure for financing, reporting and control of their activity shall be determined by the regulation for implementation of this Act in compliance with the State aid rules.

(3) (Repealed, SG No. 51/2016, effective 6.10.2016).

Article 10. (Repealed, SG No. 51/2016, effective 6.10.2016).

Article 11. (1) Victim support organizations and all other legal entities which, in the course of their operation, come into contact with victims of crime shall provide practical help to victims.

(2) (Supplemented, SG No. 51/2016, effective 6.10.2016) Practical help shall mean displaying information boards and other materials at a visible point about the rights of victims of crimes under this Act, creating relaxed and friendly environment when contacting them, providing information about the risk of secondary and repeated victimisation, of intimidation or revenge, as well as providing advice on preventing the latter.

(3) (New, SG No. 51/2016, effective 6.10.2016) Victim support organisations shall provide shelter or any other suitable temporary accommodation to the victims of crimes for which there is an imminent risk of secondary victimisation, intimidation and revenge.

Article 12. (1) (New, SG No. 51/2016, effective 6.10.2016) The victims of crime shall be entitled to one-off financial compensation under the terms and procedures established by this Act.

(2) (Previous text of Article 12, SG No. 51/2016, effective 6.10.2016) Financial compensation shall be provided upon entry into force of:

1. a guilty verdict, including in cases tried in the defendant's absence;
2. (new, SG No. 51/2016, effective 6.10.2016) the agreement on settling the case in pre-trial proceedings;
3. (amended, SG No. 32/2010, effective 28.05.2010, renumbered from Item 2, SG No. 51/2016, effective 6.10.2016, amended, SG No. 63/2017, effective 5.11.2017) a prosecutorial or court instrument by which criminal proceedings are discontinued, except in cases where the discontinuation is in pursuance of Article 24, Paragraph 1, Items 1, 7, 8a and 9 of the Criminal Procedure Code;
4. (renumbered from Item 3, SG No. 51/2016, effective 6.10.2016) a prosecutorial or court instrument by which criminal proceedings are dismissed on the grounds of failure to identify the perpetrator of the crime.

Article 13. (Amended, SG No. 51/2016, effective 6.10.2016) (1) The financial compensation shall cover the provision of an amount by the State at the maximum level for a person under Article 3 (1) or the persons under Article 3 (2) not exceeding BGN 10 000.

(2) Where the financial compensation is granted for maintenance of persons under Article 3 (2) under the age of 18, the amount per person shall not exceed BGN 10 000.

Article 14. (1) (Previous text of Article 14, SG No. 51/2016, effective 6.10.2016) Financial compensation shall cover, jointly or separately, pecuniary damages directly caused by a crime and consisting in:

1. medical expenses, except for expenses covered by the budget of the National Health Insurance Fund;
2. lost income;
3. legal fees and litigation costs;
4. lost support to dependents;
5. funeral expenses;
6. other pecuniary damages.

(2) (New, SG No. 51/2016, effective 6.10.2016) The procedure for establishing damages under Paragraph 1 and payment of the financial compensation shall be determined by the

regulation for implementation of the Act.

Article 15. (1) Financial compensation shall not be awarded where:

1. the victim has been sentenced for a crime referred to in Article 3, Paragraph 3 within the last 5 years prior to applying for financial compensation;
2. the crime was committed in a state of high agitation, provoked by the victim with unlawful action, due to which grave consequences occurred or could have occurred for the culprit or the culprit's next-of-kin;
3. the crime was committed by exceeding the limits of reasonable self-defence;
4. the victim has received compensation by other means;
5. the victim has not reported the crime to the competent authorities, except if the victim has valid reasons for failing to do so.

(2) Where a victim contributed to the occurrence of the criminal consequences, this shall entail a reduction of the financial compensation which the victim could obtain.

Article 16. Upon payment of financial compensation, the Minister of Justice shall immediately file a recourse against the perpetrator of the crime or the perpetrator's heirs to recover the money paid.

Chapter Four

TERMS AND PROCEDURES FOR ASSISTANCE AND FINANCIAL COMPENSATION TO VICTIMS OF CRIME

Article 17. (1) An application to receive psychological counseling free of charge shall be submitted to a victim support organization of the victim's choice.

(2) Such an application shall contain:

1. the victim's first, middle and last name, citizenship, date and place of birth, permanent address and current address;
2. date, place and circumstances of the crime;
3. the date on which the victim reported the crime to the competent authorities;
4. the applicant's reasons for seeking psychological counseling.

(3) Such an application shall be accompanied by copies of documents verifying the information provided in the application.

(4) Victim support organizations shall maintain a register of applications received and actions taken thereon.

Article 18. (1) Sample financial compensation application forms shall be provided to victims by the National Council, regional governors, or services or organisations referred to in Article 6 (1).

(2) A financial compensation application shall contain:

1. the victim's first, middle and last name, citizenship, date and place of birth, permanent address and current address;
2. date, place and circumstances of the crime and of the report thereon;
3. reasons justifying the financial compensation application.

(3) (Amended, SG No. 51/2016, effective 6.10.2016) The application for financial compensation shall be submitted to the National Council within one year of the entry into force of the act under Article 12 (2). The application may also be submitted through a victim support

organisation or through the regional governor at the current address of the victim.

(4) (Amended, SG No. 51/2016, effective 6.10.2016) Where the application is submitted through the regional governor, it shall be forwarded to the National Council within 7 days of receipt thereof, along with the file opened on the case.

(5) (New, SG No. 51/2016, effective 6.10.2016) (7) Where the application is submitted through a victim support organisation, it shall be forwarded to the National Council within 7 days of receipt thereof.

(6) (Renumbered from Paragraph 5, amended, SG No. 51/2016, effective 6.10.2016) Where the application for financial compensation was not submitted within the time limit referred to in Paragraph 3, the victim or the persons under Article 3 (2) shall submit a written statement of the reasons and circumstances of non-compliance with the time limit. The National Council shall admit or refuse to admit the application, which shall be reasonably justified.

(7) (Renumbered from Paragraph 6, amended, SG No. 51/2016, effective 6.10.2016) Enclosed to the application shall be certified copies of the documents certifying the data included therein, including a declaration according to standard form by the victim or by the persons under Article 3 (2) of the circumstance under Item 4 of Article 15 (1).

(8) (New, SG No. 51/2016, effective 6.10.2016) Where the victim is a national of another European Union Member State, to verify the grounds under Article 15, Paragraph 1, Item 1, the National Council may ask for cooperation from the competent authorities in the Member State of the victim's nationality.

(9) (Renumbered from Paragraph 7, amended, SG No. 51/2016, effective 6.10.2016) The National Council shall provide to the victim, and where the application was received through the regional governor, also to the regional governor, information about a contact person at the Ministry of Justice, a confirmation of application receipt and the time limit for issuing a decision on it.

Article 19. (1) A Bulgarian national who is a victim of a crime committed in another European Union Member State may apply for financial compensation with the competent authority in the other Member State through the agency of the National Council.

(2) The National Council shall forward the application, along with an application receipt form, to the competent authority in the other Member State.

Chapter Five

ORGANIZATION AND PROCEDURE OF THE NATIONAL COUNCIL FOR ASSISTANCE AND COMPENSATION TO VICTIMS OF CRIME

Article 20. (1) For the purposes of implementing and coordinating the activities covered under this Act, a National Council for Assistance and Compensation to Victims of Crime shall be set up under the Minister of Justice.

(2) (Supplemented, SG No. 51/2016, effective 6.10.2016) The National Council shall consist of the following permanent members: a judge from the Supreme Court of Cassation, as designated by the chairperson thereof; a prosecutor from the Supreme Cassation Prosecution Office, as designated by the Prosecutor General; one official each from the Ministry of Interior, the Ministry of Health, the Ministry of Labour and Social Policy, the Ministry of Finance, the Ministry of Justice and the Ministry of Foreign Affairs, as designated by the respective ministers;

and one representative each of the State Agency for Child Protection, the National Commission for Combating Trafficking in Human Beings, the Supreme Bar Council and the Association of Crime Victim Support Organisations. The Association representative shall be elected at a general meeting of the member organisations.

(3) (New, SG No. 51/2016, effective 6.10.2016) In accordance with Paragraph 2 deputy members shall be designated to substitute permanent members in their absence.

(4) (Renumbered from Paragraph 3, SG No. 51/2016, effective 6.10.2016) The National Council shall be chaired by the Minister of Justice or a deputy minister authorized by the Minister of Justice.

(5) (Renumbered from Paragraph 4, SG No. 51/2016, effective 6.10.2016) The National Council shall operate with technical support from members of the administration of the Ministry of Justice.

Article 21. The National Council shall:

1. be in charge of paying financial compensation;
2. (supplemented, SG No. 51/2016, effective 6.10.2016) compile a standard form of the financial compensation application in Bulgarian, English, French and German, a list of the documents required to support the application, and the standard forms of the form and protocol referred to in Article 6a (2) and (3), of the declaration under Article 18 (7), and the forms under Article 19 (2) and Article 24 (8) and shall submit them for approval to the Minister of Justice;
3. devise a policy and a planning and proposal process for legislative and practical initiatives in the field of crime victim assistance;
4. coordinate the activities of the services and organizations referred to in Article 6, Paragraph 1 for the purposes of implementing this Act;
5. assist Bulgarian nationals who are victims of crime in other European Union Member States in completing their financial compensation applications, and forward such applications to the competent authorities in the other Member States;
6. commission victimological research and coordinate other research programmes in the field of crime victim assistance;
7. conduct and coordinate the information activities referred to in Articles 6 and 7;
8. organize and conduct the instruction and training of crime victim assistance personnel;
9. carry out international cooperation in the field of crime victim assistance;
10. submit annual reports to the Minister of Justice on the actions taken to provide assistance and financial compensation to victims of crime;
11. report at least once quarterly to the Minister of Justice on moneys spent on assistance and financial compensation to victims of crime.

Article 22. (1) An expert commission shall be set up with the National Council to assist the Council in its activities. Commission members shall be designated by the Minister of Justice.

(2) (Amended, SG No. 51/2016, effective 6.10.2016) The powers and activities of the Expert Commission shall be governed by the regulation for implementation of this Act.

Article 23. (1) (Amended, SG No. 51/2016, effective 6.10.2016) The National Council shall meet once a month.

(2) National Council meetings shall be convened and chaired by the Council chairperson. In the chairperson's absence, a Council member shall be designated separately in each case to perform the chairperson's functions.

(3) National Council members shall be given at least three day's notice of all regular meetings.

(4) A National Council meeting shall be valid only if attended by at least two-thirds of the Council members. If no quorum is present, the chairperson shall schedule a new meeting not later than three days thereafter.

Article 24. (1) (Amended, SG No. 51/2016, effective 6.10.2016) Financial compensation applications shall be examined within one month of the date of receipt thereof. If necessary, this period may be extended up to three months.

(2) A National Council decision shall require approval by a simple majority of those present in order to pass. All decisions shall be formulated in writing on the date of the respective meeting.

(3) A decision to award financial compensation shall state:

1. the first, middle and last name, personal identification number, citizenship, permanent address and current address of the person awarded financial compensation;

2. the legal classification, time and place of the crime in which the beneficiary of the decision was a victim;

3. the damages for which the financial compensation is awarded and the size of the compensation payment.

(4) A decision to deny financial compensation shall state the information referred to in Paragraph 3, Items 1 and 2 and shall be substantiated.

(5) Decisions shall not be subject to appeal.

(6) (Amended, SG No. 51/2016, effective 6.10.2016) A transcript of the decision shall be sent immediately to the victim, and to the regional governor or the victim support organisation, where the financial compensation application was submitted through the regional governor or through a victim support organisation.

(7) (Amended, SG No. 51/2016, effective 6.10.2016) In the cases referred to in Item 4 of Article 12 (2), a copy of the National Council decision shall be forwarded to the authority which ordered the suspension of the criminal proceedings, along with an indication that the decision should be enclosed with the case file.

(8) Where a financial compensation application was received via a competent authority of another European Union Member State, the National Council shall forward a copy of its decision, along with a decision receipt form, to the said authority.

Article 25. (1) Funds to implement this Act shall be drawn from the budget of the Ministry of Justice according to a schedule based on the conditions and time limits of the procedure for preparing the national budget for each year.

(2) (Amended, SG No. 51/2016, effective 6.10.2016) Any proceeds arising from recourse under Article 16 shall be credited to the budget of the Ministry of Justice.

Article 26. Central and local government services, public officials, legal entities and the general public shall assist the National Council in performing its functions.

Chapter Six

INTERNATIONAL COOPERATION

Article 27. (1) The National Council shall turn to the competent authorities in other countries for assistance in cases where Bulgarian nationals are victims of crime abroad, and shall provide assistance to nationals of other countries who reside legally in the Republic of Bulgaria, in order to make available the forms of assistance referred to in Article 8, Paragraph 1.

(2) The Ministry of Justice shall be the central authority in charge of receiving and deciding on financial compensation applications from nationals of foreign countries.

Chapter Seven

ADMINISTRATIVE PENALTY PROVISIONS

Article 28. (1) (Supplemented, SG No. 51/2016, effective 6.10.2016) Failure to perform an obligation under Article 6 (1), Article 9 or Article 11 (1) and (3), and Article 18 (5) shall carry a fine ranging from 100 to 500 leva or a pecuniary penalty of 1,000 to 2,000 leva.

(2) A second infraction shall carry a fine of between 500 and 1,500 leva or a pecuniary penalty of between 2,000 and 5,000 leva.

Article 29. (1) The drawing up of written statements of administrative infractions shall be the responsibility of a National Council member or officials in the administration of the Ministry of Justice authorized by the National Council chairperson.

(2) The issuing of penalty orders shall be the responsibility of the National Council chairperson.

(3) Infractions shall be established, and penalty orders shall be issued, appealed and carried out, according to the procedures prescribed by the Administrative Violations and Sanctions Act.

ADDITIONAL PROVISIONS

(Title amended, SG No. 51/2016, effective 6.10.2016)

§ 1. For the purposes of this Act, "victim support organization" shall denote a non-profit legal entity established under the conditions of Bulgarian law and registered to operate for the public benefit, whose support to victims of crime is provided free of charge and, conducted under appropriate conditions, complements the action of the State in this area.

§ 1a. (New, SG No. 51/2016, effective 6.10.2016) This Act transposes the requirements of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315/57 of 14 November 2012).

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The National Council shall be set up within two months after this Act enters into force. Within the same time limit, the leaders referred to in Article 20, Paragraph 2 shall designate their representatives.

§ 3. (1) Within a month after its establishment, the National Council shall compile and submit for approval by the Minister of Justice financial compensation application samples and a list of the documents required to support such applications.

(2) Within the time limit specified in Paragraph 1, the National Council shall compile the forms referred to in Article 19, Paragraph 2 and Article 24, Paragraph 8 in accordance with Commission Decision 2006/337/EC establishing standard forms for the transmission of applications and decisions pursuant to Council Directive 2004/80/EC relating to compensation to crime victims, and shall submit them for approval by the Minister of Justice.

§ 4. (1) This Act shall apply to crimes under Article 3, Paragraph 3, committed after June 30, 2005.

(2) In case of a crime for which a legal instrument referred to in Article 12 entered into force before expiry of the time limit under § 2, the time limit for submitting a financial compensation application shall be one month after expiry of the time limit under § 3, Paragraph 1.

§ 5. The implementation of this Act shall be assigned to the Minister of Justice.

§ 6. This Act shall enter into force on January 1, 2007.

This Act was approved by the 40th National Assembly on December 18, 2006 and sealed with the official seal of the National Assembly.

TRANSITIONAL AND FINAL PROVISIONS

to the Crime Victim Assistance and Financial Compensation Act

(SG No. 51/2016, effective 6.10.2016)

§ 21. (Effective 5.07.2016 - SG No. 51/2016) Within three months of the promulgation of this Act in the State Gazette the Council of Ministers shall adopt the regulation for implementation thereof.

§ 22. The applications for financial compensation submitted before entry into force of this Act shall be examined under the existing terms and procedure.

§ 23. (Effective 5.07.2016 - SG No. 51/2016) Within two months of promulgation of this Act in the State Gazette the National Council shall prepare and submit for approval to the Minister of Justice standard forms of the form and the protocol under Article 6a (2) and (3) and of the declaration under Article 18 (7).

§ 24. This Act shall enter into force three months after its promulgation in the State Gazette, with the exception of § 21 and § 23, which shall be effective from the day of promulgation.

Extradition and European Arrest Warrant Act

Promulgated State Gazette, No 46/3.06.2005, effective 4.07.2005, amended, SG No. 86/28.10.2005, effective 29.04.2006, amended and supplemented, SG No. 52/6.06.2008, SG No. 49/29.06.2010, SG No. 55/19.07.2011, amended, SG No. 53/27.06.2014

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Chapter one GENERAL PROVISIONS Subject-matter of Act

Article 1

This Act shall specify the conditions and procedure for effecting extradition, as well as the conditions and procedure for the issuance and execution of a European arrest warrant.

Extradition

Article 2

Extradition shall be the surrender of a person located in the territory of one State:

1. against whom criminal proceedings have been instituted in another State or before an international court;
2. who is sought for service of a custodial sentence imposed by the judicial authorities of another State or by an international court;
3. in respect of whom a detention order has been made by the judicial authorities of another State or by an international court.

European Arrest Warrant

Article 3

The European arrest warrant shall be an act issued by the competent authorities of a Member State of the European Union with a view to the arrest and surrender by another Member State of a person claimed, for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

Scope of Application

Article 4

(1) This Act shall apply in the presence of an international treaty to which the Republic of Bulgaria is a party, supplementing the said treaty in respect of matters that are not provided for therein.

(2) In the absence of an international treaty, the Act shall apply on a basis of reciprocity. Reciprocity shall be established by the Minister of Justice.

(3) (Supplemented, SG No. 49/2010) This Act shall also apply upon receipt of an international Red Notice from the International Criminal Police Organisation (Interpol) seeking arrest and extradition or upon receipt of an alert through the Schengen Information System.

Chapter Two

CONDITIONS FOR EXTRADITION. GROUNDS FOR REFUSAL OF EXTRADITION

Double Criminality

Article 5

(1) Extradition shall only be granted where the act constitutes a criminal offence under Bulgarian law and under the law of the requesting State, which is punishable by deprivation of liberty or under a detention order for a maximum period of at least one year or by another more severe penalty.

(2) Extradition shall also be granted for the purpose of serving a prison sentence or a detention order by the person concerned, as made in the requesting State for a period of at least four months.

(3) An act shall constitute a criminal offence in both States where, irrespective of the difference in the legal descriptions, there is a coincidence in the basic constituent elements thereof.

Persons in Respect of whom Extradition Shall Not be Granted

Article 6

(1) The extradition of the following persons shall not be granted:

1. Bulgarian nationals, unless otherwise provided for in an international treaty to which the Republic of Bulgaria is a party;
2. persons who have been granted asylum in the Republic of Bulgaria;
3. foreign nationals enjoying immunity from the criminal jurisdiction of the Republic of Bulgaria;
4. persons who are not criminally responsible under Bulgarian legislation.

(2) The existence of Bulgarian nationality, asylum granted in the Republic of Bulgaria or immunity from the criminal jurisdiction of the Republic of Bulgaria shall be determined at the moment of receipt of a request for extradition.

Grounds on which Extradition Shall be Refused

Article 7

Extradition shall be refused:

1. for a political offence or an offence connected with a political offence, with the exception of criminal offences that are not considered political by virtue of a law or of an international treaty to which the Republic of Bulgaria is a party;
2. for a military offence which is not a criminal offence under ordinary criminal law;
3. where the person whose surrender is requested will be tried by an extraordinary tribunal in the requesting State or where a sentence rendered by such a tribunal will be enforced against him/her;
4. where extradition is for the purpose of prosecuting or punishing a person on account of his or her race, religion, nationality, ethnicity, sex, civil status or political opinion or it is determined that there is a risk that the person's position may be prejudiced for any of these

reasons;

5. where the person will be subjected in the requesting State to violence, torture or to a cruel, inhuman or degrading punishment, or his/her rights in relation to the criminal proceedings and the enforcement of his/her sentence are not guaranteed in accordance with the requirements of international law;

6. for a criminal offence in respect of which an amnesty has been declared or in respect of which the person has become immune from criminal prosecution or from the enforcement of the sentence by lapse of time under the legislation of the Bulgarian State or of the requesting State;

7. where in the Republic of Bulgaria there is an enforceable sentence against the person whose extradition is requested for the same criminal offence;

8. where the law of the requesting State provides for a death penalty for the offence or such a penalty has been imposed, unless the requesting State gives sufficient assurance that the death penalty will not be imposed or, where it has been imposed, that it will not be carried out or will be replaced by another penalty.

Grounds on which Extradition May Be Refused

Article 8

Extradition may be refused:

1. for an act triable by the Bulgarian courts;

2. where criminal proceedings in respect of the same criminal offence have been terminated in the Republic of Bulgaria;

3. where in the Republic of Bulgaria criminal proceedings against the person whose extradition is requested are pending in respect of the offence for which extradition is requested;

4. where the sentence was rendered in absentia and the person was not aware of the criminal prosecution against him/her, unless the requesting State gives sufficient assurance that the person will be afforded a retrial of the case wherein his/her right to defence will be exercised;

5. for a criminal offence committed outside the territory of the requesting State where the legislation of the Republic of Bulgaria does not allow conduct of criminal proceedings for such an offence.

Chapter Three

EXTRADITION PROCEDURE

Section I

Extradition at the Request of Another State

Request for Extradition

Article 9

(1) A request for extradition shall be submitted by a competent authority of the requesting State in writing with the Ministry of Justice of the Republic of Bulgaria.

(2) A request for extradition can also be communicated through the diplomatic channel, the International Criminal Police Organisation (Interpol) or by other means of communication which may be arranged between the requesting State and the Republic of Bulgaria.

(3) The following shall be attached to the request for extradition:

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

2. a statement of the offence for which extradition is requested, of the time and place of its commission, its legal description, of the amount of damages, where damages have been caused, and a copy of the applicable legal provisions, including those on the lapse of time;

3. information about the person claimed, accompanied by other information allowing to establish his/her identity and nationality;

4. information about the sentence imposed remaining to be served, where the extradition of a sentenced person is requested;

5. documents evidencing the assurance under Item 8 of Article 7 and Item 4 of Article 8.

(4) The request and the documents attached to it shall be drafted in the language of the requesting State, a translation into the Bulgarian language being also attached, unless otherwise provided for in an international treaty.

Verification of Request for Extradition

Article 10

(1) The Minister of Justice or an official authorised by him/her shall verify the request and the documents attached to it.

(2) Where the request and documents attached to it fall short of the requirements under Article 9 the Minister of Justice or an official authorised by him/her shall return them to the requesting State, stating the underlying reasons.

Notice of Concurrent Requests for Extradition

Article 11

Where extradition of one and the same person has been requested by two or more States in respect of one and the same or of different criminal offences, the Minister of Justice shall forthwith notify the competent authorities of the requesting States of the existence of concurrent requests for extradition.

Transmission of Request and Documents to Supreme Cassation Prosecution Office

Article 12

(1) Following the verification under Article 10, the Minister of Justice shall immediately transmit the request for extradition and the documents attached to it or the request for provisional arrest to the Supreme Cassation Prosecution Office.

(2) If there are concurrent requests for extradition, the Supreme Cassation Prosecution Office shall agree on their sequence with the Ministry of Justice.

Provisional Arrest

Article 13

(1) In cases of urgency the competent authorities of the requesting State may request from the Ministry of Justice or the Supreme Cassation Prosecution Office the provisional arrest of the person sought, prior to submitting a request for extradition.

(2) A request for provisional arrest shall specify the existence of an act of detention, arraignment or of a conviction and the intention of the requesting State to submit a request for extradition. The request must contain information about the criminal offence in respect of which

extradition will be requested, and when and where such offence was committed, as well as particulars of the person sought.

(3) Where the request for provisional arrest was submitted by a State with which the Republic of Bulgaria has not concluded a treaty on extradition, the Minister of Justice shall notify the Supreme Cassation Prosecution Office of the existence of reciprocity.

(4) A request for provisional arrest may be sent by mail, telegraph, telex, fax, through the diplomatic channel, the International Criminal Police Organisation (Interpol), or by other means capable of producing a written record evidencing its receipt and content.

(5) Once the person has been located in the territory of the Republic of Bulgaria and his/her identity has been ascertained, the Supreme Cassation Prosecution Office shall detain him/her for a period of up to seventy-two hours and communicate the request for provisional arrest together with all documents to the District Prosecutor under whose geographical jurisdiction the person is located.

(6) Within the period under Paragraph (5) the District Prosecutor shall appoint a defence counsel and an interpreter to the person where he/she has no command of the Bulgarian language and shall lodge an application for his/her provisional arrest with the respective District Court.

(7) (Amended, SG No. 86/2005) The District Court shall examine the application according to the procedure established by Article 64 (3) and (5) of the Criminal Procedure Code and shall pronounce by a ruling imposing thereby a measure of provisional arrest or another measure of procedural coercion to ensure the participation of the person in extradition proceedings. The measure of provisional arrest shall be taken for up to forty days or another period, as provided for in an international treaty to which the Republic of Bulgaria is a party.

(8) A ruling under Paragraph (7) may be appealed and protested before the respective Appellate Court within three days.

(9) The Supreme Cassation Prosecution Office shall forthwith notify the Minister of Justice and the requesting State of the measure imposed.

(10) (Amended, SG No. 86/2005) At the request of the arrested person under the period specified in Paragraph (7) the District Court may modify the measure of provisional arrest into another measure of procedural coercion which can ensure the participation of the person in extradition proceedings, according to the procedure established by Article 65 of the Criminal Procedure Code. The ruling of the District Court may be appealed and protested before the respective Appellate Court within three days.

(11) The prosecutor shall rescind the measure of provisional arrest where, within the period of provisional arrest specified by the court, the Republic of Bulgaria does not receive a request for extradition and the documents under Article 9 (3).

(12) Release of the person shall not be an obstacle to his/her further arrest to the purpose of extradition or to the extradition itself, where the request for extradition is received after expiry of the period under Paragraph (7).

Steps to Be Taken by Prosecution Office after Receipt of Request for Extradition

Article 14

(1) Following receipt of the request under Article 9, the Supreme Cassation Prosecution Office shall open a file for the case. If there are concurrent requests, they shall be joined in a single file.

(2) The Supreme Cassation Prosecution Office shall detain the person for a period of up to seventy-two hours, including where the period of provisional arrest specified by the court

according to the procedure established by Article 13 (7) has expired or another measure has been imposed to ensure the participation of the said person in extradition proceedings.

(3) The file, together with mandatory instructions, shall be transmitted to the respective District Prosecutor under whose geographical jurisdiction the person claimed is located.

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

1. provide the person claimed with a defence counsel, where the latter has none, and an interpreter if he/she has no command of the Bulgarian language;

2. present the person and his/her defence counsel with all documents contained in the file and take written explanations from the person;

3. explain the person his/her right to give consent for his/her immediate extradition before the court;

4. submit a motion to the respective court for the imposition of remand in custody in respect of the person claimed until completion of the extradition proceedings;

5. submit the file for examination by the respective District Court

Imposing Measure of Remand in Custody

Article 15

(1) (Amended, SG No. 86/2005) In the cases under Item 4 of Article 14 (4), the District Court shall immediately hear the motion for the imposition of remand in custody as a measure restricting personal liberty according to the procedure established by Article 64 (3) and (5) of the Criminal Procedure Code.

(2) The prosecutor shall ensure the appearance of the person claimed. The participation of a defence counsel and an interpreter in the court session shall be mandatory.

(3) The ruling of the District Court may be appealed and protested within three days before the respective Appellate Court.

Institution of Judicial Extradition Proceedings

Article 16

(1) After receiving the file on the request for extradition, the District Court shall institute judicial proceedings and shall schedule a court session no later than seven days after receiving the said file.

(2) The judge-rapporteur shall terminate the proceedings in cases covered under Article 6.

(3) By the order scheduling the case for hearing, the judge-rapporteur shall pronounce on the detention of the person.

Proceedings before First Instance

Article 17

(1) A request for extradition shall be examined by the court sitting in public session in a panel of three judges with the participation of a prosecutor.

(2) The court shall appoint a defence counsel to the person claimed and an interpreter where he/she has no command of the Bulgarian language and shall explain his/her right to consent to immediate extradition and the implications thereof.

(3) The court may obtain additional information from the requesting State, specifying a period in which it must be received.

(4) At the court session the court shall hear the prosecutor, the person claimed and his/her defence counsel.

(5) The court shall deliberate on:

1. the presence of conditions under Articles 5 and 6 and whether there are grounds for refusal of extradition under Articles 7 and 8;

2. the existence of grounds for postponement of extradition or for temporary extradition.

(6) In the presence of concurrent requests for the extradition of one and the same person in respect of the same or different offences the court shall also deliberate where the crimes were committed, on the nationality of the person claimed, the seriousness of the committed offences, the sequence in their commission and the possibility of a subsequent extradition to another requesting State, the dates on which the requests were received and the existence of reciprocity. Where one of the requests has been submitted by an international criminal court, it shall take precedence over the others.

(7) (Supplemented, SG No. 52/2008) The court shall render a decision whereby extradition is granted or refused, publishing the said decision immediately after the hearing under Paragraph (4). In all cases where rendering a decision whereby the extradition is granted, the court shall impose remand in custody as a measure restricting the personal liberty of the person claimed until the actual surrender of the said person to the requesting State.

(8) By the decision, the court shall also pronounce on the handing over to the requesting State of any documents, papers and effects found upon the person and relating to the act. These shall also be handed over where the person has died or absconded in the mean time.

Postponement of Extradition. Temporary Extradition

Article 18

(1) By virtue of the decision granting extradition the court may postpone the actual surrender of the person claimed where criminal proceedings are pending in respect of him/her in the Republic of Bulgaria or a sentence has entered into force that is subject to enforcement, in respect of an offence, which is different from the one for which extradition has been requested.

(2) Where a postponement under Paragraph (1) may result in the expiry of the prescription period for prosecution in the requesting State or could seriously obstruct prosecution, the court may grant temporary extradition, provided the person is returned to the Republic of Bulgaria immediately after performance of the steps in respect of which temporary extradition was granted.

Procedure where Consent Is Given to Immediate Extradition

Article 19

(1) Where at the court session the person claimed gives consent to immediate extradition, the court shall ask of him/her whether he/she gives consent voluntarily and understands the implications thereof.

(2) Once the court is satisfied that consent has been voluntarily given, the latter shall be put down in the record of proceedings and signed by the person and his/her defence counsel.

(3) Where there is no ground under Article 7 for refusal of extradition, the court shall render a decision on immediate extradition within twenty-four hours. The said decision shall be final.

(4) An authenticated duplicate copy of the decision under Paragraph (3) shall be transmitted within twenty-four hours to the Minister of Justice for the purposes of notifying the requesting State and the Supreme Cassation Prosecution Office, which shall have to issue a decree for the execution of extradition.

(5) (New, SG No. 49/2010) Paragraphs 1 - 4 shall not apply in case there are pending criminal proceedings against the person claimed for an offence other than that in respect whereof extradition is requested, or in case the person is to serve a sentence for an offence other than that in respect whereof extradition is requested.

Proceedings before Appellate Court

Article 20

(1) The decision of the District Court shall be subject to verification by the Appellate Court following an appeal of the person and his/her counsel or a protest of the prosecutor submitted within seven days of the notification thereof.

(2) The appeal or protest shall be examined within ten days of their reception in the court according to the procedure established by Article 17.

(3) The decision of the Appellate Court shall be final.

(4) An authenticated duplicate copy of the decision of the Appellate Court shall be transmitted within twenty-four hours to the Minister of Justice for notification of the requesting State and to the Supreme Cassation Prosecution Office for the issuance of a decree on the execution of extradition.

Steps to Be Taken upon Refusal to Extradite

Article 21

(1) In the event of refusal to extradite, the Minister of Justice shall notify the requesting State.

(2) Where the act is triable by a Bulgarian court, the records shall be made available to the respective prosecutor for the purposes of conducting a criminal prosecution, if there are grounds for this.

(3) A refusal to extradite a foreign national against whom charges have been pressed or who has been convicted in another State shall not be an obstacle to criminal prosecution in the Republic of Bulgaria if there are grounds for this.

Extradition Requested by International Court

Article 22

The provisions of this Section shall also apply where extradition is requested by an international court.

Section II

Extradition Requested by Republic of Bulgaria Authorities Entitled to Request Extradition

Article 23

A request for the extradition of a person who has committed an offence triable by a Bulgarian court shall be made by:

1. the Prosecutor General - in respect of an accused party or a convict whose sentence has entered into force;
2. the Minister of Justice - in respect of trial defendants, at the proposal of the respective court.

Request for Extradition

Article 24

(1) A request for extradition shall be submitted in writing. The documents under Article 9 (3) shall be attached to it.

(2) The request and documents shall be communicated by the Ministry of Justice by any of the means referred to in Article 9 (2). Where the requested State wishes to obtain additional documents, these shall be transmitted by the same means.

(3) The translation of the request for extradition and of the documents attached to it shall be ensured by the Supreme Cassation Prosecution Office in cases under Item 1 of Article 23 and by the Minister of Justice in cases under Item 2 of Article 23.

Temporary Detention

Article 25

(1) In urgent cases the authority under Article 23 may request from the competent authorities of the other State to proceed at the temporary detention of the person prior to filing a request for extradition.

(2) A request for temporary detention shall be drafted and communicated under the conditions and according to the procedure established by Article 13 (2) and (4).

(3) The National Central Bureau of Interpol shall draft and circulate an international Red Notice seeking the arrest and extradition of the person.

Chapter Four

EFFECT OF GRANTED EXTRADITION

Section I

Obligations of Republic of Bulgaria as Requested State Surrender of Extradited Person

Article 26

(1) In presence of a granted extradition the Supreme Cassation Prosecution Office, with the assistance of the National Central Bureau of Interpol, shall agree with the requesting State the date and place of surrender of the person.

(2) The person shall be surrendered in implementation of a decree issued by the Supreme Cassation Prosecution Office, with the authorities of the Ministry of Interior providing for his/her security and conveying.

(3) (Supplemented, SG No. 55/2011) A record of proceedings shall be drafted upon surrender, where surrender and admittance of the person shall be specified, as well as the participating officials and other circumstances. The following shall be attached to the record of proceedings: the identity papers of the person, an inventory of his/her personal belongings, information about his/her health condition, as well as a statement concerning the duration of his/her detention in custody to the purpose of extradition. Where the person does not hold a valid identity document, such document shall be issued ex officio by the Ministry of Interior under an order by the Supreme Cassation Prosecution Office as provided for in the Bulgarian Personal

Documents Act.

(4) Where surrender has not taken place, the competent authorities of the two States shall agree on a new surrender date. Where the person claimed has not been admitted on the new date, he/she shall be released following the lapse of thirty days thereafter.

Surrender of Persons upon Postponed Extradition

Article 27

In cases under Article 18 (1), surrender shall be effected after termination of criminal proceedings against the person, following completion of proceedings by acquittal or after the person has served the custodial sentence imposed thereon.

Repeated Extradition

Article 28

(1) Where the extradited person absconds from criminal prosecution or from service of the punishment imposed in the State to which he/she is extradited and returns to the territory of the Republic of Bulgaria, he/she may be extradited again.

(2) Repeated surrender shall be effected at the request of the interested State on the basis of the initial decision rendered. The repeated extradition of the person shall be carried out according to the procedure established by Article 26.

Transit of Extradited Person

Article 29

(1) The transit of an extradited person through the territory of the Republic of Bulgaria shall be allowed by the Supreme Cassation Prosecution Office following submission of a request to this effect in one of the ways specified in Article 9 (2), provided that the extradition in respect of which extradition is requested is not inadmissible in terms of Article 7.

(2) The transit of a Bulgarian national shall be allowed in presence of the conditions required for granting extradition.

(3) Where air transport is used:

1. if it is intended to land, the requesting State shall submit a request for transit prior to proceeding with the transit;

2. in the case of an unscheduled landing, the requesting State shall, immediately after the landing, present a request for transit.

(4) A request for transit under Paragraph (3) shall be transmitted according to the procedure established by Article 13 (4) and shall have the effect of a request for provisional arrest.

(5) The provisions of this Article shall furthermore apply mutatis mutandis where the competent Bulgarian authorities request transit through the territory of another State.

Section II

Obligations of Republic of Bulgaria as Requesting State Admittance of Extradited Person

Article 30

(1) A person extradited to the Republic of Bulgaria shall be admitted according to the

procedure established by Article 26.

(2) (New, SG No. 55/2011) Where the person does not hold a valid identity document, the diplomatic or consular missions of Bulgaria shall ex officio issue a temporary passport to the person under an order by The Supreme Cassation Prosecution Office as provided for in the Bulgarian Personal Documents Act. The period of validity of such passport shall be determined after consultation with the Supreme Cassation Prosecution Office on a case-by-case basis.

(3) (Renumbered from Paragraph 2, SG No. 55/2011) A person shall be immediately placed at a place for the service of a custodial sentence, if he/she has to serve a punishment imposed on him/her, or at a place for the implementation of a remand in custody as a measure restricting personal liberty. The competent authority under Article 23 shall be notified forthwith.

Trying Person Surrendered by Another State: Speciality Rule

Article 31

(1) A person surrendered by another State can be tried only for the offence in respect of which he/she has been surrendered, unless:

1. consent has subsequently been received from the other State to try him/her as well for another offence committed prior to his/her surrender, or

2. the said person, having had an opportunity to leave the territory of the Republic of Bulgaria, has not done so within forty-five days of his/her final discharge, or has returned to that territory after leaving it.

(2) A request for consent under Item 1 of Paragraph (1) shall be transmitted to the other State by the respective authority under Article 23, subject to compliance with the requirements of Article 9 (3).

(3) Where the surrendered person has committed or has been convicted of another offence, criminal proceedings in respect of the said offence or the enforcement of the sentence imposed shall be suspended until a response of the requested State is obtained.

(4) Where the charges pressed against the surrendered person have been modified in the course of criminal proceedings and the new charges are concerned with an extraditable offence, criminal proceedings shall pursue under the new charges without the need to obtain consent under Paragraphs (1) to (3) from the State that has surrendered the person.

Subsequent Extradition to Third State

Article 32

Where a third State has requested the extradition of a person who is not a Bulgarian national for offences he/she has committed prior to surrender which are different from those in respect of which the person has been extradited to the Republic of Bulgaria, the extradition may not take place without consent of the State which extradited the person to the Republic of Bulgaria.

Apparent Extradition

Article 33

No surrender of a person through transfer, expulsion, repeated surrender at the state border or in any other way used to conceal an extradition shall be allowed.

Expenses

Article 34

(1) Expenses incurred in the territory of the Republic of Bulgaria in its capacity of requested State by reason of extradition shall be borne thereby on a basis of reciprocity.

(2) Expenses incurred by reason of transit through the territory of the Republic of Bulgaria in its capacity as a State requested to grant extradition shall be borne by the requesting State.

Chapter Five

SURRENDER BASED ON A EUROPEAN ARREST WARRANT

Section I

Scope of Application, Form and Content of European Arrest Warrant

Surrender of Person between EU Member States

Article 35

(Effective 1.01.2007)

The arrest and surrender of a person for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order between the Republic of Bulgaria and the Member States of the European Union shall take place on the basis of a European arrest warrant under the conditions according to the procedure established by this Chapter.

Conditions for Applicability of European Arrest Warrant

Article 36

(Effective 1.01.2007)

(1) (Amended, SG No. 49/2010) A European arrest warrant may be issued in respect of persons who have committed acts punishable by the law of the issuing Member State by a custodial sentence or by a detention order for a maximum period of at least one year or another more serious punishment or, where a sentence has been passed or a detention order has been made, for sentences of at least four months.

(2) A surrender on the basis of a European arrest warrant shall be carried out if the act in respect of which the said warrant is issued, also constitutes a criminal offence under the laws of the Republic of Bulgaria. In relation to taxes or duties, customs and exchange, execution of the European arrest warrant shall not be refused on the ground that the Bulgarian law does not impose the same kind of tax or duty or does not contain the same type of rules as regards taxes, duties and customs and exchange regulations as the law of the issuing Member State.

(3) (Amended, SG No. 49/2010) No double criminality shall be required for the following offences, if they are punishable in the issuing Member State by a custodial sentence for a maximum period of at least three years or another more serious punishment or a detention order is provided for in respect thereof for a maximum period of at least three years:

1. participation in a criminal organisation,
2. terrorism,
3. trafficking in human beings,
4. sexual exploitation of children and child pornography,

5. illicit trafficking in narcotic drugs and psychotropic substances,
6. illicit trafficking in weapons, munitions and explosives,
7. corruption,
8. fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests,
9. laundering of the proceeds of crime,
10. counterfeiting currency, including of the euro,
11. computer crime and computer-related crime,
12. environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,
13. facilitation of unauthorised entry and residence,
14. murder, grievous bodily injury,
15. illicit trade in human organs and tissue,
16. kidnapping, illegal restraint and hostage-taking,
17. racism and xenophobia,
18. organised or armed robbery,
19. illicit trafficking in cultural goods, including antiques and works of art,
20. swindling,
21. racketeering and extortion,
22. counterfeiting and piracy of products,
23. forgery of administrative documents and trafficking therein,
24. forgery of means of payment,
25. illicit trafficking in hormonal substances and other growth promoters,
26. illicit trafficking in nuclear or radioactive materials,
27. trafficking in stolen vehicles,
28. rape,
29. arson,
30. crimes within the jurisdiction of the International Criminal Court,
31. unlawful seizure of aircraft/ships,
32. sabotage.

Form and Content of European Arrest Warrant

Article 37

(Effective 1.01.2007)

(1) A European arrest warrant shall be issued in writing in accordance with the Appendix to this Act and shall contain information about:

1. the identity and nationality of the person claimed;
2. the name, address, telephone and fax numbers and e-mail address of the issuing authority;
3. (amended, SG No. 49/2010) an enforceable judgment, an arrest warrant or any other enforceable judicial decision having the same effect;
4. the nature and legal classification of the offence;
5. a description of the circumstances in which the offence was committed, including the time, place and degree of participation in the offence by the person claimed;
6. the penalty imposed, if there is an enforceable judgment, or the type and amount of

penalties for the offence under the law of the issuing Member State;

7. other consequences of the offence.

(2) A European arrest warrant issued by a Bulgarian authority shall be accompanied by a translation in the official or one of the official languages of the executing Member State or in another official language of the Institutions of the European Communities, which it has accepted through declaration deposited thereby with the General Secretariat of the Council of the European Union.

(3) A European arrest warrant addressed to a Bulgarian authority shall be accompanied by a translation into the Bulgarian language.

Accessory Crimes

Article 37a

(New, SG No. 49/2010)

Where a European arrest warrant covers several separate offences at least one of which satisfies the requirements under Article 36 (1) or (3), the executing state shall be entitled to allow surrender also for the rest of the offences.

Section II

Execution of European Arrest Warrant Issued by Another EU Member State

Competent Authorities

Article 38

(Effective 1.01.2007)

(1) A European arrest warrant issued by the competent authority of a Member State shall be executed by the District Court on the territory of which the person claimed is located.

(2) The central authority in respect of the European arrest warrant shall be the Minister of Justice.

Reception of European Arrest Warrant

Article 38a

(New, SG No. 52/2008)

(1) The reception of a European arrest warrant may be effected through:

1. the Schengen Information System (SIS);
2. the telecommunications system of the European Judicial Network;
3. the bodies of the International Criminal Police Organisation (Interpol);
4. electronic mail or facsimile transmission;
5. any secure means allowing establishment of the authenticity of the European arrest warrant.

(2) The European arrest warrant shall be received directly by the District Court under whose jurisdiction the person is located, except in the cases under Items 1, 2 or 3 of Paragraph (1).

Receipt of European Arrest Warrants through the Schengen Information System

Article 38b

(New, SG No. 49/2010)

Upon receipt of an alert through the SIS, a Prosecutor shall perform verification and pronounce on whether the information accompanying the alert satisfies the requirements under Article 36 and Article 37 (1).

Grounds for Refusal to Execute European Arrest Warrant

Article 39

(Effective 1.01.2007)

The District court shall refuse to execute a European arrest warrant, where:

1. the offence on which the warrant is based is covered by amnesty in the Republic of Bulgaria and falls within its criminal jurisdiction;
2. it has been informed that the person claimed has been finally judged by the Bulgarian court or by the court of a third Member State in respect of the same offence on which the warrant is based and the sentence has been served or is being served, or the sentence may no longer be executed under the legislation of the sentencing State;
3. the person claimed is a minor according to Bulgarian legislation.

Grounds for Optional Non-execution of European Arrest Warrant

Article 40

(Effective 1.01.2007)

(1) (Previous Article 40, SG No. 55/2011) The District Court may refuse to execute a European arrest warrant where:

1. (amended, SG No. 52/2008) before reception of the warrant, the person has been arraigned as an accused party or is a defendant in the Republic of Bulgaria in respect of the offence on the basis of which the said warrant is issued;

1a. (new, SG No. 52/2008) the criminal prosecution for the offence on the basis of which the warrant is issued has been terminated in the Republic of Bulgaria before reception of the said warrant;

2. the criminal prosecution or the execution of the punishment is statute-barred according to Bulgarian legislation and the offence is triable by a Bulgarian court;

3. it has been informed that the person claimed has served or is serving a sentence in a State which is not a member of the European Union, under a final judgement in respect of the same offence on which the warrant is based or the said sentence may no longer be executed under the legislation of the sentencing State;

4. (amended, SG No. 52/2008) the person claimed resides or is permanently resident in the Republic of Bulgaria, or is a Bulgarian national and the Bulgarian court undertakes that the prosecutor will execute the custodial sentence or the detention order imposed by the court of the issuing Member State;

5. the offence has been committed in whole or in part in the territory of the Republic of Bulgaria or has been committed outside the territory of the issuing Member State and Bulgarian legislation does not allow criminal prosecution for the same offence when committed outside the territory of the Republic of Bulgaria.

(2) (New, SG No. 55/2011) The District Court may also refuse to execute a European arrest warrant issued for the purposes of execution of a custodial sentence or detention order rendered at a trial where the person has not appeared in person, unless the European arrest

warrant explicitly states that one of the following conditions is met:

1. the person was summoned in person and thereby informed, in due time, of the scheduled date and place of the trial, or was otherwise officially informed thereof in such a manner that it was unequivocally established that he/she was aware of the scheduled trial, and was informed that a decision may be handed down if he/she does not appear;

2. having been informed of the scheduled trial in due time, the person gave mandate to a legal counsellor, or the court appointed one for the person, to defend him/her during the trial, and the person was indeed so defended;

3. after the person was personally served with the decision and was expressly informed about the right to a retrial or appeal, in which he/she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original act being reversed, he/she expressly stated that he/she did not contest the decision, or he/she did not request a retrial or appeal within the applicable time frame;

4. the person was not personally served with the decision, but will be served therewith without delay after the surrender, and the person will be explicitly informed of the right to a retrial or appeal, in which he/she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original act being reversed, and of the time frame within which he/she may request a retrial or appeal.

Issuing State's Obligation to Provide a Copy of a Judgement

Rendered in Absentia

Article 40a

(New, SG No. 55/2011)

(1) In the cases referred to in Item 4 of Article 40(2), where the person was not officially informed of the criminal proceedings against him/her and was not served with the judgement, he/she may request, upon being informed of the contents of the European arrest warrant, to be provided with a copy of such judgement prior to being surrendered.

(2) As soon as the authority issuing the European arrest warrant is informed of the request under Paragraph (1), it shall provide the person with a copy of the judgement through the executing authority.

(3) Such request shall not delay the surrender procedure or the decision to execute the European arrest warrant. The judgement referred to in Paragraph (1) shall be provided to the person for information purposes only and such provision shall neither be regarded as a formal service of the judgment nor actuate any time limits applicable for requesting a retrial or appeal.

Guarantees to be Given by Issuing Member State

Article 41

(Effective 1.01.2007)

(1) (Repealed, SG No. 55/2011).

(2) If the offence on the basis of which the European arrest warrant has been issued is punishable by custodial life sentence or life-time detention order, the execution of the said arrest warrant may be subject to the condition that the issuing Member State has provisions in its legal system for:

1. a review of the penalty or measure imposed, on request of the person, or

2. an ex officio review of the penalty or measure imposed, at the latest after twenty years,

or

3. application of measures of clemency.

(3) (Amended, SG No. 49/2010) Where a European arrest warrant has been issued for the purposes of conducting a criminal prosecution of a Bulgarian national or a person permanently resident in the Republic of Bulgaria, such person shall be surrendered subject to a guarantee by the issuing state, as demanded in advance, to the effect that after being heard in the issuing state's territory, he/she shall be returned to the Republic of Bulgaria at any of its border checkpoints in order to serve the custodial sentence or detention order passed against him/her. In such cases no transfer of a convicted person shall take place, and the issuing state shall cover the costs for the person's return.

Steps Following Reception of European Arrest Warrant

Article 42

(Effective 1.01.2007)

(1) (Amended, SG No. 52/2008) Following a reception of a European arrest warrant directly from a competent authority of the issuing Member State, the District Court under whose geographical jurisdiction the person claimed is located shall verify whether the said warrant satisfies the requirements under Articles 36 and 37 and shall order the police to proceed with the detention of the requested person for a period not exceeding seventy-two hours.

(2) (Amended, SG No. 52/2008, supplemented, SG No. 49/2010) Where a European arrest warrant for the person claimed has been received in cases other than those referred to in Paragraph (1), the police shall detain the said person for twenty-four hours and shall immediately notify the respective District Prosecutor. In such cases the Prosecutor shall verify that the European arrest warrant satisfies the requirements under Articles 36 and 37. The Prosecutor may decree detention of the person for a period not exceeding seventy-two hours.

(3) (Repealed, SG No. 52/2008).

(4) (Amended, SG No. 52/2008, SG No. 53/2014) The alert received in the SIS shall be equivalent to a European arrest warrant if it is accompanied by the information under Article 37 (1) and (2) and shall be effected in compliance with article 26 of Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II) - June, 12th 2007 (ÎÂ, L 205/63 of 7 August 2009).

(5) (New, SG No. 52/2008) In the cases referred to in Items 1 to 3 of Article 38a (1), where the European arrest warrant is not accompanied by a translation into the Bulgarian language, the prosecutor shall immediately notify the issuing Member State to transmit the said translation within the period referred to in Paragraph (2). Unless a translation of the warrant is received within the said period, the person detained shall be released by the prosecutor.

Remand in Custody

Article 43

(Effective 1.01.2007)

(1) (Amended, SG No. 52/2008) In the cases referred to in Article 42 (1), the court shall pronounce ex officio on the imposition of remand in custody as a measure restricting the personal liberty of the person claimed.

(2) (New, SG No. 52/2008) In the cases referred to in Article 42 (2), the prosecutor shall submit the motion for the imposition of this measure to the respective District Court.

(3) (Amended, SG No. 86/2005, renumbered from Paragraph (2) and amended, SG No. 52/2008) The court shall immediately pronounce on the imposition of the measure restricting

personal liberty according to the procedure established by Article 64 of the Criminal Procedure Code.

(4) (Renumbered from Paragraph (3), SG No. 52/2008) The court shall appoint a defence counsel and an interpreter for the person if the latter has no command of the Bulgarian language and shall explain the grounds for his/her detention, the content of the European arrest warrant and his/her right to give consent to surrender to the competent authorities of the issuing Member States and the implications thereof.

(5) (Amended, SG No. 86/2005, renumbered from Paragraph (4), SG No. 52/2008) At the request of the detained person, the District Court may modify the measure of remand in custody into another measure ensuring the participation of the said person in the proceedings on the execution of the European arrest warrant according to the procedure established by Article 65 of the Criminal Procedure Code.

Judicial Proceedings

Article 44

(Effective 1.01.2007)

(1) The District Court shall institute judicial proceedings and shall schedule a court session for the examination of the European arrest warrant within seven days after the detention of the person claimed by the police.

(2) The European arrest warrant shall be examined by the court sitting in public session in a panel of three judges with the participation of a prosecutor.

(3) The court shall appoint a defence counsel for the person claimed, if the latter has none, and an interpreter if he/she has no command of the Bulgarian language, and it shall explain to him/her the right to give consent to surrender to the issuing Member State, as well as to renounce entitlement to the speciality rule under Article 61 and the consequences of these steps.

(4) The court may obtain additional information from the issuing Member State, setting a period for its receipt, as well as admit information provided by the issuing State.

(5) At the court session the court shall hear the prosecutor, the person claimed and his/her defence counsel.

(6) The court shall deliberate whether the conditions for surrender under Articles 36 and 41 are satisfied and whether grounds for refusal under Articles 39 or 40 exist, and whether grounds for postponing execution or for conditional execution of the warrant under Article 52 exist.

(7) (Supplemented, SG No. 52/2008, SG No. 49/2010) The court shall immediately render a decision on the surrender of the person claimed or on a refusal to execute the European arrest warrant. In all cases where granting execution of a European arrest warrant, the court shall impose remand in custody as a measure restricting the personal liberty of the person claimed until the actual surrender of the said person to the issuing State. In case of application of Article 52 (1), such measure restricting the personal liberty shall be deemed to have been imposed as of the time when the criminal proceedings are completed or when the sentence imposed is fully served.

(8) (New, SG No. 52/2008, supplemented, SG No. 55/2011) In the cases referred to in Item 4 of Article 40 (1), the court shall undertake the execution of the custodial sentence or detention order.

(9) (New, SG No. 52/2008) After rendition of the decision, the court shall pronounce ex officio on the measure restricting personal liberty which is in force until completion of the

procedure for execution of the custodial sentence or detention order.

(10) (New, SG No. 52/2008) After the entry into force of the decision referred to in Paragraph (8), the court shall transmit a duplicate copy of the said decision to the respective District Prosecution Office under whose jurisdiction the person is located.

(11) (New, SG No. 52/2008) The District Prosecutor shall submit a proposal to the respective District Court under whose jurisdiction the person is located, and the court shall examine the said proposal according to the procedure established by Article 457 (2) to (5) of the Criminal Procedure Code.

(12) (New, SG No. 52/2008) The decision of the District Court shall be appealable before the respective Appellate Court, whose decision shall be final.

(13) (New, SG No. 49/2010) Paragraphs 11 and 12 shall also apply in case the person has been convicted by a foreign court after having been surrendered to criminal prosecution in the relevant state based on a European arrest warrant subject to the conditions provided for by Article 41 (3). In such cases, upon return of the person, the Supreme Cassation Prosecution Office shall place him/her at the relevant prison and shall notify the District Prosecutor under Paragraph 11.

Procedure in Presence of Consent to Surrender

Article 45

(Effective 1.01.2007)

(1) (Amended, SG No. 49/2010) Where at the court session the person claimed has given his/her consent to surrender, the court shall apply *mutatis mutandis* Article 19 (1) and (2). In this case the person may also waive the speciality rule. This provision shall not apply in case there are pending criminal proceedings against the person claimed for an offence other than that in respect whereof the European arrest warrant has been issued, or in case the person is to serve a sentence for an offence other than that in respect whereof the European arrest warrant has been issued.

(2) The person claimed may revoke his/her consent under Paragraph (1) within three days of giving it. In such case, the proceedings shall be pursued in compliance with Article 44.

(3) Where the person claimed gives consent to being surrendered, the court shall render a decision within seven days after the lapse of the period for revocation of consent under Paragraph (2), following verification of the conditions under Articles 36 and 41 and the grounds for refusal under Article 39. The decision shall be final.

Decision upon Multiple European Arrest Warrants. Conflict between European Arrest Warrant and Request for Extradition

Article 46

(Effective 1.01.2007)

(1) Where European arrest warrants have been received at the District Court from two or more Member States and they concern one and the same person, the court shall make a decision in view of all the circumstances, after assessing the seriousness and the place of commission of the offences, the dates on which the European arrest warrants were received and the purpose for which the respective warrant has been issued.

(2) The court may consult Eurojust in making a decision under Paragraph (1).

(3) In the event of conflict between a European arrest warrant and a request for extradition submitted by a State which is not a member of the European Union, the court shall assess all the

circumstances, especially those stated in Paragraph (1) and in the respective international treaty.

(4) A request for extradition submitted by the International Criminal Court shall take precedence.

Privileges and Immunities

Article 47

(Effective 1.01.2007)

(1) Where the person claimed enjoys a privilege or immunity in respect of the jurisdiction of the Republic of Bulgaria and a Bulgarian authority is competent to waive any such privilege or immunity, the court shall immediately extend a request to this effect to the said competent authority.

(2) Where the authority of another State or an international organisation is competent, the court shall immediately notify the issuing authority thereof, in order to allow the latter to proceed with a request for the waiver of the said privilege or immunity.

(3) In cases under Paragraphs (1) and (2), the periods for completion of judicial proceedings on the execution of a European arrest warrant shall start running from the day on which the court is notified of the waiver of the said privilege or immunity.

Proceedings before Appellate Court

Article 48

(Effective 1.01.2007)

(1) The decision of the District Court shall be subject to verification by the Appellate Court upon appeal of the person and his/her defence counsel or following a protest of the prosecutor to be lodged within five days after publication of the said decision.

(2) (Supplemented, SG No. 49/2010) The appeal and protest shall be examined within five days after their receipt at the court according to the procedure established by Article 44. The court shall announce its decision in public session, with the parties attending.

(3) The decision of the court shall be rendered no later than sixty days after the person was detained by the police and shall be final.

Extension of Period for Rendition of Judicial Decision

Article 49

(Effective 1.01.2007)

(1) Where a European arrest warrant may not be executed within the periods under Article 45 (3) and Article 48 (3), the court shall immediately notify the issuing authority thereof, stating the reasons for delay. In the latter case, the respective periods shall be extended by another thirty days.

(2) Where the proceedings have not been completed within ninety days of the detention of the person by the police, the court shall immediately notify Eurojust of the delay, giving the reasons for the said delay.

Provisional Transfer or Hearing of Person claimed

Article 50

(Effective 1.01.2007)

(1) Where the European arrest warrant has been issued for the purposes of conducting a criminal prosecution and where the issuing authority submits a motion to the District Court for a

hearing or temporary surrender of the person claimed no later than the completion of judicial proceedings, the court shall either hear the person or temporarily surrender him/her to the issuing authority.

(2) The person claimed shall be heard by the court in the presence of a representative of the issuing authority in compliance with Bulgarian legislation and subject to the conditions stipulated in an agreement between the issuing authority and the District Court.

(3) The person claimed shall be surrendered temporarily under the conditions and for a period to be determined by agreement between the issuing authority and the District Court.

(4) Temporary surrender shall be admitted subject to the condition that the issuing authority guarantees the return of the person to the Republic of Bulgaria in order to take part in judicial proceedings on the execution of the warrant.

Surrender of Person Extradited to Republic of Bulgaria

Article 51

(Effective 1.01.2007)

(1) A person extradited to the Republic of Bulgaria from a State which is not a member of the European Union who is afforded protection under the speciality rule, as provided for in an international instrument on the basis of which he/she has been extradited, may not be surrendered to the issuing authority, unless consent has been obtained from the State from which he/she has been extradited.

(2) The Minister of Justice shall immediately approach the competent authority of the State from which the person claimed has been extradited with a request for consent for his/her surrender to the issuing authority.

(3) The periods for completion of the judicial proceedings on the execution of the European arrest warrant shall start running from the day of obtaining consent under Paragraph (2).

(4) Until reception of the decision of the State from which the person claimed was extradited, the District Court shall impose a measure on him/her, ensuring his/her participation in proceedings on the execution of the European arrest warrant.

Postponed Execution of European Arrest Warrant. Conditional Execution

Article 52

(Effective 1.01.2007)

(1) Where the person claimed is subject to pending criminal proceedings in the Republic of Bulgaria or an enforceable sentence exists concerning an offence other than the offence specified by the European arrest warrant, by virtue of the decision to surrender the court may postpone the surrender of the person until completion of the criminal proceedings or until service of the punishment imposed.

(2) (Amended, SG No. 49/2010) Within the period under Paragraph (1), instead of postponing surrender, the court may temporarily surrender the person claimed to the issuing Member State, subject to the conditions specified in a written agreement between the court and the issuing authority.

Notification of Decision

Article 53

(Effective 1.01.2007)

(1) The District Court shall immediately notify the issuing authority of the decision concerning the European arrest warrant and of the steps to be taken for its execution.

(2) (Amended, SG No. 52/2008) An authenticated duplicate copy of the enforceable decision on the European arrest warrant shall be immediately transmitted to the Supreme Cassation Prosecution Office and to the Ministry of Justice.

(3) (New, SG No. 52/2008) Where execution of a European arrest warrant is granted, the Supreme Cassation Prosecution Office shall issue a decree on enforcement of the decision.

Section III

Surrender of Person under European Arrest Warrant.

Transit

Surrender of Person

Article 54

(Effective 1.01.2007)

(1) Surrender of the person claimed shall be effected according to the procedure established by Article 26 (1) to (3) no later than ten days after the entry into force of the judicial decision on execution of the European arrest warrant.

(2) Where the surrender of the person within the period under Paragraph (1) is prevented by circumstances beyond the control of the Member States, the Supreme Cassation Prosecution Office, the National Central Bureau of Interpol and the issuing authority shall immediately agree on a new surrender date. In the latter case, the surrender shall take place within ten days of the new date.

(3) The surrender may be temporarily postponed by the District Court if there are substantial grounds for believing that it would endanger the life or health of the person claimed. The European arrest warrant shall be immediately executed after these grounds have ceased to exist. The Supreme Cassation Prosecution Office and the issuing authority shall immediately agree on a new surrender date. In the latter case, the surrender shall take place within ten days of the new date.

(4) Where the person is not surrendered upon expiry of the periods under Paragraphs (1) to (3), he/she shall be released.

Transit of Person Surrendered on Basis of European Arrest Warrant

Article 55

(Effective 1.01.2007)

(1) The Minister of Justice shall receive transit requests and the accompanying documents by means capable of producing a written record and shall immediately transmit them to the Supreme Cassation Prosecution Office.

(2) The Supreme Cassation Prosecution Office shall permit the transit through the territory of the Republic of Bulgaria of a person who is surrendered for the enforcement of a custodial sentence or detention order, provided that information has been provided on:

1. the identity and nationality of the person;
2. the European arrest warrant issued;
3. the nature and legal classification of the offence;

4. the circumstances under which the offence has been committed, including the date and place of commission.

(3) The Supreme Cassation Prosecution Office shall notify the Member State that has requested the transit and the Minister of Justice of its decision by means capable of producing a written record.

(4) Where the person in respect of whom a European arrest warrant has been issued for the purposes of conducting a criminal prosecution is a Bulgarian national or is permanently resident in the Republic of Bulgaria, the transit may be effected subject to the condition that after the criminal proceedings in the issuing State are completed by a custodial sentence or detention order, he/she will be returned to the Republic of Bulgaria to serve the said sentence or order.

(5) The provisions of this Article shall not apply in the case of transport by air without a scheduled stopover in the Republic of Bulgaria. In case an unscheduled landing occurs, the issuing Member State shall provide the Minister of Justice with the information under Paragraph (2).

(6) The provisions of Paragraphs (1) to (5) shall apply mutatis mutandis where a transit concerns a person extradited from a third State to a Member State of the European Union.

(7) The provisions of this Article 5 shall also apply mutatis mutandis where the authorities under Article 56 (1) request a transit through the territory of another Member State of the European Union.

Section IV

Issuance of European Arrest Warrant in Republic of Bulgaria

Competent Authorities

Article 56

(Effective 1.01.2007)

(1) A European arrest warrant in the Republic of Bulgaria shall be issued by:

1. the respective prosecutor - with regard to an accused party or a person convicted by an enforceable sentence;
2. the respective court - in respect of a defendant.

(2) (Supplemented, SG No. 49/2010) The European arrest warrant shall be issued in the form and with the content specified in Article 37 and Article 37a.

Transmission of European Arrest Warrant

Article 57

(Effective 1.01.2007)

(1) Where the location of the person claimed in the territory of a Member State of the European Union is known, the issuing authority may transmit the European arrest warrant directly to the executing authority of the said Member State. Where the issuing authority has no information about the executing authority of the said Member State, it shall consult the European Judicial Network.

(2) The issuing authority may issue an alert for the person claimed in the SIS through the authorities of the Ministry of Interior.

(3) (Amended, SG No. 53/2014) The alert under Paragraph (2) shall be effected in accordance with article 26 of Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II) - June, 12th 2007 (ÎÂ, L 205/63 of 7 August 2009).

(4) An alert for search to SIS shall be accompanied by the information under Article 37 (1) and (2) and shall be equivalent to a European arrest warrant.

(5) (Amended, SG No. 52/2008) Transmission of a European arrest warrant shall be effected according to the procedure established by Article 38a.

(6) Difficulties in establishing the authenticity of a document required for the execution of a European arrest warrant shall be dealt with directly by the issuing and executing authorities or with the participation of the central authorities of the Member States.

Information Provided by Issuing Authority

Article 58

(Effective 1.01.2007)

The issuing authority under Article 56 (1) shall provide the necessary information and data in relation to the execution of a European arrest warrant at the request of the executing authority.

Notification of Delayed Execution of European Arrest Warrant

Article 59

(Effective 1.01.2007)

In case of regular delays in the execution of European arrest warrants issued by the Republic of Bulgaria by a Member State, the Minister of Justice shall notify the Council of the European Union, in order to evaluate the implementation, at the level of Member States, of Council Framework Decision No. 2002/584/JHA of 13 June 2002.

Admittance

Article 59a

(New, SG No. 55/2011)

The person claimed shall be admitted in accordance with the procedure provided for in Article 30.

Section V

Effects of Surrender

Deduction of Period of Detention Served in Executing Member State

Article 60

(Effective 1.01.2007)

The period of detention in the executing Member State arising from the execution of a European arrest warrant issued by the authorities under Article 56 (1) shall be deducted from the total period of detention to be served by the person as a result of a custodial sentence rendered by a Bulgarian court.

Detention Control after the Surrender of a Person under Item 4 of Article 40(2)

Article 60a

(New, SG No. 55/2011)

(1) Where a person has been surrendered to the Republic of Bulgaria under the terms and conditions of Item 4 of Article 40(2) and he/she has requested a retrial or appeal, the appeal or retrial procedure shall start immediately after the person is surrendered.

(2) The person's detention under Paragraph (1) shall be subject to control as provided for by the Criminal Procedure Code at any time during the criminal proceedings.

Speciality Rule

Article 61

(Effective 1.01.2007)

(1) A person surrendered on the basis of a European arrest warrant may not be prosecuted, tried or detained in the Republic of Bulgaria for an offence committed prior to surrender other than that for which the said warrant has been issued.

(2) Paragraph (1) shall not apply where:

1. the surrendered person, having had an opportunity to leave the territory of the Republic of Bulgaria, has not done so within forty-five days of his/her final discharge or has returned to that territory after leaving it;

2. the offence is not punishable by a custodial sentence or life imprisonment;

3. the criminal proceedings do not give rise to the application of a measure restricting personal liberty;

4. the person claimed has renounced to the executing authority entitlement to the speciality rule, at the same time as consenting to be surrendered to the Republic of Bulgaria;

5. after his/her surrender to the Republic of Bulgaria, the person claimed has expressly renounced entitlement to the speciality rule with regard to offences preceding his/her surrender;

6. the executing authority has given consent to non-application of the rule.

(3) In cases under Item 5 of Paragraph (2), the person surrendered to the Republic of Bulgaria may renounce entitlement to the speciality rule before the competent authority which has issued the warrant, Article 19 (1) and (2) being applied mutatis mutandis.

Criminal Prosecution for Other Offences with Consent of Executing Authority

Article 62

(Effective 1.01.2007)

(1) A request to obtain consent under Item 6 of Article 61 (2) shall be submitted by the respective Bulgarian authority which has issued the warrant together with the information and translation under Article 37.

(2) A request to obtain consent shall be submitted to the District Court on the basis of whose decision the person has been surrendered together with the information and translation under Article 37 according to the procedure established by Article 57. The court shall give consent subject to compliance with the provisions of Article 36 and Articles 39 to 41. The court shall pronounce by a decision no later than thirty days after receiving the said request.

Subsequent Surrender or Subsequent Extradition

Article 63

(Effective 1.01.2007)

(1) A person surrendered to the Republic of Bulgaria by a Member State may be surrendered to a third Member State on the basis of a European arrest warrant issued for an offence committed prior to his/her surrender to the Republic of Bulgaria without consent of the executing authority, where:

1. the person gives consent to be surrendered to a third Member State on the basis of a European arrest warrant according to the procedure established by Article 61 (3);
2. the person claimed does not avail himself or herself of the speciality rule under Items 1 and 4 to 6 of Article 61 (2).

(2) Following the surrender of a person by the Republic of Bulgaria on the basis of a European arrest warrant to the issuing State, consent to the surrender of the person to a third Member State shall be given by the District Court which rendered the decision on execution of the said warrant, subject to the conditions and according to the procedure provided for in Article 62 (2).

(3) A person surrendered to the Republic of Bulgaria on the basis of a European arrest warrant may be surrendered to a third State which is not a member of the European Union only with the consent of the executing Member State.

Handing Over of Property

Article 64

(Effective 1.01.2007)

(1) At the request of the issuing judicial authority or on its own initiative, the respective District Court may order, in accordance with Bulgarian law, the seizure and handing over of property which:

1. may be required as evidence, or
2. has been acquired by the person claimed as a result of the offence.

(2) The property referred to in Paragraph (1) shall be handed over even if the European arrest warrant cannot be carried out owing to the death or absconding of the person claimed.

(3) If the property referred to in Paragraph (1) is liable to seizure or confiscation in the territory of the Republic of Bulgaria, the competent Bulgarian court may, if the property is needed in connection with pending criminal proceedings in the issuing Member State, temporarily retain it in the Republic of Bulgaria or hand it over to the issuing Member State, on condition that it is returned.

(4) Any rights which the Republic of Bulgaria or third parties may have acquired in the property referred to in Paragraph (1) shall be preserved. Where such rights exist, the property shall be returned to the executing Member State as soon as the criminal proceedings have been terminated.

Expenses

Article 65

(Effective 1.01.2007)

(1) Expenses incurred in the territory of the Republic of Bulgaria as an executing State for the execution of a European arrest warrant shall be borne by it.

(2) All other expenses shall be borne by the issuing Member State.

Subsidiary Application of Criminal Procedure Code

Article 66

Insofar as this Act contains no special rules, the provisions of the Criminal Procedure Code shall apply.

TRANSITIONAL AND FINAL PROVISIONS

§ 1. Extradition proceedings as instituted and extraditions as granted shall be completed and executed according to the procedure established by this Act.

§ 2. The Criminal Procedure Code (promulgated in the State Gazette No. 89/1974; corrected in No. 99/1974; No. 10/1975; amended in No. 84/1977, No. 52/1980, No. 28/1982, corrected in No. 38/1982; amended in No. 89/1986, No. 31/1990; corrected in Nos. 32 and 35/1990; amended in Nos. 39, 109 and 110/1993, No. 84/1994, No. 50/1995, Nos. 107 and 110/1996, No. 64/1997; corrected in No. 65/1997; amended in No. 95/1997, No. 21/1998, No. 45/1998 - Judgement No. 9/1998 of the Constitutional Court; amended in No. 70/1999, No. 88/1999 - Judgement No. 14/1999 of the Constitutional Court; amended in No. 42/2001, No. 74/2002, Nos. 50 and 57/2003, Nos. 26, 38, 89 and 103/2004) shall be amended and supplemented as follows:

1. In Article 362a (1), a sentence two shall be inserted: "Where a request has been extended by a person convicted in absentia, surrendered by another State to the Republic of Bulgaria, where guarantees have been provided for reopening of the case, the court shall reopen the said case without determining whether the person had been aware of the criminal proceedings against him/her."

2. Section II in Chapter Twenty-Two "Special Proceedings" with Articles 435 to 441 shall be repealed.

§ 3. This Act shall enter into force one month after its promulgation in the State Gazette with the exception of Articles 35 to 65, which shall enter into force on the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union.

This Act was adopted by the 39th National Assembly on 20 May 2005 and the Official Seal of the National Assembly has been affixed thereto.

Annex to Article 37 (1)

(Amended, SG No. 55/2011)

European Arrest Warrant 1

This warrant has been issued by a competent judicial authority. We request that the person mentioned below be arrested and surrendered for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

(à) Information regarding the identity of the requested

person:

Name:

Forename(s):

Maiden name, where applicable:

..

Aliases, where applicable:

.....

Sex:

Nationality:

Date of birth:

Place of birth:

Residence and/or known address:

Language (languages) which the required person understands (if known):

Distinctive marks/description of the requested person:

Photo and fingerprints of the requested person, if they are available and can be transmitted, or contact details of the person to be contacted in order to obtain such information or a DNA profile (where this evidence can be supplied but has not been included)

(b) Decision on which the warrant is based:

1. Arrest warrant:

Type:

.....

2. Enforceable judgement:

Reference:

(c) Indications on the length of the sentence:

1. Maximum length of the custodial sentence or detention order which may be imposed for the offence(s)

.....

2. Length of the custodial sentence or detention order imposed:

.....

Remaining sentence to be served:

.....

(d) (Amended, SG No. 55/2011) Indicate if the person appeared in person at the trial resulting in the decision:

1. ? Yes, the person appeared in person at the trial resulting in the decision.

2. ? No, the person did not appear in person at the trial resulting in the decision.

3. If you have ticked the box under point 2, please confirm the existence of one of the following:

? 3.1a. the person was summoned in person on ... (day/month/year) and thereby informed of the scheduled date and place of the trial which resulted in the decision and was informed that a decision may be handed down if he/she does not appear for the trial,

OR

? 3.1b. the person was not summoned in person but by other means actually received official information of the scheduled date and place of the trial which resulted in the decision, in such a manner that it was unequivocally established that he/she was aware of the scheduled trial, and was informed that a decision may be handed down if he/she does not appear for the trial,

OR

? 3.2. being aware of the scheduled trial, the person gave a mandate to a legal counsellor, or the court appointed one for the person, to defend him/her at the

trial, and the person was indeed so defended,

OR

? 3.3. after the person was personally served with the decision on ... (day/month/year) and was expressly informed about the right to a retrial or appeal, in which he/she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original act being reversed,

OR

? the person expressly stated that he/she does not contest the decision,

OR

? the person did not request a retrial or appeal within the applicable time frame,

OR

? 3.4. the person was not personally served with the decision, but
- the person will be personally served with the decision without delay after the surrender,

and

- when served with the decision, the person will be expressly informed of his or her right to a retrial or appeal, in which he/she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original act being reversed,

and

- the person will be informed of the time frame within which he/she has to request a retrial or appeal, which will be ... days.

4. If you have ticked the box under points 3.1b, 3.2 or 3.3 above, please provide information about how the relevant condition has been met:

.....
.....

(e) Offences:

This warrant relates to in total offences.

Description of the circumstances in which the offence(s) was(were) committed, including the time, place and degree of participation in the offence(s) by the requested person:

.....
.....

Nature and legal classification of the offence(s) and the applicable provisions of the Criminal Code:

.....
.....
.....
.....

I. If applicable, tick one or more of the following offences punishable in the Republic of Bulgaria by a custodial sentence or detention order of a maximum of at least 3 years as defined by the Criminal Code of the Republic of Bulgaria:

- participation in a criminal organisation;
- terrorism;
- trafficking in human beings;
- sexual exploitation of children and child pornography;
- illicit trafficking in narcotic drugs and psychotropic substances;
- illicit trafficking in weapons, munitions and explosives;
- corruption;
- fraud, including affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests;
- laundering of the proceeds of crime;
- counterfeiting currency, including the euro;
- computer crime and computer-related crime;
- environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- facilitation of unauthorised entry and residence;
- murder, grievous bodily injury;
- illicit trade in human organs and tissue;
- kidnapping, illegal restraint and hostage-taking;

- racism and xenophobia;
- organised or armed robbery;
- illicit trafficking in cultural goods, including antiques and works of art;
- swindling;
- racketeering and extortion;
- counterfeiting and piracy of products;
- forgery of administrative documents and trafficking therein;
- forgery of means of payment;
- illicit trafficking in hormonal substances and other growth promoters;
- illicit trafficking in nuclear or radioactive materials;
- trafficking in stolen vehicles;
- rape;
- arson;
- crimes within the jurisdiction the jurisdiction of the International Criminal Court;
- unlawful seizure of aircraft/ships;
- sabotage.

II. Full description of offences not covered by the list above:

.....

(f) Other circumstances relevant to the case (optional information):

(NB: This could cover remarks on extraterritoriality, interruption of periods of time limitation and other consequences of the offence)

.....

(g) This warrant pertains also to the seizure and handing over of property which may be required as evidence:

This warrant pertains also to the seizure and handing over of property acquired by the requested person as a result of the offence:

Description of property (and location) (if known):

.....
.....

(h) The offence(s) on the basis of which the warrant has been issued is (are) punishable by custodial life sentence:

- the legal system of the Republic of Bulgaria allows for a review of the penalty imposed – on request or at the latest after 20 years – aiming at a non-execution of such penalty,

and/or

- the legal system of the Republic of Bulgaria allows for the application of measures of clemency to which the person is entitled under the Criminal Code, aiming at non-execution of such penalty.

(i) The authority which issued the warrant:

Official name:

Name of its representative
2:

Post held
(title/grade):
.....

Fire/case reference:

Address:

Tel: (country code) (city/area code) (..)

Fax: (country code) (city/area code) (..)

E-mail:

Contact details of the person to contact to make necessary arrangements for the surrender:

.....
.....

Where a central authority has been made responsible for the transmission and administrative reception of the European arrest warrant:

Name of the central authority:

.....

Contact person, if applicable (title/grade and name):

.....

Address:

Tel: (country code) (city/area code) (..)

Fax: (country code) (city/area code) (..)

E-mail:

Signature of the issuing authority and/or its representative:

.....

Name:

Post held (title/grade):

Date:

Official stamp (if available)

1 This warrant must be written in, or translated into, one of the official languages of the executing Member State, when that State is known, or any other language accepted by that State.

2 In the different language versions a reference to the “holder” of the judicial authority will be included.

Protection of Individuals at Risk in Relation to Criminal Proceedings Act

Promulgated, State Gazette No. 103/23.11.2004, effective 24.05.2005, amended, SG No. 82/10.10.2006, supplemented, SG No. 33/28.03.2008, amended and supplemented, SG No. 66/25.07.2008, effective 26.09.2008, amended, SG No. 82/16.10.2009, amended and supplemented, SG No. 21/8.03.2014, effective 9.04.2014, amended, SG No. 53/27.06.2014

Text in Bulgarian: Чакѝи ча чакѝòà íà èèòà, чакѝòðàøáíè áúâ áðúçèâ ñ íàèàçàòòáѝí òðèèèàíâòâí

Chapter One GENERAL PROVISIONS

Article 1. This Act shall specify the terms and conditions for the provision of special protection by the state to individuals at risk in relation to criminal proceedings, as well as to individuals directly related to them, who may not be afforded protection through means provided for under the Criminal Procedure Code.

Article 2. The purpose of this Act shall be to assist in combating serious crimes of intent, as well as organised crime, making arrangements to ensure the safety of individuals whose testimony, explanations or depositions are of significant importance to criminal proceedings.

Article 3. The following individuals at risk shall be eligible for special protection under this Act:

1. (Amended, SG No. 66/2008, effective 26.09.2008) Participants in criminal proceedings - witnesses, private prosecutors, civil parties, the accused, defendants, expert witnesses, certifying witnesses;

2. Convicts;

3. Individuals directly related to the individuals under items 1 and 2, i. e. their ascendants, descendants, brothers, sisters, spouses or the individuals who are very closely related to them.

Article 4. (Amended, SG No. 21/2014, effective 9.04.2014) Individuals at risk may receive special protection where the testimony, explanations or depositions of individuals under Article 3, items 1 and 2 provide evidence of significant importance to criminal proceedings for serious public prosecution criminal offences of intent as well as for all criminal offences committed at the orders or in implementation of a decision made by an organised criminal group.

Chapter Two PROGRAMME FOR THE PROTECTION OF INDIVIDUALS AT RISK

Section I Characteristics of the Programme for the Protection of Individuals at Risk and Types of Protection

Article 5. (1) The programme for the protection of individuals at risk, hereinafter referred to as the Programme for Protection, shall be a set of measures taken by certain government authorities in respect of individuals who have acquired a status of protection under this Act.

(2) Measures under the Programme for Protection shall be mandatory for all government authorities and officials, as well as for all individuals and entities.

Article 6. (1) The Programme for Protection shall consist of the following measures:

1. Personal physical protection;
2. Property protection;
3. Provisional placement in a safe location;
4. Change in the place of residence, workplace, or educational establishment or placement in another facility for the service of a sentence;
5. (Amended, SG No. 66/2008, effective 26.09.2008) Full change of identity.

(2) Measures under para 1 may be applied together or separately, temporarily - until the reasons for their application are present, or permanently.

(3) (Amended, SG No. 66/2008, effective 26.09.2008) In the implementation of measures as referred to in para 1, items 3 and 4, subject to the explicit written consent of the individual under protection, new basic data about such individual shall be created, and such data shall be destroyed after the need for processing it expires.

(4) The measure under para 1, item 5 shall only apply under exceptional circumstances, where protection may not be ensured through any other measure.

(5) (New, SG No. 66/2008, effective 26.09.2008) The processing under this Act of personal data about individuals under protection shall constitute state secret.

(6) (Renumbered from Paragraph 5, SG No. 66/2008, effective 26.09.2008) The Programme for Protection may also include activities for the provision of welfare, medical, psychological, legal or financial assistance.

Article 7. (1) The physical protection of an individual under protection shall be an activity consisting in the protection of his/her corporal integrity from illegal intervention and may be provided round the clock, at fixed hours or on certain occasions.

(2) (Amended, SG No. 82/2006, repealed, SG No. 66/2008, effective 26.09.2008).

(3) (Amended, SG No. 82/2006, repealed, SG No. 66/2008, effective 26.09.2008).

Article 8. Property protection shall be an activity consisting in the physical protection of property from illegal intervention.

Article 9. (Amended, SG No. 21/2014, effective 9.04.2014) Temporary placement in a safe location shall consist in the immediate relocation of the individual under protection for a short period of time to another place, which is different from his/her habitual residence.

Article 10. A change in the place of residence, workplace or educational establishment, or placement in another facility for the service of a sentence, shall apply until the risk under Article 1 ceases to exist.

Article 11. (Repealed, SG No. 66/2008, effective 26.09.2008).

Article 12. (1) The implementation of a measure under Article 6, para 1, item 5 shall not exempt the individual under protection from discharging his/her obligations to the state or to third parties.

(2) (Repealed, SG No. 66/2008, effective 26.09.2008).

(3) (Amended, SG No. 66/2008, effective 26.09.2008) In case of full change of identity, a new identity document shall be issued, personal data under which shall not be identical to the

personal data of another person.

(4) (Amended, SG No. 66/2008, effective 26.09.2008) A full change of identity may also be performed through a change of the physical traits of the individual under protection.

Section II

Competent Bodies

Article 13. (1) (Supplemented, SG No. 66/2008, effective 26.09.2008, amended, SG No. 21/2014, effective 9.04.2014) The Programme for Protection shall be set up by the Protection Bureau under the Prosecutor General.

(2) (Supplemented, SG No. 33/2008, repealed, SG No. 66/2008, effective 26.09.2008, new, SG No. 21/2014, effective 9.04.2014) Control over the activities of the Protection Bureau shall be executed by a Board for the Protection of Individuals at Risk, hereinafter referred to as the Protection Board.

(3) (Repealed, SG No. 66/2008, effective 26.09.2008, new, SG No. 21/2014, effective 9.04.2014) Funds for the implementation of the Programme for Protection shall be covered by the budget of the Ministry of Justice.

(4) (Repealed, SG No. 66/2008, effective 26.09.2008, new, SG No. 21/2014, effective 9.04.2014) Activities implementation funds of the Programme for Protection shall be covered by the budget of the Ministry of Justice.

(5) (Repealed, SG No. 66/2008, effective 26.09.2008).

(6) (Repealed, SG No. 66/2008, effective 26.09.2008).

Article 13a. (New, SG No. 66/2008, effective 26.09.2008, amended, SG No. 21/2014, effective 9.04.2014) (1) The Protection Board shall be composed of the Minister of Justice, the Minister of Interior, a Supreme Court representative, the Supreme Court of Cassation Chairman, the Prosecutor General, and the State Agency for National Security Chairperson.

(2) The Protection Board shall:

1. review the Prosecutor General's written reports regarding the Programme for Protection.
2. review the proposals for inclusion in the Programme for Protection in cases envisaged in the law.

(3) The Protection Board sessions shall be led by the Prosecutor General.

(4) In cases falling under paragraph 2, item 1, the Protection Board shall hold sessions every three months.

(5) In cases falling under paragraph 2, item 1, the Protection Board shall hold sessions no later than three days after receipt of the proposal. In case a member is absent or unable to participate, he/she shall be represented by an authorized substitute.

(6) The decisions made by the Protection Board shall be taken by a majority of more than 50% of the members present and shall be final.

(7) The Protection Board shall adopt rules of its procedure.

(8) Members of the Protection Board shall not disclose information which has been provided to them in connection with the execution of the Programme for Protection.

Article 14. (1) (Amended, SG No. 66/2008, effective 26.09.2008, SG No. 21/2014, effective 9.04.2014) The Protection Bureau is an independent organisational structure under the Prosecutor General. The Prosecutor General appoints the Director of the Protection Bureau.

(2) (Amended, SG No. 21/2014, effective 9.04.2014) Acting under a decision for the admission to the Programme for Protection, the Protection Bureau shall:

1. Inform the individual at risk of the possibilities offered through the Programme for Protection;

2. Make an agreement with the individual at risk for admission to the Programme for Protection, of which the Prosecutor or Judge-Rapporteur who has made the proposal for protection, shall be notified;

3. Designate an officer for contact with the individual under protection;

4. Implement, through a protection team set up for the case at stake, the specific measures of the Programme for Protection on the basis of the agreement executed.

(3) (New, SG No. 21/2014, effective 9.04.2014) The Protection Board, along with its functions, shall also:

1. organise and execute the personal physical security of protected witnesses, their ascendants, descendants, brothers, sisters, spouses or persons they are in especially close relation with, under the terms and procedures provided for in the Criminal Procedure Code.

2. forcefully bring individuals before the judicial authorities when ordered by the Prosecutor General or by an authorized replacement.

3. protects and secures the conduct of investigative actions when ordered by the Prosecutor General or by an authorized replacement

4. receive information from the Ministry of Interior and the State Agency for National Security in connection with the performance of its functions; the type of information and its provision procedure shall be provided for in a jointly issued instruction by the Prosecutor General, the Minister of Interior, and the State Agency for National Security Chairperson.

(4) (Renumbered from Paragraph 3, SG No. 21/2014, effective 9.04.2014) The Protection Bureau shall develop, maintain and store a database of the individuals admitted to the Programme for Protection in accordance with the Personal Data Protection Act.

(5) (Renumbered from Paragraph 4, SG No. 21/2014, effective 9.04.2014) The Protection Bureau shall not be allowed to disclose information, which has come to its knowledge in relation to the implementation of the Programme for Protection.

(6) (Renumbered from Paragraph 5, SG No. 21/2014, effective 9.04.2014) In the implementation of the Programme for Protection the Protection Bureau may request assistance from all competent government bodies, which the latter shall not be allowed to refuse.

(7) (Renumbered from Paragraph 6, amended, SG No. 21/2014, effective 9.04.2014) The Protection Bureau shall report every 6 months on the funds expended for the implementation of the Programme for Protection, in general and on a case-by-case basis, to the Supreme Court.

(7) (New, SG No. 66/2008, effective 26.09.2008, repealed, SG No. 21/2014, effective 9.04.2014).

(8) (New, SG No. 66/2008, effective 26.09.2008, repealed, SG No. 21/2014, effective 9.04.2014).

Article 14a. (New, SG No. 66/2008, effective 26.09.2008) (1) The officers of the Protection Bureau executing the measures in the implementation of the Programme for Protection may temporarily obtain newly created basic data, which they may use only in performing their official duties.

(2) The data referred to in paragraph 1 shall be destroyed after the need for processing it expires.

Article 14b. (New, SG No. 66/2008, effective 26.09.2008, amended, SG No. 82/2009) In the cases referred to in Article 6, paragraph 1, item 5 and paragraph 3 and Article 14a, paragraph 1, new personal documents shall be issued ex officio.

Article 14c. (New, SG No. 21/2014, effective 9.04.2014) The structure and procedure regulations of the Protection Bureau shall be provided for by the Prosecutor General in coordination with the Supreme Court.

Article 14d. (New, SG No. 21/2014, effective 9.04.2014) When exercising their powers, the officers of the Protection Bureau shall be obligated to respect the dignity of the citizens and their rights and lawful interests.

Article 14e. (New, SG No. 21/2014, effective 9.04.2014) (1) (Amended, SG No. 53/2014) The officers of the Protection Bureau, when exercising their functions, shall have the rights and obligations under Article 64, Paragraph 1, 2, 4, 5 and 6, Article 65, 66, 70, Article 72 – 74, Article 76, 80, 91 and Article 81 – in the cases under Article 70, Paragraph 1, Items 1, 4 and 5, Article 85, 86, Article 87, Paragraphs 1, 2 and 5 and Article 100 of the Ministry of Interior Act and under Decree No 904 on the Combat against Minor Hooliganism (Promulgated, SG No. 102/1963; amended SG No. 36/1979, 38/1998, 96/2004, 27/2009; Judgment 3 of the Constitutional Court of RB - 38/2011; amended SG No. 93/2011).

(2) (Amended, SG No. 53/2014) As regards the Protection Bureau officers, the provisions of Part III, chapters seven - twelve of the Ministry of Interior Act shall apply.

Article 14f. (New, SG No. 21/2014, effective 9.04.2014) Citizens and officials shall be obligated to cooperate with the Protection Bureau officers when exercising their powers, including to provide information and documents where protecting state, official, and trade secret and personal information.

Section III

Procedure for Admission to the Programme for Protection

Article 15. (1) (Amended, SG No. 21/2014, effective 9.04.2014) Admission to the Programme for Protection shall be made at the proposal of a District Prosecutor and, at the trial stage of proceedings, of the Judge-Rapporteur, addressed to the Prosecutor General.

(2) A proposal for the provision of protection shall be made ex officio or at the request of:

1. The individual at risk;
2. The investigative body;
3. The supervising prosecutor;
4. The head of the deprivation of liberty facility - in respect of convicts.

(3) In cases falling under paragraph 2, items 2, 3, and 4 express written consent from the individual at risk shall also be required.

(4) (Amended, SG No. 21/2014, effective 9.04.2014) When the Prosecutor General does not adjudicate officially the District Prosecutor or the Judge-Rapporteur shall examine the request immediately after receipt thereof and shall lodge with the Prosecutor General a reasoned proposal for admission to the Programme for Protection or refuse to make one.

(5) The refusal by a Prosecutor or a Judge-Rapporteur under paragraph 4 shall not be subject to appeal.

Article 16. (1) Proposals under Article 15, paragraph 1 must be made in writing and set out:

1. Information about the criminal proceedings at stake;
2. Personal data of the individual at risk;
3. Information as to whether the testimony, explanations or depositions given by the individual at risk provide evidence of significant importance to the criminal proceedings;

4. All the information indicating the presence of a real risk for the life, health or property of the individual in relation to the criminal proceedings;

5. A list of the individuals who are aware of the testimonies of or the information available to the individual at risk;

6. In most general terms, a psychological assessment of the individual at risk;

7. The presence and level of risk, which the individual at risk might present to the environment to which he/she shall be admitted;

8. Other information of relevance to determine the need for admission to the Protection Programme.

(2) A declaration by the individual at risk of his/her family and financial status, as well as of his/her obligations to third parties, shall be attached to the proposal.

Article 17. (Amended, SG No. 21/2014, effective 9.04.2014) (1) At the request of the Prosecutor General, the Protection Board Director shall introduce immediately an opinion regarding the level of risk for the individual, which the proposal of the District Prosecutor or the Judge-Rapporteur refers to.

(2) The Prosecutor General shall assess whether testimony, explanations or depositions by the individual at risk are of significant importance to the criminal proceedings, as well as the objective presence and level of risk, and when establishes that:

1. the conditions set forth in this Act are satisfied, shall issue an order for the provision of protection, which it shall immediately forward to the Protection Bureau;

2. the conditions set forth in this Act are not satisfied, shall issue an order, whereby the provision of protection shall not be granted at the proposal of the District Prosecutor.

3. the conditions set forth in this Act are not satisfied for the provision of protection at the proposal of the Judge-Rapporteur, shall immediately submit the proposal with written opinion on it to the Protection Board for review under Article 13a, paragraph 5.

(3) In cases under Article 2, paragraph 3, the Protection Board with its decision shall grant provision of protection or shall not allow provision of protection.

(4) The instruction of the Prosecutor General or the decision of the Protection Board shall be announced through the Protection Bureau to the authority submitted the proposal.

Article 17a. (New, SG No. 66/2008, effective 26.09.2008) (1) (Amended, SG No. 21/2014, effective 9.04.2014) In case there is an urgent need for immediate change of the type of protection provided, the Director of the Protection Bureau may also order execution of other measures from the Programme, excluding the one referred to in Article 6, paragraph 1, item 5.

(2) (Amended, SG No. 21/2014, effective 9.04.2014) In the cases referred to in paragraph 1, the Director of the Protection Bureau shall immediately inform the Prosecutor General of the change or the measures undertaken.

(3) (Amended, SG No. 21/2014, effective 9.04.2014) If the Prosecutor General does not approve the execution of measures undertaken under paragraph 1, he shall order the termination of those measures.

Section IV Agreement

Article 18. (1) (Amended, SG No. 21/2014, effective 9.04.2014) Within 3 days from the date of the Prosecutor General order under Article 17, paragraph 2, item 1 or the Protection Board decision under Article 17, paragraph 3, which grants the provision of protection, the

Protection Bureau shall enter a written protection agreement with the individual at risk in person or with his/her legal guardian or custodian, where necessary.

(2) The individual shall acquire protection status from the moment the agreement is signed.

(3) This agreement shall not be a civil contract within the meaning of the Obligations and Contracts Act.

Article 19. (1) The agreement shall set out:

1. (Supplemented, SG No. 21/2014, effective 9.04.2014) The reference number of the Prosecutor General order or the decision made by the Protection Board for admission to the Protection Programme;

2. The type of protection measure and the assistance afforded;

3. The duration of protection;

4. The name of the officer assigned to the individual under protection to keep in contact with the Protection Bureau;

5. The rights and obligations of the parties to the Protection Programme;

6. The conditions for unilateral termination of the agreement;

7. The date and location of execution and the signatures of the parties.

(2) For the duration of protection, the individual placed thereunder shall be obligated to:

1. Avoid contact with individuals who have a record of offending behaviour;

2. Refrain from taking action that are susceptible of placing his/her security at risk or hinder the implementation of the Protection Programme;

3. comply with the protection measures;

4. Immediately refer to the Protection Bureau through the contact officer any information which has come to his/her knowledge and which is relevant to the object of criminal proceedings, in relation to which he/she has acquired the status of individual under protection;

5. Discharge his/her obligations to individuals and entities that have arisen prior to his/her admission to the Protection Programme and which shall not be discharged by the state;

6. Immediately inform the Protection Bureau through the contact officer of all changes in his/her situation and of the activities he/she undertakes in the course of implementation of the Protection Programme;

7. Refrain from disclosing his/her admission to the Protection Programme.

(3) The Protection Bureau shall be obligated to:

1. Implement protection measures under the agreement;

2. Ensure the appearance of the individual under protection at criminal proceedings;

3. Refrain from disclosing the information which comes to its knowledge in the course of implementation of the Protection Programme.

Section V

Validity Termination of the Programme for Protection

Article 20. (Amended, SG No. 21/2014, effective 9.04.2014) Protection programme validity shall terminate by Prosecutor General order:

1. Upon decease of the individual under protection;

2. Once the grounds for its implementation cease to exist;

3. Upon expiry of the period fixed in the agreement;

4. Where the individual under protection fails to discharge his/her duties under the agreement without any valid reason.

Article 21. (Amended, SG No. 21/2014, effective 9.04.2014) In cases falling under Article 20 the Prosecutor General shall rule on the proposal of the Protection Bureau, the District Prosecutor or the Judge-Rapporteur.

Article 22. (Amended, SG No. 21/2014, effective 9.04.2014) Protection programme validity may also terminate at the request of the individual under protection addressed to the Prosecutor General through the contact officer.

Article 23. (Amended, SG No. 21/2014, effective 9.04.2014) The Prosecutor General shall rule on the proposal of the Protection Bureau, the District Prosecutor or the Judge-Rapporteur or the request made by the individual under protection for termination of protection programme validity with a termination order that shall be final.

Section VI

Personal Data Protection

(Repealed, SG No. 66/2008, effective 26.09.2008)

Article 24. (Repealed, SG No. 66/2008, effective 26.09.2008).

Article 25. (Repealed, SG No. 66/2008, effective 26.09.2008).

Chapter Three

INTERNATIONAL COOPERATION

Article 26. On grounds of an international agreement to which the Republic of Bulgaria is a party or based on mutuality the Protection Bureau may request and provide assistance in the implementation of protection as herein set forth.

Article 27. (1) (Previous Article 27, SG No. 66/2008, effective 26.09.2008) In presence of the conditions under Art. 26, the Protection Bureau may:

1. (Amended, SG No. 66/2008, effective 26.09.2008) Move (relocate) an individual under protection in another state, if his/her protection cannot be arranged in the Republic of Bulgaria;
2. Request the provision of temporary residence for a fixed period to the individual under protection in another state, as well as personal physical protection, where necessary;
3. Provide residence to an individual transferred to the Republic of Bulgaria within the framework of a Programme for Protection, at the request of the other state;
4. Provide temporary residence in the Republic of Bulgaria to a foreign individual under protection for the period indicated in the request of the other state, as well as personal physical protection, where necessary.

(2) (New, SG No. 66/2008, effective 26.09.2008, amended, SG No. 21/2014, effective 9.04.2014) The Prosecutor General shall inform the Chairperson of the Protection Board of the measures undertaken under paragraph 1 within three days.

FINAL PROVISIONS

§ 1. The organisation and implementation of measures included in the Programme for Protection, of the activities of the Protection Board, of the Protection Bureau and of security teams, as well as the procedure for processing of personal data under this Act, shall be provided for in a Regulation for the implementation of this Act to be adopted by the Council of Ministers within three months of the entry into force of this Act.

§ 2. The implementation of the Act shall be assigned to the Minister of Justice and the Minister of Interior.

§ 3. This Act shall enter into force 6 months after its publication in the State Gazette.

This Act was adopted by the XXXIX National Assembly on 9 November 2004 and the official seal of the National Assembly has been affixed thereto.

Act to Amend and Supplement the Protection of Individuals at Risk
in Relation to Criminal Proceedings Act

TRANSITIONAL AND FINAL PROVISIONS

(SG No. 66/2008, effective 26.09.2008, amended, SG No. 82/2009)

§ 13. Cases inherited by the Programme for Protection shall be treated in accordance with this Act.

§ 14. Within two months after the day on which this Act is promulgated, the Council of Ministers shall adopt the relevant amendments and supplements in the Regulation for the implementation of this Act. Until the relevant changes are adopted, the rules applicable up to now shall apply, insofar as they do not run counter to this Act.

§ 15. (Amended, SG No. 82/2009) Within two months after the day on which this Act is promulgated, the Minister of Justice, the Minister of Interior and the Minister of Regional Development and Public Works shall jointly issue an instruction on the practical arrangements and execution of the measures under the Programme for Protection, on the terms and procedures for the issuance of bulgarian personal documents to individuals under protection and to officers of the Protection Bureau with changed new basic data, on the type of documents to be issued, on the time for which the newly created data and the identity documents issued shall be stored and on the destruction of those.

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§ 18. This Act shall take effect two months after promulgation in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS

to the Act for Amend and Supplement the Protection of Individuals at Risk in Relation to Criminal Proceedings Act

(SG No. 21/2014, effective 9.04.2014)

§ 17. Upon the entry of this Act into force, the specialized department "Protection Bureau" at the Security Directorate-General under the Ministry of Justice shall be converted to Protection Bureau at the Prosecutor General.

§ 18. The tangible fixed assets used by the specialized department "Protection Bureau" at the Security Directorate-General under the Ministry of Justice shall be provided to the Prosecution of the Republic of Bulgaria.

§ 19. (1) The official relations of the civil servants, working for the specialized department "Protection Bureau" at the Security Directorate-General under the Ministry of Justice shall transition to official relations with the Prosecution of the Republic of Bulgaria.

(2) The employment relationships of the office workers of the specialized department "Protection Bureau" at the Security Directorate-General under the Ministry of Justice shall be transferred to the Prosecution of the Republic of Bulgaria according to Article 123 of the Labour Code.

(3) Individuals under items 1 and 2 shall be transferred to the Prosecution of the Republic of Bulgaria without probation period, excluding the office workers on probation.

§ 20. Within two months of the entry into force of this Act, the Prosecutor General in coordination with the Supreme Court, shall provide the structure and procedure regulations of the

Protection Bureau activities.

§ 21. Within two months of the entry into force of this Act, The Council of Ministers shall enforce in accordance the Regulation for the implementation of this Act.

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