



*Permanent Mission of the Republic of Bulgaria
to the UN, the OSCE and other International
Organizations in Vienna*

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NOTE VERBALE

The Permanent Mission of the Republic of Bulgaria to the Organization for Security and Co-operation in Europe presents its compliments to the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour to convey a response to the questionnaire on the Code of conduct on Politico-military Aspects of Security for the year 2008 in accordance with Decision 4/03 of the FSC.

The Permanent Mission of the Republic of Bulgaria to the OSCE avails itself of this opportunity to renew to the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration. *4X*



Vienna, April 15, 2008

To:
The Permanent Missions and Delegations to the OSCE
The Conflict Prevention Center
VIENNA

2008

**INFORMATION EXCHANGE
ON THE CODE OF CONDUCT ON POLITICO-MILITARY
ASPECTS OF SECURITY**

REPUBLIC OF BULGARIA

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements.

(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the Republic of Bulgaria is a party:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;

- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

- Convention on the Physical Protection of Nuclear Material (1980);

- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988;

- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991;

- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997;

- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

- United Nations Convention against Transnational Organized Crime and the three Protocols to the Convention;

- Convention on the Safety of the United Nations and Associated Personnel, 9 December 1994;

- European Convention for the Suppression of Terrorism, signed at Strasbourg on 11 September 1977 and the Protocol to the European Convention for the Suppression of Terrorism ratified on 26 February 2004;

- The Council of Europe Convention on the Prevention of Terrorism was ratified in June 2006.

The Republic of Bulgaria has also ratified the main international legal instruments in the field of extradition and judicial co-operation on criminal matters:

- European Convention on Extradition (promulgated in SG, Issue 8 of 24.01.1999 and Issue 9 of 27.01.1995);

- Additional Protocol to the European Convention on Extradition and Second Additional Protocol to the European Convention on Extradition (promulgated in SG, Issue 9 of 27.01.1995);

- European Convention on Mutual Assistance in Criminal Matters (promulgated in SG, Issue 8 of 24.01.1995) and the two Protocols to the Convention;

- Convention on Transfer of Sentenced Persons (promulgated in SG, Issue 8 of 24.01.1995).

(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities.

The Republic of Bulgaria is a party to the following Multilateral and Bilateral Agreements Containing Clauses on Cooperation in the Suppression of Terrorism:

- Agreement on Cooperation to Prevent and Combat Cross-Border Crime signed on 26 May 1999 within the framework of the Initiative of Cooperation in South Eastern Europe;

- Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in its Organized Forms, signed on 2 October 1998;

- Cooperation Agreement among the Government of the Republic of Bulgaria, the Government of Romania and the Government of the Republic of Turkey in Combating Terrorism, Organized Crime, Illicit Trafficking of Narcotic Drugs and Psychotropic Substances, Money Laundering, Arms and Human Trafficking and Other Major Crimes signed on 6 April 1998;

- Protocol for Enhanced Trilateral Cooperation in Combating Crime and Especially Cross-Border Crime among the Government of the Republic of Bulgaria, the Government of the Hellenic Republic and the Government of Romania signed on 8 September 1998;

- Treaty of Understanding, Friendship and Cooperation between the Republic of Bulgaria and the French Republic (State Gazette, issue 94/1993);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Kingdom of Belgium on Police Cooperation and Protocol to Article 1 of the Agreement (subject to ratification, State Gazette, issue 29/2001);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Kingdom of Spain on Cooperation in the Fight against Crime (State Gazette, issue 12/2000);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Italian Republic on Police Cooperation in the Fight against Organized Crime (State Gazette, issue 58/2001);

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of Public Order of the Republic of Albania signed on 24.01.1994 in Tirana and Protocol of Understanding between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of Public Order of the Republic of Albania signed on 7 November 2000 in Tirana;

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of Public Order of the Hellenic Republic signed at Athens on 8 July 1991 and Protocol for the Implementation of the Agreement on Cooperation signed on 22 February 1996 in Sofia;

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of the Republic of Macedonia signed on 20 October 1992 in Skopje;

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of Romania signed on 26 February 1992 in Bucharest and Protocol-Appendix to the Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of Romania signed on 21 December 1995 in Sofia;

- Agreement on Police Cooperation between the Government of the Republic of Bulgaria and the Government of the Republic of Turkey signed on 2 February 2005;

- Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Croatia on Cooperation in the Fight against Organized Crime, Illicit Narcotics and Psychotropic Substances Trafficking and Terrorism signed on 26 November 1996 in Sofia;

- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Slovenia on Cooperation in the Fight against Organized Crime, Illicit Drugs, Psychotropic Substances and Precursors

Trafficking, Terrorism and Other Serious Crimes signed on 5 November 2001 in Ljubljana.

- AGREEMENT on Cooperation between the Republic of Bulgaria and the European Police Office /Europol Convention/ signed on 17 June 2003.

- AGREEMENT between the European Union and the Republic of Bulgaria on the Participation of the Republic of Bulgaria in the European Union Police Mission /EUPM/ in Bosnia and Herzegovina /BiH/, signed on 9 January 2003.

- Agreement between the Government of the Republic of Bulgaria and the Government of Romania on Cooperation in the Fight against Organized Crime, Illicit Drugs, Psychotropic Substances and Precursors Trafficking, Terrorism and other Serious Crimes, signed on 10 July 2002.

- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Macedonia on Cooperation in the Fight against Terrorism, Organized Crime, Illicit Drugs and Precursors Trafficking, Illegal Migration and other Crimes (26 February 2002).

(c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above.

Bulgaria has ratified 12 international Conventions and Protocols, relating to terrorism.

List of Regulatory Acts of the Domestic Legislation of the Republic of Bulgaria Related to the Suppression of Terrorism:

- National Security Concept – adopted by decision of the National Assembly (promulgated in the State Gazette, issue 46/1998);

- Military Doctrine;

- Military Strategy;

- “White paper” on Defense;

- Criminal Code;

- Code of Criminal Procedure;

- Law on Special Intelligence Means;
- Law on Control over Explosives, Fire Arms and Ammunition;
- Law on the Export Control of Arms and Dual-Use Items and Technologies;
- Law for Prohibition of Chemical Weapons and Control over Toxic Chemical Substances and Their Precursors;
- Law on Measures against Financing of Terrorism;
- Law on Measures against Money Laundering;
- Law on the Ministry of the Interior;
- Law on Bulgarian Identity Documents;
- Regulations of Application of the Law on the Ministry of the Interior;
- Ordinance No. 17 of 14 December 1999 on the Conditions and Procedure of Attaining Civil Air Traffic Security;
- Decree No. 39 of 27 March 2000 of the Council of Ministers in implementation of Resolution 1267 (1999) of the UN Security Council “Freezing of Financial Resources Owned or Controlled by the Taliban Group”;
- Special Decree No. 277 of the Council of Ministers of 12.12.2001 regarding the Measures to Combat International Terrorism Envisaged in Resolution 1373 (2001).

(d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g. pertaining to financing of terrorist groups).

The following measures to prevent and combat terrorism have been introduced by the Special Decree No. 277 of the Council of Ministers of 12.12.2001:

Article 1. (1) To block the funds and other assets or economic resources of:

1. persons, committing or attempting to commit terrorist acts or facilitate the commission of such acts;

2. entities owned or controlled, directly or indirectly, by persons under subparagraph 1;

3. persons and entities acting on behalf of or at the directions of persons under subparagraphs 1 and 2;

(2) To block the funds of third persons, which have been gained or have originated from any property possessed or controlled, directly or indirectly, by persons under paragraph 1 or by persons connected with them;

(3) Official information about persons under paragraphs 1 and 2 shall be provided by the competent state authorities.

Article 2. To prohibit Bulgarian citizens and persons and entities in the territory of the Republic of Bulgaria to provide, directly or indirectly, funds, assets or economic resources as well as financial services or other related services to:

1. persons committing or attempting to commit terrorist acts or facilitate the commission of such acts;

2. entities which are possessed or controlled, directly or indirectly, persons under subparagraph 1;

3. persons and entities acting on behalf of or at the directions of persons under subparagraphs 1 and 2.

Article 3. To prohibit Bulgarian citizens and persons and entities in the territory of the Republic of Bulgaria to provide assistance in any form whatsoever, active or passive, to structures and persons involved in terrorist acts i.a. assistance in recruiting members of terrorist groups.

Article 4. To prohibit the sale, supply or transfer, by Bulgarian persons and entities or from the territory of the Republic of Bulgaria, of any kind of armaments and related equipment of any kind whatsoever to any persons and entities involved in the preparation and commission of terrorist acts.

Article 5. (1) For non-implementation of the obligations under Article 1-4 and if the act does not constitute a crime, Article 32, paragraph 1 of the Law on Administrative Breaches and Punishments provides for administrative and criminal liability.

(2) Where the breach under paragraph 1 is committed by a entity or a sole-proprietor trader, a property sanction of up to 100 000 Leva shall be imposed.

(3) Establishing breaches, drawing up acts, issuing, appealing against and implementing punitive decrees shall be done pursuant to the provisions of the Law on Administrative Breaches and Punishments.

The competent Bulgarian institutions directly engaged in the efforts to combat crime and with a view to actively countering terrorism in the context of Resolution 1373, have worked out and now implement the Plan of Detecting and Preventing Terrorist Activities in the territory of the Republic of Bulgaria. As a follow-up to this Plan additional measures have also been undertaken aimed at:

1. Establishing a strict regime and control over hazardous materials by extending the requirements to persons who apply for and hold firearms or handle explosives and other hazardous materiel and enhancing the control over them.

2. Actively countering crimes related to the use of explosives through operative measures.

3. Carrying out complex security checks at sites where explosives, strong poisons, and radioactive and other hazardous materiel are kept.

With a view to Bulgaria's EU accession, the Export Control Law of Arms and Dual-Use Items and Technologies, as well as its Implementing Regulations, were amended in early 2007. The new legislation is commensurate with the relevant EU *aquis*, including EU Council Regulation 1334/2000 and the Common Position on Brokering (2003/468/GASP). In addition, Bulgaria maintains a national list of controlled destinations, namely a list of countries and organisations towards which embargoes and restrictions are applied. That list is regularly updated in accordance with UN Security Council Resolutions and decisions of the EU and the OSCE.

As regards the possibilities for legal assistance and support to detect and sentence persons involved in the preparation and perpetration of terrorist acts, the Republic of Bulgaria has ratified the Council of Europe Convention on Mutual Legal Assistance in Criminal Matters and the European Convention on Extradition and the European Convention on the Suppression of Terrorism. Hence, there are no obstacles to judicial co-operation and rendering assistance in investigating or in proceedings against criminal offences involving financing or supporting terrorist acts, including assistance in provision of evidence, which may be available in Bulgaria, if the same is needed by the competent authorities of other countries.

An Agreement, concerning over flight, and transit through, and presence on the territory of the Republic of Bulgaria of U.S. forces, personnel and contractors in support of Operation "Enduring Freedom" was concluded on November 12, 2001.

The multilateral Memorandum of understanding concerning command arrangements and related matters in the International security assistance force (ISAF) Afghanistan has been signed by Republic of Bulgaria in London on January 10, 2002. It was duly ratified by the National Assembly and promulgated in the State Gazette number 19/2002.

The Republic of Bulgaria is a Party to the Memorandum of understanding concerning command arrangements and related matters within the

Stabilization force in Iraq, ratified by the Parliament and promulgated in the State Gazette number 5/2004.

(e) Roles and missions of armed and security forces in preventing and combating terrorism.

Document of The Strategic Defense Review, adopted by the Parliament in 2004, stipulates that the primary goal of Defense is to guarantee the country's sovereignty, security and independence, and to protect its territorial integrity. At the same time, defense should provide complementary capabilities to support international peace and security and to contribute to the national security in peace time.

The mission to support the international peace and security includes implementation of international and coalition commitments to fight terrorism, prevent and manage crises and conflicts abroad, participate in multinational peace forces, activities in support of the evolving European Security and Defense Policy, arms control, non-proliferation of weapons of mass destruction and their means of delivery, international military co-operation, humanitarian assistance, strengthening of confidence and co-operation.

The contribution to the national security in peace time includes maintenance of capabilities to support activities related to the control of air space and territorial waters, collecting and processing information on the potential risks and threats, operations to deter and neutralize terrorist, extremist and criminal groups, protection of endangered strategic sites, protection and support of the population at times of natural disasters, industrial accidents and ecological catastrophes, rendering of humanitarian assistance, rescue and evacuation activities, and support, as appropriate, to other state bodies and organizations.

2. Description of the national planning- and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of

(a) the military posture:

Planning and decision making process is defined by the Constitution of the Republic of Bulgaria and the Law on Defence and the Armed Forces of the Republic of Bulgaria. The President, the National Assembly, the Council of Ministers and other bodies are involved in this process.

The Parliament adopts the Law of Defense and Armed Forces of the Republic of Bulgaria, National Security Concept and the Military Doctrine, approves long term programs for the development of the Armed forces, approves the Defense budget and defines the size of the Armed forces.

The President of the Republic is Supreme Commander of the Armed forces. One of his authorities is to adopt Armed Forces' Strategic plans.

The Council of Ministers carries out the overall leadership of the Armed forces.

For additional information see the Military Doctrine, Military Strategy and “White paper on Defence” www.mod.bg

(b) defence expenditures:

The Defense budget is an integral part of the State budget. Each year the National Assembly adopts the law on the State budget for the next fiscal year. The defence expenditures are being controlled by the Parliament and other bodies vested with power by law.

For the fiscal year 2008 the defence expenditures are 1 381 518 000 Leva.

3. Description of

(a) constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;

and

(b) constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;

a) armed forces:

The principle of democratic control over the Armed Forces in the Republic of Bulgaria as one of the fundamental principles of building a democratic society, is stipulated in the 1991 Constitution of the Republic of Bulgaria, through division of powers of the ruling organs - the National Assembly, the President, the Council of Ministers, the Minister of Defence, the Constitutional Court and the legislative power.

Such an approach was undertaken by the legislator also when developing the Law on Defence and the Armed Forces of the Republic of Bulgaria - a regulating law of the Armed Forces (entered into force on February 27th 1996, with amendments and additions in 1997)

The democratic control comprises of : legislative (Parliamentary) control, control of the executive power and social control.

The National Assembly is the main body for political leadership and control, partly directly over the Armed Forces and partly through control over the Government. These functions are performed through the legislative activities - adopting the laws concerning the Armed Forces, adopting the Military Doctrine, through control over the actions of the Government - Parliamentary interpellation - and control over the formation and spending of the budget,

defines the total number of the personnel of the Armed Forces. The National Assembly is the body which decides the issues concerning the declaring of war and concluding of peace, declaring marshal law or state of emergency upon the territory of the country; permits the sending and use of Bulgarian troops abroad, as well as the entry and stationing of foreign troops on our territory; ratifies international treaties which are of military or political character. The constant correlation with the institutions of the executive power on working level (during the preparation of Acts of the National Assembly) and also during the control upon the execution of the functions are realised in the National Security Commission.

The President of the Republic is the Supreme Commander-in-Chief of the Armed Forces. He approves the strategic plans of the Armed Forces; appoints and discharges from their positions the high command personnel of the Armed Forces; he is the head of the Consultative Council on National Security and declares a state of war, marshal law or other state of emergency when the National Assembly is not in session.

The Council of Ministers is the first and closest to the Armed Forces organ which controls them. It is responsible to the Parliament for the security and defence policy of the country. On the other hand being a central organ of the executive power it co-ordinates the activities of all its subordinate bodies related to defence and security. The Constitution (Article 105) in a principle legal norm defines the competence of the Government in the field of defence and Armed Forces, in its capacity of an organ providing the national security and generally leading the Armed Forces. The Armed Forces comprise of the Bulgarian Army, Ministry of Defence and the other formations under the control of the Minister of Defence.

In order to implement this constitutional obligation the National Assembly established a Security Council as a consultative body to the Council of Ministers. The Security Council is headed by the Prime Minister of the Republic of Bulgaria and comprises of: the Minister of Foreign Affairs, Minister of Defence, Minister of Interior, the Deputy Minister of Foreign Affairs, Deputy Minister of Defence, the Chief of the General Staff of Bulgarian Armed Forces, and the Director of the National Intelligence Service and Director of the National Security Service. The Security Council summarizes, analyzes and makes conclusions on the basis of all the current information about the risks the national security faces and plans concrete steps for the neutralisation of these risks.

The Security Council takes decisions, which the Prime Minister, when there is a need of adopting a normative act, presents to the Council of Ministers. The Security Council interacts with other state bodies which have powers in the field of national security - the National Assembly and the President, through participation of the President in the Council's sessions and through reports, presented annually to the National Assembly, related to the country's national

security risks. The concrete authorities of the Council are a direct expression of the interaction of the institutions and the democratic control over the Armed Forces in cases of crisis.

Related to the amendments in the national legislation, aiming at clear and full regulation of the democratic control over the Armed Forces, it is an achievement of the Law on Defence and Armed Forces, being a special law, that it fully regulates the powers of the Government in that aspect. The Control is carried out through the adoption of normative acts, approving the structure of the Bulgarian Army, making proposals to the President for appointment of the senior command staff and others.

Most directly and consistently the democratic control is implemented by the Minister of Defence, who is by law a civilian. The Minister of Defence conducts and is responsible for the promotion of the state policy in the system of the Ministry of Defence and does the general leadership of the Bulgarian Army as a national armed institution, that provides the protection of the territorial integrity and sovereignty of the country. The Minister of Defence is responsible for the personnel policy of the Bulgarian Army - he appoints the officers for military service, promotes and decommissions them as well as dismisses them. He allocates the budget and leads the economic and social policy of the Ministry. With the amendments in the Law on Defence and Armed Forces of the Republic of Bulgaria the language related to the division of authorities of the Minister of Defence and the Chief of the General Staff of the Bulgarian Army was defined more precisely, and also the implementation of the principle of civil control over the Armed Forces was improved. In that aspect the Chief of the General Staff assists the Minister of Defence in the realisation of his authorities together with the Deputy Ministers of Defence. With its last amendments the Law subordinated directly the Military Counter-Intelligence to the Minister of Defence while the Military Intelligence is directly subordinated to the Chief of the General Staff.

The Constitutional Court - carries out civilian control by establishing precedents through adopting decisions interpreting the norms of the Constitution, related to the Armed Forces. For example with the above mentioned Decision N 23/1995 the Court interpreted the Constitutional norm which was too general in establishing the way for giving permission for sending of Bulgarian troops outside of the territory of the Republic of Bulgaria.

b) paramilitary forces:

The Republic of Bulgaria has no paramilitary forces.

c) internal security forces:

National Gendarmerie is a specialized security, operation and investigation police service of the Ministry of Interior for security of strategic

and particularly essential establishment, combating terrorist and subversive groups, security of the peace and combating crime.

The particular essential and strategic establishment are determined by the Council of Ministers of the Republic of Bulgaria.

In connection with its activity the National Gendarmerie Service performs the following main functions:

- organizing and performing the security of strategic and particularly essential establishment

- combating terrorist and subversive groups

- participating in organizing the activity of keeping the peace out of villages and towns

- participating in preventing, detecting and investigating of crimes and other violations of the peace out of the villages and towns

- investigation and detaining of persons in cases provided by law

- **obtaining, processing, using and providing information relevant to its activities**

- detecting and eliminating the causes and conditions for committing crimes and other breaches of the public order, in accordance with its competence, and assisting the citizens in providing protection of their life, security, health and possessions as well as other rights and lawful interests of theirs

- undertaking all the necessary activities in its assigned scope of powers whenever information for crime or another breach of the public order is obtained

- aiding the victims of crimes or other breaches of the public order in case of accidents, calamities and accidents, as well as people in hopeless condition

In the cases determined by the Minister of the Interior, along with the other Services of the Ministry of the Interior, the National Gendarmerie takes part as well in keeping the peace in the towns and villages.

In line with the provisions of the Law on the Ministry of the Interior the National Security Service is a specialized counterintelligence and information service of the Ministry of Interior for national security protection against activities of foreign special services, organizations or individuals directed against the national interests, for disclosing and neutralizing processes endangering the constitutionally established order, the national unity, the territorial integrity and the national sovereignty.

The National Security Service is tasked with counterintelligence, informative and analytic, prognostic, control, coordination and methodic activities.

The National Security Service carries out independently or in cooperation with other state agencies counterintelligence activities in terms of monitoring, discovering, counteracting, preventing and terminating contemplated, planned or perpetrated encroachments against the national security related to intelligence activity in favor of foreign services, threats to the national unity, territorial integrity and national sovereignty, anti-constitutional activities, use of force or means endangering the public safety with a political purpose, threats to the economic and financial security related to the activities of foreign services or organizations, infringement of the functions of the national system for protection of classified information, threats to the security of the state institutions, threats to the security of national facilities and activities of strategic importance, international terrorism and extremism, illegal trade with arms, goods and technologies with a possible dual use, destructive activities against the communication and information systems, threats to the environmental security, illegal production, stockpiling and dissemination of dangerous devices, goods and technologies with a possible dual use, narcotic substances and precursors, supported by, organized or carried out by foreign services or organizations.

d) intelligence services:

The intelligence services are subject to political and democratic control according to the Constitution and laws. The control is ensured by the fact that the intelligence services are subordinated to the President and to the Minister of Defence.

In December 2007 the Law was adopted by which State Agency "National Security" was created as an agency in direct subordination to the Council of Ministers and responsible for investigating and countering all activities that constitute a danger to the National Security, including those within the Ministry of defence, the Bulgarian army and all agencies in direct subordination to the Minister of defence. Since adoption of the law and its entry into force on 1st January 2008 the Military counterintelligence is transferred to

the Agency and is no longer part of the Security Service of the Ministry of defence.

e) police:

The National Police Service is a specialized operational and investigative as well as protective service of the Ministry of the Interior which maintains public order, prevents, detects crimes and takes part in their investigation.

National Police Service carries out its activities independently or together with other state bodies, organizations and citizens. Its main tasks are:

- organizing and performing keeping of the peace
- preventing and detection of crimes and other breaches of the peace
- protecting the rights and liberties of the citizens and assisting in exercising them
- keeping the possessions of the citizens, state, communities and organizations
- organizing and performing security of establishments
- organizing and controlling traffic safety, technical shape and registration of motor vehicle
- observing of the passport regulations
- **investigating of suspects, defendants and accused, who have concealed themselves of criminal persecution, those brought to trial who have to serve a term of imprisonment, and those who have been missing as well as other persons in cases provided by law**
- organizing and performing an activity of convoying persons in the country or abroad
- assisting and taking the necessary measures for observing the laws and provisions of the state bodies
- researching and analyzing the causes and conditions for the state of crime

- gathering, processing, using and providing of information for the state of peace, combating crime and traffic safety

(c) roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;

a) military:

In compliance with Article 9 of the Constitution of the Republic of Bulgaria, the Armed Forces guarantee the sovereignty, security and independence of the country and protect its territorial integrity. This idea is further developed in the Law on Defence and Armed Forces of the Republic of Bulgaria, Article 64. The tasks of the Armed Forces in peace-time are defined in Art. 66 – 70. According to these articles to the Armed Forces can not be given tasks with internal-political nature.

With the adoption of the Law on The State Agency "National Security" the Security Service of the Ministry of defence was renamed into Military Police Service with main responsibility of protecting the law and public order and discipline as well as conducting investigations and preventing any criminal activity within the Armed forces and the structures of Ministry of defence. The military counterintelligence since 1st January 2008 is responsibility of the State Agency "National Security".

For more information see Military Doctrine, Military Strategy and “White Paper on Defence” in the website of the Ministry of Defence – www.mod.bg.

b) paramilitary:

The Republic of Bulgaria has no paramilitary forces.

c) security forces:

National Service for Combating Organized Crime is a specialized police operation and investigation service of the Ministry of the Interior for preventing and neutralizing criminal activity of local and transnational criminal structures.

The activities performed by the service are connected with: counteraction of organized crime in the economic, financial and credit system, terrorist actions, smuggling and illegal deals with arms, strategic resources, double-usage goods, motor vehicles, historical and cultural values. The counteraction of illegal entering into the country and leaving out of the country of persons to other countries is also a part of the service activities. Combating organized crime, production of drug narcotics and psychotropic substances and

resources for their production, as well as preventing of investing of means assumed by criminal way, represent a part of the service activity as well. Another activity is the prevention and intersection of the use of the power of threat for making deals and obtaining benefits from them. Prevention and fight against forfeiting, creating and circulation of forged monetary units and securities, as well as fight against implementation and acquisition of illegal benefits from hazard activities are also a direction of the service activity. In its prerogatives are the fight against corruption of state and local administration.

(d) public access to information related to the armed forces:

The Government of the Republic of Bulgaria is committed to ensuring broad public access to military information, with the exception of a limited number of issues, defined by law as classified information. A special law called Public information access act was enacted and promulgated in State Gazette number 55/2000, which further facilitates the public access to information related to the activities of the state administration. The budget of the Bulgarian Armed Forces is approved by the National Assembly and is available to the public. The Ministry of Defence issues the following publications: the “Bulgarian Army” newspaper, the “Military Journal” and the magazine “Policy and Security”. A Public Relations Department has been established at the MoD which is responsible for preparing and disseminating information to the mass media and the general public. The Minister of Defence and his deputies hold press-conferences on a regular basis. The Minister, his deputies, the Chief of the General Staff, his deputies and some heads of directorates in the MoD are obliged to stage a “reception day” for the general public once monthly. On such a day any individual can raise with them any public or personal issue, related to the armed forces.

4. Stationing of armed forces on the territory of another participating State in accordance with their freely negotiated agreements as well as in accordance with international law:

The Constitution of the Republic of Bulgaria - Article 84, point 11 - introduces a permission regime concerning the sending of Bulgarian troops outside the territory of the Republic of Bulgaria. With Decision N 23/1995 the Constitutional Court made an obligatory interpretation of Article 84, point 11, according to which the National Assembly has the exclusive competence to permit the sending of Bulgarian troops outside the territory of the Republic of Bulgaria on a case-by-case basis, when it is of military or military-political character. Respectively, the National Assembly adopts Decision, where the number and type of the Bulgarian troops is specified, as well as the location, timing and way of using them outside the territory of the country.

The permission for sending of Bulgarian troops outside the territory of the Republic of Bulgaria when it is not of a military or military-political character is given by other state bodies. In compliance with the Law on Defence and the Armed Forces of the Republic of Bulgaria - Article 32 - the Council of Ministers permits the sending and using of Bulgarian military units and separate unarmed servicemen outside the territory of the country to conduct humanitarian, cultural, sports, protection of nature and other tasks of non-military character, without arms. In accordance with the established practice the Council of Ministers takes such decisions when military units participate in exercises without arms and equipment or with observers only. The Council of Ministers comes out with a Decision in which the number and type of the Bulgarian troops is specified, as well as the location, timing and way of using them outside the territory of the country.

A law regulating sending and use of Bulgarian troops abroad was adopted by the National Assembly on 7 December 2005. The law is related to the principles, conditions and order of sending and use of Bulgarian troops abroad as well as the competences of the relevant authorities in this regard. Article 12, paragraph (1) authorizes the Minister of Defence in giving permission for sending and use of limited number of troops without arms and the necessary equipment and supplies for participation in operations and activities of non-politico-military character. The second paragraph stipulates the parameters of troops and equipment which the Minister can permit to be sent to the territory of an allied state for the same type of operations, i.e. of non-politico-military character. In the first case the number of troops is up to 300, and/or up to three military aircraft, and/or one naval ship of up to "Frigate" class with their crew. Whereas the territory of an allied state is concerned the numbers are up to 200 servicemen, and/or up to three naval ships of up to "Frigate" class, and/or up to five military aircraft and their crew.

On 18 March the Bulgarian Parliament ratified the Washington Treaty, which entered into force on 29 March 2004. As a member of NATO Republic of Bulgaria ratified the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (NATO SOFA) and the other related documents.

5. Description of

(a) procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;

- military:

In the beginning of 2007 the Law on Defence and the Armed Forces of the Republic of Bulgaria was changed accordingly in order to correspond to

the abolition of conscription as of 1 Jan 2008. According to the amendment of the Law on Defence and the Armed Forces of the Republic of Bulgaria, effective since 1st December 2007 all persons, who perform conscript military service or alternative service and have not served the full period of the service by the 31st of December 2007, shall be discharged, considered from the 1st of December 2007.

(b) exemptions or alternatives to compulsory military service, if applicable:

On the basis of Article 59, point 2 of the Constitution of the Republic of Bulgaria as well as paragraph 12 of the Transitional and Concluding Provisions Law on Defence and Armed Forces of the Republic of Bulgaria the Council of Ministers proposed to the National Assembly a Draft Law on substituting the Military Obligation with Alternative Service. The Law was approved by the National Assembly and published in the State Gazette number 131/1998.

The right to freely refuse to do military service, envisaged in Resolutions of the UN General Assembly, the Parliamentary Assembly of the Council of Europe and the UN Commission on Human Rights as well as the Universal Declaration on Human Rights and the International Pact for Civil and Political Rights, is reflected in the Constitution of the Republic of Bulgaria, which envisages substitution of the military service obligations with alternative service because of philosophic, religious, ethnic, moral and humane reasons.

Implementing these international acts, the adopted Law aims at normative regulation of the following major principles;

1. The Alternative Service is a civil service without arms, in the name of society - related to Recommendation N R - 8/87 of the Committee of Ministers of the Council of Europe. In the Law the service is treated as an alternative to the military service and not as an alternative military service.

2. Substituting the military service obligations with alternative service is the personal right of the Bulgarian citizens - related to Resolution N 337 of the Parliamentary Assembly of the Council of Europe. The assessment of the Commission for Alternative Service is related to the permanence and sincerity of the beliefs of the young man, by dwelling upon the arguments due to which an approval or refusal can follow to the application for substitution of the military service obligations with alternative service.

3. The duration of the Alternative service is twice longer than the duration of the conscript service - in compliance with Recommendation N R - 8/87 of the Committee of Ministers of the Council of Europe.

4. The Alternative Service is a civilian service. It is done at civilian positions, in branches in the state sector of the national economy established by a law - in state and municipal institutions and organisations for social care, public health and education institutions, social care premisses, civil protection, public service and others.

5. The Alternative service is not in competition with the labour market. In that aspect the Council of Ministers annually defines the number of citizens who can carry out alternative service as well as a list of the jobs and positions where this service will be conducted - as a rule these are permanently unoccupied positions.

6. The structure, functions and independence of the organs, which considers the application for substitution of the military service with alternative service are regulated - Commission on Alternative Service. Its decisions are subject to legislative control in compliance with Resolution N 337 of the Parliamentary Assembly of the Council of Europe.

7. The rights and obligations of the citizen, doing alternative service are stipulated in details - his legal status is subordinate to the principle of not allowing any privileges as compared to the legal status of the citizens doing their military service.

8. Amnesty was given with the Law for Amnesty, promulgated in the State Gazette and in force from 13 August 2002 for the citizens, convicted for deviation from conscript service, done because of reasons, related to the freedom of conscience, freedom of thought and free choice of religion, in case the act is done within the framework of the period since approving the Constitution (July 13th 1991) till December 31st 1998 when the Law on Alternative Service entered into force. Amnesty was given also for reservists who have fulfilled their military service within the stipulated time but have failed to appear in due time when summoned for a muster.

(c) legal and administrative procedures protecting the rights of all forces personnel:

Our legislation envisages different means through which the rights of the servicemen are protected. The principle is that they have all the rights stemming from the Constitution and the laws, in case anything else is not envisaged in the Law on Defence and Armed Forces of the Republic of Bulgaria.

Dismissal of the career servicemen is subject of legal control. The disputes are considered in compliance with the conditions and the provisions of the Administrative Law and the court procedures for these cases are free of charge. When the career servicemen is disputing the lawfulness of his dismissal

he can require pleading the dismissal unlawful and cancelling the dismissal, bringing back to the previous job and compensation for the time during which he was unemployed because of that dismissal.

The career servicemen have the right of court protection in the following cases :

1. Providing the authorised material allowances;
2. Compensations for material and non material injuries during or because of his duties;
3. Validity of the signed contract for career military service.

The servicemen are decommissioned in the manner they have been promoted as stipulated in the manual for military service and the Armed Forces Codes, while taking away the military rank is done at court.

The conscripts and the reservists, when summoned because of mobilisation, as well as their families, can not be evicted from their houses, while they are in service or mobilisation. The implementation of the court decisions against them and eviction orders is postponed till the end of the duration of the service.

6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations.

The Republic of Bulgaria is party to the four Geneva Conventions. The Additional Protocols of 1977 were ratified in 1989. The Bulgarian Red Cross has issued a significant number of publications, containing the basic documents of international humanitarian law. The Ministry of Defence, with the assistance of the International Red Cross has published and disseminated among the armed forces the Handbook on wartime law by Frederick de Moulinin. Pocket-size editions have been printed in big numbers for dissemination among the personnel of the armed forces.

Education in international humanitarian law is included in the curriculum of the military schools and the Military Academy. A similar course is included also in the curriculum of the General Staff faculty. The platoon and company commanders are obliged to organise similar courses for their regiments on an annual basis. In addition, mission-orientated briefings are conducted prior to participation of Bulgarian contingents in PSO.

On 13th February 2008 the Council of Ministers adopted a Decision by which prohibited the use of any cluster munitions, which are still on Bulgarian army's list of munitions, until a specific International legal instrument limiting or prohibiting their use, production, transfer and stockpiling is adopted,

7. Any other information