



**Permanent Mission of the Republic of Bulgaria
to the United Nations, the OSCE and other International Organisations**

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NOTE VERBALE

The Permanent Mission of the Republic of Bulgaria to the UN, the OSCE and other International Organizations in Vienna presents its compliments to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and in accordance with the FSC Decision 2/09, has the honor to present, enclosed herewith, the response of the Republic of Bulgaria to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2011.

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



OLH
Vienna, 20 April 2011

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

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INFORMATION EXCHANGE

ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

REPUBLIC OF BULGARIA

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1. (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).

1.1. (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).
- Agreement between the Government of the Republic of Bulgaria and the Council of Ministers of the Republic of Albania for cooperation in the area of countering terrorism, organized crime, illegal traffic as well as other crimes, promulgated in SG, Issue 51 of 3.06.2008.
- Agreement between the Government of the Republic of Bulgaria and Government of the Italian Republic for police cooperation in the fight against organized crime, promulg. SG 58/29.06.2001.
- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Macedonia for cooperation in the fight against terrorism, organized crime, illegal traffic of narcotic substances and precursors, illegal migration and other heavy crimes, promulg. SG 62/11.07.2003.
- Agreement between the Government of the Republic of Bulgaria and the Government of Malta for police cooperation, promulg. SG 52/10.07.2009.
- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Slovenia for cooperation in the fight against organized crime, illegal traffic of narcotic psychotropic substances and precursors, terrorism and other heavy crimes, promulg. SG

84/3.09.2002.

- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Turkey for police cooperation, promulg. SG 70/26.08.2001.
- Agreement for cooperation between the Government of the Republic of Bulgaria, the Government of Romania and the Government of the Republic of Turkey in the area of the fight against terrorism, organized crime, traffic of drugs and psychotropic substances, money laundry, traffic of weapons and people and other heavy crimes, promulg. SG 75/28.08.2001.
- Agreement between the Government of the Republic of Bulgaria and the Government of Romania for cooperation in the fight against organized crime, illegal traffic of drugs and psychotropic substances, terrorism and other heavy crimes, promulg. SG 26/30.03.2004.
- Agreement between the Government of the Republic of Bulgaria and the Government of Hashemite Kingdom of Jordan for police cooperation, promulg. SG 10/1.02.2008.
- Memorandum for cooperation between the Ministry of interior of the Republic of Bulgaria and the Federal Department of Justice and Police of Switzerland for police cooperation in the fight against crime, promulg. SG 30/21.04.2009.
- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of South Africa for police cooperation, promulg. SG 5/14.01.2005.
- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Serbia for police cooperation, promulg. SG 11/04.02.2011

1.2. 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 2010” on Defence;
- 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).

1.3. Roles and missions of armed and security forces and the police in preventing and combating terrorism.

Document of The Strategic Defence Review, adopted by the Parliament in 2004, stipulates that the primary goal of Defence 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 Defence 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.

1.4. 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.

2. Stationing of armed forces on foreign territory

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.

On 18 March 2004 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.

The coming into effect of the new Law on Defence and Armed Forces of the Republic of Bulgaria superseded the former law on dispatch and employment of Bulgarian forces outside the territory of the Republic of Bulgaria, the subject having been now covered in the Law on Defence and Armed Forces of the Republic of Bulgaria. In this connection, there are three bodies having decision-making authority regarding dispatch of Bulgarian forces out of the territory of the Republic of Bulgaria: the National Assembly, the Council of Ministers, and the Minister of Defence.

The National Assembly gives permission to the dispatch and employment of Bulgarian forces out of the territory of the Republic of Bulgaria with political military purposes. The Council of Ministers gives permission to the dispatch and employment of Bulgarian forces out of the territory of the Republic of Bulgaria for the purposes of:

1. Carrying out allied commitments resulting from an international treaty, ratified, promulgated and in effect with regard to the Republic of Bulgaria, with which an alliance of a political military nature is established;

2. Participation in humanitarian missions;

3. Participation in activities of no political military nature.

The Minister of Defence gives permission to the dispatch and employment of Bulgarian forces out of the territory of the Republic of Bulgaria when the following conditions are observed:

1. Up to 300 servicemen and/or military equipment and/or up to three military aircraft, and/or one naval ship with their crews for participation in activities of no political and military nature;

2. Up to 600 servicemen and/or military equipment, and/or up to three naval ships inclusive, and/or up to five military aircraft with their crews on the territory of an allied state for participation in activities of no political and military nature;

3. Military medical teams and field hospitals for medical support of combat activities and/or prevention and coping with the consequences of epidemics and other mass diseases threatening the lives of a significant portion of the population in the respective area.

Section II: Intra-State elements

1. National planning and decision-making process

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 endorse 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 2010" on Defence www.mod.bg

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 2011 the defence expenditures are 1 012 240 400 BGN.

2. Existing structures and procedures

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures

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.

The National Assembly adopted a new Law on Defense and the Armed Forces of the Republic of Bulgaria (promulgated in SG/iss. 35, in effect as of May 12th 2009). The Law was further amended and modified in 2010 promulgated in SG/iss.16, in effect as of Feb 26th 2010 and in 2011, promulgated in SG/iss. 23/2011, in effect as of 22.03.2011, It regulates the public relationships concerning the defence of the state, the defence and Armed Forces leadership, the structure and management of the Ministry of Defence, the statute of the military and civilian employees in its structures. The Law introduces a new structure of the Ministry of Defence, called “an integrated model” to ensure the defence of the state and to provide leadership and command of the Armed Forces in peacetime. In peacetime the Armed Forces can not be given tasks of internal political character.

The integrity of the structure of the Ministry of Defence is explicitly stated. Special place in the Law is devoted to the integration of the Bulgarian Armed Forces within the structure of the Ministry of Defence. The Armed Forces consists of Bulgarian Army, Military Police Service, Military Information Service, War College and Military Academies, National Guard Unit, Military-Geographical Service, Static CIS and Reserve of the Armed Forces. The Ministry of Defence consists of Defence Staff, General Administration and Specialized Administration.

The basic new provisions are as follow:

- The National Assembly decides on programs or investment projects for acquisition or modernization of weapons and equipments when the value exceeds 100 million BGN;
- The Council of Ministers adopts the National Defence Strategy, endorses Plan for Development of the Armed Forces and decides on programs or investment projects for acquisition or modernization of weapons and equipments when the value is between 50 and 100 million BGN;
- The Minister of Defence approves programs or investment projects for acquisition or modernization of weapons and equipments when the value does not exceed 50 million BGN;
- A new position of Permanent Secretary of Defence is introduced, who is the highest rank civil servant in the MoD. The Permanent Secretary of Defence assists the Minister of Defence in the formulation and execution of defence policy and management of human, material and financial resources. He/she is appointed by the Minister of Defence after selection and in coordination with the Prime Minister for a period of four years. The Permanent Secretary of Defence’s responsibilities are related to drawing up and actualization of the normative basis which regulates the structure and functioning of the MoD, defence planning, programming and budgeting, control of the execution of the budget, planning and control of projects for supplies and services necessary for the build-up of the planned defence capabilities, international military cooperation, qualification and career development of the sevil servants, interaction with NGO’s and syndicates.

The authority of the National Assembly (the Parliament) involves the following group of issues according to which it shall:

- Resolve on the declaration of war and conclusion of peace;
- On a motion from the President or the Council of Ministers, introduces martial law or a state of emergency on all or part of the country's territory;
- Approve the deployment of foreign troops on the territory of the country or their crossing of that territory;
- Ratify or denounce by a law all international instruments of military nature;
- Adopt the National Security Strategy of the Republic of Bulgaria on a motion from the Council of Ministers;
- Determine the size of the Armed Forces and adopt programs for their development on a motion from the Council of Ministers;
- Establish the funds from the State Budget required for the defense of the country and for the deployment of Bulgarian troops in missions and operations outside the country's borders;
- Open, transform, rename and close military academies and post-secondary military educational institutions, as well as branches and departments within them where regulated jobs training and education is performed;
- Execute Parliamentary control over Executive Authorities bodies which function in the field of defence.

The President of the Republic of Bulgaria

The President of the Republic as the Head of state, interacting with the other state bodies, executes his powers for the establishment of stable security environment and the development of the Republic of Bulgaria as a democratic state. The President shall preside over the Consultative National Security Council and is the Supreme Commander-in-chief of the Armed Forces of the Republic of Bulgaria both in peace- and wartime.

The President executes his powers on a motion from the Council of Ministers through which he:

- Shall endorse the Armed Forces Strategic Action Plans;
- Shall alert the Armed Forces or part of them to a higher level of combat and operational readiness;
- Shall proclaim general or partial mobilization;
- Shall appoint and dismiss the higher command of the Armed Forces and shall bestow all higher military ranks.

In case of military conflict or war, the President:

- Shall proclaim a state of war in the case of an armed attack against Bulgaria or whether urgent actions are required by virtue of an international commitment, or shall proclaim martial law or any other state of emergency whenever the National Assembly is not in session; the National Assembly shall then be immediately convened to endorse the decision;
- Coordinates foreign policy efforts for participation in international security organizations and structures aiming at military conflicts resolving or war-ending settlements;

- Presides the Supreme Command, issues decrees on the preparation of the country and the Armed Forces for war and combat actions;
- Organizes the implementation of wartime plans on a motion from the Council of Ministers;
- Introduces restrictive measures on information concerning the defense of the country;
- Proposes motions to the National Assembly for the conclusion of peace.

The Council of Ministers

The Council of Ministers performs the general leadership of defense and the Armed Forces assisted by a Security Council, and:

- Controls and implements the state policy in the area of defence;
- Elaborates and submits to the National Assembly the Draft National Security Strategy of the Republic of Bulgaria;
- Adopts the National Defence Strategy;
- Controls and coordinates the defence planning of the country;
- Proposes a motion to the National Assembly on the size of the Armed Forces and the adoption of the country's Armed Forces development;
- Adopts a plan for the development of the Armed Forces;
- Adopts the Armed Forces Strategic Action Plans and submits them for endorsement to the President of the Republic;
- Adopts the Draft Wartime Budget on a motion by the Minister of Finance and the Minister of Defense, submits it for approval to the National Assembly and organizes its implementation;
- Adopts, on a motion from the Minister of Defence, a State Wartime Plan for the provision and management of the defence civilian resources other than the resources and means stipulated in the Armed Forces Plans and organizes its implementation;
- Adopts programs for the establishment and equipment on the territory of the country of facilities and zones for defence purposes and assigns the control over their implementation to the Minister of Defense;
- Adopts programs for the armament and re-armament of the Armed Forces and for the establishment and development of the defence technological industrial base;
- Adopts Strategy for the development of the defence technological base;
- Controls the preparedness of the population, the economy, wartime reserves and the defence infrastructure of the country;
- Proposes to the President of the Republic the introduction of a higher alert level of combat and operational readiness as well as the proclamation of general or partial mobilization;
- Adopts, on a motion from the Minister of Defence, decisions on the execution of a Strategic Defence Review and/or periodic Strategic Reviews;
- Adopts mobilization plans and performs the general leadership of the Armed Forces mobilization and the transition of the country from peacetime to a state of war;

- Determines the normative terms and conditions for the establishment, storage and utilization of wartime reserves and other wartime raw materials and specifies the requirements to the transport, energy, information and warehouse systems, urban areas and industrial facilities in accordance with the needs of defence;
- Establishes, transforms and closes departments, branches and institutes to the military academies and post-secondary military schools on a motion from the Minister of Defence;
- Within the total size of the Armed Forces, endorses the number of the military by military ranks with the exception of higher officer ranks;
- Proposes a motion to the President of the Republic for the appointment and dismissal of the higher command of the Armed Forces and for promotion into higher military ranks;
- Approves and permits the deployment of foreign and allied troops on the territory of the country or their crossing of that territory in cases stipulated in a special law;
- Approves the implementation of projects on the territory of the Republic of Bulgaria which are wholly or partially financed by NATO defence investments program;
- Assigns wartime tasks on the defence of the country to state bodies, the bodies of local self-government, local administration and legal entities.

The Minister of Defence

A special point in the Law is made of the normative regulation of the functions and authority of the Minister of Defence as a specialized body of the executive authorities for the shaping and implementation of the state policy in the field of defence. In execution of his/her main duties the Minister of Defence:

- Controls defence planning;
- Elaborates the Draft Budget of the Ministry and controls its implementation;
- Controls the activities on information provision to the interest of defence;
- Approves the participation of military units in disaster relief operations on the basis of submitted request by the relative state body in compliance with the plans for the conduct of rescue operations and urgent emergency and reconstruction activities;
- Controls the standardization, codification and certification of defense and specialized products for the needs of the Armed Forces in compliance with the NATO and EU Standardization Agreements, to which the Republic of Bulgaria is a Party;
- Endorses Military Doctrines and the operational plans of the Armed Forces on a motion from the Chief of Defence;
- Appoints and recalls representatives of the Ministry to international organizations, the defence attachés and the employees of their offices and controls their activities;
- Executes the general oversight of military education and research and development activities;
- Coordinates, on a motion from the Minister of Transport, the rules and regulations of the work of the Unified civil-military air traffic control system for air space monitoring; together with the Minister of Transport oversees and controls the use of the territorial sea of the Republic of Bulgaria and the internal waters for military purposes;

- Elaborates a list of the military airfields which can accept foreign military aircraft, and together with the Minister of Transport, elaborates a list of the military airfields which can be determined as reserve airfields for Bulgarian civil aircraft performing international and domestic public transport services;
- Controls the activities referring to the provision of aviation safety and airworthiness of military aircraft and issues the ordinance on the terms and conditions for the implementation of this activity;
- Determines the rules and regulations for aircraft accident investigations with Bulgarian military aircraft as well as of foreign military aircraft on the territory of the country;

In addition to the above autonomous powers, the Minister of Defence has a number of other competences which he carries out upon motion from the Chief of Defence, and which pertain to the use of weapons, ordnance and combat vehicles by Bulgarian military formations. The Minister gives permission for such use in the following cases:

1. Seizure of a Bulgarian and/or Allied combat vehicle within the territory of the Republic of Bulgaria with the aim of committing a terrorist or other act that may have dangerous consequences for the population and/or the sovereignty of the country;

2. Intrusion into territorial airspace or breaking airspace regulations regarding flights over the territory of the Republic of Bulgaria conducted by a foreign aerial vehicle flying in a way bringing about suspicions that it might be used as a weapon for terrorist activities;

3. Intrusion into the internal sea waters and territorial sea of the Republic of Bulgaria conducted by a foreign ship or other vessel refusing to stop or objecting, or resorting to violent means to prevent its arrest;

4. Threat of terrorist activities or danger of potential use of weapons of mass destruction within the territory of the Republic of Bulgaria.

In the above cases, the Minister of Defence shall be obligated to immediately notify the Prime Minister and the President of the action taken. The Allies and EU Member States will be subsequently notified if the threat of terrorist activities or the danger of potential use of weapons of mass destruction can put them at risk as well.

In addition to the above, the Minister of Defence also proposes motions or drafts of the following:

1. National Military Strategy
2. Plan for the Organizational Build-Up and Development of the Armed Forces and Their Strength;
3. State Wartime Plan
4. Armed Forces Strategic Action Plans
5. Motions on alerting the Armed Forces or part thereof to a higher level of combat readiness and/or proclaiming general or partial mobilization;
6. Motions on ministerial positions, requiring higher officer ranks, motions on appointment and dismissal of the higher command of the Armed Forces and bestowal of higher military ranks to officers at the Ministry;
7. Conducting Strategic and/or Periodic Defence Reviews;

8. Armed Forces Armament and Rearmament Programs, and, together with the Minister of Economy, Energy and Tourism, Draft Programs on the Build-Up and Development of Defense Technological and Industrial Base;

9. Strength of regular and mobilization reserves;

10. Draft projects for the establishment, development and maintenance of an Integrated Communication and Information System for command and control of the state and the armed forces in a state of emergency, martial law, or in a state of war.

A Defence Council is established under the Minister of Defence as a joint advisory body consisting of Deputy Ministers of Defence, Chief of the Political Cabinet, the Chief of Defence and his deputies; the Permanent Secretary of Defence; the Commander of the Joint Operational Command; the Chiefs of Army, Air Force, and Navy as well as other members as appointed by the Minister of Defence.

Chief of Defence

The Chief of Defence is the highest military position; the CHOD is immediate superior to the personnel of the Bulgarian Armed Forces. The Chief of Defence executes his command powers directly or through the Commander of the Joint Operational Command the Chiefs of Army, Air Force, and Navy.

The Chief of Defence is appointed by the President of the Republic on a motion from the Council of Ministers for a four-year term of office.

The Chief of Defence is subordinate to the President of the Republic when executing his powers as Commander-in-Chief of the Armed Forces, and is immediate subordinate to the Minister of Defence.

The Chief of Defence directly guides and is responsible for:

1. Preparing of ministerial orders for use of formations of the Bulgarian Army and proposals for placing of the Armed Forces or a part of them in advanced readiness;
2. Proposals to the Minister of Defence for declaration of general or partial mobilization;
3. Preparing of rules and procedures for use of arms and equipment;
4. Preparing of National Defence Strategy and Strategic Action Plans for the Armed Forces;
5. Entering into and discarding from service of weapons and equipment;
6. Preparing of doctrines, conceptions for conduct of operations and standards for training and use of forces;
7. Determining of the required defence capabilities;
8. The battle readiness and operational capabilities of the Bulgarian Army;
9. Developing of the manuals of the Armed Forces;
10. The functioning of the Staff of Defence.

The main task of the Armed Forces is to guarantee the sovereignty and independence of the country and to protect its territorial integrity. In peacetime, no tasks related to the national policy can be assigned to them.

b) paramilitary forces:

Art. 49 of the new Law forbids the establishment in the territory of Bulgaria of military or other formations employing military organization or armaments and combat equipment, or such envisaging carrying out of military duties, unless otherwise provided for by law or other act of the Council of Ministers.

c) 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.

d) police:

With the recent amendments in the Law on the Ministry of Interior and the Rules Implementing the Law on the Ministry of Interior, the Directorate "Gendarmerie" was replaced by Directorate "Specialized police forces". Accordingly, the texts concerning directorate "Gendarmerie" must be replaced as follows:

Directorate "Specialized police forces" is a specialized unit of the Chief Directorate "Public order and security police" for securing the public order, securing major public events, managing of mass disorders, countering terroristic activities, securing strategic places and infrastructures of high importance and diplomatic representative office.

The units of directorate "Specialized police forces":

- assist the units of the chief and regional directorates in the guarding of the public order;
- participates in the securing of the public order during major public events;
- implementing activities for restoring, maintenance and securing the public order during mass disorders;
- participates in the securing of public order during crisis from different type;
- participates in police operation performed by the chief and regional directorates;
- secure special cargos;
- assist other national authorities or officials when there are illegal obstacles for their activity.

While performing these tasks, the units of directorate "Specialized police forces" have the right to:

- position forces and equipment, to build, use and dismantle engineer and technical installations and other devices for securing strategic infrastructure of high importance;
- separate regions, to limit temporarily or to forbid the movement of people and vehicles;
- use or to interrupt communication lines when necessary.

The Special Unit for Countering Terrorism (SUCT) is a specialized unit of the Ministry of Interior (MoI), directly subordinated to the Secretary General of MoI, for countering terrorist

activities, protection of strategic and critical infrastructure, and for prevention and suppression of serious crime.

SUCT is headed by a commander.

For the implementation of these activities the bodies of SUCT:

1. prevent and suppress terrorist acts;
2. detain and/or neutralize perpetrators of particularly dangerous crimes who are engaged or are likely to engage in armed resistance
3. set hostages free;
4. organize and conduct the protection of structures of MoI, structures of state authorities and organizations during the implementation of their functions;
5. participate in special operations organized by the chief and regional directorates of MoI.

The use of SUCT for the implementation of the mentioned activities has to be permitted with written order of the Secretary General of MoI for every given case.

In emergency situations the use of SUCT may be given by verbal order. In these cases the verbal order has to be issued not later than 24 hours.

The procedure for carrying out the listed activities is determined with an act of the minister of interior.

The functions of the former structure National Police Service which has ceased to exist since 2006 have been equally divided between part of the Chief Directorates of the Ministry of Interior – Chief Directorate “Fight against organized crime”, Chief Directorate “Criminal Police”, Chief Directorate “Security Police”, Chief Directorate “Border Police”.

After the structural changes at the end of 2010 Chief Directorate “Fire Safety and Civil Protection” (CDFSCP) was established within the Ministry of Interior which is a national specialized structure of MoI for ensuring fire safety, rescue and disaster protection under the condition and the order of the Law on MoI and the Law for Disaster Protection.

For the accomplishment of these tasks Chief Directorate “Fire Safety and Civil Protection” carries out:

1. Preventive activities for enhancing the preparedness of the country for fire prevention, disaster prevention and emergencies and/or for decreasing the consequences of them through:
 - a) Analysis and risk evaluation; foreseeing the possible consequences; categorizing the territory of the country based on disaster risk; elaborating risk evaluation methods; proposing directions for elaboration of training and educational programs for fire protection, disaster protection and emergencies;
 - b) Elaborating programs and normative documents as well as participating in international projects in the field of chemical, biological, radiation and engineering protection and application of EU documents for disaster protection.
2. Radiation, chemical and biological disaster protection connected to dangerous substances and materials;
3. Coordination and participation in planning, preparation and conducting of trainings in the field of fire protection, disasters and emergencies. Civil emergency planning and the Community mechanism for civil protection;
4. Maintaining interaction with the relevant structures in other countries and international organizations working in the area of civil protection and civil-military emergency planning.
5. Participates in the coordination and the organization of the planning and the implementation of the engagements of the Republic of Bulgaria in NATO and EU in the area of civil protection and civil-military emergency planning.
6. Participates in the work of the European institutions and their working bodies in the area of civil protection.

7. Coordinates and participates in the work of the Civil Emergency Planning Committee (CEPC) of NATO and coordinates the work of the national representatives in the working groups in it.

8. Protection of population according to the Geneva Conventions and the protocols to them when it is announced “state of war”, “military situation” or “emergency situation”

For the purposes to ensure the preparedness of MoI and its structures for work in military period the CDFSCP bodies:

1. Elaborate and maintain the plan for setting the MoI in readiness for work in military period, the plan for mobilization, the wartime plan and the MoI plan for emergency situation management.

2. Assist the activities of the leadership of MoI in management of the structures of the Ministry during the state of war, martial or emergency situation.

3. Organize the work of the Situational Center of MoI.

4. Plan, organize, lead and supervise the preparation for mobilization and the conducting of mobilization in the structures of MoI;

5. Organize and conduct the preparation of the management staff and the forces of the MoI for action in case of war, military or emergency situation;

6. Plan, distribute and give account for the funds for preparation for mobilization and defense, participate in the preparation of draft-budget of MoI for cases of war;

7. Interact with other state authorities on matters of MoI’s preparedness for work during the state of war, martial or emergency situation.

8. Control the preparedness of MoI structures for work during war time, for action in emergencies, fires and disasters.

In the information regarding Specialized Administrative Directorate “Crises Management and Preparation for Defense and Mobilization” the existing text has to be deleted and it has to be laid down the transformation of that structure from an independent Directorate of MoI into a division to Chief Directorate “Fire Safety and Civil Protection”. The functions of the transformed structure are included in the list with activities performed by Chief Directorate “Fire Safety and Civil Protection”.

This structural change has been performed in order to evade the duplication of the competences and the functions of the different structures of MoI and to improve the coordination of the activities related to protection of the population in emergency situations.

The following text of the Law for the Ministry of Interior regulating the activities of Directorate “International operational cooperation” to be added:

Directorate “International operational cooperation” is a specialized unit of MoI for organization and coordination of the international exchange of operative information, for coordination and methodical support of the international operative interaction and for realizing extradition, handing over and transfer of persons. The Directorate coordinates the activity of the MoI’s officials and representatives abroad participating in missions of international organizations and it interacts with the liaison officers of other countries.

2.3. 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.

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".

In March 2011 a new draft Law on Military Police was submitted to the Parliament. This law provides for the activities and authorities of the Military police and its interaction with other state bodies and organizations. Among the principles guiding the activity of the Military Police Service are: consistency with the Constitution, Laws and International Treaties, guarantee of the rights and freedoms of the citizens and their dignity, execution of civilian control over the Military Police Service' activities, etc.

For more information see Military Doctrine, Military Strategy and "White Paper 2010" on Defence in the website of the Ministry of Defence – www.mod.bg.

b) paramilitary:

Art. 49 of the new Law forbids the establishment in the territory of Bulgaria of military or other formations employing military organization or armaments and combat equipment, or such envisaging carrying out of military duties, unless otherwise provided for by law or other act of the Council of Ministers.

c) security forces:

After the last amendments and supplements of the Law on the Ministry of Interior and the Rules Implementing the Law on the Ministry of Interior, the text regarding directorate "Counteraction of the organized and serious crime" should be replaced as follows:

Chief Directorate "Fight against organized crime" is a national specialized operational-investigating structure of Mol for preventing, intercepting, detection and participating in investigation of crimes related to organized criminal activity of local and transnational criminal structures.

The units of Chief Directorate "Fight against organized crime":

- perform operational-investigating activity for discovering and surveillance of criminal structures and the connections between them;
- participate in operational-investigating activity for prevention, interception, detection and investigation of crimes;
- provide and perform operational infiltration and make trust transactions using undercover agent;
- perform controlled delivery;
- identify persons;
- gather, process, store, analyze and provide the received information for organized criminal structures, their specific activity, management, cooperation with other criminal organizations in the country and abroad, the crimes committed by their members and the profile of the victims;
- research the liability of the personnel and issue, refuse, terminate or confiscate permissions for access to classified information in compliance with the Law for protection of the classified

information;

- research and evaluate the methods of the police tactical operations used in the fight against the organized crime and can make propositions for improvement of the organization of the work.

3. Procedures related to different forces personnel

The new Law on Defence and Armed Forces introduces a contract which regulates the execution of the military service.

The servicemen shall not participate in meetings and manifestations of political parties, movements and coalitions when in uniform.

A serviceman or a civilian servant whose duties with the MoD are related to management or control, after dismissal from the occupied position, for a period of three years shall not conclude a contract, participate as a partner or shareholder, act as a manager or a member of a guiding or control organ of companies or corporations, which have been subject to his/her management or control or has been concluding contacts with them in the course of his/her last year of work with the MoD.

The same rule is valid also for a serviceman or a civilian servant who during his/her last year of work with the MoD has participated in procedures for conduct of tenders, or in procedures related to grants of funds from the EU. Such a person for a period of three years after dismissal from the occupied position shall not participate or represent other persons in such procedures before the structures of the MoD where he/she has worked.

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 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 are postponed till the end of the duration of the service.

4. Implementation of other political norms, principles, decisions and international humanitarian law

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. The platoon and company commanders are obliged to organise similar courses for their units on an annual basis. In addition, mission-orientated briefings are conducted prior to participation of Bulgarian contingents in PSO. The establishment and functioning of political parties' and political movements' structures, as well as carrying out of political activities within the Armed Forces shall be forbidden.

Section III: Public access and contact information

(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 Defence, 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.