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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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# RESTREINT UE



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 May 2002**

**8678/02**

**RESTREINT UE**

**EVAL 15  
ELARG 148**

## **NOTE**

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From : the General Secretariat  
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Subject : Analysis of information on border security in Bulgaria

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## **1. Introduction**

The basic data on Bulgarian border security system can be found in the previous analyses and documents used as sources for this analysis (annex 3). This document focuses mainly on the latest improvements and the remaining problems and gaps of the Bulgarian border security system. More information on illegal immigration and visa policy and practices can be found in doc. 8679/02 EVAL 16 ELARG 149 RESTREINT (Analysis of information on migration and asylum in Bulgaria).

Bulgaria is aiming to be a member of the EU in the beginning of 2007. Bearing this in mind it is understandable that many things related to the border security system are still very much in process towards the EU compatibility. The Bulgarian border security system has improved since the last analyses but it does not yet meet all requirements.

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Given its geographical location, Bulgaria is one of the main transit countries for illegal immigration, human trafficking and drugs towards the EU and neighbouring countries. Main routes are 1) from Turkey via Bulgaria to FYROM and FRY and again towards the EU and 2) from Romania via Bulgaria to Greece and FYROM. The Black Sea is also one of the routes used. Bulgaria's border security system has a remarkable role when combating trans-national crime towards the EU.

## 2. Formal acquis

Legal bases for border security are defined in several laws, some of them being relatively new. A collection of laws related to border security can be found in [annex 1](#).

A *draft* Law on Border Security is being prepared and is considered an important prerequisite for the building of a European type of border service, corresponding to EU standards. This law should be ready by the end of 2002.

The legal status of the Border Police is defined in the new organic law governing the services of the Ministry of Interior, which came into effect on 22 December 1997 (the *Ministry of Interior Act*). The tasks of the National Border Police Service and the powers of its bodies are listed in Article 94. There is no specific Border Police Act as such yet but the *Draft Border Guard Act* has been elaborated under the National Phare Programme<sup>1</sup>.

According to some reports the Border Police has relatively sufficient legal bases for their work. The jurisdictional area of responsibilities is territorially limited. The BP's jurisdiction usually covers an area of 10-20 km from the border, airports, railway stations, ports and international transport routes. This may in some cases cause some problems related to implementation and in cases requesting inland pursuit. Powers related to investigation and criminal intelligence made by the border police are not yet sufficient<sup>2</sup>.

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<sup>1</sup> CONF-BG 73/01

<sup>2</sup> Questionnaire 2002

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Legal bases in the field of border security in Bulgaria are in transformation. Two very important laws are still in the process of being drafted: the *Draft Law on Border Security* the *Draft Border Guard Act*. These laws are considered to contain some key elements for Schengen compatibility. Legal bases are also very fragmented and it may be useful if these new acts create also more solid bases for border security and reduce territorial limitations hampering border police efficiency to combat trans-border crime. The level of decrees and implementing orders based on legislation is very modest.

## International co-operation

Bulgaria has signed agreements with all its neighbours on combating illegal immigration, organised crime, smuggling and other illegal activities. Some of these agreements are quite old and there is a need to update them. Co-operation with FRY is quite difficult and border delegates meet only for exceptionally important cases and in cases of emergency. Negotiations are under way with the FYROM. The interest is focused on the identification and dislocation of networks dealing with trafficking of illegal immigrants.

From a practical point of view, there is not much information available on co-operation. Most agreements include exchange of information and regular meetings with border authorities. At the moment there is no legal basis for hot pursuit or cross-border surveillance. Joint actions and operations are carried out with Romania and Greece.

In conformity with EU policy in the Black Sea Region, agreements for co-operation in the area of border control and combating illegal migration have been signed with the Federal Border Service of the Russian Federation and the Georgia Border Guards. There are also intentions to create common co-operation framework for border co-operation between all national border authorities along the Black Sea. First meeting of this co-operation was held in 2001.

There are trilateral agreements between Bulgaria, Greece and Romania as well as between Bulgaria, Romania and Turkey.

Bulgaria participates actively in the Budapest Process and International Border Police Conference.

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The NBP has signed Protocols for assistance and co-operation with the Federal Border Guard of Germany and the Federal Gendarmerie of Austria concerning exchange of experience, personnel training and exchange of information.

### **3. Administrative capacity**

The institutional development and structural reform of *the National Border Police Service (NBPS)* began with the adoption of the Ministry of Interior Act on 9 December 1997. It is subordinated to the Ministry of the Interior and to the General Secretary. The NBPS is considered a specialised police service. The NBPS is responsible for Border Management in Bulgaria and for all external borders – land borders, sea border and border crossing points.

The NBPS consists of headquarters (Sofia) and 13 regional units, 29 local units as well as units responsible for border surveillance. The NBPS has its own training facilities. The basic structure seems to be reasonable and it follows the basic guidelines set up in the EU requirements. There is no information about the commanding and control system. According to the questionnaire the powers are not delegated to the appropriate level of the organisation. This may cause some problems and hinder the overall reaction capacity. The capacity to investigate and combat organised crime (human trafficking) is not yet very effective.

### **Staff and training**

Transformation towards specially trained professional staff is progressing steadily. The process of professionalism of the Border Police is being implemented in line with the *Program for gradual replacement of Border Police military conscript staff with professional border police*, adopted by virtue of Council of Ministers Decree No. 127/2001 (SG 49/29.05.2001), and will be concluded on 31.12.2002.

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As at 25.02.2002, the National Border Police Service employed totally **7543** persons of which 1425 officers, 3705 non-commissioned officers and 2413 conscripts. On the same date, there were 208 officers and 366 non-commissioned officer vacancies. Compared to the situation in 1999 the total number of staff has decreased remarkably due to the giving up of conscripts<sup>1</sup>. The still remaining conscripts are mainly used for surveillance of the green and blue borders.

The operational capability as well as flexibility of staff usage is hampered since units responsible for green border surveillance and units responsible for border checks are not working closely enough together.

The first specialised Border Police **Training Centre** in **Pazardzik** was opened in October 2000. It was established within a PHARE twinning project implemented together with Germany. The Centre provides primary police training courses for NCOs, initial foreign language training, as well as training in the Schengen acquis. Apart from those, the Centre holds a number of specialised courses and workshops (on visas and visa regime; refugee law; human rights; airport security, etc.). The main training - program at the school contains:

- special training for officers
- full training for the NCOs
- language training
- The full training for NCO's is divided into three modules:
- 2 month course at the centre of Pazardzik.
- 2 month practical training in regional border stations
- 1 month special training in Pazardzik for working at crossing point, on the green and the blue border.

The members of the maritime border police are trained by the navy.

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<sup>1</sup> The total strength of the NBP was approx. 8 950 people in November 1999<sup>1</sup>, of which approx. 3922 were professional staff officials and approx. 5,032 conscripts<sup>1</sup>. According to one report from 2001 the total strength of the NBPS was said to be 9900.

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For elder members of the border police there is the possibility of initial training (training on the spot). This means learning by doing during work, going to seminars or short time training besides the daily work. This practice could lead to a gap between the young staff that has been trained in the very modern training centre and the elder staff that already has been in the border guard of the former regime. The training centre offers short training courses for the medium level management and seminars for the superior level management.

According to some experts, the basic training is still too short and there is a need to intensify especially language and investigation training. Management and capacity planning skills for superiors must also be improved.

## Corruption

According to several sources, corruption in Bulgaria is worst among customs but also not unknown within the border police. Co-operation between these two services is very difficult, partially due to the lack of mutual trust - customs do not want border police to enter their "territory of interest". One source reports corruption at Sofia airport without any further details. Border police has launched several measures to combat corruption: there is an anonymous hot line telephone number, a mailbox for passengers who want to complain about border police and a specialised unit is responsible for the prevention and detection of corrupt practices.

The general salary of border police officer is about 250 - 350 LEVA per month.

## Strategy

At the end of 2001, the Council of Minister adopted a National Action Plan for the Adoption of the Schengen Acquis.

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Bulgaria is preparing an integrated border management and control strategy involving all institutions who take part in the mandatory border controls. The efforts are focused particularly on the following areas: the Interagency Council on Border Checkpoints and its supporting Task Force; drafting the necessary legislation (Border Security Act, new Instruction on the Border Checkpoints, etc.); operational co-operation at border checkpoints, particularly between the Ministry of the Interior and the Customs Agency.<sup>1</sup>

The border security system contains some important elements necessary for an effective Schengen-compatible system. Since the end of 2000, at Sofia Airport, persons arriving from risk countries (from a migration perspective) have been subject to preliminary passport and visa controls. The validity of their travel documents is checked on board of the aeroplane<sup>2</sup>.

Article 20 of the *Foreign Nationals Act* obliges airline officials, travel agents, transport companies or other agencies transporting foreign nationals or Bulgarian citizens out of Bulgaria to examine the validity of their travel documents, possession of visas and observation of other legal requirements. Failure to observe that obligation is held under administrative liability, pursuant to Article 51 of the *Foreign Nationals Act*.<sup>3</sup>

The border security system does not yet cover all elements of the Schengen-type border security model. The Schengen Action Plan covers many items of the *acquis* and indicates time frames for the future actions. However, the basic idea of "security filters" is not yet fully in place. The border security system is still very passive, there are no real pre-frontier actions, a co-operation with neighbouring countries is sometimes difficult and inland control is still very weak. A comprehensive approach is not yet in place. It seems also, that co-operation between the border police and the prosecutor is not always effective. The level of the investigation capacity seems to be also rather limited.

The capacity to make risk assessment and prognosis is rather weak. Statistics are not always reliable.

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<sup>1</sup> BL

<sup>2</sup> BL

<sup>3</sup> BL

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A comprehensive Schengen compatible border security strategy and practical concept accordingly is not yet created. Many relevant elements exist, some of them at the moment only in theory and some key areas are still totally lacking; actions abroad have just started and there is a need to improve the pre-frontier checks, training of carriers, consulate staff, etc. Co-operation with neighbouring countries does not recognise all modern co-operation models, border checks are not conducted according to Schengen principles and national co-operation is far from satisfactory.

## National co-operation

The *Ministry of the Interior Act* regulates the interaction and co-ordination between the MOI services according to their legally defined missions and objectives<sup>1</sup>. The interaction of MOI services is overseen and directed by the Chief Secretary of the MOI. The Directors of Services and Directorates organise the units under their authority exercising immediate management and co-ordination between them. Interaction and co-ordination between the services is carried out in the following areas:

- Exchange of information;
- Access to the information databases of each service;
- Operative and technical assistance in co-ordinated actions clearing up reports or working on tasks of their functional competencies.

Resolution No 213/15.5.1997 of the Council of Ministers adopted the Ordinance for the border crossing points, determining the type of organisation, activities and operation of the BCP and the co-operation between the border control authorities.

The legal framework for co-operation with the Customs Agency (Ministry of Finance) is provided in Art. 97, para. 1, item 7 of the *Ministry of the Interior Act*, which authorises the Border Police to carry out, in the course of performing their duties, checks in co-operation with the customs authorities, and to detain smugglers, illegally transferred goods and vehicles, which have crossed the border at places other than the designated border checkpoints.

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<sup>1</sup> BL authorities

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Similar provisions are contained in the *Customs Act* (Art. 15, para. 2, item 11) stipulating that the customs authorities shall take part in operational and search activities in co-operation with the Interior Ministry bodies, under the terms and conditions set out in the *Ministry of the Interior Act*.

With regard to the further improvement of interagency co-operation, the *Draft Border Guard Act*, elaborated under the National PHARE Programme, has adopted the approach of annual agreements (memoranda) between the involved institutions, which will give flexibility and resilience to the process of changing the priorities and methods of co-operation.<sup>1</sup>

The Border Police works in close co-operation with the Civil Police, Customs, Armed Forces, Civil Defence, the Fire Department, the local government and other social and economic organisations. The Border Police appears to work in very close co-operation with the National Police Service (including joint operational patrols in the border zone when necessary for specific operational reasons). Unfortunately, the various units do not always work together in a spirit of trust.<sup>2</sup>

A specialised section responsible in the area of trafficking in human beings has been operational within the *National Service for Combating Organised Crime* (NSCOC) since early 2000. Its mission is to detect and suppress criminal activities of local and transnational organisations involved in illegal migration and human trafficking on or through the territory of the country.<sup>3</sup> The law enforcement authorities have established an *Operational Co-ordination and Intelligence Analysis Centre*, which is located at the NSCOC. The Centre collates data on human smuggling, human trafficking for sexual purposes, transborder criminal networks, etc. Its main objectives are to perform situation analyses, to identify all crime generating factors, to suggest complex preventative measures, to improve the organisation and mechanism of co-ordination and to achieve an overall increase in the effectiveness of law enforcement and the delivery of justice. The Centre has been supplied with the necessary ICT. At this stage, the Centre is staffed with representatives of all policing services within the MOI. Once the Memorandum of Understanding will be signed, the institutions listed above will also second their liaison officers.<sup>4</sup>

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<sup>1</sup> CONF-BG 73/01

<sup>2</sup> MS report, Phare -expert report

<sup>3</sup> BL

<sup>4</sup> BL

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On 29 May 2001 a Task Force on Migration was established with members from the Ministry of the Interior, the Ministry of Justice, the Ministry of Finance and the Supreme Prosecutor's Office of Cassation. The Task Force has prepared a draft Memorandum of Understanding aiming to establish a common framework and outline the main targets in combating illegal migration according to the specific competencies of the involved institutions.

Co-operation between the border police and other services is not easy and efficient, although in many cases the individual relationships seem to be very friendly. The main effort should be aimed at improving co-operation between the services responsible for fighting trafficking in human beings.<sup>1</sup> One way to improve co-operation is to create legal bases for co-operation agreements, MoU's and action plans. However, the most important area of co-operation is performed at everyday practice and crossing points - unfortunately especially at this level co-operation seems to be non-existing and poor. There is no tradition of interagency co-operation and the joint approach is unknown.

## Infrastructure

The basic infrastructure, like accommodation as well as working conditions, is far from an acceptable level. There is a clear need to improve living and working conditions and thus also improve the quality of service, morale and staff motivation. It is also important that proper infrastructure be available in order to suitably protect equipment.

Border checkpoints are equipped with a total of 222 computer terminals used by full-time Border police officers and sergeants. The terminals are operational 24 hours a day and all persons and motor vehicles passing through border checkpoints are subject to registration and control by this system.<sup>2</sup> Crossing points are also equipped with UV-lamps, docuboxes and AFIS.

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<sup>1</sup> Questionnaire

<sup>2</sup> CONF-BG 73/01

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## 3. Implementation performance

### Statistics

Border crossings: 1999: 14.54 MIO, 2000: 14.23 MIO

	1998	1999	2000	2001
Detained persons on green/blue borders	3383	6217	5856	4315
Detained persons on BCP	4312	2918	806	733
Refused exit	3639	2981	1508	2221
Refused entry	3993	6902	6635	9713
Readmitted persons	2909	2064	3906	2089

Source: NBPS + questionnaire 2002

According to statistics, the number of detained people has decreased and the number of refused entries has increased remarkably. There is no clear explanation why the number of detained persons along the green/blue borders has decreased. There may be a connection between these figures and the decreased manpower within the border police due to the professionalism process - the giving up of conscripts also means less staff responsible for border surveillance (conscripts were not only used at crossing points but green/blue borders).

About 5.000 people are arrested every year when crossing the Bulgarian border, and many others (about 700 per year) are arrested in routine police controls inside the country, but there are no reliable statistics about the number of trials and sentences. The border police has nevertheless registered a high number of acquittals in border related cases, allegedly because of a lack of evidence.<sup>1</sup>

According to IOM, ("Victims of Trafficking in the Balkans", 2001), Bulgaria is an important transit country for Ukrainian, Romanian and Moldavian women being trafficked towards western Balkans and Greece, and also a country of origin for trafficking of women, notably towards Greece.

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<sup>1</sup> Questionnaire 2002

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## Checks at border crossing points

30 authorised border posts are operational in Bulgaria; 6 on railways, 5 at airports, 4 at ports and 15 on land.

The border checking procedures consist of checking the authenticity and validity of passports and visas, checking the conditions of entry, residence, employment and transit, filtering out individuals subject to entry and/or residence restrictions, and checking vehicles. However, many sources state that border checks do not cover anything but the very existence of a passport. In case of suspicion, a secondary check is conducted, which is a fully comprehensive inspection. Exit and entry control is similar. The data of all passengers (including EU-nationals) are registered in a computer terminal and non -EU nationals have to fill in special statistical data forms that are deposited upon exit.

The JHA expert mission reports states that entry and exit control procedures cannot be considered adequate and effective with regard to the fight against illegal immigration to Bulgaria. According to some experts there are also some selective checks, meaning that not all passengers are checked. Stricter measures for the protection of all borders and particularly at the authorised points, as well as at the blue and green border, therefore seem necessary.

All the checkpoints are linked to the central data bank of the Interior Ministry and to the visa files of the Ministry of Foreign Affairs. Germany has financed a modern finger prints identification system. The restructuring of the National Office “Border Police” continues, as well as the implementation of a program for modernisation of the material and technical equipping of border checkpoints. An information system for border control is being created, connecting all the border check-points with the systems for visa control in the Consular Offices of the Republic of Bulgaria abroad, in order to guarantee to a great extent the non-accessibility of unwanted foreigners to the territory of the country. Despite all these improvements, the system is not always efficient, and break-downs and accident prone communications have been observed.<sup>1</sup>

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<sup>1</sup> Questionnaire

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The document checking **procedure** used is as follows:

1. level: control by a border policeman with UV - light
2. level: control by a junior expert or a member of the local criminal expert group with the docu - box. These experts are trained in the Forensic institute.
3. level: expertise by the Forensic institute for the requests of the court.

At each crossing point there are groups of criminal experts, who are trained in the institute for criminal sciences.<sup>1</sup>

The legal bases for Schengen-type border checks seem to be in place although they are not fully used in practice. The basic idea of Schengen border checks does not (yet) exist at Bulgaria's crossing points. It is necessary to improve interviews, check means of subsistence, luggage, cars etc. in order to fulfill all Schengen requirements.

At all border checkpoints, border controls are supported by technical equipment, which is distributed taking account of the type of border passage and person. It includes computer terminals connected to the Border Control System, checking devices for travel documents and visas (UV lamps, microscopes, docuboxes, etc.) AFIS terminals supplied with live scanners allowing real-time identification of border regime violators. The Border Control System registers all persons and vehicles crossing the border and simultaneously checks for wanted persons, entry or exit prohibitions, information on border-, passport- and visa regime violations, invalid travel documents, wanted vehicles, etc. Information on the Bulgarian visas that have been issued or denied is supplied by the Ministry of Foreign Affairs (MFA) Visa Centre to all border checkpoints so that it can be referred to with regard to passengers' visa validity. The Border Control System consists of two levels: central and local. The local level provides for examination and registration of all passengers at each border checkpoint, and the central level compiles and integrates data from all checkpoints with research and statistical information.<sup>2</sup>

## Airports

Airports seem to be rather well-equipped and the border police staff is quite well-trained according to Bulgarian standards. For more information see [annex 2](#).

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<sup>1</sup> MS report 2001

<sup>2</sup> BL

# RESTREINT UE

## **Railway crossing points**

There is no information available on railway crossing points or checking procedures.

Border authorities have received lots of new equipment in a very short period of time. In some cases this equipment is not used in the best possible way due to a lack of properly trained staff. From practical point of view it is necessary to focus more on the training of users of this equipment in order to be able to make better use of new and sophisticated equipment.

## **Surveillance of green borders**

The executing forces organised into the Border Police Stations carry out the control of the green border. The number of personnel, technical support and reinforcements is different at each BPS, depending on the actual tasks and the level of illegal activity. The patrol usually covers a 5 km deep area. The Border Police Stations are the static part of the system and surveillance of green borders is carried out by mobile patrols. The bulk of the staff used for green border surveillance consists of conscripts.

Some Bulgarian mobile systems (MUSSON and SNOG) are used for control and surveillance of the green border. They have been developed and introduced by Bulgarian experts and allow visual surveillance of walking people from a distance of up to 4 km during the day and up to 1.2 km at night (with the use of infrared light). The systems allow automatic video recordings 24 hours a day.

The Border Police Service has 263 portable units for night vision, including 60 BIG-35 binoculars donated by the Government of Germany, which are used by border patrol guards.

The tactical mobility and communication system has steadily improved. In late 1999 and early 2000, 35 all-terrain patrol vehicles (Lada Niva), 400 *Motorola* personal radio stations and 60 valises were donated by the Federal Ministry of the Interior of Germany. In the framework of the BG-99 Project under the PHARE Programme, 48 all-terrain Land Rovers were procured and put into operation. These vehicles significantly improved border patrol mobility with regard to guarding and controlling the state borders.

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Basic patrols have some binoculars at their disposal. There is some old night-vision equipment available to patrols, but this equipment is far from modern. There are no integrated modern surveillance systems for green border surveillance.

Dogs are used for border surveillance. The total number of dogs was 295 in November 1999.

The quality and quantity of equipment used for green border surveillance has improved. Tactical mobility has improved in terms of vehicles but is not fully used due to a lack of fuel. Tactical solutions are improving but the basic concept still needs improvement in terms of situational awareness, reaction capacity and better co-ordination and co-operation with units responsible for border surveillance and border checks. Airborne surveillance and operative mobility are totally lacking.

## Blue borders

The task of the NBP, as far as the sea areas of the Republic of Bulgaria and the Bulgarian part of the Danube river are concerned, is to control and guard the state border.

According to Bulgarian sources 85 percent of the maritime territory is covered by radar stations and border police patrol boats. The 11 Russian-made vessels currently constituting the fleet have been used for 20-25 years for the control of the maritime border. 2 vessels are operational during each duty shift.

The technical surveillance of the Danube River is carried out by 20 technical and visual surveillance points and is guarded by 15 vessels divided into 3 groups, which cover the boat traffic in the Bulgarian part of the river. 4 ships are used for daily surveillance. The ships have been in use for the last 10-15 years.

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For the purposes of guarding the Black Sea Border the NBP operates with 11 old fashioned vessels. The radar system does not cover the whole sea area. The airborne surveillance capacity is zero. The Sea branch of the BP also has a number of other responsibilities, such as search and rescue, environmental monitoring, fishing and the International Law of the Sea observance. In total, they are involved in active co-operation with five Ministries/governmental agencies.

Tactical mobility is insufficient since almost all vehicles and boats are very old and impractical for patrolling. Operative mobility and operative surveillance ability is totally lacking since there is no aircraft available.

The NBP lacks proper vehicles, communication systems and computers. For the control of the sea borders, no proper means are available and the existing naval craft is in most cases not seaworthy.

The National Border Police Service is in the process of implementing a Mid-term Public Investment Programme for 1998-2001, adopted by the Council of Ministers under the title of *Strengthening the Radar Surveillance Systems on the River Danube and the Black Sea*. Some of the funds under this programme have been used to buy and install 7 modern hi-tech coastal and 4 on-board radar stations.<sup>1</sup>

The sea surveillance system as it is today is not functional. Border authorities do not have a real time situation picture at their disposal and the capacity to detect, identify and detain objects is very limited and theoretical. The current radar system is not integrated and most of the vessels are not suitable for modern border surveillance.

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<sup>1</sup> CONF-BG 73/01

### **The state border is protected and controlled on the basis of the following legal instruments:**

- *Ministry of the Interior Act and Regulation on its implementation*, which regulate in detail the functions, structure and authority of the National Border Police Service within the Ministry of Interior (MOI);
- *Penal Code*, which defines as criminal offences the illegal crossing of borders, trafficking in humans, document-related crimes, and other related offences;
- *Foreign Nationals Act*, which establishes the terms and conditions and the procedure, under which aliens may enter, stay, and leave the Republic of Bulgaria, as well as their rights and obligations.
- *Regulation on the Implementation of The Foreign Nationals Act*, which provides detailed terms, conditions, and procedures, under which aliens may enter, stay, and leave the Republic of Bulgaria;
- *Maritime Territories, Interior Waterways, and Ports of the Republic of Bulgaria Act*, which provides the legal regime of the use of the maritime territories of the Republic of Bulgaria over which the country exercises sovereignty, certain sovereign rights, jurisdiction, and control.
- *Bulgarian Identity Documents Act*, which provides the terms, conditions, and procedure for the issue and use of Bulgarian identity documents by Bulgarian citizens and foreign nationals. The Act defines the reasons that serve as legal grounds to prohibit travel outside the country of individuals who have committed criminal offences and of persons who are considered a threat to national security. The Act also provides for the imposition of a restrictive measure whereby Bulgarian nationals who have violated the law of a foreign country, or have been expelled from such a country, may be prohibited to travel outside of Bulgaria for a period of one year.
- *Council of Ministers Decree № 213/15.05.1997* adopting the *Regulation of Border Checkpoints*, which defines the organisation, operation, and management of the border checkpoints and the interaction between the authorities who perform controlling functions at such checkpoints. The Regulation also provides for an Interdepartmental Council on Border Checkpoints;
- *Council of Ministers Decree № 70/27.03.1998* adopting the *Rules for Structure and Operation of the Interdepartmental Council on Border Checkpoints*;
- *Council of Ministers Decree № 35/25.02.1999* adopting the *Regulation on the Terms and Procedure for Issuing Visas by the Diplomatic and Consular Missions of the Republic of Bulgaria*.
- By the end of 2002, there will be a new draft *Border Security Act*, which will regulate the organisation, interaction and methodology of border passage. Moreover, its will establish the basis for implementation of modern-day border police co-operation thus providing for the necessary conditions for full-fledged application of the provisions of the Schengen acquis. The future law will lay the foundations of integrated border controls.
- The *Draft Border Guard Act* has been elaborated under the National PHARE Programme. This draft adopted the approach of annual conclusion of agreements (memoranda) between the involved institutions, which will give flexibility and resilience to the process of changing the priorities and methods of co-operation<sup>1</sup>.

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<sup>1</sup> CONF-BG 73/01

### **The International Airport of Sofia**

There were 1.200.000 passengers in 2000, 50% of them were foreigners. They have 24.000 regular and charter flights and 3.000 cargo flights per year. 5.000 - 6.000 people are working at the airport. 15 airlines have stations at the airport. Flights from Turkey because of illegal immigrants from Kurdish areas and flights from Moscow because of people from China are causing the most problems for the border police.

The airport is divided in five areas/

- departure
- arrival ( terminal A + B )
- employees
- business VIP
- governmental VIP

### **The border police**

The regional border police sector was founded in October 1999. It is responsible for the three airports of Sofia, Plovdiv and Gorna Oriahovitza

At the International Airport of Sofia 99 NCOs and 23 officers of the border police are working. The main task of the NCOs is the border- and visa control. The staff is working in 4 shifts with 20 - 22 policemen each. 6 NCOs and one officer have guarding functions directly at the border line with its control - boxes. They also have to guard rejected persons in the transit zone.

In the departure - building with terminal A and B, in each terminal they have two X- ray gates for security checks, afterwards there's the control area for the customs service and then five control - boxes for passport - control. All boxes have UV - light, PC and one line - connection to police - information system and other data - bases. Between the departure and the arrival building there are two X- ray gates and Heiman - apparatus beside the crew- gate to check the hand - luggage of the transit passengers.

The security checks of the passengers and the luggage are tasks of the border police. They have 9 gates and x-ray, made by Microdosis. The bomb squad can reach the airport in case of emergency within minutes.

In the arrival zone there are 10 lanes for passengers and 10 control - boxes, of which 4 to 5 are working. In the departure zone the same number, but all are working. All boxes are equipped with PC and online - connected.

### Document - Laboratory

There's a very small room, called „laboratory“ for checking documents. It is equipped with an AFIS - System with camera and two docu- boxes. The room is too small and the Handbook for passports and the collection of colour copies of documents is stored in another room one story above.

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## The room for rejected or expelled people

People who are refused to enter Bulgaria have to wait in a „rejection room“ with capacity for 50 persons. Costs are met by the airport company. The room is locked up and guarded by the border police and the security guard. If the rejected people want to eat something, they are escorted to a cafeteria in the transit zone. Room is clean and modern, but there's no opportunity to sleep. There's no time - limit. The people have to wait till the next flight will bring them back to the country of origin. No judge or court is involved.

## The control - centre of the border police

In the centre, located near the room of the head of the local border police are 5 monitors with black and white screens. They have telephones, mobile phones and one telefaxes. Beside this there are one armory and a safe for the personal stamps of each policemen.

## Vehicles

The border police at the airport has one Lada - patrol car.

## Statistics

In the year 2000 about 4.000 foreigners were refused to enter Bulgaria. Most of them were people from Kurdish areas, Pakistan, Iraq, Sierra Leone and Morocco. In the same year the border police arrested one human trafficker. Who wanted to smuggle 50 Afghans into the country to transfer them to the Czech Republic. In 2000 they have had ten cases of people who threw away or destroyed their documents, before passing the passport control.

## **The national police at the airport**

149 policemen are working at the airport.

## **Customs service**

200 officers are working in four shifts. They have Heimann - equipment for big luggage. There's a drug - unit with two dogs at the airport.

## **The security and defence guard of the ministry of transport and traffic**

50 unarmed guards are working at the airport.

## The control - centre

Two members of the security guard are on duty in the control centre. 19 monitors with colour - screen and 7 videotape - recorders are connected with 117 cameras, from which the whole airport area can be surveyed. The screen can be divided into four different views. If they officer on duty sees problems in the public zone, he calls the police, if it's in the restricted zone he calls the border police. The members of the security guard to not act alone, only in combination with the police or border police.

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## Refugees and asylum seekers

Within the border police of the airport are special trained interviewers for the airport procedure. They can make „manifestly unfounded“ - decisions. It takes 72 to get this „first decision“ of the interviewer. Afterwards the refugee has 24 hours to decide, whether to accept or to apply the „second decision“ by the refugee agency. Within seven days the chairman has to decide. Interpreters can be requested by the refugee agency.

## Problems at the airport

The border police at the airport have no transit centre for people, who are seeking for asylum or want to get a refugee status. It is not clear, where these people have to stay during the „airport - decision“. There are no preparations to handle the problem of children, young women or women with their children arriving alone at the airport. They have no accommodation for such people. There's a medical station in the arrival zone, where sick and ill immigrants can receive medical treatment. It was not clear whether the doctor checks every immigrant and if not, how the border police can recognise before the passport control, that a person might suffer from a disease.

## What do they need at the Sofia Airport

They need rooms and accommodation for refugees, who have to stay at the airport. For rejected persons, one big room is not enough. They need facilities, where children and women can sleep, wash or relax.

## Burgas International Airport

The airport has 500.000 passengers per year, 90% of them are coming from Europe. They have about 4.000 aircraft per year, 2.500 Bulgarian and 1.500 charter flights. The only regular foreign flight is the Aeroflot from May to September on Monday and Thursday. 350 people are working at the airport regularly, in summer time there are about 2000 people working including the seasonal employees. The total staff has to wear airport - ID - cards, that are issued by the ministry of transport. Each airport has its own colour for the ID - card. The airport is divided into different zones, that are written on the ID - card: public zone, guarded zone and strictly guarded zone. If someone applies for such an airport - ID - card, he will be checked in the police information - system. The ID - card will be handed out by the local border police.

The arrival and the departure zone are in two separate buildings.

### The departure - building

There are four lanes with four border check points.

Security control of all luggage (100%) is made by two Heiman - X - ray - apparatus.

### The arrival - zone

There are seven lanes with seven check points. Afterwards they can leave the airport through a red ( for goods to declare ) or green ( no goods to declare ) corridors. The arrival zone has the capacity to handle 5 - 6 aircraft at the same time. Each passport control takes 20 sec. If seamen arrive, who come from dangerous areas, they get a medical check before the passport - control. There's a room for refused persons with 10 beds. This room will be locked up in case of being used. The airport company pays for food.

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The passengers are brought to and from the planes by bus.

The airport of Burgas is an emergency - airport for Sofia and Istanbul in case of bad weather etc. This is the reason that there is always border police staff at the airport of Burgas, even if there are no flights. If flights arrive, that had Istanbul as destination, the passengers receive transit - visa to reach Turkey.

## **The border police at the Burgas international airport**

The border police at the airport is a part of the regional border police sector of Burgas. 80 policemen are working in 4 shifts. The shifts last 12 hours each, from 8 AM to 8 PM and 8 PM to 8 AM. Day- and night shift have the same number of personal on duty.

In the number of 80 are included

- 4 officers as the heads of the shifts ( 2 majors, 1 captain, to first lieutenants )
- 8 conscripts
- administrative and assistance personnel

The tasks of the border police are

- passport control
  - guarding of the border zone including the freight of the flights
  - the security checks of the passengers and their luggage
- In each shift there are four document experts plus two junior experts for documents. The bomb squad is a regional unit and located by the regional police in Burgas.

### The equipment of the border police

- X-ray Heimann made with two monitors
- control - rooms with UV - light. All are one line - connected with data bases

### The equipment of the control centre

- 1 AFIS with a camera, that is one line - connected with the Forensic institute
- 1 Docu - box
- 1 UV- and blacklight
- 1 microscope
- 1 book with a collection of colour copies of documents
- 1 passport - handbook

Two experts, who do not belong to the shifts, are working here.

One officer per shift has to look on the 5 black/white monitors connected to five cameras. With this cameras the border police can guard the airport facilities.

## **The national police**

In winter there are 15 in summer there are 30 officers, who guard the airfield and the parked aircraft.

# RESTREINT UE

## Customs service

In Summer there is a staff of about 40 working in four shifts ( 8 - 10 officers per shift )  
They have drug detection - dogs with dogs from Germany.

## The security and defence guard of the ministry of transport and traffic

40 armed members of this unit are guarding the public zone and the non public zone.

## Security Committee

Members of the airport company, the national police, the border police, the fire brigade, the customs service and the security guard periodically are coming together in the Security Committee of the airport.

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### Sources of Information (not exhaustive)

- Various reports by Member States
- Member States' embassies answers to the Presidency's questionnaire on Border Management in Bulgaria 2002
- Information from the Bulgarian Mission to the EU
- High Impact operation 2001
- CONF-BG 73/01
- Overview of the Border Management systems in South East Europe and neighbouring countries. Compilation made by ICMPD in co-operation with the national authorities. May 2001.
- "Victims of Trafficking in the Balkans", IOM, 2001

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