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COVER NOTE

from: Permanent Representation of the Republic of Bulgaria to the European Union –
Ambassador Boyko KOTZEV, Permanent Representative

date of receipt: 21 February 2012

to: Rafael FERNANDEZ-PITA,
Deputy Director General -DG H - Justice and Home Affairs

Subject: Declaration by the Republic of Bulgaria in accordance with Art. 2 (3) of
Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of
cross-border cooperation, particularly in combating terrorism and cross-
border crime

Dear Mr. Fernandez - Pita

I take the pleasure in sending you in attachment a Declaration of the Republic of Bulgaria in accordance with Art. 2(3) of *Council Decision 2008/615/JHA on the stepping up of cross border cooperation, particularly in combating terrorism and cross border crime* on the List of shared national DNA files.

Sincerely yours,

Ambassador Boyko KOTZEV

Encl.: as per text

Declaration of the Republic of Bulgaria
in accordance with Article 2(3) of Council Decision 2008/615/JHA

List of shared national DNA files

The national DNA database is based on the Bulgarian DNA System, which is installed at the Laboratory of the DNA analysis of the Bulgarian Research Institute for Forensic Science and Criminology within the Ministry of Interior was build and installed by the Bulgarian Company Primasoft in 2009.

Bulgarian DNA System will be able to share DNA profiles with other EU Member States. The following types of profiles are currently stored and can be extracted from the abovementioned database:

- **Forensic Stain:** genetic profile obtained from the analysis of human DNA recovered from a crime scene and/or evidence associated with a crime scene/criminal act. The contributor(s) of the DNA is (are) not known.
- **Convicted offender:** genetic profile obtained from a biological specimen (generally buccal swabs or blood samples) originating from a known person who has been accused and imprisoned for any criminal act.
- **Unidentified Person or Unidentified Human Remains:** genetic profile obtained from a specimen from a deceased person whose identity cannot be confirmed or a genetic profile obtained from human remains (body part or skeletonised remains) that cannot be attributed to a specific, identifiable, person that used to be alive.
- **Others:** In the future, other genetic profiles may be entered into the database provided they do not violate Data Protection and Privacy Legislation

Conditions governing the exchange and comparison of profiles

A country that wishes to exchange DNA profiles with the Republic of Bulgaria must comply with the minimum legal, organisational and technical requirements laid down in the European Union Council Decisions 2008/615/JHA and 2008/616/JHA of 23 June 2008, in particular:

- Technical requirements: the country must:
 - have an automated national DNA database;
 - have automated means of exchanging profiles;
 - be connected to the TESTA network;
 - have confirmation from a country that is already operational, that its exchange system is adequate.

- Legal requirements: the country must:
 - be able to share information under its domestic legislation;
 - comply with European rules on the processing of personal data;
 - have the Council's prior authorisation to exchange data.

- Organisational requirements: the country must:
 - have a national contact point to which the Republic of Bulgaria may apply for additional information following a DNA search that results in a match.