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BETWEEN EUROPOL AND THE MEMBER STATES AND BETWEEN
THE MEMBER STATES RESPECTIVELY"**
REPORT ON BULGARIA

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THE EUROPEAN UNION

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THIRD ROUND OF MUTUAL EVALUATIONS
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REPORT ON BULGARIA

DECLASSIFIED

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1. INTRODUCTION

- 1.1. Following the adoption of the Joint Action of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime was established.
- 1.2. Following a proposal originating from the Swedish delegation and taken up by the Presidency to evaluate the supply of information and intelligence to Europol and the exchange of information and intelligence between Member States, the MDG adopted the proposal at its meeting on 3 and 4 June 2002.
- 1.3. At its meeting on 3 December 2002 the MDG approved the questionnaire on the third round of mutual evaluations on the topic "exchange of information and intelligence between Europol and the Member States and among the Member States respectively".
- 1.4. Following discussion at the MDG meeting on 9 January 2003, a list showing the order of Member States to be visited was agreed. Bulgaria is the twenty -seventh Member State to be evaluated during the third round of evaluations.
- 1.5. The questionnaires and the objectives of this evaluation are contained in 11679/3/02 REV 3 CRIMORG 71.
- 1.6. The experts in charge of this evaluation were: Mr Gioacchino Mattia (Italy), Mr Evangelos Stergioulis (Greece) and Mr Mihai Nastase (Romania). Two observers, Mr Antonio Saccone (EUROPOL) and Mr Jean Baptiste Roche (Commission), were also present together with the General Secretariat of the Council.
- 1.7. The evaluation team has prepared the following report with the assistance of the Council Secretariat, based on the observations and conclusions of the experts in the team and on the Bulgarian authorities' answers to the questionnaire.

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1.8. The report first deals with general information and structures (2), followed by the internal organisation of the exchange of information (3) and of the external exchange of information (4), and then deals more specifically with Europol (5). In the last chapter, the experts make a global and technical evaluation and then make some recommendations to enhance cooperation and effectiveness in the exchange of information within Bulgaria and with other Member States and Europol.

2. GENERAL INFORMATION AND STRUCTURES¹

2.1. LEGAL BASIS

2.1.1. The specific legislation, regulations or agreements governing the exchange of information and intelligence between the Member States and Bulgaria are as follows:

- Ministry of the Interior Act, published in State Gazette (SG) No. 17/24.02.2006
- Penal Code, published in SG No. 26/02.04.1968, SG No. 102/19.12.2006
- Criminal Procedure Code, published in SG No. 86/28.10.2005, effective 29.04.2006
- Classified Information Protection Act, published in SG No. 45/30.04.2002, SG No. 82/10.10.2006
- Personal Data Protection Act, published in SG No. 1/4.01.2002, amended and supplemented in SG No. 91/10.11.2006
- Measures against Money Laundering Act, published in SG No. 85/24.07.1998 and amended in SG No. 82/10.10.2006, No. 108/29.12.2006, effective 1.01.2007
- Criminal Assets Forfeiture Act, published in SG No. 19/1.03.2005, amended in SG No. 75/12.09.2006, effective 13.10.2006
- Act on Protection of Public Order when sporting events are held, published in SG No. 96/29.10.2004, amended, SG No. 80/3.10.2006, effective 3.10.2006
- Narcotic Substance and Precursor Control Act, published in SG No. 30/02.04.1999, amended in SG No. 82/10.10.2006

¹ This part of the report is based largely on the answers to the questionnaire.

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- Explosives, Weapons and Ammunition Control Act, published in SG No. 133/11.11.1998, amended and supplemented in No. 38/9.05.2006, effective from the date of entry into force of the Treaty of Accession of the Republic of Bulgaria to the European Union - 1.01.2007, amended in SG No. 11/2.02.2007
- Law on Measures against the Financing of Terrorism, published in SG No.16/18.02.2003,amended in SG No. 31/4.04.2003
- Combating Trafficking in Human Beings Act, published in SG No. 46/20.05.2003
- Law on Extradition and European Arrest Warrant, published in SG No. 46/3.06.2005, effective 4.07.2005, amended in SG No. 86/28.10.2005, effective 29.04.2006
- Special Intelligence Means Act, published in SG No. 95/21.10.1997, amended in SG No. 45/2.06.2006, SG No. 82/10.10.2006
- Protection of Individuals at Risk in Relation to Criminal Proceedings Act, published in SG No. 103/23.11.2004, effective 24.05.2005, amended in SG No. 82/10.10.2006.

2.1.2. The exchange of information and intelligence with Europol is carried out on the basis of the Cooperation Agreement in force as of 25.08.2003. An Agreement between the Government of the Republic of Bulgaria and the European Police Office regulating the implementation of the operational cooperation agreement during the interim period between Bulgaria's EU accession and full membership of Europol was concluded at the end of 2006. The implementation of the operational agreement will be discontinued from the date of entry into force of the Europol Convention. Bulgaria has ratified the Europol Convention and its five protocols, which will be the legal basis for providing and exchanging data and information after accession to Europol (ratification law published in SG No 105 of 22.12.2006).

2.1.3. Currently there is no direct exchange of information between the police structures of Bulgaria at regional and local level and Europol. The ENU is the only competent authority for providing and receiving data and information from Europol.

2.1.4. The following treaties and agreements between Bulgaria and the Member States have been concluded and are in force:

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Austria

- Agreement of 1.8.2002 between the Government of the Republic of Bulgaria and the Federal Government of the Republic of Austria on police cooperation

Belgium

- Agreement of 1.2.2002 between the Government of the Republic of Bulgaria and the Government of the Kingdom of Belgium on police cooperation

Cyprus

- Agreement of 15.10.2005 between the Government of the Republic of Bulgaria and the Government of the Republic of Cyprus on cooperation in the fight against transborder and organised crime, terrorism, illegal migration, trade in human beings and illegal trafficking in narcotic substances

Estonia

- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Estonia on mutual protection and exchange of classified information

France

- Agreement of 31.5.2005 between the Government of the Republic of Bulgaria and the Government of the Republic of France on cooperation in the area of home affairs

Germany

- Agreement between the Government of the Republic of Bulgaria and the Government of the Federal Republic of Germany on the mutual protection of secret information

Greece

- Protocol of 29.6.2001 on strengthened trilateral cooperation in the fight against crime and particularly transborder crime (Bulgaria, Greece and Romania)

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Hungary

- Agreement of 3.6.1999 between the Government of the Republic of Bulgaria and the Government of the Republic of Hungary on cooperation in fight against terrorism, illegal drug trafficking and organised crime

Ireland

- Agreement between the Government of the Republic of Bulgaria and the Government of the Ireland on cooperation in the fight against illegal trafficking of narcotic substances and precursors, money laundering, organised crime, trade in human beings, terrorism and other serious form of crime

Italy

- Agreement of 16.2.2001 between the Government of the Republic of Bulgaria and the Government of the Republic of Italy on police cooperation in the fight against organised crime
- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Italy on mutual protection of exchanges of classified information;

Latvia

- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Latvia on mutual protection of classified information

Netherlands

- Memorandum of understanding of 25.1.2006 between the Ministry of the Interior of the Kingdom of the Netherlands, the Ministry of Justice of the Kingdom of the Netherlands and the Ministry of the Interior of the Republic of Bulgaria on police cooperation

Poland

- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Poland on mutual protection and exchange of classified information

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Romania

- Agreement of 17.2.2004 between the Government of the Republic of Bulgaria and the Government of the Republic of Romania on cooperation in the fight against organised crime, illegal trafficking in narcotic and psychotropic substances and precursors, terrorism and other serious crime

Slovak Republic

- Agreement between the Republic of Bulgaria and the Slovak Republic on mutual protection and exchange of classified information

Slovenia

- Agreement of 19.6.2002 between the Government of the Republic of Bulgaria and the Government of the Republic of Slovenia on cooperation in the fight against organised crime, illegal trafficking in narcotic and psychotropic substances and precursors, terrorism and other forms of serious crime

Spain

- Agreement of 9.8.1999 between the Government of the Republic of Bulgaria and the Government of the Kingdom of Spain on cooperation in the fight against crime
- Agreement between the Republic of Bulgaria and the Kingdom of Spain on mutual protection and exchange of classified information

United Kingdom

- Protocol of 10.9.2004 on cooperation in the area of law enforcement between the Ministry of the Interior of the Republic of Bulgaria and the Home Office of the United Kingdom of Great Britain and Northern Ireland

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As regards cooperation with the Nordic countries (Sweden, Denmark, Norway, Finland and Iceland) and other countries with which Bulgaria does not have bilateral agreements or other legal instruments regulating the matter of police collaboration, cooperation is based on the existing international conventions and other legal instruments, signed by Bulgaria and the other partner countries.¹

2.1.5. The following treaties and agreements between Bulgaria and non-Member States have been concluded and are in force:

Armenia

- Agreement of 4.10.2002 on cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior and National Security of the Republic of Armenia

Croatia

- Agreement of 1.8.2003 between the Government of the Republic of Bulgaria and the Government of the Republic of Croatia on cooperation in the fight against organised crime, illegal trafficking in opiate and psychotropic substances and terrorism

Former Yugoslav Republic of Macedonia

- Agreement of 26.2.2003 between the Government of the Republic of Bulgaria and the Government of the FYROM on cooperation in the fight against terrorism, organised crime, illegal trafficking in narcotic substances and precursors, illegal migration and other serious crimes
- Agreement of 21.1.2007 between the Government of the Republic of Bulgaria and the Government of the FYROM on border police cooperation
- Agreement between the Government of the Republic of Bulgaria and the Government of the FYROM on exchange of classified information

¹ In 2005 Bulgaria forwarded draft agreements on police cooperation to Sweden and Finland.

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Iran

- Memorandum of understanding of 11.6.2003 between the Government of the Republic of Bulgaria and the Government of the Islamic Republic of Iran on cooperation in the fight against illegal trafficking in narcotic substances and precursors

Kazakhstan

- Agreement of 11.4.2004 between the Government of the Republic of Bulgaria and the Government of the Republic of Kazakhstan on cooperation in the fight against terrorism, organised crime, illegal trafficking in drugs, psychotropic substances, their analogs and precursors and other offences

Lebanon

- Agreement of 1.11.2002 between the Government of the Republic of Bulgaria and the Government of the Republic of Lebanon on police cooperation

Moldova

- Agreement of 17.9.2004 between the Government of the Republic of Bulgaria and the Government of the Republic of Moldova on cooperation in the fight against organised crime, illegal trafficking in narcotic substances and precursors, terrorism and other serious crimes

Norway

- Agreement between the Government of the Republic of Bulgaria and the Government of the Kingdom of Norway on mutual protection of exchanges of classified information

Serbia

- Memorandum of 26.9.2003 between the Government of the Republic of Bulgaria and the Government of the Republic of Serbia on cooperation in the fight against terrorism, organised crime, illegal trafficking in narcotic substances and precursors, illegal migration and other offences

South Africa

- Agreement of 2.12.2004 between the Government of the Republic of Bulgaria and the Government of the Republic of South Africa on police cooperation

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Syria

- Agreement of 4.10.2002 between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of the Arabic Republic of Syria on cooperation in the area of national security and public order protection

Turkey

- Agreement of 29.10.1999 between the Government of the Republic of Bulgaria, the Government of the Republic of Romania and the Government of the Republic of Turkey on cooperation in the area of the fight against terrorism, organised crime, trafficking in drugs and psychotropic substances, money laundering, trafficking in arms, trafficking in human beings and other serious crime
- Agreement of 11.7.2005 between the Government of the Republic of Bulgaria and the Government of the Republic of Turkey on police cooperation

Ukraine

- Agreement of 04.9.2001 between the Government of the Republic of Bulgaria and the Council of Ministers of Ukraine on cooperation in the area of the fight against crime
- Agreement between the Government of the Republic of Bulgaria and the Council of Ministers of Ukraine on mutual protection and the principles of exchange of classified information

Uzbekistan

- Agreement of 26.9.1999 between the Government of the Republic of Bulgaria and the Government of the Republic of Uzbekistan on cooperation in the fight against criminality

Multilateral treaties

- Agreement of 4.10.1999 between the Governments of the states participating in the Black Sea Economic Cooperation Initiative on cooperation in the fight against crime and mainly against its organised forms (Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russian Federation, Turkey, Ukraine)
- Additional Protocol of 16.4.2003 to the Agreement between the Governments of the states participating in the Black Sea Economic Cooperation Initiative on cooperation in the fight against crime and mainly against its organised forms

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- Additional Protocol of 16.10.2005 to the Agreement between the governments of the states participating in Black Sea Economic Cooperation Initiative for cooperation in the fight against crime and mainly against its organised forms for fight against terrorism
- Charta of 1.8.2005 on the organisation and functioning of the Regional Centre of the Southeast European Cooperative Initiative (SECI) for combating transborder crime.

2.2. STRUCTURES

2.2.1. There are two services at national level within the structures of the Ministry of the Interior (MoI) with powers in the areas covered by Europol's mandate: the National Police Service (NPS) and the National Security Service (NSS). The mandate of the aforementioned services is set out in the Law on the Ministry of the Interior, SG No. 17/24.02.2006 and amended in SG No. 30/11/04/2006 (in force since 1.5.2006). Both services are supervised by the Secretary- General of the MoI (highest professional office within the Ministry) who is subordinate to the Minister for the Interior. The Secretary General exercises the following tasks:

- organisation, coordination and control of operative search, secret service and security operations
- organisation of cooperation between the MoI services
- coordination of operations with the relevant services in other States and with international authorities and organisations
- giving orders in connection with the performance of the above functions.

2.2.2. The NPS has following tasks: protection of public order; prevention, detection and investigation of crimes; countering criminal activities of local and trans-national criminal groups and organisations; protection of the state border and control over compliance with the border regime, countering of illegal migration and trafficking in human beings; preventing terrorist activities and neutralisation of terrorist groups; protection and safeguarding of strategic and particularly important sites and administrative control over the stay of aliens in the Republic of Bulgaria. The organisational structure comprises the General Police Directorate (divided into 4 general directorates, 2 directorates and special administrative units) and 28 Regional Police Directorates within the country. The NPS is headed by a Director.

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Within the NPS 4 directorates have powers in this area of cooperation with Europol and the Member States:

- the General Directorate for Combating Organised Crime (GDCOC)
- the General Directorate for Countering Crime, Safeguarding Public Order and Prevention (GDCCSPOP)
- the General Directorate for Border Police (GDBP)
- the Directorate for International Operational Police Cooperation (DIOPC).

The powers and competencies of the directorates are covered by the Rules on the Implementation of the Law on the MoI. According to these rules, the GDCOC has competencies in the following areas: trafficking in drugs, trafficking in human beings, child pornography, counterfeiting of currency and other means of payment, trafficking in radioactive and nuclear substances, terrorism and money laundering. The GDCCSPOP has competencies in the field of trafficking in vehicles and the GDBP has competencies in the field of countering immigration networks. The DIOPC has the role of a central bureau for receiving and transmitting information. As regards Europol, this exchange is performed by the Europol National Unit (ENU), which is part of the Directorate, together with the National Central Bureau (NCB) of Interpol and the future Schengen Information System (SIS) national unit.

Each of those directorates has the capacity to centralise and analyse the information that it acquires and possesses as a result of executing its powers. However, after the entry into force of the Law on the Ministry of the Interior, the NPS is responsible for centralising and analysing the information received from the four general directorates mentioned.

2.2.3. The NSS is a specialised counter-intelligence and information service in charge of protecting national security against operations of foreign special services; organisations or persons directed against the national interests; for identification and neutralisation of processes endangering the order established by Constitution, the nation's unity, the country's territorial integrity and sovereignty. The NSS performs counter-intelligence, information analysis, forward planning, control, coordination and methodology activities. The organisational structure comprises a Security General Directorate and 28 Regional Security Offices. The NSS is headed by a Director.

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2.2.4. The NPS and NSS are services of a non-military nature. The coordination between these bodies is performed in accordance with the provisions of the Law on the Ministry of the Interior and the Rules on the Implementation of the Law on the Ministry of the Interior. The MoI Secretary General organises the interaction of the MoI services; organises, coordinates and controls the operational work as well as safeguards activities of the MoI.

2.2.5. Apart from the MoI, the following authorities are involved in countering crimes included in the Europol mandate:

- two bodies within the Ministry of Justice: the Supreme Cassation Prosecutor's Office (SPCO) and the National Investigation Service (NIS)
- three bodies within the Ministry of Finance: the National Customs Agency (NCA), the Financial Intelligence Agency (FIA) and the National Revenue Agency (NRA).

2.2.6. The SPCO is part of the Public Prosecutor's Office structure that also includes Regional Prosecutors' Offices, 28 District and 5 Military-District Prosecutors' Offices (one of the latter is the Military Appellate Prosecutor's office), Appellate Prosecutors' Offices and the Supreme Administrative Prosecutor's Office. The SPCO takes part in cassation proceedings heard by the Supreme Cassation Court. It exercises control over the activities of lower-level Prosecutors' Offices, has the right to cancel or amend in writing the rulings of prosecutors directly subordinate to it and has the authority to coordinate international legal assistance in criminal proceedings.

A special organisational structure to fight organised crime and cooperate with the Member States and Europol is Department I of the SPCO consisting of three sections:

- Counteracting Organised Crime
- Counteracting Corruption and Crimes Against the Financial System of the European Union
- Counteracting Money Laundering

The Department is directly subordinate to the General Prosecutor of the Republic of Bulgaria and reports on its activities to the General Prosecutor on a weekly basis. The SPCO may establish with the MoI special joint teams to fight organised crime and use any legal means for cooperation with Interpol, Europol, Eurojust, etc.

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The NIS is responsible for preparing all documents relating to prosecution proceedings in connection with cases under investigation (reports, statements, etc.) carried out by the relevant NPS unit. Its officers report to the prosecutor or to the examining magistrate.

The interaction of the MoI with the bodies of the judicial system (including the SPCO and the NIS) is regulated, among others, in the Penal Procedure Code, the Law on the Ministry of the Interior and in a trilateral Instruction No. I of 2004 of the Prosecutor General, the Director of the National Investigation Service and the Minister for the Interior.

2.2.7. The NCA is a centralised administrative structure that runs customs intelligence and investigation activities through its specialised structured units with the Central Customs Directorate (CCD), Regional Customs Directorates (RCD) and customs houses. The Customs Administration uses its own information system called BICIS with its specific corresponding modules. The Customs Administration has no powers to investigate crimes against customs procedures, the investigation therefore being carried out by preliminary police investigators under the supervision of the public prosecutor. Cooperation with MoI services takes place on regular basis, including the exchange of both strategic and operational information and intelligence.

The NCA is not a signatory to the Cooperation Agreement with Europol so the information exchange takes places indirectly, through the ENU situated in the DIOPC. However, in exceptional emergency cases, the direct exchange of information (e.g. via liaison officer) may also take place in practice. The NCA did not second its own liaison officer to Europol.

FIA, as an independent administration, is the Bulgarian Financial Intelligence Unit (FIU). FIA receives, stores, analyses and disseminates to the law enforcement authorities any information related to suspicious transactions, i.e. money laundering or terrorism financing. It may exchange financial intelligence with foreign FIUs as well as perform on-site inspections of reporting entities with regard to compliance with the anti-money laundering restrictions.

The FIA is structured as follows:

- Financial and Economic Activities Operative Support
- Money Laundering and Terrorism Financing Information Directorate
- Inspectorate Directorate.

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The FIU is a full member of the Egmont Group and uses this channel to exchange information and financial intelligence.

Cooperation with Europol takes place indirectly via the ENU situated in DIOPC. From January 2007 the FIA established within its structure a special contact point to deal with issues falling under the competence of Europol.

The NRA is an agency to ascertain administrative infringements and impose administrative penalties under the tax laws and the laws regulating compulsory social and health insurance contributions. It is empowered to enforce collection of unpaid taxes and compulsory social and health insurance contributions. The structure of NRA consists of a central office, territorial directorates and services.

Cooperation with the NCA, FIA and NRA is also regulated in the Law on Customs and in bilateral instructions.

3. INTERNAL ORGANISATION OF THE EXCHANGE OF INFORMATION

3.1. STRUCTURES

3.1.1. The exchange of information and intelligence between Europol and Bulgaria is currently carried out through the ENU to the extent and in a way laid down in the Agreement on Co-operation between Bulgaria and the European Police Office.

Once Bulgaria acquires the status of full member of Europol, the formal basis for the exchange of information and intelligence will be replaced, although the general arrangements will remain the same. The Bulgarian ENU is directly connected with Bulgarian Liaison Bureau at Europol. All communication between the Police and other competent authorities of Bulgaria must be channelled through the ENU.

3.1.2. Information and intelligence is exchanged between the competent authorities of Bulgaria and other Member States through the following channels:

- the aforementioned Europol channel

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- Interpol channel
- SECI channel
- Bulgarian liaison officers posted abroad
- foreign liaison officers appointed to Bulgaria.

3.1.3. The DIOPC is a structure within the General Police Directorate (GPD), according to art. 9 (1) item 6 of the Regulation on the Implementation of the MoI Act and is responsible for international police cooperation, including the function as an unique platform for operational police cooperation. It is headed by a Director subordinated to the Director of NPS and subsequently to the Secretary General of the MoI.

The main tasks of the DIOPC are:

- to organise and coordinate the international exchange of police information
- to coordinate operational police interaction
- to carry out transfers and extraditions of persons.

The Directorate is divided into 4 main divisions: Interpol (NCB), Europol (ENU), Sirene (not yet operational) and the Joint Telecommunication Centre (JTC). These divisions are divided into units and subunits.

The DIOPC has access to the following automated information systems:

- the information databases of the MoI for common use (AIS "Bulgarian identity documents", Search Activities System of the MoI ¹, AIS "Vehicles registration", record of the vehicles owners, AIS "Border control", police and criminal records, visa information system, citizens' register and legal entity records)
- the Interpol Global Telecommunication System (I-24/7) with options to search for and insert information
- the internal database of the DIOPC that is used for checks of incoming and outgoing information.

All communication between the DIOPC and the rest structural units of the GPD as well as 28 Regional Police Directorates - is carried out via the MoI data transmission network.

¹ This covers the data of SIS.

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However, in the case of the messages that are to be transmitted through Bulgarian liaison officers, they are handled directly without a central contact point within the NPS and without being registered centrally. They must only be signed by the directors of the aforementioned directorates or their deputies and afterwards may be transmitted.

3.2. CHOICE OF COMMUNICATION CHANNEL

3.2.1. The criteria for choosing Europol as an information channel is whether a specific crime subject to information exchange falls under the Europol mandate. According to the current cooperation agreement, all messages are sent and received through the Bulgarian liaison officers at Europol. Information exchange with Europol is always preferred when:

- the information exchanged is classified
- the data or information are related to AWFs on which Bulgaria is cooperating
- in reply to all requests for information received through the Member States' liaison officers at Europol
- it is not possible to use liaison officers.

Information exchange between Europol and Bulgaria is conducted through secure electronic connection (Thin Client), e-mail, fax and telephone, and through the Bulgarian ELO at Europol. This exchange covers operational, sensitive and confidential information; information connected with investigations of crimes included in the Europol mandate; information on AWFs and statistics for drawing up an analysis. Most frequently the channel used for information exchange is the secure electronic connection.

The Interpol telecommunication system (I-24/7), e-mail, fax and telephone are used for exchanging information on wanted and missing persons, sending and receiving EAW, checks on and identification of persons (fingerprints and DNA), stolen vehicles and other wanted items. This channel is used in cases where there is no sign or presence of organised crime groups involved in particular crimes, which do not fall under the mandate of Europol. The Interpol telecommunication system is also used for exchanging information with countries outside the EU.

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The exchange of information and data with EU Member States is also conducted through liaison officers (Bulgarian liaison officers in Member States and foreign liaison officers seconded to Bulgaria). The participation of liaison officers is especially useful in supporting bilateral investigations. Police information and data are received and sent to and from the Bulgarian liaison officers via encrypted connections between the MoI and the Bulgarian embassies in the capitals of the receiving countries. Exceptionally, information which is not classified as secret and cannot lead to the identification of a specific person can be transmitted via e-mail or fax.

Information from foreign liaison officers seconded to Bulgaria is provided directly in person. They have access to the offices of the three main police directorates and have working contacts with the heads of units and sections.

Information can be exchanged with Greece, Romania, Hungary and Slovenia also through the communication system of the SECI Centre, which is used for exchanging information on countering transborder crime in the region. Bulgarian authorities use this system mainly in relation to customs violations, as well as for exchanging data and information when carrying out joint operations.

3.2.2. Currently, Bulgaria has two liaison officers seconded to the Hague. The Bulgarian liaison officer at Europol is the first one to receive the information from the ENU. After receiving the information, they forward it to the competent authority through the relevant Europol unit. The main task of the liaison officers is to support and facilitate information exchange between the ENU and Europol. In the work on specific investigations, they maintain direct contact and carry out consultations with the liaison officers of the Member State receiving information from Europol. The liaison officers support the collection and exchange of information of strategic importance, which can be used in the fight against crime.

3.2.3. In cases where information exchange is used, which is limited to two countries and concerns crimes affecting their nationals or their territories, a distinction is made between bilateral and multilateral cases. Bilateral cases are those which, in order to be solved, require information exchange and interaction between the police authorities of only two countries. Bilateral information exchange is carried out through liaison officers in bilateral cases relating to the countering of organised crime.

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Multilateral cases entail information exchange and interaction with more than two countries. When the nature of the exchanged information falls within the mandate of Europol, the information channel between the ENU and Europol is used. Additionally, in cases where Bulgaria or the requesting country (the Member States) does not have a liaison officer, the information and data are transmitted through a liaison officer at Europol.

When the exchanged information is not related to the Europol mandate, the Interpol information channel is used.

In multilateral cases when the other two or more interested countries have liaison officers in Sofia, information exchange takes place in trilateral format.

3.2.4. The MoI system has several main channels for internal information exchange which are used for interaction between the structural units of the MoI. These are as follows:

- internal intranet connection which can be used to exchange classified and unclassified information
- fax
- telex
- encrypted connection.

Information can also be exchanged through the MoI automated information systems and through other specific bases for data and analysis available to the MoI services, such as NPS and NSS. External information exchange is conducted using Europol secure channels, the Interpol telecommunication system I-24/7, Internet, fax and telephone. The Bulgarian liaison officers abroad are also used as well as the liaison officers seconded to Bulgaria.

The law-enforcement authorities outside of the MoI system exchange information using their own channels, which have been set up and function in accordance with the specificity of their work.

The internal channels for information exchange in the MoI system are compatible and information can be exchanged smoothly. As regards the other institutions, in most cases the channels are not compatible with each other and the attainment of communications compatibility between the different channels is a long-term task. However, the NCA and the FIA possess work stations for automated exchange of information with the MoI system.

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The channels for the exchange of information through Europol and Interpol are physically separated and protected from unauthorised access by respective hardware and software products. The communication channels used in the bilateral information exchange are protected against penetration and guarantee the confidentiality of information. The MoI data transmission network to and from the Foreign Communications Unit is also protected.

4. EXTERNAL EXCHANGE OF INFORMATION

4.1. LIAISON OFFICERS NETWORK

The exchange of information and data with EU Member States is conducted through liaison officers: Bulgarian liaison officers in Member States and foreign liaison officers seconded to Bulgaria. The MoI of Bulgaria has seconded officers to the following EU Member States: Greece, Italy, Spain, Germany, France, the UK, Belgium, Poland, the Czech Republic, and Hungary. Additionally, a police liaison officer has been seconded to the SECI Centre who is also responsible for information exchange with Romania.

In Sofia there are liaison officers seconded from Germany (Bundeskriminalamt - BKA, Zollkriminalamt - ZKA and the German Federal Border Guard), France (French judicial police), the UK (Serious and Organised Crime Agency), Austria (BKA), Spain, Italy and Romania. Cooperation with the Nordic countries is carried out via a Nordic liaison officer seconded to Bulgaria. The main fields of cooperation are countering drugs trafficking, counterterrorism and trafficking in human beings.

Liaison officers from Belgium and the Netherlands are seconded to Bucharest. They cooperate directly with the competent authorities of Bulgaria and their status and position are regulated by the provisions of bilateral agreements with the States concerned.

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4.2. DATA EXCHANGE PROCESS

The general perception of the quality of information flow between Europol and Bulgaria and with the other Member States is influenced by the fact that, at the time of the evaluation mission, Bulgaria was not yet formally a member of an organisation and that cooperation was based on the Agreement between Bulgaria and Europol on cooperation. Nevertheless, in the light of the aforementioned fact, Bulgaria may already consider the quality of information flows satisfactory, particularly since the ENU became operational. Full participation by Bulgaria as a member of Europol is envisaged by the end of the first half of 2007.

Under the Europol Agreement and national legislation, technically speaking the exchange of operational information and criminal intelligence between Europol and Bulgaria is carried out by the DIOPC within the structure of the MoI. The other channels of cooperation are also used, i.e. Interpol, the SECI channel, Bulgarian liaison officers posted abroad and foreign liaison officers in Sofia.

4.3. INFORMATION OWNERSHIP

4.3.1. Bulgarian legislation on the protection of personal data does not pose any impediments to the exchange of information with the police bodies of the aforementioned countries. Pursuant to the Law on Personal Data Protection, the processing of personal data for the purposes of defence, national security and protection of public order, as well as for the purposes of criminal proceedings, is regulated in special laws.

The Law on the MoI is one such special law regarding the processing and protection of personal data in relation to the protection of national security and the combating of crime. When processing and transmitting personal data concerning activities for protection of the national security and countering crime, the consent of the natural person is not required, he/she is not informed prior and during the processing of the data, the personal data is not provided to third persons. The terms for storing the personal data are defined by the personal data administrator – the Minister for the Interior as regards the MoI. The Law also allows for an exchange of data for the purposes of police cooperation in the performance of the commitments arising from bilateral agreements or multilateral international treaties.

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As the Law on the Protection of Classified Information has entered in force, published in SG No. 43 of 30 April 2002, information on applying special investigative means and data obtained following the implementation of the latter, as well as data regarding the control of purchases and discretely surveyed consignments, are included in the list of information categories classified as state secret¹.

The provision or the exchange of classified information is admissible only if there are treaties in force on the protection of classified information. In this connection obstacles emerged to the transmission of data and information collected by special investigative means, including data on the communication between subscribers to the telecommunications operators, in the context of police cooperation. At the same time, there were no obstacles to this data and information being provided following a letter rogatory.

4.3.2. Rules on the exchange of classified information were established by the signing of the Agreement on Cooperation between the Republic of Bulgaria and Europol, which entered into force on 15 August 2003. As the document has the force of an international treaty, it implements the provisions of the Law on the Protection of Classified Information and information obtained from the Bulgarian law-enforcement bodies may be transmitted via the Bulgarian liaison officer to Europol and the liaison officers of the States concerned. As the Agreement on Cooperation with Europol has entered into force, the need to sign bilateral agreements with the Member States in the area of protection of transmitted classified information aimed at combating crime, was abolished in practice.

4.3.3. There are no significant obstacles to exchange information arising from differences in the structure of the different bodies. The exchange is performed according to the main principles and pursuant to Bulgarian legislation, the Law on the Protection of Classified Information in particular. Typical difficulties relate mainly to the peculiarities of the criminal proceedings arising from the specific nature of the criminal procedure legislation of the individual countries and the powers of the police bodies.

¹ According to Art. 25 of the Law on the Protection of Classified Information, "state secret" means information, the unregulated access to which would endanger or would harm the interests of the Republic of Bulgaria, in connection with national security, defence, foreign policy or the protection of the constitutionally established order.
The complete list of the categories of information, subject to classification as state secret, is regulated in Chapter III, Part I, of the Law on the Protection of Classified Information.

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The data and information collected in the course of the operative and search activities may be provided to law-enforcement bodies of EU Member States on own initiative or in reply to requests for official aid. The exchange of information which has been taken place so far can in essence be viewed as real police cooperation. The data and information exchanged do not have the force of evidence and cannot be used in the preliminary investigation carried out by the Bulgarian investigating bodies. They can serve as grounds for the prosecutor to send a letter rogatory. The data collected in the course of the preliminary investigation can be transmitted by an investigating police officer only after the explicit permission of the prosecutor monitoring the investigation.

5. EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND EUROPOL

5.1. INFORMATION EXCHANGE VIA EUROPOL AND INTERPOL

The following data provide a statistical overview of the information sent and received by the Bulgarian law enforcement authorities between 2004 and 2006:

- overall activity with Europol:
 - 2004 - 252
 - 2005 - 821
 - 2006 - 493
- incoming messages from Interpol:
 - 2004 - 35740
 - 2005 - 41101
 - 2006 - 42973
- outgoing messages to Interpol:
 - 2004 - 9482
 - 2005 - 9192
 - 2006 - 8817

The aforementioned data referred to overall activity with Europol and concern the following areas of activity as per breakdown given:

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Europol (incoming and outgoing)	2004	2005	2006
Drug trafficking	39	70	55
Immigration networks	5	23	5
Vehicle trafficking	10	7	10
Trafficking in human beings	130	486	185
Child pornography	1	2	19
Forgery of money and other means of payment	47	160	153
Terrorism	4	47	8
Money laundering ¹	4		12
Others	12	26	46

The most important partners in the exchange of information during the period in question are the police services of Germany, France, Italy, the United Kingdom, and the Netherlands and to a lesser extent Austria, Sweden and Belgium. There are several main factors defining the development of operational cooperation and the exchange of information with the respective law-enforcement bodies of these countries. Generally, these factors have a combined and not an individual influence. The most important of these are:

- the geographical position of Bulgaria as an important country along the Balkan route for drug trafficking – heroin from East to West and precursors and synthetic drugs to and through Turkey, the final destination being the Middle East countries, as well as the cooperation among the criminal structures in the South-east European States.
- Bulgarian nationals staying in the territory of Member States who are involved in transborder crime activities – mainly drug trafficking, trafficking in women for the purpose of sexual exploitation, falsification of money and other means of payment, prevention of international terrorist acts, illegal trafficking and trade in women for the purpose of sexual exploitation.
- seconded liaison officers from these countries to Sofia.
- bilateral agreements on operational police cooperation.
- identified partners and established work relations.

¹ In 2005 no InfoExchange message concerning money laundering was sent. The only exchange of information on money laundering was a questionnaire sent by Europol on that issue and the respective reply to Europol.

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5.2. DEFINITION OF INFORMATION AND INTELLIGENCE

Bulgarian legislation does not include a common legal definition of "information" and "data". Their specific legal use is restricted to 3 terms, namely "personal data", "public information" and "classified information":

- Personal data - according to the Law on Personal Data Protection - means any information concerning a natural person who is identified or can be identified directly or indirectly by an identification number or by one or more characteristic features
- Public information - according to the Law on the Access to Public Information - means any information concerning the social situation in the Republic of Bulgaria which provides the possibility for its citizens to form their own opinions as regards the activity of State institutions and local authorities
- Classified information - according to the Law on the Protection of Classified Information - means any information which represents a state or professional secret as well as classified information of foreign origin.

Regarding sensitivity levels, the Law the Protection of Classified Information regulates the levels of classified information which, according to the Europol table of correspondence, match the levels adopted by Europol. Classified information can be submitted to Europol in strict compliance with the corresponding specific procedures, including the provisions of European legislation. The classification levels are following:

- "ЗА СЛУЖЕБНО ПОЛЗУВАНЕ" - Europol Restricted
- "Поверително" - Europol Confidential
- "Секретно" - Europol Secret
- "Строго секретно" - Europol Top Secret.

Article 4 of the Europol Convention provides for the obligation on the ENUs to supply information and intelligence to Europol with the exception of three cases, namely:

- when there is a risk of "harming essential national interests",
- when there is a risk of "jeopardising the success of a current investigation or the safety of individuals",

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- when there is a risk of "involving information pertaining to organisations or specific intelligence activities in the field of State Security".

However, the exceptions mentioned above have not been invoked so far.

5.3. NATIONAL EUROPOL UNIT

In accordance with Art. 129 of the Rules on the Implementation of the Law on the MoI, the ENU has been set up within the DIOPC. The ENU has the status of a division divided into two units. It operates with 10 officials, provided with PCs, means for establishing contact with the MoI directorates and services and secure communication with Europol.

The ENU is the sole competent authority for providing and receiving data and information from Europol. It organises and coordinates the continuous supply of criminal information and intelligence to Europol in relevant cases. The unit is dependent on the information provided by other competent authorities from the MoI and others.

5.4. USE OF INFORMATION AND EUROPOL ANALYSIS CAPABILITY

It is very difficult to assess the use of AWFs by Bulgarian law enforcement authorities due to the fact that Bulgaria - at the time of evaluation - was not yet a member of Europol. However, according to the information provided, the Bulgarian ENU always transfers information regardless of whether or not it is of s interest to Bulgaria. Certainly, the exchange of information and the involvement of the ENU in an AWF, of interest to Bulgaria, is a priority task.

The ENU also transfers information, regardless of the number of AWFs, when such information is requested by Europol or a Member State. All law enforcement bodies provide information and when proper information is detected, inclusion in AWFs is initiated.

Currently, not all AWFs are of interest to the Bulgarian law enforcement bodies for some of them cover transborder crimes, which are not common for the country or there are no Bulgarian citizens involved in crimes, committed on EU territory. At any given moment when the Bulgarian law enforcement authorities establish an interest in an ongoing investigation into particular AWFs, the ENU is ready to join in actively and to exchange information with them.

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5.5. PERCEPTION OF EUROPOL'S VALUE

Bulgaria was not yet a member of Europol at the time of evaluation and therefore one of the most important issues is future full integration of Bulgaria into Europol's cooperation mechanism. However, there are already examples where Europol's involvement has added value to Bulgarian law enforcement authorities on the basis of the cooperation agreement, namely detecting international criminal networks for the production and distribution of counterfeit Euro and for countering human trafficking from Bulgaria to Europe.

Bulgarian law enforcement authorities find Europol the most useful European organisation of Member States for coordination and countering international organised crime. As regards operational exchange of information, the cooperation with Europol proves to be a leading channel in this direction due to clearly defined procedures, promptness and preciseness of the information submitted. Securing a sufficient level of protection of the information exchanged is also of major importance. Conducting joint investigations is among the future priorities of the work of ENU-Bulgaria. The enhanced international police cooperation and conducting joint operations aimed at the detection of criminal groups, controlled deliveries and other activities to be carried out with the financial support and under the control and coordination of Europol is considered the only effective means of countering transborder organised crime. Therefore, the overall assessment of the quality of information shows very good results and it is expected that in the coming years cooperation in this field will be intensified and will include a greater number of activities and Member States.

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6. EVALUATION BY THE EXPERT TEAM

6.1. Introduction

6.1.1. The Republic of Bulgaria covers an area of 110,910 sq. km. The country shares a total land border of 1,808 km with the following States: Greece (494 km), former Yugoslav Republic of Macedonia (148 km), Romania (608 km), Serbia (318 km) and Turkey (240 km). The coastline of Bulgaria is 354 km. The State capital is Sofia with approximately 1,1 million citizens of an estimated total population of 7,3 million¹. Administratively, the country is centrally administered and is divided into 28 provinces².

6.1.2. The evaluation of Bulgaria was conducted between 18 and 20 April 2007. The evaluation team met with officials from the Ministry of the Interior, the National Police Service, the National Security Service, Supreme Cassation Prosecutor's Office, the Financial Intelligence Agency and the Customs Agency. A visit to the Police Directorate in Plovdiv also provided information about the work of the police at regional level and their cooperation with the central authorities.

While focussing on international information and intelligence exchange with Europol and other Member States, the team also took note of national cooperation, administrative and practical developments, exchange and sharing of data and intelligence between various institutions, departments and services involved in the fight against international or organised crime as well as terrorism in Bulgaria.

The schedule of visits agreed on by the General Secretariat and the Bulgarian authorities made it possible to hold meetings with a large number of key departments and experts in the area to be evaluated. As a result of presentations and discussions on related topics, the evaluation team received an overview of the Bulgarian law enforcement structures and organisations with specific emphasis on national and international information and intelligence exchange.

¹ As of 2007.

² Blagoevgrad, Burgas, Dobrich, Gabrovo, Khaskovo, Kurdzhali, Kyustendil, Lovech, Montana, Pazardzhik, Pernik, Pleven, Plovdiv, Razgrad, Ruse, Shumen, Silistra, Sliven, Smolyan, Sofiya, Sofiya-Grad, Stara Zagora, Turgovishte, Varna, Veliko Turnovo, Vidin, Vratsa and Yambol.

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During the visit of the evaluation team, Bulgarian law enforcement authorities and other authorities proved to be very open. In particular a great deal of assistance was offered by various departments of the NPS as well as other services.

6.2. General comments

Bulgaria joined the European Union on 1st January 2007 and is in the process of becoming a full member of Europol. All the commitments and undertakings related to the negotiations and accession process have resulted, inter alia, in relatively recent legal developments followed by organisational structures and necessary preparations. Therefore, due to the aforementioned limitations, the evaluation of Bulgaria's cooperation with Europol could not be completed.

Nevertheless, Bulgaria continues to enhance the organisational and logistical framework for efficient policing and has established specialised units and agencies to combat serious, international and organised crime as a result of internal reform of the MoI in 2006. At the same time Bulgaria is putting a lot of effort into establishing modern and efficient structures for international police cooperation and information exchange. The willingness and commitment to safeguard this process as well as to become an effective and reliable partner for Europol and the Member States were confirmed by the managerial level of the MoI, the NPS and other services and departments visited during the evaluation mission.

6.3. Internal organisation of exchange of information

6.3.1. National legislation on combating organised crime has been recently updated. Particularly positive is the re-unification of the various police forces into one single NPS under the direction and supervision of the Secretary-General of the MoI. This recent reform of the structure of the MoI presents several advantages at a structural level for the exchange of information and intelligence amongst the law enforcement authorities in Bulgaria and with international partners, including Europol.

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The establishment of a central GDCOC, GDCCSPOP, GDBP and DIOPC within central police structures should be considered as effective tools for promoting the coordination of efforts at national and international level respectively. Although this merger might present problems in the short term in terms of full implementation and smooth operation, it is conducive to a full sharing of information, intelligence and databases between the three components of the law enforcement community that have been merged. This process also allows or would allow in the near future a more efficient employment of "the investigative energies" for the benefit of international cooperation.

The specialised Coordination, Information and Analysis Directorate within the MoI ensures that law enforcement activities within the new structure of the Ministry are led by intelligence, as it allows the sharing and dissemination of information to all Directorates and carries out analysis at a central level. Each Central and Regional Directorate has a Coordination, Information and Analysis Division. The similarity of the central structure competent for analysis with the structure of the various directorates makes cooperation and exchange of information easier. However, it has to be noted that according to the organisation chart provided by the MOI, the CDBP does not appear to have a Coordination, Information and Analysis Division. If this is the case, it is recommended that such a Division be created.

The central structure of the main Directorates of the NPS is mirrored by the structure of the Regional Directorates acting in the territory of the country, facilitating the flow of information and coordination.

The serious forms of organised crime that constitute the main priorities for the Bulgarian law enforcement authorities are mainly in line with the Europol Working Programme as well as with the findings of OCTA.

6.3.2. In the MoI has been set up and is operating the Central Police Register (CPR). This system centralises the databases of the Integrated Police Information Systems (IPIS) and allows to record the targets, subjects of investigations in the country, information on the police investigations, persons with police records and data about police actions. All structural units in the police have access to the data in the system.

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A new system for operational analysis is at the stage of implementation at both a central and regional level. This system will give the possibility of centralising not only the information on the main suspects, the processing and storing of all intelligence gathered in the country on ongoing cases on organised crime and terrorism. During the visit it was said that the system is in the phase of being accredited. It will be accessible through encrypted devices. The inputted information and the source of information will be evaluated by the 4x4 system. As a function of the system is a developed module which allows to visualise the targets and the links between them.

6.3.3. The DIOPC and consequently the ENU have access to all central databases. However, the ELOs posted at Europol have no direct access to the police databases, cannot therefore perform simple queries directly and have to rely on the work done in the ENU in Sofia.

In addition, the DIOPC has its own database that cross-checks all the exchange of information through the Europol and Interpol channels, detecting and preventing any duplications of efforts and overlaps. However, the exchange of information carried out through bilateral channels (via liaison officers posted by other countries in Bulgaria and Bulgarian liaison officers abroad) is not centrally registered and cross-checked, still leaving some room for duplication and overlapping. This is an aspect that can be improved.

6.3.4. NSS maintains good cooperation with the Police in combating serious forms of organised crime and terrorism. The NSS maintains its own criminal database but without providing direct access to other law enforcement authorities nor it has direct access to the criminal database of the Police. The NSS has established a special unit for promoting international cooperation which is active in exchanging information with Europol and Member States through the ENU. Despite NSS' active involvement in Europol's projects and information exchange with Member States, it does not receive Europol's analytical products on a regular basis ¹.

¹ However, in line with the new structure of the MoI which task is to define clearly all the functions of MoI's structural units and to avoid duplication and overlapping, some competencies of the NSS have been assigned to other services and in particular to the GDCOC. This resulted that the amount of the exchanged information between the ENU and the NSS reduced. Nevertheless, it has to be stressed that all the analytical, strategic and operational information relevant to the competencies of the NSS is provided on a regular basis.

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6.3.5. The cooperation and the exchange of information between the NPS and the other agencies not directly responsible for criminal investigations, i.e. NCA and FIA, are reported to be excellent by all representatives of the agencies which have been visited. It has to be noted that neither the NCA nor the FIA has the power to investigate crimes in Bulgaria. Based on a number of instructions involving inter-ministerial interaction, several agreements exist between the Police and other agencies. A liaison officer from each of the NCA and FIA is placed within the MoI.

Representatives of the NCA and FIA have no direct access to Police databases. Therefore, there is some limitation of possible wider use of the data and information stored. Finally, there is no single access to the various databases handling criminal intelligence. Therefore the operators have to navigate in the various databases and carry out multiple queries in order to gather all relevant information stored in the various databases. These agencies can only ask the NPS to consult their database, and the same applies to the NPS which can ask the NCA for information stored in the BICIS system of Customs administration.

The only exception relates to drug cases where joint units are created by the GDCOC of the MoI and the NCA for drug cases. The Custom administration officer in these units has access to police databases and a representative of the MoI has access to Customs databases. These anti-drug units also undertake controlled deliveries under the supervision of the SPCO.

The exchange of classified information between the Police and other agencies is carried out by courier. The NCA carries out analysis both at strategic and operational level. The results of these analyses are forwarded to, amongst others, the GDCOC within the MoI.

During the visit, the representative of the NCA stated that they regularly receive Europol's s and the OCTA's reports. The NCA and FIA have also exchanged information with Europol, indirectly through the ENU. A specific point of improvement highlighted by the NCA relates to the lack of feedback on the positive outcomes achieved owing to the cooperation and exchange of information with Europol and the Member States.

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At the moment no structured discussion has been held between the FIA and the DIOPC of the MoI to define Bulgaria's approach to the Europol AWF Sustrans, in relation to the regular provision of suspicious transaction reports, in view of the future full membership of Europol.

From the statistics provided by the FIA during the visit, it emerges in fact that the number of suspicious transactions which are referred to the prosecutors' office for criminal investigation is very large. In this context, FIA should improve its cooperation with Europol and make better use of Europol's products in this respect (AWF Sustrans by increasing its contributions to this AWF).¹

FIA conducts operational and strategic analysis within the framework of its competence. Although in some cases they work in joint teams with the police, it would be advisable to establish a joint analysis centre which would conduct analysis of agreed priorities and in line with the findings of their national contribution to the OCTA.

6.3.6. In principle, cooperation between the Police and Judicial authorities is well established. Bulgaria has the highest ratio of prosecutors per number of inhabitants of all EU Members States, with a total of 1,721 public prosecutors including 1545 holding offices and 176 vacant positions. The Prosecutor's Office has established cooperation with Eurojust by seconding a prosecutor at Eurojust headquarters. Pending a decision by the Council, the 2000 European Convention on mutual legal assistance is not yet applicable to Bulgaria but the 2002 Council Decision on joint investigation teams already applies.²

The creation within the SPCO of the International Cooperation Department with specialised prosecutors dealing with the international cooperation files constitutes an asset. This centralised structure allows for rapid answers to requests from foreign judges. This is testimony to a renewed attention to the mechanisms of international cooperation and to the necessity to integrate the police cooperation channel into the judicial one.

¹ In July 2006, the guidelines for cooperation between SPCO, FIA and MoI were concluded aiming at ensuring efficient cooperation and coordination between these authorities. On the basis of these guidelines, FIA began to forward the suspicious financial operations reports to the GDCOC with a copy to the SPCO.

² As of October 2007, the 2000 European Convention on mutual legal assistance is in force in Bulgaria.

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Information and intelligence gathered by the police outside the pre-trial phase can be exchanged without problems with Europol and other partners. However, once a *notitia criminis* gives rise to a pre-trial investigation, the prosecutor decides on the use and dissemination of information, having the power to restrict the provision of data to Europol and other channels of international cooperation. For this reason it is crucial that the SPCO, which oversees all criminal cases in the country, is fully aware of developments in Europol's AWF projects and has close contacts with the DIOPC and the ENU.

It is also important that prosecutors are well aware of Europol's legal framework, particularly in relation to the complex AWF framework, which is a different cooperation platform from the bilateral or multilateral exchange of information during criminal cases. The AWF framework allows the sharing of all intelligence and information gathered during intelligence operations and criminal investigations amongst all participating members with the purpose of obtaining an overall picture of criminal groups involving more than two members of the EU.

During the visit to the SPCO, the representative of the office stated that the selection of the channel of cooperation depends on the nature of the case and an individual assessment carried out by the prosecutor and the investigators. This approach may lead to overemphasis of bilateral cooperation, which in the short term can appear quicker and more effective, compared with multilateral sharing of information that is more complex and sophisticated but allows better identification and targeting of all branches of international criminal networks.

6.3.7. Taking into account local perspectives, it has to be said that in general regional police services maintain good cooperation at international level, including cooperation with Europol. Regional police authorities are connected through a secure electronic communication system functioning within the MoI. However, this system has to be further extended since there are still cases where such a communication takes place only via conventional means.

As regards cooperation with Europol, the organisation's products such as analytical reports containing operational information are not widely circulated to the Bulgarian regional law enforcement authorities.

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6.4. External exchange of information

6.4.1. In general, it has to be said that Bulgarian authorities carry out many projects dealing with the enhancement of both internal and international cooperation. The experts also observed an apparent willingness to meet EU standards in this respect.

6.4.2. During the mission the experts were informed that Bulgarian law enforcement authorities apply specific criteria regarding the choice of the appropriate communication channel for international cooperation. However, it seems to be that there is still a lack of proper information management concerning the criteria for the selection of the international channel (Europol, Interpol, SECI or liaison officers). As a result the international cooperation policy of the Bulgarian law enforcement authorities appears to be characterised by a case-by-case approach. There is also an imbalance regarding the use of Europol and Interpol channels. In particular, through the Interpol channel, Bulgarian authorities handle over 50.000 requests annually, whereas only about 500 requests are handled through the Europol channel.

6.4.3. The experts from the team also noted that Bulgarian authorities favour bilateral cooperation. For instance, the NPS tends to prefer bilateral international cooperation when this is possible. This approach tends to be pragmatic and in many cases effective in identifying, arresting and bringing to justice criminals active in Bulgaria. However, the bilateral approach does not make it possible to acquire a regional or a global perspective of a trans-national crime phenomenon that is needed to dismantle complex criminal networks operating in several countries. Therefore it is recommended that the aim of identifying international criminal networks and multilateral forms of international coordination are taken into account when revising the policy on Bulgaria's participation in Europol's AWFs.

6.4.4. Bulgaria has established a number of bilateral cooperation agreements and has developed a good network of liaison officers. Nevertheless, there is no specific contact point within the DIOPC regarding the handling of requests from Bulgarian liaison officers posted abroad as well as from foreign liaison officers posted to Bulgaria. Nor is the information exchanged by them with other MoI structures reported to the DIOPC systematically.

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6.5. EUROPOL

6.5.1 The Bulgarian authorities' evaluation of their cooperation with Europol is estimated in general as positive. The exchange of information via Europol channels is in general regarded as very valuable and co-operation as excellent by the Bulgarian NPS, NCA, FIA and the SPCO. The setting up (including human resources, IT equipment, premises) of the ENU is a great achievement, especially taking into consideration the fact that after the entry into force of the cooperation agreement between Europol and Bulgaria only one contact point was established. Therefore all the aspects relating to the organisation of the unit were conducted during the last one and a half years. The ENU itself is well structured under the DIOPC which brings together Interpol and the future Sirene, thus ensuring coordination of the information exchange in the international police cooperation framework. However, there is still great room for improvement, especially after the entry into force of the Europol Convention and its protocols, which will allow Bulgaria to become a full member of Europol.

6.5.2. The value of Europol analytical support is regarded as fruitful as are the analytical materials on a European level. Contributions to Europol on, for example. the OCTA report, are handled at the central level. Nevertheless, it seems to be appropriate that the level of awareness of Bulgarian law enforcement authorities regarding, for example. the use of Europol AWFs as well as the future use of the Europol Information System (EIS), should be improved. The team has also noted a significant drop in the information exchanged with Europol between 2005 and 2006, in particular concerning trafficking in human beings, drugs trafficking, illegal immigration and terrorism (See 5.1.).

6.5.3. Bulgaria participates in several AWFs on the basis of the operational agreement signed in 2003. Bulgaria's level of cooperation varies from AWF to AWF. In some cases it is considered excellent while in other cases it should be improved. For example, the contribution of information to AWF Maritza is excellent both in terms of quality and quantity, while the contribution to AWF Soya decreased significantly during 2006 and 2007. There may be different explanations for the drop in contributions. One of the reasons provided during the visit is that other participating members in an AWF have decided to continue their cooperation bilaterally; therefore Bulgaria has had to opt for the same approach, or that the criminal phenomenon has changed.

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During the mission, the experts noted that the information contributed to AWFs and the EIS is not systematically evaluated according to art. 11 of the Council Act of 3 November 1998 adopting rules applicable to Europol analysis files, therefore making it difficult to assess the reliability of the source and the validity of the information.

Bulgaria's participation in AWFs in several cases is seen as reactive rather than proactive. In other words, the requests for information are answered but no requests or direction comes from Bulgaria. This is probably due to the current status of Bulgaria and will probably increase when it becomes a full member of Europol. In some cases the time needed for the response to requests from Europol or other partners associated with an AWF is too slow.

Bulgaria's participation in Europol AWFs needs to be reassessed in view of full Europol membership. For example Bulgaria does not currently participate in AWF Copper on Albanian criminal groups, AWF EEOC on Russian criminal groups and Mustard on the trafficking of heroin into the EU by Turkish drug traffickers. During the evaluation, the Bulgarian authorities declared that in the next period they will start to participate in 12 AWFs which has to be emphasised as a very positive signal and approach. However, when such a decision is taken, the national authorities have to be aware of the need and ability to supply information to the AWFs on a regular basis.

6.5.4. As regards organisational aspects, the team has noted that so far the main Bulgarian competent law enforcement authorities and relevant bodies (namely NSS, Customs and FIU) are not represented in the ENU, i.e. no officer or official has been seconded.

So far Bulgarian ELOs in the Hague do not have access to national databases that would allow information exchange to be speeded up.

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7. GENERAL CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT TEAM

First of all, it has to be stressed once more that Bulgaria has joined the EU recently and is yet to become a full member of Europol (probably by this summer). Consequently it was not possible to evaluate the level of information exchange and the participation of the Bulgarian law enforcement authorities in Europol's activities from the perspective of a fully fledged Member State, but only as an associated partner. For example, Bulgaria provides information to different AWFs, with different degrees of commitment and cooperation and can benefit from the added value provided by Europol. However, it is not entitled to steer the developments of such projects and therefore the interest to improve may be lower.

Nevertheless, the evaluation team formed the overall impression that Bulgaria is fully aware of the increasing responsibilities resulting from its accession to the EU. The evaluation made clear the efforts both of the MoI and the DIOPC within a relatively short time to ensure that effective information exchange systems are up and running smoothly. Bulgaria has incorporated and put in place the necessary legal instruments (although several of them were only adopted in recent months), structures (last reform of the MoI from May 2006), qualified personnel and resources to cooperate with its European partners. Simultaneously, Bulgaria is making great efforts to uphold its police structures and to enhance the exchange of information both internally and internationally.

However, there are still shortcomings concerning the initial phase of preparations, for instance the level of language skills of lower ranking or local level officers to deal with particular products of Europol. The same applies to the level of awareness of Europol's products and value, lack of secondment of the representatives of other relevant authorities to the DIOPC, access to national databases by ELOs or clear management of the use of different cooperation channels.

Reflecting on the findings outlined in this report, the evaluation team found the following recommendations appropriate:

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7.1. FOR BULGARIA

7.1.1. Concerning the DIOPC:

- Consider establishing, probably within the structures of the DIOPC, a separate and devoted organisational unit responsible for dealing with bilateral requests for police cooperation as well as with the requests from liaison officers and extending the database of the DIOPC by registering centrally information exchanged through bilateral channels (See 3.1.3., 6.3.3. and 6.4.4.)
- Consider adopting a communication plan/strategy for all the NPS services to inform all police officers about the possibilities offered by the DIOPC and its related offices, i.e. ENU, NCB Interpol and Sirene (See 6.5.2.)
- Consider further extending the multilateral approach for international police cooperation, rather than relying mostly on the bilateral one (See 6.3.6. and 6.4.3.).

7.1.2. Concerning analysis capacity within the NPS:

- Consider establishing a separate Coordination, Information and Analysis Division within the structure of the GDBP as in the case of the GDCOC and GDCCSPOP of the MoI (See 6.3.1.)
- Consider whether any additional steps are necessary to ensure prompt and quick implementation of the new system for operational analysis, at both a central and regional level, that would allow better coordination and cooperation at a national and international level. It is expected that the flow of information towards Europol will increase once the system is fully implemented (See 6.3.2.).

7.1.3. Concerning the criteria for the selection of channels for international police cooperation:

- Consider developing guidelines to all Directorates of the NPS on criteria for the selection of channels for international cooperation and increase awareness of their implementation to all Directorates also at regional level (See 6.4.2.).

7.1.4. Concerning the ENU and the ELOs:

- Consider providing ELOs posted to Europol with direct access to the police databases so as to allow them to perform simple queries directly and increase the speed of international exchange of information using the Europol channel(See 6.3.3. and 6.5.4.)

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- Consider seconding officers from the relevant national authorities' to the ENU in order to improve the multi-agency approach and access to their respective databases along with establishing a secure electronic network allowing a fast exchange of information in electronic format (See 3.2.4., 6.3.5. and 6.5.4.)
- Consider whether it would be appropriate to establish a mechanism allowing direct exchange of information between regional police structures and Europol in cases of urgent operational investigation matters, as envisaged by the Danish Protocol (See 2.1.3.)
- Implement systematically the system for the assessment of the source and information originating from Bulgaria, according to art. 11 of the Council Act of 3 November 1998 adopting rules applicable to Europol analysis files (See 6.5.3.).

7.1.5. Concerning the Bulgarian contribution to the EIS:

- Consider developing a common strategy at national level regarding the Bulgarian contribution to the EIS in view of full Europol membership and increase contributions to the EIS (See 6.5.2.).

7.1.6. Concerning AWFs:

- Consider re-assessing Bulgaria's participation in the Europol AWFs in view of full Europol membership and increase the contributions to AWFs as well as developing a comprehensive strategy applicable to the different services and structures of the MoI concerning participation in different AWFs (See 6.5.2. and 6.5.3.)
- In relation to AWF Sustrans, consider developing a structured policy between the FIA and the DIOPC of the MoI to define Bulgaria's approach to this AWF for the regular provision of suspicious transaction reports, in view of the future full membership of Europol (See 6.3.5.)
- Consider whether the NPS should provide regular feedback of the results of information contributed by other services in relation to international cooperation, namely to the NSS, NCA and FIA (See 6.3.7. and 6.5.2.).

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7.1.7. Concerning the awareness:

- Ensure that prosecutors, NSS and operational branches of the NPS are fully aware of Europol projects (mainly AWFs) and products through a structured awareness programme implemented in a systematic manner (See 6.3.4., 6.3.6., 6.3.7. and 6.5.2.).

7.2. FOR EUROPOL

7.2.1. Consider support for further training activities for Bulgarian law enforcement officials as well as provision of assistance to activities carried out by other bodies, e.g. CEPOL, TAIEX (See 6.5.1.).

7.3 FOR THE OTHER MEMBER STATES

7.3.1. For those Member States with technical and/or scientific centres of excellence, whenever possible and necessary encourage all relevant cooperation measures with the least developed Member States (See 7).

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ANNEX A

PROGRAMME OF VISITS

18.04.2007 (Wednesday)

- 8:30 – 9:15 Meeting at the Ministry of the Interior (MoI). Presentation of the mission programme.
- the The team will be met by the Deputy Minister, the Director of the National Police, Director of the National Security Service, the Director of the General Directorate "Countering Organised Crime", the Director of the General Directorate "Border Police", the Deputy Director of the DIOPC.
- Presentation by the Chief Secretary of the MoI on the legal framework, structure, functions, activities, competencies of the MoI.
- Presentation by the Director of the National Police on the legal framework, structure, functions, activities, competencies of National Police
- 9:15 – 9:40 Transportation to the Europol National Unit
- 9:50 – 10:20 Presentation by the Deputy Director of the DIOCP on the legal framework, structure, functions, activities, competencies of the DIOCP. Discussions.
- 10:50 – 11:10 Meeting with the ENU staff.
- 11:10 – 13:30 Presentation by the Director of the General Directorate "Countering Organised Crime (GDCOC) on the legal framework, structure, functions, activities, competencies of GDCOC. Discussions.
- Presentation by the Director of the Directorate "Coordination, Information and Analysis Activities" (DCIAA) within the MoI on the legal framework for the use of databases, administration of networks, used by MoI units for information exchange with Europol.
- 13:30 – 14:30 Lunch
- 15:00 – 17:00 Visit to the General Directorate "Border Police" (GDBP) and the General Directorate "Countering Crime, Maintenance of the Public Order and Prevention" (GDCCMPOP)
- Presentation by the Director of the GDBP on the legal framework, structure, functions, activities, competencies of GDBP. Discussions.
- Presentation by the Director of the Chief Directorate "Countering Crime, Maintenance of the Public Order and Prevention" (GDCCMPOP) on the legal framework, structure, functions, activities, competencies of GDCCPPOP.
- 19.00 – 20.00 Dinner hosted by Deputy Minister of Interior

19.04.2007 (Thursday)

- 8:30 – 10:00 Transportation to the District Directorate of Police (DDP) in Plovdiv.
- 10:00 – 12:00 Presentation by the Deputy Director of the DDP. Discussions
- 12:00 – 13:00 Lunch
- 13:30 – 15:30 Transportation to Sofia
- 16:00 – 17:30 Visit to the Customs Agency and the Financial Intelligence Agency (FIA)
- Presentation of FIA and within the Ministry of Finance (MoF) on the legal framework, structure, functions, activities, competencies of these units in the field of exchange of information with Europol and Member States
- Presentation by the Customs Agency within the MoF on the legal framework, structure, functions, activities, competencies of the Agency. Discussions.
- 19:00 – 20:00 Dinner

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20.04.2007 (Friday)

- 8:30 – 9:00 Transportation to the Supreme Cassation Prosecutor's Office (SCPO).
9:30 – 10:30 Presentation by the SCPO.
10:30 – 11:00 Transportation to the National Security Service (NSS)
11:00 – 12:30 Presentation by the Director of the NSS on the legal framework, structure, functions, activities, competencies of NSS. Discussions.
13:00 – 14:00 Lunch
14:00 Departure for the Airport "Sofia" according to the flight schedules of the members of the team.

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LIST OF PERSONS MET

MINISTRY OF THE INTERIOR (MoI)

Mr. Rumén Petkov – Minister for the Interior

Mr. Boyko Kotsev – Deputy Minister

Mr. Iliya Iliev – Secretary-General

Mr. Ventsislav Angelov – Coordination and Information Analysis Directorate, Head of Department
Central Information Funds

Mr. Valentin Velkov - Coordination and Informational Analysis Directorate, Head of Section
Information Technologies

Ms. Boryana Boteva – International Cooperation Directorate of MoI

Ms. Dora Zgurovska – Bulgarian liaison officer at EUROPOL

NATIONAL POLICE SERVICE (NPS)

Mr. Valentin Petrov – Director of National Police Service

DIRECTORATE FOR INTERNATIONAL OPERATIONAL POLICE COOPERATION (DIOPC)

Mr. Gumen Galev – International Operational Police Cooperation Directorate, Deputy Director

Mr. Lyubomir Gledzharski – Head of Europol National Unit

Mr. Yavor Gabrovski – Head of Operational Support of Joint Investigation Teams and Analysis of
Information Section at Europol National Unit

Ms. Olya Mihaylova – expert, ENU

Ms. Vania Karkelanova – expert, ENU

Ms. Slava Stefanova – expert, ENU

Ms. Kremena Nenova – expert, ENU

Mr. Lyuboslav Gashtarov – expert, ENU

Ms. Ivanka Nestorova – expert, ENU

GENERAL DIRECTORATE COUNTERING ORGANISED CRIME (GDCOC)

Mr. Vanyo Tanov – Director of General Directorate Countering Organised Crime

Mr. Antoniy Strandzhev – Deputy Director of General Directorate Countering Organised Crime

Mr. Valentin Nikolov - Deputy Director of General Directorate Countering Organised Crime

Mr. Petar Vladimirov – Head of Coordination, Information and Analysis Department

Mr. Vasko Gochev – Head of Counter Smuggling Department

Mr. Stanimir Florov – Head of Counter Drugs Department

Mr. Panteley Panov – Head of Counter Organised Crime within Economy Department

Mr. Toni Mitsev – Head of Forgery and Counterfeiting Section

Mr. Dobromir Dochev – Head of Trafficking in Human Beings Section

Mr. Atanas Dimitrov - Head of Counter Terrorism Department

Mr. Evgeni Tsvetkov – Head of Counter Corruption Department

Mr. Stefan Pashov – Head of Investigation Unit

GENERAL DIRECTORATE BORDER POLICE (GDBP)

Mr. Krasimir Petrov - Director of General Directorate Border Police

Mr. Petar Iliev – Deputy Director of General Directorate Border Police

Mr. Nikola Nikolov – Head of Operational investigative activities Department, GDBP

Mr. Ivan Georgiev – Head of State Border Protection Department, GDBP

Mr. Rumén Stoyanov - Head of Section, GDBP

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General Directorate for Combating Crime, Protection of Public Order, and Crime Prevention (GDCCPPOCP)

Mr. Vladimir Ivanov – Director of GDCCPPOCP

Mr. Vasil Stoychev – Deputy Director of GDCCPPOCP

Mr. Atanas Ilkov – expert, Vehicle Crime Section, Criminal Police Department, GDCCPPOCP

NATIONAL SECURITY SERVICE (NSS)

Mr. Ivan Drashkov – Director of National Security Service

Mr. Veselin Markov – Deputy Director of National Security Service

Mr. Nikolay Metodiev - Deputy Director of National Security Service

Mr. Chavdar Georgiev – Head of Forgery and Counterfeit Department

Mr. Nukolay Zlatkov – Head of Antiterrorism Department

DISTRICT POLICE DIRECTORATE – PLOVDIV

Mr. Valeri Banenkin – Deputy Director of District Police Directorate – Plovdiv

Mr. Ivan Valchev – Head of Department

Mr. Todor Grebenarov _ Head of protection of public order and prevention Department

Mr. Angel Stoev – Head of Security Department

Mr. Plamen Uzunov – Head of Common Crime Section

Mr. Aleksandar Dzhidzhev – Head of Economic Crime Section

Mr. Krasimir Leskev – Head of Illegal Migration Section

Mr. Dimitar Vlahov – expert, Combating Organised crime Regional Section

Mr. Stoyu Andreev - expert, Combating Organised crime Regional Section

Ms. Daniela Sabcheva – senior police investigator, expert, Combating Organised crime Regional Section

FINANCIAL INTELLIGENCE AGENCY (FIA)

Mr. Nikolay Aldimirov – Director of Money laundering and Financing of Terrorism Directorate

Ms. Daniela Stoilova – Head of International Cooperation and Training Programs Section

NATIONAL CUSTOMS AGENCY (NCA)

Mr. Rumen Danev – Director of Customs Intelligence and investigation Directorate

Ms. Rozanela Angelova – expert, Customs Intelligence and investigation Directorate

Mr. Zaharin Machev – Head of Customs Intelligence Section

Ms. Boryana Pavlova – expert, Customs Intelligence and investigation Directorate

SUPREME CASSATION PROSECUTOR'S OFFICE (SPCO)

Mr. Kamen Mihov – Head of International Legal Cooperation Department

Mr. Boyko Naydenov – Head of Organised Crime and Corruption Department

Mr. Vania Nestorova – Head of Money laundering Section

Mr. Evgeni Dikov – prosecutor, Money laundering Section

Ms. Ivanka Kotorova – Head of International Legal Assistance Section at International Legal Cooperation Department

Mr. Lyubomir Nikolov – Head of Transfer and Extraditions and European Arrest Warrant Section at International Legal Cooperation Department

Mr. Trendafil Traykov – Head of Pre-trial proceedings Section

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ANNEX C

LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

ACRONYM ABBREVIATION TERM	ENGLISH TRANSLATION OR EXPLANATION
AWF	Analytical Working File
BKA	Bundeskriminalamt
CCD	Central Customs Directorate
DIOPC	Directorate for International Operational Police Cooperation
EAW	European Arrest Warrant
ECIM	European Criminal Intelligence Model
EEOC	Eastern European Organised Crime
EIS	Europol Information System
ELO	Europol Liaison Officer
ENU	Europol National Unit
FIA	Financial Intelligence Agency
FIU	Financial Intelligence Unit
GDBP	General Directorate for Border Police
GDCCSPOP	General Directorate for Countering Crime, Safeguarding Public Order and Prevention
GDCOC	General Directorate for Combating Organized Crime
GPD	General Police Directorate
IPIS	Integrated Police Information System
JTC	Joint Telecommunication Centre
LEA	Law Enforcement Agency
MoI	Ministry of Interior
NCA	National Customs Agency
NCB	National Central Bureau
NIS	National Investigation Service
NPS	National Police Service
NRA	National Revenue Agency
NSS	National Security Service

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ACRONYM ABBREVIATION TERM	ENGLISH TRANSLATION OR EXPLANATION
OCTA	Organised Crime Threat Assessment
RCD	Regional Customs Directorate
SECI	Southeast European Cooperative Initiative
SG	State Gazette
SIS	Schengen Information System
SPCO	Supreme Cassation Prosecutor's Office
ZKA	Zollkriminalamt

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LIST OF NATIONAL DATABASES

Automated information systems of the MoI:

1. Bulgarian Identity Documents System;
2. Central Police Register System;
3. Border Control System;
4. Search Activities System;
5. Automobile Transport Control System;
6. Address registry for the foreign citizens System;
7. Legal entities System.
8. Integrated Regional Police System.
9. Enforced Measures of Administrative Coercion.
10. Criminal Analysis System.

The complete list of the national databases maintained by the MoI with the exception of the Journal system for auditing the access of the users to all the systems in the provided list.

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ANNEX E

CONCEPT OF CRIMINAL ANALYSIS INFORMATION SYSTEM (UNDER CONSTRUCTION)

The idea of the new criminal analysis information system was initially developed several years ago as a part of the Twining Agreement in the framework of the Programme PHARE "Management of the criminal information according to the European standards".

The Minister for the Interior has approved the institutional model for the development of the system for processing and analysing operational information. The model envisages the establishment of analytical units at regional and national levels within the structures of the MoI. Most of these units have already undergone the necessary training and are operational.

The criminal analysis information system will deal both with strategic and operational analysis. The setting up of the national criminal analysis information system will ensure centralisation of the processing of criminal information and intelligence, collected in the process of investigations and other police activities. It will also ensure proper information coordination of the activities of the police units.

The objective of the development of the system is to provide for the functioning of the system fully in line with the requirements of similar information systems in the EU for the protection of personal data and access by citizens to police data.

The pilot testing of the system has been successful and by the end of 2007 the system will be implemented completely on the territory of the country.

The MoI Act and the Rules for Implementation of the MoI Act regulate the access, processing, protection and dissemination of police information according to the strict requirements for the protection of personal data and the right of access to information.

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