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CRIMINAL JUSTICE AND LAW ENFORCEMENT ALONG BULGARIA'S BORDERS: THE IMPACT OF EU ACCESSION

The changing EU external borders

Enhanced criminal justice and improved cross-border cooperation between judicial and law enforcement authorities are essential for the EU and its Member States in order to effectively respond to the increasing threat of cross-border criminality.

The last two EU enlargements resulted in **significant changes in the Union's external borders**. Some of the countries that used to have such borders (like Germany and Austria) are now neighbors to other EU Member States. Their responsibilities regarding the security at the external borders are gradually transferred to new Member States which have become the outermost countries of the Union. The duties of these countries on protecting the external borders are yet to increase substantially.

Further to Bulgaria's accession to the European Union, the country's frontiers with Turkey, Macedonia and Serbia, as well as its Black Sea border, have become external borders of the EU. Hence, **border crossing-related criminal offences and customs violations no longer represent a problem of Bulgarian national security alone: they have turned into a problem of EU security**. Many crimes and customs violations involve organized criminal groups and breed genuine corruption threats to customs authorities, border police, investigative police officers, and magistrates. Such acts fall within the jurisdiction of courts and prosecution offices at different levels and are inquired into by investigative police officers whose capacity still fails to match their wider responsibilities.

Cross-border crime in Bulgaria

One **characteristic of the border areas** is that, in addition to the more or less usual offences encountered in virtually any region of the country, they are

affected by **specific criminality seen nowhere else** (e.g. illegal border crossings, trafficking in persons, etc.). Besides, it is more difficult to staff institutions in remote areas such as the border ones, a reality that hits hard the police as well as the courts and the prosecution offices. Finally, the budgets of those authorities are not commensurate with the complex criminogenic circumstances prevailing there, while their technical equipment is often rudimentary.

Among **the typical cross-border criminal offences** in Bulgaria, in light of the relevant legislation and practices are:

- Trafficking in human beings (Articles 159a-159c of the *Criminal Code*);
- Smuggling of goods and narcotics (Article 242 of the *Criminal Code*);
- Illicit carrying across the border of counterfeit currency, securities and payment cards (Article 244(1) of the *Criminal Code*);
- Violations of the import and export arrangements applicable to foreign exchange valuables (Article 251 of the *Criminal Code*);
- Illegal crossing of the border and smuggling of persons (Articles 279-280 of the *Criminal Code*);
- Illegal carrying across the border of hazardous waste, toxic chemical substances, biologic agents, toxins and radioactive substances (Article 353b of the *Criminal Code*);
- Illegal export from the country of listed cultural monuments or records forming part of the State Archives (Article 278(3) of the *Criminal Code*).

At the time when the previous *Criminal Procedure Code* (now repealed) was in effect, most cases for cross-border offences were heard by the regional courts at first instance. The district courts only handled at first instance (and only after 2003) cases for the illicit export of listed monuments of culture or archive records, the illicit carrying across the border of counterfeit currency and securities, as well as bribery and trade in influence.

The entry into force of the new *Criminal Procedure Code* on 29 April 2006 changed the situation and the district courts obtained jurisdiction over the cases for smuggling of goods and narcotics previously considered by the regional courts. In parallel, the competence to investigate almost all cross-border crimes was vested in investigative police officers at the Ministry of Interior. As a result some problems that existed before the legislative change were solved but new challenges are emerging from the implementation of the novel rules.

Cross-border crimes are usually related to organized crime, and involve corruption of customs officials, border police officers, other law enforcement authorities, and magistrates. The companies or individuals investigated often

have powerful financial resources or political support which additionally influences the effective investigation, prosecution and administration of justice.

Prosecutors and judges often come under pressure and become vulnerable to corruption. The corrupt practices most often observed include:

- Instances where the prosecution does not launch an investigation despite overwhelming evidence.
- Termination of an investigation by the prosecution without sufficient arguments thereof.
- Collusion between judge and prosecutor leading to easier approval by the court of any request by the prosecutor (for instance as regards the use of special surveillance means or the imposition of coercive measures).
- Lack of impartial administration of justice, due to the fact that smugglers, corrupt customs / border police officials, and magistrates are often members of tightly knit communities, with mostly informal relations among them leading to considerable conflicts of interest.

In addition, judges in border courts are often overloaded with cases, which make the administration of justice slow and ineffective. This is another reason for the remarkably small number of trials and convictions.

Needs assessment and monitoring of criminal justice in border districts

In order to contribute to improving the effectiveness of criminal justice (law enforcement and administration of justice) as regards to border related disputes and reducing corruption CSD developed a needs assessment and monitoring report, entitled *Reinforcing Criminal Justice in Border Districts*, published in 2007.¹ It makes an overview of the general problems and specifics in the detection, investigation and punishment of cross-border crime, i.e. actions, connected with illegal crossing of or illegal transfer of goods across the border. The publication also presents views about the necessary measures – legislative, organizational and technical – for enhancing justice and law enforcement in the districts close to the Bulgarian-Turkish, Bulgarian-Macedonian and the Southern Black Sea borders.

The methodology on which the needs assessment and monitoring was carried out is founded on:

- Studies of the relevant legislative texts (both those currently in effect and those that were applied over the past few years but are no longer in force);

¹ M. Yordanova, D. Markov, *Reinforcing Criminal Justice in Border Districts*, Center for the Study of Democracy, Sofia, 2007 (available at: <http://www.csd.bg/artShow.php?id=9030>).

- Analysis of information and statistical data on border related violations during the period 2001–2006 available at the regional and district courts and prosecution offices, the district investigation services, the regional border sections and the territorial customs departments in the border areas;
- Examination of completed and pending criminal cases for border related crimes – following individual trans-border cases through the entire criminal justice process focusing in particular on the role of the courts;
- A series of focus group discussions involving representatives of the judiciary, investigative police officers, border police and customs officials;
- In-depth interviews with senior officials from the Customs Agency (Customs Investigation and Intelligence Department, and the Inspectorate), the Directorate-General for Combating Organized Crime (Narcotics Department, Smuggling Department and Anti-Trafficking Unit), the General Border Police Directorate at the Ministry of Interior, judges, prosecutors, lawyers, etc.
- Meetings with prosecutors and judges from Turkey, and with officials from the ministries of justice of Bulgaria and Turkey;
- Public reports and other information provided by the Ministry of Justice and the Supreme Prosecution Office of Cassation about Bulgaria's partaking in international legal cooperation, including statistical information on letters rogatory and data on the investigative and prosecutorial files involving Turkey and Macedonia and relevant to the cross-border crimes discussed in the report.

Based on the analysis of the situation with cross-border crime (covering part of the period when the old legal rules was still in force and the initial period of enforcing the new procedural provisions), of the domestic and international legal instruments governing the fight against it and of the operation of the institutions empowered to enforce those instruments, several categories of recommendations have emerged:

- Legislative amendments suggested to the National Assembly and the institutions having legislative initiative;
- Organizational and technical measures relevant to: Supreme Judicial Council, Supreme Prosecution Office of Cassation, Ministry of Interior and General Border Police Directorate, Ministry of Finance and Customs Agency, National Institute of Justice, Ministry of Justice and Criminological Research Board at the Ministry of Justice.

The policy recommendations were officially sent to all institutions to which they referred and later on feedback was requested from them on any measures (implemented or planned) in relation to their realization.

The feedback on the implementation of the policy recommendations, obtained from the major stakeholders (Supreme Court of Cassation, Customs Agency, the Ministry of Interior, the National Institute of Justice, the Parliamentary Legal Issues Committee, the Inspector General of the Supreme Judicial Council, the Bulgarian Judges Association, the Supreme Prosecution Office of Cassation, judges, prosecutors, police and customs officers from border regions, as well as individual experts), shows that most of the policy recommendations were accepted and on some initial implementation steps were undertaken.

The table below lists all the policy recommendations (their final version in line with the feedback received), the position of the institutions addressed by the recommendations and the steps that have been undertaken or planned for their implementation.

RECOMMENDATIONS FOR REINFORCING CRIMINAL JUSTICE IN BORDER DISTRICTS: STATUS AND MEASURES UNDERTAKEN

Recommendation	Institution, to which the recommendation is addressed	Status and measures undertaken
PROPOSALS FOR LEGISLATIVE AMENDMENTS		
Introducing a new aggravated offence consisting in the smuggling of persons (Article 280 (2) of the <i>Criminal Code</i>) and covering repeat offending	National Assembly and the institutions having legislative initiative	Support expressed by most of the institutions addressed. No specific measures undertaken for implementing the recommendation.
Introducing clear-cut criteria to distinguish between cases of smuggling of goods (Article 242(1) of the <i>Criminal Code</i>) that qualify as crimes and those that are to be sanctioned as administrative violations (for example by providing a legal definition of the concepts of "large proportions", "systematically" carrying out an activity, etc.).	National Assembly and the institutions having legislative initiative	Support by the Customs Agency for the introduction of clear-cut criteria to distinguish between the cases of smuggling of goods that qualify as crimes (Article 242(1) of the <i>Criminal Code</i>) and those that are to be sanctioned as administrative violations (Article 233 (1) of the Law on Customs) by providing a legal definition of the concepts of "large proportions" and "systematic" carrying out of an activity. No specific measures undertaken for implementing the recommendation.
Repealing the provision that makes it possible to impose an administrative fine for the petty smuggling of goods or, if the provision is kept, including a reference to the level of the fine set in the customs legislation.	National Assembly and the institutions having legislative initiative	Support by the Supreme Prosecution Office of Cassation in principle. No specific measures undertaken for implementing the recommendation.
Differentiating the criminal liability for smuggling of	National Assembly	Support in principle expressed by the Supreme Court of

<p>narcotics and providing for lighter penalties for people who only carry the drugs without being members of an organized network (the so-called "mules").</p>	<p>and the institutions having legislative initiative</p>	<p>Cassation and the Supreme Prosecution Office of Cassation for differentiating of criminal liability. Representatives of the Supreme Court of Cassation support the division of criminal acts into acts of lower danger to the community (misdemeanors), toward which simplified procedures should be applied, and significant criminal infractions. The representatives of the Supreme Prosecution Office of Cassation support a swifter and more effective imposition of administrative penalties instead of using the more cumbersome procedure of sentencing under the Criminal Code. No specific measures undertaken for implementing the recommendation.</p>
<p>Providing for the exemption from criminal liability of offenders who cooperate with the competent authorities to help detect the accomplices in smuggling offences (similarly to Article 109(4) of the <i>Criminal Code</i> which reads that a participant in an organized criminal group shall not be held liable if he voluntarily surrenders to the authorities and divulges the organization or the group before another offence is committed).</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Support in principle expressed by most of the institutions addressed. No specific measures undertaken for implementing the recommendation.</p>
<p>Extending the scope of the rule that criminalizes the sale and warehousing of excise goods devoid of excise duty stamps (Article 234 of the <i>Criminal Code</i>). This provision now covers only the situations where the goods are sold or warehoused but other scenarios should be added, e.g. situations where the goods are physically carried by or stored in a vehicle.</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Support in principle expressed by most of the institutions addressed. No specific measures undertaken for implementing the recommendation.</p>
<p>Enabling the court to also order, in the event of smuggling of goods and narcotics, disqualification from taking a</p>	<p>National Assembly and the institutions</p>	<p>Support in principle expressed by most of the institutions addressed.</p>

<p>specific state or public position or from exercising the right to practice a specific profession or activity.</p>	<p>having legislative initiative</p>	<p>No specific measures undertaken for implementing the recommendation.</p>
<p>Criminalizing customs fraud as it is currently beyond the scope of any criminal provision and ways and means are sought to define such offences under other provisions of the <i>Criminal Code</i>. The following approaches may be adopted here: inserting a separate definition of the criminal offence of customs fraud, similarly to the provisions on tax evasion (Article 255 of the <i>Criminal Code</i>), or providing for heavier penalties for document-related crimes (Articles 308 et seq. of the <i>Criminal Code</i>) having as their subject matter a customs declaration or another customs document, etc.</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Disagreement with the recommendation for criminalizing customs fraud on the part of the Customs Agency, because the existing procedure for sanctioning administrative violations is appraised as flexible and simplified, thus giving the opportunity for swift penalizing of offenders and imposition of pecuniary sanctions, as well as preliminary security measures. No specific measures undertaken for implementing the recommendation.</p>
<p>Fine-tuning Article 52 (2) of the <i>Criminal Code</i>, requiring that only the persons appointed "investigative police officers" at the Ministry of Interior have the capacity to act as investigative authorities. The text should enable a wider range of police officers to undertake procedural and investigative steps, especially in emergencies.</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Support expressed by the institutions addressed. <i>A Draft Law for Amending and Supplementing the Criminal Procedure Code</i> has been elaborated by a working group at the Ministry of Justice. It provides for an amendment in Article 52 (2) of the <i>Criminal Procedure Code</i>, according to which the functions of investigative authorities shall be performed, besides by persons appointed "investigative police officers" at the Ministry of Interior, also by Ministry of Interior officers with police powers, to whom investigative functions have been assigned by order of the Minister of Interior. Investigative functions shall also be performed by captains of ships, sailing under a Bulgarian flag, for the time at sea (§ 2 of the <i>Draft Law for Amending and Supplementing the Criminal Procedure Code</i>).</p>
<p>Reinstating customs investigation that existed before the entry into force of the new <i>Criminal Procedure Code</i>.</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Support expressed by the Customs Agency; disagreement by the Ministry of Interior; support by the Supreme Prosecution Office of Cassation, including an alternative proposal to transfer the powers to investigate such cases to the investigation services.</p>

		The <i>Draft Law for Amending and Supplementing the Criminal Procedure Code</i> , elaborated by a working group at the Ministry of Justice, instead of reinstating customs investigation, provides for the smuggling of goods and narcotics to be investigated by investigators from the district investigation services and for the trafficking in persons to be investigated by investigators from the National Investigation Service. (§ 4 of the <i>Draft Law for Amending and Supplementing the Criminal Procedure Code</i>).
Extending the scope of the procedure of Article 212 (2) of the <i>Criminal Code</i> to institute criminal proceedings by virtue of the record of the first procedural step and adding body searches to the list of emergency procedural and investigative steps undertaken in such cases.	National Assembly and the institutions having legislative initiative	Support expressed by the institutions addressed. The <i>Draft Law for Amending and Supplementing the Criminal Procedure Code</i> , elaborated by a working group at the Ministry of Justice, provides for searches (including body searches) to be a separate emergency procedural and investigative step under the procedure, where the criminal proceedings are deemed instituted by virtue of the record of the first procedural step (§ 7 of the <i>Draft Law for Amending and Supplementing the Criminal Procedure Code</i>).
Rethinking jurisdiction over the smuggling cases from district court level to regional court level.	National Assembly and the institutions having legislative initiative	Support expressed by the institutions involved in principle. According to the Supreme Court of Cassation, a change in the jurisdiction should be preceded by a thorough analysis (including analysis of statistics) of the caseload of various courts. No specific measures undertaken for implementing the recommendation.
Introducing a possibility, under certain circumstances and by a certain procedure, for the procedural steps made during administrative liability procedures with a view to seizing physical evidence, and the records drawn up on such occasions to be fully admissible in court criminal proceedings.	National Assembly and the institutions having legislative initiative	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.

<p>Improving the conditions and the procedure for deploying the newly-introduced special intelligence means (undercover officers, trusted transactions and controlled deliveries) by providing <i>inter alia</i> for interviewing the immediate superior of an undercover officer instead of or in addition to interviewing the officer him or herself.</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Disagreement with the recommendation by the Supreme Court of Cassation, which claims that that other mechanisms should be sought for not revealing the identity of the undercover officer and ensuring his/her protection, instead of interviewing his/her superior, because the latter would reproduce the firsthand impressions of others and not his/her own. No specific measures undertaken for implementing the recommendation.</p>
<p>Improving the rules on interviewing witnesses with secret identity so as to avoid any chances of revealing his/her identification from the information contained in the transcripts or in any other documents on the file (e.g. by banning expressly the insertion of certain data in the verbatim records of the interviews).</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.</p>
<p>Introducing a requirement for the so-called "certifying witnesses" to be interviewed before a judge.</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.</p>
<p>Envisaging a possibility to interview the investigative body who drew up the respective verbatim record, in his or her capacity as a witness in the case.</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Disagreement by the Supreme Court of Cassation, which claims that the investigative body reflects what he/she has perceived in the documents (verbatim records) he/she drafts and his/her procedural capacity (of an investigative body) is much stronger than the capacity of a witness. At the same time, according to the representatives of the Supreme Court of Cassation, each police officer, who does not perform investigative functions, but is present on the spot of the on-site inspection, can be used as a certifying witness, i.e. can be a witness.</p>
<p>Amending the <i>Law on the Ministry of Interior</i> and/or its implementing regulations so as to define unequivocal</p>	<p>National Assembly and the institutions</p>	<p>Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the</p>

<p>criteria for the number of investigative police officers in the country's different regions; elements to be taken on board, besides the size of the population, include the peculiar features of and the criminogenic factors in the region in question.</p>	<p>having legislative initiative</p>	<p>recommendation.</p>
<p>Changing the procedure for imposing administrative penalties for smuggling of goods as set out in the <i>Law on Customs</i>; in particular, some scenarios should exclude the possibility for an agreement between the offender and the sanctioning administrative body (e.g. where the subject-matter of the offence exceeds a certain value threshold or in the event of repeat offending).</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Disagreement with the recommendation by the Customs Agency, which claims that that the institution of the agreement gives additional guarantees for swift and effective closing of proceedings, especially when it concerns the obligatory payment or securing of the penalty imposed. According to the representatives of the Customs Agency, when customs bodies establish that there is information about a crime committed, they do not conclude an agreement with the offender, but, pursuant to the provisions of the Law on Administrative Violations and Penalties, send the file to the respective prosecutor; besides, the decisions for approval of agreements for termination of proceedings for imposing administrative penalties, along with a copy of the agreement itself, are sent to the respective prosecutor within seven days after the conclusion of the agreement and, if the prosecutor considers that there is information about a crime committed, he/she can appeal the administrative act in question before the respective court.</p>
<p>Amending the <i>Law on Extradition and the European Arrest Warrant</i> so as to extend the powers of prosecutors, <i>inter alia</i> by introducing an interim arrest procedure pending the receipt of a European arrest warrant, similarly to the procedure allowing for the interim arrest of an individual pending the receipt of an extradition request.</p>	<p>National Assembly and the institutions having legislative initiative</p>	<p>Support expressed by the institutions addressed. A Draft Law for Amending and Supplementing the <i>Law on Extradition and the European Arrest Warrant</i> has been elaborated by an inter-agency working group at the Ministry of Justice (Order № LS-04-68 of 16 January 2008 of the Minister of Justice), comprising representatives of the court, the Prosecution Office, the National Institute of Justice, the Ministry of Justice, the Ministry of Interior and the National</p>

		Member for Bulgaria in Eurojust. The draft has been sent for inter-agency consultations with all Ministries and branches of the judiciary on 21 February 2008. The proposed amendments provide for the reception of the European Arrest Warrant by fax and e-mail to be a sufficient ground for instituting proceedings, without waiting for the original documents, and an extension to 72 hours of the period of detention of the person until the grounds of the warrant received are checked.
Introduction of rules on the level and sharing of costs between the pre-trial authorities and the courts.	National Assembly and the institutions having legislative initiative	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Closing down of duty-free shops and petrol stations in the land border areas of Bulgaria.	National Assembly and the institutions having legislative initiative	Support expressed by the institutions addressed. Decision of the Council of Ministers of February 2008 for closing down of duty-free outlets. Adoption at first reading by the National Assembly of amendments to the Law on Duty-Free Trade, which provide for termination of the activity of persons, who act as operators of shops, located on exit routes in the zone of land border check-points with countries, which are not members of the European Union (20 March 2008).
RECOMMENDED ORGANIZATIONAL AND TECHNICAL MEASURES		
Creation of a joint decision-making mechanism for the investigation of crimes, including cross-border ones, by the Supreme Judicial Council, the Supreme Prosecution Office of Cassation and the Ministry of Interior (while making full use of any other existing mechanisms - joint guidelines, instructions and other instruments).	Supreme Judicial Council, Supreme Prosecution Office of Cassation, Ministry of Interior	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Internal measures for countering corruption in the institutions, involved with detection, investigation and	Ministry of Interior, Ministry of Finance,	Support in principle expressed by the institutions addressed. The Action Plan on the Implementation of the Benchmarks in

<p>punishment of cross-border criminality</p>	<p>Customs Agency, Supreme Judicial Council, Supreme Prosecution Office of Cassation, National Investigation Service</p>	<p>the Areas of Judicial Reform, the Fight against Corruption and Organized Crime² provides for a series of measures, implementing the principle of zero tolerance towards all acts of corruption by officers in the border control services:</p> <ul style="list-style-type: none"> - Carrying out regular inspections at the border check-points by the competent bodies within the Prosecution Office, the Ministry of Interior and the Ministry of Finance; - Carrying out inspections of the asset declarations of the officials of the border control services, if needed, together with the competent bodies, based on the corruption risk analysis of the officials; - Carrying out surveys for measuring corruption risk and for preventing and counteraction of corruption practices. - Carrying out inquiries on the business circles' satisfaction with the work of custom administration and for measuring the corruption risk; - Carrying out inquiries at the key border check-points with passengers and carriers in order to receive feed-back, including about possible corruption behavior of custom officials; - Maintaining the existing channels for submitting corruption signals from citizens passing the border check-
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² The Action Plan is elaborated in furtherance to the EC Report of June 2007 by an interagency working group set up by the Council of Ministers Decision No 28 of 18 January 2007 on establishing a mechanism for strengthened monitoring and coordination of the implementation of the benchmarks set in the EC Monitoring Report of 26 September 2006 and for implementing the EC Decision of 13 December 2006 establishing a mechanism for cooperation and verification for Bulgaria and Romania. The Action Plan was endorsed by the Council of Ministers, thus ensuring the necessary financial resources for its implementation. The Action Plan will be carried out in the framework of the budgets of the competent institutions and in case of necessity through financing by other financial sources.

		<p>points about corruption behavior of National Veterinary Service officials;</p> <ul style="list-style-type: none"> - Keeping physical and legal persons passing the border check-points informed about the taxes collected by the National Veterinary Service in accordance with the Law on Veterinary Activity; - Reporting regularly on the movement of files in the pre-trial and trial phase; - Providing information about the enforced sentences for corruption of officials from the border control services and officials of the local authorities.
Approval by the Supreme Judicial Council and the Minister of Interior of a modern unified methodology for investigating cross-border criminality and its application by investigators and investigative police officers working on such offences.	Supreme Judicial Council, Supreme Prosecution Office of Cassation, Ministry of Interior	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Making of joint decisions to enhance communication and coordination between the court and the pre-trial authorities; requiring <i>inter alia</i> the implementation of communication software enabling the contacts between different institutions and the usage of the data arrays of the Ministry of Interior as well as the implementation and use of joint information systems for the pre-trial bodies and the courts, especially those operating in the same territory.	Supreme Judicial Council, Supreme Prosecution Office of Cassation, Ministry of Interior	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Offering of incentives to judges, prosecutors, investigators and police officers to work in remote border areas, e.g. putting in place financial, social and other arrangements while also thinking about enhancing their professional knowledge and skills (such as introducing higher remuneration, but also conducting more frequent assessments and audits, providing training, technical	Supreme Judicial Council, Supreme Prosecution Office of Cassation, Ministry of Interior	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.

equipment, etc.); organization of joint training initiatives (covering <i>inter alia</i> European law) on local level for representatives of all law enforcement and judicial institutions.		
Allocation of the budget of the judiciary and that of the Ministry of Interior in a differentiated manner and earmarking sufficient resources to meet the needs of law enforcement and the courts for translation and interpreting services into and from rare languages, especially in those judicial regions where such resources are badly needed because of the existence of border check-points.	Supreme Judicial Council, Supreme Prosecution Office of Cassation, Ministry of Interior	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Resolving the problems with escorting defendants (under the new <i>Criminal Procedure Code</i> the investigation services only handle a limited number of criminal offences, the court-martials primarily guard the court buildings, while escorting is done by the Ministry of Interior based on an informal agreement).	Supreme Judicial Council, Supreme Prosecution Office of Cassation, Ministry of Interior	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Provision of special training as well as measures to enhance the professional knowledge and skills of the officials in charge of drawing up statements of or issuing penalty warrants for customs violations.	Supreme Judicial Council, Ministry of Interior, Ministry of Finance, Customs Agency, National Institute of Justice	Support expressed by the institutions addressed. The training program for the officials of the Customs Agency for 2008 provides for the following seminars and working meetings: <ul style="list-style-type: none"> - Effective Control over Warehouse Holders (Producers) of Alcoholic Beverages. How to Recognize Counterfeit Banderols (February 2008); - Hard Drugs: Heroin, Cocaine, Opium, Amphetamines, Ecstasy (March – September 2008); - Mobile Customs Control – Functions, Tasks and Work Practices (April 2008); - Prevention and Counteraction of Corruption in Customs Administration. Factors, Determining the Existence of Corruption Acts. Anti-Corruption Initiatives. Conflicts of

		<p>Interest Management (May 2008);</p> <ul style="list-style-type: none"> - Specifics of Cases of Frauds and Irregularities, Regarding Traditional Own Resources, Exceeding 10000 Euro. Problems in Filling the Update Form and Table about Cases of Fraud (Irregularities) (July 2008); - Disposal of Goods Seized and Abandoned to the Benefit of the State pursuant to the Law on Customs and the Law on Excise and Tax Warehouses – Analysis and Problems (September 2008).
Inclusion of prosecutors, investigators and investigative police officers in the mobile squads in order to be more efficient.	Ministry of Finance, Customs Agency	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Introduction of model import and export declarations in more languages, including rare ones, especially those spoken by nationals of the riskiest countries.	Ministry of Finance, Customs Agency	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Introduction of a compulsory expert assessment of the goods smuggled based on market prices.	Ministry of Finance, Customs Agency	Disagreement with the recommendation for a compulsory expert assessment of the goods smuggled, based on market prices, by the Customs Agency because of practical difficulties and high expenditure due to the large number of smuggling cases; since customs authorities always determine customs value, such a change would lead to compulsory determination of two values – customs and market, which is not justified. No specific measures undertaken for implementing the recommendation.
Equipment of the customs services equipped with state-of-the-art border inspection equipment to exclude the risks inherent in random checks (e.g. scanners to inspect long-haul vehicles).	Ministry of Finance, Customs Agency	Support expressed by the institutions addressed. All customs points have been provided with modern X-ray systems and mobile equipment. The process of modernization continues in 2008 as well.
Setting up of laboratories in the border areas to make expert assessments of the drugs seized; equipment of the customs	Ministry of Finance, Customs Agency	Support expressed by the institutions addressed. A proposal by the Supreme Prosecution Office of Cassation

<p>authorities with special steel storage boxes, camouflage dressing, electronic scales and bullet-proof vehicles for transporting the drugs.</p>		<p>for considering the possibility for the introduction of “private” expert assessments. A proposal by the Customs Agency for organizing units in its own network of laboratories (including the central customs laboratory, two regional customs laboratories and a mobile laboratory), which are to do expert assessments of the drugs, seized by customs authorities.</p>
<p>Undertaking the necessary measures to improve the guarding of land borders (especially the so called “green borders” outside the territory of border check-points as well as the Black Sea border) and to reinforce the professional capacity of border guards.</p>	<p>Ministry of Interior, General Border Police Directorate</p>	<p>Support expressed by the institutions addressed. A proposal by the Minister of Interior for re-structuring of Border Police into a separate Directorate-General within the structure of the Ministry of Interior. The Action Plan on the Implementation of the Benchmarks in the Areas of Judicial Reform, the Fight against Corruption and Organized Crime provides for special measures for increasing the number of checks at border check-points (land, air and sea borders), based on risk assessment, and at the “green border” in order to detect, prevent and counteract the trafficking in persons and reporting on the measures implemented every six months. The Supreme Prosecution Office of Cassation and the Ministry of Interior shall be responsible for implementing those measures.</p>
<p>Measures to improve the interaction among the various services and units, starting from the initial information for a cross-border offence through to the closure of an investigation, timely submission of information to the prosecutor (including on investigation hypotheses). The functions of each unit and institution in the chain of investigating and prosecuting crime should be clearly defined and distinguished.</p>	<p>Ministry of Interior, General Border Police Directorate</p>	<p>Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.</p>
<p>Creation of a data bank of cross-border crimes and monitoring and analysis of their dynamics.</p>	<p>Criminological Research Board at the</p>	<p>Support in principle expressed by the institutions addressed. The new Structural Regulation of the Ministry of Justice</p>

	Ministry of Justice	(Decree of the Council of Ministers № 60 of 27 March 2008, promulgated SG, issue 34 of 1 April 2008, in force as of 1 April 2008) revoked the Regulation on the Organization and Activities of the Criminological Research Board at the Ministry of Justice of 2003. This practically closed down the Criminological Research Board and the recommendation should be addressed to another state institution, for example the Crime Prevention Commission.
Making the existing Uniform Information System (UIS) for automated file and case management operational in the remaining prosecution offices (other than the pilot offices).	Supreme Prosecution Office of Cassation	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Making full use of the data exchange communication link, which existed already at the end of 2005, developed for the exchange of information between prosecution offices and investigative bodies in specific cases of organized crime, serious economic crimes and corruption cases (including some cross-border offences) subject to special monitoring because of their extremely high level of danger to the community.	Supreme Prosecution Office of Cassation	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Organization of joint professional capacity-building meetings between prosecutors and investigative police officers more frequently and in fact regularly, to discuss different facets of cross-border criminality and investigation work.	Supreme Prosecution Office of Cassation	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Initiation and coordination of joint operations of prosecution and law enforcement, <i>inter alia</i> by putting together joint teams to combat the various types of cross-border crimes.	Supreme Prosecution Office of Cassation	The Action Plan on the Implementation of the Benchmarks in the Areas of Judicial Reform, the Fight against Corruption and Organized Crime provides for measures for enhancing the effectiveness of criminal proceedings, emphasizing on crimes, related to trafficking in persons and to production,

		distribution and trafficking in drugs, including a review of sentences and an analysis of reasons for termination of criminal proceedings and issuing of acquittals. The Inspectorate with the Supreme Judicial Council, the Supreme Prosecution Office of Cassation and the Ministry of Interior shall be responsible for implementing those measures and the reporting shall be done every six months.
Organizing cross-border meetings with prosecutors from Turkey and Macedonia to boost regional cooperation and to ensure swifter and direct data exchange for cross-border crimes.	Supreme Prosecution Office of Cassation	Support in principle expressed by the institutions addressed. No specific measures undertaken for implementing the recommendation.
Provision of training for the representatives of all judicial and law enforcement bodies involved in the fight against cross-border criminality, in view of their roles in that process and the novelties in the legal framework.	Supreme Judicial Council, Ministry of Interior, Ministry of Finance, National Institute of Justice	Support expressed by the institutions addressed. Trainings conducted for part of the prosecutors in each appellate prosecution office on subjects, such as: The New Criminal Procedure Code – the Prosecutor as Master of Pre-Trial Proceedings, Special Intelligence Means, European Arrest Warrant, Protection of Financial Interests of the European Union, Money Laundering and Corruption. Trainings were conducted in October – December 2007 under a PHARE project with partners from Austria and the Netherlands.
Organization of a larger number of seminars within the framework of the continuous training of prosecutors and judges to deal with the practical dimensions of international cooperation and the European Arrest Warrant, involving as speakers practicing magistrates, working on such issues.	Supreme Judicial Council, Ministry of Interior, Ministry of Finance, National Institute of Justice	Support expressed by the institutions addressed. A series of seminars planned at the National Institute of Justice, related to counteracting trans-border criminality: <ul style="list-style-type: none"> - Trans-border Crimes – 2 seminars (Haskovo, 26-28 March 2008 and Blagoevgrad, 18-20 June 2008) for 30 participants each (judges, prosecutors and investigators); - European Cooperation in Criminal Matters. European Arrest Warrant – 1 seminar (14-16 May 2008) for 35 participants (prosecutors); - Judicial Cooperation in Criminal Matters. European

		Arrest Warrant – 3 seminars within the EU law Direction (18-20 March 2008, 28-30 May 2008 and 5-7 November 2008) for 35 participants each (judges, prosecutors and investigators).
Phasing in and making operational the Unified Information System against Crime.	Ministry of Justice	Support expressed by the institutions addressed. A Regulation on the Unified Information System against Crime (UISC) (Decree of the Council of Ministers № 327 of 21 December 2007, promulgated, SG issue 2/8 January 2008, in force as of 9 February 2008) has been adopted. Regulation № 1 of 8 January on Automated Information Systems in the Judiciary (issued by the Ministry of Justice, promulgated SG issue 6/18 January 2008, in force as of 19 February 2008) has been adopted. Work in progress on the Regulation for the Procedure for Maintaining and Distribution of Standards for the UISC and Automated Information Systems in the Judiciary. A working group was created by order of the Minister of Justice in January 2008 for detailed review of the status of the UISC and proposals for subsequent action for its successful exploitation and development.
Proposing and negotiating an updated bilateral legal assistance treaty with Turkey in order to help the investigation and prosecution of cross-border crimes by both parties. It should provide for: - an emergency procedure for the collection of evidence, a possibility that currently exists only for temporary arrests; - a reciprocal attitude in relation to legal assistance and any relating formalities, as assistance from Bulgaria is currently channeled through the Ministry of Justice and the Supreme Prosecution Office of Cassation, while	Ministry of Justice	Support in principle expressed by the Bulgarian institutions addressed. No specific measures undertaken for implementing the recommendation.

<p>there is one sole intermediary in Turkey, viz. the Ministry of Justice;</p> <ul style="list-style-type: none"> - introduction of a reasonable, sufficiently short deadline, albeit non-binding, for the execution of letters rogatory; - introduction of a simplified mechanism for the mutual recognition of certain pieces of evidence (e.g. by means of authentication by a government agency specified in the treaty or otherwise), for instance evidence already collected by the authorities of the requested state on a different occasion. 		
<p>Proposing an adequate legal framework to set up an internal network of prosecutors (contact points at local prosecution offices) who should be in charge of the tasks stemming from international legal assistance in criminal matters.</p>	<p>Ministry of Justice</p>	<p>Support in principle expressed by the Supreme Prosecution Office of Cassation. No specific measures undertaken for implementing the recommendation.</p>