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- BULGARIA -**

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Chapter 24 – Cooperation in the Fields of Justice and Home Affairs

MINISTRY OF INTERIOR

ELEMENT 1.1 – INSTITUTIONAL COMPONENT

NATIONAL CONTACT POINT (INSTITUTIONAL MODEL)

For the purposes of implementation of the Plan for action on development of Element 1.1 of the institutional component of the project “ACQUIS ORIENTED MANAGEMENT OF CRIMINAL INFORMATION SYSTEMS” the Ministry of Interior establishes a National Contact Point in order to perform an international police operative co-operation.

NCP is a structure that will provoke and get the confidence of all Bulgarian police services thus providing the informational streamline and at the same time it will meet the requirements of international police operative co-operation that the services might perform.

ESTABLISHING OF NCP

1. FIRST STAGE – PREACCESSIONAL (until adoption by law of the new police management model)

ORGANIZATIONAL AND FUNCTIONAL STRUCTURE OF NCP

1. NCP is a structural and functional unit directly subordinated to the Minister of Interior. During the first stage of functioning of NCP, temporarily, until the point of establishing by law of an unified structure, the international police operative co-operation, NCP is a functional unit to the NCB Interpol. The functions of NCP manager are performed by the Director of NCB Interpol.
2. The control and methodological management is effected by a deputy minister who is authorized by the Minister with competences regarding the problems of co-ordinating the international police operative co-operation.
3. NCP is an unified structure for complex exchange of information and data with the lawenforcement organizations of the EU and other countries. In the course of co-operation with international lawenforcement organizations, the Mol services will make inquiries about receiving data and information through NCP.

4. N C P:

- co-ordinates the international police operative co-operation in cases of formulated requests and their responses on behalf of Bulgarian and foreign police services;
- co-ordinates both the internal and external requests regarding the international police co-operation;
- transfers data and information and initiates inquiries for receipt of data and information from/to the corresponding authorities of the Republic of Bulgaria and within the framework of the international police operative co-operation;
- uses, receives and transfers personal and other data, including data and information, collected by the special services if they are connected in particular to organized crime, terrorism, drugtraffic, misuse of nuclear and radioactive materials, traffic of human beings, motorvehicles crimes and bank notes forgery – in accordance with the international agreements and national legislation;
- co-ordinates the efforts of several police services on one and the same case thus preventing the duplication of information;
- facilitates the exchange of information between services;
- collects, processes and stores information about persons, objects, events and activities connected to transnational crimes;
- accomplishes analytical processing of the information;
- co-ordinates the tracking out of persons and objects, implemented by Bulgarian and foreign police authorities on their request;
- prepares the necessary parameters which will facilitate the establishing of the SIRENE and EUROPOL units;
- carries out collaboration with judicial and lawenforcement autohrities and organizations, authorized with competences in fighting crime.

5. NCP incorporates the following structural and functional units for the purposes of fulfilment of its main functions:

- 5.1 Operative teams – NCB Interpol teams are being used
- 5.2 Secretariat – 2 technical assistants (new personnel or personnel commissioned by other services);
- 5.3 Co-ordination of the international police operative co-operation – by 2 officers commissioned from DNPS, NBPS, DNSCOC and 1 officer from DNG for implementation of tasks on international police operative co-operation;
- 5.4 Interagency co-ordination – 2 officers with high education in law; (new personnel or personnel commissioned by other services);
- 5.5 Programme, technical and communication provision – 4 officers (new personnel or personnel commissioned by other services).

MAIN FUNCTIONS OF THE SEPARATE NCP UNITS

A. Duty teams

1. Support a 24-hour non-stop connection - 365 days throughout the year with the NCP or their correspondents in the EU member states, the General Secretariat of IPCO "Interpol" and the NCBs of the Interpol member states as well as with all lawenforcement and judicial authorities of the Republic of Bulgaria, acting as a co-ordinating and distributing center regarding the information to/from the abovementioned correspondents.
2. The duty teams include 2 officers from NCB"Interpol" – Mol: a senior duty officer and an assistant duty officer.
3. The senior duty officers perform the following basic functions within the framework of their competences:
 - organize and carry out a 24- hour operative duty;
 - receive, require, process, use and submit information from or to the national units with police functions and the regional units within the territorial services;
 - implement and organize the translation and co-ordination of materials of the incoming and outgoing correspondence in cases of emergency and overtime work ;
 - co-ordinate both the internal and external requests with regards to the international police co-operation in cases of emergency and during overtime work;
 - distribute the formulated requests and their replies as per competence;
4. The duty teams perform their basic functions during working and overtime working hours together with the International police operative co-ordinating unit.
5. In cases of Director`s absence when the matter allows no delay, the senior duty officers give out orders that are obligatory for all officers fulfilling tasks within NCP. The senior officer duly informs the Director about these orders. Those cases are explicitly regulated by the Rules for NCP activities.
6. In their activity the duty teams are guided by the Normative Base in the Republic of Bulgaria, approved by the Rules for NCP activities and the European working standards of the duty teams within the national central bureaus of the IPCO "Interpol"member states.

B. Secretariat

1. Carries out the correspondence within NCP
2. Introduces and stores information within AIS "DOCUMENT CIRCULATION " that is obligatory for:
 - All incoming and outgoing documents of the NCP from the NCP secretariat
 - All incoming and outgoing documents from the NCP secret secretariat

- All decisions concerning documents and the result of their implementation.
The circulation of each document and its copy.

3. Supports the Director in organizing the document circulation.
4. Supports the Director in supervising the implementation of the assigned tasks.

C. Co-ordination of the international police operative co-operation.

1. Officers commissioned by the following MoI Directorates:
 - Directorate National Police Service
 - Directorate National Service for Combating Organized Crime
 - Directorate National Border Police Service
 - Directorate National of Gendarmerie
2. Performs co-ordination between NCP and the corresponding service.
3. Receive, require, process, use and submit information, working out as well a reply to internal and external inquiries according to their competences within the necessary time.
4. Analyze and estimate the information in close interaction with the Interagency Co-ordination unit.
5. For the purposes of improving the NCP effectiveness and efficiency, the commissioned officers are allowed direct access by competences to the central informational data base and to the informational data base of the corresponding services with assigned police functions.
6. In performing tasks on the international police operative co-operation they are functionally under direct subordination to the NCP Director.

D. Interagency co-ordination

Lawyers, possessing good knowledge of the national and international law and performing:

- estimate whether a certain inquiry for co-operation (a reply to an inquiry, respectively) doesn't contradict to the national or the international legislation;
- direct contact with representatives of the juridical system.

E. Programme and technical security:

1. Shall maintain the communication, basic and applied programme security of NCP.
2. Shall support the NCP officers regarding their informational ensuring and work with the used informational data base.
3. Shall ensure control on functioning of used means for safety of exchanged information observing the following requirements for data security:
 - control of equipments and access to them only of internal persons;
 - control on data bearers in order to avoid the possibility of reading, copying, changing and access to them at all, from internal unauthorized person;

- control on the very data integration in order to avoid any attempts for their manipulation;

- control on data use in order to avoid eventual penetration from the terminals of the system by external persons;
- control on the access level of authorized persons;
- control on data transfer and institutions for which they are provided;
- control of pure transport character in order to avoid, during the data transfer or data bearers, their reading, copying, changing or erasing.

MANAGEMENT AND PERSONNEL

1. Denomination:

Operational International Police Cooperation Center (OIPCC)

2. The Director of NCB *Interpol* is also the chief of OIPCC. The officers sent on mission in OIPCC are functionally subordinated to the Center Chief. His instructions related to fulfillment of tasks subject to the activity of OIPCC, in accordance with the approved rules for work, are obligatory for the officers sent on mission. In case of non-fulfillment of the tasks or violation of the rules for work in OIPCC, the Center Chief shall inform the Director of the correspondent service that sent on mission the officer. In cases of violation of service obligations, the Directors shall take disciplinary measures envisaged in AMI.

3. The officers sent on mission shall fulfill the following requirements:

- higher education;
- secondary education for technical assistants;
- written and spoken language of one of the languages of EU;
- minimum three-year work in the Ministry of Interior for officers;
- good knowledge of information systems of the Ministry of Interior;
- knowledge of national police system, judicial system, regime of foreigners' stay, techniques for police investigation as well as international police cooperation organisations;
- successfully passed exam.

TRENDS OF POLICE COOPERATION, ON WHICH INFORMATION IN OIPCC SHALL BE EXCHANGED

1. Pursuant to Shengen Information System (SIS), envisaged by the Convention for Applying of Shengen Agreement (CASA):

All data entered in SIS by virtue of CASA shall envisage definition or description of persons and subjects.

The definitions related to inquiries of persons:

- Preventive arrest with aim of extradition;
- Foreigners "banned to enter the country";
- Missing persons;

- Check of the address or location;
- Discrete surveillance and specific control;
- Information exchange related to the control of migration processes from and through the Republic of Bulgaria.

The definitions related to stolen subjects:

- Automobiles with more than 50 horse-powers, trailers and caravans weighing more than 750 kg without cargo;
- Guns;
- Forms of documents;
- Delivered identity documents;
- Banknotes.

2. Pursuant to Europol:

Co-ordination and exchange of operational information and investigation of other serious forms of international crimes within the frameworks of EU.

- Prevention and combat of terrorism;
- Illegal drug traffic;
- Traffic of people;
- Illegal channels for immigrants;
- Illegal traffic of radioactive and nuclear substances;
- Illegal traffic of automobiles;
- Counterfeit of the unified European currency unit EURO;
- Money "laundring" related to international crimes;
- Crimes against human life and individual liberty:
Murders, serious physical injuries;
Illegal trade of human organs and tissues;
Kidnappings, restriction of liberty or taking of hostages;
Crimes against mankind;
- Crimes against property and its abuse:
Organised thefts;
Illegal traffic of cultural valuables, including antiques and works of art;
Frauds and abuses;
Blackmail;
Crimes against copyright;
Forfeit of administrative documents and their distribution;
Forfeit of money and monetary instruments and their distribution;
Computer crimes;
Corruption;
- Ecological crimes;
- Flora and Fauna crimes
- Information exchange related to the control of migration processes from and through the Republic of Bulgaria.

3. Pursuant to IPCO "*Interpol*":

Exchange of information between the national central bureaus of IPCO "*Interpol*" and the General Secretariat, law enforcement and judicial bodies of member countries of IPCO "*Inrerpol*".

A. According to the type of crime:

- Illegal traffic of weapons, munitions and explosives;
- Illegal traffic of cultural & historical valuables;
- Financial crimes;
- Frauds and abuses;
- Blackmail;
- Crimes against copyright;
- Money "laundring", related to international crimes;
- Forfeit of administrative documents and their distribution;
- Forfeit of money and monetary instruments;
- Computer crimes;
- Corruption;
- Murders, serious physical injuries;
- Illegal trade with human organs and tissues;
- Kidnappings, restriction of liberty or taking of hostages;
- Crimes against mankind;
- Prevention and combat of terrorism;
- Illegal drug traffic;
- Traffic of people;
- Illegal channels for traffic of people;
- Sexual abuses, including abuses against under-aged people;
- Thefts and qualified larcenies;
- Illegal traffic of radioactive and nuclear substances;
- Illegal traffic of stolen automobiles;
- Illegal traffic of animal and vegetable kinds threaten of disappearance;
- Ecological crimes;

B. Pursuant to the object of inquiry:

- Announcement of persons for inquiry:
 - For arrest with the aim of extradition;
 - Missing persons;
 - For checking the address and location;
 - Discrete surveillance and specific control.
- Announcement of other objects of inquiry:
 - Automobiles;
 - Guns;
 - Forms of documents;
 - Delivered identity documents;
 - Banknotes;
 - Cultural & historical valuables;
 - Objects with specific and durable marks (jewellery).

C. Fulfillment of international orders for legal aid, extraditions and transfers of condemned persons.

II SECOND STAGE

Establishment with law of unified structure, international operational police cooperation. The structures of EUROPOL, SIRENE and liaison officers shall work within it:

- Liaison officers of member countries of EU;
- Liaison officers of other countries;
- Bulgarian liaison officers abroad.

III. POSTINTEGRATION STAGE

(After signing of agreement for integration of the Republic of Bulgaria to the European Union).

- Unified Structure, (Directorate) International Operational Police Cooperation in which the following structures are developed:
- *CB Interpol*;
- EUROPOL;
- SIRENE;
- Liaison officers from member countries of EU;
- Liaison officers from other countries;
- Bulgarian liaison officers abroad.

CHIEF OF
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