

**CONFERENCE ON ACCESSION
TO THE EUROPEAN UNION
- BULGARIA -**

Brussels, 29 October 2002

**CONF-BG 55/02
ADD 5**

Document provided by Bulgaria

Subject : Additional information (Appendix I.5)

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

CONCEPT

FOR ESTABLISHMENT OF CONTACT POINTS FOR BORDER POLICE

CO-OPERATION WITH NEIGHBOURING STATES

I. INTRODUCTION

The Euro-integration developments and the full introduction of the Schengen System for border management pose requirements that the National Border Police Service (NBPS) at the Ministry of Interior, apply the European standards and Schengen practices in the area of border control aimed at efficient counteraction against illegal migration, trafficking in human beings and other types of cross-border crime.

In an answer to these requirements NBPS has studied and applied the experience of the West and Central European States, which have achieved the relevant level of efficiency in the area of border control. We have identified the need for introducing contemporary forms to enrich the traditional border police co-operation with the relevant services in the neighbouring States aimed at combat cross-border crime in all its forms.

In view of the above and based on the European experience NBPS finds it proper and useful to set up institutionalised data and information exchange units (contact points) at the border checkpoints as a contemporary form of co-operation with the relevant services in the neighbouring States.

The contact points with neighbouring States shall improve and facilitate the info exchange, the interaction and co-ordination among the competent services and also contribute to the realisation of the priorities of NBPS aimed at countering:

- Illegal migration across the State Border in all its forms;
- Smuggling in human beings;
- Trafficking in human beings for the purpose of sexual exploitation;
- Misuse of false and forged documents or documents with untrue information for border crossing and
- Cross-border crime.

In view of the above this Concept was drafted and put for adoption.

II. GOAL

The Concept aims at creating the basis for applying new forms – contact points – of the traditional border police co-operation with the neighbouring States in accordance with the requirements set in Articles 7 and Article 39, paragraphs 4 и 5 in the Convention for Implementation of the Schengen Agreement.

III. CURRENT SITUATION

The international legal basis – multilateral and bilateral instruments (Annex 1) provides optimal conditions and NBPS has carried out border co-operation with all the neighbouring States for many years now.

The Border Representatives, Joint Sectional and Central Border Committees have been working efficiently for settlement of accidents or State Border violations and also for maintaining the Border signs and the Borderline.

Over the past few years there have been established relations in the area of the operational and search activities for info exchange with the purpose of prevention and counteraction of cross-border crime focusing on illegal migration and illicit trafficking in human beings in all their forms.

The present dynamic developments along the Bulgarian Borders urge for the introduction of adequate forms of interaction and co-operation among the border police bodies.

IV. PRINCIPAL CONDITIONS FOR ESTABLISHMENT AND ORGANISATION OF CONTACT POINTS

IV.1. International legal basis

A mandatory condition for establishment and organisation of a contact point for border police co-operation at border checkpoints is the conclusion of governmental agreement.

For this purpose a preliminary analysis of the national legislation should be carried out to avoid possible contradictions. A border guard act could serve as a legal basis for implementation of various forms of international border co-operation.

Such a governmental agreement should specify in details:

- The competent bodies;
- The form and methods of co-operation;
- Data and information protection;
- The status of the staff working at the contact points;
- Other practical issues.

Contact points operate according to the provisions of the Personal Data Protection Act and the Classified Information Act (at the moment projects).

IV.2. Infrastructure

A mandatory condition for successful operation of a contact point is its location at a border checkpoint.

The actual position of the contact point within the border checkpoint area, including the decision whether it should be on Bulgarian or neighbouring territory, is determined by the availability of buildings and the border checkpoints' infrastructure in the neighbouring States.

IV.3. Telecommunication equipment - phone, fax, Intranet etc.

IV.4. Financing

The costs for providing equipment and furniture for the contact point, including consumables, depend on the financial resources of the services and are shared between the Bulgarian and neighbouring parties based on a separate agreement (protocol).

IV.5. Staff

Experienced border police officers work at the contact points. They must possess knowledge (preferably be fluent) in the language of the neighbouring State.

IV.6. Data and information exchange procedure

The information exchange refers primarily to border police data and obeys the restrictions for data transmission set in the national legislations.

Border police data and information include information about:

- Illegal border crossings
- Smugglers and smuggled persons
- Cross-border crime
- Falsifying and forgery of documents
- General violations of the public order and security at the border checkpoints or at green/blue borders
- Possibly also border police measures extending their influence beyond the border area such as: opening or closing of a border checkpoint, special search measures.

As a rule the data and info exchange is done in the form of written requests and written replies in blank forms.

In urgent cases when the usual procedure could delay or obstacle the successful realisation of the border police task and also in cases which cannot be postponed it is allowed the request or answer be communicated by phone. The contents of the request and the final outcome are documented.

It is obligatory that such requests be later doubled by a written document (not later than _____ hours). The details referring to their form are regulated in common official instruction.

IV.7. Agreeing requested and provided information

Depending on the type of the data and information to be requested or provided at the contact point, these are agreed upon on two levels:

- regional level – for data and information referring to the regional structures in both parties and their areas of responsibility;
- Central level – for data and information referring to the central and other units of NBPS or other Services at the MOI.

IV.8. Supervising body.

A joint supervising body established on the principle of the sectional committees supervises the operation of the contact point.

V. LOCATION OF THE JOINT CONTACT UNITS

Based on the existing infrastructure, buildings, communication, the dynamics of the border traffic and operational situation in the various border sections, the Bulgarian party has the following suggestions, referring the locations of contact units with the neighbouring countries:

V.1. On the border to Romania – joint contact unit could be established at the BCCP Danube bridge.

V.2. On the border to R Greece – proper location for a joint contact unit is BCCP Kulata.

The Republic of Greece is a member state of EU, whereas Romania and the Republic of Bulgaria are candidate countries for membership in EU. This situation provides objective conditions, after the adoption of this Concept, to give start to the establishment procedure of contact units with both States. Later on the same should apply to R Macedonia, Yugoslavia, and R Turkey.

V.3. On the border to R Macedonia– proper location for a joint contact unit is BCCP Gueshevo

V.4. On the border to Yugoslavia – proper location for a joint contact unit is BCCP Kalotina.

V.5 On the border to R Turkey – proper location for a joint contact unit is BCCP Cap. Andreevo.

The decision and actual start of the procedure for establishment of contact units for border police co-operation with R Macedonia, R Greece and Yugoslavia depends on the development of their relations with Bulgaria.

The concrete terms for initiating the procedure for each particular contact points will be specified in bilateral protocols.

VI. CONCEPT IMPLEMENTATION STAGES

The successful implementation of this Concept for establishment of border police co-operation points with neighbouring countries shall contribute to more efficient interaction among NBPS and relevant Services in the neighbouring States. The immediate result is the opportunity for counteraction and combat against illegal migration, smuggling in human beings and cross-border crime in all its forms in real time so as to achieve adequate State Border security.

The following stages for implementation of the Concept are envisaged:

1. Preliminary discussion of the Concept for location and establishment of the contact points:
 - Meetings on experts level with each neighbouring State to analyse and evaluate the opportunities for establishment of a contact point (Buildings, equipment, concrete suggestions for its location)
 - Meetings between the heads of Border services to agree on the location for establishment of the contact point.
 - Agreement on the legal framework for establishment of joint contact units.
 - Conclusion of an agreement / protocol for establishment of joint contact points
 - Development of common official instruction for the tasks and responsibilities of the contact unit

1. Multilateral acts

- Agreement for co-operation among the Government of the Republic of Bulgaria, the Government of the Romania and the Government of the Republic of Turkey in the area of combat against terrorism, organised crime, smuggling in drugs and psychotropic substances, money laundering, smuggling in weapons and human beings and other serious crimes;
- Protocol for active trilateral co-operation in the combat against crime and especially cross-border crime signed by the ministers of interior of R Bulgaria, R Greece and Romania;
- Southeast European co-operation initiative (SECI) Regional Centre in Bucharest;

2. Bilateral acts

2.1. Greece

- Agreement between the governments of R Bulgaria and R Greece for prevention and settlement of border accidents and violations;
- Agreement for control, maintenance and reconstruction of the border line;
- Agreement between the governments of R Bulgaria and R Greece for readmission of illegally staying persons and the Protocol for its implementation

2.2. Romania

- Convention between the governments of R Bulgaria and Romania on the way of analysing and settlement of certain issues on the Bulgarian-Romanian border;
- Convention on obeying, maintenance, reconstruction and repair of the border pyramids;
- Protocol for co-operation in the area of operational and search activities between NBPS- MOI of R Bulgaria and the General Inspectorate of the Border Police of Romania;
- Agreement between the governments of R Bulgaria and Romania for readmission of nationals of both countries and foreigners;

2.3. Yugoslavia

- Agreement between the governments of R Bulgaria and Yugoslavia on the way of analysing and settlement of border accidents;
- Convention on protection, maintenance and reconstruction of the border line, the border pyramids and the rest border signs;
- Agreement for readmission of illegally staying persons;

2.4. R Macedonia

- Agreement between the governments of R Bulgaria and R Macedonia for prevention and settlement of border accidents;
- Agreement between the governments of R Bulgaria and R Macedonia for protection, maintenance, renewal and marking of the border line and the border signs along the Bulgarian-Macedonian border
- Protocol on the directions, ways and order of co-operation in the area of border control and illegal migration counteraction between MOI of R Bulgaria and MOI of R Macedonia.

2.5. R Turkey

- Agreement between the governments of R Bulgaria and R Turkey for prevention and settlement of border accidents and maintenance of the State border signs
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