

**NATIONAL REPORT ON BULGARIA'S IMPLEMENTATION OF THE
INTERNATIONAL INSTRUMENT TO ENABLE STATES TO IDENTIFY AND
TRACE, IN A TIMELY AND RELIABLE MANNER, ILLICIT SMALL ARMS AND
LIGHT WEAPONS AND THE 2001 UN PROGRAMME OF ACTION TO
PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL
ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS**

**(in accordance with UNGA resolution 64/50 "The Illicit Trade in Small Arms
and Light Weapons in All Its Aspects")**

Part I

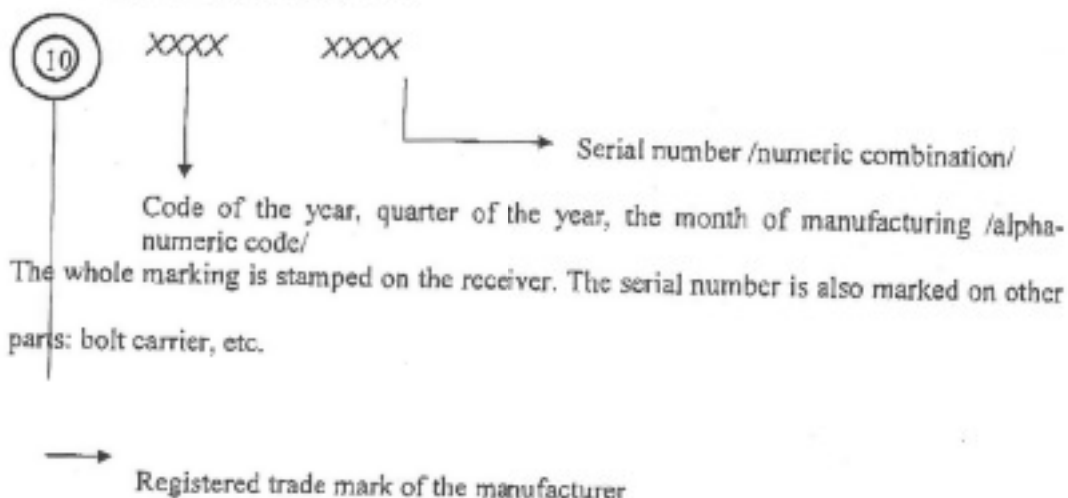
NATIONAL REPORT ON THE IMPLEMENTATION OF THE INTERNATIONAL INSTRUMENT TO ENABLE STATES TO IDENTIFY AND TRACE, IN A TIMELY AND RELIABLE MANNER, ILLICIT SMALL ARMS AND LIGHT WEAPONS

National Marking Practices

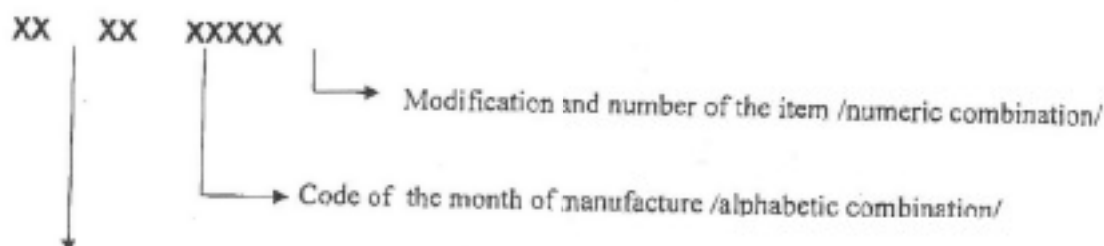
With regard to national marking practices, Bulgaria has no amendments or updates to report which to be added to the information provided in the previous reporting period, namely:

Small arms and light weapons (SALW) manufactured in Bulgaria are marked at the point of manufacture with a unique, user-friendly alphanumeric identifier that allows for their easy, reliable and timely identification. The two major manufacturers of SALW in Bulgaria - "ARSENAL" AD-Kazanlak and "ARKUS" AD - Liaskovetz are using the marking system described below. The size, the font and the location of the markings are specified in the technical production documentation of the items.

1. "ARSENAL" AD-Kazanlak:



2. "ARKUS" AD- Liaskovetz:



Code of the year of manufacture /numeric code/
The whole marking is put on the lower, the bolt and the barrel. The following inscription is marked on the bolt: ARCUS Company Made in Bulgaria.

3. "ISD -Bulgaria", Ltd produces semi-automatic rifles for the needs of the US market and those weapons are marked according to the US requirements, as follows:

- Name of the producer and country of origin are marked on the right side of the receiver;

- Serial number -on the left side of the receiver insert block, e.g. B 08 12 4455 - "B" - meaning Bulgaria; "08" - the year of production; "12" - the month of production; 4455 - number of the weapon;

-caliber and model of the weapon - on the left side of the receiver;

All companies keep records of all manufactured SALW which allow for their identification.

Part II

Report

On implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

A.) National level

National point of contact

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Legislation, regulations, administrative procedures

What national laws, regulations and administrative procedures exist to exercise effective control over SALW in the following areas? (II.2)

- production
- export
- import
- transit
- retransfer

National Laws, Regulations and Decrees		
Area:	Law/ Regulation/ Decree	Date
Production	Закон за контрол над взривните вещества, огнестрелните оръжия и боеприпасите	11.11.1998 Amended in 2007
	Правилник за неговото прилагане	03.09.1999 Amended in 2007
	Law on the control on explosives, firearms and ammunition (promulgated in the State Gazette No 133/11.11.1998, as amended in 2007) and the Regulation for its implementation , (State Gazette No 78/3.09.1999, as amended in 2007).	

	National control over the manufacture of SALW is regulated by the Law on the control on explosives, firearms and ammunition (promulgated in the State Gazette No 133/11.11.1998, as amended in 2007) and the Regulation for its implementation , (State Gazette No 78/3.09.1999, as amended in 2007). The authorization for the manufacture of SALW in Bulgaria is conducted through issuing of a license by the Ministry of Interior on the basis of obligations and requirements specified in these acts.	
Export	Закон за експортния контрол на оръжия и изделия и технологии с двойна употреба и Правилник за неговото прилагане	02.02.2007
		17.04. 2007
	Law on the export control on arms and dual-use items and technologies (published SG, ed. 11 of 02.02.2007) and the Regulation for its implementation (SG No. 32/17.04. 2007)	
	The Law on the export control on arms and dual-use items and technologies (published SG, ed. 11 of 02.02.2007) and the Regulation for its implementation (SG No. 32/17.04. 2007) provide a basis of the export control system of the Republic of Bulgaria. The legislation introduced two-tier structure of the national export control system. In order to carry out foreign trade activity in arms companies should have a valid activity authorization (general or limited) issued by the Interministerial Council on Defence Industry with the Council of Ministers Export licence for a specific export of arms is issued on a case-by-case basis by the Interministerial Commission for Export Control and Non-Proliferation of WMD with the Minister of Economy, Energy and Tourism www.exportcontrol.bg	
Import	Закон за експортния контрол на оръжия и изделия и технологии с двойна употреба и Правилник за неговото прилагане	02.02.2007
		17.04. 2007
	The Law on the export control on arms and dual-use items and technologies (published SG, ed. 11 of 02.02.2007) and the Regulation for its implementation (SG No. 32/17.04. 2007)	
	Import license for a specific transfer of arms is issued on a case-by-case basis by the Interministerial Commission for Export Control and Non-Proliferation of WMD with the Minister of Economy, Energy and Tourism to the applicant with valid activity authorization. www.exportcontrol.bg	
Transit	Закон за експортния контрол за оръжия и изделия и технологии с двойна употреба и Правилник за неговото прилагане	02.02.2007
		17.04. 2007
	The Law on the export control on arms and dual-use items and technologies (published SG, ed. 11 of 02.02.2007) and the Regulation for its implementation (SG No. 32/17.04. 2007)	
	Transit license for a specific transit of arms is issued on a case-by-case basis by the Interministerial Commission for Export Control and Non-Proliferation of WMD with the Minister of Economy, Energy and Tourism www.exportcontrol.bg	
Retransfer	Закон за експортния контрол на оръжия и изделия и технологии с двойна употреба и Правилник за неговото прилагане	02.02.2007
		17.04. 2007

	<p>The Law on the export control on arms and dual-use items and technologies (published SG, ed. 11 of 02.02.2007) and the Regulation for its implementation (SG No. 32/17.04. 2007)</p> <p>Retransfer (re-export) license for a specific transfer is issued on a case-by-case basis by the Interministerial Commission for Export Control and Non-Proliferation of WMD at the Ministry of Economy, Energy and Tourism. The applicant shall submit to the Interministerial Commission for Export Control and Non-Proliferation of WMD with the Minister of Economy, Energy and Tourism in addition to the documents required for the export of arms:</p> <ol style="list-style-type: none"> 1. permit for re-export and a certified Bulgarian translation by the competent authority of the country, from which the arms have been imported or transferred; 2. statement by the consignor and a certified Bulgarian translation, certifying that no prohibition on re-export has been imposed in case that according to the national legislation of the country, from which the arms have been imported or transferred, no such document as per para 1 is issued. <p>www.exportcontrol.bg</p>
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Administrative Procedures		
Area:	Administrative Procedures	In place since
Production	Legal basis for the procedure <ul style="list-style-type: none"> • Law on the control on explosives, firearms and ammunition • Regulation for its implementation 	11.11.1998 Amended in 2007 03.09.1999 Amended in 2007

According to the Law on the control on explosives, firearms and ammunition the manufacture and trade in explosives, firearms and ammunition are being carried out only by merchants as defined by the Commercial Law (SG. 48/18 June 1991). The merchant should hold a permission, issued by the competent officials of the Ministry of Interior under conditions and order, determined by the Regulations for the implementation of the Law on the Control on Explosives, Firearms and Ammunition.

The merchants, whose trade activities entirely or partially consist of manufacturing, trading, bartering, renting, repairing or recycling of firearms, keep a register, which contains information about:

- the firearms' type, trademark, model, caliber and serial number;
- the names and the address of the supplier;
- the names and the address of the person, who is acquiring the firearms.

When ceasing their activities, the merchants are obliged to hand over the register to the appropriate structures of the Ministry of Interior, which have control rights over SALW.

The Law provides for compulsory administrative measures for the illegal manufacture, trading, storage and use of explosives, firearms and ammunition in cases where those acts do not constitute a crime according to the Penal Code.

With the aim to regulate in detail the control over the SALW, the Regulation for the implementation of the Law on the control on explosives, firearms and ammunition provides for the administrative procedures, the conditions and the order to issue permissions for manufacture, export, import and the transit transportation of explosives, firearms and ammunitions.

On 19 January 2010 a **Draft Law on the firearms, munitions, explosives and pyrotechnical items** was introduced in the National Assembly of the Republic of Bulgaria. The Draft is currently being discussed.

The preparation of the Draft stems from obligations assumed by our country as an EU Member State and its aim is to introduce, in their entirety, the relevant European acts in this sphere.

The Draft Law on the firearms, munitions, explosives and pyrotechnical items provides for a comprehensive regulation of these social relations. For that reason the adoption of a Regulation for its implementation is not foreseen.

Export	<p>Legal basis for the procedure</p> <ul style="list-style-type: none"> • Law on the export control on arms and dual-use items and technologies • Regulation for the implementation of the Law on the export control on arms and dual-use items and technologies 	<p>02.02.2007</p> <p>17.04.2007</p>
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	<p>To perform arms export the applicant is required to hold:</p> <ul style="list-style-type: none"> • activity authorization (general or limited) for export, import and transfer of arms, issued by the Interdepartmental Council for the Defense Industry with the Council of Ministers; • export licence issued by the Interministerial Commission for Export Control and Non-Proliferation of Weapons of Mass Destruction with the Minister of Economy, Energy and Tourism. <p>www.exportcontrol.bg</p>	
Import	<p>Legal basis for the procedure</p> <ul style="list-style-type: none"> • Law on the export control on arms and dual-use items and technologies • Regulation on implementation of the Law on the export control on arms and dual-use items and technologies 	02.02.2007
		17.04.2007
	<p>To perform import, the applicant is required to hold:</p> <ul style="list-style-type: none"> • activity authorization (general or limited) for export, import and transfer of arms, issued by the Interdepartmental Council for the Defense Industry with the Council of Ministers; • import licence issued by the Interministerial Commission for Export Control and Non-Proliferation of Weapons of Mass Destruction with the Minister of Economy, Energy and Tourism. <p>www.exportcontrol.bg</p>	
Transit	<p>Legal basis for the procedure</p> <ul style="list-style-type: none"> • Law on the export control on arms and dual-use items and technologies • Regulation on implementation of the Law on the export control on arms and dual-use items and technologies 	02.02.2007
		17.04.2007
	<p>To perform transit of arms through the territory of the country, the applicant is required to hold transit license for arms, issued by the Interministerial Commission</p> <p>www.exportcontrol.bg</p>	
Retransfer	<p>Legal basis for the procedure</p> <ul style="list-style-type: none"> • Law on the export control on arms and dual-use items and technologies • Regulation on implementation of the Law on the export control on arms and dual-use items and technologies 	02.02.2007
		17.04.2007

	<p>Retransfer (re-export) license for a specific transfer is issued on a case-by-case basis by the Interministerial Commission for Export Control and Non-Proliferation of WMD with the Minister of Economy, Energy and Tourism. The applicant shall submit to the Interministerial Commission in addition to the documents required for the export:</p> <ul style="list-style-type: none"> • permit for re-export and a certified Bulgarian translation by the competent authority of the country, from which the arms have been imported or transferred; • statement by the consignor and a certified Bulgarian translation, certifying that no prohibition on re-export has been imposed in case that according to the national legislation of the country, from which the arms have been imported or transferred, no such document as per para 1 is issued. <p>www.exportcontrol.bg</p>
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Please describe how national laws, regulations and procedures that impact on the prevention, combating and eradication of the illicit trade in SALW in all its aspects are made public. (II.23)

They are published in the State Gazette of the Republic of Bulgaria.

Law enforcement/criminalization

What national legislative or other measures exist to make the illegal manufacture, possession, stockpiling and trade of SALW criminal offences under domestic law? How have these measures been implemented? (II.3)

National criminal offences relating to illicit SALW		
Area:	Law / other measure	Date
Manufacture	Наказателен кодекс	
	Penal Code of the Republic of Bulgaria	
	Short description, including details of penalties	
	Please refer to the text below. www.exportcontrol.bg	
Possession	Наказателен кодекс	
	Penal Code of the Republic of Bulgaria	
	Short description, including details of penalties	
	Please refer to the text below www.exportcontrol.bg	
Stockpiling	Наказателен кодекс	
	Penal Code of the Republic of Bulgaria	
	Short description, including details of penalties	
	Please refer to the text below www.exportcontrol.bg	
Trade	Наказателен кодекс	

	Penal Code of the Republic of Bulgaria
	Short description, including details of penalties
	Please refer to the text below www.exportcontrol.bg

According to the **Penal Code** of the Republic of Bulgaria:

Art. 233 (Amended and supplemented, SG No. 28/1982, amended, SG No. 89/1986, amended and supplemented, SG No. 81/1990, repealed, SG No. 10/1993, new, SG No. 102/1995)

(1) (Amended and supplemented, SG No. 92/2002, amended, SG No. 26/2004, SG No. 38/2007) A person who, without a relevant license, registration or permit, exports, imports, transfers, transits, acts as intermediary in transactions with weaponry or goods or technologies with dual application, as well as where such activities are carried out in breach of prohibitions, restrictions or sanctions, imposed by the Security Council of the United Nations Organisation, by the Organisation for Security and Cooperation in Europe or by the European Union, specified in an instrument of the Council of Ministers or stemming from an international agreement to which the Republic of Bulgaria is a party, shall be punished by imprisonment for up to six years and by a fine of up to BGN two hundred thousand (200 000).

(2) (Amended, SG No. 92/2002) For particularly grave cases under paragraph (1) the punishment shall be imprisonment for three (3) to eight (8) years and a fine of up to BGN five hundred thousand (500 000).

(3) (Amended, SG No. 92/2002) In minor cases under paragraph (1) the punishment shall be a fine of up to BGN twenty thousand (20 000).

(4) (Amended, SG No. 92/2002, SG No. 26/2004, SG No. 38/2007) The weaponry or the goods, or the technologies with dual application, which make the object of crime, shall be confiscated in favour of the state notwithstanding their ownership, and where they are missing or have been appropriated, the equivalent of their value shall be adjudicated, determined on the grounds of the foreign trade contract.

Art. 337 (Amend., SG 41/85) (1) (Prev. text of art. 337 - amend, SG 50/95; Suppl., SG 92/02) Who manufactures, processes, repairs, works out, stores, trades, carries, imports or exports explosives, firearms, chemical, biological or nuclear weapons or munitions without having the right according to a law or a permit by the respective body of the authority, or does not carry it out according to the given permit, shall be punished by imprisonment of one to six years.

(2) (New, SG 50/95) The punishment shall be imprisonment of two to eight years if the act has been committed:

1. by an official who has misused his official status;

2. repeatedly in major cases.

(3) (New, SG 50/95) If the subject of the crime is of large size the punishment shall be imprisonment of three to ten years.

(4) (New, SG 50/95) If the subject of the crime is of particularly large size and the case is particularly serious the punishment shall be imprisonment of five to fifteen years.

(5) (new, SG 26/04) For preparation of a crime under paragraph 1 – 4 the punishment shall be imprisonment of up to two years.

Art. 338 (1) (Amend., SG 10/93; amend., SG 92/02) Who, by keeping, carrying, sending or working with explosives, firearms or munitions does not take the necessary safety precautions and especially the measures stipulated by the respective regulations, ordinances

or instructions shall be punished by imprisonment of up to two years or by a fine of one hundred to three hundred levs.

(2) (new - SG SG 75/06, in force from 13.10.2006) Who provides a person, who has not accomplished 18 years of age with explosives, firearms or munitions, shall be punished by imprisonment of up to five years, and by a fine of five thousand levs.

(3) (prev. text of paragraph 2, amend. - SG SG 75/06, in force from 13.10.2006) If as a result of the acts under paragraph 1 and 2, have occurred average or severe bodily injury or death, or a substantial damages of a property, caused to one or more persons, the punishment shall be imprisonment of two to eight years, and in particularly serious cases the punishment shall be imprisonment of five to fifteen years.

Art. 339 (Amend., SG 28/82; SG 41/85) (1) (Amend., SG 28/82; SG 41/85; SG 50/95; Suppl., SG 92/02) Who acquires, in any way whatsoever, keeps or submits to another explosives, firearms, chemical, biological or nuclear weapons or munitions without having due permit shall be punished by imprisonment of up to six years.

(2) (Amend., SG 28/82; Suppl., SG 92/02) If the case is regarding explosives, firearms chemical, biological or nuclear weapons or munitions in large quantities the punishment shall be imprisonment of three to eight years.

(3) (Amend., SG 28/82; SG 41/88; SG 50/95; Suppl., SG 92/02) Who alienates or submits explosives or firearms chemical, biological or nuclear weapons to a person who has no permit for their acquisition shall be punished by imprisonment of up to six years.

(4) The punishment under the preceding paragraph shall also be imposed to those who alienate or submit to another munitions without permit for the latter to carry the respective weapon.

(5) (New, SG 62/97; Suppl., SG 92/02) The punishment under paragraph 1 shall also be imposed on a person who, without the respective permit, takes a found explosive, firearm chemical, biological or nuclear weapons or munitions.

In connection with the possibility that the commitment of these crimes could affect other kinds of social relations at the same time, **Art. 108a**. (New, SG 92/02) stipulates that:

(1) a person who, for the purpose of causing commotion and fear to the population, or in order to threaten or compel a body of the authority, a representative of the public or a representative of a foreign country or of an international organization, to do or not to do something in the sphere of his functions, commits a crime according to Art. 115, 128, Art. 142, para 1, Art. 216, para 1, Art. 326, Art. 330, Para 1, Art. 334 Art. 334, Para 1, **Art. 337, Para 1, Art. 339, Para 1, Art. 340, Para 1 and 2, Art. 341a, Para 1 - 3, Art. 341b, Para 1, Art. 344, Art. 347, Para 1, Art. 348, Art. 349, Para 1 and 3, Art. 350, Para 1, Art. 352, Para 1, Art. 354, Para 1, Art. 356f, Para 1, Art. 356h**, shall be punished for terrorism by imprisonment from five to fifteen years, and when death has been caused - by imprisonment from fifteen to thirty years, life imprisonment or life imprisonment without an option.

Art. 321 provides that:

(1) (Amend., SG 92/02) A person who forms or leads an organized criminal group shall be punished by imprisonment of three to ten years.

(2) (Amend., SG 92/02) Who participates in such a group shall be punished by imprisonment of one to six years.

(3) (New, SG 62/97; amend., SG 21/00; Amend., SG 92/02; suppl. - SG 27/09) If the group is armed, or formed for profit purposes or for the purpose of committing crime under art. 243, 244, 253, 280, **337, art. 339, para 1 - 4, art. 354a, para 1 and 2, art. 354b, para 1 - 4 and art. 354c, para 1** or an official participates in it, the punishment shall be:

1. under para 1 - imprisonment of five to fifteen years;

2. under para 2 - imprisonment of three to ten years.

Have those groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW been identified, where applicable? What action has been taken under appropriate national law against such groups and individuals? (II.6)

The Ministry of Interior works actively to avert, suppress and detect crimes and other offences, which are connected with the unlawful manufacture, transfer and trade in illegal SALW. The competent structures of the Ministry of Interior carry out operative-investigating, preventive and information-analytical activities.

The recently introduced amendments to the **Law on the Ministry of Interior** have restored the leading role of Chief Directorate "Countering Organized Crime" in the sphere of countering and averting organized crime. The Directorate was established as a separate chief directorate and its exact functions, tasks and activities were defined. That approach helped to achieve a clear differentiation of its competence from the competence of other operative-investigating structures of the Ministry of Interior. Among the Chief Directorate's competence are the prevention, suppression and detection of the activities of the local and transnational organized crime structures, which are connected with firearms, explosive, chemical, biological and other generally dangerous means and substances, as well as with arms and dual-use items and technologies.

What national measures have been taken, including legal or administrative means, against activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations? (II.15)

National measures for the enforcement of UN Security Council arms embargoes		
Area:	Legal means:	Date
	Decree (CoM) 91/2001 List of the States and Organizations against which the Republic of Bulgaria imposes a prohibition or restrictions on the sale and deliveries of arms and their related equipment, in compliance with resolutions of the UN Security Council and resolutions of the EU and the Organization for Security and Co-operation in Europe	2001 Updated regularly according to the relevant resolutions
Enforcement of UN arms embargoes	Legal basis for the procedure <ul style="list-style-type: none"> • Law on the export control on arms and dual-use items and technologies • Regulation on implementation of the Law on the export control on arms and dual-use items and technologies 	02.02.2007 17.04.2007

	<p>According to the provisions of the Law on the export control on arms and dual-use items and technologies the Interministerial Commission for Export Control and Non-Proliferation of Weapons of Mass Destruction with the Minister of Economy, Energy and Tourism as a licensing authority fully complies with the List of the States and Organizations against which the Republic of Bulgaria imposes prohibitions or restrictions in line with UN arms embargoes.</p> <p>www.exportcontrol.bg</p>
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**National measures for the enforcement of
UN Security Council arms embargoes**

Area:	Administrative means: Law on the export control on arms and dual-use items and technologies	since 02.02.2007
Enforcement of UN arms embargoes	<p>Short description of the procedure(s) used to prevent/punish violations:</p> <p>The Law on the export control on arms and dual-use items and technologies envisages the following administrative penalties:</p> <p>Article 76. Persons who engage in exports, imports, transfers, brokerage, transport and/or transit of arms without the respective licence, registration or authorisation shall be sanctioned with:</p> <ol style="list-style-type: none"> 1. a fine from BGN 5,000 to BGN 50,000 - for natural persons as well as for officials of commercial companies in case the committed act does not constitute a crime; 2. a property sanction amounting from BGN 25,000 to BGN 250, 000 - for legal persons and sole proprietors; <p>Article 78. Persons who engage in activities in contravention to the scope and the terms of an issued authorisation or fail to present documents, data, information and reports or obstruct and/or refuse access of an official exercising controls under this act shall be sanctioned with:</p> <ol style="list-style-type: none"> 1. a fine from BGN 1,000 to BGN 10,000 - for natural persons as well as for officials of commercial companies in case the committed act does not constitute a crime; 2. a property sanction amounting from BGN 5,000 to BGN 50,000 - for legal persons and sole proprietors; 3. a fine or a property sanction amounting from BGN 10,000 to BGN 100,000 - for an established repeated 	
	www.exportcontrol.bg	

**National measures for the enforcement of
UN Security Council arms embargoes**

Area:	<i>Administrative means</i>	
Enforcement of UN arms embargoes	Penal Code of the Republic of Bulgaria Short description of the procedure(s) used to prevent/punish violations	since 1992
	<p>Art. 233 (Amended and supplemented, SG No. 28/1982, amended, SG No. 89/1986, amended and supplemented, SG No. 81/1990, repealed, SG No. 10/1993, new, SG No. 102/1995)</p> <p>(1) (Amended and supplemented, SG No. 92/2002, amended, SG No. 26/2004, SG No. 38/2007) A person who, without a relevant, license, registration or permit, exports, imports, transfers, transits, acts as intermediary in transactions with arms or dual-use goods or technologies, as well as where such activities are carried out in breach of prohibitions, restrictions or sanctions, imposed by the Security Council of the United Nations Organisation, by the Organisation for Security and Cooperation in Europe or by the European Union, specified in an instrument of the Council of Ministers or stemming from an international agreement to which the Republic of Bulgaria is a party - shall be punished by deprivation of liberty for up to six years and by a fine of up to BGN two hundred thousand (200 000).</p> <p>(2) (Amended, SG No. 92/2002) For particularly grave cases under paragraph (1) the punishment shall be deprivation of liberty for three (3) to eight (8) years and a fine of up to BGN five hundred thousand (500,000).</p> <p>(3) (Amended, SG No. 92/2002) In minor cases under paragraph (1) the punishment shall be a fine of up to BGN twenty thousand (20,000).</p> <p>(4) (Amended, SG No. 92/2002, SG No. 26/2004, SG No. 38/2007) The weaponry or dual-use goods or technologies, which make the object of crime, shall be confiscated in favour of the state notwithstanding their ownership, and where they are missing or have been appropriated, the equivalent of their value shall be adjudicated, determined on the grounds of the foreign trade contract.</p> <p>Art. 337 (Amend., SG 41/85) (1) Who trades explosives, firearms, chemical, biological or nuclear weapons or munitions without having the right according to a law or a permit by the respective body of the authority, or does not carry it out according to the given permit, shall be punished by imprisonment of one to six years.</p>	
	www.exportcontrol.bg	

Stockpile management and security

What national standards and procedures exist for the management and security of SALW stocks held by armed forces, police or other authorized bodies? (II.17)

National standards and procedures for stockpile management and security		
<i>Group:</i>	<i>Standards / procedures</i>	<i>Date</i>
Armed forces	Name and briefly describe	29.08.2003
	<p>Instruction (I-8/29.08.2003) for the management of wartime stockpiles of material assets serving the needs of the Bulgarian Army</p> <p>A system of accountability, stockpiling and control, established in accordance with the above quoted instruction and other regulatory documents, guarantees the security of stockpiles. This system is the object of constant analysis and upgrading.</p> <p>Web link</p>	
Police	Name and briefly describe	12.10.2004
	<p>Ordinance on the conditions and order for the fulfilment of activities connected with firearms, munitions and explosives and the control over them in the Ministry of Interior (SG 89/12.10.2004)</p> <p>Web link</p>	

How often are stocks of SALW held by armed forces, police and other authorized bodies reviewed? (II.18)

Stocks of SALW held by the armed forces are reviewed twice a year.

How are those stocks of SALW held by armed forces, police and other authorized bodies that are surplus to requirements identified? (II.18)

Surplus stocks of SALW in the Bulgarian Army are identified on the basis of the regular reviews referred to above. The list of surplus SALW is approved on a yearly basis by the Minister of defence.

Collection and disposal

Please give details of any national programmes that have been established and implemented for the responsible disposal of surplus stocks of SALW held by armed forces, police and other authorized bodies. (II.18)

Surplus stocks of SALW held by the armed forces identified for disposal are either sold or destroyed.

Eventual surpluses of SALW, held by the Ministry of Interior, are being offered for sale to companies, duly licensed to trade in firearms, issued in accordance with the existing legal rules. The surpluses, which could not be sold, are destroyed. They are cut into pieces and cracked under the supervision of a specialized commission. The scrap is afterwards melted. Appropriate records for scrap and transformation are being kept. In these records the destroyed firearms are listed by type, caliber, model and fabric number.

Is destruction the means used to dispose of such stocks? (II.18)

Yes, one of the means.

Subject to the exceptions set out in paragraph II.16 of the UN Programme of Action, are all confiscated, seized or collected SALW destroyed? (II.16)

SALW confiscated or abandoned to the benefit of the state on the basis of competent authorities' acts which have entered into force, are either used or destroyed depending on their condition. Relevant activities are being carried out in co-operation with the State Receivables Collection Agency, respectively in co-operation with its successor - the National Revenue Agency - in compliance with the Instruction on the Organization of the Co-operation between the Officials of the Ministry of Interior and the State Receivables Collection Agency with the Ministry of Finance.

What methods has your country used to destroy surplus stocks of SALW designated for destruction? (If appropriate, please make reference to the report of the UN Secretary-General (S/2000/1092) of 15 November 2000.) (II.19)

The methods applied to destroy surplus SALW comply with the requirements of international agreements to which Bulgaria is a party, as well as to the national legislative basis. Resources used to destroy surplus SALW come from national sources as well as from financial sources provided in the framework of bilateral and international cooperation.

Export controls

Please describe the system of export and import licensing or authorization, as well as measures on international transit, used by your country for the transfer of all SALW. (II.11)

The exports, imports and transfers of SALW are regulated by the **Law on the export control on arms and dual-use items and technologies** and the **Regulation for its implementation**.

The law, which was adopted in 2007, serves as the basis of the export control system of the Republic of Bulgaria. The current legislation reflects the relevant EU *acquis* in the sphere of export control, including the criteria and principles stipulated in the Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment, the Common Position on the Control of Arms Brokering of 2003, Council Regulation 428/2009 and other EU documents. It also retains a two-tier licensing and control mechanism whereby a company should hold an activity authorization to carry out foreign trade in arms prior to applying for a licence for a specific transfer.

The activity authorization is issued by the **Interministerial Council on the Defense Industry and Mobilization Preparedness** with the Council of Ministers and provides for the right to conduct foreign trade, to transport and to be a broker in transactions involving arms. It is granted to eligible entities that meet the criteria for economic stability and reliability, explicitly defined under the Export Control Law. The activity authorization is initially granted for a probation period of one year and then, depending on performance, could be extended to three years. Under the national legislation all brokers are required to have a valid registration certificate issued by the Interministerial Council. Provided that they meet the criteria for economic stability and reliability, the registration is valid for a period of three years.

The specific transfer licence is issued on a case-by-case basis by the **Interministerial Commission for Export Control and Non-Proliferation of WMD** with the Minister of Economy, Energy and Tourism. Those licences are valid for one year and may be extended for another six months. The types of licences issued include export licence, import licence, transfer licence, transit licence. Brokers are required to apply for a brokerage licence for each brokering transaction.

Bulgaria maintains a national list of controlled destinations, namely a list of countries and organisations towards which Bulgaria applies embargoes and restrictions. That list is regularly updated in accordance with UN Security Council Resolutions and the relevant decisions of the EU and the OSCE.

Applicants for specific transfers licence are required to submit an original of the End-User Certificate (EUC) and its authenticity is subject to verification, including through diplomatic channels. The elements of the EUCs are fully in line with the Wassenaar Arrangement (WA) Assurances List and the best practices, enumerated in the User's Guide to the EU Code of Conduct on Arms Exports (recently transformed into an EU Common Position).

Post-shipment assurances are also incorporated in the Bulgarian export control legislation and practice. Each applicant is obliged to provide a Delivery Verification Certificate (DVC), issued by the competent authorities of the country of final destination. There is a legal provision which stipulates that on-site inspections can be carried out when deemed necessary.

Please describe the national laws, regulations and administrative procedures used by your country to ensure effective control over the export and transit of SALW. How are these measures implemented?
(II.12)

National laws, regulations and administrative procedures used to ensure effective control over SALW export and transit

<i>Area:</i>	<i>Laws / regulations / procedures</i>	<i>Date</i>
Export	Закон за експортния контрол на оръжия и изделия и технологии с двойна употреба и Правилник за неговото прилагане	02.02.2007
	Закон за експортния контрол на оръжия и изделия и технологии с двойна употреба и Правилник за неговото прилагане	17.04.2007
	Law on the export control on arms and dual-use items and technologies (published SG, ed. 11 of 02.02.2007) and the Regulation for its implementation (SG No. 32/17.04.2007)	
	The Law on the export control on arms and dual-use items and technologies (published SG, ed. 11 of 02.02.2007) and the Regulation for its implementation (SG No. 32/17.04.2007) provide the basis for the export control system of the Republic of Bulgaria. The legislation introduced a two-tier structure of the national export control system. In order to carry out foreign trade activity in arms companies should have a valid activity authorization (general or limited) issued by the Interministerial Council on Defence Industry with the Council of Ministers. Export licence for a specific export of arms is issued on a case-by-case basis by the Interministerial Commission for Export Control and Non-Proliferation of WMD with the Minister of Economy, Energy and Tourism	
Transit	Закон за експортния контрол на оръжия и изделия и технологии с двойна употреба и Правилник за неговото приложение	02.02.2007
	Закон за експортния контрол на оръжия и изделия и технологии с двойна употреба и Правилник за неговото приложение	17.04.2007
	The Law on the export control on arms and dual-use items and technologies (published SG, ed. 11 of 02.02.2007) and the Regulation for its implementation (SG No. 32/17.04.2007)	
	Transit License for a specific transit of arms is issued on a case-by-case basis by the Interministerial Commission for Export Control and Non-Proliferation of WMD with the Minister of Economy, Energy and Tourism.	

Does your country use authenticated end-user certificates for this purpose? (II.12)

YES

Does your country notify the original exporting State when re-exporting or retransferring previously imported SALW? (II.13)

YES

Brokering

What national legislation or administrative procedures exist to regulate the activities of those who engage in SALW brokering within national

jurisdiction and control? (e.g. registration of brokers, licensing or authorization of brokering transactions and appropriate penalties) (II.14)

The procedure for the issuance of brokerage licence is stipulated in art. 30, para. 4, art. 31, para. 1 of the **Law on the export control on arms and dual-use items and technologies**.

Only brokers with valid registration by the Interministerial Council on the Defense Industry with the Council of Ministers are eligible to apply for brokerage licence.

The Interministerial Commission for Export Control and Non-Proliferation of WMD with the Minister of Economy, Energy and Tourism is in charge of issuing brokerage license on a case by case basis.

Marking, record keeping and tracing

Licensed SALW manufacturers are obligated to mark every firearm in an appropriate and reliable way. The marking done by the manufacturers, allows for every firearm to be identified. The different manufacturers are also to be identified through the marking. The firearm and the marking are recorded in the possession permit, which enables the competent authorities to identify and to trace the firearm when necessary.

B.) Bulgarian Contribution at the Regional and Global Levels

Bulgaria participated actively in the SALW related processes within the framework of several international and regional organizations such as the UN, OSCE, EU and NATO.

At the 64th session of the UN General Assembly Bulgaria co-sponsored GA resolutions and decisions related to SALW, including: "Assistance to states for curbing the illicit traffic in small arms and light weapons and collecting them"; "The illicit trade in small arms and light weapons in all its aspects"; "Strengthening of security and cooperation in the Mediterranean region"; "Transparency in armaments"; "Objective information on military matters"; "Problems arising from the accumulation of conventional ammunition stockpiles in surplus". It also supported UNGA resolutions "Conventional arms control at the regional and sub-regional levels" and "Towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms".

Bulgaria continued to implement the OSCE document on SALW adopted in November 2000. The country presented national updates to the information exchange on SALW aspects as established by the OSCE document.