

**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 65/64 "The Illicit Trade in Small Arms and
Light Weapons in All Its Aspects")**

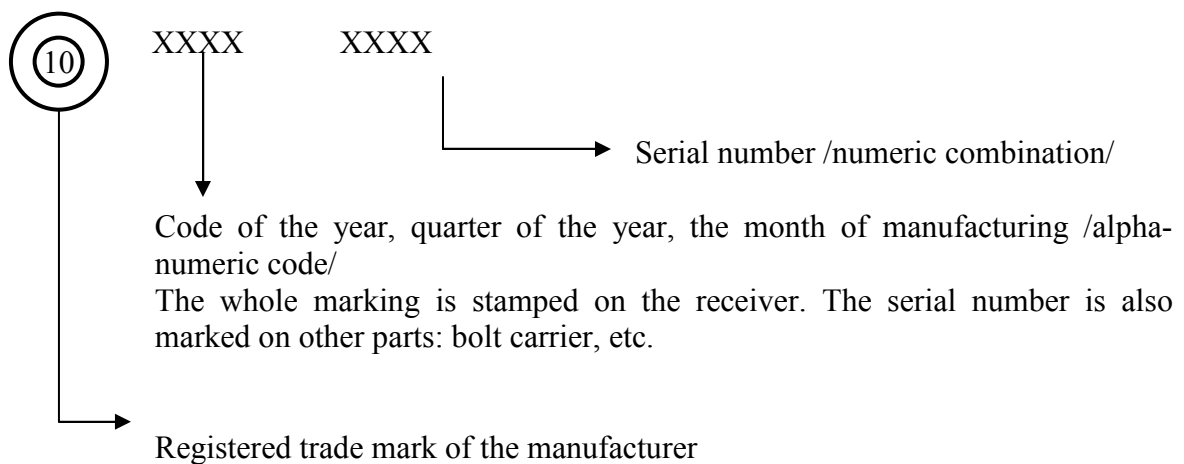
Part I

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

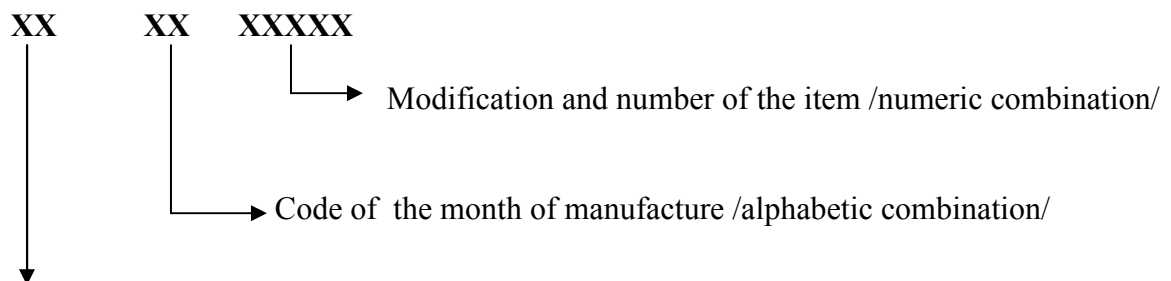
National Marking Practices

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.

National Control over the Manufacture of SALW

National control over the manufacture of SALW is regulated by the new **Law on Arms, Ammunitions, Explosive Substances and Pyrotechnical Articles** (Prom. SG 73/17 Sep 2010, amend. SG 88/9 Nov 2010). The **Regulation for its implementation** has been under preparation. 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 the requirements specified in these acts.

According to the **Penal Code of the Republic of Bulgaria** 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 para 1 – 4 the punishment shall be imprisonment of up to two years.

Art. 338. (1) (Amend., SG 10/93; amend., SG 92/02; amend. – SG 26/10) 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 one to five years or by a fine of five hundred to three thousand levs.

(2) (new - SG 75/06, in force from 13.10.2006; amend. – SG 26/10) Who provides a person, who has not accomplished 18 years of age with explosives, firearms or munitions, shall be punished by be imprisonment of two to eight years, and by a fine of five thousand levs.

(3) (prev. text of para 2, amend. - SG 75/06, in force from 13.10.2006; amend. – SG 26/10) If as a result of the acts under para 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, provided that the perpetrator has not wanted or expected that, the punishment shall be

imprisonment of three to ten 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; amend. – SG 26/10) 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 two to eight years.

(2) (Amend., SG 28/82; Suppl., SG 92/02; amend. – SG 26/10) 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 ten years.

(3) (Amend., SG 28/82; SG 41/88; SG 50/95; Suppl., SG 92/02; amend. – SG 26/10) 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 two to eight years.

(4) The punishment under the preceding para 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 para 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.

Art. 339a. (New, SG 62/97) (1) (amend. – SG 26/10) Who, without due permit required by a law, produces, uses, sells or keeps special technical devices for secret collection of information shall be punished by imprisonment of one to six years.

(2) (prev. text of Para 03, amend. - SG 27/09; amend. – SG 26/10) If the act under Para 1 is committed by an official in connection with his office the punishment shall be imprisonment of two to eight years.

(3) (prev. text of Para 02 - SG 27/09) The special technical device shall be seized in favour of the state.

Art. 339b. (new, SG 26/04; amend. - SG 38/07; amend. – SG 26/10) Who produces, transports, keeps, acquires or passes on to another products or technologies with dual use determined by a law or by an act of the Council of Ministers for the purpose of being used for carrying out transactions in violation 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, or ensuing from an international agreement party to which is the Republic of Bulgaria, shall be punished by imprisonment of three to ten years and a fine of up to two hundred thousand levs.

Part II

REPORT ON THE IMPLEMENTATION OF THE UN PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

Implementation at the national level

During the 2010 reporting period a new legislation was adopted on SALW related issues. The Law on Arms, Ammunitions, Explosive Substances and Pyrotechnical Articles (Prom. SG 73/17 Sep 2010, amend. SG 88/9 Nov 2010) entered into force in September 2010. It replaces the previous Law on the Control of Explosives, Arms and Ammunitions (2009).

The provisions of the new Law prohibit manufacturing of SALW by individuals or legal entities, unless they are duly registered and hold a license for this purpose, issued by the Police Authorities.

Enhanced elements with reference to marking, tracing and record-keeping are provided in the Law as well.

The Law introduces new requirements for acquisition of weapons regarding individuals in terms of age – minimum 18 years old and a compulsory elementary school degree. The license will be granted after assessment taking into account certain conditions e.g. clear criminal record, absence of mental diseases, completed training course for safety use. The new licenses for acquisition will be granted for a period of 5 years.

The Law includes specific provisions (Art.156-212) in cases of violations which impose fines from 100 to 2500 euro, property sanctions from 500 to 15,000 euro and withdrawal of the issued license for manufacture, acquisition or trade with SALW up to 1 year. In case of repeated infringement - property sanction up to 25,000 euro and withdrawal of the issued license up to 2 years.

Articles 338 and 339 of the Penal Code were amended in 2010 (amend. SG. 26/6 Apr 2010) and imposed more severe punishments concerning safety precautions, not accomplishment of 18 years of age, occurrence of average or severe bodily injury or death, or a substantial damages of a property. The terms of imprisonment have been prolonged with regard to acquirement, keeping, submission, alienation, acquisition or taking a found of explosives, firearms or munitions without due permit.

As reported previously, Bulgaria adheres to the responsible policy in the area of SALW control and implements the recommended measures established by the UN Programme of action to prevent, combat and eradicate the illicit trade in SALW to avoid an illicit trafficking, inappropriate re-export, with respect of the human rights in the country of final destination and the international peace and regional stability. The measures are directed also to prevent the use of arms for internal repressions, as well as for terrorist or organised-crime purposes.

The Bulgarian Ministry of Defence has submitted the following information related to the national activities on SALW in 2010:

- As of 31 December 2010 – 14 893 tons of ammunition and 33 552 items of SALW are declared surplus in the Bulgarian Army;
- There were no surplus stocks of SALW held by the armed forces sold or destroyed in 2010.

Bulgaria has further fostered inter-institutional cooperation, coordination and information exchange in order to counter the accumulation and spread of SALW as well as to prevent illicit trafficking.

Bulgarian participation in the work of international and regional organizations

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 65th 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”, “Preventing and combating illicit brokering activities”.

It also supported UNGA resolutions “Conventional arms control at the regional and sub-regional levels”.

In 2010 Bulgaria participated in the Fourth Biannual Meeting to consider implementation of the 2001 Program of Action on the illicit trade in SALW as one of the Vice-Chairs.

Bulgaria participated actively at the First session of the Preparatory Committee for the UN Conference on the Arms Trade Treaty in July 2010 as Vice-Chair as well.

With regard to the area of the export control on SALW (incl. MANPADS) the Republic of Bulgaria respects fully all its international engagements/obligations deriving from its participation and/or membership in all international export control regimes and international and regional organizations, in particularly UN, EU and/or OSCE embargoes and/or WA commitments.

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

National Point of Contact

As per decision of the Council of Ministers of 2002, the national point of contact for the implementation of the *UN Programme of Action to Prevent, Combat and Eradicate the*

Illicit Trade in Small Arms and Light Weapons in All Its Aspects is the Security Policy Directorate at the Ministry of Foreign Affairs of the Republic of Bulgaria:

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