



EMBASSY
OF THE REPUBLIC OF BULGARIA
THE HAGUE

№ 420

NOTE VERBALE

The Embassy of the Republic of Bulgaria presents its compliments to the Secretariat of the Assembly of State Parties to the Rome Statute of the International Criminal Court and has the honour to present a Questionnaire on the Legislation of the Republic of Bulgaria and Annexes to it prepared by the Ministry of Justice of the Republic of Bulgaria.

The Embassy of the Republic of Bulgaria avails itself of this opportunity to renew to the Secretariat of the Assembly of State Parties to the Rome Statute of the International Criminal Court the assurances of its highest consideration.



The Hague, 18 March 2010

Secretariat of the Assembly of State Parties to
the Rome Statute of the International Criminal Court
The Hague



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**Bulgarian response to the implementing legislation questionnaire
for States Parties on the ICC Plan of action**

1. *Has your Government adopted any national legislation implementing the Rome Statute („the Statute“)?*

Yes, the Bulgarian Government adopted the relevant legislation measures by which the Rome Statute was implemented in the Bulgarian legislation.

The Republic of Bulgaria signed the Statute on 11 February 1999 and ratified it by law, adopted by the 39th National Assembly on 15 March 2002 (*promulgated in State Gazette, No. 31/26.03.2002*). Bulgaria deposited its instrument of ratification of the Rome Statute on 11 April 2002. With the ratification act Bulgaria took place among the first sixty states that contributed to the entering into force of the Rome Statute only four years after its adoption.

PART B

5. *In implementing the Statute, did your Government draft special implementing legislation or did it incorporate the articles or substantive provisions of the Statute into pre-existing law?*

While implementing the Statute, the Bulgarian Government did not draft special implementing law because some substantive provisions have already existed in the national legislation - in particular in the Penal Code of the Republic of Bulgaria since its adoption in 1968. Such an example is Chapter XIV „Crimes against peace and humanity” which includes substantial provisions defining crimes like genocide and apartheid, crimes against peace, crimes against the laws and customs of waging war (for details s. Annex 1). In view of the abovementioned we can summarize that when implementing the Rome Statute, the Bulgarian authorities have followed the second approach by incorporating the articles or substantive provisions of the Statute into pre-existing law.

Furthermore, as an international treaty the Rome Statute has been ratified according to a procedure established by the Constitution of the Republic of Bulgaria, has been promulgated, and has entered into force for the Republic of Bulgaria. Therefore and according to Article 5, para 4 of the Constitution it became part of the domestic law of the land and takes priority over any conflicting standards of domestic legislation.

In its Decision №7, dated 2 July 1992 under constitutional case № 6 /92 of the Constitutional Court, which has the nature of a subsidiary source of law, for the interpretation of Article 5, para. 2, 3 and 4 of the Bulgarian Constitution, the Constitutional Court of the Republic of Bulgaria decided that: „Any international instruments which have been ratified, promulgated and having come into force with respect to the Republic of Bulgaria, by which certain acts (actions or omissions) have been declared as criminal offences, but not being criminalized under the national law shall be considered part of the domestic legislation of the Republic of Bulgaria only as much as they clarify the sense and content of the existing in the Bulgarian Penal Code definitions of crimes or elements of crimes or if they create an obligation for a legislative amendment”.

6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes in the legislation itself?

The relevant Bulgarian criminal legislation does not refer to the Statute with regard to the substantive crimes regulated by it, because as mentioned above Chapter XIV of the Penal Code of the Republic of Bulgaria contains pre-existing provisions for substantive crimes nearly in the same terms as the Statute. Besides, when ratifying the Statute in 2002 the National Assembly adopted amendments and supplements in some of the relevant sections in the Penal Code (Section II „Crimes against the laws and customs of waging war”, Articles 451 and 415a; for details s. Annex 1).

7. Does the implementing legislation fully incorporate all modes of cooperation under PART 9 of the Statute?

Fully in line with the provisions of Article 88 of the Statute, the Bulgarian legislation provides for procedures for all of forms of cooperation specified under Part IX of the Statute.

In this respect in 2003 new amendments to the Penal Procedure Code were adopted provided for the successful judicial cooperation with the ICC in pursuance of the obligations that the Statute imposes on State Parties under Part IX of the Statute. These amendments were preserved in the consequently adopted in 2005 new Penal Procedure Code, in force from April 2006.

In 2005 the provisions for the extradition were taken out of the PPC and regulated in a special Law on extradition and the European arrest warrant (*promulgated State Gazette, No 46/3.06.2005, effective 4.07.2005, amended, SG No. 86/28.10.2005, effective 29.04.2006, amended and supplemented, SG No. 52/6.06.2008*) which provides for the surrender of persons for the purposes of criminal proceedings at a request of an international court.

In the same year a new amendment of the Constitution has been adopted by the National Assembly which *inter alia* stipulates that „No citizen of the Republic of Bulgaria may be surrendered to another State or to an international court for the purposes of criminal prosecution except where this is provided for in an international treaty which has been ratified, which has been promulgated, and which has entered into force for the Republic of Bulgaria” (Art. 25, para 4).

According to the national legislation the procedure with regard to requests for the arrest and surrender of persons to the ICC under Article 89 of the Statute is regulated in Chapter Three, Section I of Law on Extradition and European Arrest Warrant. In general these provisions are applicable in cases of extradition at the request of other States but Article 22 explicitly ensures that they shall also apply where arrest and surrender is requested by an international court.

Other forms of cooperation in relation to investigations or prosecutions as cited in Article 93 contain in the Penal Procedure Code, which sets forth rendering of legal assistance in criminal matters. The different types of cooperation are broadly formulated in order to allow wide range of procedural measures and actions.

Special protection measures can also be rendered to participants in criminal proceedings in particular witnesses and crime victims where their testimony, explanations or depositions

provide evidence of significant importance to criminal proceedings for crimes against peace and humanity. The protection is regulated in the Law of Protection of Persons Threatened in Connection with Criminal Proceedings (*promulgated, State Gazette No. 103/23.11.2004, effective 24.05.2005, last amended, SG No. 82/16.10.2009*) and consists of the following measures: 1. Personal physical protection; 2. Property protection; 3. Provisional placement in a safe location; 4. Change in the place of residence, workplace, or educational establishment or placement in another facility for the service of a sentence; 5. Full change of identity (for details s. Annex 2).

8. Does the implementing legislation designate channel of communication with the Court?

According to Art. 475, para 2 of the Bulgarian Penal Procedure Code „The request for international legal assistance shall be sent to the Ministry of Justice unless an international treaty to which Bulgaria is a party stipulates another procedure.”

Art. 476, para 1 of the abovementioned law stipulates that „The request for international legal assistance shall be executed under the procedure stipulated in the Bulgarian laws, or under a procedure stipulated in an international treaty to which the Republic of Bulgaria is a party. The request may also be executed under the procedure stipulated in the law of the other state or the statutes of the international court of justice, provided that this has been requested and does not contradict the Bulgarian laws. The other state or the international court of justice shall be informed about the time and place of execution of the request, if this is requested”.

In addition, it should be underlined that the Bulgarian Ministry of Justice will take the necessary measures to ensure that requests for mutual legal assistance from the International Criminal Court will be dealt with as a matter of urgency and will be given priority.

ANNEX 1

I. CONSTITUTION OF THE REPUBLIC OF BULGARIA

CHAPTER TWO

FUNDAMENTAL RIGHTS AND OBLIGATIONS OF CITIZENS

Art. 25

.....
(4) (*amend., SG 18/05*) A citizen of the Republic of Bulgaria cannot be delivered to other state or international court for the purposes of punitive prosecution unless this is provided in international agreement, ratified, promulgated and entered into force for the Republic of Bulgaria.

II. PENAL CODE OF THE REPUBLIC OF BULGARIA

Art. 4

.....
(2) (*amend., SG, 75/06, in force from 13.10.2006*) A citizen of the Republic of Bulgaria cannot be delivered to other state or international court for the purposes of punitive prosecution unless this is provided in international agreement, which has been ratified, promulgated and entered into force for the Republic of Bulgaria.

CHAPTER FOURTEEN

CRIMES AGAINST PEACE AND HUMANITY

Section I

Crimes Against Peace

Art. 407 Who carries out, in any way whatsoever, propaganda of war shall be punished by imprisonment of up to eight years.

Art. 408 Who, directly or indirectly, through publications, speeches, radio or in any other way aims at provoking armed attack by one country to another shall be punished for war instigation by imprisonment of three to ten years.

Art. 409 (*amend., SG 153/98*) Who plans, prepares or wages aggressive war shall be punished by imprisonment of fifteen to twenty years or by life imprisonment without an option.

Section II

Crimes Against the Laws and Customs of Waging War

Art. 410 Who, in violation of the international law for waging war:

a) commits or order the commitment against wounded, sick, shipwrecked or sanitary personnel homicide, torture or inhuman treatment, including biological experiments, or orders the infliction on such persons severe suffering, mutilation or other damages to the health;
b) commits or orders the commitment of substantial destruction or misappropriation of sanitary materials or installations;
(*Amend., SG 153/98*) shall be punished by imprisonment of five to twenty years or by life imprisonment without an option.

Art. 411 Who, in violation of the rules of the international law for waging war:

a) commits or orders the commitment regarding prisoners of war homicide, tortures or inhuman treatment, including biological experiments, inflicts or orders the inflicting to such persons severe suffering, mutilation or other damages to the health;
b) compels a prisoner of war to serve in the armed forces of the hostile country or
c) deprives a war prisoner of his right to be litigated in a regular court and under regular proceedings,
(*Amend., SG 153/98*) shall be punished by imprisonment of five to twenty years or by life imprisonment without an option.

Art. 412 Who, in violation of the rules of the international law for waging war:

a) commits or orders commitment against the civil society of homicide, torture, inhuman treatment, including biological experiments, inflicts or orders the inflicting of severe suffering, mutilation or other serious damages to the health;
b) takes or orders the taking of hostages;
c) commits or orders the commitment of illegal deportation, persecution or detention;
d) compels a civilian to serve in the armed forces of a hostile country;
e) deprives a civilian of his right to be litigated in a regular court and under the regular proceedings;
f) illegally or arbitrarily commits or order the commitment of destruction or misappropriation of possessions in large size,
(*Amend., SG 153/98*) shall be punished by imprisonment of five to twenty years or by life imprisonment without an option.

Art. 413 Who, without having right, bears the badge of the Red Cross or of the Red Crescent, or who misuses a flag or a sign of the Red Cross or of the Red Crescent, or of the colour determined for vehicles for sanitary evacuation, shall be punished by imprisonment of up to two years.

Art. 414 (1) Who, in violation of the rules of the international rule for waging war, destroys, damages or renders unfit cultural or historic monuments and objects, works of art, buildings and installations of cultural, scientific or other humanitarian importance shall be punished by imprisonment of one to ten years.

(2) The same punishment shall also be imposed on those who steal, misappropriate or conceals objects under the preceding para, or impose contribution or confiscation regarding such objects.

Art. 415 (1) (*Suppl., SG 62/97; Amend. and Suppl., SG 92/02*) Who, in violation of the rules of the international law for waging war uses or orders the using of nuclear, chemical, bacteriological, biological or toxic weapons or prohibited means and ways of waging war shall be punished by imprisonment of three to ten years.

(2) (*Amend., SG 153/98*) If the above causes particularly severe consequences the punishment shall be imprisonment of ten to twenty years or life imprisonment without an option.

Art. 415a (*New, SG 92/02*) Who undertakes military preparations for using nuclear, chemical, bacteriological, biological or toxic weapons as a method of waging war shall be punished by imprisonment of one to six years.

Section III

Genocide and apartheid against groups of the population (Title amend., SG 95/75)

Art. 416 (1) Who, with the purpose of annihilating entirely or partially a definite national, ethnic, racial or religious group:

a) causes death, severe bodily injury or permanent mental disorder to a person belonging to such a group;

b) places the group in such living conditions which lead to its complete or partial physical extermination;

c) undertakes measures aimed at the obstruction of the childbirth in such a group;

d) forcibly transfers children from one group to another,

(*Amend., SG 153/98*) shall be punished for genocide by imprisonment of ten to twenty years or by life imprisonment without an option.

(2) (*Prev. text of art. 147 - SG 95/75*) Who carries out preparation for a genocide shall be punished by imprisonment of two to eight years.

(3) (*Prev. text of art. 418 - SG 95/75*) Who apparently and directly instigates genocide shall be punished by imprisonment of one to eight years.

Art. 417 (*New, SG 95/75*) Who, with the purpose of establishing or maintaining domination or systematic oppression of one racial group of people over another racial group of people:

a) causes death and severe bodily injury to one or more persons of this group of people or

b) imposes living conditions of a nature causing complete or partial physical extermination of a racial group of people,

(*Amend., SG 153/98*) shall be punished for apartheid by imprisonment of ten to twenty years or life imprisonment without an option.

Art. 418 (*New, SG 95/75*) Who, for the purposes under the preceding Art.:

a) illegally imprisons members of a racial group of people or subjects them to a compulsory labour;

b) enacts measures for obstructing the participation of a racial group of people in the political, social, economic and cultural life of the country and for premeditated creation of conditions obstructing the full development of such a group of people, in particular, by depriving its members of the basic freedoms and rights of the citizens;

c) enacts measures for division of the population by racial element by creating reservations and ghettos, by prohibition of intermarriages between members of different racial groups or by expropriation of possessed land property;

d) revokes basic rights and freedoms of organisations or persons for reasons of opposing the apartheid, shall be punished by imprisonment of five to fifteen years.

III. PENAL PROCEDURE CODE

International Legal Assistance in Criminal Cases Grounds and contents of international legal assistance

Art. 471

(1) International legal assistance in criminal matters shall be rendered to another state under the provisions of an international treaty executed to this effect, to which the Republic of Bulgaria is a party, or based on the principle of reciprocity. International legal assistance in criminal cases shall also be made available to international courts whose jurisdiction has been recognised by the Republic of Bulgaria.

(2) International legal assistance shall comprise the following:

1. Service of process;
2. Acts of investigation;
3. Collection of evidence;
4. Provision of information;
5. Other forms of legal assistance, where they have been provided for in an international agreement to which the Republic of Bulgaria is a party or have been imposed on the basis of reciprocity.

Refusal of international legal assistance

Art. 472

International legal assistance may be refused if the implementation of the request could threaten the sovereignty, the national security, the public order and other interests, protected by law.

Appearance of witnesses and experts before a foreign national court

Art. 473

(1) Appearance of witnesses and experts before foreign national judicial bodies shall be allowed only if assurance is provided, that the individuals summonsed, regardless of their citizenship, shall not incur criminal liability for acts committed prior to summonsing. In the event they refuse to appear, no coercive measures may be taken in respect thereof.

(2) The surrender of individuals remanded in custody to the purpose of being interrogated as witnesses or experts shall be only admitted under exceptional circumstances at the discretion of a panel of the respective district court, based on papers submitted by the other country, or an international court, provided the individual consents to being surrendered, and his/her stay in another state does not extend beyond the term of his/her remand in custody.

Interrogation of individuals through a video or phone conference

Art. 474

(1) The judicial body of another state may conduct the interrogation, through a video or phone conference, of an individual who appears as a witness or expert in the criminal proceedings and is in the Republic of Bulgaria, where so envisaged in an international agreement to which the Republic of Bulgaria is a party. An interrogation through a video conference involving the accused party or a suspect may only be conducted upon their consent and once the participating Bulgarian judicial authorities and the judicial authorities of the other state agree on the manner in which the video conference will be conducted. An interrogation through a video or phone conference may only be conducted where this does not stand in contradiction to fundamental principles of Bulgarian law.

(2) The request for interrogation filed by a judicial body of the other state should indicate:

1. The reason why the appearance in person of the individual is undesirable or impossible;
2. The name of the judicial body of the other state;
3. The data of individuals who shall conduct the interrogation;
4. The consent of the individual who shall be interrogated as a witness or expert through a phone conference;
5. Consent of the accused party who will take part in an interrogation hearing through a video conference.

(3) Bulgarian competent authorities in the field of criminal proceedings shall implement requests for interrogation through a video or phone conferences. A request for interrogation through a video or phone conference shall be implemented for the needs of pre-trial proceedings by the National Investigation Service. For the need of judicial proceedings, a request for interrogation through a phone conference shall be implemented by a court of equal standing at the place of residence of the individual, and for interrogation through a video conference - by the Appellate Court at the place of residence of the individual. The competent Bulgarian authority may require the requesting party to ensure technical facilities for interrogation.

(4) The interrogation shall be directly conducted by the judicial authority of the requesting state or under its direction, in compliance with the legislation thereof.

(5) Prior to the interrogation the competent Bulgarian authority shall ascertain the identity of the person who needs to be interrogated. Following the interrogation a record shall be drafted, which shall indicate:

1. The date and location thereof;
2. The data of the interrogated individual and his or her consent, if it is required;
3. The data of individuals who took part therein on the Bulgarian side;
4. The implementation of other conditions accepted by the Bulgarian party.

(6) An individual who is abroad may be interrogated by a competent Bulgarian authority or under its direction through a video or phone conference where the legislation of said other state so admits. The interrogation shall be conducted in compliance with Bulgarian legislation and the provisions of international agreements to which the Republic of Bulgaria is a party, wherein the above means of interrogation have been regulated.

(7) The interrogation through a video or phone conference under para 6 shall be carried out in respect of pre-trial proceedings by the National Investigation Service, whereas in respect of trial proceedings - by the court.

(8) The provisions of paras 1 - 5 shall apply *mutatis mutandis* to the interrogation of individuals under para 6.

Procedure for submission of a request to another country or international court Art. 475

(1) A letter rogatory for international legal assistance shall contain data about: the body filing the letter; the subject and the reasoning of the letter; full name and citizenship of the individual to whom the letter refers; name and address of the individual on whom papers are to be served; and, where necessary - the indictment and a brief description of the relevant facts.

(2) A letter rogatory for international legal assistance shall be forwarded to the Ministry of Justice, unless another procedure is provided by international treaty to which the Republic of Bulgaria is a party.

Execution of request by another country or international court

Art. 476

(1) Request for international legal assistance shall be executed pursuant to the procedure provided by Bulgaria law or pursuant to a procedure provided by an international agreement to which the Republic of Bulgaria is a part. A request may also be implemented pursuant to a procedure provided for in the law of the other country or the statute of the international court, should that be requested and if it is not contradictory to the Bulgarian law. The other country or international court shall be notified of the time and place of execution of the request, should that be requested.

(2) Request for legal assistance and all other communications from the competent authorities of another state which are sent and received by fax or e-mail shall be admitted and implemented by the competent Bulgarian authorities pursuant to the same procedure as those sent by ordinary mail. The Bulgarian authorities shall be able to request the certification of authenticity of the materials sent, as well as to obtain originals by express mail.

(3) The Supreme Prosecution Office of Cassation shall set up, together with other states, joint investigation teams, in which Bulgarian prosecutors and investigative bodies will take part. An agreement with the competent authorities of the participant states shall be entered in respect of the activities, duration and composition of a joint investigation team. The joint investigation team shall comply with provisions of international agreements, the stipulations of the above agreement and Bulgarian legislation while being on the territory of the Republic of Bulgaria.

(4) The Supreme Prosecution Office of Cassation shall file requests with other states for investigation through an under-cover agent, controlled deliveries and cross-border observations and it shall rule on such requests by other states.

(5) In presence of mutuality a foreign authority carrying out investigation through an agent under cover on the territory of the Republic of Bulgaria shall be able to collect evidence in accordance with its national legislation.

(6) In urgent cases involving the crossing of the state border for the purposes of cross-border observations on the territory of the Republic of Bulgaria the Supreme Prosecution Office of Cassation shall be immediately notified. It shall make a decision to proceed with or terminate cross-border observations pursuant to the terms and conditions of the Special Intelligence Means Act.

(7) The implementation of requests for controlled delivery or cross-border observations filed by other states shall be carried out by the competent investigation authority. It shall be able to request assistance from police, customs and other administrative bodies.

Costs for execution of request

Art. 477

The costs for execution of request shall be distributed between the countries in compliance with international treaties to which the Republic of Bulgaria is a party, or on the basis of the principle of reciprocity.

IV. LAW ON EXTRADITION AND EUROPEAN ARREST WARRANT

(Promulgated State Gazette, No 46/3.06.2005, effective 4.07.2005, amended, SG No. 86/28.10.2005, effective 29.04.2006, amended and supplemented, SG No. 52/6.06.2008)

Art. 2

Extradition shall be the surrender of a person located in the territory of one State:

1. against whom criminal proceedings have been instituted in another State or before an international court;

2. who is sought for service of a custodial sentence imposed by the judicial authorities of another State or by an international court;

3. in respect of whom a detention order has been made by the judicial authorities of another State or by an international court.

.....
Art. 17 (6) In the presence of concurrent requests for the extradition of one and the same person in respect of the same of different offences the court shall also deliberate where the crimes were committed, on the nationality of the person claimed, the seriousness of the committed offences, the sequence in their commission and the possibility of a subsequent extradition to another requesting State, the dates on which the requests were received and the existence of reciprocity. Where one of the requests has been submitted by an international criminal court, it shall take precedence over the others.

ANNEX 2

LAW OF PROTECTION OF PERSONS THREATENED IN CONNECTION WITH CRIMINAL PROCEEDINGS

(Promulgated, State Gazette No. 103/23.11.2004, effective 24.05.2005, amended, SG No. 82/10.10.2006, supplemented, SG No. 33/28.03.2008, amended and supplemented, SG No. 66/25.07.2008, effective 26.09.2008, amended, SG No. 82/16.10.2009)

CHAPTER ONE GENERAL PROVISIONS

Article 1 This Act shall specify the terms and conditions for the provision of special protection by the state to individuals at risk in relation to criminal proceedings, as well as to individuals directly related to them, who may not be afforded protection through means provided for under the Criminal Procedure Code.

Article 2 The purpose of this Act shall be to assist in combating serious crimes of intent, as well as organized crime, making arrangements to ensure the safety of individuals whose testimony, explanations or depositions are of significant importance to criminal proceedings.

Article 3 The following individuals at risk shall be eligible for special protection under this Act:

1. *(Amended, SG No. 66/2008, effective 26.09.2008)* Participants in criminal proceedings - witnesses, private prosecutors, civil parties, the accused, defendants, expert witnesses, certifying witnesses;
2. Convicts;
3. Individuals directly related to the individuals under items 1 and 2, i.e. their ascendants, descendants, brothers, sisters, spouses or the individuals who are very closely related to them.

Article 4 Individuals at risk may receive special protection where the testimony, explanations or depositions of individuals under Article 3, items 1 and 2 provide evidence of significant importance to criminal proceedings for serious public prosecution criminal offences of intent under Chapter One, Chapter Two, and Chapter Six, Article 242, paras 2, 3 and 4, Chapter Eight, Title IV, Chapter Eleven, Article 330, 333, 354a - 354c, and Chapter Fourteen of the Criminal Code, as well as for all criminal offences committed at the orders or in implementation of a decision made by an organized criminal group.

CHAPTER TWO PROGRAMME FOR THE PROTECTION OF INDIVIDUALS AT RISK

Section I

Characteristics of the Programme for the Protection of Individuals at Risk and Types of Protection

Article 5 (1) The programme for the protection of individuals at risk, hereinafter referred to as the Programme for Protection, shall be a set of measures taken by certain government authorities in respect of individuals who have acquired a status of protection under this Act.

(2) Measures under the Programme for Protection shall be mandatory for all government authorities and officials, as well as for all individuals and entities.

Article 6 (1) The Programme for Protection shall consist of the following measures:

1. Personal physical protection;
 2. Property protection;
 3. Provisional placement in a safe location;
 4. Change in the place of residence, workplace, or educational establishment or placement in another facility for the service of a sentence;
 5. *(Amended, SG No. 66/2008, effective 26.09.2008)* Full change of identity.
- (2) Measures under para 1 may be applied together or separately, temporarily - until the reasons for their application are present, or permanently.
- (3) *(Amended, SG No. 66/2008, effective 26.09.2008)* In the implementation of measures as referred to in para 1, items 3 and 4, subject to the explicit written consent of the individual under protection, new basic data about such individual shall be created, and such data shall be destroyed after the need for processing it expires.
- (4) The measure under para 1, item 5 shall only apply under exceptional circumstances, where protection may not be ensured through any other measure.
- (5) *(New, SG No. 66/2008, effective 26.09.2008)* The processing under this Act of personal data about individuals under protection shall constitute state secret.
- (6) *(Renumbered from Paragraph 5, SG No. 66/2008, effective 26.09.2008)* The Programme for Protection may also include activities for the provision of welfare, medical, psychological, legal or financial assistance.

Article 7 (1) The physical protection of an individual under protection shall be an activity consisting in the protection of his/her corporal integrity from illegal intervention and may be provided round the clock, at fixed hours or on certain occasions.

- (2) *(Amended, SG No. 82/2006, repealed, SG No. 66/2008, effective 26.09.2008).*
- (3) *(Amended, SG No. 82/2006, repealed, SG No. 66/2008, effective 26.09.2008).*

Article 8 Property protection shall be an activity consisting in the physical protection of property from illegal intervention.

Article 9 Temporary placement in a safe location shall consist in the immediate relocation of the individual under protection for a short period of time to another address, which is different from his/her permanent place of residence.

Article 10 A change in the place of residence, workplace or educational establishment, or placement in another facility for the service of a sentence, shall apply until the risk under Article 1 ceases to exist.

Article 11 *(Repealed, SG No. 66/2008, effective 26.09.2008).*

Article 12 (1) The implementation of a measure under Article 6, para 1, item 5 shall not exempt the individual under protection from discharging his/her obligations to the state or to third parties.

- (2) *(Repealed, SG No. 66/2008, effective 26.09.2008).*
- (3) *(Amended, SG No. 66/2008, effective 26.09.2008)* In case of full change of identity, a new identity document shall be issued, personal data under which shall not be identical to the personal data of another person.

(4) (*Amended, SG No. 66/2008, effective 26.09.2008*) A full change of identity may also be performed through a change of the physical traits of the individual under protection.

Section II

Competent Bodies

Article 13 (1) (*Supplemented, SG No. 66/2008, effective 26.09.2008*) A Board for the protection of individuals at risk, hereinafter referred to as the Protection Board, shall be set up, reporting to the Minister of Justice, to implement the Programme for Protection. The measures under the Programme for Protection shall be implemented by a Bureau for the protection of individuals at risk, hereinafter referred to as the Protection Bureau

(2) (*Supplemented, SG No. 33/2008, repealed, SG No. 66/2008, effective 26.09.2008*).

(3) (*Repealed, SG No. 66/2008, effective 26.09.2008*).

(4) (*Repealed, SG No. 66/2008, effective 26.09.2008*).

(5) (*Repealed, SG No. 66/2008, effective 26.09.2008*).

(6) (*Repealed, SG No. 66/2008, effective 26.09.2008*).

Article 13a (*New, SG No. 66/2008, effective 26.09.2008*) (1) The Protection Board shall be composed of a Chairperson, who shall be a Deputy Minister of Justice, and the following members: the Head of the Protection Bureau, a judge from the Supreme Court of Cassation, a prosecutor from the Supreme Prosecutor's Office of Cassation, an examining magistrate from the National Investigation Service, and one representative occupying the position of Director of Directorate with the Ministry of Interior and with the State Agency for National Security each.

(2) When the Chairperson of the Protection Board is abroad or on leave, he or she may assign the chairmanship of the Protection Board to the Head of the Protection Bureau.

(3) The Protection Board shall hold sessions once in three months, as well as within three days after a proposal for admission to the Programme for Protection is lodged.

(4) The members of the Protection Board may not divulge any information of which they have become aware in the implementation of the Programme for Protection.

(5) Funds for the implementation of the Programme for Protection shall be covered by the budget of the Ministry of Justice.

Article 14 (1) (*Amended, SG No. 66/2008, effective 26.09.2008*) The Protection Bureau shall be a specialized department with the Security Directorate-General at the Ministry of Justice. The Head of the Protection Bureau shall be the Director General of the Security Directorate-General.

(2) Acting under a decision of the Protection Board for the admission to the Programme for Protection, the Protection Bureau shall:

1. Inform the individual at risk of the possibilities offered through the Programme for Protection;

2. Make an agreement with the individual at risk for admission to the Programme for Protection, of which the Prosecutor or Judge-Rapporteur, who has made the proposal for protection, shall be notified;

3. Designate an officer for contact with the individual under protection;

4. Implement, through a protection team set up for the case at stake, the specific measures of the Programme for Protection on the basis of the agreement executed.

(3) The Protection Bureau shall develop, maintain and store a database of the individuals admitted to the Programme for Protection in accordance with the Personal Data Protection Act.

(4) The Protection Bureau shall not be allowed to disclose information, which has come to its knowledge in relation to the implementation of the Programme for Protection.

(5) In the implementation of the Programme for Protection the Protection Bureau may request assistance from all competent government bodies, which the latter shall not be allowed to refuse.

(6) The Protection Bureau shall periodically report on the funds expended for the implementation of the Programme for Protection, in general and on a case-by-case basis, to the Chairperson of the Protection Board.

(7) (*New, SG No. 66/2008, effective 26.09.2008*) For the implementation of the Programme for Protection, the officers of the Protection Bureau shall have the powers referred to in Article 393, paragraph 1 of the Judiciary System Act.

(8) (*New, SG No. 66/2008, effective 26.09.2008*) The Minister of Justice shall issue internal rules on the terms and procedures for appointment of officers in the Protection Bureau.

Article 14a (*New, SG No. 66/2008, effective 26.09.2008*) (1) The officers of the Protection Bureau executing the measures in the implementation of the Programme for Protection may temporarily obtain newly created basic data, which they may use only in performing their official duties.

(2) The data referred to in paragraph 1 shall be destroyed after the need for processing it expires.

Article 14b (*New, SG No. 66/2008, effective 26.09.2008, amended, SG No. 82/2009*) In the cases referred to in Article 6, paragraph 1, item 5 and paragraph 3 and Article 14a, paragraph 1, new personal documents shall be issued ex officio.

Section III

Procedure for Admission to the Programme for Protection

Article 15 (1) Admission to the Programme for Protection shall be made at the proposal of a District Prosecutor and, at the trial stage of proceedings, of the Judge-Rapporteur, addressed to the Protection Board.

(2) A proposal for the provision of protection shall be made ex officio or at the request of:

1. The individual at risk;
2. The investigative body;
3. The supervising prosecutor;
4. The head of the deprivation of liberty facility - in respect of convicts.

(3) In cases falling under para 2, items 2, 3, and 4 express written consent from the individual at risk shall also be required.

(4) The District Prosecutor or the Judge-Rapporteur shall examine the request within three days of receipt thereof and shall lodge with the Protection Board a reasoned proposal for admission to the Programme for Protection or refuse to make one.

(5) The refusal by a Prosecutor or a Judge-Rapporteur under para 4 shall not be subject to appeal.

Article 16 (1) Proposals under Article 15, para 1 must be made in writing and set out:

1. Information about the criminal proceedings at stake;
2. Personal data of the individual at risk;

3. Information as to whether the testimony, explanations or depositions given by the individual at risk provide evidence of significant importance to the criminal proceedings;
 4. All the information indicating the presence of a real risk for the life, health or property of the individual in relation to the criminal proceedings;
 5. A list of the individuals who are aware of the testimonies of or the information available to the individual at risk;
 6. In most general terms, a psychological assessment of the individual at risk;
 7. The presence and level of risk, which the individual at risk might present to the environment to which he/she shall be admitted;
 8. Other information of relevance to determine the need for admission to the Protection Programme.
- (2) A declaration by the individual at risk of his/her family and financial status, as well as of his/her obligations to third parties, shall be attached to the proposal.

Article 17 (1) The Protection Board shall examine the proposal of the District Prosecutor or the Judge-Rapporteur, assessing whether testimony, explanations or depositions by the individuals at risk are of significant importance to the criminal proceedings, as well as the objective presence and level of risk, and:

1. Where the conditions set forth in this Act are satisfied, it shall make a decision for the provision of protection, which it shall immediately forward to the Protection Bureau;
2. Where the conditions set forth in this Act are not satisfied, it shall make a decision, whereby the provision of protection shall not be granted.

(2) Decisions of the Protection Board shall not be subject to appeal.

Article 17a (*New, SG No. 66/2008, effective 26.09.2008*) (1) In case there is an urgent need for immediate change of the type of protection provided, the Head of the Protection Bureau may also order execution of other measures from the Programme, excluding the one referred to in Article 6, paragraph 1, item 5.

(2) In the cases referred to in paragraph 1, the Head of the Protection Bureau shall inform the Chairperson of the Protection Board of the change within three days, and the latter shall immediately call a session of the Board.

(3) If the Protection Board does not approve the execution of measures undertaken under paragraph 1, by making a decision it shall rule on termination of those measures.

Section IV **Agreement**

Article 18 (1) Within 7 days from the date on which the Protection Board makes a decision for admission to the Protection Programme, the Protection Bureau shall enter a written protection agreement with the individual at risk in person or with his/her legal guardian or custodian, where necessary.

(2) The individual shall acquire protection status from the moment the agreement is signed.

(3) This agreement shall not be a civil contract within the meaning of the Obligations and Contracts Act.

Article 19 (1) The agreement shall set out:

1. The reference number of the decision made by the Protection Board for admission to the Protection Programme;
2. The type of protection measure and the assistance afforded;

3. The duration of protection;
4. The name of the officer assigned to the individual under protection to keep in contact with the Protection Bureau;
5. The rights and obligations of the parties to the Protection Programme;
6. The conditions for unilateral termination of the agreement;
7. The date and location of execution and the signatures of the parties.

(2) For the duration of protection, the individual placed thereunder shall be obligated to:

1. Avoid contact with individuals who have a record of offending behavior;
2. Refrain from taking action that are susceptible of placing his/her security at risk or hinder the implementation of the Protection Programme;
3. comply with the protection measures;
4. Immediately refer to the Protection Bureau through the contact officer any information which has come to his/her knowledge and which is relevant to the object of criminal proceedings, in relation to which he/she has acquired the status of individual under protection;
5. Discharge his/her obligations to individuals and entities that have arisen prior to his/her admission to the Protection Programme and which shall not be discharged by the state;
6. Immediately inform the Protection Bureau through the contact officer of all changes in his/her situation and of the activities he/she undertakes in the course of implementation of the Protection Programme;
7. Refrain from disclosing his/her admission to the Protection Programme.

(3) The Protection Bureau shall be obligated to:

1. Implement protection measures under the agreement;
2. Ensure the appearance of the individual under protection at criminal proceedings;
3. Refrain from disclosing the information which comes to its knowledge in the course of implementation of the Protection Programme.

Section V

Validity Termination of the Programme for Protection

Article 20 Protection programme validity shall terminate by decision of the Protection Board:

1. Upon decease of the individual under protection;
2. Once the grounds for its implementation cease to exist;
3. Upon expiry of the period fixed in the agreement;
4. Where the individual under protection fails to discharge his/her duties under the agreement without any valid reason.

Article 21 In cases falling under Article 20 the Protection Board shall rule on the proposal of the Protection Bureau, the District Prosecutor or the Judge-Rapporteur.

Article 22 Protection programme validity may also terminate at the request of the individual under protection addressed to the Protection Board through the contact officer.

Article 23 The Protection Board shall examine the proposal of the Protection Bureau, the District Prosecutor or the Judge-Rapporteur or the request made by the individual under protection for termination of protection programme validity and shall make a decision on termination that shall be final.

Section VI

Personal Data Protection

(Repealed, SG No. 66/2008, effective 26.09.2008)

Article 24 *(Repealed, SG No. 66/2008, effective 26.09.2008)*

Article 25 *(Repealed, SG No. 66/2008, effective 26.09.2008)*

Chapter Three **INTERNATIONAL COOPERATION**

Article 26 On grounds of an international agreement to which the Republic of Bulgaria is a party or based on mutuality the Protection Bureau may request and provide assistance in the implementation of protection as herein set forth.

Article 27 (1) *(Previous Article 27, SG No. 66/2008, effective 26.09.2008)* In presence of the conditions under Art. 26, the Protection Bureau may:

1. *(Amended, SG No. 66/2008, effective 26.09.2008)* Move (relocate) an individual under protection in another state, if his/her protection cannot be arranged in the Republic of Bulgaria;
2. Request the provision of temporary residence for a fixed period to the individual under protection in another state, as well as personal physical protection, where necessary;
3. Provide residence to an individual transferred to the Republic of Bulgaria within the framework of a Programme for Protection, at the request of the other state;
4. Provide temporary residence in the Republic of Bulgaria to a foreign individual under protection for the period indicated in the request of the other state, as well as personal physical protection, where necessary.

(2) *(New, SG No. 66/2008, effective 26.09.2008)* The Head of the Protection Bureau shall inform the Chairperson of the Protection Board of the measures undertaken under para 1 within three days, and the latter shall immediately call a session of the Board to consider the case.

FINAL PROVISIONS

§ 1. The organization and implementation of measures included in the Programme for Protection, of the activities of the Protection Board, of the Protection Bureau and of security teams, as well as the procedure for processing of personal data under this Law, shall be provided for in a Regulation for the implementation of this Law to be adopted by the Council of Ministers within three months of the entry into force of this Law.

§ 2. The implementation of the Law shall be assigned to the Minister of Justice and the Minister of Interior.

§ 3. This Law shall enter into force 6 months after its publication in the State Gazette.

This Law was adopted by the XXXIX National Assembly on 9 November 2004 and the official seal of the National Assembly has been affixed thereto.

Law to Amend and Supplement the Law of Protection of Persons Threatened in Connection with Criminal Proceedings

TRANSITIONAL AND FINAL PROVISIONS

(SG No. 66/2008, effective 26.09.2008, amended, SG No. 82/2009)

§ 13. Cases inherited by the Programme for Protection shall be treated in accordance with this Act.

§ 14. Within two months after the day on which this Law is promulgated, the Council of Ministers shall adopt the relevant amendments and supplements in the Regulation for the implementation of this Law. Until the relevant changes are adopted, the rules applicable up to now shall apply, insofar as they do not run counter to this Act.

§ 15. (*Amended, SG No. 82/2009*) Within two months after the day on which this Law is promulgated, the Minister of Justice, the Minister of Interior and the Minister of Regional Development and Public Works shall jointly issue an instruction on the practical arrangements and execution of the measures under the Programme for Protection, on the terms and procedures for the issuance of bulgarian personal documents to individuals under protection and to officers of the Protection Bureau with changed new basic data, on the type of documents to be issued, on the time for which the newly created data and the identity documents issued shall be stored and on the destruction of those.

.....
§ 18. This Law shall take effect two months after promulgation in the State Gazette.

REGULATION FOR IMPLEMENTATION OF THE LAW OF PROTECTION OF PERSONS THREATENED IN CONNECTION WITH CRIMINAL CRIMINAL PROCEEDINGS

Adopted by Decree No 196 from 08.09.2005

Prom. SG. 75/16 Sep 2005, amend. SG. 94/31 Oct 2008

Chapter one. GENERAL PROVISIONS

Art. 1. The present act shall regulate:

1. the organisation of the activity of the Council for protection of threatened persons, called hereinafter "Council for protection";
2. the organisation of the activity of Bureau for protection of threatened persons, herein after referred to as "Bureau for protection", and of the guarding teams;
3. the organisation and implementation of the measures under the Programme for protection of threatened persons, called hereinafter "Programme for protection".
4. (revoked. - SG 94/08)

Art. 2. Measures under the Programme for protection shall be applied only in those cases where threatened persons may not be subject to protection under the terms of the Penal Procedure Code.

Chapter two. ORGANISATION OF THE ACTIVITY OF THE COUNCIL FOR PROTECTION

Art. 3. (1) (amend. - SG 94/08) The list of the members of the Council for protection shall be determined upon proposal by the person who has been chosen for its chairperson, provided that the deputy Minister of Justice, the chairman of the Supreme Cassation Court, the Chief Public Prosecutor, the Director of the National Investigation Office, the Minister of Interior and the chairperson of State Agency "National Security" appoint by orders their representatives to be permanent members of the Council for protection.

(2) Subsequent lists of the members of the Council for protection shall be determined within one month from the election of new Council of Ministers. In those cases the Council for protection shall perform its functions till new one is formed.

Art. 4. (amend. - SG 94/08) (1) The activity of the Council for protection shall be technically provided by an employee of the Bureau for protection department at Security Guard Directorate General.

(2) A register shall be created and kept at the Bureau for protection, in which shall be entered all proposals for inclusion in the Programme for protection made to the Council for protection, as well as the relevant decisions of the latter.

(3) The register shall be kept by the employee under para 1, appointed by an explicit order of the chief director of the Security Guard Directorate General who handles and the documents and is in charge of their safekeeping according to the provisions of the Law for the Protection of the Classified Information (LPCI) and the Law for Protection of the Personal Data (LPPD).

(4) Individual file shall be kept for each person included in a Programme for protection, this file constituting classified information – state secret.

Art. 5. (1) Regular sessions of the Council for protection shall be conducted at least once in three months or within three days from proposal for inclusion in the Programme for protection or for termination of its effect

(2) The sessions of the Council for protection shall be technically prepared by the employees under Art. 4.

(3) (amend. - SG 94/08) The sessions of the Council for protection shall be convened and managed by its chairman. In case the latter is absent, his/her functions shall be performed by the manager of the Bureau for protection.

Art. 6. (1) The sessions of the Council for protection are closed and shall be conducted in time and place, defined by the chairman.

(2) The members of the Council for protection shall be informed of the exact time and place of the session at least three days prior to the day the regular sessions are to be conducted or on the day a proposal for inclusion in the Programme for protection has been received.

(3) The sessions of the Council for protection shall be considered regular if at least 2/3 of its members are present. If there is not a quorum, the chairman shall fix another date for a meeting within 5 days.

(4) (amend. - SG 94/08) During the sessions of the Council for protection the manager of the Bureau for protection shall inform the members of the Council for protection of the opportunities the Programme for protection offers.

(5) Written records shall be worked out for each session of the Council for protection by the respective employee under Art. 4. The written records shall be signed by the chairman and the secretary.

Art. 7. (1) The Council for protection shall adopt its decisions by a simple majority. The decisions shall be in writing.

(2) The decisions of the Council for protection regarding inclusion in the Programme for protection shall contain:

1. personal data of the threatened person, except in the cases of Art. 6, para 1, item 5 of LPPTNCP;

2. the protection measure which shall be undertaken with regards to the threatened person;

3. duration of the protection measure in the cases under Art. 12, para 2 of LPPTNCP;

4. number of the criminal lawsuit in relation to which the protection measure is undertaken;

5. date and place of the decision, as well as the signatures of the chairman of the Council for protection and of the secretary;

(3) The decision of the Council for protection for termination of the Programme for protection's effect shall be stated the grounds for the termination.

(4) (amend. - SG 94/08) In the decision of the Council for protection shall also be pointed out:

1. the necessity of creation of new basic data as per Art. 6, para 3 and Art. 12, para 3 of the Law of Protection of Persons Threatened in Connection with Criminal Procedure (LPPTNCP);

2. the type of assistance as per Art. 6, para 6 of LPPTNCP and the competent authorities in charge for providing it.

(5) The term and the type of the set measure can be amended upon request by the threatened person or the body that has made the proposal for inclusion in the Programme for protection. Upon receipt of such request the Council for protection shall pronounce within three-day term under the terms of the present chapter.

Art. 8. (amend. - SG 94/08) The employee referred to in Art. 4, para 1 shall immediately inform the body that has made the proposal for inclusion in the Programme for protection, of the decision of the

Council for protection concerning inclusion in the Programme for protection.

Chapter three.

ORGANISATION OF THE BUREAU FOR PROTECTION

Art. 9. (1) The Bureau for protection is a separate department at Security Guard Directorate General of the Ministry of Justice.

(2) (amend. - SG 94/08) The Bureau for protection department consists of sectors and is managed by a head of department.

(3) Upon proposal by the chief director of Security Guard Directorate General, the Minister of Justice shall determine the number of staff and the members of the Bureau for protection.

(4) (revoked - SG 94/08)

Art. 10. (1) Upon receipt of the decision of the Council for protection regarding inclusion in the Programme for protection, the Bureau for protection shall immediately arrange a meeting with the threatened person and inform him/her of the programme's possibilities.

(2) (amend. - SG 94/08) The chief director of the Security Guard Directorate General and the head of the Bureau for protection department shall conclude the agreement with the threatened person. The authority that has made the request for protection shall be informed of the concluded agreement.

(3) The Bureau for protection shall implement the protection measures according to the agreement and shall ensure the presence of the protected person in the criminal proceedings.

Art. 11. (amend. - SG 94/08) The chief director of the Security Guard Directorate General and the head of the Bureau for protection department, on the one hand, and the bodies of the Ministry of Interior, the district public prosecutor or the reporting judge (the body that has made the request for inclusion in a Programme for protection), on the other hand, shall notify one another throughout the procedure of any change in the certain situation or in the information included in the proposal under Art. 16 of LPPTNCP.

Art. 12. (amend. - SG 94/08) Upon proposal by the chief of Bureau for protection department the chief director of the Security Guard Directorate General shall ensure the conduct of initial training and qualification training of the Bureau for protection's employees.

Chapter four.

ORGANISATION AND IMPLEMENTATION OF MEASURES UNDER THE PROGRAMME FOR PROTECTION

Art. 13. (amend. - SG 94/08) (1) As long as the agreement is concluded, the manager of the Bureau for protection upon proposal by the head of the Bureau for protection department shall appoint a contact person among employees of the bureau who shall communicate with the protected person, as well as a guarding team in those cases where the applied measure is personal physical security.

(2) In the course of implementation of the protection measure the contact person and the members of the guiding team may only be replaced upon proposal by the head of the Bureau for protection department.

(3) Where necessary, the chiefs of sectors at the Bureau for protection department can require assistance from the bodies of the Ministry of Interior for carrying out specific activity related to the protection on the ground of Art. 14, para 5 of LPPTNCP.

Art. 14. (amend. - SG 94/08) The chiefs of sectors shall draw in an action plan for implementation of the respective protection measure, which shall be coordinated with the head of the department and approved by the manager of the Bureau for protection.

Art. 14a. (new - SG 94/08) On the ground of the agreement concluded with the protected person and the action plan, the contact person shall:

1. keep in contact with the protected person all the time;
2. maintain contacts with the respective competent authorities of the state administration with regards to organization of the implementation of the various protection measures;
3. collect, systematize and analyze the information related to the protected person;
4. take part in ensuring the presence of the protected person in the criminal procedure;
5. interact with the physical security sector and Logistics sector as regards to their activity related to safeguard of the protected person;
6. report weekly to the head of Bureau for protection department on the fulfillment of his/her duties.

Art. 15. (amend. - SG 94/08) (1) When implementing the personal physical security measure, the chiefs of sectors shall appoint managers of the guarding teams who shall be coordinated with the chief of Bureau for protection department and approved by the manager of the Bureau for protection.

(2) The manager of the guarding team shall:

1. organize the team members in different shifts and positions;
2. communicate regularly with the contact person and the other team members;
3. be in charge of the armaments and equipment of the team members;
4. report weekly and, where necessary, on occasion to the head of Bureau for protection department on the team's activity.

Art. 16. (1) While carrying out personal physical security and property guarding, the members of guiding teams may wear uniforms depending on the specific situation.

(2) The activity relating to personal physical security or property guarding may also include admission regime in the sites connected with the protected person

(3) During implementation of the measures under para 1 shall be used observation, alarm and security equipment.

(4) (amend. - SG 94/08) The admission regime and the type of the applied equipment shall be indicated in the plan under Art. 14.

Art. 17. (1) Temporary accommodation in a safe place shall be immediate transfer of the protected person to another address, different from the permanent residence, for a maximum of 30 days.

(2) For the purposes of temporary accommodation shall be used premises at recreation and training centres of the Ministry of Justice and the Ministry of Interior or other suitable buildings.

(3) In the cases of temporary accommodation the permanent address of the protected person shall not be changed.

Art. 18. (1) (amend. - SG 94/08) Change of the protected person's residence shall be carried out by factual change of his/her permanent address.

(2) The costs related to moving out and the rent of the new accommodation in case the measure under para 1 is applied shall be covered by the Programme for protection, while the operating costs shall be at the expense of the protected person.

(3) As regards to the change of working place measure, the Bureau for protection shall be in touch with the labour offices and the Agency for Social Support.

(4) As regards to the change of education establishment measure, the Bureau for protection shall be in touch with the respective competent authorities of the Ministry of Education and Science or with the respective university.

Art. 19. (1) The measure accommodation of the protected person in another place for the purpose of serving the penalty shall be implemented according to a report of the manager of the Bureau for protection and shall be ensured by the chief director of the Chief Directorate "Execution of Judgement".

(2) (amend. - SG 94/08) As long as the protected person is accommodated in another place for the purpose of serving the penalty, the chief of the said institution shall provide immediate access of the contact person to the protected individual.

Art. 20. (amend. - SG 94/08) All the costs related to implementation of the protection measures shall be for the account of the Programme for protection.

Art. 21. (amend. - SG 94/08) In the event of complete identity change, the competent authorities shall issue a new identification document to the protected person upon request by the Bureau for protection, under the terms and following the procedure set out in the Law for the Bulgarian Identification Documents and the Law for the Civil Registration.

Art. 22. (1) (amend. - SG 94/08) In case the decision for inclusion in the Programme for protection stipulates providing assistance as per Art. 6, para 6 of LPPTNCP, the Bureau for protection shall ensure it by contacting the respective competent authority on the ground of Art. 14, para 5 of LPPTNCP.

(2) Medical and psychological assistance shall be provided to the protected person by health institutions, specified by the Bureau for protection, which shall conclude contracts for carrying out the respective activity with the Security Guard Directorate General.

Art. 23. (1) (amend. - SG 94/08) While carrying out their tasks, the employees of the Bureau for protection can wear uniforms, use face shields, as well as operative registration motor vehicle signs.

(2) (prev. text of para 1 - SG 94/08) While implementing the measures under the Programme for protection, the employees of the Bureau for protection shall have the right to physical force against individuals who:

1. pose a direct and immediate threat to the protected person or his/her property;
2. deliberately obstruct the bodies of the Bureau for protection to fulfill their official duties after they have been duly warned

(3) (prev. text of para 2 - SG 94/08) The individuals referred to in para 2 shall be immediately dispatched to the authorities of the Ministry of Interior.

Chapter five.

DEVELOPMENT, MAINTENANCE AND STORAGE OF DATA BASE

Art. 24. The Bureau for protection shall collect, classify and analyse information referring to the activity related to the safeguard of the protected person.

Art. 25. (1) (amend. - SG 94/08) The Bureau for protection shall establish, maintain and store a register containing data on the protected persons, included in the Programme for protection according to the provisions of the Law for the Protection of the Classified Information.

- (2) The register shall include:
1. data on the decision of the Council for protection;
 2. the agreement;
 3. the contact person;
 4. the authority that has requested the inclusion in the Programme for protection.
- (3) The register shall be kept in electronic and paper form.
- (4) (revoked - SG 94/08)
- (5) The register shall be kept by an employee of the Bureau for protection.
- (6) (amend. - SG 94/08) At processing the data under para 1 the Bureau for protection shall ensure their protection measures provided for by the Law for the Protection of the Classified Information.

Art. 26. (revoked - SG 94/08)

Art. 27. (1) (amend. - SG 94/08) If any ground for termination of the Programme for protection occurs, the chief of the Bureau for protection department shall report in writing to the manager of the Bureau for protection.

(2) (amend. - SG 94/08) The chief of the Bureau for protection department shall work out a reasoned proposal for termination of the effect of the Programme for protection, which shall be submitted to the Council for protection through the chief director of the Security Guard Directorate General.

(3) (amend. - SG 94/08) In those cases where the protected person quits the Programme for protection of his/her own will or states explicitly in writing that he/she no longer wishes to be protected, the head of Bureau for protection department shall notify the Council for protection at its first following meeting.

(4) (new - SG 94/08) The file as per Art. 4, para 4 shall be described and left at the Bureau for protection in order to be stored under the terms and following the procedure for protection of information representing state secret within the meaning of LPCI.

(5) (prev. text of para 4, amend. - SG 94/08) In the cases referred to in para 1 the processing of the data may last as long as criminal procedure requires, in conformity with the terms fixed in LPCI.

(6) (prev. text of para 5, amend. - SG 94/08) After the respective data storage term expires, the data shall be destroyed by a special committee, the members of which are appointed by an order of the chief director of the Security Guard Directorate General regarding each individual case, upon proposal by the head of Bureau for protection department.

Chapter six.

INTERNATIONAL COOPERATION

Art. 28. On the grounds of international agreement concluded as per Art. 26 of LPPTNCP or under conditions of reciprocity:

1. The Bureau for protection shall, on its own initiative and upon request, exchange information concerning the cases where protection has been requested for persons threatened in relation to criminal proceedings, with the respective international authorities and bodies of other states;

2. The head of department of Bureau for protection shall ensure the implementation of the protection measures set out in Art. 27 of LPPTNCP.

Concluding provisions

§ 1. This Regulation is adopted on the ground of § 1 of the Concluding provisions of the LPPTNCP.

§ 2. The implementation of the Regulation shall be assigned to the Minister of Justice.