

Bulgaria

Bulgaria does not provide any form of support to non-State actors attempting to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such support is prohibited under the Bulgarian law.

Laws

the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (adopted in 1996 and amended in 2002) and the Regulation for its Implementation (adopted in 2002 and amended in April 2004), Law on Measures against Financing Terrorist activities(2003), as amended, the Penal Code (1968), as amended.

Law on Measures against Financing Terrorist Activities (2003), as amended - establishes measures to prevent and reveal activities of physical and legal persons, groups and organizations aimed at financing terrorism.

Penal Code - provide for the incrimination of acts related to the development, possession, trade in, transport or export of chemical, biological or nuclear weapons.

Article 337 (As amended - SG, Nos. 41/1985, 50/1995, 92/2002)

(1) A person who manufactures, processes, repairs, develops, keeps stockpiles, trades in, transports or exports explosives, firearms, chemical, biological or nuclear weapons or ammunition, without having the right to do so by law, or without license from the respective government body, or does so not in compliance with the license given to him, shall be punished by deprivation of liberty from one to six years.

Article 339 (As amended - SG, Nos. 41/1985, 50/1995, 92/2002)

(1) A person who by any means whatsoever acquires, holds or gives to another explosives, firearms, chemical, biological or nuclear weapons or ammunition, without due permit therefore, shall be punished by deprivation of liberty for up to six years.

(2) Where the explosives, firearms, chemical, biological or nuclear weapons or ammunition referred to have been in large quantities, the punishment shall be deprivation of liberty from three to eight years.

(3) A person who appropriates or gives explosives or firearms, chemical, biological or nuclear weapons to a person who has no permit for their acquisition, shall be punished by deprivation of liberty for up to six years.

Article 353 b (New - SG, No. 62/1997, amended in No. 92/2002)

A person who in violation of international treaties, to which the Republic of Bulgaria is a State-Party, carries across the state border dangerous waste, toxic chemical substances, biological agents, toxins and radioactive materials, shall be punished by deprivation of liberty from one to five years and by a fine of one to three thousand Bulgarian Leva.

Article 415

(1) *(Additional – SG No. 62/1997, amended SG No. 92/2002)* A person who in violation of the provisions of international humanitarian law and the rules of warfare uses or orders the use of nuclear, chemical, bacteriological, biological or toxin weapons or other prohibited means of warfare, shall be punished by deprivation of liberty from three to ten years.

Article 415a (New – SG No. 92/2002)

A person who undertakes military preparation for using nuclear, chemical, bacteriological, biological or toxin weapons as a method of warfare, shall be punished by deprivation of liberty from one to six years.

Biological:

The oversight and security of dangerous pathogens and toxins is covered in Bulgaria by a number of decrees and regulations. As dangerous are considered the dual-use biological agents, whose list is part of the export control legislation. The present version of the list is being updated in order to coincide with the latest EU dual-use list.

There is another, much longer list of agents included in the Regulation of the Ministry of Health No. 4 of 14 October 2002 on the protection from the risks, related to the exposure to biological agents. This Regulation is a direct translation of Directive 2000/54/EC of the EU of 18 September 2000.

a. human pathogens

Licensing and inspections system: The Ministry of Health has adopted a system of official Standards determining the conditions and requirements for the laboratories working with any kind of pathogens. Based on these Standards, the Minister of Health issues the authorization for work in the respective field (clinical microbiology, medical parasitology, virology). There are more than 200 microbiological, virological, micological and parasitological laboratories in the public and private sectors in Bulgaria working in the diagnostic or research fields. All of them are under constant control and are monitored by the Ministry of Health. This activity is organized and performed by a special National Review Body.

This body oversees potentially dangerous activities, risk factors, licensing of the laboratories, etc. and has all the information about the work carried out in them. It performs inspections and controls the compliance of the laboratories with the legal requirements – both with view to safety as to the security implications of their activities. Regulation No.13 of 13 June 1994 (State Gazette No. 52/1994) concerning the rules for the work of the medical laboratories forbids the storage of or work with any pathogens which are not included in the sphere of the laboratory's activities. The activities themselves are determined in accordance with the relevant provisions in the Law on People's Health and approved by the Ministry of Health. Thus the licensing authority approves the activities before their implementation starts.

In all research, diagnostic and university laboratories a very strict control is performed on the activities or the personnel involved. There are strict rules (following national regulation and backed with orders by the Directors of the respective institutions) for the secure storage, disinfection, sterilization and transportation of the agents.

The work in the laboratories is controlled by the Ministry of Health. Several times a year there are inspections from the security services of each laboratory whose work is related to acute infectious diseases. In the system of the Ministry of Defense, all laboratories and structures capable of working with potentially dangerous microorganisms are inspected on a regular basis and without notice by the Ministry of Defense security services.

The export and import of any dangerous pathogens follow the strict provisions of the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (State Gazette No. 102/1995, as amended in No. 75/2002) and the Regulation on its implementation (State Gazette No. 115/10.12.2002).

The requirements for the personnel of the above laboratories, the duties of their directors (including regular reporting to the control organs), the access and other

issues relating to their functioning are established by the National Standards approved by the Minister of Health.

b. plant pathogens

In the field of plant pathogens the control and security are dealt with in the following acts: Law on Plant Protection (State Gazette No. 91/97, amended in No. 90/99), Regulation No. 1 on Phytosanitary Control of 27.05.1998 and Regulation No.1 of the Ministry of Agriculture and Forestry of 04.01.2002 on the conditions for using parasites, plants, plant and other products for research activities and selection (State Gazette No. 8/2002). The latter provides for obligatory permissions for work with dangerous pathogens, which are issued by the Director General of the National Office for Plant Protection. Inspections are carried out by the Regional Office for Plant Protection. Every single activity requires special permission. There are special requirements for transportation.

c. animal pathogens

The work with animal pathogens is regulated by the following documents: Regulation on the Implementation of the Law on the Veterinary-Medical Activities (State Gazette No. 55/2000) and Regulation No. 4 for the licensing of the production of veterinary medicines and preparations (State Gazette No. 7/2003). The licenses for laboratory activity in this field are issued by the Minister of agriculture and forestry. The Director General of the National Veterinary-Medical Office issues licenses for the production of veterinary preparations and medicines. Laboratories and production facilities are inspected regularly. The concrete activity of the laboratory is part of the license. For the production facility, a list of the preparations is appended to the license. There are strict registration, control/oversight and storage requirements for working with microorganisms and toxins. Transportation and labeling follow the norms of the OIE.

The security of the laboratories and services is further enhanced by orders of the Director General of the National Veterinary-Medical Office.

Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (adopted in 1996, amended in 2002) – Under this Law the Customs Agency is authorized to require that additional information be provided from the persons engaged in foreign trade/brokering activities in arms and dual-use goods and technologies; to request information necessary for exercising control from foreign authorized institutions. Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (adopted in 1996, amended in 2002) and the Regulation for its Implementation – provide regulation for the procedures for the execution of international transactions with dual-use goods and technologies. The Law provides for issuance of licenses and permits to physical and legal persons for execution of foreign trade activities in arms and dual-use goods and technologies.

It also imposes bans and restrictions towards countries and organizations under UN, EU and OSCE embargoes. The amendments and complements adopted in 2002 to the above-mentioned Law include improved control over brokering activities. Any such activities, carried out on and from the territory of Bulgaria, are treated as trade activities falling under relevant legislative provisions. This also implies introduction of a licensing regime for brokering activities and establishment of a brokers' register.

Bulgaria regularly updates its control lists of arms and dual-use goods and technologies which incorporate the items listed in the control lists of the export control regimes.

Control lists

Bulgaria, as a member of the Australia Group, Missile Technology Control Regime, the Nuclear Suppliers' Group, the Wassenaar Arrangement and the Zangger Committee, recognizes the importance of the development of such control lists and strictly adheres to the guidelines and control lists of those regimes.

Customs

The Authorities responsible for the enforcement of export controls are the Inter-ministerial Council on the Military Industrial Complex and the Mobilization Preparedness of the Country with the Council of Ministers (Inter-ministerial Council) and the Interdepartmental Commission for Export Control and Non-Proliferation of Weapons of Mass Destruction. They are headed by the Minister of Economy and consist of the relevant national institutions. The issuance of licenses to trade in arms and dual-use goods and technologies lies within the responsibilities of the Inter-ministerial Council. The decisions for granting permits for transactions of weapons or dual-use goods and technologies are made by the Inter-departmental Commission. Both authorities take the relevant decisions by consensus and on case-by –case basis.

The Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (1996), as amended, the Law on the Ministry of the Interior (1997), as amended and the Law on Customs (1998), as amended, establish the responsibility of the Ministry of the Interior, the Ministry of the Economy and the Customs Agency to execute strict control and to prevent unlicensed transfer (exports and imports) of dual-use goods and technologies