



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances,
the Secretary-General has the honour to communicate the following legislative texts*

BULGARIA

Communicated by the Government of Bulgaria

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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E/NL.2003/53

Penal Code: Amendments in reference to drugs

Article 93. The words and phrases specified below shall be used in this Code with the following meaning:

16. (new - SG, No. 21/2000) "Narcotic drugs" shall be all intoxicating and psychotropic substances - posing high risk and risk – within the meaning of the Law for Control of Narcotic Drugs and Precursors¹.

17. (new - SG, No. 21/2000) "Precursor" shall be any substance within the meaning of the Law for Control of Narcotic Drugs and Precursors.

18. (new - SG, No. 21/2000) "Illicit trafficking" shall be any illicit activity or action related to plants containing narcotic drugs, to narcotic drugs and to precursors.

19. (new - SG, No. 21/2000) "Analogue" shall be any substance not included in the Law for Control of Narcotic Drugs and Precursors, but having similar chemical structure to any narcotic drug and causing analogous effect in the human organism.

Article 155.

(4) (new - SG, No. 21/2000) A person who has persuaded or compelled another person to use narcotic drugs and/or analogues thereof for the purpose of prostitution, who panders to sexual intercourse, homosexual acts or acts of lewdness, shall be punished by imprisonment for five to fifteen years and fine of BGN 20,000 to BGN 50,000.

(5) (new - SG, No. 21/2000) Where the act has been perpetrated:

1. by or through an organized group;
2. in respect of juvenile, minor or insane person;
3. in respect of more than two persons;
4. as second offence,

the punishment shall be imprisonment for ten to twenty years and fine of BGN 100,000 to BGN 300,000.

Article 242. (as amended - SG, No. 95/1975)

(2) (New - SG, No. 95/1975, No. 10/1993, as amended - SG, No. 62/1997, as amended - SG, No. 21/2000) A person who carries without due permit over the state border narcotic drugs and/or analogues thereof, shall be punished, for high risk narcotic drugs by imprisonment of ten to fifteen years, and for risk narcotic drugs – by imprisonment of three to fifteen years and fine of BGN 10,000 to BGN 100,000.

(3) (new - SG, No. 21/2000) A person who carries without due permit over the state border precursors or facilities and materials for manufacture of narcotic drugs shall be punished by imprisonment of two to ten years and fine of BGN 50,000 to BGN 100,000.

¹ Note by the Secretariat: E/NL.2000/2

(4) (New paragraph (4) – SG, No. 89/1986, No. 10/1993, paragraph (3) - repealed, former paragraph (4) - SG, No. 50/1995, as amended - SG, No. 62/1997, former paragraph (3), as amended - SG, No. 21/2000) Where the subject of smuggling under the preceding paragraphs is of specially large amount and the incidence is particularly grave ..., the punishment shall be: ... in the circumstances under paragraphs (2) and (3) – imprisonment for fifteen to twenty years and fine of BGN 200,000 to BGN 300,000.

(9) (New - SG, No. 41/1985, former paragraph (8), as amended - No. 89/1986, former paragraph (9), as amended, No. 50/1995, former paragraph (8), as amended - No. 21/2000) For the arrangements under paragraphs (2), (3) and (4) the punishment shall be imprisonment of up to five years. In such cases paragraph (7) shall apply.

Article 253. (New - SG, No. 62/1997)

(1) (as amended - SG, No. 85/1998) A person who pursues financial operations or other transactions with funds or property of which he is aware or presumes they have been acquired through crime, shall be punished by imprisonment of one to five years and fine of BGN 3,000 to BGN 5,000.

(3) (new - SG, No. 21/2000) The punishment shall be imprisonment of ten to thirty years and fine of BGN 20,000 to BGN 200,000 where the act has been perpetrated with funds or property of which the perpetrator has been aware or has presumed they had been acquired by illicit trafficking of narcotic drugs and/or analogues thereof, and/or precursors.

Article 270. (as amended - SG, No. 28/1982, No. 10/1993)

(1) (Previous text of Article 270 - SG, No. 21/2000) A person who unlawfully obstructs a government body to implement its duties shall be punished by imprisonment of up to three months or fine of up to BGN 3,000.

(2) (new - SG, No. 21/2000) Where the duties under the preceding paragraph are related to control of trafficking of narcotic drugs, analogues or precursors, the punishment shall be imprisonment of up to two years and fine of BGN 10,000 to BGN 50,000.

Article 321. (1) A person who forms or leads a group made up for the purpose of committing crimes in this country or abroad, shall be punished by imprisonment of one to five years.

(2) A person who takes part in such a group shall be punished by imprisonment of up to three years.

(3) (New - SG, No. 62/1997, as amended - SG, No. 21/2000) Where such group has been organized or armed or formed for the purpose of illicit trafficking of narcotic drugs, analogues or precursors, or where an official takes part in such a group, the punishment shall be:

1. under paragraph (1) – imprisonment of five to fifteen years;

2. under paragraph (2) – imprisonment of three to ten years.

Article 342. (as amended - SG, No. 95/1975 and No. 28/1982)

(1) A person who in driving railway rolling stock, aircraft, motor vehicle, vessel, combat or special machine, violates the traffic rules allowing infliction of bodily injury or death to another, shall be punished by imprisonment of up to two years or by corrective labour.

(2) (as amended - SG, No. 21/2000) Where the act has been committed in a state of drunkenness or after use of narcotic drugs and/or analogues thereof, or where as result of the act bodily injury or death of more than one person has occurred, or the perpetrator has escaped from the scene of the accident, the punishment shall be:

a) for severe or medium bodily injury – imprisonment of up to five years, and in particularly grave cases – up to eight years;

b) for death – imprisonment of three to ten years, and in particularly grave cases – imprisonment of five to fifteen years.

Article 343b. (New - SG, No. 28/1982, as amended, No. 50/1995) ...

(3) (New - SG, No. 21/2000) A person who drives a motor vehicle after use of narcotic drugs or analogues thereof shall be punished by imprisonment of up to two years.

Article 354a. (New - SG, No. 95/1975)

(1) (As amended - SG, No. 10/1993, as amended - SG, No. 62/1997, as amended - SG, No. 21/2000) A person who without due permit manufactures, processes, acquires, distributes, stores, keeps, transports or carries narcotic drugs or analogues thereof, shall be punished, for high risk narcotic drugs – by imprisonment of ten to fifteen years and fine of BGN 100,000 to BGN 200,000, and for risk narcotic drugs – by imprisonment of three to fifteen years and fine of BGN 10,000 to BGN 100,000. Where object of the crime are precursors or facilities and materials for manufacture of narcotic drugs the punishment shall be imprisonment of three to fifteen years and fine of BGN 50,000 to BGN 150,000.

(2) (as amended - SG, No. 10/1993, as amended - SG, No. 21/2000) Where the act under the preceding paragraph:

1. has as its object substances of particularly large quantities;
2. has been committed by two or more persons, who have conspired in advance;
3. involves substances distributed among two or more persons and in public, or in the vicinity of an educational establishment, a hostel or military barracks within a distance of up to 250 m to the respective appurtenant grounds;
4. has been committed by a medical doctor, a pharmacist, a tutor, a teacher, head of an educational establishment or an official working at penitentiary establishment;
5. has been committed as a second offence,

the punishment shall be imprisonment for fifteen to twenty years and fine of BGN 200,000 to BGN 300,000 for high risk narcotic drugs and imprisonment of ten to twenty years and fine of BGN 50,000 to BGN 150,000 – for risk narcotic drugs.

(3) (as amended - SG, No. 21/2000) Punishment shall not be imposed on a person dependent on narcotic drugs or analogues thereof, provided the quantity such person acquires, stores, keeps or carries, is such that reveals intention of personal use.

Article 354b. (New - SG, No. 95/1975)

(1) (as amended - SG, No. 62/1997, as amended - SG, No. 21/2000) A person who persuades or encourages another to use narcotic drugs and/or analogues thereof shall be punished by imprisonment of one to ten years and fine of BGN 5,000 to BGN 10,000.

(2) (as amended - SG, No. 21/2000) Where the act under paragraph (1) has been committed:

1. in respect of juvenile, minor or insane person;
2. in respect of more than two persons;
3. by a medical doctor, a pharmacist, a tutor, a teacher, head of an educational establishment or an official working at penitentiary establishment;

4. by owner or leaseholder of hotel, restaurant, discotheque or another public establishment;
5. through the mass media or in another manner in public;
6. as a second offence, the punishment shall be imprisonment of five to fifteen years and fine of BGN 50,000 to BGN 100,000, whereas in the circumstances under sub-paragraphs 3 and 4 shall also rule deprivation of rights under Article 37, sub-paragraphs 6 and 7.

(3) (new - SG, No. 21/2000) A person who gives to another narcotic drugs and/or analogue thereof in quantities that may cause death and death occurs in result thereof, shall be punished by imprisonment of ten to thirty years and fine of BGN 300,000 to BGN 500,000.

(4) (as amended - SG, No. 62/1997, former paragraph (3) - SG, No. 21/2000) A person who systematically places premises at the disposal of various persons for use of narcotic drugs or organises the use of such substances, shall be punished by imprisonment of five to twelve years and fine of BGN 5,000 to BGN 20,000.

(5) (as amended - SG, No. 10/1993, as amended - SG, No. 62/1997, former paragraph (4) - SG, No. 21/2000) A medical doctor who, without being necessary, consciously prescribes to another person narcotic drugs or medicines containing such substances, shall be punished by imprisonment of up to five years and fine of up to BGN 3,000, whereas the court may also rule deprivation of rights under Article 37, sub-paragraphs 6 and 7.

(6) (Former paragraph (5) - SG, No. 21/2000) Where the act under the preceding paragraph has been committed as second offence the punishment shall be imprisonment of up to three years and deprivation of rights under Article 37, sub-paragraphs 6 and 7.

Article 354c. (New - SG, No. 95/1975, as amended - SG, No. 62/1997, as amended - SG, No. 21/2000)

(1) A person who sows or cultivates opium poppy and coca plants or plants of the genus cannabis in violation of the rules set forth in the Law for Control of Narcotic Drugs and Precursors, shall be punished by imprisonment of three to five years and fine of BGN 5,000 to BGN 10,000.

(2) A person who organizes, manages and/or finances a criminal group for cultivation of plants under the preceding paragraph, or for extraction, manufacture, preparation, production or processing of narcotic drugs, shall be punished by imprisonment of twenty to thirty years or imprisonment for life and fine of BGN 300,000 to BGN 500,000.

(3) A person who participates in a group under the preceding paragraph shall be punished by imprisonment of three to ten years and fine of BGN 5,000 to BGN 10,000.

E/NL.2003/54

Law on Measures against Money Laundering

*Amended by the Law on the Amendments and Complements to the Law on Measures against Money Laundering
(Promulgated in the State Gazette, Issue I of 2 January 2001)*

Chapter one
General Provisions

Art. I

(1) This law shall determine the measures against money laundering as well as the organization and control over their implementation.

(2) The objective of the law is to prevent money laundering and to detect actions of natural and legal persons aimed at money laundering.

Art. 2

(1) Money laundering is the preparation, carrying out and acceptance of the results of actions through which money or other property, as well as anything derived therefrom, becomes the possession of a given person through or in connection with a crime and is introduced into the economic turnover.

(2) Money laundering also exists in the cases of:

1. The transformation or transfer of property acquired through or in connection with a crime;
2. Concealment or disguising of the real nature, the source, the location, the disposition, the movement or the rights related to the property acquired through or in connection with a crime;
3. Acquisition, possession or use of property, with the knowledge at the time of receiving, that it has been acquired through, or in connection with a crime.

(3) Money laundering shall also occur in cases where the initial crime is committed abroad and does not fall within the penal jurisdiction of the Republic of Bulgaria.

Art. 3

(1) The measures for preventing and detecting actions relating to money laundering are:
identification of persons, collection, keeping and disclosure of information about operations and transactions.

(2) The measures under paragraph (1) shall be mandatory for:

1. Bulgarian National Bank, Commercial Banks, Non-banking Financial Institutions within the meaning of article 1, paragraph 5 of the Law of the Banks;
2. insurers;
3. investment companies, investment intermediaries and managing companies;
4. pension funds
5. bodies in the privatization process;
6. persons organizing the award of public commissions;
7. persons organizing and conducting games of chance;
8. legal persons to which mutual assistance funds are established;
9. persons who grant cash loans in return for pledging corporeal assets;
10. post offices, which accept or receive money or other valuables;
11. notaries;
12. exchanges and exchange brokers;

13. leasing companies;
14. government and municipal bodies granting concessions;
15. political parties;
16. trade unions and professional organizations;
17. non-profit legal persons;
18. chartered accountants and specialized auditing enterprises
19. tax authorities;
20. customs authorities;
21. traders selling automobiles by profession;
22. sports organizations;
23. the Central Depository;
24. persons dealing by profession in precious stones and germs;
25. dealers in weapon, petroleum and petroleum products;
26. traders dealing in alcohol and cigarettes;
27. wholesale traders.

(3) The measures under paragraph (1) are mandatory for the persons under paragraph (2) even if they have been adjudged insolvent or if they are in process of liquidation.

(4) The measures under paragraph (1) shall also apply to registered abroad branches of persons under paragraphs (2) and (3).

Chapter two

Identification of Customers, Collection, Storing and Disclosure of Information

Division 1

Identification of clients

Art. 4

(1) The persons under art. 3, paras (2) and (3), must identify their customers in the cases of establishing of permanent commercial relationships as well as carrying out of operations and entering into transactions which involve sums exceeding 30 thousand BGL and the Bulgarian National Bank, banks, financial houses and foreign exchange offices also in the cases of exchange of currency in cash where the amount exchanged exceeds 10 thousand BGL,

(2) Paragraph (1) shall also apply to the cases where more than one operation or transaction is carried out, each of them not exceeding 30 thousand BGL respectively 10 thousand BGL, but there are data that such operations or transactions are linked.

(3) The persons under art.3, paragraphs (2) and (3) must identify their customers also outside the cases under paragraphs (2) and (3), wherever there is a suspicion of money laundering.

Art. 5

- 1) Where the operation or transaction is carried out through a representative, the persons under article 3 paragraphs 2 and 3 must require evidence of the power of attorney and identify the representative and the person represented.
- 2) Where the operation or transaction is carried out on behalf of a third party without authorization or through a third person - bearer of documents for carrying out of the operation or transaction, the persons under article 3 paragraphs 2 and 3 must identify the third party in favour of which the operation or transaction is carried out, the person who has carried out the operation or transaction and the bearer.

Art. 6

(1) Identification of customers shall be done as follows:

1. In the case of legal persons - by furnishing an official excerpt about their present status from the respective register, and where such person is not subject to registration - by furnishing a certified transcript of the document of incorporation and registration of the name, seat, address and the representative.
 2. In the case of natural persons - by furnishing an official identity document and registration of its type, number and issuer, as well as the name, address, personal number and for natural persons having the capacity of sole merchants - also by furnishing the documents under item 1.
- (2) Persons bound by law to have tax registration shall present a copy of their tax registration.
- (3) Persons bound by law to have customs registration shall present a copy of their customs registration.
- (4) In the cases where a certain activity is to obtain a licence, permission or registration, the persons carrying out transactions and operations connected with this activity, furnish a copy of the corresponding licence, permission or certificate of registration.
- (5) Persons under art. 3, para. 2, items 1, 2, 3, 4, 5, 6, 7, 10, 12, 14, 18, 19 and 20 shall set up specialized services for customers identification which shall:
1. collect, process, store and disclose information about the concrete operations or transactions;
 2. gather evidence as to the ownership of the property subject to transfer;
 3. request information about the origin of the money or valuables which form the subject of such operations or transactions; the origin of those money or valuables shall be certified by a declaration;
 4. collect information about their customers and maintain accurate and detailed documents for their operations involving money or valuables;
 5. wherever there is suspicion of money laundering, provide the collected information under items 1, 2, 3 and 4 of this paragraph to the Agency "Bureau of Financial Intelligence" in accordance with art. 11.
- (6) Where it is not possible to set up a specialized unit, the persons under art.3, para. 2, items 1, 2, 3, 4, 5, 6, 7, 10, 12, 14, 18, 19 and 20 shall carry out their duties personally.
- (7) All the persons under art.3, paras 2 and 3 carry out their duties under art.6, independently of the fact whether they set up a specialized service or not."

Division 11 Gathering of information

Art. 7

- (1) Wherever suspicion of money laundering arises, the persons under art. 3, paras (2) and (3), are under the obligation to collect information about the essential elements and the amounts of the operation or transaction, the respective documents and the other identifying data.
- (2) The data collected shall be used for the purposes of this law only.

Division III Storing of information

Art. 8

In the cases under arts. 4 - 7 the persons under art. 3, paras (2) and (3), are under the obligation to store for a period of 5 years the data about the customers and the documents for the transactions and operations carried out. With respect to the customers, the time limit shall run from the beginning of the calendar year following the year in which the relationship is terminated and with respect to the transactions and operations - from the beginning of the calendar year following the year of their performance.

Art. 9

When demanded the data and documents under art. 8 shall be forwarded to the Agency "Bureau of Financial Intelligence" in the original or as officially certified copies. The order, deadlines and periodicity shall be determined in the Regulations on the Implementation of the Law on Measures against Money Laundering.

Division IV

Disclosure of information

Art. 10

(1) The information received from persons under art.3, paras (2) and (3), shall be stored, examined, analysed and disclosed by the Agency "Bureau of Financial Intelligence", which shall be a legal person on the state budget support, reliable to the Minister of Finance with a seat in Sofia,

(2) The structure and the organization of the activities of the Agency "Bureau of Financial Intelligence" shall be determined by a Rules of Structure, adopted by the Council of Ministers.

(3) Representatives of the Bulgarian National Bank, the Ministry of Interior, the Ministry of Justice, the bodies of the Judiciary and other experts may be invited as experts within the Bureau of Financial Intelligence.

(4) The interaction between the Ministry of Finance and the Ministry of the Interior shall be arranged by an instruction of the two Ministers.

(5) The interaction between the Agency "Bureau of Financial Intelligence" and the administrative structures to the Minister of Finance shall be carried out under the order defined by the Minister of Finance.

Art. 11

(1) Wherever there is suspicion of money laundering, the persons under art. 3, paragraphs (2) and (3), shall be under the obligation to notify forthwith the Agency "Bureau of Financial Intelligence" prior to carrying out the operation or transaction, holding up its realization within the period admissible under the legal acts that regulate the corresponding kind of activity.

(2) In the cases where the delay of the operation or transaction is objectively impossible, the person under art. 3 paras 2 and 3 shall notify the Agency "Bureau of Financial Intelligence" immediately after its performance.

(3) The notification of the Agency may be done also by employees of the persons under art. 3 paras 2 and 3 that are not responsible for the application of the measures against money laundering, The Agency shall keep the anonymity of these employees.

Art.12

(1) In the cases under am I I para. I the Minister of Finance upon a proposal by the Director of the Agency "Bureau of Financial Intelligence" may suspend by an order in writing a certain operation or transaction for a period of up to three workdays, considered from the day following the day of issuing the order. If no preventive measure, distraint or foreclosure, is undertaken until the expiration of that time limit, the persons under art. 3, paras 2 and 3 may proceed with the operation or transaction.

(2) The Agency "Bureau of Financial Intelligence" shall immediately notify the Prosecutor's Office about the suspension of the operation or transaction while submitting all the necessary information keeping the anonymity of the person under art. 3, paras. 2 and 3, that has made the notification under art. I I or 18.

(3) The Prosecutor may impose a preventive measure or place a request before the corresponding court for imposing of distraint or foreclosure. The court is to pass a statement on the request within 24 hours as from the moment of its entering.

(4) Wherever there are data for a committed crime, the Agency "Bureau of Financial Intelligence" shall notify the Prosecutor's Office keeping the anonymity of the person under art. 3, paras. 2 and 3, that has made the notification under art. 11 or 18.

Art. 13

(1) In the cases of notification under art. 11 or 18 the Agency "Bureau of Financial Intelligence" may demand from the persons under art. 3, paras 2 and 3, excluding the Bulgarian National Bank and the banks, information concerning suspicious operations, transactions or customers. The demanded information shall be delivered within the defined by the Agency time limits.

(2) Wherever there is a written notification under art. 11 or 18 made by a person under art. 3, para. 2, items 1, 2, 5 and 23 as well as a Request for Information under art. 22 the Agency "Bureau of Financial Intelligence" may demand from the Bulgarian National Bank and the banks information about suspicious operations, transactions or customers. The demanded information shall be delivered within the defined by the Agency time limits.

(3) The Agency "Bureau of Financial Intelligence" may demand from the government and municipal bodies information under the conditions of para. 1 and that information could not be refused. The demanded information must be delivered within the defined by the Agency time limits.

(4) When defining the time limits under paras. 1 - 3 the Agency shall take into consideration the volume and the contents of the information demanded.

(5) For the purposes of the analysis the Agency "Bureau of Financial Intelligence" shall receive from the Bulgarian National Bank statistical information under art. 7 of the Foreign Exchange Law.

(6) The Agency "Bureau of Financial Intelligence" shall have the right of gratuitous access to the information registers built up and maintained by state budget funds.

(7) The submission of the information under paras 1 - 6 could not be denied or limited for reasons of professional, banking or commercial secrecy.

Art. 14

The persons under art.3, paras (2) and (3) shall not be allowed to notify their customer or any third party of the disclosure of information in the cases under arts 9, 11, 13, 17 and 18.

Art. 15

The disclosure of information in the cases under arts. 9, 11, 13, 17 and 18 shall not give rise to liability for breach of other laws.

Devision V Protection of the Information

Art. 15a

(1) The Agency "Bureau of Financial Intelligence" may use the information that is official, banking or commercial secrecy as well as the protected personal information received under the conditions and order of arts 9, 11, 13, 17 and 18 only for the purposes of this law.

(2) The employees of the Agency "Bureau of Financial Intelligence" and the experts under art. 10, para. 3 cannot announce, use for personal favour or in favour of persons related to them, pieces of information and facts, that are official, banking or commercial secrecy, which have become known to them while exercising their official duties.

(3) The employees of the agency as well as the experts under art. 10, para. 3 shall sign a declaration for keeping the secrecy under para. 2.

(4) The provision of para. 2 shall be referred also to the cases where the mentioned persons are not employed or the performance of the task for which they had been drawn in under art. 10, para. 3 has ended.

Chapter Three Internal Organisation and Control

Art.16

(1) The persons under art. 3, paras (2) and (3) shall adopt within 4 months as from the coming into force of this law or as from their registration, internal rules for control and preventing money laundering which rules shall be approved by the Director of the Agency "Bureau of Financial Intelligence".

(2) The internal rules under para (1) shall lay down clear criteria in view of discerning suspicious operations or transactions and customers, the procedure for training of the employees and the use of the technical means for prevention and detection of money laundering.

(3) The internal rules under para I shall be sent to the Director of the Agency "Bureau of Financial Intelligence" for affirmation within time period of 14 days as from the date, of their adoption.

Art. 17

(1) The control over the implementation of this law shall be exercised by the Minister of Finance and the Director of the Agency "Bureau of Financial Intelligence".

(2) The controlling bodies of the Agency "Bureau of Financial Intelligence" shall carry out checks on the spot on the persons under art. 3, paras 2 and 3 in connection with the implementation of the measures for prevention and disclosure of money laundering as well as where suspicion of money laundering exists.

(3) Controlling bodies of the Agency "Bureau of Financial Intelligence" shall be the nominated by the Director officials from the staff of the agency.

(4) The checks under art. I may be carried out in cooperation with the bodies that are entrusted by a special law to exercise control over the persons under art. 3, paras 2 and 3.

(5) The checks shall be carried out on the basis of an order in writing by the Minister of Finance or the Director of the Agency "Bureau of Financial Intelligence". The purpose, the time and the place of the check, the name of the person checked as well as the name and the position of the checking persons shall be pointed out in the order.

(6) The persons under art. 3, paras 2 and 3, the government bodies, the authorities of local self-government and their officials are obliged to render assistance to the control authorities of the Agency "Bureau of Financial Intelligence" when the latter are exercising their official duties.

(7) When carrying out checks on the spot the controlling bodies under para. 3 shall have the right to free access to the official premises of the persons under art. 3, paras. 2 and 3 as well as to require documents and collect data in connection with the performance of the task entrusted to them."

Art. 17 a

(1) The Minister of Finance on a proposal by the Director of the agency "Bureau of Financial Intelligence" shall define the officials which shall have the right to additional payment for work within the system of financial intelligence as well as the individual rate for each official.

(2) The funds under para. 1 shall be defined at the rate of 25 per cents of the annual amount of the funds for salaries in the budget of the agency "Bureau of Financial Intelligence" for the corresponding year and shall be included in the Law on the State Budget for the same year.

(3) The funds at the rate of 30 percent collected from sanctions imposed under this law shall flow as revenues into the budget of the agency "Bureau of Financial Intelligence" and shall be used for capital investments for improvement of the equipment, training and participation in international events.

(4) The order of calculation and expense of the funds under para. 3 shall be determined by an ordinance of the Minister of Finance.

(5) The officials of the agency "Bureau of Financial Intelligence" shall be obliged to insure against accident and have "Life Insurance".

Art. 18

(1) Where the persons under art.3, paras. (2) and (3) find out data about money laundering, they shall forthwith notify the agency "Bureau of Financial Intelligence".

(2) The Agency "Bureau of Financial Intelligence" may receive data concerning money laundering besides from the entities under para. 1 also from government bodies or through the international exchange.

Art. 19

Where a person under art. 3, paras (2) and (3), fails to carry out his duties under this law, the Minister of Finance may:

1. oblige such person to undertake specific measures necessary to remove the offences;
2. revoke the license issued, where the Minister has issued the license himself, or require such revocation from the authority which has issued the license to pursue the corresponding activities.

Art. 20

The acts under art. 19, item 2, may be appealed in accordance with the Law on the Supreme Administrative Court.

Chapter Four International Cooperation

Art. 21

(1) The Agency "Bureau of Financial Intelligence" via the bodies of the judiciary and the Ministry of Justice shall apprise the competent authorities abroad of the data received by it concerning the initial crimes and the crimes related thereto in respect of money laundering, to which the Bulgarian Criminal Code does not apply.

(2) In the cases where data about initial crimes on money laundering have been received in the course of prejudicial or judicial proceedings and the Ministry of Justice apprises the competent authorities abroad, a copy of the notification shall be sent to inform the Agency "Bureau of Financial Intelligence".

Art. 22

The Agency "Bureau of Financial Intelligence" on its own initiative or at request for information shall exchange information about cases related to suspicion of money laundering with the corresponding international authorities and authorities of other countries on the basis of international acts and bilateral agreements.

Chapter Five Administrative and Penal Provisions

Art. 23

- (1) Any person who commits or admits the commission of an offence under art. 4, 5, 6, 7, 8, 9, 13 and 15a shall be punished by a fine of 500 to 10,000 BGL, if the act does not constitute a crime.
- (2) Any person who commits or admits the commission of an offence under art. 11, 14 and 18 shall be punished by a fine of 5 000 to 20 000 BGL, if the act does not constitute a crime.
- (3) Any person who commits or admits the commission of an offence under art. 16, shall be punished by a fine of 200 to 2 000 BGL, if the act does not constitute a crime..
- (4) Where the offence under paras (1), (2) and (3) is committed by a legal person, the latter shall be liable to a sanction of 2 000 to 50 000 BGL.

Art. 24

- (1) The acts establishing the offence shall be drawn up by the controlling bodies of the Agency "Bureau of Financial Intelligence" and the penalty warrants shall be issued by the Minister of Finance.
- (2) The drawing up of the acts and the issuing, appealing and execution of the penalty warrants shall be carried out under the order of the Law on Administrative Offences and Penalties.

Additional Provision

§ 1. Within the meaning of this Law:

1. "Property acquired through a crime" within the meaning of arts. 1 and 2 shall be the property derived from the commitment of a crime.
2. "Property acquired in connection with a crime" within the meaning of arts. 1 and 2 shall be the property received for the purpose of commitment, or because of the commitment of a crime.
3. "Initial crime" shall be any crime the proceeds of which form the subject of money laundering.

Temporary and Concluding Provisions

§ 2. This law shall repeal the Law on Measures against Money Laundering of 1996 (State Gazette, Issue 48 of 1996).

§ 3. The persons under art. 3, paras (2) and (3) shall be under the obligation to submit to the Agency "Bureau of Financial Intelligence" within 3 months time limit as from the entering of this Law into force, any available information concerning money laundering.

§ 4. The persons under art. 3, para. (2), items 1, 2, 3, 4, 5, 9, 11, 13 and 18 shall be under the obligation to bring their organization and activities in compliance with the requirements of this Law and to submit their internal rules under art. 16 to the Minister of Finance, within 5 months time limit as from the entering of this Law into force.

§ 5. In art. 10 from the Law on Administrative Offences and Penalties (promulgated in State Gazette, Issue 92 of 1969; amended, Issue 54 of 1978, Issue 28 of 1982, Issues 28 and 101 of 1983, Issue 89 of 1986, Issue 24 of 1987, Issue 94 of 1990, Issue 105 of 1991, Issue 59 of 1992, Issue 102 of 1995, Issues 12 and 110 of 1996 and Issues 11, 15 and 59 of 1998) after the words "persons who conceal" a comma shall be inserted and the words "as well as persons who admit the commission thereof" shall be added.

§ 6. The enforcement of this Law shall be entrusted to the Council of Ministers and the Council of Ministers shall adopt a Regulation on Implementation of the Law within 2 months as from the entering of the Law into force.

This Law was passed by the 38th National Assembly on 9 July 1998 and the State Seal of the National Assembly was affixed thereto.

E/NL.2003/55

Government Regulations on the Structure of "Bureau for Financial Intelligence" Agency

Appendix to Mono-Article of CCL No. 33 dated 12.02.2001, publ., State Gazette, Nr. 16/20.02.2001 in force since 20.02.2001 it. 8, sec. 1, nr. 54 "c'

Chapter One

General Rules

Art. 1 The Regulations settle the structure, organization of work and the number of personnel of the "Bureau for Financial Intelligence" Agency, called later on briefly "the Agency", as well as its structures functioning.

Art. 2

(1) The Agency is an administration to the Minister of Finance.

(2) The Agency's status and functions are settled by the Law on Measures Against Money Laundering¹ (LMML).

Art. 3

The Agency is a legal entity with seat in Sofia.

Art.

(1) The Agency's maintenance is formed by budget means.

(2) The Agency is a secondary disposing person for the budget credits at the Minister of Finance.

Art. 5

(1) The Agency is managed and represented by the Director General, appointed by the Minister of Finance in concordance with the Prime Minister for a 5-year-period without limiting the number of mandates possible for one person to take over.

(2) The Director General of the Agency is assisted by a Deputy Director General appointed by the Minister of Finance upon suggestion of the Director General.

(3) As a Director General, respectively Deputy Director General of the Agency could be appointed person having Master's degree in Economics or in Law and respectively 10 and 5 years working experience in the respective field.

(4) The Deputy Director General is substituting the Director General when the latter is absent, and when both are absent, another previously appointed by a written order person of the Agency's staff acts for them.

Chapter Two

Director

Art. 6

(1) The Director General of the Agency will:

¹ Note by the Secretariat: E/NL.2003/54

1. represent the Agency;
 2. organize the Agency's work and manage and supervise its functions' exercising whereas be in charge of the complete Agency's activity;
 3. plan, distribute and control the use of the budget means conceded to the Agency;
 4. appoint the state employees and cease the official and legal relations with the same;
 5. conclude, amend and cease employment contracts with the persons working for the Agency on a legal labor basis.
 6. prepare the Agency's annual report of activities and submit it to the Minister of Finance;
 7. define the information composing official secrecy;
 8. be entitled to rights by the Law on Measures Against Money Laundering and by other normative acts.
- (2) In execution of his rights the Director General issues orders.

Art. 7

The Director General may entrust some of his rights to the Deputy Director General or to the Chief Secretary of the Agency.

Chapter Three

Structure and Organization of Work

Section I

General principles

Art.8

- (1) The Agency is organized in 3 directorates.
- (2) The total number of the personnel in all administrative groups of the Agency is 40. The staff numbers of the single administrative groups are shown in the appendix hereto.
- (3) The Director General approves the administrative groups' structures and the pay-roll upon suggestion of the managers of the respective administrative groups.

Art.9 The Agency applies the positions provided for a state agency in the Uniform Classifier of the administrative positions.

Section II

Chief Secretary

Art. 10

- (1) The administrative management of the Agency's administration is accomplished by a Chief Secretary.
- (2) The Chief Secretary will:

1. provide for the organizational relation between the Director General and the administrative groups of the Agency;
2. create conditions for a normal and effective work of the Agency's groups;
3. co-ordinate the Agency's financial and economical activity;
4. supervise the implementation of the tasks posed to the administration;
5. monitor and respond of the elaboration and storage of documents as well as of keeping the official secrecy.
6. implement other orders of the Director General.

(3) The Director General appoints Chief Secretary for the period of 5 years.

Section III

Common Administration

Art. 11

- (1) The common administration is structured within the "Administrative and financial service" Directorate.
- (2) The "Administrative and financial service" Directorate is managed directly by the Chief Secretary of the Agency.

Art. 12

The "Administrative and financial service" Directorate will:

1. work out the budget project of the Agency;
2. accomplish accounting reports on the budget implementation;
3. work out monthly, trimestrial and annual turn-over registers;
4. prepare the annual report and statement of the Agency;
5. organizes and carries out the material and technical supplies to the Agency;
6. be in charge of the proper use and management of the Agency's property;
7. be in charge of the guards and security of the Agency;
8. carry out the legal and normative attendance and the procedural representation of the Agency;
9. organize and accomplish the files activity, the safe-keeping and storing of the documentation in archive files, the reports on entering and outgoing mail and carry out the procedural representation of the Agency;
10. prepare the list of employees and pay-roll of the Agency;
11. prepare the designation acts and labor contracts with the employees of the Agency and work out the ceasing of the same;
12. form and preserve the personal records of service of the state employees and of persons working on labor contracts and keep them in conformity with the provisions of law.

Section IV

Specialized administration

Art. 13

(1) The specialized administration at the Agency is organized within:

1. "Information and Analysis" Directorate;
2. "Co-ordination and Control" Directorate;

(2) The "Co-ordination and Control" Directorate is managed directly by the Deputy Director General of the Agency.

Art. 14

The "Information and Analysis" Directorate will:

1. compile and preserve information identifying persons obligated under Art.3, paragraphs 2 and 3 of the LMML to submit STRs and keep special records;
2. compile and elaborate public information about operations, deals and persons related as suspicious for money laundering;
3. keep the actuality of the records and the databases;
4. together with the "Inspectorate" Department at the "Coordination and control" Directorate elaborate criteria for identification of suspicious transactions, deals and customers with a view to the implementation of Art. 16, para 2 LMML
5. suggest additional criteria for suspicious transactions, deals and persons to be included to the internal regulations of the persons under Art. 3, paragraphs 2 and 3 LMML;
6. analyse the reports given by persons under Art. 3, paragraphs 2 and 3 LMML concerning suspicious transactions, deals and customers;
7. determine the necessity of compiling additional information about suspicious transactions, deals, and customers from persons under Art. 3, paragraphs 2 and 3 LMML, including cases of coherent operations under Art. 4, paragraph 2 LMML;
8. gather additional information about cases suspicious for money laundering;
9. suggest to the Director General ways of joining new information massifs and registers;
10. elaborate typology of suspicious transactions and deals, display and analyze trends in money laundering;
11. work out points of view on efficiency of the normative basis and its application and upon concordance with the "Co-ordination and Control" Directorate present them to the Director General;
12. participate in instruction and preparation of persons under Art.3, paragraphs 2 and 3 LMML, with respect to unifying the standards of identification and preliminary analysis of transactions and deals, suspicious for money laundering;
13. build up and maintain the computer infrastructure of the Agency;

14. administer and supervise the exploitation of the informatics system and bears responsibility for its security;
15. project and organize the use of own databases of the Agency;
16. organize and keep the access of the Agency to other agencies' organizations' databases and informatics systems;
17. plan and carry out innovations in the information system.

Art. 15

The "Co-ordination and Control" Directorate will:

1. co-ordinate the Agency's relations with institutions of EU, the Counsel Of Europe, the financial intelligence units and other foreign institutions competent in the sphere of money laundering, as well as with other international, government and non-government organizations, engaged in the sphere of the counteraction against money laundering;
2. exchange information in cases and suspicion for money laundering with other foreign financial intelligence units and institutions, competent in the sphere of money laundering under the provisions and the regulations of Art. 22 LMML, Art. 10 of the Convention regarding laundering, tracing, seizing and confiscating of the proceeds of crime, bilateral and multilateral treaties and the principles of assistance of the EGMONT Group;
3. organize, supervise and be in charge of the security of use of the defended EGMONT-Group website and the international exchange of information through Internet;
4. co-ordinate the Agency's employees' participation in workshops, seminars, instruction travels and other forms of training;
5. co-operate with competent institutions for harmonizing with the EU Law of the Bulgarian non-native regulations in the sphere of counteraction against money laundering;
6. work out the normative base for interaction of the Agency with financial intelligence units of other countries in the sphere of counteraction against money laundering;
7. co-ordinate the Agency's interaction with other state organs in the matters of free capital movements, corruption, corrupting in international trade transactions and the confiscating in the part related to application of the measures against money laundering;
8. work out the legal aspect of the analysis on suspicious transactions reports and prepare legal conclusions;
9. work out the legal aspect and prepare conclusions on acts related to the supervisory activity of the Agency;
10. co-ordinate the Agency's relationship with law enforcement authorities;
11. perform check-outs on the spot of persons under Art. 3, paragraphs 2 and 3 LMML obliged to submit STRs in connection with application of the measures against money laundering, and also in suspicion for money laundering;
12. suggest to the Director General measures for improvement of organization and activity of the special service of persons under Art.3, paragraphs 2 and 3 LMML;
13. co-ordinate the participation of the Agency and take part in joint check-outs under Art.64, para.2 of the Bank Law;

14. organize and carry out jointly with the supervising institutions and the public organizations of the obliged persons under Art. 3, paragraphs 2 and 3 LMML seminars, workshops and other forms of training, related to the application of the LMML;
15. methodically support the persons under Art. 3, paragraphs 2 and 3 LMML in the elaboration of internal regulations under Art. 16, paragraph I LMML;
16. accomplish current and incidental control over the implementation of the duties under the LMML and its application's acts;
17. draw up protocols of findings for LMML infringements and prepare projects for penal decrees;
18. present reports about the committed infringements, containing infringement analysis and proposals of measures to be undertaken to obliterate the infringements consequences and to prevent future infringements;
19. carry out internal controls upon orders of the Director General and compile respective reports;
20. accomplish check-outs and prepare replies to complaints and signals received at the Agency, related to its competency's exercising;
21. be in charge of the Agency protocol activity.

Section V

Organization of the work in the Agency

Art. 16

The Agency employees, who hold managerial posts according to the functions and tasks assigned to their administrative units will:

1. assign tasks to the staff working in the respective administrative unit, supervise them and be responsible for the right and proper implementation;
2. provide for the collaboration with the other administrative units of the Agency in conformity with the set up organizational links and the distribution of the activities among them;
3. prepare reports on yearly base about the activity of the unit they manage and make proposals for concrete measures for improvement;
4. suggest appointment, promoting, transference, stimulation, sanctioning and discharging of the employees in their administrative unit.

Art. 17

The directors of directorates conduct, organize, supervise, plan, co-ordinate, report and bear responsibility of the activity and the implementation of tasks of the respective directorates.

Art. 18

The state employees and the persons working upon labor contracts at the Agency accomplish the tasks assigned to them in accordance to their positions.

Art. 19

(1) The documents sent to the Agency by the authorities, by legal entities or by natural persons are filed in an entry register marking out the date of receipt.

(2) When filing the documents a checking of the enclosed materials as of their list enclosed is to be done and a work folder be formed which is reported to the Director General for a further distributing to the departments.

(3) The administrative units' managers assign in written form the working of the folders to the respective professional. If there will be more than one employees to work on the issue, the chief appoints the responsible one.

Art. 20

The outgoing documents of the Agency are prepared in two copies. One copy contains two names and the signature of the employee who has worked the document out, the name of the respective chief of administrative unit and the date.

Art. 21

(1) The working hours of the employees of a five-day week are 8 hours daily and 40 hours weekly.

(2) the beginning and the end of the working hours are defined by decree of the Director General.

Art. 22

The employees of the Agency can be awarded by distinction for a model implementation of professional duties in accordance with the Law on the State Employee with material or financial awards to the extent of 3 minimal monthly wages within one calendar year.

Transitional and Closing Arrangements

§ 1. Within 1 month from the date on which the Regulations have taken effect the Director General confirms the positions' characteristics of the Agency employees.

§ 2. The Regulations are consented on the grounds of Art. 10, paragraph 2 LMML and Art. II of the Administration Law.

Appendix to Art. 9, paragraph 2

Number of the staff at the administrative units of Bureau for financial intelligence Agency - 40 positions

Director General	1
Deputy Director General	1
Chief secretary	1
Common administration	6, including:
"Administrative and Financial Service" Directorate	6,
Specialized administration, including:	
"Information and analyses" Directorate	17
"Co-ordination and Control" Directorate	14