

# **Improvement of the Operative Capacity of the Bulgarian Border Police Staff**

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## 1. Basic Information

**1.1. CRIS Number: 2006/018-343.07.07**

**1.2 Title: Improvement of the Operative Capacity of the Bulgarian Border Police Staff**

**1.3 Sector:** Justice and Home Affairs, Sub-sector: Borders

**1.4 Location:** Bulgaria, Ministry of Interior, National Border Police Service

**1.5 Duration:** NP PHARE 2006

## 2. Objectives

### 2.1. Overall Objective(s):

Improvement of the effectiveness of the activities of the Bulgarian Border Police staff aimed to the complete implementation of the Schengen standards in the field of border management.

### 2.2. Project purpose:

Improvement of the specialized personal equipments of the border police staff aiming to increase its capacity for border checks and surveillance in the open air and counteracting the terrorism and smuggling on sea/river

### 2.3. Accession Partnership (AP) and NPAA

The project is in accordance with the priorities and recommendations set out in:

#### **Accession Partnership:**

- Adopt and implement secondary legislation as well as an integrated border management strategy covering all borders of Bulgaria. Particular attention should be given to the gradual modernization of the border infrastructure and equipment, the necessary training for professional border guards and customs officers, especially as regards the use of risk analysis methods and strengthening their intelligence functions and for the co-ordination and practical co-operation between authorities; develop an integrated sea surveillance system;
- Continue efforts to combat efficiently illegal migration, through and from Bulgaria...

#### **NPAA:**

##### Short-term priorities

- Optimisation of border control, supply of modern equipment for effective “green” and “blue” border control, strengthening of the measures for combating illegal migration and

trafficking in people.

#### Mid-term priorities

- Fully adoption and application of Schengen standards and requirements for border control and management and achieving of border regime which meets the EU requirements for external border control

### **Road Map for Bulgaria**

Chapter 24: Co-operation in the field of justice and home affairs

Bulgaria should focus further efforts on substantially strengthening the capacity of its judiciary and law enforcement agencies and improving co-operation between the different agencies. Particular attention should be given to the bodies in charge of the fight against fraud, corruption, money laundering, Schengen, co-ordination of police activities and anti-drugs policy.

#### Short term

- Adopt and implement the new Border Security Act and the secondary legislation as well as an integrated border management strategy covering all borders of Bulgaria, with particular attention for the gradual modernisation of the border infrastructure and equipment, the necessary training for professional border guards and customs officers and for the co-ordination and practical co-operation between authorities.

- Continue to implement the National Anti-Corruption Strategy.

Implement the strategy on the fight against crime, with special attention for various forms of transborder and organised crime such as trafficking in drugs, human beings, etc..., and for the co-ordination and practical co-operation between law enforcement bodies.

#### Medium term

- Continue major efforts to establish a Schengen-type border security system based on the full implementation of the Schengen Action Plan.

### **2004 Regular report on Bulgaria's progress towards accession**

Further efforts to strengthen the law enforcement capacity and policy formulation in order to step up the fight against organized crime and corruption.

### **Bulgaria 2005 Comprehensive Monitoring report**

Chapter 24: Cooperation in the field of justice and home affairs

- Ongoing efforts to strengthen control and combating the cross-border crimes must be enhanced on the basis of sound and proactive risk analysis.
- On the management of the future EU external borders, serious concerns exist about some of the procedures being applied and the consequent level of control, especially at airports and sea ports. Border control procedures in all ports will need to be clarified. In addition, appropriate passenger control facilities should be introduced and controls at these ports will have to be carried out in accordance with Schengen standards.

### **Bulgaria May 2006 Monitoring Report**

Chapter 24: Cooperation in the field of justice and home affairs

- However, further steps are still needed in order to complete the preparations for accession, in particular to fully implement the Integrated Border Management Strategy and the Schengen Action Plan 2006-07.

### **The NBPS Strategy for Strengthening of the Future External Borders of the Republic of Bulgaria and Requirement for Technical Assistance for 2004 – 2006**

- Strengthening of border management, operative development and modernisation, significant

increase of the operative capacity of Border Police, combating cross-border crimes.

#### **2.4. Contribution to National Development Plan (and/or Structural Funds Development Plan/SDP)**

N/A

#### **2.5. Cross Border Impact**

N/A

### **3. Description**

#### **3.1. Background and justification:**

In the light of the requirements for accession of Republic of Bulgaria to EU and having in mind the introduction of the Schengen border management system, the main tasks of the National Border Police Service are the gradual harmonization of legislation, the introduction of standards and best practices for border control and surveillance in compliance with EU requirements and the modernisation of the technical equipment.

Having in mind the professional experience of EU border guard services and taking into consideration the EU *acquis* and in particular the Schengen standards in the field of border management, the new philosophy of the service building is related to the adoption of new legislation, optimisation of the structure, suitable training and qualifications of the personnel and introduction of contemporary techniques and standards.

The adoption of the Schengen standards requires, on one hand, introduction of external border control procedures, according to art. 6 of the Convention for Implementation of the Schengen Agreement, and on the other hand, improving the internal borders surveillance through mobile patrols, modern technical and electronic means, while respecting the right of free movement of persons and goods.

The future EU external borders, including the Black Sea border, are of prime significance. After the EU accession Bulgaria will be responsible for the control and security of 1 647 km of the EU external border.

Several projects have been implemented with EU support. They have significantly contributed to the effective implementation of the measures in the field of border control.

**The present project will contribute to the fulfillment of a significant priority of the Integrated Border Strategy of Republic of Bulgaria, adopted in December 2005.**

After EU accession the main priority in the field of border control will be the full implementation of the Schengen legislation.

One of the most important measures envisaged in the IBM Strategy, is the implementation of the “one stop control” at future EU internal borders of Bulgaria. This measure is a form of integrity at international level and requires agreement with the analogue authorities of the neighbor country. As a matter of fact, the “one stop control” means execution of the border control tasks by joint teams of the border guard agencies of the neighbor countries and aims to facilitation of the border crossing in view of the preparation for full implementation of the right of free movement according to art. 2 of the Convention for Implementation of the Schengen Agreement. The “one stop control” presumes work in the open air, outside the

control boxes. A necessary requirement is the adequate personal equipment for work in bad weather conditions.

The elaboration of the legal base for the implementation of this measure is being prepared under the on-going Twinning project 2004/IB/JH/10 and will be complemented under the 2005 twinning project 2005/IB/JH/03. As a result of the both twinning projects, bilateral framework agreement for introduction of “one stop control” at the EU internal borders and instruction for its implementation will come into force. The practical realization of the “one stop control” at BCCP’s will be possible only after the EU accession of R Bulgaria in view of the status of the borders with Romania and Greece.

An essential element of the Schengen standards for guarding of the EU external borders is the introduction of compensatory measures in the border area of the internal borders, which should compensate the abolition of border control at BCCP after EU accession. The guarding of the state borders will be realized through border control and surveillance in the border area by mobile teams of the Border police.

The Schengen criteria require strengthening of the border security at EU external borders, which necessitate improvement of the operative capacity of the Border policy, including the personal equipment of the border police staff.

### **3.2. Sectoral rationale**

N/A

#### **3.2.1. Identification of projects**

N/A

#### **3.2.2 Sequencing**

N/A

### **3.3. Results**

#### **The successful realization of the project will result in:**

1. Increased capacity of the border police staff for implementation of compensatory measures in the border area;
2. Increased capacity of the border police staff for “one stop control” at BCCP’s;
3. Improved effectiveness of the border police patrols and posts in identifying and detentions of violators at the state border in bad weather conditions;
4. Increased personal security level of the border police staff;
5. Detailed control of vessels through underwater checks;
6. Improvement of the Border Police capacity in counteracting terrorism and smuggling on sea/river.

#### **The indicators for achieving of the results are:**

Result 1 - Increased number of the border police checks in the border area in bad weather conditions;

Result 2 - Increased number of the checks at the BCCP’s within the “one stop control” procedure;

Results 1, 2, 3, 6 - Increased capacity of the border police patrols and posts for checks and surveillance in the open air up to 50 %;

Results 2, 3 - Increased number of the prevented crimes and detained violators at the state border in bad weather conditions;  
Results 1, 2, 3 - Improvement of the work conditions of the staff in the open air;  
Result 4 - Increase of the security level of the staff;  
Result 5 - Increase of the number of underwater checks of the vessels;  
Result 6 - Increase of the capacity of the maritime border police units within joint search and rescue operations.

### **3.4. Activities (including means)**

Within the Project are to be carried out the following activities:

**Results 1, 2, 3, 4 related to activity 1** - Procurement of 8000 sets of specialized personal equipments for border control and surveillance – supply contract

The envisaged personal equipment includes jackets, trousers, shoes, caps, pull-overs etc.

The performance of border police tasks presumes working in the open air without reference to the weather conditions. The EU-accession of Bulgaria sets new requirements for border control and surveillance of the future EU external and internal borders. The strengthening of the border control at the future external borders, the implementation of compensatory measures in the border area of the future internal borders and the introduction of “one stop control” as well as the establishment of temporary control points in the border area require increased capacity of the border police staff. A precondition for the effective implementation of these measures is the adequate specialized personal equipment of the staff for work in bad weather conditions. The specific weather conditions of Bulgaria during the winter, the spring and the autumn require adequate personnel equipment for the staff.

Furthermore, the activity 1 will also contribute to the improvement of the work conditions of the Border Police operational staff and will increase the personal security.

Activity 1 aims to the delivery of personal equipment for the operational border police staff.

Currently the total number of the operational staff carrying out activities for border guarding and border control is appr. 5500 officials. 1400 of the officials perform their tasks at the BCCP's and the rest of them in the border area.

2500 sets of personal equipment are envisaged for equipment of Border police trainees during the training and for new recruited personnel as well as spare sets.

The wider spectrum of tasks after EU accession, related to the introduction of the compensatory measures at the internal borders, and the preparation for the abolition of the borders after Schengen accession requires increased number of the operational staff in the border area. The experience of border police services in the member states gives a proof that the Schengen requirements for border surveillance and control in the border area of the internal borders could be met with more personnel than border guarding at the external borders.

**Results 4, 5, 6 related to activity 2** - Procurement of 50 sets of fire protective cloths and 25 sets of specialized diving equipment for underwater checks – supply contract

### **3.5 Linked Activities:**

This project is linked to:

PHARE 2000' – BG 0012.02 “Strengthening Black Sea Border Police Control at the Bulgarian Maritime Border” (8 M Euro) – completed

The PHARE funded equipment included 2 new-built patrol vessels and 20 sets protective

foul- weather cloths, which contributed to increase of the effectiveness of border guard tasks at the Black sea border.

PHARE 2004 Project BG 2004/016-711.08.06 – The first phase of the 2004-2006 Multi – annual project fiche – on-going

In the sub-component “Maritime equipment” the delivery of 180 sets of protective foul-weather clothes is envisaged.

Within the IB component a twinning project 2004/IB/JH/10 is being under implementation. One of the concrete results is the elaboration of framework bilateral agreement with neighbour country for introduction of the “one stop control”, which will create the legal base for practical implementation of this measure.

PHARE BG 2005/017-353.07.05 - The second phase of the 2004-2006 Multi-annual project fiche – on-going.

Within the IB component a twinning project 2005/IB/JH/03 is being under preparation. A part of the activities will be related to further development of the secondary legislation, aiming to implementation of the “one stop control” and introduction of compensatory measures in the border area at the future internal borders.

### **3.6 Lessons learned:**

National Border Police Service is a Beneficiary under several PHARE projects, aimed to harmonization of the national legislation with the EU law and the Schengen acquis in the field of border management and control, adoption of the EU best practices and standards and modernization of the technical facilities.

The National Border Police Service has gained valuable experience in the management and implementation of PHARE projects.

## **4. Institutional Framework**

The project beneficiary will be the Bulgarian National Border Police Service.

The institutional building of NBPS has started in December 1997 with the adoption of the Ministry of Interior Act. From a military structure the NBPS has evolved into a specialised, search and investigation police service for border guard, which executes its functions in the border area, in the zone of the border control checkpoints, at the international ports and airports, in the internal seawater, territorial sea, contiguous zone, continental shelf, the Bulgarian part of Danube river and the other border rivers and water basins.

The current NBPS management is carried out according contemporary three level management system which includes Directorate, 9 Regional Border Sectors and the border police units.

The Project Manager for the National Border Police Service is the Head of the Department “Legal and International Co-operation”.

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The Project Implementing Unit of the National Border Police Service will be responsible for the technical realisation and the co-ordination of the Project.

The Ministry of Finance - CFCU will perform the administrative and financial

implementation.

## 5. Detailed Budget

	Phare/Pre-Accession Instrument support	Co-financing			Total Cost
€M		National Public Funds (*)	Other Sources (**)	Total Co-financing of Project	
<b>Investment support jointly co funded</b>					
Activity 1 & 2: contracts for Supply - Delivery of specialized personal equipments for border control, surveillance, fire protection sets and diving equipment	3.645	1.215	N/A	1.215	4.86
Contract 1 – Delivery of 8000 sets of specialized personal equipment for border control and surveillance	3.600	1.200	N/A	1.200	4.800
Contract 2 – Delivery of 50 sets fire protective cloths and 25 sets of specialised diving equipment for underwater checks	0.045	0.015	N/A	0.015	0.060
<b>Investment support – sub-total</b>	3.645	1.215	N/A	1.215	4.86
<i>% of total public funds</i>	<i>max 75 %</i>	<i>min 25 %</i>			

<b>Institution Building support</b>					
Sub-project 1	N/A	N/A	N/A	N/A	N/A
<b>IB support</b>	N/A	N/A	N/A	N/A	N/A

<b>Total project</b>	3.645	1.215	N/A	1.215	4.86
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(\*) contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises

(\*\*) private funds, FIs loans to private entities

The national co-financing will be ensured by the state budget through Directorate “National Fund” – Ministry of Finance in the form of joint financing with Phare funds.

## **6. Implementation Arrangements**

### **6.1. Implementing Agency**

The Implementing agency – CFCU (Ministry of Finance) will be responsible for the project and will work in close co-operation with the beneficiary.

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### **6.2. Twinning**

N/A

### **6.3. Non-standard aspects**

The Project will be entirely managed according to PHARE Procedures (PRAG).

The Bulgarian partner will provide co-financing for the entire project of total amount of 1,216 MEURO.

### **6.4. Contracts**

The following contracts are envisaged of sub-project 1:

Contract 1.1 – Supply contract - Delivery of 8000 sets of specialized personal equipments for border control and surveillance – Supply contract – 4,8 MEURO

Contract 1.2 - Supply contract - Delivery of 50 sets fire protective cloths and 25 sets of specialized diving equipment for underwater checks – Supply contract - 0,06 MEURO;

## **7. Implementation Schedule**

### **7.1. Start of tendering/call for proposals**

Investment Support – Contracts 1.1, 1.2 – 2Q/2007

### **7.2. Start of project activity**

Investment Support – Contracts 1.1, 1.2 – 4Q/2007

### **7.3 Project completion**

Investment Support – Contracts 1.1, 1.2 – 4Q/2009

## **8. Equal Opportunity**

The Ministry of the Interior will ensure equal opportunity for participation of men and women during the implementation of the project.

## **9. Environment**

The equipment will not have any negative influence on the environment. The Bulgarian Border Police is bound to assist other competent authorities in environment protection activities. This project will support this sort of activities.

## **10. Rates of return**

The usefulness of the investments is supported by the Survey on the available equipment for state border guard and necessity of investments and technical assistance - Feasibility study (Annex 4), updated in January 2006 by the NBPS experts.

## **11. Investment criteria**

### **11.1. Catalytic effect**

The investments provided by PHARE will significantly speed up the operational strengthening of the Border Police and in turn this will lead to a more effective border management regime for Bulgaria. This is a key element of the Accession Partnership. Without this investment, it would take far longer for the Bulgarian border management to meet Schengen standards and for the level of cross-border crimes to be brought down.

### **11.2. Co-financing**

The Bulgarian authorities will provide 25% co-financing of the investment contracts.

### **11.3. Additionality**

The PHARE assistance will not displace other financiers especially from private sector or IFI.

### **11.4. Project readiness and size**

PHARE 2006 Programme Project will be ready for contracting after preparation of the Technical specifications.

### **11.5. Sustainability**

The successful implementation is possible due to the strong Government commitment to build an efficient border guard system, combat crime and illegal actions and strengthen the future external EU borders. The Bulgarian authorities are fully aware of their responsibilities for their financial participation concerning the co-financing of PHARE Programme and the due care and attention for all the equipment provided under the project in the future.

### **11.6. Compliance with state aids provisions**

The investments are compliant with the concluded and rectified agreements between the EU and the Republic of Bulgaria on Pre-accession Aid.

## **12. Conditionality and sequencing**

The Bulgarian MoI is required to ensure that the Border Police have sufficient resources for project management. The beneficiaries will guarantee good maintenance of the equipment delivered under this project.

The Project schedule traced out in the Detailed Implementation Chart ensures independent realization of the different phases.

The Commission will review the progress of this project in its regular PHARE Review meetings. The effect on the reduction of illegal activities will be assessed in the Annual Progress report on Bulgaria. Therefore the Border police must provide full operational analysis and statistics for the periods in question.

### **ANNEXES TO PROJECT FICHE**

1. Log frame in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule
4. Reference list of feasibility/pre-feasibility studies
5. Reference list of relevant laws and regulations
6. Reference list of relevant strategic plans and studies

## Annex 1 - PHARE logframe

<b>LOGFRAME PLANNING MATRIX FOR Improvement of the Operative Capacity of the Bulgarian Border Police Staff</b>	Programme name and number: BG06xx	
	Contracting period expires: November 2008	Disbursement period expires: November 2009
	Total budget: 4,86 MEURO	PHARE budget: 3,645 MEURO

Overall objective	Objectively verifiable indicators	Sources of Verification	
Improvement of the effectiveness of the activities of the Bulgarian Border Police staff aimed to the complete implementation of the Shengen standards in the field of border management.	<p>Indicators for achieving the overall objective are:</p> <ul style="list-style-type: none"> <li>• Increase of the level of compliance with the Schengen standards;</li> <li>• Improvement of the personal equipments of the Border Police Staff;</li> <li>• Increase of the capacity for border control and surveillance in the open air at the land borders;</li> <li>• Increase of the capacity of Border Police staff for counteracting the terrorism and smuggling on sea/river.</li> </ul>	<ul style="list-style-type: none"> <li>• Regular reports by Bulgarian Border Police and EU experts</li> <li>• Official statistics by the Bulgarian Border Police</li> <li>• PHARE Monitoring Reports</li> </ul>	

<b>Project purpose</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
Improvement of the specialized personal equipments of the border police staff aiming to increase its capacity for border checks and surveillance in the open air and counteracting the terrorism and smuggling on sea/river	<ul style="list-style-type: none"> <li>• Improvement of the personal equipments of the Border Police Staff;</li> <li>• Increase of the capacity for border control and surveillance in the open air at the land borders;</li> <li>• Increase of the capacity of Border Police staff for counteracting the terrorism and smuggling on sea/river.</li> </ul>	<ul style="list-style-type: none"> <li>• Regular reports by Bulgarian Border Police and EU experts</li> <li>• Official statistics by the Bulgarian Border Police</li> <li>• PHARE Monitoring Reports</li> </ul>	<ul style="list-style-type: none"> <li>• The Bulgarian authorities to fulfil their obligations about the co-financing</li> </ul>
<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<p>The implementation of the project will result in:</p> <ol style="list-style-type: none"> <li>1. Increased capacity of the border police staff for implementation of compensatory measures in the border area;</li> <li>2. Increased capacity of the border police staff for “one stop control” at BCCP’s;</li> <li>3. Improved effectiveness of the border police patrols and posts in identifying and detentions of violators at the state border in bad weather conditions;</li> <li>4. Increased personal security level of the border police staff;</li> <li>5. Detailed control of vessels through underwater checks;</li> <li>6. Improvement of the Border Police capacity in counteracting terrorism and smuggling on sea/river.</li> </ol>	<p><b>R1:</b> Increased number of the border police checks in the border area in bad weather conditions;</p> <p><b>R2:</b> Increased number of the checks at the BCCP’s within the “one stop control” procedure;</p> <p><b>R1, 2, 3, 6:</b> Increased capacity of the border police patrols and posts for checks and surveillance in the open air up to 50 %;</p> <p><b>R 2, 3:</b> Increased number of the prevented crimes and detained violators at the state border in bad weather conditions;</p> <p><b>R 1, 2, 3:</b> Improvement of the work conditions of the staff in</p>	<ul style="list-style-type: none"> <li>• Regular reports by Bulgarian Border Police and EU experts</li> <li>• Official statistics by the Bulgarian Border Police</li> <li>• PHARE Monitoring Reports</li> </ul>	<ul style="list-style-type: none"> <li>• The Bulgarian authorities to fulfil their obligations about the co-financing</li> </ul>

	<p>the open air;</p> <p><b>R4:</b> Increase of the security level of the staff;</p> <p><b>R5:</b> Increase of the number of underwater checks of the vessels;</p> <p><b>R6:</b> Increase of the capacity of the maritime border police units within joint search and rescue operations.</p>		
Activities	Means	Sources of Verification	Assumptions
<p><b>Sub-project 1 – Specialized personal equipments</b></p> <p>For achievement of <b>results 1, 2, 3, 4</b></p> <ul style="list-style-type: none"> <li>• Procurement of 8000 sets of specialized personal equipments for border control and surveillance</li> </ul> <p>For achievement of <b>results 4, 5, 6</b></p> <ul style="list-style-type: none"> <li>• Procurement of 50 sets of fire protective cloths and 25 sets of specialized diving equipment for underwater checks.</li> </ul>	<ul style="list-style-type: none"> <li>• Supply Contracts</li> </ul>	<ul style="list-style-type: none"> <li>• Regular reports by Bulgarian Border Police and EU experts</li> <li>• Official statistics by the Bulgarian Border Police</li> <li>• PHARE Monitoring Reports</li> </ul>	<ul style="list-style-type: none"> <li>• The Bulgarian authorities to fulfil their obligations about the co-financing</li> </ul>

## Annex 2 - DETAILED TIME IMPLEMENTATION CHART FOR THE PROJECT

COMPONENTS	2007												2008												2009													
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
Investments Support																																						
Contract 1.1	D	D	D	D	D	T	T	T	T	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I		X		
Contract 1.2	D	D	D	D	D	T	T	T	T	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I		X	
	D = Design T = Tendering I = Implementation X = Closure																																					

### ANNEX 3 - CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE

All figures in million Euro

	1Q/07	2Q/07	3Q/07	4Q/07	1Q/08	2Q/08	3Q/08	4Q/08	1Q/09	2Q/09	3Q/09	4Q/09	TOTAL
<b>Investment Support</b>													
<b>Contracted</b>				<b>4.86</b>									<b>4.86</b>
Contract 1.1				4.8	4.8	4.8	4.8	4.8					4.8
Disbursed C 1.1				2.88	2.88	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8
Contract 1.2				0.06	0.06	0.06	0.06	0.06					0.6
Disbursed C 1.2				0.036	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.0 6



## **ANNEX 4**

# **SURVEY ON THE AVAILABLE EQUIPMENT FOR STATE BORDER GUARD AND NECESSITY OF INVESTMENTS AND TECHNICAL ASSISTANCE FEASIBILITY STUDY**

## **INTRODUCTION**

This Study is updated on the basis of The Preliminary Study on Surveillance and Terrestrial Border Protection Equipment and The Preliminary Study on Maritime Equipment, which were attached to the National Border Police Service (NBPS) Project Fiches of Phare Programme for 1999-2003.

The Study is in compliance with the priorities of the Concept for Development of NBPS and the Strategy for Establishment of Bulgarian External Borders till 2006. This Study proposes a programme for institutional development and modernisation, which will improve the Border Police operational capacity and will contribute for efficacy, effectiveness and sustainability of the planned changes.

The Study takes into consideration the European Commission recommendations set up in the Regular Reports on the Progress of Bulgaria from 2000, 2001, 2002, 2003, 2004 and 2005. In these Reports are defined the current requirements for the reforms of the Bulgarian Border Police and the modernisation of the equipment. The Study also reflects the main aspects of the Bulgaria's "Road map" for its accession to the European Union.

## **OBJECTIVE**

The objective of this document is to expose the *status quo* of NBPS institutional strengthening and technical equipment and to assess the necessities of investments in the border management and control in view of the preparation of Bulgaria for accession to the EU.

The Study aims to present the problems and the necessity of further regulations in the institutional establishment, training and qualifications of the officers and the equipment modernisation in compliance with the standards and best EU practices in the border management. The Study emphasises the first priority in Justice and Home Affairs Sector and in particular in Sub-sector "Borders" – the strengthening and modernisation of the future EU external borders, in particular – the Bulgarian-Turkish and the Bulgarian Black Sea borders. The necessity of modernisation of the border equipment on the borders with Romania, Serbia and Monte Negro, Macedonia and Greece is also to be defined.

This document considers the geopolitical changes, the illegal migration and cross-border crime trends, the current Bulgarian Border Police reforms, the introduction of new equipment, financed by the Phare programme, State budget – national co-financing - and bilateral assistance. On this basis is determined the actual necessity for undertaking of additional steps for improvement of the administrative capacity of the Bulgarian Border Police, for introduction of the best methods and practices of border protection and infrastructure modernisation.

## **BORDER MANAGEMENT**

The diversity and the specificity of the Bulgarian borders from topographical point of view, namely the extensively rugged relief, the maritime and fluvial borders, which is an international navigable itinerary, determine the complexity of the border protection.

The main task faced by The Bulgarian Border agency, evolving from the accession process and the introduction of the Schengen border management system, is the gradual harmonisation of the legislation, standards and border protection practices with the EU ones, as well as the infrastructure modernisation. For Bulgaria this harmonisation process meant reforming and professionalising the Border Police, transforming it from a paramilitary structure to a modern police agency. The particularities in the practical realisation of this task were a result from the necessity that the Border Police operational capacity should be kept and optimised during this restructuring.

The professionalisation and the already started process of Border Police restructuring are an entire stage of its development. In view of respecting the continuity of the modernisation process and achieving fuller harmonisation with the European border management standards, the Bulgarian Border Police main priorities are to be defined.

The accession of Bulgaria to the EU is linked to the harmonisation of border management principles and procedures and to the change of border protection system related to the competencies, logistics and recruitment policies.

The border protection system harmonisation with the Schengen standards requires, on one hand, introduction of external border control procedures, according to art. 6 of the Agreement on Application of Schengen Accord and, on the other hand, improving the internal borders surveillance through mobile patrols, modern technical and electronic means, in the same time respecting the principle of free movement of persons and goods.

The two key factors that directly affect the border management are the border traffic and the cross-border crime rate. In principle the border traffic is continuously increasing while the cross-border crime forms are different depending on the border portion particularities.

The adaptation of the border control and protection system to the European standards guarantees the effective countering of illegal migration, trafficking in human beings for sexual exploitation, documents crime, cross-border crime and other forms of crime and shapes up **the NBPS priorities, which are directed to:**

- Harmonisation of the border management legislation with the *acquis communautaires*;
- Completion of Border Police restructuring, in view of its adaptation to the new challenges;
- Establishment of contemporary system for border security based on the principle of integrated border control;
- Intensifying the international co-operation;
- Improvement of control and protection equipment, according to the EU standards;
- Introduction of aerial surveillance.

The Border Police is also responsible for controlling motor vehicles, goods, freights, hazardous materials, Bulgarian and foreign vessels and aircraft and all other activities linked to the countering of the cross-border crime, corruption and smuggling.

The future EU external borders are of prime significance.

It explains the necessity of strengthening the Black Sea and Bulgarian-Turkish borders. Special attention should be paid as well to the Bulgarian Western border.

The future EU internal borders – with Greece and Romania – require the elaboration of operational strategy for internal border protection, which is not less important than the strengthening of the external borders.

The performance of effective border control, prevention and countering the illegal migration, implementation and application of new legislation, introduction of Schengen standards and requirements for border management and control, modernisation of border infrastructure and equipment are objectives underlying in the Accession Partnership, Convention of Application of the Schengen Accord, General Manual for External Borders Control, Bulgaria's Road Map, the NPAA, the National Strategy for the Development of the External Borders of the Republic of Bulgaria and the Requirement for Technical Assistance and in the Concept for the Development of the NBPS 2001-2004.

In this context, the accents in the Border Police activities and, respectively, the results of the accomplishment of the following Phare Programme projects should be the further establishment of effective, European standards compliant Border Police agency, which introduces and applies the best protection practices and standards, further border equipment modernisation and at last but not least, intensive co-operation between the Bulgarian security agencies, on one hand, and the neighbouring countries and member states border police agencies, on the other. Namely, this complex of measures and tasks, as a whole, guarantees the cross-border crime successful countering.

The accomplishment of these priorities requires, first, the Bulgarian authorities commitment and State budget financing and also the consulting and financial assistance, in the frame of pre-accession technical programmes, of the leading European agencies in border management.

## **INSTITUTIONAL STRENGTHENING**

The successfully completed Phare project 9911.01 "Institutional strengthening of the Bulgarian Border Police" has a significant contribution to the Border Police restructuring process and to the legislation harmonisation. Apart the investment component, this Project included two Twinning projects with the Federal Republic of Germany, which have been directed to the institutional strengthening of the Border Police and to the establishment of a modern Training centre in the city of Pazarjik.

In the frame of the one-year Twinning project "Establishment of a modern Training centre for the Bulgarian Border Police" new modulus and training programmes, conformable to the EU standards and requirements, have been worked out.

Additionally, A Draft Ordinance on the Training, arranging the status of the trainees during the training, has been prepared. A new training plan and training programmes for the Centre of specialisation and professional training within the NBPS have been worked out. These documents envisage the extension of the training of the newly recruited sergeants up to 12 months. According to the new curriculum this training starts in 2003.

The adaptation of the Border Police to the European and Schengen standards requires the development of a new training and professional development system. This system should contribute to the training and the qualifications of the officers in order to achieving adequate protection of the future EU external borders. Furthermore, this system should guarantee the higher qualification of the officers and the improvement of their capabilities for handling the new technical equipment.

In the frame of the completed Phare project 9911.01 "Institutional strengthening of the Bulgarian Border Police" has been prepared the legislative basis of the border control and

management. The acceptance, in the Ordinance for Application of the Law of the Ministry of Interior and in the Draft of Amendments of the Law of the Ministry of Interior, of the principles of the Draft Law on Border Protection, creates the legislative basis for the harmonisation of the Bulgarian legislation in this area with the EU and Schengen regulations.

The adopted Ordinance on Border Crossing Checkpoints introduces the principle of integrated control as a main element of the integrated border management, which consolidates the efforts of all competent authorities. Draft agreements on border police co-operation with the similar agencies of the neighbour countries have been worked out and represent the legislative basis for application of up-to-date forms of police interaction as cross-border surveillance and cross-border pursuit. On this basis in December 2004 both Heads of border guard services had signed a Cooperation Agreement for Border Control between the Bulgarian and Romanian governments, which includes different border police cooperation forms in the light of Art. 7 of the Convention for Implementation of the Schengen Agreement.

As a realisation of the National Schengen Action plan the CoM has approved the Draft Framework Agreement between Bulgaria and Greece on border police cooperation and the Draft Framework Agreement for Extended Cooperation between Border Control Authorities according Art. 39-47 of the Convention for Implementation of the Schengen Agreement.

In reference to the restructuring of the agency, a Plan for Border Police Modernisation has been elaborated in view of establishment of border police management system, compliant with the EU requirements and criteria. In the Frame of this Plan, pilot projects on the Bulgarian-Turkish and Black Sea borders have started. Thus, joint protection structures for that part of the borders have been established. The successful realisation of these pilot projects was the foundation of the whole agency structure optimisation. The structure and the functional characteristics of the Bulgarian-Greek, Bulgarian-Macedonian, Bulgarian-Serbian, Bulgarian-Romanian, as well as the Airports Regional Border Sectors have been worked out.

The ultimate objective of this agency restructuring is the reduction of the NBPS structural units, as result – one regional border structure will be responsible for one entire borderline.

In October 2004 was finalised PHARE Twinning project BG 02/IB/JH/06 “Further Strengthening of the Border Management and Control at EU external Borders (Blue Border). Within the project were elaborated Regulation on the Guarding of the Maritime Section of the State Border of the Republic of Bulgaria and Regulation on the Guarding of the River Section of the State Border and the Inland Water Ways of the Republic of Bulgaria. The Regulations were signed by the Minister of Interior on 19.01.2005 and issued in the State Gazette on 01. February 2005. An anticipated result of the Twinning project was the elaboration of Specimen Multilateral Agreement for Cooperation among Border Guard/ Coast guard authorities in the Black Sea, which will be the basis for negotiations with the countries from the Black Sea basin.

Within the project were drafted an Operative Concepts for conducting the assignments of NBPS on the Black Sea and the Danube river. Special attention was paid to the established in October 2003 Black Sea Regional Command and Communication Centre. Since then Bulgaria is the permanent border coordinator of the Black Sea countries, which is a good estimation of the efforts of the Bulgarian Border Police.

An accent in the Twinning project was the development of the decentralized qualification system of NBPS. On the base of a Framework Qualification Plan have been held several work shops.

In the frame of the on-going Phare project BG 2004/ IB /JH -10 “Elaboration and application of new regulations compliant with the Schengen legislation (Acquis Communautaire), amendment of legislation in the field of integrated border control and methodical and technical assistance for establishment of regional training centre on “blue”

border” was elaborated and approved by the Security Council at the Council of Ministers Strategy for Integrated Border Control of Republic of Bulgaria.

The Twinning projects with an EU member-state are effective tools for further institutional strengthening of the Border Police in view of the harmonisation of the legislation and the establishment of an efficient institution capable to enforce the EU standards and laws.

## **EQUIPMENT REVIEW**

The Border Police badly needs important investments for modernisation of the equipment. All types of the available equipment are out-dated, unreliable and in some cases – inappropriate. Undoubtedly, the expenses for replacement of the equipment are considerable but it should be noted that the operational expenses for the maintenance of the old equipment would be even bigger than the delivery of a new one.

The availability of new and sufficient equipment is exceptionally important for attaining efficient border management. This is even more relevant now when all Border Police personnel are professional. The personal equipment and the facilities are also very important.

The introduction of new equipment, delivered within the EC, bilateral and national financed projects considerably improved the fight against the illegal migration, trafficking in human beings and cross-border crime.

### ***Surveillance***

The availability of more means for permanent surveillance in any whether conditions is the basis for effective border protection. The thermo-vision systems, the magnification of the images, the radar and the night vision goggles are additional technical solution of problems related to the identification of groups and individuals in the border area. Such surveillance equipment is needed for all borders but especially for the future EU external borders.

Currently the NBPS dispose of 11 thermo-vision systems, 2 “Snog” and 6 “Muson”.

Under Phare project 9911.01 “Institutional strengthening of the Bulgarian Border Police” the Border Police received 25 pairs of night vision goggles and one mobile thermo-vision camera. Other 10 thermo-vision cameras and 112 units of night vision goggles have been delivered under Phare project 0005.02 “Modernisation of the equipment for border police control on Bulgarian-Turkish border”.

Within the PHARE Project BG 0203.11 “Further Strengthening of the Border Management and Control at EU external Borders (Blue Border)” 36 night vision goggles and 4 mobile thermo vision systems were delivered.

The total cost of the delivered, up to now, surveillance equipment under the Phare Programme is **2, 51 Million Euro**.

Under PHARE Project BG 2003/004-937.08.04 “Mobile Units for Border Control and Surveillance on the Bulgarian - Turkish Border and Implementation of the Best EU Control Practices in the Border Area (“Green Border”) 9 mobile thermo-vision systems, 13 thermo-vision cameras, 90 night vision goggles and 91 night vision binoculars were contracted and the delivery is expected.

The on-going 2004 and 2005 Phare Programme projects envisage the delivery of 145 portable thermo-vision cameras, 6 stationary thermo vision stations, 35 mobile thermo-vision systems, 255 night vision goggles and 410 night vision binoculars.

The planned costs for this surveillance equipment are **17.447 Million Euro**.

Under the bilateral co-operation with the German Federal Ministry of Interior, NBPS has received 60 night vision devices.

12 posts for technical and visual surveillance have been built-up along the Black Sea coast strip. Three of them are equipped with new coast radio-location systems (RLS) and eight posts are equipped with RLS, manufactured in the period 1995-1998.

At the fluvial border 12 posts for technical and visual surveillance have been built-up. All RLS were bought with budget funds. This radio-location surveillance system is not automated and the data are transmitted by the means of speech information through the communication system of the National Border Police Service.

The radio-location system of the posts for technical and visual surveillance have a range distance for finding targets as follows:

- small targets – 5 nautical miles;
- middle targets – 12 nautical miles.

The RLS of the posts for technical and visual surveillance observe the targets entering/leaving the harbours, the targets with excise goods and such, abiding the peaceful passing through the territorial sea. The radio-location surveillance does not allow finding and tracking of small and middle targets along the whole length of the contingency waters, which are the most probable potential violators. The ships that are on roadstead when entering the harbours, the harbour piers and the small bays are not surveyed by the means of radio-location. There is no established Vessel Traffic Management and Information System (VTMIS), that makes impossible the recognition of the type of the surveyed targets.

Taking into consideration the above-mentioned statistics, the conclusion for an arduous operational situation in the zones of responsibility of the RBSs of Elhovo and Bourgas could be drawn. In order to secure the liable guard of the EU future external borders is needed additional quantity of mobile thermo-vision systems, hand-held thermo-vision cameras and equipment for the border police ships and border police patrols along the coast strip and the land border with night vision goggles and binoculars.

The mobile thermo-vision systems will insure: surveillance and control of flat-country areas; gathering of intelligence on preparation for committing offences or smuggling in precarious areas; and will assist the management of personnel and equipment in performing border police operations.

Mobile RLS for surveillance of the uncovered by the coast (stationary) ones zones of the territorial sea are needed.

The hand-held thermo-vision cameras are to be used for: increasing the efficiency of the border police patrols in guarding limited parts of the terrestrial borders; equipping the coast guard vessels; and recording the activities of the violators of state borders, navigation regime and fishing in internal and territorial seas.

The night vision goggles will increase the manoeuvring of the mobile squads and coast guard vessels, will facilitate the disguised movement of the border police foot patrols, will assist the violators detaining units and will be in use by the drivers of the vehicles and the patrol cutters.

The goggles will be also used for intensifying the surveillance on ships that are on roadstead when entering the harbours, the harbour piers and the small bays.

Once these goggles delivered, practically all currently available out-dated Soviet type night vision devices will be replaced.

### ***Mobility***

The principle for the mobility means of the Border police is that the main category of vehicles should be a standard patrol type capable to perform routine, all-terrain patrolling in any weather conditions. The other two necessary basic types are vehicles carrying surveillance and communication systems and for transporting of personnel.

For control and guarding of the state border, the Bulgarian National Border Police Service use mainly vehicles of Soviet production - UAZ-469, VAZ-2121 – “Niva”, VAZ-2123 – “Niva”. A considerable part of them have been in exploitation since 1985-1990. These are all-terrain vehicles, capable to carry out tasks on black roads and off roads in bad environmental conditions. Due to their military purpose, the vehicles UAZ-469 do not offer comfort to the crew. In VAZ-2121 and VAZ-2123 the conditions for the users are improved, but the fact that they have only two doors could causes delay in the actions of bigger border patrols.

As a result of long years of exploitation on bad roads, their technical capacity had decreased and they have functional range of 120-150 km.

The NBPS disposes of other types of vehicles, but they are designated for other tasks such as the transport of mobile border police squads, transport of detained persons, performing border police operations or administrative-economic tasks.

The all-terrain vehicles used in control and guarding of the border have high fuel consumption (from 12.5 to 17.5 litres per 100 kilometres run).

In the period 2004-2006 a big number of vehicles will be 12 years in exploitation and 150 000 km of run and should be replaced. Their technical condition will be inadequate. In the same time their rehabilitation is inexpedient because of the considerable cost. The delivery of new vehicles, which will be in exploitation at least 10 years, is more appropriate.

The conclusion to be drawn is that the NBPS performs its tasks in control and guarding of the terrestrial and maritime borders in conditions of great shortage of reliable all-terrain vehicles. To overcome this, a gradual modernisation of the motor park is needed.

In the period 2000 – 2004 National Border Police Service have received, under Phare Project BG 9911.01 “Institutional Strengthening of the Bulgarian Border Police”, Phare Project BG 0005.02 – “Modernisation of the Equipment at the Bulgarian-Turkish Border” and BG 0203.11 “Further Strengthening of the Border Management and Control at EU external Borders (Blue Border)”, a total number of 101 vehicles “Land Rover Defender”, to the value of 2 256 000 Euros. The latter were mainly allocated on the Bulgarian-Turkish and Bulgarian-Greek borders.

Under the bilateral co-operation with the German Federal Ministry of Interior, the NBPS have received 64 “Niva” all-terrain vehicles.

For the adequate performance of the duties in the border area the delivery of new vehicles is required. With the actually available out-dated and insufficient motor means the efficient countering of the cross-border migration processes is impossible.

The emphasis is on the capability of: carrying out police operations in the border area; setting up checkpoints on vital crossroads; sealing off areas; and prompt intervention for identifying and detaining large groups of illegal migrants. These mobile squads have already proven their efficiency in Schengen countries that is why their prompt establishment in the regional structures of the NBPS is of prime importance.

The NBPS needs the delivery of minibuses. This type of vehicles is necessary for transiting of foreigners through Bulgaria when applying Readmission agreements with neighbouring countries. The minibuses will be equally used for escorting apprehended foreign citizens to the Detention centres and later on escorting them to the border for expelling into the country of origin. (Currently the above-mentioned is carried out with regular cars, which do not meet the requirements for this sort of activities.)

### ***Communication***

For the successful and efficient performing of the tasks of the border guard and the passport and visa control, the building within the National Border Police Service of a modern

telecommunication system that meets the requirements and the standards of the EU and the Schengen Information System (SIS) for exchange of information and transmission of data is required.

A contemporary, efficient and secure communication system is a precondition for reliable border management. The communication system should include mobile and stationary radio stations, repeaters, personal mobile radio stations with hardware and software packages for equipping the regional operational, control and communicational centres.

Currently in the NBPS operates an autonomous telecommunication system, which is a part of the telecommunication system of the Ministry of Interior. The information exchange in the Border Police is done through communication means, which in their main part are produced in the 70<sup>ies</sup> of the past century and are already out-of-date. Modernisation of the communication system of National Border Police Service means a gradual transition from analogue system to digital one.

Under Phare Project BG 0005.02 “Modernising Border Police Equipment at the Bulgarian-Turkish Border” was built, and is already exploitable, TETRA digital radio communication system. With this project the Border police set up the beginning of the transition from analogue to digital mobile radio communication system, which is an established standard by the European Institute of telecommunication standardisation. The TETRA system in the region of Svilengrad will operate on 70 km of the Bulgarian-Turkish Border. This is a Pilot project for the EC and allows the inclusion of other law enforcement agencies. A mid-term priority of the Border Police is the extension of the system on the whole Bulgarian-Turkish and Black Sea Borders and in long-term – its extension on national level.

Under Phare Project BG 0203.11 “Further strengthening of the border management and control of the future EU external borders (Blue border)”, 410 stationary, mobile and radio-relay stations were contracted and delivered.

Standard communication equipment was delivered also within the PHARE CBC Projects BG 0007.03.01 “Facilitation of the Danube Border Crossings” and BG 0106.02 “Technical equipment for BCCP’s Kulata, Novo selo, Ilinden”.

Under the bilateral co-operation with the German Federal Ministry of Interior, the NBPS has received 620 hand-held radio stations “Motorola GP 380”, 60 stationary radio stations “Motorola GM 360”, 100 mobile radio stations “Motorola GM 360” and 20 radio-relay stations “Motorola GR 500”, to the value of **456 350 Euros**.

The expansion of TETRA digital radio communication system requires considerable budget investments and its feasibility remains more a long-term priority.

### ***Information system and computer equipment***

The first information system for operational backup of the work of border control and management bodies of the Ministry of the Interior was developed and launched into operation in 1969. At the moment a third generation border control system is operational, which has been in use since 1997. It allows real time control and registration of the border crossing of all Bulgarian and foreign nationals and motor vehicles.

The Automated Information System (AIS) of Border Control has been designed and operates at two levels – central and regional – and draws on the information contained in the central and local databases, while the non-stop information flow among servers is ensured through the Data Transmission Network (DTN) of the Ministry of the Interior (MoI).

The architecture of the technical facilities currently in use as Border Control AIS does not allow for adequate integration with the national copy of the Schengen Information System (SIS) databases. The Border Control AIS is based on a technology, which does not allow for the integration of modules and automation techniques for the passenger flow inspection process at border control points, the detection of forged and falsified documents, standards and



technologies for detection of biometric data, identity verification, etc. The available technical facilities are dated and incapable of guaranteeing that EU standards with respect to optimal functioning and time needed for reliable and verifiable control of border crossing individuals and motor vehicles are adequately met.

The optimisation of the system is urgently required in order to improve reliability and information safety as well as to reduce operational costs.

A Register of Long-term Residence of Foreign Nationals is maintained at the Ministry the Interior. In order to ensure the execution of the functions assigned by law to the administrative control bodies the data of foreign nationals seeking or accorded special protection on the territory of the Republic of Bulgaria, the address registration of residing foreign nationals as well as the data on administrative sanctions and executable measures imposed on foreign nationals, the acquisition, loss or reinstatement of Bulgarian citizenship is processed. Need has been identified of further development of the information systems processing such data. One of the key shortcomings of the systems in operation is the inability to achieve full compliance with legal requirements with respect to the registration and control of foreign nationals.

In their entirety and scope the information systems used at the Ministry of the Interior for border control, control of the residence of foreign nationals and illegal immigration do not fully comply with the key requirements of Bulgaria as a future external border of the EU.

We suggest a financing of Sub-project 2 to be ensured for building and development of automated information systems for border control and migration.

The gradual information and technological upgrading and development of centralised information systems for border control and migration is expected, compliant with the European standards for management of external EU borders, as well as creation of conditions for introduction of new technologies and modules for automation of the processes for data check of passengers and their documents.

It is expected:

- development and building up of the centralised information system;
- high speed information channels from/to Border Checkpoints;
- at local level – stationary and mobile working places, allowing processing in real time of passengers and freights at the border-crossing checkpoints – terrestrial, maritime and air.

For the building of the new MoI automated information system for border control the purchase of: appropriate software (basic and of development), programme applications, to be built-up in the system; technical means, supporting the design and the exploitation of the system – 31 authorised servers, peripheral devices, envisaged to be operated by the system, are to be purchased.

For ensuring of high speed information channels from/to Border Checkpoints the delivery of specific types of communication devices – routers and modems – is required.

We have proposed the delivery of technical equipment for working places, intended to extend the access to the automated information system for border control for other structural units, involved in activities of prevention and state border control. These working places will be deployed in the border-crossing checkpoints and CIAD. Each of these units, detached in separate building, will be equipped with technical and programme means, providing access to the automated information system for border control, according to the their functions:

1. Working place for immediate passport control (at the border-crossing checkpoints) – about 350.

Graphic terminal, without HDD magnetic information disks; resistant to bad weather conditions, dust-proof; universal optical scanner (optical, UV, infrared ), connectable for

automated extraction of information from of different types of documents (passports, transport documents, etc.); reader and/or camera for bio-metric identifications identification of individuals and documents; devices for employees' identification for access to the automated information system for border control.

2. Verification working place – about 93.

PC allowing the Installation of all automated information systems of the MoI; printer.

3. Mobile working place for documents processing in trains and ships – about 64.

Suitable mobile devices resistant to bad weather conditions, minimal size, dust-proof, shockproof, radio-network interface for data transmission, mobile optical reader for automated extraction of information from of documents.

4. Communication devices – 48 switches

5. Power supply – about 31.

Ensuring independent power supply (diesel motor) supporting only activities of the Border Control AIS at the Border Checkpoints.

### ***Geo-information systems***

The new NBPS structure requires the introduction of new organisation of the geo-information activity by the establishment of topographic database and the transition of all measurements and maps to the new unified European co-ordinates. Under the national co-financing of the Phare Project BG 0005.02 “Modernising Border Police Equipment at the Bulgarian-Turkish Border” has been delivered a modern geo-information equipment, to the value of **255 470 Euros**. In the end of 2003 the second part of the geo-information equipment under the same Project to the value of **244 530 Euros** was delivered.

There is a necessity of delivery of one referent station for conducting of geo-information activities of the NBPS, planned under 2005 phase of sub-project 1. The referent station is applied for control of the marking of the border line, as well as for the protection of the border signs, for the control of any replacements and changes, damaging the territorial identity of the Republic Bulgaria. It is to be considered as required additional equipment for the application of the technical facilities of the delivered supplies of PHARE Project BG 0005-02 for the geo-information activities of the National Border Police Service.

The referent station operates in combination with the other delivered supplies within the frames of the Project stated above and to be more concrete – the handy navigational GPS receivers TRIMBLE GEOEXPLORER 3 with the equipment for receiving of the differential corrections „B o B”.

The referent station uses the Global positional system GPS and will give full coverage of the entire western state border of the Republic Bulgaria, as well as partial coverage of the northern and southern frontiers. The station will assure the whole coverage of the border zone of Republic Bulgaria together with the operating referent station situated in the town of Kavarna and the MSK station situated in Asenovgrad, which is in the process of installation.

### ***Border control equipment***

The technical equipment of the border crossing checkpoints is intended to reduce the time for border passage.

Priority attention should be paid to passport and visa control of individuals; vehicles, goods and freights checks; Bulgarian and foreign vessels and aircraft checks and all other activities for countering the cross-border crime, corruption, smuggling of goods and illegal migration.

Under the bilateral co-operation with the German Federal Ministry of Interior, the NBPS has received 10 “Dokubox” devices for document checks.

Border control equipment and laboratory equipment were delivered under the BG 0106.02 “Technical equipment for BCCP’s Kulata, Novo selo, Ilinden”

Under 2004 Phare Projects delivery of 8 mobile systems for document checks is envisaged.

The NBPS badly needs document checks devices especially for identity documents, visas, vehicle and heavy-freight documents. These devices are needed particularly for the future EU external borders – Black Sea border, 412 km long and the Bulgarian-Turkish border, 268 km long. Through the area of responsibility of RBS Elhovo and RBS Burgas pass some of the most active trans-continental corridors.

The National Border Police Service does not dispose of mobile laboratories, which could serve the borders and could be in use in depth in the border area. Such laboratories are mounted on minibuses and their equipment allows checking the authenticity of the document on the spot.

The availability of documents exam kits, comprising the most necessary for primary document checks – magnifier, UV lamps, torch, microscope, etc – would be very useful. These kits would be important especially on Svilengrad railway station and for ships that are on roadstead when entering the harbours. The necessity is for 40 such kits for the Black Sea border, the Bulgarian-Turkish border and for the Training centre in Pazardjik.

The implementation of compensatory measures in the border area and the strengthening of the border control at the future external borders require increased capacity of the border police staff. The improvement of the effectiveness of the border police patrols and posts in identifying and detention of violators at the state border in the open air and in bad weather conditions could be achieved through improvement of the specialized personal equipments of the staff. This also will improve the work conditions of the Border Police officers and will increase their personal security.

### ***Maritime equipment***

The Bulgarian Black Sea border is one of the most vulnerable Bulgarian borderline areas. The strengthening of the border management and the modernisation of the equipment at the Bulgarian-Turkish border undoubtedly turns the migration flux to the sea. The higher expenses for maritime border investments are due to the cost of maritime patrol vessels and the cost of air surveillance equipment.

The achievement of efficient, European standards-met, protection of the future external borders requires the combination of guard, control and surveillance from the coast, air and the sea. The realisation of this task demands considerable investments and balanced deployment of the equipment. In principle the available maritime patrol vessels could be in use for a limited period of time. There is a necessity for 2 units 400- tonne vessels, 2 units 150-200 tonne vessels (already delivered) and one 100-tonne patrol vessel - the large type vessels are self-contained in the limits of the territorial sea and the contiguous economic zone for 10 days, as well as for 8 units 40 – 60 tonne vessels – middle type (two are already delivered, one is expected), for patrolling the internal seawater and territorial sea. For realization of border police control tasks on sea in the ports NBPS needs also small type vessels – appr. 12 m. All these vessels require contemporary communication systems vessel-coast type and contemporary surveillance systems – thermo-vision and radar systems. The available equipment does not allow permanent maritime presence. More detailed justification of the figures can be found in the adopted Operative Concept for conducting of NBPS assignments on the Black Sea border (2004).

The specific nature of the activities of the maritime Border Police staff and the existing threats for its personal security requires special attention to the protective equipment in use, for example foul-weather protective clothing and fire protective equipment. On the other hand, the improvement of the Border Police capacity in counteracting terrorism and smuggling on sea could be achieved through putting into use of specialized diving equipment for underwater checks.

Under Phare Project BG 0012.02 “Strengthening of the control at the Bulgarian Black Sea border” a supply contract for two 50 tonne seaworthy patrol vessels, two rigid inflatable boats and foul-weather protective clothing has been concluded. This supply, in combination with the introduction of surveillance and communication systems, will provide much more systematic surveillance of the territorial sea and the internal seawater and will contribute to the efficient counteraction to the cross-border crime.

Under the national co-financing of the same project the procurement of floating ferro-concrete pier with onboard repair and maintenance facilities was purchased and put into operation. The training of the personnel in the new techniques of maritime surveillance and in new procedures of maritime evidence collection and processing is also on-going.

Under the national co-financing of Phare Project BG 9911.01 and under the bilateral agreement with the German Federal Ministry of Interior, a large, 220 tonne, patrol vessel has been purchased from the Federal Border Guard.

Under Phare Project BG 0203.11 “Further strengthening of the border management and control of the future EU external borders (Blue border)”, one new-built 50 tonne patrol vessel, as well as two large, 220 tonne, used patrol vessels, under the national co-financing and the bilateral agreement with the German Federal Border Guard were delivered.

Under the bilateral co-operation with the German Federal Ministry of Interior, the NBPS have received 3 patrol boats for RBS Vidin for border control along the Danube river.

## **ANNEX 5**

### **LIST OF LAWS AND REGULATIONS**

The legal basis of the activity on state border guard, the control on abiding the border regime and the legal powers of the Border Police officers are regulated by:

- The Ministry of the Interior Act (MIA) and the Rules for its Implementation, in which the functions, the bodies and the legal powers of National Border Police Service (NBPS) – MOI are exhaustively described;
- Penal Code, in which are incriminated the illegal border crossing, the illegal trafficking in human beings, the documentary crimes and other related to them actions;
- The Aliens Act, which regulates the conditions and the order for foreign nationals entering, staying in, or leaving the Republic of Bulgaria and their rights and obligations as well;
- The Rules for the Implementation of The Aliens Act, which clarifies the details of the conditions and the order for foreign nationals entering, staying in, or leaving the Republic of Bulgaria;
- The Maritime Territories, Interior Waterways and Ports of the Republic of Bulgaria Act, which regulates the legal regime of the maritime territories of the Republic of Bulgaria in the Black Sea, and on these territories the Republic of Bulgaria administers sovereignty, defined sovereign rights, jurisdiction and control;
- The Refugees Act which regulates the order and the conditions for conceding a refugee status, the rights and the obligations of the refugees, the state bodies and their competencies on the protection of the refugees in the Republic of Bulgaria as well;
- The Bulgarian Identity Documents Act, which regulates the conditions and the order for issuing, using and preserving of the Bulgarian identity documents of Bulgarian citizens and foreigners;
- Ordinance of the Council of the Ministers of the Republic of Bulgaria No 104/25.05.2002, by which was adopted Decree for the Border Control Check Points which defines the organization, the activity and the run of the Border Control Check Points and the interaction between the Border Control Bodies in the Republic of Bulgaria;
- Ordinance of the Bulgarian Council of the Ministers No 97/11.05.2002, by which was adopted Decree for the conditions and the order for issuing of visas
- Law for Protection of the Classified Information, In force – 04.05.2002 ;
- Law for Protection of Personal Data, In force – 01.01.2002.
- Regulation on the Guarding of the Maritime Section of the State Border of the Republic of Bulgaria, in force – 01.02.2005
- Regulation on the Guarding of the River Section of the State Border and the Inland Water Ways of the Republic of Bulgaria – in force – 01.02.2005

The legal provisions, concerning the border management can be related to the most recent legislation of the Republic of Bulgaria and there is a striving to encompass all the aspects of the border control.

## **ANNEX 6**

### **LIST OF THE RELEVANT STRATEGIC PLANS AND RESEARCHES**

1. National Programme for Adoption of acquis (NPAA)
2. National Schengen Action Plan
3. Governmental Programme of Republic of Bulgaria
4. Strategy of the National Border Police Service for Strengthening of the Future External Borders of the Republic of Bulgaria and Requirements for Technical Assistance for 2004-2006, confirmed by the Director of the National Border Police Service- last updated version.
5. Strategy for Integrated Border management of Republic of Bulgaria, adopted by the Security Council at CoM (December 2005)