

Standard Summary Project Fiche for the Transition Facility

1. Basic Information

- 1.1 CRIS Number : 2007/019-303.05.02
- 1.2 Twinning contract BG/07/IB/JH /02
- 1.3 **Title: Enhancement of Republic of Bulgaria's Ministry of Interior capacity to fight organised crime**
- 1.4 **Sector:** Justice and Home Affairs, Sub-sector: Police/Crime
- 1.5 **Location:** Republic of Bulgaria, Sofia, Ministry of Interior /MoI/, National Police Service – Chief Directorate Counter Organised Crime

2. Objectives

2.1 Overall Objective:

To develop the institutional and administrative capacity of Bulgarian law enforcement authorities and to strengthen their capacity for efficient co-operation with Member States and other countries in the implementation and enforcement of the counter-organised crime-related *acquis*.

2.2 Project purpose:

To improve the efficiency of MoI's National Police Service /NPS-MoI/ in the fight against specific and new forms of organised crime /OC/ through comprehensive strengthening of NPS-MoI special Undercover Unit /UCUnit/ to enable it carry out better its tasks and adequately & intensively cooperate with the other NPS-MoI directorates and their units (namely with the investigators /doznateli/) and with EU peers (partners) in particular at international operational level.

2.3 Justification

The project is in line with the September 2006 Comprehensive Monitoring Report /CMReport/ priorities concerning the project objectives, as well as with the May 2006 and October 2005 CMReports for Bulgaria.

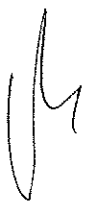
In the September 2006 CMR on the state of preparedness for EU the EC states that *"The report focuses primarily on the areas highlighted in the conclusion of the May 2006 report as needing immediate action or further efforts. For Bulgaria, these are the justice system, the fight against corruption, police cooperation and the fight against organised crime, money-laundering ..."* - page 3.

The same Monitoring report stresses that *"...The number of cases prosecuted successfully related to trafficking of human beings, drug smuggling, money laundering, counterfeiting of goods, currency and documents, is still low. Organised crime continues to be a problem. Co-operation needs to be enhanced between the CDCOC¹ and financial institutions, Europol and the relevant services abroad. Bulgarian law provides the legal tools necessary for the investigation and prosecution of organised crime. However, this has yet to yield significant results."* – page 18. Such a conclusion is made in the previous May 2006 Monitoring report.

Also the October 2005 Monitoring report concludes that *"Immediate action is required to enhance the Bulgarian state's response to organised crime. In order for law enforcement agencies to become more effective they need the necessary tools to fight organised crime. These include the resources to implement a variety of special intelligence means, in view of evidence gathering for use in courts...A*

¹ CDCOC stands for the Chief Directorate Counter Organised Crime /CDCOC/

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considerably more proactive approach towards tackling organised crime networks is urgently required." – page 66.

In the November 2006 Report on the accession of Bulgaria to the European Union the European Parliament *"Welcomes the improvements in the organisation and management of the police and security services, with the implementation of the new Law on the Ministry of the Interior; calls for the expansion of the specialised police units engaged in the fight against organised crime, corruption - in particular at the borders -, drugs and people trafficking, and further calls for improvements in salaries and conditions of service, fast-track promotion for outstanding officers, and provision of state-of-the-art equipment; at the same time Member States are requested to offer specialised training and further secondment of police officers with special expertise to the Bulgarian police in order to assist in clearing the backlog of high-profile crimes and curtailing the activities of crime bosses;"* – page 5.

Under MoI Phare twinning BG2004/IB/JH-12² a twinning interim quarterly report No 3 contains the following recommendation *"At this stage, it has to be seriously underlined that the outstanding work carried out in the area of UC operations by both German and Bulgarian twinning partners has led to a perfect transfer of know-how in this extremely sensitive matter (i.e. in UC operations), from a "human resources" point of view, has – to be consistent – to be followed up by a relevant provision of appropriate technical equipments to allow the specialised unit to be fit to operate properly"*.

3. DESCRIPTION

3.1 Background and justification:

The situation in the Republic of Bulgaria is not yet fully satisfactory in the detection and prosecution of organised crime cases. This state can be improved and the efforts of the law enforcement agencies should be more efficient and more successful in the investigation of such cases. Thus an effective inter-institutional approach of all the justice system is needed to deal with this area, not just police focused. It is clear, that the use of operative techniques/means is very powerful and effective tool for fighting such type of crime and for reaching considerable results within certain period but today it is also limited with technical ability of special police forces. Use of "standard" evidences (e.g. witness hearing, evidence on paper and other traces of the crime) is limited because in the field of organised crime usually there are no witnesses, there rarely are documents on paper, and the involved parties are highly interested to cover and hide all important circumstances. This project is designed for the purpose of gaining detailed knowledge on common standards in Members States and on new methods and procedures regarding the use of operative techniques/means, while on the other hand, it aims to significantly improve the technical conditions in this respect. The scope of the project concerns the use of the full spectrum of operative techniques/means: usage of undercover officer, controlled delivery, conspirative means, observation, security systems, informants handling, etc. The above-mentioned operative techniques/means will be especially focused on revealing and counteracting the organised criminal activities. Therefore, the usage of effective operative techniques/means in counteracting organised crime represents a truly specific part of police activities and in this respect the co-operation between different police units, prosecutors and judges involved in such activity is very specific. In such co-operation one police unit responsible for certain investigation asks another special police unit to carry out a specific task (usage of undercover officer, controlled delivery, trusted transaction, etc.). Under the national legislation the implementation of this task requires permission of the court granted following a prosecutor's request. Co-operation on such a new level is very important for applying sensitive operative techniques/means in the field of counteracting organised crime, as in the future positive outcome of investigations will have an enormous impact not only on the investigations themselves, but will also act as a preventive measure.

Making use of the interinstitutional approach through inclusion of investigators, prosecutors and judges in the implementation of this project would provide for their direct and practical acquaintance with the UC investigation's essence, its actual potentialities and boundaries. The success of any specific criminal proceedings to a large extent depends on the sustainability of the evidence collected. Inclusion of prosecutors and judges on the one hand is necessary due to the prosecutor's supervisory role in the pre-

² The above Twinning is within MoI Phare Project BG016-919.02 "Further strengthening police investigation capacity (crime statistics, undercover operations and investigative techniques and forensic)" of the 2004 Phare National Programme for Bulgaria

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trial proceedings, who determines the directions in each investigation, and on the other hand due to the decisive role of the Court in terms of acknowledging the evidence's sustainability. Thus the foundations of good practice will be laid down and steady system for collaboration will be established ensuring the adequate utilization of this operational method.

In connection with the elaboration of new procedural laws, as a priority of the Strategy for Reform of the Judiciary in Bulgaria, on 14 October 2005 the National Assembly adopted the new **Criminal Procedure Code**, which regulates all means of evidence gathering (including special investigation techniques of investigation through an officer under cover, controlled delivery, trusted transactions).

A new **Law on the Ministry of the Interior** entered into force on 1 May 2006. It aims at enhanced efficiency in the operation and capability of police units to adequately counter crime and at regulation of the use of undercover officers, false identity and companies used as disguise;

In terms of modernizing the Bulgarian Police Service in compliance with the requirements for EU membership the results achieved so far can be summarised as systematic setting up of necessary new structures ready and able to assume the obligations and functions deriving from the relevant EU and Schengen acquis. More specifically, these results include the following:

Under the terms of the Regulation on the Implementation of MoI Act the **Chief Directorate Counter Organised Crime /CDCOC/** within the National Service "Police" /NPS-MoI/ conducts an investigation through an officer under cover, controlled deliveries and confidential transactions.

To effectively respond to the high-profile cases growing in seriousness and complexity and to face the new tasks and challenges in the field of organised crime, adequate organisational, personnel and technical conditions have to be ensured. With regard to the above, a new unit, named UCUnt, has been set up within the CDCOC of MoI, and the said UCUnt is responsible for providing, supporting and implementation of undercover activities in substance encompassing investigation through officer under cover, selection and training of these officers, their protection as well as logistical activities relevant to disguising officers' identity and maintenance of UC operations and other unit's activities. Thus, this new UCUnt needs as soon as possible to be strengthened in order to enable it to carry out its tasks.

This unit is expected to contribute considerably to the counteraction of organised crime, but its present working conditions do not make it possible to carry out activities in an effective manner. The biggest problem is the complexity of the investigation through officer under cover.

Cases investigated through deployment of an officer under cover require extremely carefully conducted investigation, usage of the best technical and operational tools for protection of the UC officers, obtaining sufficient evidence, as well as comprehensive analysis. To work on similar cases without adequate technical tools and specially trained staff is nowadays practically impossible.

Among the deficits currently preventing the Bulgarian Police from applying investigation through officer under cover effectively are lack of modern technology (IT, special equipment for surveillance, data transmission, discreet transmitting devices, staff protection equipment, etc.) and insufficient experience of the Police in the field of undercover operations. Development of efficient technical framework and better trained staff for undercover investigation in line with the EU legislation and practice will lead to a higher rate of successful prosecution. Also Organised Crime is typically established as cross border crime which therefore requires international police co-operation to successfully beat that demand. However police forces of other EU countries will only co-operate in under cover operations if they meet adequate standards in running the operation and protecting the under cover agent (UCA).

The development of the unit concerned in this project started already in the framework of the BG 2004/IB/JH-12 PHARE project, which consists of the delivery of new experience and general knowledge in the related field of undercover operations (twinning project). The expert evaluation reports showed that besides the success of the delivered trainings there is an urgent need to expand the coaching.

In the initial phase the UC Unit officers who took part in the mentioned project studied very carefully the experience of those European countries which have good practices and background in undercover activities. In this regard, it is important to point out that towards the end of 2006 the knowledge gained in the course of implementing the BG 2004/IB/JH-12 Project had facilitated the adequate structuring of the UCUnt, the increase of its staff and the planning of its further development. As an output of that Project several proposals for amendment of regulatory acts have been prepared without which the employment of UC investigation was practically impossible. It is of vital importance that the knowledge already gained under the previous project could be supported by thorough, specialised, practical training

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in all spheres related to UC investigations and the major types of crime on which it is applied. One specific feature of the UC investigation is that the training of the UC officers generally involves direct transfer of practical experience from active experienced UC officers to junior UC officers in the course of specific real or simulated cases and situations. This very principle lies in the basis of the activities planned per the present project fiche. This training is of particular importance to the UC Unit due to the considerable risk in the initial stages of its operation and also due to the lack of practical experience within the Bulgarian police. The theoretical knowledge gained in the course of the previous project are being conveyed to the newly recruited staff, however at this stage it is still impossible to grant them specialised practical training.

Focusing on the practical implementation of UC investigation aims to provide adequate qualification to the UC Unit officers and rectify in due time the lapses, which occurred during the Unit's build up.

Because of the above mentioned the current project is considered as a continuation of the previous one and the measures envisaged under both projects are essential elements for establishing and developing appropriate conditions for improved efficiency in the fight against organised crime.

3.2 Linked Activities

The proposed project is a logical next step of previous Phare projects and addresses the necessity to continue in the work started by them on a higher level. It is quite new as regards all the twinning and supply of equipment.

It will use the new knowledge obtained in the framework of previous Phare projects and will develop it further in practice. Participants of previous PHARE projects learnt about new technologies, investigative techniques, procedures and methodologies and now they need to become really familiar with them by using them, deploying them in their day-to-day work. In particular, the project is built on the findings from:

- PHARE 2002 – BG 0203.02 – “Implementation of the National Strategy for Countering Corruption: development of a unified system for countering corruption at the Ministry of the Interior” has been focused on preventing and countering corruption in the MoI through amendments to current legislation, enhancing the capacity of the integrated system for countering corruption in the Ministry of the Interior and supply of specialised technical equipment.
- PHARE 2004 – BG 016-711.08.04 – “Modernising Bulgarian Police and enhancing its efficiency”, focused on further strengthening of Migration Directorate within the Ministry of Interior; consolidation of the information and computing powers and development of automated information systems supporting police activities. Some of the more detailed activities of the project twinning part encompass counteractions against organized crime and illegal migration, training on combating organised crime and illegal migration, training courses relating to investigative techniques (technical and management aspect, training of police staff). The main objective of the twinning is to provide the basics for a solid criminal analysis system for the Bulgarian police as well as training for officers who will work with criminal analysis system. The investment component aims at renovation of the IT equipment of the Ministry of Interior (MoI) needed to support police structures' activities, modernization and technical equipment of the detention premises at the regional and local police units, development of the police information systems supporting the police activities, construction and equipping the Special Home in Sofia for accommodation of foreigners, subject to expulsion by force out of the country, equipment for laboratory tests of false documents and introduction of biometric indices for finding the identity of foreigners.
- PHARE 2004 – BG 016-919.02 – Further strengthening police investigation capacity (crime statistics, undercover operations and investigative techniques and forensic); The second component of this project is focused on further development of legislative framework on undercover operations and strengthening of the institutional capacity in the field of undercover activities. Simultaneously it is aimed at the development of the operative capacity of the police services in this area, namely by the setting up of a specialized unit according to the European standards.

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The findings and recommendations of the above projects can be used for the purposes of the proposed one in the general terms of the fight against organised crime. The hereby proposed project, however, is the first one in Bulgaria dealing mainly and directly with the counteracting organised crime and the specific techniques and methods needed for this aim. Therefore, no directly linked activity can be identified in this respect. The most relevant activities were/are being held within the last two mentioned projects. The training delivered so far revealed the urgent need of a specified training concerning these methods only. They are too specialised to be combined with other training purposes.

3.3 Results

Contract 1 - Twinning

- Highly qualified & well trained staff of the police undercover unit with skills in the specific areas of the counteracting organised crime as well as in the various aspects of the UC-activities /logistics, backstopping/.
- Trained instructors in charge of spreading know-how in the field of UC-activities and in particular training operative officers on that matter. Thus UC-unit will be able to provide training by itself instead of outsourcing (train the trainer concept).
- National rules regulating undercover activities aligned with best EU- practices in the field of police investigations.
- Rules and manuals on selection and training of the UC-unit officers elaborated and introduced to the UC-unit.
- Operational manuals on collection, storage, processing, submission and usage of intelligence data and evidence elaborated and introduced.
- Practical international police co-operation in the field of UC-activities and counteracting organised crime improved.
- Creation of an EU standard to allow international co-operation and exchange of Under Cover officers to take place.

Contract 2 – Supply of Equipment

- Appropriate equipment adequately supplied, i.e. IT equipment, protection means and technical equipment delivered and used by the Bulgarian UC-unit for the purpose of achieving not only the objectives of the Project, but the ultimate UC-unit's Mission as well.
- Specialists - all of them from the UC-unit, trained on the use of new operative technical equipment to increase the effectiveness of their professional activities and the number of cases detected.

3.4 Activities

Contract 1 – Twinning

(0,700 MEUR, 12 MM)

The institution-building component named **“Enhancement of Republic of Bulgaria’s Ministry of Interior capacity to fight organised crime”** will contribute to the improvement of the police activities on different fields of counteracting organised crime. The aim of the twinning is the preparation of the new staff of the Bulgarian UC-unit for the implementation of the EU requirements and further training for officers in this field.

The below proposed activities will be conducted through practical training, workshop, study visits, traineeship and others. They will be focused on the matters related to the use of operative techniques/means. The content of the training courses, seminars and the study visits will be planned together with the twinning partner/s/-select on the basis of a common status quo analysis at the beginning of the project. Special stress will be put on training specialists for revealing and investigation of particular organised crimes, on the mutual co-operation between different police units, prosecutors and judges in the topics of, e.g. the co-ordination of hi-profile criminal activity realizations, including its

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international aspects, on protection of involved police officers, on new technical possibilities, usage of evidence in front of the courts.

The use of special operative tools/techniques/means, is the most difficult and expensive part of police works in the field of investigation of most serious crimes. Such tools can be used only according to specific conditions given by the law. All designed activities are, on the one hand, dealing with very powerful tools, and on the other hand, with very sensitive tools used during investigations. These tools are able to gather evidence where usually police have huge lack of them (organised crime as a specific type of crime where all involved parties have significant profit and "standard" evidence does not work).

The organised crime successful investigation through an officer under cover depends on extremely precise work of the police specialists. These specialists have to deal with investigation itself on the one hand and with the usage of specific investigative means imposed by the law on the other. These means break fundamental human rights and, therefore, must be used perfectly and without any error. The failure in this respect might lead to the situation when such evidence would not be accepted by the court and all efforts would not lead to the conviction. Because of the given reasons, prosecutors and judges should be involved in the most activities of the project. The integration of prosecutors and judges in the activities would allow them to gain immediate experience with regard to the application of the UC investigation. This particular experience will be of key importance for affirming the overall comprehension of the essence and capabilities of UC investigations and hence allow its future wide and effective implementation without infringing the rights of the citizens.

It is also very important to support the public opinion and to ensure public, that these impacts in human rights are only conducted by professionally trained and supervised staff.

Because the whole area of operative tools/techniques/means is wide and because the successful use of such tools is difficult and sensitive the 12 MM of the twinning duration is requested. Under the twinning contract the following activities will be conducted:

- Study visits in EU Member States, delivery of workshops and trainings aimed at detailed familiarization with a/ the experience and best practice of EU Member States regarding the procedures of selection, recruitment and training of officers under cover, and b/ with the equipment, needed to carry out an UC-operation.
- Series of workshops and trainings on UC-practice in MSs for the UCUnit staff, and in particularly on-the-field drills to enable UC-staff gain experience and knowledge on how to carry out successful UC-operations in various areas of combating organised crime. This training aims at gaining experience in the area of undercover investigation of particular organised crimes such as contract killings, illegal traffic of narcotic substances and precursors, corruption and frauds, trans-border organised crime, economic crimes, money laundering, counterfeiting of currency and documents, trafficking of human beings and prostitution, as well as new forms of organised crime such as high-tech crimes.
- Practice-oriented training of the UC-staff responsible for protection of officers under cover and logistic support.
- Training on cooperation between national and international authorities in interest to increase the efficiency of the fight against organised crime and encourage the flow of information – MS-practice.
- Training the staff of UC-unit on handling the supplied equipment on the spot.
- Elaboration of detailed internal rules and manuals on working processes, selection and training of the UC-unit officers on the ground of the experience and standards of EU Member States in this field.
- Training the personnel of the UC-unit on collection, storage, processing, submission and usage of investigative data and evidence.
- Conduct series of workshops aimed at training for operatives, state prosecutors and investigators on recourse to investigation through an officer under cover, its advantages, boundaries, special features and interaction with the UC-unit in the course of UC-operation, as well as in the area of the international co-operation.

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Since the above-mentioned topics are based on the knowledge gained in the previous mentioned projects, these activities should focus on new details/issues as well as on the more detailed handling of the up to now only briefly delivered information..

All the activities will be implemented through:

- (a) Training activities (approx. 11 workshops and practical trainings), each of them prepared for approx. 30 participants, part of which will be used as the trainers in the future. The training will thus be focused on the following topics:
- Undercover operations and controlled delivery - 5 workshops and trainings.
 - Selection, training and monitoring UC mental health – 1 workshop.
 - Training on UC-protection and logistic support - 2 workshops and trainings.
 - Elaboration of internal regulations and manuals on working processes, selection and training – 1 workshop.
 - Training on collection, storage, processing, submission and usage of investigative data and evidence – 1 workshop.
 - Training on recourse to investigation through an officer under cover, its special features, interaction with national and international agencies and authorities – 1 workshop and training.

The training activities on particular crimes (e.g. illegal migration, corruption) will be linked to the achievements of fore-cited projects PHARE 2002 – BG 0203.02 and PHARE 2004 – BG 016-711.08.04. The value added will be ensured through involvement of officers who participated in the related projects and through enhancement the circles of the topics previously considered.

- (b) Study visits or MS-practice (approximately 25 UCUnit officers, prosecutors, judges and investigators will participate 8 member-state practices):

In addition to the training part of the twinning also 8 study trips on the above given topics will be organised as well with the aim to learn the methods and expertise of the MS on the spot. Because of the sensitiveness of the whole area covered by the project it seems to be very important to see in details how the whole process of use of operative techniques/means is done in twinner's country in practice. There is an urgent need on the side of the Bulgarian UC-unit, prosecutors and judges dealing with the topic to become acquainted with the way how the problems are being solved in twinner's country. Very frequently these tools are also connected with specific technical knowledge and specific Hi-Tec tailor made equipment which is used only by police or special state's services and it is not possible to transport such equipment abroad. Every particular type of crime requires specific tool and there are big differences between them. That is why study trip abroad is requested for each module.

The experts participating in the study visit will compile a report that will be distributed within the administration and train the colleagues on the newly acquired skills as appropriate.

- (c) Two-week traineeship for 2 officers from the UC-unit in MS police departments on selection and training procedures and monitoring the mental health.

For details see budget breakdown – annex N8

For the implementation of the project one full-term Resident Twinning Advisor /RTA/ will be needed (for 12 consecutive months) as well as high level project leader for MS.

Profile (Background & qualifications) of the RTA

The RTA must be a public sector expert and highly qualified in all subject matters covered by the twinning arrangement, and must possess good managerial skills. He/she must be with over 5 years of undercover operations experience. He/she has also to be well acquainted with the mechanisms and

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resources for conducting & enforcement of undercover investigations. Experience in organising training programmes is a comparative advantage.

More specifically, the RTA

- i. shall have sound theoretical and practical experience in areas related to training of staff of public institutions;
- ii. shall be fluent in English.

Tasks of the RTA will be:

- to watch for & ensure the coherence and the continuity of the successive inputs and the ongoing progress,
- to maintain at all times updates and overview of the progress of the project,
- to guarantee a smooth implementation of the different activities delivered, and avoid overlappings,
- to continuously evaluate the Twinning project in all stages and compare it with the specified benchmarks and the timeframe,
- to prepare the material for regular monitoring and reporting,
- to make recommendations for further improvements of the legislation in the field of operative techniques/means
- to make recommendations for the improvement of the organisational structure in the areas where the gaps in the existing systems are revealed during the project

Profile of the MS project leader

- i. shall have sound theoretical and practical experience in areas related to training of staff of public institutions;
- ii. shall have good knowledge of EU policies on combating organised crime and ability to foster useful contacts with EU MS experts.
- iii. shall be fluent in English.

Short term experts

Areas not directly covered by the RTA can be taken over by short-term experts /STE/ within the limits of the budget. STE must be public sector experts and to have at least 5 years of experience in the topics of the planned activities.

Specifically their task will be training delivery. Experts must be able to deliver training in selected areas of protection of UC-officers, logistic issues, investigation of specific crimes, psychology topics and international cooperation and to contribute to the preparation of the envisaged analyses, regulations and manuals.

Contract 2 – Supply of equipment

(0,400 MEUR)

The growing number of tasks as well as growing expectations from both the Government of Bulgaria and EU call for the further development and improvement of the institutional and operational conditions, backed up by the growing need of the society to fight organised crime. The structural change of national crime situation bearing the effects and signs of international crime calls for more efficient and modern law-enforcement activity. Thus the importance of secret information gathering has been revalued, as well as the importance of improving the working conditions of police organisations dealing with such tasks. The planned technical modernisation is in compliance with the concept of strengthening the MoI.



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The technical development of the UCUnit devoted to applying the undercover investigation involves the supply of special technical equipment necessary to perform covert operations in order to create adequate working conditions for fighting organised crime, organisation managing and international cooperation.

The supplies were subject to a need assessment and preliminary examination carried out by MoI experts, whose recommendations – as well as the mentioned recommendations of the European Commission and the European Parliament - have been taken into account during the calculation of the budget (for the need assessment and the detailed list of equipment see annexes 4 & 5). The provisional list of equipment to be purchased involves IT equipment, telecommunication equipment, audio, photo and video equipment as well as safety equipment.

3.5 Lessons learned:

In the process of managing and implementing the Phare projects, the Ministry of Interior, and in particular the directorates directly involved in their implementation gained substantial experience. This project will build on the results and experiences, achieved by fore-cited Phare projects.

The projects developed under the Phare Programme contribute to the strengthening of the institutional capacity of the Ministry of the Interior in line with the standards and achievements of the EU legislation in the area of Justice and Home Affairs.

Previous projects have shown that personal contacts with alien police officers and also with colleagues from other law enforcement agencies in Bulgaria bring positive results after the project is finished.

The exchange of information “on the spot” have irreplaceable role in training, especially with practically oriented police officers, who are focused more on operative work than academic approach. However, previous projects were carried out before the accession of Bulgaria to the EU. It is advantageous to design and build this project as a follow-up to the previous project focused on undercover operations and not to start from zero.

4. Institutional Framework

Beneficiary institution:

The Chief Directorate Counter Organised Crime /CDCOC/ within the National Police Service of MoI /NPS of MoI/.

The overall project coordination and implementation will be entrusted to the /CDCOC/ within NPS of MoI. In order to develop effective coordination and interrelations amongst the MoI services and directorates involved in the project implementation, MoI will ensure adequate leadership team in charge of all issues related with the project's implementation and coordination within MoI and outside MoI – with all other institutions involved. MoI will closely cooperate with CFCU, the Implementing Agency for this Project.

Specialists of the Ministry of Interior will draft & prepare final versions of the Technical Specifications on their own or assisted by EU-experts under a PPF contract under NP Phare 2006.

Owner of the asset after project completion will be the National Police Service – MoI, Chief Directorate Counter Organised Crime /CDCOC/.

Project Steering Committee

Responsibilities:

- Strategic direction
- Co-ordination and integration
- Resource management
- Monitoring progress
- Offer guidance and advice
- Ensure achievement of key results

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Membership:

- Candidate Country and Member State Project Leaders
- Resident Twinning Advisor
- CFCU representative (observer)
- Representatives of NSP, CDCOC-NSP-MoI, Supreme Cassation Prosecutor's Office, Supreme Cassation Court.
- Invited members of Project Management Team when necessary

Method:

- Joint (BC and MS Project leaders) stewardship of the Project
- Quarterly 1-day meetings in Sofia to discuss and approve respective quarterly report /QR/
- RTA liaises with both Project Leaders and drafts Agenda and QR, then distributes drafts at least one week in advance of each meeting.
- Discussion and resolving of any unforeseen difficulties arising during the previous work period and proposals to rectify situations, together with proposal for amendments, or updates if necessary, to project Work Schedule and Budget.

5. Detailed Budget (in M€)

	Transition Facility support			Co-financing			Total cost (TF+co-financing)
	Investment Support	Institution Building	Total Transition Facility (=I+IB)	National Public Fun (*)	Other Sources (**)	Total cofinancing of the project	
Contract 1 Twinning		0,700	0,700				0,700
Contract 2 – Supply of equipment	0,300		0,300	0,100		0,100	0,400
TOTAL	0,300	0,700	1,000	0,100	0,000	0,100	1,100

(*) contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises. All the co-financing is joint co-financing and will be provided from the state budget. The requested sum will be earmarked for the beneficiary institution in its budgetary appropriations for the year 2008-2009. In the case where the final overall cost is lower than foreseen in the project fiche, the national public and Transition Facility co-financing shall be reduced proportionally so as to maintain the agreed rate of co-financing. For Twinning the national co-financing is up to 10% of the contracted value.

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

Contributions from the Bulgarian administration for effective implementation of the twinning/twinning light/TA may be further detailed in the twinning contract/terms of references.

To ensure smooth implementation of the project, the beneficiary will provide adequately equipped office space with telephone, PC (Internet) and fax. Photocopier and access to the necessary information as well as secretarial support will be ensured during the project life-time. In addition the beneficiary will provide space and facilities for workshops (training), consultations and seminars. The national co-financing will be specified in the twinning contract.

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6. Implementation Arrangements

6.1 Implementing Agency

The Central Financing and Contracting Unit (CFCU) within the Ministry of Finance is the Implementing Agency. The CFCU will be responsible for administrative and financial implementation of the project (tendering, contracting, payments and financial control).

The Programme Authorising Officer (PAO) will be the State Treasurer of the Ministry of Finance.

Contact Details:

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The Ministry of Interior will co-ordinate the elaboration of technical specifications, which will be carried out and finalised by the beneficiary. It will nominate experts to participate in the evaluation of offers and monitor the delivery, installation and configuration of equipment.

The arrangements related to the supply delivery part of the project will be administered by the Chief Directorate "Counter Organised Crime". For contact details see below under 6.2.

6.2 Twinning

The project implementation will be done through a twinning and investment component.

The project will be managed by Chief Directorate Counter Organised Crime, but all activities will be delivered to all beneficiaries, i.e. to the Unit "Operative infiltration" (undercover unit), specialised units of the same directorate and to all other involved parties (State Prosecutor Office, police investigators etc.).

Project leader

Mr. Ilia Iliev
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The Bulgarian Project Leader shall direct the implementation of the project and shall be responsible for the substance and the progress of the project.

RTA counterpart

Mr. Valentin Trifonov

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The RTA counterpart will work on a day-to day basis with the RTA.

Mr. Petar Marinov

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6.3 Non-standard aspects

N/A.

6.4 Contracts

The estimated number of contracts is as follows:

Contract 1: Twinning: - 0,700 MEUR

Contract 2: Supply of IT equipment, telecommunication equipment, audio-visual technology that support surveillance, audio, photo and video equipment as well as safety equipment – 0,400 MEUR. If the component is tendered in lots, this may result in more than one contract to be concluded covering the different lots.

7. Implementation Schedule

7.1 Start of tendering/call for proposals

(call for proposals regarding the selection of twinning partner)

Twinning	- 4Q of 2007
Supply	- 4Q of 2007

7.2 Start of project activity

Twinning	- 3Q of 2008
Supply	- 3Q of 2008

7.3 Project completion

Twinning	- 3Q of 2009
Supply	- 4Q of 2008

8. Sustainability

UC investigation is a complex, specialised and delicate activity and requires patient and careful setting up. At the same time significant mistakes should not be made as they may impede with its development and on certain occasions – even lead to its rejection. In this respect attainment of the goals of this project shall undoubtedly lead to establishing UC investigation as a method for evidence collection and subsequently to the setting of national practices in this area, enjoying the trust of the public and the law enforcement authorities.

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Beneficiary will continue to have financing of counteracting organised crime as a priority and will make sure that the results achieved are further implemented and sustained in daily work. Knowledge obtained will be used for designing further internal training activities. Further training will be provided by the police and ensured by the trainers trained under this project. People trained are supposed to remain in their positions for at least 3 years. All supported actions are sustainable in the long term. They will comply with the EU norms and standards, and will be coherent with the sector policies of the EU.

9. Conditionality and sequencing

The successful and timely implementation of the previous linked projects makes a precondition of concluding the envisaged contract.

ANNEXES TO PROJECT FICHE

1. Logframe in standard format;
2. Detailed implementation chart and indicative timetable of activities;
3. Contracting and disbursement schedule, by quarter, for full duration of project;
4. Need assessment;
5. Provisional list;
6. Reference list of relevant laws and regulations;
7. Reference list of relevant strategic plans and studies.

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LOGFRAME PLANNING MATRIX FOR PROJECT FICHE				Programme name and number		End of execution of contracts period expires: 15 Dec. 2010	
Enhancement of Republic of Bulgaria's Ministry of Interior /MoI/ capacity to fight organised crime				Contracting period expires: 15 Dec. 2009		TF Contribution: 1,000 MEUR	
Overall objective		Objectively verifiable indicators		Sources of Verification		Assumptions	
To develop the institutional and administrative capacity of Bulgarian law enforcement authorities and to strengthen their capacity for efficient co-operation with Member States and other countries in the implementation and enforcement of the counter-organised crime-related <i>acquis</i> .		<ul style="list-style-type: none"> Implemented recommendations contained in the November 2006 EU Parliament report on accession of Bulgaria to the EU Increased number of organised and effective successful actions against criminal groups. Number of police officers and investigators well qualified in the relevant areas increased up to 200. 		<ul style="list-style-type: none"> EC Regular Report; EC ex-post evaluation report Reports of the EU experts; Reports of the National Police and Ministry of Interior; 			
Project purpose		Objectively verifiable indicators		Sources of Verification		Assumptions	
To improve the efficiency of MoI's National Police Service /NPS-MoI/ in the fight against specific and new forms of organised crime /OC/ through comprehensive strengthening of NPS-MoI special Undercover Unit /UCUnit/ to enable it carry out better its tasks and adequately & intensively cooperate with the other NPS-MoI directorates and their units (namely with the investigators /doznateli/) and with EU peers (partners) in particular at international operational level.		<ul style="list-style-type: none"> All the staff of SPUU adequately trained regarding organised crime investigation as well as conducting both successful undercover operations /UO/ and protection of officers under cover; Well elaborated programmes for training and increasing the qualification level (skills) of police officers under cover and police investigators responsible for investigating violent and organised crimes; Number of the means to provide the necessary mobility for investigation through an officer under cover increased; Technical and special equipment up-graded; Developed information procurement 		<ul style="list-style-type: none"> EC Regular Report; Monitoring Reports Reports of the EU representatives and the EC experts. Statistics and reports of beneficiaries. Country summary evaluation report TF interim evaluation reports Statistics/reports of Ministry of Interior Twinning contract, quarterly reports 		<ul style="list-style-type: none"> Continued political will of the relevant Bulgarian authorities (including MoI) to ensure closest cooperation with EU Member States regarding fight against OC Continued political will of the relevant Bulgarian authorities (including MoI) to demonstrate & enhance capacity to effectively combat organised crime in accordance with EU standards and requirements; 	

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	<p>system supporting police undercover investigation unit by the end of the project introduced;</p> <ul style="list-style-type: none"> • Number of cases involving cooperation and exchange of information with the national and international law enforcement agencies increased 25% up annually. 		
<p>Results</p> <p>Twinning</p> <ul style="list-style-type: none"> • Highly qualified & well trained staff of the police undercover unit with skills in the specific areas of the counteracting organised crime as well as in the various aspects of the UC-activities /logistics, backstopping/. • Specialists - all of them from the UC unit, trained on the use of new operative technical equipment to increase the effectiveness of their professional activities and the number of cases detected. • National rules regulating undercover activities aligned with best EU practices in the field of police investigations. • Rules and manuals on selection and training of the UC-unit officers elaborated and introduced to the SPUU. • Operational manuals on collection, storage, processing, submission and usage of intelligence data and evidence elaborated and introduced. • Practical international police co-operation in the field of UC-activities and counteracting organised crime improved. • Creation of an EU standard to allow international co-operation and exchange of Under Cover officers to take place. <p>Supply of Equipment</p>	<p>Objectively verifiable indicators</p> <ul style="list-style-type: none"> • At least 30 officers of the UC-unit trained in UC-activities, new operative means and techniques at the end of the project; • At least 160 NSP officials, judges and prosecutors trained in investigation through UC. • At least 50 officers, prosecutors and judges trained in MS-approach to UC-investigation. • Number of successfully completed investigations through an officer under cover, controlled deliveries and trusted transactions increased 25% up annually at the end of the project; • Approx. 20 per cent of trained specialists used as trainers for other staff till 2009. • All protection means and technical equipment delivered, installed and being used by the staff of the Bulgarian UC unit; • Secondary legislation and Intra-MoI rules regulating investigation through officer under cover and UC-activities enforced till 2009. 	<p>Sources of Verification</p> <ul style="list-style-type: none"> • Sectoral Monitoring Subcommittee (SMSC) Reports for the Home Affairs Sector • Twinning Reports • Monitoring report from IA • Implementation status report • Minutes of completed installation and test of the supplied means and technical equipment; • Schedules of staff training; • Minutes of provided staff training; • Statistics on the investigative activities carried out by the MoI and particularly by the UC-unit. 	<p>Assumptions</p> <ul style="list-style-type: none"> • Sufficient financing of the activities from the state budget; • Commitment of MoI senior level officials and of experts of all MoI services involved in project implementation; • Commitment of the Implementing Agency in preparation and conduct of the tendering and contracting phases of the Project; • Completion of previous PHARE projects activities concerning undercover operations (namely Twinning BG 2004/IB/JH-12 on which the currently proposed Project intends to intensively build upon);

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<ul style="list-style-type: none"> • Appropriate equipment adequately supplied, i.e., protection means and technical equipment delivered and used by the Bulgarian UC-unit for the purpose of achieving not only the objectives of the Project, but the ultimate SPUU Mission as well. • Trained instructors in charge of spreading know-how in the field of UC-activities and in particular training operative officers on that matter. Thus SPUU will be able to provide training by itself instead of outsourcing. 			
Activities	Means		Assumptions
<ul style="list-style-type: none"> • Study visits in the EU member states, delivery of seminars and training aimed at detailed familiarization with a/ the experience and best practice of EU Member States regarding the procedures of selection, recruitment and training of officers under cover, and b/ with the equipment, needed to carry out an UC-operation. • Series of workshops, training and MS practice for the UC-unit and in particularly on the field to enable its staff to gain experience and knowledge on how to carry out successful UC-operations in various fields of combating organised crime. • Practice-oriented training of the UC staff responsible for protection of officers under cover and logistic support. • Training on cooperation between national and international authorities in interest to increase the efficiency of the fight against organised crime and encourage the flow of information – MS practice. • Training the staff of UC-unit on handling the supplied equipment on the spot. 	<p>It is envisaged that the project will be implemented by means of 1 /one/ Twinning contract and 1 /one/ supply contract:</p> <p>TWINNING CONTRACT :</p> <ul style="list-style-type: none"> • Twinning arrangements for a full-term TRA and short-term experts. • Training activities as well as the following: <ul style="list-style-type: none"> – Visits by MoI experts involved in project implementation to EU police specialised services. Elaboration of reports, analysis, evaluations and recommendations; – Visits by consultants from EU police specialised services to Bulgaria. Elaboration of reports, analysis, evaluations and recommendations; – Monitoring and assistance in supply contract implementation; 		<ul style="list-style-type: none"> • Commitment of MoI senior level officials and senior level officials of all involved MoI services; • Commitment of the Implementing Agency in tendering and contracting; • Secured co-financing • Commitment of the beneficiary to maintain and upgrade all acquired means; • Full co-operation between MoI and MS twinning partner.

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<ul style="list-style-type: none"> • Elaboration of detailed internal regulations and manuals on working processes, selection and training of the UC-unit officers on the ground of the experience and standards of EU Member States in this field. • Training the personnel of the UC-unit on collection, storage, processing, submission and usage of investigative data and evidence. • Conduct series of workshops aimed at training for operatives, state prosecutors, judges and investigators on recourse to investigation through an officer under cover, its advantages, boundaries, special features and interaction with the UC-unit in the course of UC-operation, as well as in the area of the international co-operation. 	<p>– Assessment and approval of supply contract implementation results.</p> <p>SUPPLY CONTRACT</p>		<p>Preconditions:</p>
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DETAILED IMPLEMENTATION CHART

Component	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	
Twinning											T	T	T	D	D	D	D	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Supply												T	T	T	T	T	C	C	I	I	I	I	I	I													

D-design, C - contracting; I – implementation; T - tendering;

INDICATIVE TIMETABLE OF TWINNING ACTIVITIES

Year	2008												2009											
Month	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY												
Activity N	0,1&1	2&3	4,5&6	7&8	9&10	11&12	13&14	15&16	17&18	19&20	21	22&0,2												

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CONTRACTING AND DISBURSEMENT SCHEDULE, BY QUARTER, FOR FULL DURATION OF PROJECT

Component	2007				2008				2009			
	1 Q	2 Q	3 Q	4 Q	1 Q	2 Q	3 Q	4 Q	1 Q	2 Q	3 Q	4 Q
Twinning												
Contracted							0,700					
Disbursed							0,170	0,370	0,550	0,670	0,700	
Supply												
Contracted						0,400						
Disbursed						0,200	0,300	0,400				

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NEEDS ASSESSMENT

The project main goals and tasks are determined by the necessity of strengthening Bulgarian police capacity for implementing its activities in the field of conducting police investigation and development of the ability of counteracting organised crime.

Bearing in mind the provisions of the newly adopted national legislation /MoI Act, CPC and amendments of SIMA/, the requirements of the government's Action-plan, Anti-drug and Anti-corruption strategy as well as the upgrading programmes realised through the use of external support, the Bulgarian Police authorities may be closer to meeting the high-priority requirements specified in the area of institutional development of the JHA cooperation. Further efforts are needed in certain sub-areas of the fight against organised crime (contract killings, illegal traffic of narcotic substances and precursors, corruption and frauds, trans-border organised crime, economic crimes, money laundering, counterfeiting of currency and documents, trafficking of human beings and prostitution, as well as new forms of organised crime such as high-tech crimes). In parallel with the structural changes within the MoI stemmed from the new MoI Act and its Regulations, the development of the police unit responsible for implementation of undercover operations and activities in this sphere will move to the foreground.

Preliminary analyses of the present situation and capabilities to solve the above mentioned issue lead to the conclusion that contemporary and sophisticated resources and well trained staff of the UC unit need to be available.

This Unit will contribute considerably to the implementation of the national strategies, but at this stage its present working conditions are not sufficient to carry out its activities effectively. The development of the unit concerned in this project has started already in line with the timing and extent of the recruitment of the new staff. The measures of this project are essential elements to establish and develop the appropriate conditions for the expected efficiency in fight against organised crime.

The specific and main feature of the investigation through officer under cover is that the latter has to work in hostile and dangerous environment. Thus the most important task of the unit is to provide the safety and protection of the officers performing undercover activities as well as of other participants in the course of the undercover investigation. For successful execution of this task the unit will need special equipment for personal protection, communications, audio-visual technology that ensure surveillance and, discreet communication. This state-of-the-art equipment is usually worked out to be used only by police or special state's services. Unfortunately a lot of similar technical means are available to criminals, who often use them as counter-measure to the police activities. Another basic precondition for successful investigation is the mobility of the UC-officers and the continuous monitoring on his/her actions. Because the mentioned specific features of the UC-investigation the UC-unit must have at its disposal the most advanced technical means.

The use of these means and devices will make it possible to know the UC officers location, as well as that of the officers of the protection teams, in real time. Meanwhile, this equipment will be used for communication (visual and voice) among all officers, involved in the respective operation. In order to ensure maximum protection of the UC officers preliminary and on-going monitoring of the officers, their routes, movements and the area of their location is required. What appears to be of key importance is to be able to use the technical means for protection together and simultaneously as this is the only way to ensure fast and adequate managerial decisions in view of protecting the officer's identity. This requirement asks that technologically compatible technical means be employed and used. On the other hand, the trend for strengthening international cooperation in the sphere of UC operations determines the use of technical means compatible with the ones in use by the police authorities in the EU Member States, or at least, technical means they are technologically familiar with.

The circumstance, that part of the equipment shall be used tacitly, requires that it is portable and miniaturized, while the use of such equipment should be most simplified in view of accelerating the response when resorting to it, especially on behalf of the UC officers.

The purpose of use of the means and devices requires that they are both reliable and precise. Should these two requirements be ignored it is quite possible that the safety and security of the UC officers and the operation as a whole become threatened. In this respect and taking into consideration the above stated factors it is necessary to have the features and quality of the delivered equipment preliminary attested in the daily work of MS police authorities.

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According to the national Bulgarian legislation the UC officer gives testimonies in the course of the criminal proceedings whereas his/her identity is preserved secret and measures for his/her protection are taken. An essential requirement is that during the interview of the UC officer the principle of immediacy is observed. This, along with the above requirements, calls for the use of special technical system, providing the possibility to interview witnesses through video-conference while ensuring maximum security for the UC officer. What is peculiar about this system is that it allows interviews in real time without revealing the actual location of the interviewed UC officer or disclosing his/her identity and it disables interference or wiretapping of the communications.

To ensure the efficient conducting of the assigned tasks equipment will be necessary as follows:

- Portable communication equipment consisting of individual wireless radio and telecommunication transmitters, position system devices for taking and transmitting of location details, discrete communication devices of close and medium range, etc. (which shall mainly be used for backing up the UC officers' activities and guaranteeing their security).
- The necessary relevant IT equipment for remote management, which ensures the normal functioning of the above mentioned communication devices and means for audio-video observation. It shall guarantee the gathering and archiving of all necessary information needed to cover the operations, the evidence collection and ensure maximum protection of the staff.

All of these analyses were made at the moment when the project fiche was being prepared and their financial assessment is laid down in the budget set out in the fiche as well as in the enclosed provisional list of equipment.

The available IT-equipment of the unit also was subjected on research of the current situation and assessment of the short-term needs. The analysis reveals that the available IT equipment, used by the unit is not sufficient in quantity. Its basic parameters disallow the use of the needed specialized software for technical system and technology management during operations, the real time use of geo-referring digital maps with position system coordinates and routes of the tracked targets and subjects, or any remaining means and devices, related to technically securing the operations underway.

The above equipment, which is needed by the UC unit, will increase the potential and improve the quality of the activities performed by the officers related to investigation.

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PROVISIONAL LIST OF EQUIPMENT

Name of equipment	indicative Unit price	Pcs.	€
Telecommunication equipment			
Personal protection device: concealed transceiver devices	1200	7	8400
Video transceiver kit (concealed)	1800	8	14400
Special GSM telephones for personal protection purposes	2000	5	10000
Real-time sound-filtering device	2500	1	2500
Interception device	5000	2	10000
Mobile phone identification unit within a cell	15000	1	15000
Sub-total			60300
Audio, photo, video systems and equipment			
Technical equipment for receiving the signals beamed from the personal protective radio-transmitters, autonomous portable monitoring system for exercising control over the means and devices and remote resource management.	18000	10	180000
Technical equipment for observation (high sensitivity camera(s) for day and night observation, autonomous portable monitoring system for exercising control over the means and devices able to digitally record the output of the observation that is being carried out)	19000	2	38000
Technical equipment for receiving the signals beamed from the personal position system devices, autonomous portable monitoring system, equipped with the relevant specialised software and a set geo-referring digital maps ensuring real time determination of current coordinates of the personal position system devices and monitoring of the processes.	40000	1	40000
Remote-controlled digital camcorder concealed in a handbag	2000	2	4000
Digital audio recorder for personal protection	300	5	1500
Concealed digital image recorder	1200	2	2400
Thermo infra hand camcorder	10000	1	10000
Video editing equipment	11000	1	11000
Portable digital video player	1200	2	2400
Video interrogation system	20000	1	20000
Various high sensitive micro-cameras for UC officers personal protection	250	15	3750
Sub-total			313050
IT Equipment			
Position-system integrated cell-phone, panic function enabling continuous data transmission	600	10	6000
High-performance PC for image-processing, sound-filtering, including DVD-writer drive, digitalization card	4200	1	4200
IT equipment for up-grade of the current requirements and fulfilment of the new requirements with regard the software, hardware, fast action etc.	1000	10	10000
Laptops	1500	4	6000
Sub-total			26200
TOTAL			399 550

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LIST OF RELEVANT LAWS AND REGULATIONS

- Crime Procedural Code
- Penal Code
- Special Intelligence Means Act
- Ministry of the Interior Act
- Classified Information Protection Act
- Foreign Nationals in the Republic of Bulgaria Act
- Civil Registration Act
- Bulgarian Identity Documents Act
- Access to Public Information Act
- Personal Data Protection Act
- Act on Public Orders
- Rules on the Implementation of the Ministry of the Interior Act
- Rules on the Implementation of the Classified Information Protection Act
- Rules on the Implementation of the Bulgarian Identity Documents Act
- Rules on the Implementation of the Foreign Nationals in the Republic of Bulgaria Act
- Rules on the Implementation of the Personal Data Protection Act

INSTRUCTIONS

- Ordinance for the organization of the activity on usage MoI's officers under cover.
- Ordinance for assignment special public orders.
- Ordinance for the order of carrying out the checks for implementing of direct control of protection the classified information.
- Ordinance for the general requirements for guaranteeing industrial security.
- Ordinance for the systems of measures, techniques and means for physical security of classified information and for the terms and conditions for their use.
- Ordinance for the binding general conditions on the security of the automated information systems and networks, in which classified information is created, processed, stored and transferred.
- Methodological guidelines on the organization of the police search activities.
- Instruction on the work of the MoI bodies on reported offences of general nature, other breaches of the law and anti-social behaviour.

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REFERENCE TO RELEVANT GOVERNMENT STRATEGIC PLANS AND STUDIES

- National Program for the Adoption of the Acquis
- Governments Action-plan June 2006
- National Anti-corruption Strategy
- National Strategy for Combating Drugs