



Council of the
European Union

Brussels, 18 October 2023
(OR. en)

14201/23

LIMITE

JAI 1317
SCHENGEN 57
COMIX 461

NOTE

From:	Bulgarian delegation
To:	Council
Subject:	Measures undertaken by Bulgaria for strengthening the Schengen area - Information from Bulgaria

Delegations will find attached a note submitted by the Bulgarian delegation on “Measures undertaken by Bulgaria for strengthening the Schengen area”.

Measures undertaken by Bulgaria for strengthening the Schengen area

In light of the Schengen Council and the discussions on the overall state of the Schengen area Bulgaria would like to contribute with information on the concrete actions undertaken by the Bulgarian authorities to ensure an EU coordinated response to threats.

Good functioning of the Schengen area is a priority for Bulgaria. Schengen system is facing different challenges that require common EU response from both Schengen and non-Schengen Member States. Although Bulgaria is still not a fully-fledged Schengen Member State, we contribute to the common efforts for better addressing the threats and finding sustainable solutions at EU level.

To this end, Bulgaria applies a comprehensive and integrated approach, which combines measures for improving the cooperation with neighbouring non-EU countries, enhancing the cooperation with EU Member States, active engagement in common actions and operations with the EU Agencies, strengthening the capacity at national level and implementing the external actions of the EU.

1. Cooperation with neighbouring non-EU countries for better situational awareness and joint analysis on migrant smuggling, prevention of illegal border crossings and secondary movements

- The political dialogue **with Türkiye** was intensified – the latest meeting of the Ministers of Interior was held in Ankara in October 2023. They agreed on enhanced measures for prevention of illegal border crossings and intensifying the operational cooperation.

Two high level professional meetings with relevant Turkish partners were held in September 2023 at Kapitan Andreevo BCP, the second one – in trilateral format with Greece. The migratory situation in the region and the border control measures were discussed. As a result of the agreed measures, there was a significant decrease in the attempts for illegal border crossing in the past few weeks, although the numbers are still high. It was agreed to hold regular trilateral meetings at strategic level, the next one will be held in mid-November.

Operational meetings were held with relevant Turkish services, in order to step up real-time exchange of information on migrant smuggling networks and related crimes. Based on information provided by Bulgaria, several offices in Türkiye functioning on the modus operandi of the Hawala system were dismantled.

- Bulgaria put efforts to ensure stronger **Serbian** commitment to joint bilateral activities aimed at countering illegal migration and human smuggling at the Bulgarian-Serbian border. The Bulgarian side initiated an increase of the number of the mixed Bulgarian-Serbian patrols along the common border, and proposed to change the working hours of the common contact centre with Serbia, in order to switch to 24/7 regime.
- Apart from Serbia, intense operational cooperation is ongoing also with the **Republic of North Macedonia**. There are discussions with both countries on joint investigations on cases of migrant smuggling, mainly in the framework of SELEC.
Mixed patrols with the Republic of North Macedonia for surveillance and control of the common state border and fight against cross-border crime are formed regularly.
- We actively use the capacities of the **common contact centres for police and customs cooperation (PCCC)** for exchange of information related to counteraction of illegal migration, trafficking in human beings, smuggling, etc.
Bulgaria proposed to Greece and Türkiye (Parties in the common trilateral PCCC at Kapitan Andreevo BCP) to use more actively the existing mechanism for real-time notifications on attempts for illegal border crossings, in order to initiate actions on the territory of the neighbouring state and prevent illegal border crossings.
- Bulgaria is a responsible partner with regard to the implementation of **readmission** agreements.

For the first nine months of 2023, the number of processed readmission applications from Serbia is 60 per cent higher than those in the same period of 2022. The number of returned third country nationals is 40 per cent higher than last year, with a significant increase of the returned persons under accelerated procedure (more than 50 per cent of the total number of returned third country nationals). There is also an increase in the number of applications lacking sufficient proof for illegal border crossing, which results in bigger number of refusals from the Bulgarian side. Lately the Serbian side omits to include in the readmission applications, information on the exact point of crossing the state border, which does not give the possibility to make a joint check at the border and to issue a joint protocol on the findings, as was the practice up to now.

In addition, Bulgarian authorities face a serious challenge due to the refusal of Türkiye to readmit third country nationals, although the 3-year period for non-implementation of these provisions from the EU-Türkiye Readmission Agreement had expired on 1 October 2017. We believe the political dialogue between EU and Türkiye on this issue should be intensified, in order to achieve a decision beneficial to all EU Member States.

2. **Enhancing the cooperation with EU Member States**

- Bulgaria is open for cooperation with all interested EU Member States, in order to fight all forms of cross-border crime, and in particular – to prevent secondary movements towards Europe. There is **regular dialogue on bilateral basis**, particularly with Austria, the Netherlands, Germany, Hungary, as well as with our neighbours Romania and Greece.
- In September 2023 Bulgaria discussed with Slovakia, Hungary and Greece common measures focused **on limiting secondary movements** in the region. The meetings were initiated by the Schengen coordinator of the Commission.
- Recently Bulgaria and **Romania** initiated a review of the provisions of the bilateral Agreement on cross-border police cooperation in criminal matters, in order to ensure the compliance of the envisaged main instruments for Schengen cooperation with the Council recommendation on operational police cooperation, adopted in 2022.

Together with **Greece**, Bulgaria is implementing the project NESTOS (A police-led alliaNce to Enhance croSs border cooperaTiOn against tranSnational organized crime) under the Internal Security Fund, aiming at strengthening the cross-border police cooperation, thus better contributing in safeguarding EU internal security.

- The network connectivity of SIENA BPL to the **PCCCs with Romania and Greece** is already established. It will allow the digitalisation of the information exchange in the PCCCs and the introduction of an automated Case Management System by the end of the year.

- Bulgaria implements **readmission agreements** with 25 EU Member States and Associated countries (including Greece and Romania). The number of readmission applications for the first nine months of 2023 is almost 60 per cent higher than the same period of 2022. Top-5 countries with regard to sent applications are Germany, Romania, the Netherlands, Austria and Switzerland, and the numbers for the different countries are doubled compared to 2022. Consent was given in all cases where sufficient proof was provided (90 per cent of all received applications). However, the number of readmitted persons is around 50 per cent, due to the fact that not all persons were found, in order to be sent to Bulgaria.
- Bulgaria is fully committed to ensure full implementation of the **Roadmap on Dublin transfers** and is open for cooperation with all interested EU Member States in this regard. All persons detained for illegal border crossing are registered in EURODAC and Bulgaria takes responsibility for them. The number of requested Dublin transfers for the first nine months of 2023 increased more than three times compared to the same period of 2022. The executed transfers this year are four times more than during the first nine months of 2022. There is a significant increase in the number of requested and executed Dublin transfers towards interested EU Member States. Since the beginning of 2023 the transfers requested by Germany are five times more than during the same period of 2022, from Austria - four times more, and from the Netherlands – almost seven times more. The highest percentage of executed transfers in 2023 is with Slovakia – 94 per cent of all requested transfers during the first nine months of 2023 (there are no requested or executed transfers for the same period of 2022).
- In addition to the common activities within the EU and with its neighbours, Bulgaria is open to enhanced cooperation at bilateral level with all interested EU Member States. A **Bilateral Action Plan with Austria** was adopted in January 2023 and its implementation led to strengthening the joint efforts and capabilities on preventing illegal migration. One of the key outcomes has been the establishment and maintenance of direct contacts between the competent structures of Bulgaria and Austria resulting in efficient information sharing, coordination, and joint decision-making in addressing migration-related issues.

- The implementation of the Bilateral Action Plan improved the understanding of the migration situation for both Bulgaria and Austria. Through their joint efforts, both countries have gained valuable insights into the complexities and nuances of migration, allowing them to develop more informed strategies and policies. This shared understanding has led to more targeted and coordinated actions, contributing to the reduction of illegal migration.

3. **Active engagement in common actions and operations with the EU Agencies and Offices**

- The capacity of **Europol** for exchange of information with regard to migrant smuggling is used to the full extent.

A Joint operation with Romania, Germany and Europol in May 2023 resulted in the apprehension of smugglers, seizure of vehicles and identifying accommodation facilities on the territory of Romania. Furthermore, a Joint investigation team between Bulgaria and Romania was set up to investigate cases of smuggling of migrants.

Bulgaria is actively participating in all **EMPACT** priorities and contributing to numerous activities within the priority “Illegal migration”. In the Operational Action Plan for 2024-2025 Bulgaria will be a co-leader of two activities (2.2 „East Med” and 8.1 „Task Force Western Balkans”). These activities provide for conducting intelligence-led operations aimed at improving the intelligence picture along the South-Eastern migration route and dismantling OCGs involved in the facilitation of illegal migration, as well as production and use of false documents, money laundering and migrant smuggling services offered on social media.

Upon Bulgaria’s initiative, an **Operational Task Force** for combating migrant smuggling was set up jointly with Europol and started functioning at the end of August 2023. Currently, joint cases have been identified between Bulgaria, Romania, Moldova and Greece. The ambition of Bulgaria is to extend the scope of joint cases and involve other EU Member States and third countries concerned in the activities of the OTF.

- Bulgaria makes full use of the capacity of the European Border and Coast Guard Agency – **Frontex** – in the area of border management.

In the framework of the Pilot project with the European Commission and the Frontex Roadmap, Bulgaria increased significantly its **capacity for hosting** guest officers (from 131 to 192 guest officers).

The scope of the Joint Operation TERRA coordinated by Frontex on Bulgarian territory was widened to include new zones along the Bulgarian-Serbian border and enhanced technical equipment there.

As a result, the number of deployed officers and provided equipment since the beginning of 2023 already exceeds significantly the numbers for the whole 2022.

Apart from being a host country, Bulgaria also participates in Frontex joint operations on the territory of the **Western Balkan countries and Greece**. Since the beginning of 2023, a total of 21 Bulgarian border police officers were deployed in WB (11 in Serbia, 8 in North Macedonia, 1 in Albania and 1 in Kosovo). Currently there are 7 Bulgarian officers deployed in WB (5 in Serbia and 2 in North Macedonia). In Greece there is one border ship deployed with 18 officers (double crew, in order to ensure everyday patrolling activities). In addition, Bulgaria will respond to the Frontex Call for additional contribution to Montenegro by deploying border police officers during the next deployment period (starting on 1 November 2023).

- Cooperation between Bulgaria and the **European Union Agency for Asylum** expanded in the areas of asylum and reception, through a revised Operational Plan for the period 1 July 2023 – 31 December 2024. It includes measures for enhancing the capacity of Bulgarian authorities to process international protection applications and ensure reception conditions. The Operational Plan envisages the additional appointment of experts for implementation of the Dublin Regulation, accommodators in the Registration and Reception Centres, social workers / culture mediators and reception officers.

- In order to further enhance the functioning of the authorities applying the Schengen acquis, on 15 September 2023 a Working Arrangement was signed between the Ministry of Interior of the Republic of Bulgaria (MoI) and the **European Public Prosecutor's Office (EPPO)**. According to the Arrangement, MoI officers will be seconded to the offices of European Delegated Prosecutors in the Republic of Bulgaria, in order to improve the practical cooperation on ongoing investigations.

4. **Strengthening the capacity at national level**

- Bulgaria **reinforced the national legal framework on migrant smuggling**. Amendments to the Penal Code entered into force on 4 August 2023. They envisage more severe punishments for trafficking in human beings, migrant smuggling and assisting illegal border crossings and illegal inland stays. The number of initiated pre-trial proceedings for the first nine months of 2023 is 61 per cent higher than the same period of 2022.
- Bulgarian authorities work actively in order to track thoroughly smugglers networks. A complex of preventive **measures on inland territory** is implemented, including enhanced real-time information exchange, constant specialised police operations and efficient penal prosecution of migrant smugglers. As a result, as of 30 September 2023, there are 12 838 inland detections of illegal migrants (41 per cent more compared to the same period of 2022). The prevailing part of them are Syrians (49 per cent), Afghans (35 per cent) and Moroccans (10 per cent).

Information from all MoI structures on persons, vehicles, organised groups involved in criminal activities related to migrant smuggling and trafficking in human beings is gathered and updated on a daily basis.

There is also active work for countering crimes related to migrant smuggling, i.e. use of false and counterfeit documents. Financial investigations are carried out aimed at confiscation of assets acquired from migrant smuggling.

- In order to execute efficiently its obligations for protection of the external EU borders, Bulgaria has put significant efforts in **providing necessary human and technical resources for border surveillance and control at all external borders**.

Integrated border surveillance systems are used and regularly upgraded at the Bulgarian-Turkish border and at the sea border, as well as automated surveillance systems at the Bulgarian-Serbian border. There is also air, visual and technical surveillance in place.

A specialised police operation rolls out at the Bulgarian-Turkish border, as well as at the neighbouring section of the Bulgarian-Greek border. Recently the number of staff of the regional directorate of border police responsible for the border with Türkiye was significantly increased. Officers from other MoI structures and the Bulgarian army also take part in the activities for the protection of the state border.

- The Commission has identified the Bulgarian-Turkish border as a priority with regard to external border protection and has provided **€45 million in addition to the National Funding program of Bulgaria**. The additional funds will be used for expanding the range of the integrated surveillance system, integrated solutions facilitating the automated border crossings, modernisation of the vehicle fleet, temporary appointment and secondment of additional staff.
- Since March 2023, Bulgaria has implemented a **pilot project with the European Commission** on preventing irregular arrivals, strengthening border and migration management. The project includes implementation of best practices in several areas – border management and screening, accelerated asylum procedures, return and cooperation in fight against migrant smuggling – with operational and technical support of the European Commission and the EU agencies: Frontex, Europol and EUAA. Most of the activities implemented in the framework of the Pilot project were already described above, when outlining the cooperation with neighbouring states, EU Member States and EU agencies. Targeted improvements of the digitalisation of asylum procedures were initiated. The next steps in this regard include the design of terms of reference for a comprehensive digitalisation project and the identification of possible funding sources.

As part of the Pilot project, a **Joint Action Plan between Bulgaria and Frontex in the field of return** was signed on 8 June 2023 in order to enhance the capacity and capabilities to adequately address the challenges in the field of return of third country nationals. The Action Plan covers a number of activities in the area of return including digitalisation of return, deployment of Frontex staff to Bulgaria, training of national staff.

As first step for the improvement of the Bulgarian national return case management IT system, Frontex carried out a gap analysis in September 2023, which will be the basis for ensuring closer alignment of the existing Bulgarian system with the Frontex IT reference model (RECAMAS).

As regards strengthening capacities in the field of return and reintegration counselling, return specialists were deployed to Bulgaria with the support of Frontex, in order to conduct jointly with Bulgarian authorities the counselling sessions with third country nationals. So far more than 1 150 counselling sessions were conducted.

A number of trainings organised by Frontex are envisaged, aimed at improving expertise of national staff dealing with return. A return counselling training was already held in September 2023, and will be followed by a series of national trainings, in order to improve general knowledge on the process of return counselling and make internal selection procedure.

Additional trainings organised by Frontex are foreseen, including FAR training, RIAT training, expanding JRS activities and FRESO trainings.

Bulgarian authorities have been working on **amendments to the national legislation** (Law on Asylum and Refugees and Law on Foreigners) which would allow the issuing of a return decision at the same time with a negative decision on a request for international protection. Analysis is ongoing on future amendments of the relevant national legislation, in order to ensure proper implementation of the future Pact on Migration and Asylum.

Bulgaria is also planning to launch **a new assisted voluntary return program** as of early 2024, to be supported under the 2021-2027 Asylum, Migration and Integration Fund (AMIF) that will foresee the increase of incentives and reintegration assistance to beneficiaries.

Within the framework of the Pilot project, work is ongoing to **improve the accelerated procedure**. As a result, 12 per cent of the refusal decisions on asylum applications in the period March - August 2023 were taken under accelerated procedure (compared to just 1.1 per cent for the same period in 2022), while in the transit centre of SAR at the border with Türkiye, the share of refusal decisions taken under accelerated procedure in 2023 is 74 per cent.

5. **Implementing the external action of the European Union**

- Bulgaria is actively involved in the implementation of the **EU Action Plan on the Western Balkans**. The envisaged actions are incorporated in the Pilot project with the Commission, the bilateral Action Plan with Austria and the Roadmap with Frontex and were already described above (strengthen Frontex joint operations and deployments along the EU's external borders with Western Balkan partners; review and increase Frontex support to Member States at the EU external borders; set up pilot projects in interested Member States for fast asylum procedures in line with the existing acquis; swiftly implement the roadmap on better implementation of Dublin transfers; make full use of Europol's capacity with regard to the fight against migrant smuggling).
- Given the need for dialogue with a focus on effective return, Bulgaria also makes **efforts to cooperate with the countries of origin and transit**.

A Joint Declaration of Intent between the Republic of Bulgaria and the Republic of **Iraq on Cooperation in the Field of Migration** was drafted by the Bulgarian side and is under national consultation procedure before sending it to the Iraqi side. The draft aims at ensuring reliable readmission procedures and assisting in the reintegration of Iraqi nationals who return to Iraq voluntarily.

In the framework of the **Budapest Process** Bulgaria works actively on a stronger engagement of the countries of origin and transit with common activities in the fields of integrated border management and countering migrant smuggling and trafficking in human beings. Thematic meetings for discussing the latest developments and best practices in both areas were held in Sofia in the beginning of October 2023. The IBM meeting put a special focus on the Silk Routes countries - Bangladesh, Iraq and Pakistan, which presented their strategic documents in this area and the steps they need to further take to improve border management in their countries and thus contribute to the security in the region. The Community of Law Enforcement Practitioners (COLEP) held a workshop on real-life case studies to illustrate good practices, shortcomings, lessons learned in international cooperation against smuggling of migrants and trafficking in human beings. Both meetings were co-chaired by Bulgaria and Iraq.

- Bulgaria makes use of available electronic means, such as **Readmission Case Management Systems (RCMS)** to communicate with third countries' consular authorities in order to advance on individual cases of return and readmission. This contributes to faster processing of readmission applications with Georgia, Armenia, Sri Lanka, Bangladesh and Pakistan (RCMS are currently available with these countries).
