Rada
Európskej únie

V Bruseli 30. novembra 2023
(OR. en)

16090/23

LIMITE

JAI 1576
SCH-EVAL 245
SCHENGEN 68
FRONT 378
SIRIS 103
ENFOPOL 516
MIGR 421
VISA 233
COMIX 544

PUBLIC

POZNÁMKA

Od:	Útvary Komisie
Komu:	Delegácie
Predmet:	Správa tretej dobrovoľnej misie v Bulharsku na zistenie potrebných skutočností o najnovšom pokroku pri uplatňovaní schengenského *acquis*

Delegáciám v prílohe zasielame správu tretej dobrovoľnej misie v Bulharsku na zistenie potrebných skutočností o najnovšom pokroku pri uplatňovaní schengenského *acquis*

PRÍLOHA

REPORT OF THE THIRD VOLUNTARY FACT-FINDING MISSION TO BULGARIA – LATEST DEVELOPMENTS IN THE APPLICATION OF THE SCHENGEN *ACQUIS*

1. Introduction

The Republic of Bulgaria and Romania successfully accomplished the Schengen evaluation process pursuant to Article 4(2) of the 2005 Act of Accession in 2011. The Council confirmed the successful completion of the evaluation processes in two separate Council Conclusions of 9 June 2011[1]. In both cases, the Council recognised that "*the preconditions have been fulfilled for the Council to be able to take the decision referred to in Article 4(2) of the 2005 Act of Accession, allowing for the lifting of internal border controls at the air, land and sea borders*". The draft Council Decision on the full application of the Schengen *acquis* in the Republic of Bulgaria and Romania received a positive opinion from the European Parliament on 8 June 2011[2]. However, the Council has not yet taken a decision on Bulgaria and Romania's accession to the Schengen area and on the lifting of controls at their internal borders.

In 2022, important progress was made in the Schengen accession process of these two Member States. With a view to strengthening mutual trust and acknowledging that the Schengen *acquis* has developed since 2011, Bulgaria and Romania invited a team under the coordination of the Commission to assess the implementation of the latest developments of the Schengen *acquis*[3]. In accordance with its coordinating role and following the principles of the Schengen evaluation and monitoring mechanism[4], the Commission organised two fact-finding missions to Bulgaria and Romania in October and November 2022[5]. These fact-finding missions covered the implementation of the relevant elements of Schengen *acquis* by these two Member States, notably management of external borders, return, internal security, including police cooperation and judicial cooperation in criminal matters, large-scale IT systems supporting the implementation of the Schengen *acquis*, including data protection requirements, and visa policy. Particular focus was paid to the legal and operational developments that had taken place since 2011. The missions also took into account the respect for fundamental rights and the functioning of the authorities that apply the relevant parts of the Schengen *acquis*. The visits, carried out by 23 Member State experts, confirmed that both

---

1 Council conclusions on completion of the process of evaluation of the state of preparedness of Romania to implement all provisions of the Schengen *acquis* (Council Document 9166/11 of 9 June) and Council conclusions on completion of the process of evaluation of the state of preparedness of Bulgaria to implement all provisions of the Schengen *acquis* (Council Document 9167/11 of 9 June 2011).

2 European Parliament legislative Resolution, 8 June 2011, on the draft Council decision on the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania (14142/2010 – C7-0369/2010 – 2010/0820(NLE)).

3 Joint Declaration at the COREPER meeting of 2 March 2022.

4 Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013.

5 A new verification of the necessary conditions for the application of all relevant parts of the Schengen *acquis* cannot be relaunched in respect of Romania and Bulgaria, pursuant to Recital 43 Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013, OJ L 160, 15.6.2022, p. 1–27.

Bulgaria and Romania continue to meet the necessary conditions to apply all relevant parts of the Schengen *acquis*[6]. After the presentation of the report at the Council's Working Party for Schengen Matters, COREPER took note of the report on 9 November 2022. In its Communication of November 2022[7], the Commission took stock of the achievements of Bulgaria, Romania and Croatia, confirmed the conclusion of the fact-finding missions and called upon the Council to take the necessary decision without any further delay. While Council in December took a decision on the full application of the provisions of the Schengen *acquis* in the Republic of Croatia, the required unanimity for a decision on Bulgaria and Romania was not obtained.

In June 2023, the Schengen Council identified Schengen enlargement as a priority file for the 2023 Schengen cycle. Against this background, the Spanish Presidency of the Council has indicated its intention to close this matter still in 2023. Following bilateral and multilateral discussions, and with the aim to continue supporting Member States to make a subsequent decision on the full application of the Schengen *acquis* in Bulgaria, and particularly in view of responding to the interest for additional information expressed by one Member State, the Commission coordinated a complementary and voluntary fact-finding mission, in agreement with Bulgaria.

The aim of this complementary fact-finding mission was to provide recent and additional information on Bulgaria's implementation of the Schengen *acquis*, taking into account the results of the two previous missions. In agreement with Bulgaria, the scope of the mission covered external border management, police cooperation and return, with a horizontal focus on the functioning of the authorities, fundamental rights and large-scale IT systems supporting the implementation of the Schengen *acquis.* The visit took place between 22 and 24 November 2023, including on-site visits in Sofia and at the borders with Türkiye and Serbia. Authorities and sites visited by the team allowed to ensure an effective coverage of Bulgaria's application of the Schengen *acquis*, taking into account Bulgaria's geographical position, which impacts the migratory situation and cross-border crime risks.

Given the specific objective and the broad scope of the mission, the on-site team consisted of 13 Member State experts (two experts from the Netherlands, Portugal and Spain, and one expert from Austria, Germany, Greece, Finland, France, Slovakia and Sweden) as well as four Commission experts. Representatives from Europol, Frontex and the EU Fundamental Rights Agency participated as observers. These agencies provided risk and vulnerability assessments to ensure the strategic focus of the fact-finding mission.

The team visited the following locations and met representatives of the different authorities:

- Chief Directorate Border Police, including the National Coordination Centre;
- International Operational Cooperation Directorate acting as the Single Point of Contact, also hosting the Countering Illegal Migration Centre;

---

6 Report of the voluntary based fact-finding mission to Bulgaria and Romania on the application of the Schengen *acqui*s and its developments since 2011 (Bulgaria and Romania fact-finding mission report_en.pdf (europa.eu)); Report of the complementary voluntary fact-finding mission to Romania and Bulgaria on the application of the Schengen *acquis* and its developments since 2011 (Draft report BG RO (europa.eu)).

7 Communication from the Commission to the European Parliament and the Council 'Making Schengen stronger with the full participation of Bulgaria, Romania and Croatia in the area without internal border controls' (COM(2022) 636 final).

- Migration Directorate of the Ministry of Interior
- Lyubimets Special Home for Temporary Accommodation of Foreigners;
- United Nations High Commissioner for Refugees (UNHCR);
- Bulgarian Helsinki Committee (BHC);
- International Organization for Migration (IOM);
- Frontex deployed officers (return counsellors, interpreters, debriefers);
- Europol guest officers.

At the border with **Serbia**:

- Dragoman Regional Directorate of Border Police;
- Kalotina Border Police Station, including the Local Coordination Centre – Border crossing points Kalotina and Strezimirovtsi;
- Sofia Regional Directorate of the Ministry of Interior;
- Slivnitsa Police station;
- Mixed patrol at check point Trayanovi vrata on the highway to Plovdiv.

At the border with **Türkiye**:

- Elhovo Regional Directorate Border Police;
- Svilengrad Border Police Station;
- Border crossing point Kapitan Andreevo;
- Trilateral Police and Customs Cooperation Centre with Türkiye and Greece;
- Haskovo Regional Directorate of the Ministry of Interior;
- Svilengrad Police Station.

This report is drafted by the team based on information received and observed during the complementary fact-finding mission, as well as additional information Bulgaria provided during the process. It reflects the state of play in Bulgaria's implementation of the Schengen *acquis*, providing a thorough and comprehensive assessment of the latest developments. The Bulgarian authorities organised the visit in a very professional manner and the team received sufficient information before and during the visit to come to a balanced assessment about the continued application of the Schengen *acquis* by Bulgaria.

2. Executive summary

Since the two voluntary based fact-finding missions carried out in 2022, which confirmed Bulgaria's continued readiness to apply the Schengen *acquis* in full, the Bulgarian authorities have maintained a similar efficient and effective level of application of the *acquis* and have continued to show a high level of commitment in ensuring an effective response to the migratory pressure and related challenges contributing to the security of the EU. Bulgaria's high-level of commitment to effective and sustainable migration management has been further evidenced through the successful

PUBLIC

implementation of the Pilot Project[8], launched in March 2023 following the European Council of 9 February 2023.

The strengthened efforts both at the EU external borders and within the Bulgarian territory together with the reinforced cooperation with Türkiye and Serbia, have contributed to reduce the increased migratory pressure observed in the Western Balkan route in 2022, which has decreased by almost 25% in 2023, as compared to the same period in 2022. Bulgaria has been actively preventing **secondary movements** with increased police measures and exchange of information.

In light of the evolving geopolitical changes and inherent threats, over the past year Bulgaria has strengthened the **management of the external borders** by improving the national capabilities for border management. In particular, the increase in the number of human resources for border control and deployed Frontex Standings Corps officers as well as the amount of equipment for border management at the Bulgarian Turkish border, have contributed to efficiently managing the crossing of the external borders, addressing migratory challenges and cross border crime. The implementation of the planned extension of the Integrated Border Surveillance System at the Bulgarian-Turkish border, for which Bulgaria received additional EU funding (BMVI), and the future increase of capacity of the Border Police, will further enhance the border management system.

Over the last year, the Bulgarian authorities have made significant efforts to reinforce structures and processes to combat illegal stay, in order to place the Bulgarian **return system** at the core of an effective response to irregular migration. Despite the complex operational environment, since 2022 a number of measures have been implemented both to enhance internal processes and to address existing challenges on the cooperation with key third countries like Iraq and Morocco. The operational and technical support provided by EU Agencies under the Pilot Project has been of significant added value. All necessary efforts are implemented to ensure that third-country nationals with no right to stay are apprehended and immediately channelled to the return procedure, so as to also enhance information exchange with Member States given that all return alerts are inserted into the Schengen Information System. The high number of third-country nationals subject to return procedures may pose additional challenges, which require the effective implementation of the existing contingency planning for effective provision of interpretation services and reallocation of staff for detention purposes.

The necessary structures continue to be in place to ensure observance of the principle of *non-refoulement* and to provide for an adequate referral mechanism, ensuring sufficient information to third-country nationals on the possibility to apply for international protection. The existing monitoring mechanism for fundamental rights at the external borders is in the process of further improvement, in order to ensure a structured follow up of recommendations.

Bulgaria has continued to manage **international police cooperation** in an effective manner and meets the requirements of the Schengen *acquis* in this field. In line with the EU priorities, Bulgaria has reinforced its fight against migrant smuggling with a strengthened legal and operational framework. Upon Bulgaria's initiative towards Europol, an Operational Task Force was established

[8] Reporting on the results of the Pilot Project for fast asylum and return procedures with Bulgaria (europa.eu): https://home-affairs.ec.europa.eu/reporting-results-pilot-project-fast-asylum-and-return-procedures-bulgaria_en

and started functioning in September 2023. For the first time in Bulgaria, Frontex deployed a Mobile Operational Support Teams for combating cross-border crime as part of ongoing joint operations. Bulgaria continues to be a reliable partner for cross border cooperation and has maintained an active cooperation at the region areas with other Member States and with key third countries, including Türkiye, Serbia and North Macedonia. While some challenges remain to automatise exchange of information, including with Europol, Bulgaria is taking all necessary measures to ensure timely and reliable information sharing, including through an effective roll out and implementation of the existing and new functionalities of the **Schengen Information System**.

The 2023 annual **anti-corruption plan** provides for the implementation of specific measures in areas of increased corruption risk (road traffic control, border control, etc.), as well as general horizontal measures to prevent and counter corruption, such as technical solutions and rotation of employees working in areas or carrying out activities with increased corruption risk, such as the Border Police.

3. Situational picture and operational environment

The geographical position of Bulgaria, especially neighbouring Türkiye, has continued to impact the migratory and security situation in the region and in the EU. In terms of irregular migration, Bulgaria is an entry point for migrants trying to reach Europe via the Eastern Mediterranean route, which has secondary effects on the Western Balkan route. During the last year, the strengthened management of this key external border section by the Bulgarian authorities in view of the emerging geopolitical challenges in the region, has contributed to a reduction of irregular migration.

In line with the trends observed last year, 2023 has been characterised by an overall high migration pressure in the EU, with around 232 000 irregular arrivals reported by Member States at the end of September (17% increase compared to 2022). The increased arrivals on the Eastern Mediterranean route are entirely attributable to maritime arrivals to Greek islands. While in 2022 the Western Balkan route experienced the highest increase in irregular border crossings, the situation in this route has considerably improved in 2023, with a 23% decrease in irregular border crossings registered until September, as compared to the same period in 2022. The decreasing trend was to a large extent due to the measures taken to ensure that Western Balkans partners align their visa-policies with the EU, as well as other key actions implemented in the context of the EU Action Plan on the Western Balkan, including the signing of the new Frontex Status Agreements with Western Balkan partners, and the reinforced anti-smuggling actions carried out in the region, notably the Regional Anti-Smuggling Operational Partnership.

Actions taken by the Bulgarian authorities at both the external borders and within the Bulgarian territory have further contributed to the decrease in the number of crossings on this route. On the one hand, there was a decrease in the number of irregular border crossings at the Bulgarian-Turkish border (30% decrease until October 2023, as compared to last year). The majority of these arrivals were Syrians, Afghans, Moroccans and Iraqis. Furthermore, in the same period there was an increase of 21% in the number of prevented entries for illegal border crossings compared to last year thanks to enhanced cooperation with the Turkish authorities. On the other hand, in 2023, considerable efforts were made by the Bulgarian authorities to prevent secondary movements towards other Member States, reinforcing police measures within the territory and enhancing

cooperation between authorities. Since the beginning of the year, apprehensions in the territory have been intensified (35% increase compared to 2022). Taking into account the high migratory pressure, measures are needed to further increase the effective prevention of secondary movements through the Bulgarian-Serbian border.

While the migratory pressure at the Bulgarian borders was high during the summer period, since September 2023, Bulgaria has seen a significant decrease in the number of persons attempting to cross the border irregularly. This trend is expected to continue in the winter months. The return caseload has been mostly influenced by the increased number of detections within the country, with almost 16 000 return decisions issued from January-October 2023. This is a significant increase in the number of return decisions as compared to 2022. In particular, during the first quarter of 2023 the Bulgarian authorities recorded 1 600 return decisions, which equates to a 431% increase compared to the same period in 2022, when 300 return decisions were issued. Furthermore, a peak in the number of return decisions was observed in July and August 2023 with around 1 000 decisions issued per week. Around 75% of the return decisions are issued to Syrian (7 519) and Afghan (4 727) nationals who do not apply for international protection on apprehension, as also observed in 2022. It should be noted that while these decisions add to the return caseload, the majority are suspended or revoked since almost all these nationals apply for international protection at a later stage and many receive protection. Similarly, other nationals who have received a return decision apply for international protection once they have been placed in detention. While the number of asylum applications remained high, there has been a 25% increase in the number of terminated procedures as compared to the same period last year, notably due to the improvements in the accelerated asylum procedures applied to cases in which the applications are likely to be unfounded.

Bulgaria plays an important role in protecting the **internal security** of the Schengen area. Bulgaria is closely monitoring the situation in Ukraine, in Gaza, the Middle East and Pakistan, since an important risk is the increase of migratory flows from these regions as well as the possible infiltration of radicalised persons.

In the face of security challenges including drug trafficking, migrant smuggling and trafficking in human beings affecting the country, Bulgaria engages extensively with the EU Member States and third countries to tackle these. Upward trends have been noted in Bulgaria's exchange of security information with other Member States via the SIENA network this year. Furthermore, Bulgaria participates in 24 of the 25 Analysis Projects led by Europol. Bulgaria also participates in all 15 Operational Actions Plans 2023 under the EMPACT framework and is a driver in one of them. In 2022 and 2023, an increase in overall accesses, hits and fingerprint searches in the Schengen Information System has been noted.

4. Horizontal issues

4.1 National strategies supporting the implementation of the Schengen *acquis*

European integrated border management

With regard to the governance of Bulgaria's external borders and return system, which is ensured by the National Council on Migration, Borders, Asylum and Integration and based on the **national strategy for integrated border management,** the team observed a similar situation as in 2022, confirming that the strategy adequately reflects measures to efficiently manage the crossing of the external borders and address migratory challenges, as well as threats at those borders. In particular, in the field of **return** the national migration strategy and action plans implementing the key objectives established in the national strategy for integrated border management, have continued to reflect this year the importance of the national return system. Against this background, in 2023, particular focus has been paid at strategic level on enhancing cooperation with third countries on readmission, providing for adequately trained capacities and investing in the promotion of voluntary returns.

Following this year's launch of the multiannual strategic policy for European integrated border management (EIBM), Bulgaria has established a strategic working group on integrated border management, which has started to align and update the national integrated border management strategy for the period 2023-2027. This process will be finalised by February 2024, in line with the established deadlines. According to the Bulgarian authorities, the key elements envisaged in the updated strategy are related to the current migration situation, focusing on addressing the prevention of illegal border crossings and strengthening the border control, enhancing cooperation with third countries, effective return of persons that have no right to stay in the EU, successful roll-out of the large-scale information systems and combating organised crime and smuggling networks.

Internal security strategic framework

In 2023, Bulgaria has continued to harmonise its national crime analysis framework with the EU priorities in countering serious and organised crime, identified within the EMPACT platform. At both strategic and operational levels, Bulgaria is active in reviewing trends and crime patterns to support planning and policy decision, including deciding on cross-border operations, and to share early warning messages on certain crime phenomenon with other Member States. While Bulgaria has multiple national strategies to address the diverse forms of law enforcement cooperation, further unification of all these strategies into a national strategy for international law enforcement cooperation would allow a general overview on national priorities. This will better support the Bulgarian authorities when setting the necessary structures and capabilities, providing them with an integrated picture and ensuring that there are no overlaps or loopholes in the operational response. The reviewing mechanisms Bulgaria has put in place to monitor the implementation of these strategies would be further reinforced under this unified approach, taking into account its current important added value in analysing the effectiveness of the strategies.

In 2023, Bulgaria has put special emphasis on combatting **illegal migration and migrant smuggling** by implementing targeted and comprehensive measures aimed at improving prevention

and interagency cooperation at national level, reinforcing the national framework as well as active participation in the respective EMPACT priority. In this context, Bulgaria amended the Penal Code, envisaging severer sanctions for illegal crossing of the state border, as well as for those facilitating illegal crossing of the border and the illegal stay in the country. As a consequence, migrant smuggling has become a serious crime. In addition, a Countering Illegal Migration Centre was set up in May 2023, combining experts from the Ministry of the Interior and other security services who regularly exchange, crosscheck and analyse data on all cases of identified persons and criminal networks involved in migrant smuggling. These results are shared with Europol and other international partners.

PUBLIC

4.2 National capabilities

Bulgaria has introduced additional activities in its **national capability development plan for 2023,** which concern the latest migration situation and related risks for the EU external borders. These activities entail the further development of technical means and systems for border control and the increase of interinstitutional and international cooperation concerning risk analysis and information exchange.

As observed in 2022, Bulgaria performs border control activities with **a sufficient number of trained human and functioning technical capabilities**. Given the geopolitical situation in the region, Bulgaria has implemented several actions since last year to further upgrade their national capabilities for border management.

With regards to staff of the Bulgarian Border Police, there has been an increase with additional 104 officers (from 6 365 to 6 469), as well as an increase in the number of positions for border policing with 200 (6 883 to 7 083). Overall, the number of vacancies in the border police has been reduced from 7.5% in 2022 to 5% in 2023.

Border guard assistants (229) continue to support the Border Police at the border with Türkiye, and the special police operation reinforcement for border surveillance is still ongoing (1 019 officers of the border and national police, Gendarmerie, and personnel from the Ministry of Defence). The Bulgarian authorities plan to open new positions and to increase the general staff number with 1 264 positions for Bulgarian Border Police distributed to the structures of the Border Police in 2024. This initiative is currently undergoing political approval and aims at providing a more sustainable framework for an enhanced border surveillance capacity. The recruitment process is planned to take place over a period of three years.

Bulgaria has further stepped up the cooperation with **Frontex** in 2023, implementing a roadmap to increase the operational capability at the Bulgarian external borders. The Agency provided Bulgaria with additional resources, including Standing Corps officers and technical equipment for border management. The hosting capacity was significantly increased over the last year (from 131 up to 200 Standing Corps officers) and several activities were implemented by Frontex, such as holding awareness sessions on falsified documents and fundamental rights, tackling cross-border crime, and future implementation of research and innovation projects. Moreover, Bulgaria is implementing a Frontex Mobile Operational Support Team for combating cross-border crime. Bulgaria is

encouraged to make even more use of Frontex Standing Corps Category 1 officers along the border with Türkiye as this would bring additional support in fighting illegal migration and combating cross-border crime.

Frontex support has also been enhanced in the context of Joint Operation TERRA, as the scope of this operation has been widened including new zones along the Bulgarian-Serbian border and enhancing the technical equipment. As a result, the number of deployed officers and provided equipment since the beginning of 2023 already significantly exceeds the numbers for the whole 2022.

Bulgaria is in the process of further enhancing the **technical capabilities** for border surveillance and in 2023 significant EU funding was allocated. As of November 2023, Bulgaria has signed 21 grants amounting to 69.8 million Euro, which represent 37% of the Bulgarian BMVI programme allocation. Bulgaria started the procurement for the extension of the Integrated Border Surveillance System at the border with Türkiye, which is planned to be finalised at the end of 2025. As of November 2023, four contracts amounting to 34 million Euro have been signed. The funding is granted by the national budget and EU funds and will be used to expand the range of the integrated surveillance system (building camera and sensor lines and stationary posts for technical surveillance), integrate solutions facilitating the automated border crossings, modernise the vehicle fleet (400 vehicles for border surveillance patrolling, the delivery of the first 60 new cars is expected in spring 2024) and temporary appoint and second additional staff.

In the field of **return**, Bulgaria continues to have sufficient number of trained staff supporting return procedures, in particular for the issuance of return decisions, taking also into account the low number of enforceable decisions. In light of the undergoing actions to streamline internal processes, notably to ensure effective follow-up to rejected asylum applications, as well as the measures to improve cooperation with third countries, and the increased efforts made to detect third-country nationals irregular stay within the Bulgarian territory, there is a need to constantly monitor the availability of resources as the caseload is expected to increase. Additional deployments by Frontex to support return counselling and cooperation with third countries will further support the Bulgarian authorities in the effective implementation of return procedures. In 2023, a good level of **inter-agency cooperation** between key authorities playing a role in the return process has been observed. Existing structures and processes have been reinforced to ensure adequate sharing of information and synergies between the different authorities, contributing also to an effective and flexible use of resources at times of high migratory pressure.

4.3 Cooperation with third countries to prevent irregular migration and fight against cross border crime

As in 2022, the team observed a well-functioning national framework and mechanisms to fight and detect cross-border crime, including illegal migration. Over the last year, Bulgaria has put special emphasis on reinforcing cooperation with key neighbouring countries, notably Türkiye and Serbia. In this respect, the political dialogue with these countries has been intensified. In November 2022 and March 2023, the Council of Ministers established two Joint Interagency Working Groups with the Republic of Türkiye and the Republic of Serbia, aimed at addressing potential issues along these borders. These groups focus on enhancing cross-border cooperation and coordination among the

relevant authorities of Bulgaria, Türkiye, and Serbia in combating illegal migration and border crimes.

With regards to **Türkiye**, in September 2023, two high level professional meetings with Turkish partners were held at the border crossing point Kapitan Andreevo, with the second meeting being conducted in a trilateral arrangement that also involved Greece. This joint approach has improved Bulgarian-Turkish cooperation overall and has led, for example, to the Turkish authorities paying additional attention to the monitoring of lorries crossing the border into Bulgaria and to establish active surveillance of organised migrant smuggling groups on both sides of the border. The Bulgarian authorities indicated that as a result of the agreed measures, including the real-time exchange of information, there has a been a significant decrease in the attempts of irregular border crossings in the last months. In terms of traffic, the existing risk analysis is being upgraded while a new one is under development to increase traffic capacity while maintaining a high level of control when checking vehicles.

At operational level, the Police and Customs Cooperation Centre (PCCC) at the Kapitan Andreevo border crossing point is used for the rapid exchange of information between the Bulgarian, Turkish and Greek authorities. This platform supports the authorities in the collection and exchange of operational data on illegal migration, to prevent irregular border crossings and contribute to the apprehension of irregular migrants, human trafficking and document forgery. Notably, a National Coordinator for all Police and Customs Cooperation Centres was appointed in 2023 and a successful testing phase for SIENA connectivity across all these centres was concluded, setting the stage for improved information exchange.

The Bulgarian border authorities have also intensified the cooperation with **Serbia** since 2022, including through the active support of the liaison officer of the Ministry of Interior in Belgrade, as well as in the framework of the South-Easter Law Enforcement Centre (SELEC). Bilateral meetings with the Serbian border authorities are held at regional and local levels and joint patrols along the Bulgarian-Serbian border are regularly organised (up to 20 per month). At the Bulgarian initiative, in 2023 there was an increase in the number of joint Serbian-Bulgarian patrols at the common border with 117 joint patrols carried out since the beginning of the year. Furthermore, the Bulgarian authorities informed of the ongoing efforts to change the working hours of the common contact centre with Serbia, in order to switch to a 24/7 regime. Serbian and Bulgarian border guards also attend joint trainings on immigration and border management legislation (42 Bulgarian border guards have been trained in 2023).

Furthermore, until the end of October 2023, Bulgaria has implemented 111 joint patrols with **North Macedonia** at the Bulgarian-North Macedonian border.

4.4 Fundamental rights in the implementation of the Schengen *acquis*

As regards to the respect of fundamental rights in the implementation of the Schengen *acquis*, the team observed a similar situation as in 2022, confirming that the necessary structures, including a referral mechanism, are in place that would allow the Bulgarian authorities to ensure compliance with fundamental rights when implementing the Schengen *acquis,* in particular the observance of the principle of *non-refoulment* and access to international protection.

Bulgaria is currently working towards providing a better structure to the 'monitoring mechanism' which is based on a tripartite **Memorandum of Understanding** between the Chief Directorate Border Police, UNHCR and the Bulgarian Helsinki Committee, signed in 2010. Parties to the Memorandum have unimpeded access to relevant information, facilities and locations to monitor the fundamental rights situation at the border, including access of persons seeking protection to the territory and to international protection procedures as well as the observance of the principle of *non-refoulement*. While this contributes to the effectiveness of the monitoring, at the same time the recommendations issued by the mechanism have largely not been followed upon due to the lack of structured processes. The Bulgarian authorities are currently making efforts to ensure systematic follow-up of these recommendations. In this regard a round table was held on 20 September 2023 with national authorities, international organisations and civil society with the aim of strengthening the independence and accountability of the mechanism, amongst others, through improved follow-up on reported incidents. This process is ongoing.

The Bulgarian authorities also stepped up the refresher **training** on fundamental rights in cooperation with Frontex, UNHCR, and Bulgarian Helsinki Committee. Furthermore, the Bulgarian authorities informed about additional trainings on data protection provided in 2022 and 2023 to the relevant authorities dealing with the Schengen and Visa Information Systems. The Data Protection Authority is currently developing an electronic training system to be finalised at the beginning of 2024. Data protection issues were also covered in the trainings provided in 2023 to end-users responsible for implementing the Recast Schengen Information System.

4.5 Functioning of the authorities

Over the last year, the Bulgarian authorities continued the implementation of measures to fight integrity breaches and corruption. An **anti-corruption plan for 2023** was elaborated by the Interdepartmental Coordinating Council of Combating Corruption. In accordance with this plan, the Ministry of Interior has continued to implement specific measures in areas of increased corruption risk (road traffic control, border control, etc.), as well as general horizontal measures to prevent and counter corruption, including ethics and anti-corruption trainings for law enforcement authorities.

The Bulgarian authorities informed the team that a working group has been set up by Order of the Minister of Interior to examine and analyse the current ethical rules for police officers and make proposals for their possible supplementation and development, including by considering the need to elaborate more detailed guidelines on gifts. The group is to report the results of its work in March 2024.

To further strengthen the fight against corruption, technical measures have been taken to ensure real-time monitoring of the actions of employees of the Ministry of Interior. To this end, an 'Active Monitoring Centre' was set up in the Ministry of Interior at the end of 2021 in the Internal Security Directorate. The centre has a specialised automated system for permanent direct audio and video recording and for the use, processing, and storage of operational information from various sources, which provides additional capabilities for permanent remote monitoring and internal operational communication. From 1 January 2023 to October 2023, 142 officials were imposed disciplinary sanctions based on evidence collected from the video recordings.

In all areas with a higher risk of corruption, enhanced controls are in place and planned and unannounced inspections are carried out. The Border Police of Elhovo responsible for the region covering the border area with Türkiye provided the team with the schedule of these visits for the previous months, which included the planned inspections as well as the unannounced visits.

The anti-corruption measures as seen at the external borders in 2022, including video surveillance in the control booths and lanes at the border crossing points, staff rotation system (special software for daily rotation as well as rotation of 30% of the Border Police staff between border crossing points every three months) and hotline (email address and 24/7 telephone number) through which persons crossing the Bulgarian border can report inappropriate behaviour of border police officers, were still in place. The Bulgarian authorities informed the team that all complaints related to corruption are processed at central level by the competent authorities of the Ministry of Interior, in order to ensure impartiality. In 2023, the Chief Directorate Border Police received three complaints and the Internal Security Directorate received 18 complaints for inappropriate behaviour of border police officers for the whole of the Elhovo Regional Directorate Border Police, of which seven referred to activities carried out at Kapitan Andreevo border crossing point. While the hotline is easy to find on the internet, the team observed that information at the border crossing point was limited to a sticker on the control booth(s) in Bulgarian language. The Bulgarian authorities informed that there are periodical campaigns of the Internal Security Directorate at the border crossing points, in order to disseminate leaflets among passengers containing contact data and steps for filing complaints on corruption. The limited visibility and information concerning the hotline at the border crossing point could limit accessibility and effectiveness of the hotline.

In the first ten months of 2023, 77 signals of corruption have been examined by prosecutor's offices in the country, which led to eight initiated pre-trial proceedings against border police officers. This reflects a similar pattern as in 2021 and 2022, where the number of signals was 127 and 118, respectively, against eight pre-trail proceedings initiated annually.

Pursuant to the Act on the Protection of Persons who Report or Publicly Disclose Breaches (Whistle Blower Protection Act), in July 2023 the Rules for internal reporting and follow-up procedures were adopted by the Ministry of Interior. By order of the Minister of Interior, specific officials have been appointed to examine the **whistle-blower's reports**. Access to information related to the report, as well as the identity of the whistle-blower is granted only to those employees who require such data for the performance of their duties and disclosure of the identity of the whistle-blower is permitted only with his/her written consent. The Internal Rules expressly prohibit any form of retaliation against whistle-blowers that puts them at a disadvantage, as well as threats or attempts to take such action (including suspension, dismissal, negative performance evaluation, engaging financial or disciplinary liability, unequal or adverse treatment, etc.).

According to the Bulgarian authorities, in 2023, passports from the discontinued investor citizenship scheme were revoked and Bulgaria has started a process of revoking Bulgarian citizenship previously granted under its investor citizenship scheme due to investors' failure to comply with the national legal framework.

5. Management of the external borders

5.1 National and European situational awareness and early warning system

As observed in 2022, Bulgaria's situational picture and situational awareness as well as the implementation of the European Surveillance System (EUROSUR) are sufficient to support the management of the external borders. The National Coordination Centre, located at the headquarters of the Chief Directorate of the Border Police in Sofia and supported by seven regional centres and 38 local centres, maintained in 2023 a comprehensive national situational picture with all layers (events, operational and analytical) regularly updated.

As in 2022, the **risk analysis system** of the Bulgarian Border Police, which is based on the Common Integrated Risk Analysis Model 2.1, provides support to the situational picture and planned operational border control activities, fostering situational awareness. To further enhance these functions, there has been an increase in staff of the risk analysis unit at strategic level with five additional analysts (from 9 to 14). This unit prepares daily bulletins, as well as monthly, quarterly, and annual reports, which are disseminated to relevant parties such as the subordinated Regional Directorates. The increase of staff dedicated to performing risk analysis at strategic level has allowed for further improving the quality of risk analysis products and enhancing the situational awareness.

5.2 Border checks, including relevant large-scale IT systems elements

The quality of border checks was maintained in 2023, confirming that Bulgaria continues to implement an adequate level of border checks, including systematic checks of passengers in the relevant databases. In addition, Bulgaria brought the Border Police's Schengen Information System application in line with the new requirements under the new legislation, which entered into operation on 7 March 2023. The team observed that alerts are displayed in a clear manner as well as the follow-up actions to be taken. The end-users of the application have received the necessary training and are aware of the new categories of alerts and functionalities.

5.3 Border surveillance

The visit to the land borders with Türkiye and Serbia confirmed the situation observed in 2022, that the Bulgarian Border Police have a good situational awareness at strategic, regional, and operational levels, which leads to a strategic and operational approach to border surveillance tasks based on risk analysis. This, in combination with a sufficient and increased number and quality of surveillance capabilities (see point 4.2) results in an adequate level of border surveillance and reaction capability. This allows a prompt reaction to existing incidents at the external borders and continues to be adequate to the current situation at the border with Serbia and Türkiye.

Bulgaria's border surveillance system consists of two systems, the Integrated Border Surveillance System (IBSS) at the border with Türkiye (current coverage of 60%) and the Automated Border Surveillance System (ABSS) at the border with Serbia, as well as of the deployment of patrols of the Border Police, the Gendarmerie and National Police in the border areas. The system provides for quick reaction of the deployed patrols.

Bulgaria further enhanced the reaction capabilities at the border with Türkiye, by creating a special State Border Guard group of 35 officers within Elhovo Border Police Station in December 2022. This measure provides for a flexible and timely redeployment of border patrols and timely prevention and combating of illegal migration and cross border crime.

6. Return of third-country nationals with no legal right to stay

6.1 National return system

During the last year, the Bulgarian authorities have made significant efforts to reinforce structures and processes to combat illegal stay, in order to place the Bulgarian return system at the core of an effective response to irregular migration. Despite the complex operational environment, since 2022 a number of measures have been implemented both to enhance internal processes and to address existing challenges on the cooperation with key third countries. The operational and technical support provided by EU Agencies under the Pilot Project, in particular for return counselling, has been of significant added value. Furthermore, in the context of the bilateral action plan with Austria, two meetings at expert level were held in March and May 2023 to exchange views on common challenges and share best practices further enhancing the Bulgarian return system.

Although the Border Police plays a key role in the issuance of return decisions following an irregular entry, in 2023, the main authority issuing return decisions has been the Migration Directorate, who has issued around 75% of the 16 000 decisions, notably its units within the regional directorates of the Ministry of Interior with competences in the border regions and the Sofia Metropolitan Directorate of Interior. The increase in the number of return decisions is the result of the **high number of detections within the Bulgarian territory**, which have increased this year thanks to the intensified police measures within the country, which are also supported by information provided by the Border Police. This enhanced proactivity towards apprehension is indispensable to prevent secondary movements to other Member States.

Taking into account the close **interlink between asylum and return procedures**, as many of these applicants had already received a return decision, measures have been taken this year to streamline internal processes. As also observed in 2022, once a request for international protection is made, the third-country national is released from detention and transferred to the open centre, managed by the State Agency for Refugees, in line with the asylum legislation. In this centre, third-country nationals are required to stay in the region in which the centre is located and have the obligation to return to the centre at a given time in the evening, so as to ensure that these third-country nationals are available to the relevant authorities during the ongoing process. In case the third-country national pending an asylum application is apprehended outside the region, a warning is issued and on the second warning the third-country national may be detained in line with the national asylum legislation. Third-country nationals wanting to reside in a different location, need to obtain permission and regular checks at these locations are carried out. The Migration Directorate indicated that there is a daily and reinforced cooperation with the State Agency for Refugees and as soon as there is a negative decision, the Migration Directorate is informed. In case the authorities do not find the third-country national in the open centre or in the registered address a national search is issued. According to the Bulgarian authorities, a number of these third country nationals abscond during the asylum process hampering the return process. Within the framework of the Pilot Project,

the Bulgarian authorities have drafted amendments to the national legislation, which would allow the issuing of a return decision together with the negative decision on the asylum application. The process is ongoing.

In 2023, **identification procedures** have remained an essential part of the return procedure with interviews taking place once the third-country national is in detention. In the visited detention centre of Lyubimets, Frontex reinforced its presence with five specialists on screening and debriefing and four interpreters. Taking into account the limited time available during the initial apprehension (in principle, initial custody can only last 24 hours), this is an essential measure, supporting not only the identification of the third-country national (as the majority are not in possession of identify documents), but also to detect potential vulnerabilities. The strengthened capacities significantly contribute to a more secure Schengen area and increased resources in this area would be of significant added value, in view of the high migratory pressure.

A key development of the last year has been the **Joint Action Plan between Bulgaria and Frontex** in the field of return, which was signed in June 2023, as part of the Pilot Project and which aims at enhancing the capabilities in this area. As a first step, Frontex carried out in September 2023 a gap analysis of the Bulgarian national return case management system to ensure a closer alignment to the Frontex IT reference model (RECAMAS). The bilateral action plan with Frontex has resulted in an important shift with regards to **voluntary return**, as compared to the situation observed in 2022 where activities in this field were not proactively undertaken. In 2023, Frontex deployed two Frontex return specialists, performing also return counselling and two interpreters/cultural mediators. At the time of the visit, there was one return counsellor and one interpreter, supporting the Bulgarian authorities in return counselling activities at both the detention centre of Lyubimets and in the open centre for asylum seekers. Since the deployment of Frontex specialists, around 1 400 counselling sessions were conducted to inform third-country nationals about all available venues for voluntary and assisted voluntary return (including reintegration) and, where applicable, the procedure and prospect for forced return. As part of the capacity building activities, in September 2023, Frontex carried out a return counselling training, which will be followed up by a series of national trainings. Furthermore, an important development in this field is the active use of Bulgaria of the Frontex Joint Readmission Services (JRS), which has submitted 75 cases since October 2022. In parallel, Bulgaria is launching a new assisted voluntary return programme for 2024, to be supported under the 2021-2027 Asylum, Migration and Integration Fund (AMIF), which provides for the increase of the incentives and reintegration assistance to beneficiaries and to be implemented by the International Organization for Migration.

As also observed in 2022, **readmission cooperation** with the main third countries in terms of return decision continues to be challenging, and a key factor contributing to a low number of effective returns. Although Syria and Afghanistan are the main nationalities, these decisions are only valid during the initial period, as the majority apply for asylum, and this is usually granted. Therefore, the priority nationalities for Bulgaria in the field of return, taking into account the return caseload are Morocco, Iraq and Algeria. In line with the overall situation at EU level, readmission cooperation with these countries is low. During the last year, communication with these third countries, notably Iraq and Morocco, has been strengthened at both political and operational level. In particular, in the case of Iraq, the Bulgarian Ministry of Foreign Affairs has considerably intensified its outreach to the Iraqi counterparts and the Ministry of Interior has prepared a draft Joint Declaration of Intent,

which was sent to Iraq. Political follow-up on this matter is expected in the coming months. Meetings have also taken place with the Moroccan authorities to discuss an enhanced cooperation. Furthermore, there is also strengthened outreach to the Türkiye, although readmission cooperation is limited to its own nationals. In light of the importance of readmission cooperation for an effective return procedure, efforts need to continue to be made at all levels, ensuring effective cooperation between the Ministry of Interior and the Ministry of Foreign Affairs.

6.2 Return procedures

As observed in 2022, return procedures implemented by Bulgaria overall comply with the requirements of the Return Directive. In 2023, the team observed a **high level of commitment** of the Bulgarian authorities to effectively launch the necessary procedures, systematically issuing return-related decisions in the cases required by the Return Directive. This ensures the timely channelling of third-country nationals staying illegally in Bulgaria to the return procedure. Although in many cases, these decisions need to be suspended or revoked, as the majority of third-country nationals apply for international protection at a later stage (and many receive a positive decision), the Bulgarian authorities are significantly contributing to the **security of the EU and the Schengen area**, by carrying out the necessary screening, registrations (including in Eurodac), and insertion of return alerts into the Schengen Information System. These measures reinforce the actions taken by other Member States and Schengen Associated Countries concerning third-country nationals irregularly staying in the Schengen area, ensuring that as much information as possible on these individuals is available, even if the return procedure may be frustrated at a later stage.

As observed in 2022, following apprehension, the third-country national is kept in police custody for up to 24 hours, which could be extended for an additional 48 hours by decision of the public prosecutor, for identification (including systematic consultations in the relevant databases, such as the Schengen Information System and Interpol) and registration in the relevant databases, including Eurodac. During this initial custody, third-country nationals are informed about their rights, in particular the possibility to apply for international protection. Authorities informed the team that access to an interpreter and to legal aid is possible. Since this initial custody can only last 24 hours, the interview focuses on determining the status of the third-country national and information on the irregular entry. If necessary, a medical check is carried out. A more comprehensive assessment of the individual situation, including detection of vulnerabilities and assessment of n*on-refoulement* takes place at a later stage, once the person is in the detention centre. Efforts should be made to ensure that this information is available to the responsible authorities since the initial apprehension.

In 2023, measures were taken to develop further a **return case management system** in which all available information is uploaded (except for asylum) and is accessible for all relevant authorities playing a role in return procedures. This is a considerable improvement allowing authorities to have up-to-date information on the status of the procedure and moving towards digitalisation of the return caseload. Currently, and in order to ensure the quality of the data, only those officers that have been trained have access to the system. To maximise its use, the Bulgarian authorities plan to continue providing training to all relevant officers and to extent the system to the asylum authorities so as to provide for a comprehensive case management system.

In case the third-country national does not apply for international protection, a return decision is issued, and the authorities introduce the return alert into the Schengen Information System. Since March 2023, Bulgaria has issued approximately 14 000 return decisions as has inserted more than 13 000 return alerts. Authorities are currently working to be able to also introduce biometrics in these alerts, including fingerprints. Although return decisions may include a period for voluntary departure, authorities confirmed that as observed in 2022, in most of the cases this is excluded, taking into account the risk of absconding. Voluntary return is not possible for those that are a threat to national security or public order. If there is no period for voluntary departure or in case of non-compliance with this period, the authorities impose an entry ban. From November 2022 to October 2023, Bulgaria issued around 1 900 entry bans.

The Bulgarian authorities have continued to take measures to prevent the absconding of third-country nationals. In 2023, similarly to the situation observed in 2022, detention has been ordered in the majority of the cases, reaching a total of 15 935 detention decisions in 2023. During this time, only 7 alternatives to detention were imposed, as according to the authorities due to the risk of absconding these alternative measures were not considered effective.

6.3 Procedural safeguards

With regards to the procedural safeguards, notably **provision of information**, access to **interpretation** and **free legal aid**, the team observed a similar situation as in 2022, confirming that while these measures are in place, their effective implementation may be at times hindered taking into account the high number of apprehended third-country nationals.

According to the authorities, third-country nationals are provided with leaflets in different languages containing information about their rights including the possibility to apply for international protection. During the initial apprehension, police and border authorities referred to the possibility of providing free legal aid and interpretation services, if necessary.

At the detention centre of Lyubimets, where most of the return procedure takes place, interpretation services continue to be predominantly offered by Frontex deployed interpreters, primarily assisting with screening and debriefing interviews. UNHCR informed the team that when assisting the third-country national they make use of their own interpreters. According to the authorities, while interpretation for day-to-day communication, including for medical purposes, can be provided, staff of the detention centre mostly communicate through other detainees that may speak English, as it is, aside from Bulgarian, the main language known among the staff. The language barriers could potentially impede the timely identification of needs and vulnerabilities. In addition, detainees are informed that free legal aid is available and provided by UNHCR, the Helsinki Committee and other non-governmental organisations regularly visiting the facility. A list of private lawyers is also available. When there a large number of detainees, special attention has to be paid to ensure that third-country nationals are adequately and timely informed about this possibility and that this service is effectively provided in practice.

Remedies continue to be available to third-country nationals subject to return who can appeal return-related decisions within 14 days. In case the third-country national has not appealed during the first 14 days, judicial supervision only takes place at the end of the six months if the authorities request a prolongation of detention.

6.4 Detention conditions

The team revisited the detention centre in Lyubimets, as this is the main facility used to detain third-country nationals pending removal, taking into account its proximity to the Turkish border. The detention centre has a total capacity of 1 892 places, out of which 660 are in the main facility and 1 232 in the multifunctioning infrastructure site. At the time of the visit, there were 197 detainees (186 males and 11 females), out of which 25 were families. In October 2023, 678 new arrivals were registered (compared to 1 048 in October 2022), and the majority were nationals from Syria, Morocco and Afghanistan. Over the last months, the average days of detention dropped from 20 to 18 days, due to the fact that the majority of the detainees ask for international protection and are transferred to the dedicated centres of State Agency for Refugees, as also observed in 2022.

In 2023, approximately 16 000 detention decisions have been issued. The authorities informed of a peak in detention during the summer period, which resulted in an overcrowding of the centre. During this time, around 1 000 new entries per week were registered requiring the authorities to open the multifunctional infrastructure site and reinforcing the number of staff for security purposes. The opening of this additional capacity is made at the request of the director of the centre, in line with the contingency measures contained in the national action plan. The authorities informed the team that depending on the additional number of detainees, the director may consider adding extra bunk beds in the dormitories, as the opening of the multifunctional infrastructure site poses challenges due to the need to reallocate staff from other authorities.

According to the authorities, there have been no construction changes to the premises since the last visit, thus the carceral environment and the basic level of furnishing and repair remains. Several mattresses in the dormitories were in bad state, detainees have lockers, but these cannot be locked and furniture in the dormitories was limited to the bunk beds. Air conditioning is only available in the containers area but not in the main building (except for offices and the medical area). While family rooms are not locked during the night, the authorities informed that this is not the case for all other dormitories, including containers, and in case detainees want to access the bathrooms, which are outside the rooms, they need to call the staff. As also observed in 2022, detainees can access the gym, TV rooms, ping-pong tables and a library. Detainees have access to their phones and can receive visits in a dedicated area.

In all dormitories and shared areas there are CCTV-cameras. In the family section, privacy is further limited, notably in the shower area, which can be entered by both men and women detainees and where there are no curtains/doors to the showers.

As also observed in 2022, there is a high presence of minors in the centre. At the time of the visit, 29 accompanied minors, ranging from 11 to 17, were detained. According to the authorities, the relation between the minors and the adults is verified by documentation when this is available but otherwise established on the basis of the verbal information provided by the detainees, unless there are reasonable doubts. In view of the high presence of minors, authorities need to take measures to guarantee adequate procedures for determining family links providing for a systematic and comprehensive assessment, not only in cases of obvious doubts. Furthermore, due the centre's layout, minors are in constant contact with unrelated adults and while children have access to a dedicated room, there are no specific activities provided in light of their age and needs. This could

raise security concerns and result in a situation in which the best interest of the child may not be fully guaranteed at all times.

The team was informed about reconstruction plans (smaller rooms and the possibility to have sanitary facilities in the rooms), which may contribute to resolving some of the identified issues.

7. Internal security: police cooperation and the Schengen Information System

7.1 Operational cross border cooperation

In 2023, Bulgaria has continued to effectively international police cooperation tools, especially with the neighbouring countries, basing its crime fighting priorities on an elaborate risk assessment.

The **bilateral agreements** on cross border cooperation with Romania and Greece, encompassing various forms of collaboration outlined in the Schengen Convention, have been implemented over the last year. Bulgaria recently initiated a review of the provisions of bilateral agreements with these two Member States to enhance the implementation of the main instruments for cross-border police cooperation and to also align it with the Council Recommendation on operational police cooperation[9]. Furthermore, negotiations have started with the Romanian side on the practical preparedness to implement compensatory measures, which will be applied after lifting the controls at their internal borders. Draft rules of procedure on carrying out cross-border hot pursuit are under consultation with Romania.

Moreover, Bulgaria has continued to implement the agreements on the establishment and functioning of the **Police and Customs Cooperation Centres** (PCCCs) with Romania, Greece, Serbia, North Macedonia and Türkiye, which have contributed to an increased exchange of information.

Since January 2023, a bilateral Action Plan with **Austria** has been in effect to enhance joint efforts and capabilities in preventing illegal migration, including through increased exchange of information. Joint discussions have also taken place this year (September 2023) with Slovakia, Hungary and Greece to further contribute to the security of the Schengen area by limiting secondary movements in the region.

On the Danube River, Bulgaria has implemented joint patrols with **Romania,** with mixed crew on Bulgarian and Romanian vessels and mixed border police patrols to control the land section of the Bulgarian-Romanian border. Until the end of October 2023, 205 joint patrols have been carried out in this border, of which 97 along the Danube River, 72 along the coastline and 36 covering the land border. Furthermore, in 2023, a Joint Investigation Team between Bulgaria and Romania was set up to investigate cases of migrant smuggling.

Together with **Greece**, Bulgaria submitted an application for an Internal Security Fund grant for NESTOS project, to improve cross-border police cooperation against transnational organised crime.

In 2023, the Bulgarian authorities have worked actively both at national level and together with neighbouring states to track and combat **smugglers' networks** (see points 4.1 and 4.2) which has resulted in an increase of 61% in the number of initiated pre-trial proceedings for the first nine

[9] Council Recommendation (EU) 2022/915 of 9 June 2022 on operational law enforcement cooperation.

months of 2023, as compared to the same the same period of 2022. Following the establishment of the Countering Illegal Migration Centre in May 2023, Bulgaria shared with Europol and concerned countries information about 262 persons and 13 organised criminal groups. Five persons from three organised crime groups were assessed as posing high level risk and were determined as High Value Targets. The remaining cases continue to be monitored.

7.2 Exchange of information, including relevant large-scale IT systems elements

As observed in 2022, the International Operational Cooperation Directorate (IOCD) is the **Bulgarian Single Point of Contact**, serving various police cooperation channels in an integrated manner, including SIRENE, Europol, Interpol and Liaison officers. It operates on a 24/7 basis. The SPOC is comprised of 127 police officers and 27 civilians, indicating that it is more than adequately staffed.

Officers at Europol National Unit as well as at the Front Desk of the International Operational Cooperation Directorate (the Bulgarian Single Point of Contact) have direct access to the Secure Information Exchange Network Application **(SIENA)**, allowing the secure and swift transmission of sensitive and restricted data to Europol, Member States, and other relevant parties. However, the Bulgarian authorities still need to manually enter the information from SIENA messages into the Case Management System, as the SIENA-Basic Protection Level (BPL) has not been implemented yet. Measures are envisaged to ensure the implementation of the SIENA-Basic Protection Level (SIENA-BPL) in the Case Management System, which should solve the legal obstacles preventing the integration of the current SIENA-Restricted with the Case Management System. A point of interest in this field, is the fact that the network connectivity of the SIENA-Basic Protection Level is already established in all Police and Customs Cooperation Centres. The successful testing phase was conducted in September 2023, and it will allow more effective information exchange in these centres, as well as the introduction of automated Case Management System by the end of the year, as currently each party maintains its own records according to its national procedures.

The Bulgarian authorities are in the process of assessing the technical aspects for granting access to the (inter)national databases from remote stations for the liaison officers of Bulgaria posted abroad.

The **Schengen Information System**, including the new functionalities have been effectively rolled out among law enforcement authorities. During the visit, the team observed a good level of awareness of these new functionalities, and relevant training has been provided to end-users. A point of interest is that Bulgaria has introduced the functionality to recognise the stipulated keywords of their interest in the content of incoming 'A forms' on European Arrest Warrant. This functionality allows to filter the incoming 'A forms' and attract the attention of the officers at the front desk. Over the last year, the Bulgarian authorities have improved their capabilities to attach fingerprints to Schengen Information System alerts, which are uploaded from the national fingerprints database when a new alert is created. Furthermore, the Bulgarian authorities have enhanced the capability for end-users to conduct fingerprint searches in the SIS-AFIS, which in 2023 can also be conducted by the national police at inland checks. Over 40 stations are currently utilised by the border police and more than 20 stations by the police.

In the course of last year, the Bulgarian authorities have added the national database of **investigative intelligence** among the sources which are subject to the automated cross-check

functionality, allowing the police officers and border guards on the ground to have access to this database and carry out automated cross-checks on already existing entities with regard to investigative intelligence stored. Currently, the search on tablets can only be done using exact data.

Finally, the Bulgarian authorities informed the team of the ongoing process to ensure full implementation of **Article 45 of the Convention Implementing the Schengen Agreement** (pending draft legal amendment planned for the first half of 2024), as well as the initiation of the preparation process for the country's roadmap to implement the **EU Directive 2023/977 on Information Exchange** (a working group within the Ministry of Interior has been established).

7.3 Cooperation with Europol

During the past year, Bulgaria has further enhanced the cooperation with Europol and the use of Europol tools. In particular, Bulgaria participates in 24 out of 25 Europol analysis projects and the number of exchanged messages through Europol´s Secured Information Exchange network Application (SIENA) as well as the initiation of cases has increased compared to 2022.

In Bulgaria, access to SIENA is currently limited to the Europol National Unit and Single Point of Contact premises. However, as identified above, ongoing efforts are directed towards three areas: completing the accreditation process for SIENA-Confidential; finalising a domestic agreement to grant access to SIENA for competent authorities outside the Ministry of Interior (Customs, Anti-corruption, Asset Recovery Office, National Security), and implementing SIENA-Basic Protection Level. The current obstacle to extending SIENA access beyond ENU/SPOC involves both legal barriers and, once resolved, a technical/financial aspect related to servers, hardware, and infrastructure.

Regarding the Europol Information System (EIS), both input of data and querying relies on manual processes. The Bulgarian authorities informed the team that a project regarding a potential data loader is in the assessment stage, determining the type of data and the national central database from which data will be uploaded into the Europol Information System. To facilitate automated querying via QUEST+, the Bulgarian IT department is evaluating the technical aspects and financial costs of this solution.

Over the last months, Bulgaria has **strengthened the cooperation with Europol to counter migrant smuggling networks and to limit secondary movements within the EU**. This involves intensified information exchange and enhanced analytical support from Europol, including the deployment of an analyst from the European Migrant Smuggling Centre to Sofia. In addition, since October 2022, Europol provides continuous support to the Bulgarian authorities by deploying guest officers focusing on secondary security checks related to terrorism and serious organised crime, which is an important contribution to the overall security of the EU.

A regional Operational Task Force (OTF) has been set up upon Bulgaria’s initiative and with the Europol’s support to strengthen investigations on migrant smuggling. The taskforce, which started functioning in September 2023, has already produced results, such as the dismantling of a logistical cell for a migrant smuggling network active across several European countries.

Regarding the European Multidisciplinary Platform Against Criminal Threats (EMPACT), the existing significant Bulgarian commitment has continued to grow. For example, Bulgaria is

increasing its engagement by co-leading additional actions in the EMPACT priority crime areas of Migrant Smuggling (OA 2.2. Eastern Mediterranean, 8.1. WB) and Drugs (3.8 Heroin Trieste). Bulgaria maintains its role as a Driver in the EMPACT priority crime area of Intellectual Property Rights, Counterfeiting of Goods, and Currencies, which is a challenging priority due to its multidisciplinary nature. Bulgaria also oversees the funding aspects, serving as the administrator of the EMPACT high-value grant in 2023, which is benefiting various countries. Additionally, Bulgaria contributes with funding received via the ISF EMPACT specific action, which means that Bulgaria invests further administrative efforts for the benefit of the countries participating in EMPACT actions.

7.4 Judicial cooperation in criminal matters

Bulgaria continues to actively engage in judicial cooperation with other Member States to fight crime, including in trafficking human beings, migrant smuggling and mobile organised groups.

Following the outcome of two European Court of Justice judgements (case C-724/19 and case C-852/19) Bulgaria has proposed **amendments** to the European Arrest Warrant (EAW) and the European Investigation Order (EIO), enabling further improvement of judicial cooperation between Member States. While the European Arrest Warrant Act was adopted by the Bulgarian Parliament on 22 November 2023 and is pending promulgation in the State Gazette, the draft amendments to the Law on the European Investigation Order were recently approved by the Council of Ministers and were submitted to the Bulgarian Parliament for adoption. Bulgaria is encouraged to adopt the amendments to the Law on the European Investigation Order without undue delay.

The Bulgarian authorities also informed that improvements were made over the past year in the functionality of the **Case Management System** of the International Legal Cooperation and European Affaires Directorate of the Ministry of Justice. It is now possible to search information on the exact type of the proceedings (pre-trial or trial) for the outgoing Mutual Legal Assistance (MLA) requests, the subject matter of both incoming and outgoing Mutual Legal Assistance request and the type of crime, together with general information on the requested and requesting State Party.

8. Conclusion

Taking into account all the above, **the team did not identify any issues as regards the latest developments in the application of the Schengen *acquis* by Bulgaria**. This conclusion applies for the key elements of the Schengen *acquis* i.e., management of the external borders, police cooperation and return as well as the respect for fundamental rights, the functioning of the authorities that apply the relevant parts of the Schengen *acquis,* large-scale IT systems supporting the implementation of the Schengen *acquis*, including data protection and judicial cooperation. **The team, therefore, considers that Bulgaria continues to meet the conditions necessary to apply all relevant parts of the Schengen *acquis* in full**.

PUBLIC