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From: Bulgarian Delegation
To: Delegations

Subject: 8th Round of Mutual Evaluations - 'The practical implementation and operation of European policies on preventing and combating Environmental Crime'
Follow-up to the Report on Bulgaria

As a follow-up to each Round of Mutual evaluations, each Member State is requested to inform the General Secretariat of the Council of the actions it has taken on the recommendations given to it.

A follow-up report should be submitted within 18 months from the adoption of the evaluation report concerned.

Delegations will find in the Annex the follow-up report of Bulgaria regarding the recommendations that were made in the report ST 9180/1/19 REV1 for the Eighth Round of Mutual Evaluations.

EIGHTH ROUND OF MUTUAL EVALUATIONS ON 'THE PRACTICAL IMPLEMENTATION AND OPERATION OF EUROPEAN POLICIES ON PREVENTING AND COMBATING ENVIRONMENTAL CRIME'

FOLLOW-UP TO REPORT ON BULGARIA

In the context of the eighth round of Mutual Evaluations on “The practical implementation and operation of the European polices on preventing and combating environmental crime”.

The evaluation report on **Bulgaria** as set out in doc. 9180/1/19, was adopted by the LEWP/COPEN WP on **21 June 2019**.

We hereby submit, according the procedures set out in doc. 15538/4/15, our report on the follow-up to the recommendations made to **Bulgaria** on the above evaluation report.

Recommendation 1. “Bulgaria is encouraged to further develop a strategically oriented approach to preventing and combating environmental (including waste-related) crime, in particular by drawing up a national strategic document setting out the priorities of its national policy in this area and clearly laying down the roles and responsibilities of all the authorities involved in countering this type of crime.”

The implementation of the recommendation is ongoing. Within a project under Operational programme “Good governance” named “Elaboration of National Strategy on environment and the corresponding Action Plan” (a contract on providing grant aid BG05SFOP001-2.016-0001-C01), a public procurement with the same subject and time for implementation until 1 November 2021 was awarded. (Contract D-30-49/10.12.2020).

The implementation has been concluded successfully with the elaboration of draft National Strategy on environment and the corresponding Action Plan.

Currently the documents are at a stage of “awarding to external contractor for carrying out an environmental evaluation and evaluation of the compatibility with the subject and goals of conservation of protected areas”.

Up to the moment the draft National Strategy on environment and the corresponding Action Plan do not contain specific goals and measures regarding the environmental crimes. Taking into account that the work on these documents is still ongoing, the possibility is considered to include in them analytical information, goals, measures, activities and indicators related to the environmental crimes.

Nevertheless, we have the necessary legal framework that comprehensively regulates the procedures and the way of cooperation between the institutions. The role and responsibilities of the individual participants in the process are clearly defined. There is a regular communication and exchange of information between the competent authorities in the field of prevention and fight against environmental crimes. A high level of operational cooperation between the individual participants is also ensured.

During the reporting period, also other interagency acts were developed to improve cooperation in the field of combating violations and crimes against the environment, to strengthen control over transboundary shipments of waste, etc. Some of these acts have already been adopted and the work on the others continues.

Alternative option for adopting a national strategic document is to implement it on the basis of the draft interagency act for cooperation in combating violations and crimes against the environment, prepared by an interdepartmental working group with representatives of the Prosecutor's Office, MoEW, MoI, MoJ and AM, established in 2019.

More detailed information on these acts can be found in the information on the other recommendations.

Bulgaria reaffirms its commitment to continue its work on a national strategy paper. So far we have the necessary mechanisms at the strategic, legislative and operational levels in order to ensure a comprehensive approach to effectively address the challenges of environmental crime.

Recommendation 2. “Bulgaria should consider developing an integrated system that collates all the relevant statistics collected by all the authorities involved in tackling environmental crime in a comprehensive, systematic and reliable way, in order to acquire a more global picture of this criminal phenomenon and to facilitate assessing the effectiveness of the national system in this area.”

The implementation of the recommendation is ongoing. Without any doubt, the development of an integrated system for consolidating all statistical data collected by all the competent authorities is an ambitious project that requires significant financial investment and changes in the organization of work. The COVID-19 pandemic, which largely coincided with the reporting period, further hampered the full implementation of this recommendation. Nevertheless, Bulgaria recognizes the benefits of creating such an integrated system and has already taken actions in this direction. Since January 2019, the investigating police officers of the Ministry of Interior have been using the Centralized Information System of the Investigation Services, managed by the Prosecutor's Office in order to access the Unified Information System for Combating Crime, thus the statistical reporting on criminal proceedings is unified.

In practice, the competent structures of the Ministry of the Interior have access to the information and statistics of the judiciary, which we consider as step towards the implementation of an integrated system for combining all statistical data.

Recommendation 3. “Bulgaria is encouraged to ensure that, by implementing both the administrative and the criminal approach to environmental crime, every single case of environmental violation is addressed in the most appropriate way and that judicial follow-up is ensured when the legislation so requires.”

The recommendation is constantly implemented in practice. The competent authorities shall apply both administrative and criminal approaches to environmental crimes, each offense being considered on a case-by-case basis and deciding on the follow-up.

We provide statistical information on the pre-trial proceedings instituted for the period 1.01.2018 - 31.12.2020 and their movement, as they have been instituted under the following provisions of the national legislation:

- art. 353b - 353f of the Penal Code and Article 356k of the Penal Code (waste; hazardous substances and mixtures; substances that deplete the ozone layer; nuclear materials) - Annex 1;
- art. 235 - 237 Penal Code; Art. 278b - 278e Penal Code and Art. 352-353 of the Penal Code (endangerment, damage, destruction or trade of certain elements of the environment (forests, protected objects of fauna or flora, etc.) - Annex 2.

Recommendation 4. “Bulgaria should ensure the effective application of its national legislation as regards environmental violations, by differentiating more clearly between minor crimes and administrative infringements in the area of environmental (including waste-related) crime, and by fully implementing the relevant provisions providing for pecuniary fines and other coercive measures against legal persons.”

In Bulgaria, the main criteria for distinguishing an administrative violation from a crime are the so-called public danger of the act.

In each case, a clear distinction must be made between an offense and a crime. According to Art. 9, para 1 of the Penal Code “A crime is the socially dangerous act (activity or inactivity) which has been committed by delinquency and declared by the law as punishable.” According to para. 2 an act is not qualified as crime, which though formally contains the signs of a crime stipulated by the law, due to its minor importance is not socially dangerous or its social danger is obviously negligible. Punishment under the Penal Code is imposed only for a crime committed, not for a violation.

Article 93, point 9 of the Penal Code contains the term “minor case”, which means a case where the crime committed, in view of the lack of harmful consequences or the insignificance thereof, or in a view of other attenuating circumstances, represents a lower level of social danger compared with the common cases of crime of the corresponding type.

In the Reports on the application of the law and on the activity of the Prosecutor's Office and the investigative authorities for 2019 and 2020, the Prosecutor's Office has identified the necessity of improving the material legislation, finding it imperative to precise the corpus delicti of criminal offences which have similar elements as the corpus delicti of administrative offences

At the same time, an analysis of the procedural norms has been carried out and it is discussed the possibility of amending the Criminal Procedure Code regarding the storage of material evidence in cases where the subject of the crime is waste, hazardous waste or substances, incl. those that are subject to rapid deterioration (biowaste), as well as physical evidence seized in connection with environmental pollution.

Recommendation 5. “Bulgaria should consider further developing the national police's central environmental unit, in particular by increasing the number of staff, so that it could act both as a platform to support and promote a multidisciplinary approach to environmental crime and as an active partner at international level (Interpol, Europol and EU).”

At the moment, Bulgaria still does not have a specialized unit for combating crimes against the environment in the competent law enforcement structure - the General Directorate of the National Police (GDNP). In the same time concrete and serious measures have been undertaken in order to implement this recommendation. The management of GDNP has expressed a positive opinion on the setting up of a specialized unit for combating crimes against the environment. This proposal has been brought to the attention of the Minister of Interior for approval. Until the full implementation of this recommendation the necessary organization has been made to ensure this line of activity, as the coordination is carried out by one employee in the "Economic Police" Department of GDNP. The same official is also a national expert in the EMPACT priority area “Crimes against the Environment”. This ensures a horizontal view of the development of current policies at EU level in the fight against environmental crimes. At regional level, the activities related to crimes against the environment are carried out by employees of the territorial structures of the economic police.

The Republic of Bulgaria is participating since 2018 in the EU priority area "Crimes against the Environment" (EMPACT Environmental Crimes) within EMPACT. The national expert is a representative of the Economic Police Department of the GDNP, which covers the line for combating crimes against the environment.

In implementation of the adopted Operational Action Plan 2021, the Republic of Bulgaria has successfully participated in the following four operational activities:

- Operational activity 1.2. from EMPACT priority "Crimes against the Environment" concerning the illicit trade in fluorinated greenhouse gases, led by the Netherlands. Joint inspections were carried out with the participation of the Ministry of Environment and Waters and the Customs Agency and a violation was identified committed by a Bulgarian company - illegal trade (exceeding the allowed import quota).

- Operational activity 2.1 "Identifying and combating cross-border trafficking in dogs and wildlife specimens", led by the Kingdom of Denmark. In addition to the Ministry of Interior, the Customs Agency, the Ministry of Environment and Waters, the National Service for Nature Protection (the competent authority for the implementation of the CITES convention) and the Bulgarian Food Safety Agency took part in the activities. Border checks have been carried out on compliance with European and national regulations when transporting them for commercial or non-commercial purposes.

- Operational Action 2.2, Part 3 "Identification and Counteraction to Illegal Waste Trafficking", led by Austria. An inspection of all operating and obsolete mines and quarries located on the territory of the respective Directorate of the Ministry of Interior was carried out, with an emphasis on establishing illegal management and disposal of waste in them.

436 active and obsolete mines and quarries in the country were inspected. 22 violations of the law have been identified, of which 19 administrative penal files and 3 inspections under the Ministry of Interior have been initiated.

- Operational activity 2.3 "Using a multidisciplinary approach to the prevention and detection of cross-border crimes committed in maritime territory and related to marine pollution". A multi-purpose operational activity "Black Sea 2021" was conducted. As part of the operation, a plane from the Italian authorities has been stationed on the territory of the country to monitor the sea areas. Four cases have been registered, which are defined as "Crimes against the environment".

Furthermore, Bulgaria is participating in different international operations, organized by Europol, Interpol, the World Customs Organization and OLAF. In the operation "30 days at sea" Bulgaria participated through the MoEW, the Prosecutor's Office, the MoI and Customs Agency.

Recommendation 6. "Bulgaria is recommended to increase the capacity of the judiciary to deal with environmental crime by placing specialised prosecutors in charge of environmental matters, and establishing a national network of expertise for environmental judges and prosecutors."

The implementation of the recommendation is still ongoing. There is a specialization of prosecutors and judges from the specialized courts and prosecutors' offices in place with regard to cases of crimes related to organized criminal groups, as well as corruption crimes committed by high-ranking officials. The specialization also contributes to the investigation of crimes against the environment, when they are committed by such groups or when they are accompanied by corruption crimes. In this regard, pre-trial proceedings have been initiated for the establishment of an organized criminal group for crimes related to the transfer of waste across the border, and among the accused is a former Deputy Minister of Environment.

Recommendation 7. “Bulgaria could consider the idea of establishing a central laboratory specialised in criminal environmental matters that could provide expertise and technical assistance to the Prosecutor's Office in this field, to remedy the shortage of independent and qualified experts.”

The implementation of this recommendation is on-going. An analysis is made of structuring such an unit. At present there is a laboratory with the Executive Agency for Environment which carries out similar studies. An assessment is to be made whether it is feasible or not to set up an additional unit with the agency to be tasked with lab studies in the field of crimes against environment.

Recommendation 8. “Bulgaria should maintain a focus on continuous specialised training, including for specific categories of staff, with a view to improving detection of environmental (including waste-related) crime, both at national and local level.”

During the reporting period a significant number of specialized trainings have being carried out aimed at improving the detection of environmental crime. They were targeted towards law-enforcement and judicial authorities.

GDNP implements a project BG65ISNP001-5.013-0003-C01 on Strengthening the Capacity of the Police to counter illegal trafficking in waste, funded under Internal Security Fund.

The project is approved, a contract was concluded on 16 April 2019 and its implementation is ongoing. The project duration is 2 years but due to the COVID 19 situation its duration is extended. The funding amounts to 100 000 euro.

Part of it will go for purchase of computer technique for GDNP, the Metropolitan Directorate of Police and regional directorates of the MoI throughout the country. Part of it will also go for ensuring information interconnectivity of the police bodies with structures of the Ministry of Environment and Waters

- access to information data bases for permits issued for activities related to waste disposal.

The project aims at exchange of good practices and conducting trainings jointly with the Italian Carabinieri and taking their experience in the fight against trafficking in waste. Until now, a study visit of experts from the National Police and the Metropolitan Directorate of Police to Italy took place; public procurement was launched and computer equipment was bought.

A personal name list with the distribution of the technical equipment for the officials who work under Ecological topics was made. Two on-line trainings were conducted as planned – December 2021 and January 2022 with the involvement of lecturers from the Italian partners - the Carabinieri, the Prosecutors' Office, National Investigative Service and regional executive environment agencies.

The concluding event for the project was carried out in the premises of GDNP on 16-18 February 2022 with the participation of representatives of the Carabinieri, Prosecutors' Office, National Investigative Service, Ministry of Environment and Waters and the regional executive environment agencies as well as officials from GDNP, the Metropolitan Directorate of Interior and regional directorates of the MoI.

The last activity is the setting up a manual containing modus operandi to be followed by the police officials in detecting such type of criminal activities.

National Police General Directorate was involved in the information campaign “It’s a matter of wildlife or death” for increasing public awareness among law enforcement bodies within the Police and the Customs agency for illegal trafficking of wildlife animals, organized by the European Crime Prevention Network – EUCPN.

The training was carried out between 11 February and 11 March 2022. In order to achieve the purposes of the campaign, the EUCPN has set up an internet page www.wildlifeordeath.com. The officials of the Economic Police Department within the Regional MoI units and the Customs Agency had visited the page and had got acquainted with the information about illegal trafficking which is also available in Bulgarian language.

From the point of view of the efficiency and the provision of adequate expertise in the courts and the Public Prosecution Offices of the Republic of Bulgaria, the National Institute for Justice (NIJ) follows a horizontal approach of integrating the topic of environmental crimes into the curriculum of the criminal law trainings. This topic is included in the trainings on international cooperation in criminal matters, organized crime, implementation of the European Investigation Order and the European Arrest Warrant. Environmental crimes are part of the curricula and training programs dedicated to the ways and methods for securing evidence in criminal proceedings. Within the initial training of the candidates for junior magistrates, as well as in the continuous training of magistrates, training events are regularly held, focused on the physico-chemical expert assessment and the evidence gathered in the investigation of this type of crime.

In order to achieve the objectives of the trainings and to ensure adequate expertise of the Judiciary, trainings on the topics above are conducted in mixed groups of judges, prosecutors, investigating magistrates and officials with investigative functions of the Ministry of Interior. From the point of view of the applied training methodology, sessions with entirely practical orientation are held, in which interactive methods and techniques, such as group work and discussions, are integrated. The trainings are conducted both on centralized level and within the Regional Training Program of the Institute.

In 2019 - 2021 environmental crimes were addressed in a number of trainings in face-to-face and electronic distance format, as follows:

1. *"EU environmental policy. EU Law on Environmental Protection and Environmental Impact Assessment"*, 13 - 14.03.2019; participants: 19 judges and 1 court assistant;
2. *"International Cooperation in Criminal Matters. Eurojust. The European Judicial Network. European Investigation Order. European Arrest Warrant "*, September 26, 2019; participants: 22 judges, 15 prosecutors, 1 investigating magistrate, 1 judicial assistant and 3 court staff members;
3. *"International Cooperation in Criminal Matters"*, October 4, 2019; participants: 51 judges, 25 prosecutors, 1 investigating magistrate, 1 judicial assistant and 3 court staff members;

4. *"International Cooperation in Criminal Matters"*, October 4, 2019; participants: 51 judges, 25 prosecutors, 1 investigator, 1 judicial assistant and 3 court staff members;
5. *"Forensic Examinations"*, 29.06 - 1.07.2020; participants: 1 judge, 15 prosecutors, 4 investigating magistrates, 3 junior investigating magistrates, 5 representatives of the Ministry of Interior;
6. *"Environmental Law"*, 22.11 - 12.12.2021; participants: 7 judges, 3 prosecutors, 4 court assistants, 4 investigating magistrates, 1 court staff member, 1 registry judge;
7. *"European Investigation Order. GDPR"*, 24 - 26.03.2021; participants: 20 judges, 3 prosecutors, 5 court staff members;
8. *"International Legal Cooperation between Bulgaria and Great Britain: What has Changed since Brexit?"*, June 22, 2021; participants: 14 judges, 40 prosecutors, 9 investigating magistrates, 2 candidates for junior investigating magistrates, 1 prosecutorial assistant, 3 judicial assistants, 5 experts at the Ministry of Interior, 2 experts at the Ministry of Justice, 2 court staff members;
9. *"International Cooperation between Bulgaria and Great Britain after Brexit"*, October 27, 2021; participants: 17 judges, 2 prosecutors, 2 investigating magistrates, 6 judicial assistants, 1 court staff member, 1 expert at the Ministry of Justice;

The NIJ coordinated the participation of Bulgarian magistrates in the following face-to-face and online trainings organized by partner judicial schools and institutions:

1. *"Environmental Law"*, February 15, 2019; participants from Bulgaria: 1 prosecutor;
2. *"Environmental Law of the EU"*, 27 - 28.05.2019; participants from Bulgaria: 2 judges;
3. *"Business and human rights: environment, employment and health"*, 16 - 19.09.2019; participants from Bulgaria: 1 judge;
4. *"International Cooperation in Criminal Matters - Instruments and Legal Framework"*, 18.11.2020; participants: 3 prosecutors;
5. *"National Judges and EU Legislation in Relation to the Aarhus Convention"*, March 1 - 9, 2021; participants from Bulgaria: 1 court assistant;

6. *"Evidence of the Environment (Pollution)"*, 15 - 18.03.2021; participants from Bulgaria: 3 judges, 3 prosecutors, organized within a joint project of the National School of Magistracy of France and the NIJ, aimed at the challenges of transnational environmental crimes in the European Union. The international lecture team was supplemented by Judge Sibila Simeonova of the Supreme Administrative Court;
7. *"Evidence for the Environment. Trafficking in Protected Species "*, 15 - 18.06.2021; participants from Bulgaria: 2 prosecutors, 1 candidate for junior prosecutor;
8. *"EU Environmental Law"*, 28 - 29.09.2021; participants from Bulgaria: 1 judge;
9. *"Thematic Language Training in the Field of Environmental Law"*, 3 - 5.11.2021; participants from Bulgaria: 2 judges;
10. *"European Cooperation in Criminal Matters - Current Practice"*, 15.11.2021; participants from Bulgaria: 2 judges, 3 prosecutors, 1 prosecutorial assistant;
12. *"Thematic Language Training in Cooperation in Combatting Cross-Border Crime"*, 29.11.1.12.2021; participants from Bulgaria: 2 prosecutors;
13. *"Evidence for the Environment"*, 7 - 9.12.2021; participants from Bulgaria: 4 judges.

In the first half of 2022 Bulgarian magistrates will take part in two foreign trainings - *"European Climate Law"* and *"International Legal Cooperation in Criminal Matters: Cross-Border Crimes against the Environment"*.

The NIJ, together with the Academy of European Law (ERA), will organize an international webinar on *"Law on Air Quality in the EU and Bulgaria and the Right to Clean Air - Focus on Access to Justice"*. The training is aimed at representatives of the professional community from Bulgaria and other EU member states. A team of Bulgarian and international trainers will conduct an in-depth review of key legal aspects of European and national legislation on air quality and access to justice on environmental matters in the EU and Bulgaria. Emphasis will be placed on the analysis of basic provisions relating to limit values and target values for certain pollutants (PM 2.5 and PM 10).

In parallel with the trainings, the development of self-training resources - manuals, easily accessible in electronic and paper format, is a priority that the NIJ successfully imposes in all areas of judicial training. These resources provide conditions for the formation and upgrading of the knowledge and skills of magistrates outside the formal learning environment 24/7.

In 2019, the NIJ developed and published a handbook "*Judicial cooperation in criminal matters in the EU*", which includes substantive and procedural developments on topics related to combatting crime within the EU, mutual recognition of court decisions, specifics of preliminary rulings. Environmental crimes are addressed within each of the particular chapters.

The handbook "*Administrative Courts and EU Law*", also published in 2019, includes a systematic review of the European legal framework, EU environmental legislation, relevant case law of the European Court of Justice and Bulgarian courts. A special section is devoted to the EU basic principles and policies on environmental protection, air pollution and climate change, waste, water, biodiversity, genetically modified organisms, energy and industrial emissions.

These manuals are published in electronic format and are available on the e-learning portal of the NIJ (www.nij.bg). Each of the publications was printed in 500 copies, which were distributed to the judicial bodies in Bulgaria. In addition to being self-learning resources, the manuals are used as training materials within the continuous training of the administrative judges.

The Ministry of Environment and Waters organizes workshops with the experts from the Regional Inspectorates of Environment and Waters (RIEW) annually, aiming at increasing the administrative capacity and the knowledge of the local control bodies. A special emphasis is placed on the transboundary shipments of waste and with a view to improving detection of illegal shipments and the further actions to be taken.

Recommendation 9. “Bulgaria should consider setting up a more formal and structured framework for inter-institutional cooperation on preventing and fighting environmental (including waste-related) crime, based on protocols or memoranda of understanding and on the establishment of formal networks of representatives from all law enforcement services.”

In view of the implementation of the Plan on inspections of transfers of waste in the Republic of Bulgaria, elaborated on the basis of Art. 50, paragraph 2a, item d) of Regulation EC 1013/2006, a Joint Instruction has been adopted between the Ministry of Environment and Waters and the Customs Agency on increasing the control over cross-border shipments of waste. The elaboration of a similar instruction between the MEW and the MoI is forthcoming.

Both instructions stipulate the procedures and way of interaction between the involved institutions in view of increasing the efficiency of control over cross-border shipments of waste. The role and responsibilities of each of the institutions are clearly defined. The cooperation also involves activities related to monitoring and control over cross-border shipments of waste as well as exchange of information.

After finalizing the work of the interagency working group consisting of representatives of Prosecutor’s Office, MEW, MoI, MoJ and the Customs Agency that was set up in 2019, a draft Interagency Act was elaborated on the interaction in the field of offences and crimes related to environment. It envisages the opportunity for rendering expert and methodological assistance, including nominating contact points, exchange of information between control authorities in regard to the identified risk areas, concerning the protection of the environment, joint training and qualifications activities. The draft Interagency Act will be submitted to the abovementioned institutions for discussion and approval.

Recommendation 10. “Bulgaria is encouraged to promote more proactive information exchange between the competent environmental administrations (environmental inspectors), the police services, the Customs Agency and the judiciary (prosecutors and courts).”

The bodies of the MoI are carrying out working meetings with MoEW to discuss possible actions that may be undertaken to enhance cooperation in implementing Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.

An organisation for daily exchange of information has been set (scanned document copies) at the National Coordination Center at MoEW, that is related to the transboundary movements of wastes at the borders between the Member States (Bulgarian-Rumanian and Bulgarian-Greek borders).

In cases of transboundary movement of wastes at border checkpoints situated at sea ports and given the specifics of conveying border control, information for goods and cargo is used only if it is present at the Sea Transport Electronic System for Document Flow. The practice is that cargo manifests of container vessels are not uploaded to the electronic system by the line operators in order to keep the commercial secret. Instead, they are presented to the Customs Agency bodies. Regardless if they are from an EU Member State or a third country, after arrival of goods they may stay within the port’s zone for up to 90 days and customs authorities are responsible for finalization of customs procedures. In this connection documents regarding goods and cargo are object of control by Customs Agency until their release. After arrival and storage of wastes in the port’s area until claiming ownership before customs authorities exact and exhaustive information for the type of waste is missing. Upon asserting of the cargo by the owner of the goods, the complete set of documents is proceeded at the customs offices, regardless of whether it is an intra-Community delivery or a delivery from a third country.

Joint teams from the Customs Agency, Regional Inspectorate of Environment and Waters (RIoEW) and General Directorate Border Police are set with the aim to perform control over cargo.

In 2020 a National Coordination Center was established within the MoEW which exchanges operational level information with other competent authorities.

Experts of the Center review the documents for transboundary deliveries of wastes received via email in DG Border Police, Ministry of Interior and the Customs Agency and check the contents of the information in the documents and the availability of permits for activities related to wastes. The RIoEW are being informed on the results of the checks in the final destination of the cargo, on the undertaken competent actions and in case of inconformity and/or lack of permit that is explicitly stated. In case no valid permit for treatment of waste transport is presented, the RIoEW performs a check. In case of violations by the transportation of wastes, the RIoEW informs DG Border Police at the Ministry of Interior and the Customs Agency. In case of subsequent transport of waste by the company-offender, DG Border Police and the Customs Agency detain the vehicle together with its cargo and immediately inform the RIoE with a view to undertaking actions within its competence.

Recommendation 11. “Bulgaria should consider extending the partnerships with the private sector.”

and

Recommendation 12. “Bulgaria is encouraged to further collaborate and exchange information regularly with national NGOs operating in the field of the environment, in accordance with the relevant criminal procedure rules.”

The implementation of the goals of the Ministry of Environment and Water (MoEW) for raising public awareness and culture in the field of environment is carried out through coordinated national information campaigns, educational activities and initiatives throughout the country. In all regional divisions of the Ministry of Environment and Water (Regional Inspectorates of Environment and Water (RIEW), National Parks Directorate and Basin Directorates) and in the Executive Environment Agency there are employees responsible for providing information to the public.

The regional branches of the Ministry of Environment and Water maintain 33 information and visitor centers in the country. They disseminate information on the environment and sustainable development among students, non-governmental organizations, academia, business, provide citizens and organizations with free information materials and free access to specialized literature in the field of environmental protection, research, information sources obtained through international exchange, video materials, etc.

Information and educational initiatives aimed at different groups of the public are organized in the framework of the annual national campaigns on the dates of the international environmental calendar, such as Wetlands Day - February 2; Water Day - March 22; Forest Week - April 7-13; Earth Day - April 22; Climate change day - May 15; Biodiversity Day - May 22; World Environment Day - June 5; Danube Day - June 29; European Mobility Week - 16-22 September; Ozone Depletion Day - September 16; Bird Day - October 1; Water Monitoring Day - October 18; Black Sea Day - October 31, etc.

As part of these campaigns, the Ministry of Environment and Water and its branches in the country hold round tables, conferences for students and youth, open lessons, competitions, exhibitions, conservation camps, cleanup and afforestation campaigns, quizzes, training seminars and various forums covering tens of thousands young people in the country and are an example of partnership with local authorities, institutions, businesses and NGOs at the regional level. Among these events, the most popular are:

- Educational program "Park as a classroom" at the Central Balkan NPP;
- "Carnivals of Biodiversity", organized by RIEW Burgas;
- Traditional national competition "Source of Life" at Varna State University;
- International School Ecoforum Srebarna of RIEW Ruse;
- International White Stork Festival in Belozem with the assistance of EMEPA, which is part of the international initiative "European White Stork Village" with the participation of 13 countries;
- Campaign "To be cleaner, greener and more beautiful my Plovdiv" of RIEW Plovdiv;
- "Ecology classes in the museum" - a traditional initiative of the Regional Inspectorate of Environment and Water in Pleven, aimed at students.

The traditional national campaign of the Ministry of Environment and Water "For a clean environment" under the motto "I love nature, I participate" occupies a special place among the initiatives aimed at various groups of the public. It has been established over the years as an effective mechanism for activation and financial support from municipalities, schools and kindergartens to carry out activities such as cleaning, afforestation, landscaping, construction or restoration of playgrounds, recreation areas, spaces, etc.

Recommendation 13. “Bulgaria is recommended to conduct more physical inspections and scans of containers transporting waste.”

The necessary organisation was set following the letter by the General Prosecutor of the Republic of Bulgaria calling on joint checks by the MoI and the State Agency for National Security for compliance with the requirements of the Waste Management Act (WMA) and the Environment Protection Act (EPA). As a result a total of 2547 sites were conducted on the country’s territory concerning waste related activities. A total of 81 violations of the law were registered. As a follow-up measures, 38 prescriptions, 12 acts for establishing an administrative violation, 16 inspections of files and 15 pre-trial proceedings were initiated.

As a result of the joint checks, a conclusion was drawn that control with respect to the incoming wastes at the territory of the Republic of Bulgaria is performed by a “yellow” list (with notification) mainly through looking only in the papers. The Executive Agency on Environment (EAE) collects and sums up information of the annual reference declarations submitted by persons performing waste related activities under Regulation (EC) № 1013/2006 in their quality of notifiers, consignees or recovery facilities, including a copy of the document accompanying the “green” listed wastes – Annex VII of Regulation (EC) № 1013/2006.

As a result from the checks a procedure was initiated according Regulation (EC) № 1013/2006 and 146 containers of waste have been returned in Italy – the country of origin – in connection to the initiated pre-trial proceeding under Article 353, point g) of the Penal Code (transboundary movements of wastes – contents that does not correspond to the declared).

Results were reported to the Minister of Interior and the General Prosecutor of the Republic of Bulgaria.

The National Coordination Center at MoEW offers the possibility of interaction between the control authorities under Regulation (EC) № 1013/2006. According to the Waste Management Act such authorities on transboundary movements of wastes in the Ministry of Interior is the DG Border Police and the Road Traffic Police units to the Regional Directorates of the MoI. Employees of the MoEW work in the Center and an organization has been set up to provide timely information from DG Border Police (from the border checkpoints) on all insertions (imports and intra-Community deliveries) of “green” listed wastes – Annex 7 of Regulation (EC) 1013/2006 and prior written notification. Employees from the Center notify the relevant RIoE at which territory is the final destination of the waists. When it comes to “green” listed wastes the RIoE perform physical checks at the spot and at its own discretion in case of issued notification – “yellow” listed waste (hazardous and mixed wastes).

With the aim of reaching conformity with the environmental legislation of coal mining companies there is an interagency cooperation between the authorities of the MoI and the RIoE who carry out inspections. An inspection in this regard was made in the period from 17-21.02.2020 in “Bobov dol” thermal power plant. Pre-trial proceedings have been instituted for unregulated waste incineration.

According to the internal rules for processing received requests for notification for transport of wastes to and from Bulgaria within the EU and for import, export and transit of wastes to third countries, for each written notification physical checks of wastes treatment facilities are required. This procedure significantly increased the number of inspections carried out and the strengthened the efforts to prevent illegal shipments of waste.

Recommendation 14. “Bulgaria should consider highlighting the links between serious environmental crime and other forms of serious crime (organised crime, forgery, use of false documents, fraud, corruption, money laundering, etc.), where applicable.”

The implementation of the recommendation is ongoing. A report of EUROJUST on the experience, challenges and best practices identified in environmental cases has been uploaded on the website of the Prosecutor's Office, with an emphasis on the links between serious environmental crimes and other serious crimes, such as forgery of documents, fraud/tax fraud, money laundering, etc. Methodical guidelines for work on criminal cases under Art. 278, Art. 278e and under Art. 325a - 325c Penal Code are uploaded as well.

(poss.) GENERAL REMARKS

Annex 1 – Statistical data from the official statistics of the Prosecutor’s Office on criminal proceedings initiated on crimes against the environment (Art. 353 b – Art. 353 f and Art. 356 k of the Penal Code) for the time period 2018 - 2020

Year	Provision from the Penal Code	Newly initiated pretrial proceedings	Prosecutor’s acts brought to the Court	Convicted and sanctioned persons with convictions/decisions entered into force
2018	Total on Art. 353 b – 353 f	12	1	4
	Art. 353 b	2	0	2
	Art. 353 c	4	0	0
	Art. 353 d	0	1	2
	Art. 353 e	2	0	0
	Art. 353 f	4	0	0
	Art. 353 k	1	0	0
2019	Total on Art. 353 b – 353 f	16	3	3
	Art. 353 b	2	2	2
	Art. 353 c	5	0	0
	Art. 353 d	0	0	0
	Art. 353 e	4	0	0
	Art. 353 f	5	1	1
	Art. 353 k	3	0	0

2020	Total on Art. 353 b – 353 f	54	2	1
	Art. 353 b	24	1	0
	Art. 353 c	10	1	1
	Art. 353 d	11	0	0
	Art. 353 e	9	0	0
	Art. 353 f	0	0	0
	Art. 353 k	5	0	0

Annex 2 - Statistical data from the official statistics of the Prosecutor's Office on criminal proceedings initiated on crimes under Art. 235 – 237, under Art. 278 c – 278 e and under Art. 352 – 353 of the Penal Code for the time period 2018 - 2020

Year	Provision from the Penal Code	Newly initiated pretrial proceedings	Prosecutor's acts brought to the Court	Convicted and sanctioned persons with convictions/decisions entered into force
2018	Total on Art. 235 - 237	1611	285	334
	Art. 235	1563	277	326
	Art. 236	5	2	1
	Art. 237	43	6	7
	Total on Art. 278 c – 278 e	19	4	7
	Art. 278 c	5	0	0
	Art. 278 d	10	2	5
	Art. 278 e	4	2	2
	Total on Art. 352 - 353	24	1	0
	Art. 352	24	1	0
	Art. 352 a	0	0	0
	Art. 353	0	0	0

2019	Total on Art. 235 - 237	1538	295	331
	Art. 235	1485	289	328
	Art. 236	10	0	1
	Art. 237	43	6	2
	Total on Art. 278 c – 278 e	30	4	2
	Art. 278 c	17	1	0
	Art. 278 d	5	0	0
	Art. 278 e	8	3	2
	Total on Art. 352 - 353	22	1	0
	Art. 352	22	1	0
	Art. 352 a	0	0	0
	Art. 353	0	0	0

2020	Total on Art. 235 - 237	1298	241	247
	Art. 235	1227	226	236
	Art. 236	10	0	2
	Art. 237	61	15	9
	Total on Art. 278 c – 278 e	42	3	3
	Art. 278 c	27	0	0
	Art. 278 d	7	2	0
	Art. 278 e	8	1	3
	Total on Art. 352 - 353	57	2	2
	Art. 352	57	2	2
	Art. 352 a	0	0	0
	Art. 353	0	0	0

Annex 3 - Activities of the Bulgarian National Customs Agency for the period 2018-2021 include:

1) Participation in international operations:

2018

- **DEMETER IV** - Monitoring and Control of Illegal Transboundary Movements of Wastes, fluorinated greenhouse gases and Illegal Trade in Ozone Depleting Substances

2019

- **DEMETER V** - Monitoring and Control of Illegal Transboundary Movements of Wastes, fluorinated greenhouse gases and Illegal Trade in Ozone Depleting Substances“
- **30 DAYS AT SEA II** - illegal waste traffic through ports;

2020

- **30 DAYS AT SEA III** - illegal waste traffic through ports;
- **DEMETER VI** - Monitoring and Control of Illegal Transboundary Movements of Wastes, fluorinated greenhouse gases and Illegal Trade in Ozone Depleting Substances

2021

- **DEMETER VII** - Monitoring and Control of Illegal Transboundary Movements of Wastes, fluorinated greenhouse gases and Illegal Trade in Ozone Depleting Substances
- Activity 1.2. EMPACT priority "Crimes against the Environment" concerning the illicit trade in ozone depleting substance (20-24 September 2021)

For the period 2018 - 2021, the Bulgarian National Customs Agency took part in the following operations related to the illegal trafficking of protected species of wild flora and fauna:

THUNDERSTORM, EEL-LICIT, EEL-LICIT II, THUNDERBALL, LAKE, LAKE 2020 – 2021,
THUNDER 2020, THUNDER 2021

- 2) Participation in an interdepartmental working group related to taking measures to strengthen the fight against environmental crime and to improve the interaction between the competent national structures.
- 3) Instruction for interaction between the Bulgarian National Customs Agency and the Ministry of Environment and Water to increase the effectiveness of control over transboundary shipments of waste.
- 4) Seizures (2018-2021)
 - 2019**
 - 125, 460 kg of second-hand clothes
 - 2020**
 - 8,000 liters of fungicides
 - 3,000 kg of insecticides
 - 3,000 kg of fungicides
 - 2021**
 - 75,700 kg of plastic waste