



Ref. No. 603

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Geneva, 3rd August 2012

Dear Ms. Patel,

In response to your letter Ref. No. GVA-0340/26.06.2012, please, find enclosed copies of the laws and regulations of the Republic of Bulgaria relevant to private military and security companies, their personnel and their activities, as follows:

1. Private Security Business Act;
2. Ordinance № 13-2895 Of 15 November 2011 on the Procedure to be Followed by Merchants under Art. 2 Para. 2, Item 2 Of The Private Security Services Act To Attest They Meet The Requirements of the Private Security Business Act.

Yours Sincerely,

Ivan Piperkov,
Ambassador, Permanent Representative

Ms. Faiza Patel,
Chairperson-Rapporteur,
WG on the use of mercenaries as a means of
violating human rights and impeding the exercise
of the right of peoples to self-determination

Private Security Business Act

Promulgated SG. 15/24.02.2004, amended, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 34/25.04.2006, effective 1.01.2008 (*)(**), amended and supplemented, SG No. 82/10.10.2006, amended, SG No. 109/20.12.2007, effective 1.01.2008, amended and supplemented, SG No. 69/5.08.2008, supplemented, SG No. 35/11.05.2010, effective 11.05.2010, amended, SG No. 59/31.07.2010, effective 31.07.2010, SG No. 73/17.09.2010, effective 17.09.2010, amended and supplemented, SG No. 43/7.06.2011, amended SG No. 44/12.06.2012, effective 1.07.2012

(*) effective 1.07.2007 - amended, SG No. 80/3.10.2006, effective 3.10.2006

(**) effective 1.01.2008 - amended, SG No. 53/30.06.2007, effective 30.06.2007

Text in Bulgarian: Закон за частната охранителна дейност

Chapter One GENERAL PROVISIONS

Article 1. This act shall regulate social relations in connection with the private security business, its administrative regulation and control.

Article 2. (1) Private security business shall be an activity related to guarding facilities, events and persons, and their rights and lawful interests against illegal encroachment.

(2) (Amended, SG No. 43/2011) The activity under paragraph 1 shall be carried out on the basis of a written contract by.

1. traders registered under the procedure of the Commerce Act or under the law of a European Union member-state, of another state - party to the European Economic Area Agreement or of the Swiss Confederation who have obtained a licence under the procedure herein;

2. traders registered in a European Union member-state, in another state - party to the European Economic Area Agreement or of the Swiss Confederation who are entitled to engage in such activities under the law of the state in which they are established and who can certify that they comply with the requirements herein.

(3) (New, SG No. 43/2011) The activities under paragraph 1 shall be carried out also by self-defence units in the structures of traders or legal persons who have obtained a licence under

the procedures herein.

(4) (New, SG No. 43/2011) The Minister of the Interior jointly with the Minister of Economy, Energy and Tourism shall issue a regulation on the procedure pursuant to which the traders under paragraph 2 shall certify that they comply with the requirements herein.

Article 3. The private security business shall be carried out by observing the following principles:

1. respect for the rights, freedoms and dignity of citizens;
2. cooperation with the bodies of the Ministry of the Interior (MoI) in the fight against crime and protection of public order;
3. guaranteeing security and safety in the guarded facilities;
4. carrying out preventive activity on the basis of analysis of the causes and the conditions for violations of the law in the guarded facilities.

Article 4. (1) (Amended, SG No. 43/2011) Private security business shall be carried out only upon obtaining a licence or a certification of entitlement of the persons under article 2, paragraph 2, item 2.

(2) The licence may be issued for engaging in activity on the territory of the entire country or on the territory of individual regions.

Article 5. (1) The following types of activities shall be carried out under this act:

1. personal protection of natural persons;
2. protection of the property of natural or legal persons;
3. guarding of events;
4. guarding of valuable consignments and goods;
5. (amended, SG No. 43/2011) self-protection of property of traders or legal persons.

(2) The activities under paragraph 1 may also be carried out through technical security systems and auxiliary devices.

Article 6. Personal protection shall be an activity related to the protection of the bodily inviolability of natural persons against illegal encroachment, as well as their prevention and interception.

Article 7. (1) Protection of property shall be an activity for its physical protection against illegal encroachment.

(2) The physical protection activity may include also the introduction of an admission regime on the facilities.

Article 8. The activity of guarding events shall be a set of measures directed at providing the undisturbed and unimpeded holding of mass events or activities of a short-term nature.

Article 9. (1) Protection of valuable consignments and goods shall be an activity of protecting money, securities, precious metals, works of art and other valuables whose transportation is obligatorily carried out with armed guard, specially equipped transport, reliable communication and other technical and auxiliary protection means.

(2) The Minister of the Interior shall determine by an ordinance the order for organising security when transporting valuable consignments and goods under paragraph 1.

Article 10. Protection with the help of technical security systems shall be an activity of surveillance and control by technical means of the guarded facilities and checking up the obtained signals.

Article 11. (1) (Amended, SG No. 43/2011) Self-protection of the property of traders or a legal persons shall be an activity carried out by employees of the traders or legal persons, differentiated in separate structural units for protection.

(2) The self protection units shall not be used in any form whatsoever for guarding persons, facilities and property, besides the one specified in paragraph 1.

Article 12. (1) The security work shall be carried out by unarmed or armed guards.

(2) In case of armed protection the requirements of the Weapons, Munitions, Explosive Substances and Pyrotechnical Products Act and the secondary statutory instruments on its implementation shall be observed.

Chapter Two

LICENCE FOR ENGAGING IN SECURITY BUSINESS

(Title amended, SG No. 43/2011)

Article 13. (1) (Previous Article 13, amended, SG No. 43/2011) Licences for engaging in private security business under Article 5, paragraph 1, items 1 - 4 shall be issued only to traders registered under the procedure of the Commerce Act or the law of a European Union member-state or of another state - party to European Union Area Agreement or of the Swiss Confederation.

(2) (New, SG No. 43/2011) Licences for engaging in private security business pursuant to article 5, paragraph 1, item 5 shall be issued to traders or legal persons.

Article 14. (Amended, SG No. 69/2008, SG No. 44/2012, effective 1.07.2012) Licences for engaging in private security business shall be issued by the director of the National Police Directorate General or by persons authorised by him.

Article 15. (1) (Amended, SG No. 43/2011) For obtaining a licence for carrying out activities under Article 5, paragraph 1 traders shall apply with a written request to the competent body.

(2) The following shall be enclosed with the application under paragraph 1:

1. (amended, SG No. 34/2006, supplemented, SG No. 43/2011) current certificate or record in the commercial register or the BULSTAT register;

2. (amended, SG No. 105/2005, repealed, SG No. 34/2006);

3. (amended, SG No. 105/2005, supplemented, SG No. 43/2011) a certificate under Article 87, paragraph 6 of the Tax and Social Insurance Procedure Code, that the trader and general partners in a commandite or general partnership company or the legal person have no liabilities;

4. (supplemented, SG No. 43/2011) an affidavit stating that the trader or the legal person has no pecuniary liabilities to the state, established by an effective act of a competent body, neither liabilities to social insurance funds;

5. samples of a personal identification card, an identification sign or uniform clothes;

6. document for paid stamp duty.

(3) (Supplemented, SG No. 43/2011) Besides the documents under paragraph 2 the natural persons registered as sole traders, the members of the managing body of the trade company or the legal person, as well as the unlimited liable partners of a limited joint-stock company or general partnership shall enclose additionally:

1. a certificate of no previous conviction;

2. (supplemented, SG No. 82/2006, amended, SG No. 69/2008) an official letter by the National Investigation Service and the regional directorate of the Ministry of the Interior certifying the absence of instituted penal proceedings for premeditated crimes of a general nature;

3. (amended, SG No. 82/2006) an affidavit by the persons stating that no pre-trial-proceedings have been instituted against them for a deliberate crime of general nature;

4. a medical certificate certifying that the persons do not have mental disorders.

(4) (New, SG No. 43/2011) Traders registered under the law of another European Union member-state, of another state or party to European Union Area Agreement or of the Swiss Confederation shall attach to the request under paragraph 1 documents equivalent to the ones specified in paragraphs 2 and 3 issued by the competent authorities of the state where they are

established accompanied by an official Bulgarian translation.

(5) (Renumbered from Paragraph 4, SG No. 43/2011) The circumstance under paragraph 3, item 3 shall also be verified ex-officio.

(6) (Renumbered from Paragraph 5, SG No. 43/2011) The licences under paragraph 1 shall be issued in a form approved with an order of the Minister of the Interior.

Article 16. (1) (Amended, SG No. 69/2008, SG No. 44/2012, effective 1.07.2012) The applications for issuing licences under Article 14 shall be submitted to the Director of the National Police Directorate General.

(2) (Supplemented, SG No. 43/2011) When the submitted documents are incomplete or do not meet the obligatory requirements herein the trader or the legal person shall be notified thereof in writing within 14 days after their submission.

(3) (Supplemented, SG No. 43/2011) The trader or the legal person shall correct the incompleteness and noncompliance of the documents or shall submit additionally the required documents and information within 14 days after the notification under paragraph 2. If within this period the shortcomings of the application are not corrected the proceedings on issuing a licence shall be terminated.

Article 17. The competent body under Article 14 shall issue or shall refuse to issue a licence within one month after the submission of the application, from the removal of the incompleteness or non-compliance of the documents, or the filing of additionally required documents respectively.

Article 18. (1) The licence for engaging in activities under this act shall be issued without a fixed term.

(2) (Amended, SG No. 43/2011) By 31 March of every calendar year the traders shall file a statement that no change has occurred in the circumstances under Article 15.

(3) Stamp duty shall be collected for the issued licences in amounts determined by the Council of Ministers.

Article 19. (1) (Supplemented, SG No. 43/2011) When the licence for engaging in security business is lost, taken away illegally or destroyed the trader or the legal person shall, within seven days after the occurrence of the circumstance, notify the body that had issued it, describing the circumstances under which this has happened.

(2) The body that had issued the licence shall issue a duplicate of the document within 14 days from the notification, for which a stamp duty shall be collected in an amount determined by the Council of Ministers.

Article 20. (Amended, SG No. 43/2011) The traders or legal persons shall be obliged to notify within 14 days the body that had issued the licence or recorded the certification under

article 2, paragraph 2, item 2 about a change of the circumstances under Article 15 and Article 27, paragraph 1.

Article 21. (1) No licence shall be issued and the issued licence shall be withdrawn when:

1. (supplemented, SG No. 43/2011) the trader or the legal person:

a) has monetary liabilities to the state, established by an effective act of a competent body, or liabilities to social insurance funds, unless the competent body has allowed rescheduling or deferment of the liabilities;

b) has been declared bankrupt;

c) engages in a type of security business for which he has no licence or performs it outside the territory for which he has a licence;

d) submits firearms to the guards employed by him who do not possess the respective permit for carrying and using them;

2. the sole trader, the manager or the member of the managing body or the unlimited liable partner of a limited joint-stock company or general partnership:

a) has been convicted for a premeditated crime of a general nature;

b) is the subject of penal proceedings instituted against him for a premeditated crime of a general nature;

c) suffers from a mental disorder;

3. (amended, SG No. 43/2011) the head of the security business or the employees appointed as guards do not meet the requirements of Article 27, paragraph 2.

(2) (Amended, SG No. 43/2011) The issued licence shall not be withdrawn if within one month the trader or the legal person corrects the allowed non-compliance with Article 27, paragraph 1.

(3) On withdrawal of the licence the persons under paragraph 1 may not apply for being issued a new licence for a period of one year from the withdrawal, and on refusal to issue a licence the term shall be 6 months.

Article 22. (Amended, SG No. 30/2006) The refusal to issue a licence and its withdrawal may be appealed against in court through the body that has issued the act within 14 days under the procedure of the Administrative Procedure Code.

Article 23. (Repealed, SG No. 43/2011).

Chapter Three

RIGHTS AND OBLIGATIONS OF THE PERSONS ENGAGING IN PRIVATE SECURITY BUSINESS AND OF THEIR EMPLOYEES

Article 24. (1) When organising protection the persons engaging in the activity under Article 5 shall:

1. assess the condition and the degree of security of the guarded facilities where necessary, but at least once a year;
2. create the necessary organisation for protection and security, including through obligatory daily and periodic briefings of the guards;
3. draw up and keep rules and instructions on the specifics of the types of security business carried out, approved by the assignor under the contract or by a representative authorised by him.

(2) (Amended, SG No. 43/2011) For each facility under guard the persons engaging in the activity under Article 5 shall draw up and keep at the facility a plan for protecting the facility, including:

1. the particularities of the protected facility;
2. the organisation of the protection (posts, routes, shifts, armament, communications and instructions on the tactics of action in different situations);
3. data on the weapons, if ones are used for protecting of the site;
4. data on the motor vehicles, if used in carrying out the protection;
5. data on installing video cameras, as well as similar technical devices or systems allowing video recording;
6. regulations on the admission regime approved by the assignor under the protection contract or by a person authorised by him;
7. a list and a time schedule for the work of the guards.

(3) (Amended, SG No. 82/2006, SG No. 69/2008, SG No. 43/2011) Within 14 days from the execution of the protection contract or of the actual takeover of the facility for protection pursuant to Article 5, paragraph 1, item 5 the persons engaging in the activity under article 5, paragraph 1 shall notify in writing the body that has issued the licence or entered the registration under article 2, paragraph 2, item 2 and the respective the regional directorate of the Ministry of the Interior, on whose territory the activity is carried out.

Article 25. The persons engaging in activity under Article 5 shall be prohibited:

1. to introduce and use, when carrying out the activity, methods or devices exposing to danger the life and health of other persons or injuring the honour and the dignity of citizens;
2. to accept to implement obligations contradicting to an act of parliament or another statutory instrument;
3. to use uniform clothes, symbols and insignia, police lamps, camouflage hoods or signs introduced for the structural units of the MoI or for other state bodies which demonstrate an affiliation to them;
4. to submit or cede to other persons their licence for carrying out private security business.

Article 26. (Amended, SG No. 109/2007) The persons engaging in private security business shall be obliged to submit to the bodies of the MoI, and about the guarded facilities of the Ministry of Defence and of the Bulgarian army - to the Military Police, the information they have regarding perpetrated, being perpetrating or prepared criminal activity.

Article 27. (Amended, SG No. 82/2006, SG No. 69/2008, SG No. 59/2010, effective 31.07.2010, SG No. 43/2011) (1) Head of protection activities or guards may be persons who are employed mainly under employment contracts for the position "head of protection activity", "guard" respectively, pursuant to the National Classification of Professions and Positions on the basis of concluded employment contracts with persons engaged in activities under article 5.

(2) The persons engaged in the activity under Article 5 may conclude employment contracts only with adult and legally able persons with education not lower than secondary for the position "head of protection activities", and for guards - with adult and legally able persons with education not lower than elementary education, who:

1. are citizens of a European Union member-state or of another state - party to the European Economic Area Agreement or of the Swiss Confederation;
2. have not been convicted for a premeditated crime of a general nature;
3. are not subject to criminal proceedings for a perpetrated premeditated crime of a general nature;
4. are mentally and physically fit.

(3) When concluding the employment contract the person under paragraph 2 shall produce the following documents:

1. a document that he/she is a citizen of a European Union member-state or of another state - party to the European Economic Area Agreement or of the Swiss Confederation;
2. a document of graduated education;

3. no previous convictions certificate;

4. an official letter from the National Investigation Service that the person has not been indicted as a defendant for a premeditated crime of a general nature;

5. an official letter from the regional prosecution office (the Sofia City Prosecution Office) at the permanent residence of the person that he/she has not been indicted as a defendant for a premeditated crime of a general nature;

6. a statement of the person that he/she has not been indicted as a defendant for a premeditated crime of a general nature;

7. a medical certificate that the person is physically and mentally fit.

(4) The citizens of another European Union member-state, of another state - party to the European Economic Area Agreement or of the Swiss Confederation shall submit documents equivalent to the ones specified in paragraph 3, items 3-5 issued by the competent authorities of the respective state, accompanied with an official Bulgarian translation.

(5) The documents under paragraphs 3 and 4 should have been issued not earlier than six months before the execution of the employment contract with the exception of the documents under paragraph 3, items 1 and 2.

(6) Within 14 days after the execution of the employment contract the persons engaging in activity under Article 5 shall notify in writing thereof the competent body that has issued the licence or recorded the certificate under article 2, paragraph 2, item 2, stating the full name, Personal Identity Number (PIN) or the personal number of the person, the number of the employment contract and its term. Within the same period the competent body shall also be notified about a termination of the legal terms of employment. The notification shall be made through the director of the respective regional directorate of the Ministry of the Interior, on whose territory the persons under paragraph 1 work.

(7) The persons engaging in activity under Article 5 shall keep for a period of three years after the termination of the employment contract and, upon request, submit for inspection to the competent bodies the documents under paragraphs 3 and 6.

Article 28. (1) (Amended, SG No. 43/2011, effective 1.01.2012) The persons occupying the positions "head of protection activities" and "guard" shall undergo initial training in educational establishments entitled to train persons for the profession of "guard". The persons who have professional qualification of "guard" shall not undergo initial training.

(2) (Amended, SG No. 43/2011, effective 1.01.2012) The employees shall carry out protection activity only after successfully passing the initial training course.

(3) (Amended, SG No. 69/2008, SG No. 44/2012, effective 1.07.2012) The training under paragraph 1 shall be carried out on the basis of a syllabus which shall include a mandatory

minimum programme, drawn up by the MoI Academy and approved by the director of the National Police Directorate General.

(4) The employees shall also undergo additional training depending on the type of security work, the specifics of the guarded facility, the degree of risk, the requirements of the assignor etc.

Article 29. When performing the activity the employees shall carry a personal identification card with a photograph, an identification sign and uniform clothes.

Article 30. (1) When performing the activity under Article 5 the guards shall:

1. require the observance of the admission regime established by the assignor under the contract for entering and leaving the guarded facility and its internal order, including by giving and observing obligatory instructions on:

a) checking identification documents of outside persons and the official passes of the employees;

b) checking luggage, cargo and/or motor vehicles and their accompanying documents;

2. check signals received from facilities equipped with technical security systems and connected to centralised and local surveillance and control systems, the inspection being carried out by mobile duty teams.

(2) The citizens shall be informed obligatorily through information boards, put at a visible place, that on entering and leaving the guarded facility they shall be subject to the inspections under paragraph 1, item 1, letter "a" and "b".

(3) The check shall be carried out in a way not injuring the honour and dignity of citizens.

(4) The information boards under paragraph 2 shall inform citizens about the use of technical devices for surveillance and control of the facility, without specifying their location.

(5) The video recordings obtained shall be destroyed not later than 30 days after they have been made, of which a written record shall be made by the manager of the security business, except in the cases when they contain data on a committed violation of public order or a crime.

(6) The video recordings obtained containing data on a committed violation of public order or a crime shall be submitted to the law enforcement authorities.

Article 31. (1) When a check establishes a violation of the prescribed admission regime or of the internal order rules in the guarded facility the guards shall notify thereof their chief forthwith.

(2) (Amended, SG No. 109/2007) In the presence of data on a committed crime the prosecutor and the respective police bodies shall be informed immediately, and in the presence of data on a committed crime in guarded facilities of the Ministry of Defence and the Bulgarian

army - the Military Police.

Article 32. (1) The guards shall detain a person in the area of the guarded facility when:

1. he has committed a crime in the area of the guarded facility;

2. with his actions he poses a threat to the life and health of the persons located in the area of the guarded facility, of the personally guarded person or damages their property.

(2) When detaining a person under paragraph 1 the guards shall notify the respective police authorities forthwith and shall obey their instructions.

(3) When delivering the detained person to the respective police authorities a written record shall be drawn up containing:

1. full name of the issuer and his position;

2. date of issue of the written record;

3. detention date and place;

4. description of the circumstances in which the person was detained;

5. full name of the detained person, EGN, permanent or present address;

6. the explanations or objections of the detained person, if any;

7. full name of the witnesses, PIN, permanent or present address and their written evidence.

(4) The written record shall be signed by the issuer and shall be submitted to the police authorities.

(5) At the discretion of the police authorities or at a request of the detained person a medical examination shall be performed.

Article 33. When performing their official duties the guards may use personal protecting and defence devices.

Article 34. (1) The guards shall have the right to use physical force and auxiliary devices - handcuffs, rubber and plastic truncheons, when it is impossible to fulfil their official duties in any other way, taking into account the specific situation, the nature of the public order violation and the personality of the offender.

(2) Physical force and auxiliary devices may be used after an obligatory warning, save for the cases of sudden attack.

(3) When using physical force and auxiliary devices the guards shall be obliged to protect

the life and health of the persons against whom they are directed.

(4) The use of physical force and auxiliary devices shall be stopped immediately after the objective of the applied measure has been achieved.

(5) The use of physical force and auxiliary devices in relation to minors and pregnant women shall be prohibited.

Article 35. The guard shall prepare a written report to his chief on each case of detention, use of physical force, auxiliary devices and firearms, a copy of which shall be submitted to the respective police bodies forthwith.

Article 36. When performing security work the guards and their chiefs shall be prohibited:

1. to instigate the commission of violations of the law;
2. to intervene or to take sides in settling collective disputes in the guarded facilities;
3. to obstruct the state bodies implementing their legal functions;
4. to engage in actions restricting the rights and freedoms of citizens;

5. to submit or cede the personal identification card, the identification sign or the uniform to other persons.

Chapter Four

INTERACTION WITH THE BODIES OF THE MoI

Article 37. (1) (Amended, SG No. 82/2006, SG No. 69/2008, SG No. 44/2012, effective 1.07.2012) A Private Security Business Cooperation Advisory Council, referred to hereinafter as "the Council", shall be established at the National Police Directorate General. It shall consist of a Chairman - a Deputy Director of the National Police Directorate General and six members - three authorised representatives of associations of persons engaging in private security business, and three employees of the directorate appointed by the Director of National Police Directorate General.

(2) The Council shall:

1. consider issues related to the private security business and propose measures for their resolution;

2. outline and propose specific forms of cooperation and interaction between the police authorities and the persons engaging in private security business, and report on the results from them.

(3) The Council shall be convened at least once a quarter by its Chairman.

(4) The meetings of the Council shall be considered regular if they are attended by more than one half of the representatives of the associations and of the police bodies. The decisions shall be taken by a simple majority of the members in attendance.

(5) The Chairman shall appoint an administrative secretary who shall be in charge of organising the work of the Council.

(6) (Amended, SG No. 69/2008, SG No. 44/2012, effective 1.07.2012) The technical and secretarial servicing of the work of the Council shall be carried out by the National Police Directorate General.

Article 38. The persons engaging in private security business may create associations for protection of their professional interests which shall:

1. protect the interests of their members and assist their activity;
2. render assistance to the MoI authorities;
3. approach the control bodies regarding established violations of this act;
4. authorise their representatives to participate in the Council.

Article 39. The police officials performing the interaction under this act shall inform, where necessary, the persons engaging in private security business about the criminal situation in the region on whose territory the facility guarded by them is located.

Chapter Five

CONTROL OVER THE PRIVATE SECURITY BUSINESS

Article 40. (1) (Amended, SG No. 43/2011) An Integrated Automated Centralised Register for the licences for the activities herein shall be established and maintained at the Ministry of the Interior.

(2) (Amended, SG No. 43/2011) The Integrated Automated Centralised Register for the licences shall contain data on:

1. (amended, SG No. 43/2011) the traders or legal persons with issued licences for engaging in private protection business, the refusals to issue licences, and the withdrawn licences;
2. (amended, SG No. 43/2011) the traders under article 2, paragraph 2, item 2 whose entitlement to engage in private protection business has been certified;

3. the guarded facilities and the number of guards;

4. the devices used in carrying out the guard (vehicles, weapons, etc.)

(3) The information from the Integrated Automated Centralised Register may be used only for exercising control under this act and for crime prevention, interception and detection.

Article 41. (1) (Amended, SG No. 82/2006, amended and supplemented, SG No. 69/2008, supplemented, SG No. 35/2010, effective 11.05.2010, amended, SG No. 44/2012, effective 1.07.2012) The control over the activities herein shall be exercised by civil servants of the MoI - from the National Police Directorate General and the regional directorates of the Ministry of the Interior appointed with an order.

(2) The control bodies under paragraph 1 shall:

1. require the documents and information necessary for the control;

2. require access to the guarded facilities;

3. give obligatory prescriptions for bringing the security work in compliance with the requirements of the law;

4. control the observation of the requirements of the Weapons, Munitions, Explosive Substances and Pyrotechnical Products Act by the armed guard;

5. have the right to carry out security inspection of facilities and give prescriptions.

(3) The control bodies shall be obliged not to divulge information representing trade secret of the persons inspected by them, except in the cases stipulated herein.

Chapter Six

ADMINISTRATIVE PENAL PROVISIONS

Article 42. (1) (Amended, SG No. 43/2011) A person engaging in activity under Article 5 without a licence or without a certification under article 2, paragraph 2, item 2 shall be sanctioned:

1. natural persons - with a fine from BGN 1 000 to BGN 10 000;

2. legal persons and sole traders - by a property sanction amounting from BGN 10 000 to BGN 50 000.

(2) When the violation under paragraph 1 is committed repeatedly the following sanctions shall be imposed:

1. natural persons - a fine from BGN 10 000 to BGN 20 000;

2. legal persons and sole traders- a property sanction amounting from BGN 50 000 to BGN 100 000.

Article 43. (1) A person engaging in activity under Article 5, who concludes an employment contract with a person not meeting the requirements for employing guards pursuant to this act shall be sanctioned with a fine, with a property sanction respectively, amounting to BGN 1000 for each individual violation.

(2) A person engaging in activity under Article 5 using for security work a person with whom he has not concluded an employment contract shall be sanctioned with a fine, with a property sanction respectively, amounting to BGN 1000 for each individual violation.

Article 44. (Amended, SG No. 43/2011) A trader engaged in activities under article 5 who does not fulfil his obligations under Article 18, paragraph 2 or Article 20 shall be sanctioned with a property sanction of BGN 1000 for each individual violation.

Article 45. A person that fails to comply with another obligation ensuing from this act regarding the requirements for performing security work shall be sanctioned with a fine from BGN 200 to BGN 500 unless he is subject to a more severe sanction.

Article 46. (1) Violations shall be established by acts issued by the control bodies herein.

(2) On the grounds of the issued acts the Minister of the Interior or officials authorised by him shall issue penal ordinances.

(3) The establishing of offences, the issuing, the appeal and the execution of the penal ordinances shall be carried out under the procedure of the Administrative Violations And Sanctions Act.

SUPPLEMENTARY PROVISIONS

(Title amended, SG No. 43/2011)

§ 1. "Repeated" in the meaning herein shall be a violation committed within one year after the enactment of the penal ordinance imposing a sanction on the offender for the same type of violation.

§ 1a. (New, SG No. 43/2011) The Ministry of the Interior shall ensure the possibility to accept the documents under article 15, article 18, paragraph 2, article 20, article 24, paragraph 3 and article 27, paragraph 6 in electronic form under the terms and procedures of the Electronic Documents and Electronic Signature Act.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The permits issued before the enactment of this act shall be valid until the expiration

of their term.

§ 3. Proceedings instituted before the enactment of this act on the withdrawal of permits and on imposing administrative sanctions shall be concluded under the procedure existing so far.

§ 4. Within three months from the enactment of this act the Director of the National Police Service shall approve the syllabus under Article 28, paragraph 3.

§ 5. The following amendments shall be introduced to the Ministry of the Interior Act (Promulgated, SG 122/1997, SG 29/1998 - Decision No 3 of the Constitutional Court of 1998; amended, SG 70, 73 and 153/1998, SG 30 and 110/1999, SG 1 and 29/2000, SG 28/2001, SG 45 and 119/2002, SG 17, 26, 95, 103, 112 and 114 of 2003):

1. Article 81b shall be repealed.

2. In Article 81c:

a) paragraph 1 shall be repealed;

b) in paragraph 2 the words "having obtained a permit under paragraph 1" shall be replaced by "engaging in activity under the Private Security Business Act";

c) paragraph 3 shall be repealed.

3. In Article 284, paragraph 1 the words "81b, 81c and" shall be deleted.

§ 6. The implementation of this act shall be assigned to the Minister of the Interior.

This Act was adopted by the 39th National Assembly on February 11, 2004 and the State Seal has been affixed thereto.

(*) Act to Amend the Commercial Register Act

(SG No. 80/2006, effective 3.10.2006)

§ 1. In § 56 of the Transitional and Final Provisions the words "1 October 2006" shall be replaced by "1 July 2007"

.....

TRANSITIONAL AND FINAL PROVISIONS to the Weapons, Munitions, Explosive Substances and Pyrotechnical Products Act

(SG No. 73/2010, effective 17.09.2010)

§ 24. Elsewhere in the Private Security Business Act (Promulgated SG. 15, amended, SG No. 105/2005, 30, 34, 80 and 82/2006, 53 and 109/2007, 69/2008 and 35 and 59/2010) the words

"Explosives, Weapons and Ammunition Control Act" shall be replaced by "Weapons, Munitions, Explosive Substances and Pyrotechnical Products Act".

.....

TRANSITIONAL AND FINAL PROVISIONS to the Act Amending and Supplementing the Private Protection Business Act

(SG No. 43/2011)

§ 21. Self-protection units shall carry out their activities under the existing procedure for a period of one year after the entry into force of this Act.

.....

§ 24. Paragraph 16 shall enter into force as of 1 January 2012.

ORDINANCE № І3-2895 of 15 November 2011 ON THE PROCEDURE TO BE FOLLOWED BY MERCHANTS UNDER ART. 2 PARA. 2, ITEM 2 OF THE PRIVATE SECURITY BUSINESS ACT TO ATTEST THEY MEET THE REQUIREMENTS OF THE PRIVATE SECURITY BUSINESS ACT

Ministry of Interior and Ministry of Economy, Energy and Tourism

Promulgated OG No 99 of 16 December, 2011.

**Section I.
General Provisions**

Art. 1. This Ordinance governs the manner in which merchants registered in a European Union Member State, a State Party to the Agreement on the European Economic Area or in the Swiss Confederation who are authorised to engage in private security business activities under the laws of their country of establishment should attest that they meet the requirements of the Private Security Business Act (PSBA).

Art. 2. Merchants under Art. 1 may engage in private security business activities within the territory of the Republic of Bulgaria only after having attested that they are authorised to provide such services under the domestic law of their country of establishment and that they meet the criteria stipulated in PSBA.

**Section II.
Attestation Procedure**

Art. 3. (1) Merchants under Art. 1 shall lodge a written application for the attestation of their authorisation to provide private security services in accordance with the legislation of their country of establishment, and that they meet the requirements of PSBA, with the Director of the Security Police Chief Directorate of the Ministry of Interior (SPCD - MoI).

(2) The application under Para. 1 shall also list the mailing address of the merchant under Art. 1 within the territory of the Republic of Bulgaria.

(3) A copy of the document on the grounds of which merchants under Art. 1 engage in private security business activities on the entire territory of their country of establishment certified by the competent government authority in the country of establishment shall be attached to the application referred to in Art. 1.

(4) Documents equivalent to those stipulated in Article 15 (2) PSBA issued by the competent authority in their country of establishment shall also be attached to the application referred to in Para. 1.

(5) In addition to the documents referred to in Para. 4, natural persons registered as sole proprietors, members of the governing body of the company or legal person and general partners in a limited or general partnership shall also attach the following:

1. a criminal record certificate issued by a competent Bulgarian authority;
2. a certificate from the National Investigation Service attesting to the absence of criminal proceedings instituted for a deliberate publicly actionable criminal offence;
3. a certificate from the Regional Directorate of the Ministry of Interior according to the mailing address of the merchant under Art. 1, attesting to the absence of initiated criminal

proceedings for a deliberate publicly actionable criminal offence;

4. a declaration by the persons that they are not subject to pre-trial proceedings initiated for a deliberate publicly actionable criminal offence;

5. a medical certificate attesting that the persons do not suffer from mental illness.

(6) The documents attached as per Paras. 3 and 4 shall be accompanied by an official translation into Bulgarian.

Art. 4. The circumstances contained in the documents under Art. 3, Paras. 4 and 5, may also be verified ex officio.

Art. 5. (1) Where the documents lodged are incomplete or do not meet the requirements of Art. 3 herein and of PSBA, the merchant under Art. 1 shall be notified in writing within 14 days of receipt of such documents.

(2) The merchant under Art. 1 shall rectify any incomplete or inconsistent documents within 30 days of having received the notification referred to in Para. 1.

(3) Where the application documents have not been rectified within the time-limit referred to in Para. 2, the attestation procedure shall be suspended by order of the authority referred to in Art. 6, Para. 1.

Art. 6. (1) The Director of SPCD - Mol or officials authorised by him/her shall issue or refuse to issue a certificate to merchants under Art. 1, attesting that they meet the requirements of PSBA, within one (1) month of lodging of the application, respectively of remedying incomplete or inconsistent documents or the submission of any further documents requested.

(2) The certificate under Para. 1 shall be issued in the form approved by Order of the Minister of Interior.

Art. 7. The certificate under Art. 6, Para. 1 shall have a period of validity equal to the period of validity of the authorisation document for private security business activities issued by the competent authority in the country of establishment of merchants under Art. 1.

Art. 8. (1) In case of loss, theft, or destruction of the certificate, the merchant under Art. 1 shall notify in writing the authority under Art. 6, Para. 1, within 7 days of becoming aware of the fact, and describe the circumstances of such loss, theft, or destruction.

(2) The authority issuing the certificate shall, within 14 days of such notification, issue a duplicate document in the form approved by Order of the Minister of Interior.

Art. 9. Where there are changes in the circumstances under Art. 3, Para. 3, 4, and 5, the merchant under Art. 1 must, within 14 days of becoming aware of such change, notify in writing the authority under Art. 6, Para. 1.

Art. 10. (1) The certificate under Art. 6, Para. 1 shall not be issued and any certificate

issued shall be revoked if the following circumstances have been established:

1. the merchant referred to in Art.????? 1:

a) has outstanding financial obligations to the Republic of Bulgaria or its country of establishment, certified by a final official act of the competent authority, or has outstanding obligations to insurance funds, unless the competent authority has allowed rescheduling or deferral of such obligations;

b) has been declared bankrupt;

c) has lost its right to engage in private security business activities under the laws of its country of establishment;

d) engages in private security business activities without having attested to its authorisation as per this Ordinance;

e) provides the security guards in its employment with firearms without such security guards having been licensed to carry and use such firearms;

2. the sole proprietor, manager or member of the governing body or general partner in a limited or general partnership:

a) has been convicted of a publicly actionable criminal offence;

b) is being prosecuted for a publicly actionable criminal offence;

c) suffers from mental illness;

3. the person in charge of security services or security guards do not meet the provisions of Art. 27, Para. 2 PSBA.

(2) The certificate issued shall not be revoked if within one month the merchant under Art. 1 remedies the violation of Art. 27, Para. 2 PSBA.

(3) Where the certificate has been revoked, merchants under Art. 1 may not apply for a new certificate within one year of revocation, and where the certificate has been refused, within 6 months of such refusal.

Art. 11. The refusal to issue a certificate and its revocation may be appealed in court through the authority which issued the order within 14 days under the Administrative Procedure Code.

Art. 12. Where operations in the Republic of Bulgaria have been discontinued, the merchant under Art. 1 shall notify in writing the authority under Art. 6, Para. 1, within 7 days, and return the certificate.

Concluding Provisions

§ 1. This Ordinance is issued pursuant to Art. 2, Para. 4 of the Private Security Business Act.

§ 2. The implementation of the Ordinance shall be entrusted to the Director of the Security Police Chief Directorate - Mol.

§ 3. Control over the implementation of the Ordinance shall be exercised by the Chief Secretary of the Ministry of Interior.