First Meeting  
Geneva, 10 – 14 November 2003

Meeting of Experts  
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Items 5 and 6 of the agenda

National legislative and regulatory provisions for the implementation by the Republic of Bulgaria of the prohibitions set forth in the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC)

Prepared by the Republic of Bulgaria

1. As declared on numerous occasions in different fora, the Republic of Bulgaria has never possessed, developed, produced, stockpiled, acquired, transferred, or used biological weapons (BW). Nor has it stockpiled, produced, otherwise acquired or retained microbial or other biological agents or toxins of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes. Bulgaria has strictly abided by the prohibitions of Articles 1 and 3, as well as by the provisions of the other relevant articles of the Convention.

General Legal Framework


3. According to the Bulgarian Constitution all international legally binding instruments which are duly ratified by the Parliament, promulgated in the State Gazette and which have entered into force with respect to the Republic of Bulgaria, are part of the domestic legislation of the country. They have primacy over other acts of national law and supersede any domestic legislation which might be contradictory to their provisions. Accordingly, the BWC is part of Bulgarian domestic legislation.

4. Bulgaria is also a party to and original signatory of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925. The initial reservation to the Protocol was withdrawn on 2 October 1991.

5. Bulgaria applies strict control over the export of all dual-use items and the latest amendments of 2002 to the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies have introduced in the Bulgarian system the most advanced standards
in export controls. The list of dual-use items and technologies in the biological field follows the EU dual-use list.

6. Although the practice and the legal framework in the Republic of Bulgaria assures full compliance with the BWC, the new security challenges after September 11 have put forward new requirements for worldwide strengthening of the legislative measures in order to prevent the use by terrorists of WMD or materials for their production. Thus, in 2002 a number of amendments were introduced to the Bulgarian Penal Code. The preventive role of the criminal legislation was enhanced by the provision for prison sentences for any activity related to biological weapons.

Penal Code prohibitions; special prohibition of “use”

7. The Bulgarian criminal legislation prohibits the developing, manufacturing, processing, repairing, keeping stockpiles of, trading in, transporting or exporting, acquiring, holding, retaining or selling BW, or giving them to another person. For the violations of these prohibitions the punishment can go up to fifteen years of imprisonment.

8. A specific prohibition of the use of BW was included in the Penal Code under the chapter concerning violations of international humanitarian law. Article 415 stipulates that whoever uses or orders the use of bacteriological, biological or toxin weapons, shall be punished by deprivation of liberty for up to a life sentence without the possibility of commutation – which is the gravest sentence under Bulgarian law after the abolition of the capital punishment. Even if a person only undertakes military preparation for using bacteriological, biological or toxin weapons as a method of warfare (without actually using them), he shall be punished by deprivation of liberty for up to six years.

9. The transfer of biological agents and toxins across national borders in violation of international treaties is punishable with up to six years of imprisonment. There are prison sentences for violations of the export control regime.

10. Severe punishments (up to a life sentence without the possibility of commutation) are envisaged for dissemination of agents of epidemic disease with the intent to infect other people.

11. The texts of the amended articles and other relevant provisions from the Penal Code are appended to this document in Annex II.

Legislation and regulations concerning the security and oversight of dangerous pathogens

12. The oversight and security of dangerous pathogens and toxins is covered in Bulgaria by a number of decrees and regulations. As dangerous are considered the dual-use biological agents, whose list is part of the export control legislation. The present version of the list is being updated in order to coincide with the newest EU dual-use list of 2003.

13. There is another, much longer list of agents included in the Regulation of the Ministry of Health No. 4 of 14 October 2002 on the protection from the risks, related to the exposure to biological agents. This Regulation is a direct translation of Directive 2000/54/EC of the EU of 18 September 2000.
a. human pathogens

14. Licensing and inspections system: The Ministry of Health has adopted a system of official Standards determining the conditions and requirements for the laboratories working with any kind of pathogens. Based on these Standards, the Minister of Health issues the authorization for work in the respective field (clinical microbiology, medical parasitology, virology). There are more than 200 microbiological, virological, micological and parasitological laboratories in the public and private sectors in Bulgaria working in the diagnostic or research fields. All of them are under constant control and are monitored by the Ministry of Health. This activity is organized and performed by a special National Review Body. This body oversees potentially dangerous activities, risk factors, licensing of the laboratories, etc. and has all the information about the work carried out in them. It performs inspections and controls the compliance of the laboratories with the legal requirements – both with view to safety as to the security implications of their activities.

15. Regulation No.13 of 13 June 1994 (State Gazette No. 52/1994) concerning the rules for the work of the medical laboratories forbids the storage of or work with any pathogens which are not included in the sphere of the laboratory’s activities. The activities themselves are determined in accordance with the relevant provisions in the Law on People’s Health and approved by the Ministry of Health. Thus the licensing authority approves the activities before their implementation starts.

16. In all research, diagnostic and university laboratories a very strict control is performed on the activities or the personnel involved. There are strict rules (following national regulation and backed with orders by the Directors of the respective institutions) for the secure storage, disinfection, sterilization and transportation of the agents.

17. The work in the laboratories is controlled by the Ministry of Health. Several times a year there are inspections from the security services of each laboratory whose work is related to acute infectious diseases. In the system of the Ministry of Defense, all laboratories and structures capable of working with potentially dangerous microorganisms are inspected on a regular basis and without notice by the Ministry of Defense security services.

18. The export and import of any dangerous pathogens follow the strict provisions of the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (State Gazette No. 102/1995, as amended in No. 75/2002) and the Regulation on its implementation (State Gazette No. 115/10.12.2002). In addition to the procedures envisaged in those documents, any transfer of a biological agent should also be authorised by the National Drug Agency.

19. The requirements for the personnel of the above laboratories, the duties of their directors (including regular reporting to the control organs), the access and other issues relating to their functioning are established by the National Standards approved by the Minister of Health.

b. plant pathogens

20. In the field of plant pathogens the control and security are dealt with in the following acts: Law on Plant Protection (State Gazette No. 91/97, amended in No. 90/99), Regulation No. 1 on Phytosanitary Control of 27.05.1998 and Regulation No.1 of the Ministry of Agriculture and
Forestry of 04.01.2002 on the conditions for using parasites, plants, plant and other products for research activities and selection (State Gazette No. 8/2002). The latter provides for obligatory permissions for work with dangerous pathogens, which are issued by the Director General of the National Office for Plant Protection. Inspections are carried out by the Regional Office for Plant Protection. Every single activity requires special permission. There are special requirements for transportation.

c. animal pathogens

21. The work with animal pathogens is regulated by the following documents: Regulation on the Implementation of the Law on the Veterinary-Medical Activities (State Gazette No. 55/2000) and Regulation No. 4 for the licensing of the production of veterinary medicines and preparations (State Gazette No. 7/2003). The licenses for laboratory activity in this field are issued by the Minister of agriculture and forestry. The Director General of the National Veterinary-Medical Office issues licenses for the production of veterinary preparations and medicines. Laboratories and production facilities are inspected regularly. The concrete activity of the laboratory is part of the license. For the production facility, a list of the preparations is appended to the license. There are strict registration, control/oversight and storage requirements for working with microorganisms and toxins. Transportation and labeling follow the norms of the OIE. The security of the laboratories and services is further enhanced by orders of the Director General of the National Veterinary-Medical Office.
Annex I

Constitution of the Republic of Bulgaria

(Promulgated State Gazette No. 56/13.07.1991)

Chapter One - FUNDAMENTAL PRINCIPLES

…

Article 5

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(4) Any international instruments which have been ratified by the constitutionally established procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise.
Annex II

Relevant provisions from the Penal Code


Articles concerning the prohibitions in the BTWC or connected to biological or toxin agents:

(1) A person who manufactures, processes, repairs, develops, keeps stockpiles, trades in, transports or exports explosives, firearms, chemical, biological or nuclear weapons or ammunition, without having the right to do so by law, or without licence from the respective government body, or does so not in compliance with the licence given to him, shall be punished by deprivation of liberty from one to six years.
(2) The punishment shall be deprivation of liberty from two to eight years where the act has been committed:
   1. by an official who has availed himself of his official position;
   2. for a second time, in cases other than minor.
(3) Where the object of the crime has been of large amount, the punishment shall be deprivation of liberty from three to ten years.
(4) Where the object of the crime has been of particularly large amount and the case has been particularly grave, the punishment shall be deprivation of liberty from five to fifteen years.

(1) A person who by any means whatsoever acquires, holds or gives to another explosives, firearms, chemical, biological or nuclear weapons or ammunition, without due permit therefore, shall be punished by deprivation of liberty for up to six years.
(2) Where the explosives, firearms, chemical, biological or nuclear weapons or ammunition referred to have been in large quantities, the punishment shall be deprivation of liberty from three to eight years.
(3) A person who appropriates or gives explosives or firearms, chemical, biological or nuclear weapons to a person who has no permit for their acquisition, shall be punished by deprivation of liberty for up to six years.
(4) The punishment under the preceding paragraph shall also be imposed on persons who sell or give to other ammunition, where the latter do not have permit to carry the respective weapon.
(5) (New - SG, Nos. 62/1997, amended 92/2002) The punishment under paragraph (1) shall also be imposed on a person who retains without permission explosives, firearms, chemical, biological or nuclear weapons or ammunition that he may have found.

A person who in violation of international treaties, to which the Republic of Bulgaria is a State-Party, carries across the state border dangerous waste, toxic chemical substances, biological agents, toxins and radioactive materials, shall be punished by deprivation of liberty from one to five years and by a fine of one to three thousand Bulgarian Leva.

**Article 415**
(1) (Additional – SG No. 62/1997, amended SG No. 92/2002) A person who in violation of the provisions of international humanitarian law and the rules of warfare uses or orders the use of
nuclear, chemical, bacteriological, biological or toxin weapons or other prohibited means of warfare, shall be punished by deprivation of liberty from three to ten years.

(2) (Additional – SG No. 153/1998) If from the above especially grave consequences have followed, the punishment shall be deprivation of liberty from ten to twenty years, or a life sentence without the possibility of commutation.

**Article 415a** (New – SG No. 92/2002)
A person who undertakes military preparation for using nuclear, chemical, bacteriological, biological or toxin weapons as a method of warfare, shall be punished by deprivation of liberty from one to six years.

**Article 349**
(1) A person who deliberately introduces or admixes a dangerous to the life or health item in a well, spring, water-main, or other appliance designed for common use, wherefrom or whereby drinking water is drawn, shall be punished by deprivation of liberty from two to eight years.

(2) (Additional – SG No. 50/1995, amended in SG No. 153/1998) If from the above a severe bodily injury has been caused, the punishment shall be deprivation of liberty from three to ten years, and if death has been caused, the punishment shall be deprivation of liberty from ten to twenty years, a life sentence, or a life sentence without the possibility of commutation.

(3) (Amended SG No. 41/1985) Taking into account the differences between the above paragraphs, the punishment shall be imposed on any person who disseminates agents of epidemic disease with the intent to infect other people.

**Article 354**
(1) (As amended - SG, Nos. 95/1975, 28/1982, 10/1993) A person who, without due permission, acquires, holds or gives to another a substance with strong effect or a toxic substance, different from narcotic substances placed under a permission regime, shall be punished by deprivation of liberty for up to two years, or by a fine of one to three hundred Bulgarian Leva.

(2) (As amended - SG, No. 10/1993) If the crime under paragraph (1) is performed systematically, the punishment shall be deprivation of liberty for up to three years and a fine of one to three hundred Bulgarian Leva.
Annex III

Recent amendments of 2002 to the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies


Together with the adoption of an entirely new Regulation on its implementation (SG No 115/10.12.2002) the amendments to the above Law have reinforced the export control regime in the Republic of Bulgaria and included for the first time the obligation for licensing of brokers, as well as keeping a register on licensed brokers which is to be revised periodically. The latest improvements to the law reflect the most advanced standards in export controls. The Bulgarian list of arms and dual-use goods and technologies (including the biological agents) has incorporated the relevant EU lists. The Law contains a provision for the CATCH-ALL clause.

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