

## V. LEGAL FRAMEWORK AND INSTITUTIONS

### 1. LEGAL FRAMEWORK

#### Definitions

Bulgarian legislation does not use the term “radicalisation” and therefore there it is not legally defined.<sup>684</sup> Similarly, there is no legal definition of the term “extremism,” although the latter can be found in some laws like the *Law on the State Agency for National Security* and the *Law on the Ministry of the Interior*.

The *Criminal Code* (CC) defines the crime of terrorism. According to this definition, terrorism is the act of committing a specific crime in order to create confusion and fear in the population, or to threaten or force a public authority, a public figure or a representative of a foreign state or international organisation to do or omit something within the scope of their functions (CC Art. 108a, Par. (1)). The crimes which, if committed with that purpose, can be regarded as terrorism are exhaustively enumerated in the law.<sup>685</sup> No crime outside this list, even when committed with a terrorist purpose, can be prosecuted as terrorism.

The terms “political violence” and “religious violence” are not defined in the legislation. However, both political and religious violence are incriminated in the *Criminal Code*, which describes them as the acts of using violence against other persons or damaging their property because of their race, nationality, ethnic belonging, religion or political beliefs (CC Art. 162, Par. (2)).

#### Offences related to radicalisation

Although the *Criminal Code* does not use the term radicalisation, there are a number of provisions that can be used for prosecuting such behaviour.

Some particularly extreme manifestations of radicalisation can be prosecuted as treason, subversion or sabotage. According to the law, treason is the act of

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<sup>684</sup> In September 2015, the parliament discussed a set of amendments to the *Criminal Code*, among which a proposal for lifting the statute of limitations on crimes motivated by or committed on the basis of a radical religion. The proposed legal definition accompanying this provision defined radical religion as any “religion which is used for achieving political goals through terrorism.” When the parliament voted on the amendments these provisions were not adopted.

<sup>685</sup> These crimes include: homicide, heavy body injury, abduction, coercion, hostage taking, destroying or damaging property, sending false or misleading signs for help or accident, explosion, flooding, crimes related to weapons and ammunition, crimes against vehicles or transport and communications infrastructure, cybercrime, poisoning of water, food or drinks, environmental contamination, crimes related to poisonous substances and crimes related to nuclear energy.

committing a specific crime<sup>686</sup> with the purpose of bringing down, undermining or weakening the government (CC Art. 95-97a). Subversion is the act of destroying or damaging public property in order to weaken or obstruct the government (CC Art. 106). Sabotage is the act of disrupting or undermining economic sectors or enterprises with the purpose of weakening or obstructing the government (CC Art. 107).

Certain acts of radicalisation can be prosecuted as terrorism if they fall within the scope of the legal definition of terrorism (CC Art. 108a).

The *Criminal Code* also incriminates the act of preaching fascist or other antidemocratic ideology or forcible change of the public order established by the *Constitution* (CC Art. 108, Par. (1)). However, there is no legal definition of the term “anti-democratic ideology” and it is not clear what ideologies would fall within the scope of this criminal offence.

All of the crimes described above are classified as “crimes against the republic” and the law envisages very heavy sanctions for most of them, including long-term or life imprisonment and, in particularly grave cases, life imprisonment without parole. The only exception is the preaching of fascist or other anti-democratic ideology, which is punishable by imprisonment of up to three years combined with a fine.

Other offences that can be used for prosecuting acts of radicalisation are the crimes against equality of citizens and the crimes against religious denominations. The crimes against equality of citizens include the incitement to racial or ethnic discrimination, violence or hate (CC Art. 162, Par. (1)), violence based on race, ethnicity, religion or political beliefs (CC Art. 162, Par. (2)), leadership or participation in an organised group established to commit such crimes (CC Art. 162, Par. (3)), and participation in a crowd gathered to commit racist or ethnic violence (CC Art. 163, Par. (1), (2) and (3)). The crimes against religious denominations include the acts of preaching or inciting to religious hatred, violence or discrimination (CC Art. 164, Par. (1)), desecration of religious temples (CC Art. 164, Par. (2)), violent obstruction of practicing one’s religion (CC Art. 165, Par. (1)), forcing others to practice a certain religion (CC Art. 165, Par. (2)) and the establishment of political organisation on religious basis (CC Art. 166). The sanctions for the crimes against equality and against religious denominations are lighter compared to the ones for the crimes against the republic and do not exceed six years of imprisonment, usually combined with a fine. For some minor cases the offender can be sentenced to probation instead of imprisonment.

In line with Bulgaria’s obligations under international law, the *Criminal Code* also provides for heavier sanctions for some violent crimes (homicide and heavy body injury) when they have been motivated by racist or xenophobic attitudes (CC Art. 116, Par. 1, Item 11 and Art. 131, Par. 1, Item 12).

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<sup>686</sup> The crimes include: participation in an attempted coup, rebellion or uprising; homicide or heavy body injury of government official or public activist; explosion, arson, flooding or another similar act resulting in casualties; poisoning of water, food or drinks; hostage taking.

Criminal law provisions related to radicalisation also include those dealing with the crimes against peace and humanity such as genocide (CC Art. 416), apartheid (CC Art. 417), holocaust denial (CC Art. 419a), etc.

### **Liability of legal entities**

Legal entities can be sanctioned when they have enriched themselves from a crime committed by their managers or legal representatives and, in some cases, by their employees. The liability applies also to legal entities that are not based in Bulgaria, if the crime has been committed on the territory of the country.

Liability of legal entities applies to a limited number of crimes. Of the crimes related to radicalisation described above liability of legal entities is envisaged for: terrorism (including preparation for terrorism); incitement to racial or ethnic discrimination, violence or hatred; preaching or inciting to religious hatred, violence or discrimination; violence based on race, ethnicity, religion or political beliefs; and holocaust denial (Art 83a, Par. (1) of the *Law on Administrative Violations and Sanctions*). The envisaged sanctions are fines up to 1 million levs.<sup>687</sup> They are imposed independently of the sanctions on the individuals who have committed the crime (Art 83a, Par. (1) and (3) of the *Law on Administrative Violations and Sanctions*).

### **Freedom of religion**

The *Law on Religious Denominations* (LRD) includes a set of provisions aimed at prevent and counter religious radicalisation. It forbids the use of religion against national security, public order, public health, morality or the rights and freedoms of other persons (LRD Art. 7, Par. (1)) and reaffirms the constitutional principle that religious communities or institutions cannot be used for political purposes (Art. 13, Par. (4) of the *Constitution* and LRD Art. 7, Par. (2)).

If these rules are violated, the law lays down a set of countermeasures including: a ban on dissemination of printed works; a ban on publishing; limitation of public activities; cancelation of the registration of educational, health or social institutions; suspension of activities for up to six months; and revocation of the religious denomination's official registration (LRD Art. 8, Par. (1)). The public prosecutor and any other concerned person are authorised to request the imposition of such measures. The institution responsible for the imposition of the measures is the court (LRD Art. 8, Par. (2)).

### **Political parties**

The *Constitution* forbids the establishment of political parties on ethnic, racial or religious basis as well as political parties that aim to forcibly seize the power of government (Art. 11, Par. (4) of the *Constitution*).

Additional provisions aimed to prevent radicalisation, particularly religious radicalisation, of or through political parties are laid down in the *Law on Political*

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<sup>687</sup> Approximately €500,000.

*Parties* (LPP). Political parties are not allowed to use as their symbols the national coat of arms or the national flag of any country including Bulgaria and any religious signs or images (LPP Art. 5, Par. (1)). Political parties are also not allowed to receive funding from religious institutions (LPP Art. 24, Par. (1)).

As a measure to prevent the establishment of political parties in violation of the legal rules the law lays down a special registration procedure. Political parties are registered by the court, which holds an open court hearing with the participation of the applicant and a public prosecutor (LPP Art. 5, Par. (1)). The public prosecutor is authorised to appeal against the court decision in case he/she believes that registration must have been rejected (LPP Art. 18, Par. (1)). The public prosecutor can also request the dissolution of any registered political party, which violates the constitutional or legal provisions (LPP Art. 40, Par. (1)). The institution authorised to order the dissolution is the court (LPP Art. 40, Par. (2)).

### **Football hooliganism**

Bulgaria has a separate law, the *Law on the Protection of Public Order during Sport Events* (LPPOSE), which deals with the acts of hooliganism during sports events.

The law defines sports hooliganism as any indecent act violating the public order which does not constitute a crime and which has been committed intentionally in the sports facility or its surrounding area during or immediately after a sports event, or on the way to or back from the sports facility in relation to a sports event (LPPOSE Art. 21). Sports hooliganism includes but is not limited to: cursing or using other inappropriate language and gestures that are particularly vulgar; causing or participating in a fight; sports ground invasion; destruction or damage of property; use of prohibited items; and refusal to comply with instructions given by the official responsible for the sports event or by the police (LPPOSE Art. 21).

The sanctions provided for in the law are detention, fine and community service (LPPOSE Art. 22, Par. (1)).

Sanctions can be imposed on persons who have reached 16 years of age and who can understand the nature of their actions (LPPOSE Art. 23, Par. (1)). Persons below the age of 16 are excluded from the scope of the law but can be sanctioned according to the *Law on Combating Juvenile Delinquency* (LPPOSE Art. 23, Par. (2)). For violations committed by persons placed under guardianship sanctions can be imposed on their parents or guardians (LPPOSE Art. 23, Par. (3)).

Sanctions are imposed according to the following criteria:

- For hooliganism involving destruction or damage of property or participation in a fight, the sanction is detention of 10 up to 20 days or a fine of 500 to 1,000 levs. The sanction is combined with a ban on attending sport events in Bulgaria and abroad for one up to two years (LPPOSE Art. 25, Par. (2));

- For repeated hooliganism<sup>688</sup>, the sanction is detention of 15 up to 25 days or a fine of 1,000 up to 2,000 levs. The sanction is combined with a ban on attending sports events in Bulgaria and abroad for two up to three years (LPPOSE Art. 25, Par. (3));
- For hooliganism committed by a juvenile between 16 and 18 years of age, the sanction is detention of up to 10 days. The sanction can be combined with a ban on attending sports events in Bulgaria and abroad for two up to three years (LPPOSE Art. 25, Par. (4));
- For hooliganism committed by a person placed under guardianship, the sanction imposed on their parents or guardians is community service for 40 up to 160 hours or a fine of 50 up to 1,000 levs (LPPOSE Art. 25, Par. (5));
- For any other act of hooliganism, the sanction is detention of 10 up to 15 days or a fine of 200 up to 500 levs. The sanction can be combined with a ban on attending sport events in Bulgaria and abroad for one up to two years (LPPOSE Art. 25, Par. (1)).

In addition to the sanction, the objects used for committing the violation as well as any other objects the possession of which is forbidden are confiscated (LPPOSE Art. 24).

After establishing an act of sport hooliganism the police collect evidence and present the case to the court (LPPOSE Art. 26-30). The court holds an open hearing with the participation of the perpetrator, who can be assisted by a lawyer (LPPOSE Art. 32, Par. (1), (2) and (3)). If the perpetrator is a juvenile, his/her parents are also summoned for the hearing (LPPOSE Art. 32, Par. (4)). The decision of the court cannot be appealed (LPPOSE Art. 34, Par. (1)).

The law also envisages sanctions for violations, which are not defined acts of hooliganism. Thus, a fine of 500 up to 1,000 levs is envisaged for failure to respect an imposed ban on attending sports events (LPPOSE Art. 50) while for obstructing the control exercised during sport events, for violating the rules for attending sport events and for not complying with the instructions of the competent authorities there is a fine of 100 up to 300 levs for the first violation and a fine of 200 up to 600 levs for repeated violations (LPPOSE Art. 49, Par. (1) and (2)).

The law does not provide for the sanctioning of sport clubs for acts of hooliganism committed by their supporters. Sport clubs can be sanctioned only for not complying with their obligations as organisers of sport events and for not appointing security coordinators as prescribed by the law (LPPOSE Art. 45-48).

Football clubs can be sanctioned for the behaviour of their supporters according to the *Disciplinary Regulation* of the Bulgarian Football Union. The regulation lists the types of violations and determines the applicable sanction for each of them (Art. 37 of the *Disciplinary Regulation*). Violations include invasion of supporters on the field, throwing of objects, violence against players, referees

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<sup>688</sup> A repeated case of hooliganism means any act of hooliganism committed within one year after a previous sanction for hooliganism (§ 1, Item 3 of the additional provisions to LPPOSE).

or club officials, damaging of property, illegal use of pyrotechnics, etc. The regulation specifies the amount of the fine to be imposed for each type of violation and the number of matches, if any, which must be played either behind closed doors or in another city. Fines range between 1,000 and 40,000 leva depending on the type of violation. In some particularly serious cases the regulation also allows for the exclusion of football clubs from the league they are playing in.

The regulation defines as a separate violation any act that offends the dignity of a person or group of persons through contemptuous, discriminatory or derogatory words or actions related to race, gender, colour, language, religion or origin (Art. 37, Par. (2) of the *Disciplinary Regulation*). The sanctions for such behaviour are particularly heavy:

- If the violation has been committed by a supporter, the club is sanctioned by a fine of 25,000 leva;
- If the perpetrator is an official of the club, the club is sanctioned by a fine of 37,500 leva and obliged to play in another city, and the official is disqualified for a minimum of five matches;
- If several officials and/or players of the same football club have been involved in the violation or there are other aggravating circumstances, the sanction is deduction of points (three points for the first violation and six points for the second violation) or disqualification from the competition (if no points are awarded for the match). A third consecutive violation may lead to exclusion of the club from the league it plays in.
- If supporters of the football club have committed the violation during a match, the sanction for the club is a fine of at least 37,500 leva.
- For serious violations the club can receive additional sanctions, including playing in another city, forfeiture, deduction of points or disqualification from the competition;
- The supporters who have committed the violation are deprived from accessing the stadium for at least two years.

Sanctions are imposed by the Disciplinary Committee of the Bulgarian Football Union and can be appealed before the Appellate Committee. Fines of less than 5,000 leva cannot be appealed (Art. 53, Par. (1) of the *Disciplinary Regulation*).

## 2. INSTITUTIONAL FRAMEWORK

In accordance with the broader scope of the present study, the review of the institutional framework for countering, monitoring and preventing (violent) radicalisation and related trends in Bulgaria covers a wide range of authorities, both in the administrative and in the judicial sector. This section provides an overview of the relevant bodies and the powers given by law for tackling all hypotheses of radicalisation covered by this study, namely right and left wing radicalisation, Islamist radicalisation and sports hooliganism.

## Law enforcement

Police has various functions regarding the prevention and investigation of radicalisation, as well as specialised powers regarding sports hooliganism.

Investigation of radicalisation-related criminal offences falls within the mandate of specially appointed police officers (Art. 52, *Criminal Procedure Code*, hereinafter CPC<sup>689</sup>).<sup>690</sup> Further, police deals with threats to national security and public order within the framework of its operational work (Art. 8 and following, *Law on the Ministry of Interior*, hereinafter LMI<sup>691</sup>), which aims at discovering and preventing crimes and other violations of national security and public order, establishing the identity of and tracking related persons and objects. For this, the law prescribes various methods, including undercover operations, controlled deliveries, control over communications, voluntary collaborators, etc.

The Directorate General for Combatting Organised Crime is tasked with dealing with organised criminal activity of domestic and transnational criminal structures related to terrorism, incitement of terror, kidnapping and taking of hostages (LMI Art. 39, Par. (2)). The repression of terrorist activity is within the powers of the Counter-Terrorism Special Unit (LMI Art. 44). The monitoring of internet sites and countering content related to racism, xenophobia and hate speech and related cybercrimes is within the portfolio of a specialised cybercrime unit within the Directorate General for Combatting Organised Crime. One of its main lines of work is related to countering dissemination of terrorist, Islamist, extremist and xenophobic propaganda via the internet.

Police has substantial powers in managing migration flows through the MoI's Directorate General of Border Police (LMI Art. 39, Par. (3)) and Migration Directorate (LMI Art. 43a).

Regarding sports hooliganism, LPPOSE assigns the Ministry of Interior the main structural tasks in countering this phenomenon.

A specialised Sector "Hooliganism, extremism and sports events" was established at the Criminal Police Department of the Directorate General of National Police, Ministry of Interior, which however was dismantled in 2013 and is expected to be reorganised and re-established. The regional police directorates also have specialised groups for countering football hooliganism under the criminal police units. At the Sofia Police Directorate such a specialised unit for football hooliganism was established in 2008 due to the growing trends of linkages between football hooligans and right-wing extremist groups and organisations.

<sup>689</sup> National Assembly of the Republic of Bulgaria (2006): *Наказателно-процесуален кодекс* [Criminal Procedure Code] (State Gazette 86/28.10.2005), Sofia: National Assembly of the Republic of Bulgaria.

<sup>690</sup> Investigation of crimes considered especially serious, including crimes against the state is also performed by investigative magistrates.

<sup>691</sup> National Assembly of the Republic of Bulgaria (2014): *Закон за Министерството на вътрешните работи* [Law on the Ministry of Interior] (State Gazette 53/27.06.2014), Sofia: National Assembly of the Republic of Bulgaria.

The MoI has a National Information Centre for sports events, which assists organisers of sports events, drafts and provides information, analytical and forecast reports to interested parties, and co-operates with foreign and international authorities (LPPOSE Art. 3-4). The Centre co-ordinates international police co-operation in relation to international sports events and delivers information on persons who pose a threat to public order during sports events and on the logistics of fan groups travelling abroad (LPPOSE Art. 5). Until 2013, this Centre was located at aforementioned Sector “Hooliganism, extremism and sports events” within the Directorate General of National Police, but as of the end of 2015 this unit is undergoing restructuring and the tasks of the information centre are performed by individual officers scattered across different departments of the national police (see the section on football hooliganism).

The MoI should also create and maintain a Unified Automated Register, where data on physical and legal persons sanctioned under the Law, persons under prosecution or having been sentenced for intentional crimes committed during sports events, as well as data on anti-social acts committed during sports events abroad is kept (LPPOSE Art. 6). According to MoI experts such a register is not functioning yet, although plans for its establishment were announced back in 2004.

Police is also involved in the establishment and penalisation of anti-social acts, related to sports events. Police authorities issue decrees for establishing anti-social acts under the legislation on administrative violations (LPPOSE Art. 26, Par. (1)) and enter them into a special register they keep (LPPOSE Art. 28). In case of an anti-social act committed abroad, the respective decree is issued by police officers from the National Information Centre. (LPPOSE Art. 31a, Par. (1)). One of the penalties that can be imposed is detention in a territorial unit of the Ministry of Interior (LPPOSE Art. 22, Par. (1), item 1).

### **Prosecution of radicalisation-related offences**

Courts and prosecutor’s offices in Bulgaria are part of the judiciary and are involved in criminal proceedings against radicalisation- and terrorism-related offences, regulated in the CPC, as well as in using special investigative means in accordance with the CPC and the *Law on Special Investigative Means* (LSIM). The use of special investigative means has a particular significance for criminal proceedings, since radicalisation-related crimes are most often part of those for which such means are permitted as part of the criminal process.

Most crimes related to radicalisation because of their seriousness are under the jurisdiction of district courts and their respective Prosecutor’s Offices. Organised crime cases are tackled by the Specialised Criminal Court and the Appellate Specialised Criminal Court, and their respective Prosecutor’s Offices recently created for those specific types of cases.

### **National security and intelligence bodies**

Countering radicalisation and related trends is a significant part of the activity of specialised state services – the State Agency for National Security (SANS), as



regulated in the *Law on the State Agency for National Security (LSANS)*,<sup>692</sup> the National Intelligence Service, the National Protection Service, which is responsible for the protection of the persons and facilities determined by law,<sup>693</sup> and the Defence Information Service.

SANS has so far been the main agency gathering intelligence, monitoring and investigating radicalisation-related processes and trends in Bulgaria, in cooperation with the police and the prosecution. It is a specialised body with the Council of Ministers tasked to protect national security from violations related to, *inter alia*, intelligence for the benefit of foreign powers, dangers to the country's sovereignty, territorial integrity and unity of the nation, anti-constitutional activity, international terrorism and extremism, as well as their financing, activities of persons and groups, supporting foreign services, terrorist or extremist organisations. It has a specialised International Terrorism, Extremism and Migration Directorate tasked with monitoring, analysis and investigation of radicalisation-related phenomena. Within this Directorate, there are specialised units dealing with religiously-inspired extremism, right and left-wing extremism, ethnic/nationalist extremism and related phenomena. The analyses and situational risk assessments conducted by the Directorate are not public.

In addition, on its own or with other authorities SANS performs counter-intelligence to monitor, uncover, counter and prevent planned or actual violations of national security (LSANS Art. 4). As with the police, countering crimes and other violations related to national security is part of the Agency's functions (LSANS Art. 18 and following). Methods include vetting persons who pose a threat to national security, marking objects and facilities, monitoring, control over correspondence and telephone calls, undercover operations, operational experiments, control over the radio frequencies, etc. (LSANS Art. 20). The Agency may also use voluntary collaborators (LSANS Art. 23).

SANS has a special unit called the National Counter-terrorism Centre (NCTC), created by a decree of the Council of Ministers in 2014<sup>694</sup> and re-regulated by a new decree in 2015.<sup>695</sup> The NCTC is a unified national platform for collection and processing of information in view of identifying persons and organisations, related to terrorism, which provides 24-hour access for all security and public order structures to information needed to prevent and curb terrorist threats. The Centre uses the expertise of SANS officers, as well as seconded experts from the Ministry

<sup>692</sup> National Assembly of the Republic of Bulgaria (2007): Закон за Държавна агенция „Национална сигурност“ [Law on the State Agency for National Security] (State Gazette 109/20.12.2007), Sofia: National Assembly of the Republic of Bulgaria.

<sup>693</sup> National Assembly of the Republic of Bulgaria (2015): Закон за Националната служба за охрана [Law on the National Protection Service] (State Gazette 61/11.08.2015), Sofia: National Assembly of the Republic of Bulgaria

<sup>694</sup> Council of Ministers of the Republic of Bulgaria (2014): Постановление № 191 на МС от 10.07.2014 г. за създаване на Национален контртерористичен център [Decree No 191 of the Council of Ministers of 10 July 2014 for creating National Counterterrorism Centre] (State Gazette 59/18.07.2014), Sofia: Council of Ministers of the Republic of Bulgaria.

<sup>695</sup> Council of Ministers of the Republic of Bulgaria (2015) *Постановление № 198 от 27 юли 2015 г. за създаване на Национален контртерористичен център* [Decree No 198 of the Council of Ministers of 27 July 2015 for creating National Counterterrorism Centre] (State Gazette 58/31.07.2015), Sofia: Council of Ministers of the Republic of Bulgaria.

of Interior, the Ministry of Defence and the National Intelligence service (Art. 3, NCTC Decree). The NCTC, *inter alia*, prepares situational reports, periodic bulletins and prognoses on the security environment, determines the level of terrorism threat and sends reports on terrorism threats to the President, the Chair of Parliament and the Prime Minister. In order to identify potential terrorists, the Centre, *inter alia*, was initially supposed to process PNR (Passenger Names Records) and API (Advanced Passenger Information) data. However, the 2015 decree contains no regulation on PNR processing, which is supposed to be regulated by LSANS amendments in process of preparation. In the July 2015 decree the mandate and organisation of NCTC were optimised and further specified, as well as the exchange of information procedures with other institutions. The changes include an extended mandate as regards the scope of the information gathered and processed by the NCTC, namely not only related to terrorism-related trends, but also to preceding processes and phenomena such as violent extremism and radicalisation that might lead to terrorism. Information coordination and exchange between NCTC and other security structures and ministries was further strengthened.

SANS exercises control over the stay of foreigners in Bulgaria by giving opinions on providing international protection, on giving stay permits and visas and obtaining and losing Bulgarian citizenship (LSANS Art. 41).

Some specialised directorates, as well as territorial directorates and units of the SANS may request from the court the use of special investigative means (LSIM Art. 13). SANS also applies such means itself (LSIM Art. 16).

The National Intelligence Service was created by a special decree in 1990 and was for a long time regulated in the *Law on Defence and Armed Forces* (LDAF),<sup>696</sup> until a special law was adopted in October 2015 – the *Law on the State Intelligence Agency* (LSIA).<sup>697</sup> Previously under the President, the service is now directly subordinate to the Council of Ministers. The Service's functions are related to gathering intelligence and it is not to be tasked with domestic politics (LSIA Art. 3-5). The Agency is responsible for protecting national security and for informational and analytical work for preventing, detecting and countering threats to national security, foreign policy, economy and constitutionally established order (LSIA Art. 7). The Agency uses special intelligence means within and outside the country and various undercover operations (LSIA Art. 10). The new formal structure and functions of the Agency are yet to be established, but the *Strategy for National Security of the Republic of Bulgaria of 2011*<sup>698</sup> looks at an 'intelligence community', consisting of state bodies, performing information and analytical activity to assess the risks and threats for national security and their sources and planning and executing counteraction (Par. 165).

<sup>696</sup> National Assembly of the Republic of Bulgaria (2009): *Закон за отбраната и въоръжените сили* [Law on Defence and Armed Forces] (State Gazette 35/12.05.2009), Sofia: National Assembly of the Republic of Bulgaria.

<sup>697</sup> National Assembly of the Republic of Bulgaria (2015): *Закон за Държавна агенция „Разузнаване“* [Law on the State Intelligence Agency] (State Gazette 79/13.10.2015), Sofia: National Assembly of the Republic of Bulgaria.

<sup>698</sup> National Assembly of the Republic of Bulgaria (2011): *Стратегия за национална сигурност на Република България* [Strategy for National Security of the Republic of Bulgaria] (State Gazette 19/08.03.2011), Sofia: National Assembly of the Republic of Bulgaria.

The Defence Information Service, performing military intelligence, is regulated in the LDAF as a structure directly subordinate to the Minister of Defence (LDAF Art. 78). It is tasked with gathering, processing, analysing, keeping and providing information in the interest of national security and the state's defence (LDAF Art. 101). A new *Law on Military Intelligence* was adopted by parliament in October 2015, but was vetoed by the President.

### Strategic aspects

Radicalisation-related threats are among the core activities of strategic bodies in the area of national security.

The National Security Consultative Council (NSCC) is regulated in its special, although short, law.<sup>699</sup> The NSCC is headed by the President of the Republic and includes the Chair of the National Assembly, the Prime Minister, the Minister of Defence, the Minister of Interior, the Minister of Foreign Affairs and the Minister of Finance, the Chair of SANS, the chair of the State Intelligence Agency, the Chief of Defence, the secretary of the Security Council and one representative of each parliamentary group (LNSCC Art. 2).

The Council deliberates on the internal and foreign policy of the country, related to national security, the guaranteeing of peace, public order, the rights and interests of Bulgarian citizens, as well as curbing and preventing dangers for national security (LNSCC Art. 3). It can draft opinions and proposals (LNSCC Art. 4) and sits regularly at least once every three months or extraordinarily, if need be (LNSCC Art. 5).

The Security Council with the Council of Ministers (SCCM), working for a long time only under a special Regulation,<sup>700</sup> is now part of a law of larger, conceptual scope – the *Law on the Management and Functioning of the National Security Protection System* (LMFNPS).<sup>701</sup> It defines (LMFNPS Art. 2) national security as “dynamic position of society and state, where the territorial integrity, sovereignty and constitutionally established order of the country are protected, the democratic functioning of institutions and citizens’ fundamental rights and freedoms are protected, as a result of which the nation keeps and enhances its well-being and is developing, and the country successfully defends its national interests and realizes its national priorities.” It also outlines the system of protection of national security (LMFNPS Art. 3, par. 1) as consisting of state bodies and structures, performing diplomatic, defence, intelligence, counter-intelligence, operations and

<sup>699</sup> National Assembly of the Republic of Bulgaria (1994): Закон за Консултативен съвет за национална сигурност [Law on the National Security Consultative Council, hereinafter LNSCC] (State Gazette 13/11.02.1994), Sofia: National Assembly of the Republic of Bulgaria.

<sup>700</sup> Council of Ministers of the Republic of Bulgaria (1998): Правилник за функциите, задачите и организацията на работа на Съвета по сигурността при Министерския съвет [Regulation on the Functions, Tasks and Organisation of Work of the Security Council with the Council of Ministers] (State Gazette 116/07.10.1998), Sofia: Council of Ministers of the Republic of Bulgaria.

<sup>701</sup> National Assembly of the Republic of Bulgaria (2015): Закон за управление и функциониране на системата за защита на националната сигурност [Law on the Management and Functioning of the National Security Protection System] (State Gazette 61/11.08.2015, in force as of 1.11.2015), Sofia: National Assembly of the Republic of Bulgaria.

surveillance, law enforcement and protection activities and which are represented in the Security Council with the Council of Ministers. It defines the main tasks of national security protection as (LMFNPS Art. 3, par. 2):

- analysis of specifics and dependencies in the security environment and early warning for risks; not allowing, reduction and prevention of risks; countering of threats and violations;
- management and overcoming crises;
- establishment, marking and protection of critical infrastructure.

The Law also proclaims the main principles of managing and functioning of the national security protection system (LMFNPS Art. 4), among which are:

- abiding by the *Constitution*, laws and relevant international treaties;
- political neutrality;
- respect for and guaranteeing of fundamental rights and freedoms;
- objectivity and impartiality;
- co-operation with citizens and their organisations;
- openness and transparency of policies;
- centralised management and control of intelligence.

The Law outlines the functions of the National Assembly, President and Council of Ministers in the area (Art. 5 and following) and re-regulates the Security Council with the Council of Ministers (Art. 8 and following) as a consultative and co-ordinating body, chaired by the Prime Minister and including the ministers of the interior, defence, foreign affairs, finance, the Chief of Defence, the Secretary General of the MoI, the chairs of SANS and the National Intelligence Agency, the Director of the Military Information Service, the Head of the National Protection Service, the Secretary of the Security Council and two representatives of the President. The Security Council analyses the state of the national security system, gives assessments and proposes decisions and action on the system's ability to counter threats, the compatibility and integration of state bodies among themselves and with their EU and NATO counterparts, the protection of information security. It also co-ordinates the implementation of national security policies. The previously known concept of 'intelligence community' is now regulated (LMFNPS Art. 15) as a group with the Security Council, consisting of the secretary of the Security Council, the MoI Secretary General and the heads of SANS, the National Intelligence Agency and the Military Information Service. The Law also has a special section on the system of crisis management (Art. 17 and following). It also regulates the parliamentary, administrative, judicial and civic oversight over the national security system (Art. 21 and following).