

Rehabilitation and mutual recognition – practice concerning EU law on transfer of persons sentenced or awaiting trial

May 2015

Country: Bulgaria

FRANET Contractor: Project One (Center for the Study of Democracy)

Author(s) name: Dimitar Markov

Reviewed by (on contractor's side): Dr Maria Yordanova

DISCLAIMER: This document was commissioned under contract as background material for comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project 'Rehabilitation and mutual recognition- practice concerning EU law on transfer of persons sentenced or awaiting trial'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

Section A: General information on existing situation: probation measures, alternative sanctions and supervision measures as an alternative to pre-trial detention	3
Q1. Please outline the specific probation measures or alternative sanctions that are available at the post-trial stage in the Member State on which you are reporting	3
Q2. Please outline the specific supervision measures as alternatives to pre-trial detention that are available in the Member State	4
Q3. Are there any specific legislative or policy developments regarding alternatives to prison (at the pre- and post-trial stage) of particular suspects/sentenced persons (such as children, persons with disabilities, persons in need of special treatment or mothers with young children)?	4
Section B: Transfer of suspects/sentenced persons	5
Q1. Availability of information	5
Q2. Informed consent of the suspect/sentenced person	8
Q3. Decision on transfer	22
Q4. Victims	38

Section A: General information on existing situation: probation measures, alternative sanctions and supervision measures as an alternative to pre-trial detention

Please add the information required to answer the questions. Provide supporting or explanatory information – highlighting laws, policies and measures which justify the answer.

Q1. Please outline the specific probation measures or alternative sanctions that are available at the post-trial stage in the Member State on which you are reporting:

If the accused is found guilty, he/she can be sentenced to imprisonment or an alternative sanction. Alternative sanctions are probation and fine. Probation consists of a set of measures. It includes, as a minimum, mandatory registration on a specific address and regular meetings with a probation officer. The court can also add restrictions of free movement, inclusion in professional qualifications courses or in other correctional measures, correctional labour and community service.¹

A specific form of alternative to imprisonment is the suspended sentence. When the accused is sentenced to imprisonment, the court may, in some cases, suspend the sentence for a certain period of time.² During this time the offender must refrain from committing another crime. For the period of suspension, the court may place the offender under probation measures. Probation measures are the same as the ones included in the penalty of probation with the exception of correctional labour and community service.³

¹ Bulgaria, Criminal Code (*Наказателен кодекс*), 2 April 1968, Art. 42a, Par. (1), available at: <http://lex.bg/laws/ldoc/1589654529>.

² Bulgaria, Criminal Code (*Наказателен кодекс*), 2 April 1968, Art. 66, available at: <http://lex.bg/laws/ldoc/1589654529>.

³ Bulgaria, Criminal Code (*Наказателен кодекс*), 2 April 1968, Art. 67, Par. (3), available at: <http://lex.bg/laws/ldoc/1589654529>.

Q2. Please outline the specific supervision measures as alternatives to pre-trial detention that are available in the Member State:

The law envisages three alternatives to pre-trial detention: mandatory registration, bail and home arrest.⁴ Mandatory registration consists of a commitment by the accused not to leave his/her place of residence without permission.⁵ The bail is an amount of money or securities, provided by the accused or another persons for the duration proceedings and released after the case is closed.⁶ Home arrest is a prohibition on the accused to leave his/her home without permission.⁷

Detention in custody can be imposed only when there is a justified assumption that the accused has committed a crime punishable by imprisonment or a heavier sanction and the collected evidence show a serious risk for the accused to abscond or commit another crime.⁸ In all other cases, the respective authority must choose an alternative measures.

Q3. Are there any specific legislative or policy developments regarding alternatives to prison (at the pre- and post-trial stage) of particular suspects/sentenced persons (such as children, persons with disabilities, persons in need of special treatment or mothers with young children)?

Special legal provisions are available mainly for children.⁹ Pre-trial detention can be imposed on children only in exceptional cases.¹⁰ The alternatives to pre-trial detention are different when the accused is a child. For children, alternative remand measures are supervision by the parents or the guardian, supervision by the administration of the educational establishment in which the child has been placed and supervision by the inspector from the child pedagogical facility or a member of the local commission for combating juvenile delinquency (*местна комисия за борба с противообществените прояви на малолетните и непълнолетните*). After the trial, if the child is sentenced to imprisonment for less than one year, the court is obliged to release him/her from serving the sentence and to replace imprisonment with a correctional measure.¹¹

For other categories of particular suspects or sentenced persons the only special provision is the option for postponing the sentence. Both imprisonment and probation can be postponed in case of severe disease, pregnancy or birth.¹²

⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 58, available at: <http://lex.bg/laws/ldoc/2135512224>.

⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 60, available at: <http://lex.bg/laws/ldoc/2135512224>.

⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 61, available at: <http://lex.bg/laws/ldoc/2135512224>.

⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 62, available at: <http://lex.bg/laws/ldoc/2135512224>.

⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 63, available at: <http://lex.bg/laws/ldoc/2135512224>.

⁹ In Bulgaria children between 14 and 18 years of age can be criminally liable if they understand the nature and consequences of their behaviour and can direct their actions.

¹⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 386, Par. (1), available at: <http://lex.bg/laws/ldoc/2135512224>.

¹¹ Bulgaria, Criminal Code (*Наказателен кодекс*), 2 April 1968, Art. 64, available at: <http://lex.bg/laws/ldoc/1589654529>.

¹² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 415, available at: <http://lex.bg/laws/ldoc/2135512224>.

Section B: Transfer of suspects/sentenced persons

Please give a response for each of the boxes. If the information is the same in two boxes, duplicate the text. If the question is not applicable, specify why.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q1. AVAILABILITY OF INFORMATION			
Q1.1. Is information publicly available in ‘issuing states’ concerning the following:? If yes, please specify.			
<ul style="list-style-type: none"> What information is provided (e.g. conditions for early release for FD 909 or the need for a suspect/sentenced person’s consent to a measure for FD 947 and 829)? 	<p>Bulgaria has not implemented FD 2008/909. Publicly available are only the legal provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons, which lay down the procedure and conditions for the transfer of sentenced persons.¹³</p>	<p>There is no publicly available information about the conditions and procedure for forwarding judgements and probation decisions. Sentenced persons can access only the text of the law and the framework decision as well as the resources available on the websites of the European Judicial Network and Eurojust.¹⁴</p>	<p>No information is provided. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.¹⁵</p>
<ul style="list-style-type: none"> How is the information made publically available (tools, or networks used)? 	<p>Bulgaria has not implemented FD 2008/909. Publicly available are only the legal provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons, which lay down the procedure and</p>	<p>There is no publicly available information about the conditions and procedure for forwarding judgements and probation decisions.¹⁷</p>	<p>No information is made publicly available. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current</p>

¹³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁴ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁵ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹⁷ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

	conditions for the transfer of sentenced persons. ¹⁶ These provisions, like all other laws and regulations, are available in a variety of ways, including on the Internet.		legislation does not provide for such a procedure. ¹⁸
<ul style="list-style-type: none"> In which languages is the information provided? 	Bulgaria has not implemented FD 2008/909. Publicly available are only the legal provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons, which lay down the procedure and conditions for the transfer of sentenced persons. ¹⁹ The provisions of the law are available in Bulgarian. The convention is available in all the languages it is translated to.	There is no publicly available information about the conditions and procedure for forwarding judgements and probation decisions. ²⁰	No information is provided. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ²¹
Q1.2. Apart from the competent authorities required by the FDs, is there any other national office or point of contact responsible for leading initial discussions about potential transfers (as issuing and	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code	Only the competent courts are responsible for leading initial	There are no competent authorities. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member

¹⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹⁹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²⁰ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

²¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

<p>executing state)? If yes, please provide brief details.</p>	<p>(Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons.²² According to these rules, the only competent authority to lead the procedure is the Prosecutor General of the Republic of Bulgaria (<i>Главен прокурор на Република България</i>).²³</p>	<p>discussions about potential transfers.²⁴</p>	<p>State because the current legislation does not provide for such a procedure.²⁵</p>
<p>Q1.3. Do the competent authorities collate information about their experience of transfers (such as personal data of the suspect/sentenced person, states involved, issues raised during the transfer process)? If yes, specify the information gathered.</p>	<p>The public prosecution office does not collate information about its experience of transfers. The information collected in each case is stored only in the respective case file.²⁶</p>	<p>Competent courts are obliged to notify the Ministry of Justice (MoJ) (<i>Министерство на правосъдието</i>, МП) about the judgements and decisions forwarded to other Member States.²⁷ Due to the lack of practical implementation of the law so far, it is not clear what information will the Ministry of Justice (MoJ) (<i>Министерство</i></p>	<p>No information is collated. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.²⁹</p>

²² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 453, Par. (1), available at: <http://lex.bg/laws/ldoc/2135512224>.

²⁴ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, Art. 8 and 9, available at: www.lex.bg/bg/laws/ldoc/2135782661; Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

²⁵ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²⁷ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, Art. 24, Par. (1), available at: www.lex.bg/bg/laws/ldoc/2135782661.

²⁹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

		на правосъдието, МП) collate about the forwarded decisions. ²⁸	
TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q2. INFORMED CONSENT OF THE SUSPECT/SENTENCED PERSON			
Q2.1. Is there a procedure in the issuing state (e.g. some form of mechanism that ensures it is done in all relevant cases) in place to inform the suspect/sentenced person of the option to transfer the judgment or decision to another Member State? If yes, please briefly provide information (e.g. is it an oral or written procedure) and specify who provides this information.	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. ³⁰ When a non-national is sentenced to imprisonment and there is a treaty for transferring sentenced persons between Bulgaria and the non-national's country, the court informs him/her about the option to serve the penalty in his/her country. ³¹ In practice, the option for transfer is included in the text of the sentence.	The law does not provide for any procedure to inform the sentenced person of the option for forwarding the decision to another Member State. ³² The court issuing the judgment or decision is expected, as a matter of good judicial practice, to inform the sentenced person about the possibility for transfer. ³³ Due to the lack of practical implementation of the law so far, it is not clear if the courts will apply this practice.	There is no procedure in place to inform the suspect/sentenced person. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ³⁴

²⁸ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

³⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

³¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 310, Par. (4), available at: <http://lex.bg/laws/ldoc/2135512224>.

³² Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

³³ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

³⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

<p>Q2.2. Is there a procedure in place in the issuing state to obtain the informed consent of the suspect/sentenced person before forwarding the judgment or decision to the executing state? (e.g. a pre-prepared written explanation of the process available in a number of languages). If yes, please briefly specify what information the suspect/sentenced person receives (e.g. information on appeal and release possibilities).</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.³⁵ There is no specific procedure in place for obtaining the informed consent of the sentenced person. It is assumed that by requesting a transfer the sentenced person has consented to it.³⁶</p>	<p>The law does not provide for any procedure to obtain the informed consent of the sentenced person before forwarding the decision to the executing state.³⁷</p>	<p>There is no procedure in place to obtain the informed consent of the suspect/sentenced person. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.³⁸</p>
<p>Q2.3. Does the suspect/sentenced person have the right to revoke his/her consent to the transfer in the issuing state? If yes, please briefly specify until which stage of the procedure this right exists.</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the</p>	<p>The law does not provide the sentenced person with the right to revoke his/her consent.⁴² According to practitioners, when the forwarding of the decision has been requested by the sentenced person, the latter should be able to withdraw the</p>	<p>The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the</p>

³⁵ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

³⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

³⁷ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/lldoc/2135782661; Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

³⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

⁴² Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/lldoc/2135782661; Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

	Transfer of Sentenced Persons. ³⁹ In practice, the sentenced person can withdraw his/her request for transfer. This can be done before the competent authority of the executing state officially accepts the transfer. ⁴⁰ Bulgaria has also deposited a declaration in this respect when it ratified the Convention on the Transfer of Sentenced Persons. ⁴¹	request before the sending of the decision to the executing state. ⁴³ However, due to the lack of practical implementation of the law, it is not clear whether courts will follow this practice.	current legislation does not provide for such a procedure. ⁴⁴
Q2.4. Is there any procedure in place in the issuing state to obtain the opinion of the sentenced person concerning the following:? If yes, please briefly specify e.g. is it an oral or a written procedure, are there any checks on actual understanding of the option).			
<ul style="list-style-type: none"> When consent is not required)? 	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален</i>		

³⁹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁴⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁴¹ Bulgaria, Ratification of the European Convention on Mutual Assistance in Criminal Matters and Its Additional Protocol, the Convention on the Transfer of Sentenced Persons, and the European Convention on Extradition and Its Two Additional Protocols (*Закон за ратифициране на Европейската конвенция за взаимопомощ по наказателноправни въпроси и Допълнителния протокол към нея, Конвенцията за трансфер на осъдени лица и Европейската конвенция за екстрадиция с двата допълнителни протокола към нея*), 10 May 2004, Art. 1, Par. (2), available at: <http://www.ciela.net/svobodna-zona-darjaven-vestnik/document/2133348352/issue/2971/zakon-za-ratifikirane-na-evropeyskata-konventsija-za-vzaimopomosht-po-nakazatelnopravni-vaprosi-i-dopalnitelniya-protokol-kam-neya-konventsiyata-za-transfer-na-osadeni-litsa-i-evropeyskata-konventsija-za-ekstraditsiya-s-dvata-dopalnitelni-protokola-kam-neya>.

⁴³ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

⁴⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

	<p><i>кодекс</i>) and the Convention on the Transfer of Sentenced Persons.⁴⁵ There are two cases when a sentenced person can be transferred without his/her consent. The first case is when there is a deportation order or another similar ruling, which prevents the sentenced person to stay in the country after his/her release from prison. In this case, the Prosecutor General is obliged to obtain the opinion of the sentenced person.⁴⁶ The second case is when the person has escaped from the issuing state back to his/her own country before the beginning of the execution of the sentence. In this case there is no obligation to obtain the sentenced person's opinion.⁴⁷</p>		
<ul style="list-style-type: none"> • When consent is required, Article 6 (3) of FD 2008/909/JHA). 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.⁴⁸</p>		

⁴⁵ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁴⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 454, Par. (1) and (2), available at: <http://lex.bg/laws/ldoc/2135512224>.

⁴⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 454, Par. (1) and (2), available at: <http://lex.bg/laws/ldoc/2135512224>.

⁴⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

	There is no procedure in place for obtaining the sentenced person's opinion on the transfer.		
Q2.5. Does the suspect/sentenced person have the right to change his/her opinion on the transfer? If yes, please briefly specify until which stage of the procedure this right exists and how this is implemented in practice.	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. ⁴⁹ In practice, when the transfer is done upon request of the sentenced person, the latter can withdraw his/her request before the competent authority of the executing state officially accepts the transfer. ⁵⁰ Bulgaria has also deposited a declaration in this respect when it ratified the Convention on the Transfer of Sentenced Persons. ⁵¹ When the transfer is done without the consent of the sentenced person, his/her opinion must be obtained but there is no possibility for the		

⁴⁹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁵⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁵¹ Bulgaria, Ratification of the European Convention on Mutual Assistance in Criminal Matters and Its Additional Protocol, the Convention on the Transfer of Sentenced Persons, and the European Convention on Extradition and Its Two Additional Protocols (*Закон за ратифициране на Европейската конвенция за взаимопомощ по наказателноправни въпроси и Допълнителния протокол към нея, Конвенцията за трансфер на осъдени лица и Европейската конвенция за екстрадиция с двата допълнителни протокола към нея*), 10 May 2004, Art. 1, Par. (2), available at: www.ciela.net/svobodna-zona-darjaven-vestnik/document/2133348352/issue/2971/zakon-za-ratifikitsirane-na-evropeyskata-konventsija-za-vzaimopomosht-po-nakazatelnopravni-vaprosi-i-dopolnitelniya-protokol-kam-neya-konventsiyata-za-transfer-na-osadeni-litsa-i-evropeyskata-konventsija-za-ekstraditsiya-s-dvata-dopolnitelni-protokola-kam-neya.

	sentenced person to change that opinion. ⁵²		
Q2.6. Is the suspect/sentenced person assisted by a legal counsel in the issuing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone)	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. ⁵³ There are no special rules governing the sentenced person's right to be assisted by a legal counsel. However, according to the Constitution, everyone is entitled to be assisted by a legal counsel when appearing before a public institution. ⁵⁴	There are no provisions in the law referring to the right of the sentenced person to be assisted by a legal counsel. ⁵⁵ However, according to the Constitution, everyone is entitled to be assisted by a legal counsel when appearing before a public institution. ⁵⁶	The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ⁵⁷
Q2.7. Is there a procedure in place to ascertain that the legal counsel speaks and understands the suspect/sentenced person's language in the issuing state? If yes, please specify.	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален</i>	The law does not provide for any procedure to ascertain that the legal counsel speaks and	The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State. Bulgaria has not implemented FD 2009/829. A decision on supervision

⁵² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 454, Par. (1) and (2), available at: <http://lex.bg/laws/ldoc/2135512224>.

⁵³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁵⁴ Bulgaria, Constitution of the Republic of Bulgaria (*Конституция на Република България*), 13 July 1991, Art. 56, available at: www.vks.bg/english/vksen_p04_01.htm.

⁵⁵ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

⁵⁶ Bulgaria, Constitution of the Republic of Bulgaria (*Конституция на Република България*), 13 July 1991, Art. 56, available at: www.vks.bg/english/vksen_p04_01.htm.

⁵⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

	<p>кодекс) and the Convention on the Transfer of Sentenced Persons.⁵⁸ There is no procedure in place to ascertain that the legal counsel speaks and understands the sentenced person's language.⁵⁹</p>	<p>understands the sentenced person's language.⁶⁰</p>	<p>measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.⁶¹</p>
<p>Q2.8. Does the suspect/sentenced person have the right to legal aid in the issuing state?</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.⁶² The sentenced person does not have the right to legal aid in relation to the transfer. The transfer of sentenced persons is not listed among the cases, in which persons can apply for legal aid.⁶³</p>	<p>The sentenced person does not have the right to legal aid in relation to the forwarding of the decision. The forwarding of probation decisions is not listed among the cases, in which persons can apply for legal aid.⁶⁴</p>	<p>The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.⁶⁵</p>

⁵⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁵⁹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁶⁰ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661; Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015 judge at the Sofia City Court (*Софийски градски съд*)).

⁶¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

⁶² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁶³ Bulgaria, Legal Aid Act (*Закон за правната помощ*), 4 October 2005, Art. 21, available at: www.lex.bg/bg/laws/ldoc/2135511185.

⁶⁴ Bulgaria, Legal Aid Act (*Закон за правната помощ*), 4 October 2005, Art. 21, available at: www.lex.bg/bg/laws/ldoc/2135511185.

⁶⁵ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

Q2.9. Is the suspect/sentenced person assisted by an interpreter in the issuing state, if required:			
<ul style="list-style-type: none"> • While consenting to the transfer? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.⁶⁶ The sentenced person has the right to be assisted by an interpreter. In practice, sentenced persons are advised to ask for assistance from the consul or another official from the embassy of their country.⁶⁷</p>	<p>The law does not provide for any procedure for obtaining the consent of the sentenced person before forwarding the decision to the executing state.⁶⁸ In general, participants in court proceedings, who do not understand or speak Bulgarian, can use their own language and be assisted by an interpreter.⁶⁹ How this general rule will be applied in practice is not clear due to lack of practical implementation of the law so far.</p>	<p>The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.⁷⁰</p>
<ul style="list-style-type: none"> • While requesting the transfer? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code</p>	<p>There are no provisions in the law governing the right of the sentenced person to be assisted by an interpreter or translator when submitting a request for</p>	<p>The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State. Bulgaria has not implemented FD 2009/829.</p>

⁶⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁶⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁶⁸ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661; Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

⁶⁹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 21, Par. (2), available at: <http://lex.bg/laws/ldoc/2135512224>; Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

⁷⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

	(Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons. ⁷¹ The sentenced person can request a transfer by a written request. When drafting and filing the request he/she can be assisted by an interpreter. ⁷²	forwarding a probation decision. ⁷³ However, since this option is not explicitly forbidden, the sentenced person is free to use such assistance for submitting his/her request.	A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ⁷⁴
Q2.10. Are these interpretation or translation services provided during a face-to-face consultation? Please provide brief information.	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons. ⁷⁵ There are no provisions governing the participation of the interpreter.	There are no provisions in the law governing the right of the sentenced person to be assisted by an interpreter or translator during the procedure for forwarding a probation decision. ⁷⁶ Since the law does not provide for the holding of a court hearing in relation to the forwarding of the decision, interpretation and translation	The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ⁷⁷

⁷¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁷² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁷³ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

⁷⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

⁷⁵ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁷⁶ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

⁷⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

		service can be used primarily for the translation of documents.	
Q2.11. Is the suspect/sentenced person's full understanding of the transfer checked on a case by case basis in the issuing state? Please provide brief information.	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. ⁷⁸ In practice, the court issuing the sentence informs the sentenced person about the option for transfer and checks if the sentenced person fully understands it. ⁷⁹	There is no provision in the law obliging the court to check whether the sentenced person fully understands the forwarding of the decision to another Member State. ⁸⁰ The law does not provide for the holding of a court hearing as part of the procedure, in which the court can check the sentenced person's understanding of the procedure and its outcome. ⁸¹ Due to the lack of practical implementation of the law so far, it is not clear if and how the court will perform such checks.	The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ⁸²
Q2.12. If the executing state adapts, before the transfer, the sentence or measure imposed by the issuing state (as authorised by Article 8.3 of FD 909, Article 9 of FD 947 and Article 13 of FD 829), does the	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален</i>	There are no rules in the law governing the provision of information to the sentenced person in case of adaptation of the sentence in the executing	The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State. Bulgaria has not implemented FD 2009/829. A decision on supervision

⁷⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁷⁹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁸⁰ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

⁸¹ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

⁸² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

<p>suspect/sentenced person receive any updated information?</p>	<p><i>кодекс</i>) and the Convention on the Transfer of Sentenced Persons.⁸³ According to the current rules, the court can adapt the sentence after the sentenced person is transferred to Bulgaria.⁸⁴</p>	<p>state.⁸⁵ Due to the lack of practical implementation of the law so far, it is not clear if and how the court will provide the sentenced person with such information.</p>	<p>measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.⁸⁶</p>
<p>Q2.13. Is there a right to appeal the forwarding of the judgment/decision in the issuing state? If yes, please briefly provide information (e.g. how the suspect is made aware of his/her right to appeal and what support is made available to him/her)</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The sentenced person cannot appeal the decision for his/her transfer.⁸⁷</p>	<p>The law does not provide the sentenced person with the right to appeal the forwarding of the judgment or the decision.⁸⁸</p>	<p>The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.⁸⁹</p>
<p>Q2.14. Does the suspect/sentenced person have a right to a regular review of the decision on the transfer in the issuing state?</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are</p>	<p>The law does not provide the sentenced person with the right to a regular review of the decision</p>	<p>The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to</p>

⁸³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁸⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 457, Par. (4), (5) and (6), available at: <http://lex.bg/laws/ldoc/2135512224>.

⁸⁵ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

⁸⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

⁸⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁸⁸ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661; Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

⁸⁹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

<p>If yes, please briefly provide information (e.g. how often he/she can exercise this right)</p>	<p>done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The sentenced person has no right of review of the decision for his/her transfer.⁹⁰</p>	<p>for forwarding of the judgment or decision.⁹¹ According to practitioners there are no legal or procedural obstacles for the sentenced person to request such a review.⁹² However, due to the lack of practical implementation of the law so far, it is not clear if and how such a request will be considered by the court.</p>	<p>another Member State. Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.⁹³</p>
<p>Q2.15. Is the suspect/sentenced person assisted by legal counsel in the executing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone?)</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. When the sentenced person is transferred to Bulgaria, he/she can be assisted by legal counsel during</p>	<p>According to the law, when a probation decision is sent to Bulgaria for execution, the court holds a hearing with the participation of the sentenced person. During the hearing, the sentenced person can be assisted by a legal counsel. If the sentenced person cannot appear before the court, the court appoints a legal counsel to act on his/her behalf.⁹⁵</p>	<p>Decisions on supervision measures issued in another Member State cannot be executed in Bulgaria, because the country has not implemented FD 2009/829 and the current legislation does not provide for such a procedure.⁹⁶</p>

⁹⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁹¹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

⁹² Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

⁹³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

⁹⁵ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, Art. 16, available at: www.lex.bg/bg/laws/ldoc/2135782661.

⁹⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

	the court hearing preceding the execution of the sentence. ⁹⁴		
Q2.16. Have there been instances where the Member State has refused a transfer based on a pre-determined ground of refusal, as permitted to a varying extent under each FD? If so, please briefly provide details.	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.⁹⁷</p> <p>The current legal framework does not provide for pre-determined grounds of refusal. In practice, Bulgaria has refused transfers due to disagreement with some of the consequences when the sentence is converted by the executing state.⁹⁸</p>	There is no information about any instances where Bulgaria has refused to forward or accept for execution a probation decision on a pre-determined ground of refusal. ⁹⁹	Bulgaria has not refused a transfer based on pre-determined grounds because the country has not implemented FD 2009/829. The current legislation does not provide for a procedure for forwarding decisions on supervision measures and there are no pre-determined grounds for refusal. ¹⁰⁰

⁹⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 15, Par. (2) and Art. 457, Par. (2), available at: <http://lex.bg/laws/ldoc/2135512224>.

⁹⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁹⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

⁹⁹ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁰⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

<p>Q.2.17. Are there any specific legislative or policy developments regarding the informed consent to the transfer of particular suspects/sentenced persons (such as children or persons with disabilities) in the issuing state? (e.g. the use of healthcare professionals)</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.¹⁰¹ There are no special rules for obtaining the informed consent of particular sentenced persons. In practice, consent from such persons is obtained with the assistance of the consular service of the respective embassy.¹⁰²</p>	<p>There are no specific legislative or policy developments regarding the informed consent of particular sentenced persons.¹⁰³</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.¹⁰⁴ In the draft law for implementing FD 2009/829, currently in process of public consultation, there are no special provisions regarding the informed consent of particular suspects/sentenced persons.¹⁰⁵</p>
---	--	---	---

¹⁰¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁰² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁰³ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁰⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹⁰⁵ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q3. DECISION ON TRANSFER			
Q3.1. Are the following factors considered while deciding on forwarding a judgment or decision in the issuing state?			
<ul style="list-style-type: none"> The likely impact on the social rehabilitation of the suspect/sentenced person? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.¹⁰⁶ The current legal framework does not require the consideration of any specific factors when deciding on the transfer. In practice, consideration is given only to the arguments pointed out by the sentenced person in his/her request for transfer. These arguments are most often the need of the sentenced person to be closer to</p>	<p>In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision.¹⁰⁹ The court is free to decide which factors it will consider in each individual case.¹¹⁰ Due to the lack of practical implementation of the law so far, it is not clear what circumstances the courts will take into account when deciding on forwarding the judgment or decision to the executing state.</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.¹¹¹ In the draft law for implementing FD 2009/829, currently in process of public consultation, there are no provisions listing the factors to be considered when deciding on forwarding a decision.¹¹²</p>

¹⁰⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁰⁹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹¹⁰ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹¹¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹¹² Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

	his/her relatives and the lack of knowledge of the Bulgarian language. ¹⁰⁷ The likely impact of the social rehabilitation is not considered at this stage. ¹⁰⁸		
<ul style="list-style-type: none"> Fundamental rights implications (such as the right to family life, right to education)? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.¹¹³ The current legal framework does not require the consideration of any specific factors when deciding on the transfer. In practice, consideration is given only to the arguments pointed out by the sentenced person in his/her request for transfer. These arguments are</p>	<p>In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision.¹¹⁶ The court is free to decide which factors it will consider in each individual case.¹¹⁷ Due to the lack of practical implementation of the law so far, it is not clear what circumstances the courts will take into account when deciding on forwarding the judgment or decision to the executing state.</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.¹¹⁸ In the draft law for implementing FD 2009/829, currently in process of public consultation, there are no provisions listing the factors to be considered when deciding on forwarding a decision.¹¹⁹</p>

¹⁰⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁰⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹¹³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹¹⁶ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹¹⁷ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹¹⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹¹⁹ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

	most often the need of the sentenced person to be closer to his/her relatives and the lack of knowledge of the Bulgarian language. ¹¹⁴ No other fundamental rights implications are considered at this stage. ¹¹⁵		
<ul style="list-style-type: none"> Others? Please specify. 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.¹²⁰ The current legal framework does not require the consideration of any specific factors when deciding on the transfer. In practice, consideration is given only to the arguments pointed out by the</p>	<p>In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision.¹²³ The court is free to decide which factors it will consider in each individual case.¹²⁴ Due to the lack of practical implementation of the law so far, it is not clear what circumstances the courts will take into account when deciding on forwarding the judgment or decision to the executing state.</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.¹²⁵ In the draft law for implementing FD 2009/829, currently in process of public consultation, there are no provisions listing the factors to be considered when deciding on forwarding a decision.¹²⁶</p>

¹¹⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹¹⁵ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹²⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹²³ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹²⁴ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹²⁵ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹²⁶ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

	sentenced person in his/her request for transfer. These arguments are most often the need of the sentenced person to be closer to his/her relatives and the lack of knowledge of the Bulgarian language. ¹²¹ No other factors are considered at this stage. ¹²²		
Q3.2: While deciding on the transfer, are there any specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation in the issuing state? Please provide any document containing those criteria/guidelines and specify whether the following factors are considered:	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. ¹²⁷ The current legal framework does not require the consideration of any specific factors when deciding on the transfer and there are no	In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision. ¹²⁹ There are no specific criteria or guidelines on the relevant factors either. ¹³⁰	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ¹³¹

¹²¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹²² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹²⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹²⁹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹³⁰ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹³¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

	specific criteria or guidelines in this respect. ¹²⁸		
<ul style="list-style-type: none"> Family and social ties (e.g. accommodation, employment or other economic ties, linguistic and cultural links)? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.¹³² The current legal framework does not require the consideration of any specific factors when deciding on the transfer and there are no specific criteria or guidelines in this respect.¹³³</p>	<p>In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision.¹³⁴ There are no specific criteria or guidelines on the relevant factors either.¹³⁵</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.¹³⁶</p>
<ul style="list-style-type: none"> Criminal history and criminal ties? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of</p>	<p>In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision.¹³⁹ There</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member</p>

¹²⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹³² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹³³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹³⁴ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹³⁵ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹³⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹³⁹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

	<p>the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.¹³⁷</p> <p>The current legal framework does not require the consideration of any specific factors when deciding on the transfer and there are no specific criteria or guidelines in this respect.¹³⁸</p>	<p>are no specific criteria or guidelines on the relevant factors either.¹⁴⁰</p>	<p>State because the current legislation does not provide for such a procedure.¹⁴¹</p>
<ul style="list-style-type: none"> Humanitarian concerns (i.e. terminal illness of suspect/sentenced person or family members)? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.¹⁴²</p> <p>The current legal framework does not require the consideration of any specific factors when deciding</p>	<p>In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision.¹⁴⁴ There are no specific criteria or guidelines on the relevant factors either.¹⁴⁵</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.¹⁴⁶</p>

¹³⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹³⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁴⁰ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁴¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹⁴² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁴⁴ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁴⁵ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁴⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

	on the transfer and there are no specific criteria or guidelines in this respect. ¹⁴³		
<ul style="list-style-type: none"> Detention conditions (e.g. issues of overcrowding or availability of courses, such as the <i>Modulos</i> in Spain which has separate units to promote a progressive accountability of inmates) 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.¹⁴⁷ The current legal framework does not require the consideration of any specific factors when deciding on the transfer and there are no specific criteria or guidelines in this respect.¹⁴⁸</p>	<p>In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision.¹⁴⁹ There are no specific criteria or guidelines on the relevant factors either.¹⁵⁰</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.¹⁵¹</p>
<ul style="list-style-type: none"> Others? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code</p>	<p>In the law, there are no provisions listing the factors to be considered when deciding on</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current</p>

¹⁴³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁴⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁴⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁴⁹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁵⁰ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁵¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

	(Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons. ¹⁵² The current legal framework does not require the consideration of any specific factors when deciding on the transfer and there are no specific criteria or guidelines in this respect. ¹⁵³	forwarding a decision. ¹⁵⁴ There are no specific criteria or guidelines on the relevant factors either. ¹⁵⁵	legislation does not provide for such a procedure. ¹⁵⁶
Q.3.3. Are the following persons/entities consulted in the evaluation of the likelihood of social rehabilitation by the issuing state:			
<ul style="list-style-type: none"> • Probation agencies or similar entities in the issuing state? 	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons. ¹⁵⁷	In the law, there are no provisions listing the persons or entities to be consulted to evaluate the likelihood of social rehabilitation. ¹⁵⁹ The court is free to consult the probation services if it considers such consultation	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ¹⁶¹ In the draft law for implementing FD

¹⁵² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁵³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁵⁴ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁵⁵ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁵⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹⁵⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁵⁹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁶¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

	The current legal framework does not require any specific persons or entities to be consulted when deciding on the transfer. In practice, probation officers are not consulted before the transfer. ¹⁵⁸	relevant for the case. ¹⁶⁰ Due to the lack of practical implementation of the law so far, it is not clear if and in which cases the courts will perform such consultations.	2009/829, currently in process of public consultation, there are no provisions listing the entities or persons to be consulted when deciding on forwarding a decision. ¹⁶²
<ul style="list-style-type: none"> The competent authorities in the executing state? 	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require any specific persons or entities to be consulted when deciding on the transfer. In practice, the competent authorities of the executing state are contacted only in relation to the execution of	In the law, there are no provisions listing the persons or entities to be consulted to evaluate the likelihood of social rehabilitation. ¹⁶⁴ The court can request additional information from the competent authorities in the executing state and postpone the decision until its provision. ¹⁶⁵ Due to the lack of practical implementation of the law so far, it is not clear if and in which cases the courts will use this option to consult the competent authorities in the executing state	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ¹⁶⁶ In the draft law for implementing FD 2009/829, currently in process of public consultation, there are no provisions listing the entities or persons to be consulted when

¹⁵⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁶⁰ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁶² Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

¹⁶⁴ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁶⁵ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, Art. 16, Par. (5), available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁶⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

	the sentence. These contacts do not address the issue of the social rehabilitation of the sentenced person. ¹⁶³	in relation to the social rehabilitation of the sentenced person.	deciding on forwarding a decision. ¹⁶⁷
<ul style="list-style-type: none"> The suspect/sentenced person? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require any specific persons or entities to be consulted when deciding on the transfer. In practice, the sentenced person is not contacted. However, if the sentenced person has included arguments related to the social rehabilitation in the request for</p>	<p>In the law, there are no provisions listing the persons or entities to be consulted to evaluate the likelihood of social rehabilitation. The law does not provide for the holding of a court hearing, in which the sentenced person can be heard before forwarding the decision to the executing state.¹⁶⁹ However, there is no legal or procedural obstacle for the sentenced person to be consulted if the court considers such consultation relevant for the case.¹⁷⁰ Due to the lack of practical implementation of the law so far,</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.¹⁷¹ In the draft law for implementing FD 2009/829, currently in process of public consultation, there are no provisions listing the entities or persons to be consulted when deciding on forwarding a decision.¹⁷²</p>

¹⁶³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁶⁷ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

¹⁶⁹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁷⁰ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁷¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹⁷² Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

	transfer these arguments are considered before deciding on the transfer. ¹⁶⁸	it is not clear if and in which cases the courts will perform such consultations.	
<ul style="list-style-type: none"> The family of the suspect/sentenced persons, especially with regard to child offenders? 	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require any specific persons or entities to be consulted when deciding on the transfer. In practice, the family of the sentenced person is not contacted before the transfer. ¹⁷³	In the law, there are no provisions listing the persons or entities to be consulted to evaluate the likelihood of social rehabilitation. ¹⁷⁴ The court is free to consult the family of the sentenced person if it considers such consultation relevant for the case. ¹⁷⁵ Due to the lack of practical implementation of the law so far, it is not clear if and in which cases the courts will perform such consultations.	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ¹⁷⁶ In the draft law for implementing FD 2009/829, currently in process of public consultation, there are no provisions listing the entities or persons to be consulted when deciding on forwarding a decision. ¹⁷⁷
<ul style="list-style-type: none"> Any other person/entity? 	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are	In the law, there are no provisions listing the persons or entities to be consulted to	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be

¹⁶⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁷³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁷⁴ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁷⁵ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁷⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹⁷⁷ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

	done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require any specific persons or entities to be consulted when deciding on the transfer. ¹⁷⁸	evaluate the likelihood of social rehabilitation. ¹⁷⁹ The court is free to consult any person or entity if it considers such consultation relevant for the case. ¹⁸⁰ Due to the lack of practical implementation of the law so far, it is not clear if and in which cases the courts will perform such consultations.	forwarded to another Member State because the current legislation does not provide for such a procedure. ¹⁸¹ In the draft law for implementing FD 2009/829, currently in process of public consultation, there are no provisions listing the entities or persons to be consulted when deciding on forwarding a decision. ¹⁸²
Q3.4. Are there any specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/ sentenced persons (such as children or persons with disabilities) by the issuing state?	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not lay down any special rules for	There are no specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular sentenced persons. ¹⁸⁴	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ¹⁸⁵ In the draft law for implementing FD 2009/829, currently in process of public consultation, there are no

¹⁷⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁷⁹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁸⁰ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁸¹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹⁸² Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

¹⁸⁴ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁸⁵ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

	evaluating the likelihood of social rehabilitation of particular sentenced persons. ¹⁸³		provisions regarding particular suspect/sentenced persons. ¹⁸⁶
Q3.5. Is additional information, other than that required in the certificate (for which the standard form is given in Annex I of the three FDs), provided to the competent authorities of the executing state while forwarding the judgment or decision? If yes, please specify if pre-sentence reports are forwarded.	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. In practice, the information provided to the executing state is the one specified in Article 6.2 of the Convention on the Transfer of Sentenced Persons. ¹⁸⁷	The law does not provide for any additional information to be provided to the competent authorities of the executing state. ¹⁸⁸ Additional documents can be provided if requested by the executing state. ¹⁸⁹	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ¹⁹⁰ The draft law for implementing FD 2009/829, currently in process of public consultation, does not require the provision of additional information other than the one required in the certificate. ¹⁹¹

¹⁸³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁸⁶ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

¹⁸⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁸⁸ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, Art. 24, Par. (1), available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁸⁹ Bulgaria, Union of Bulgarian Judges (*Съюз на съдиите в България*) (2015), judge at the Sofia City Court (*Софийски градски съд*).

¹⁹⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹⁹¹ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

<p>Q3.6. If pre-sentence reports are forwarded by the issuing state, are they translated to the language of the executing state?</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. In practice, the information provided to the executing state is the one specified in Article 6.2 of the Convention on the Transfer of Sentenced Persons. Since pre-sentence reports are not mentioned in this article they are not forwarded to the executing state.¹⁹²</p>	<p>The law does not provide for the sending of pre-sentence reports.¹⁹³</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.¹⁹⁴ The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for the sending of pre-sentence reports.¹⁹⁵</p>
<p>Q3.7. Are there specific measures, as required by Article 4 (6) FD 909, which constitute the basis on which the competent authorities in the executing State have to take their decisions whether or not to consent to the forwarding of the judgement and the certificate (where required)?</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons.</p>		

¹⁹² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁹³ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁹⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

¹⁹⁵ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

	The current legal framework does not provide for any specific measures constituting the basis for making a decision on the transfer. ¹⁹⁶		
Q3.8. Are there formal and clear rules regarding data protection in the information exchange between:			
<ul style="list-style-type: none"> National authorities (consulted in the evaluation of the likelihood of social rehabilitation) in the issuing state? 	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. There are no special rules governing the information exchanges in relation to transfers of sentenced persons. However, the general data protection legal framework applies to all such transfers. ¹⁹⁷	The law does not oblige the courts to consult other authorities and there are no rules governing such communications. ¹⁹⁸	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ¹⁹⁹

¹⁹⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁹⁷ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

¹⁹⁸ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

¹⁹⁹ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

<ul style="list-style-type: none"> • Authorities in the issuing and executing state? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. There are no special rules governing the information exchanges in relation to transfers of sentenced persons. However, the general data protection legal framework applies to all such transfers.²⁰⁰</p>	<p>According to the law, the decisions and the accompanying certificates are sent by post, e-mail, fax or any other duly protected way allowing for the verification of their authenticity.²⁰¹ There are no rules governing the other communications between the Bulgarian courts and the authorities in the issuing or executing state.²⁰²</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.²⁰³</p>
---	---	---	--

²⁰⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²⁰¹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, Art. 10, Par. (3), available at: www.lex.bg/bg/laws/ldoc/2135782661.

²⁰² Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

²⁰³ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q4. VICTIMS			
Q4.1. Do the victims have the right to receive the following information regarding the transfer from the issuing state:			
<ul style="list-style-type: none"> The decision to transfer 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require the provision of any information to victims regarding the transfer. In practice, victims are informed about the decision on the transfer only when the sentenced person has been sentenced to pay compensation to the victim and this compensation has not been fully paid yet.²⁰⁴</p>	<p>In the law, there are no rules governing the provision of information to victims.²⁰⁵ Due to the lack of practical implementation of the law so far, it is not clear if and in which cases the courts will inform the victims about the forwarding of a decision.</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.²⁰⁶ The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for informing the victims regarding the forwarding of a decision.²⁰⁷</p>

²⁰⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²⁰⁵ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

²⁰⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²⁰⁷ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

<ul style="list-style-type: none"> The status of the transfer 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require the provision of any information to victims regarding the transfer. In practice, victims are not informed about the status of the transfer.²⁰⁸</p>	<p>In the law, there are no rules governing the provision of information to victims.²⁰⁹ Due to the lack of practical implementation of the law so far, it is not clear if and in which cases the courts will inform the victims about the status of the forwarded decision.</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.²¹⁰ The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for informing the victims regarding the forwarding of a decision.²¹¹</p>
<ul style="list-style-type: none"> Other? Please specify. 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the</p>	<p>In the law, there are no rules governing the provision of information to victims.²¹³ Due to the lack of practical implementation of the law so far, it is not clear if and in which</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for</p>

²⁰⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²⁰⁹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

²¹⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²¹¹ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

²¹³ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

	Transfer of Sentenced Persons. The current legal framework does not require the provision of any information to victims regarding the transfer. In practice, victims are not informed about any other circumstances related to the transfer. ²¹²	cases the courts will provide any information to the victims.	such a procedure. ²¹⁴ The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for informing the victims regarding the forwarding of a decision. ²¹⁵
Q4.2. Is there any procedure in place to provide this information as issuing or executing state? If yes, please specify:	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require the provision of any information to victims regarding the transfer and there is no procedure thereof. ²¹⁶	In the law, there are no rules governing the provision of information to victims. There is no procedure for the provision of such information either. ²¹⁷	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ²¹⁸ The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for informing the victims regarding the

²¹² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²¹⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²¹⁵ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

²¹⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²¹⁷ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

²¹⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

			forwarding or execution of a decision. ²¹⁹
<ul style="list-style-type: none"> Is the information provided upon request of the victim? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require the provision of any information to victims regarding the transfer. In practice, victims are informed about the decision on the transfer only when the sentenced person has been sentenced to pay compensation to the victim and this compensation has not been fully paid yet. In this case, victims are informed upon initiative of the</p>	<p>In the law, there are no rules governing the provision of information to victims.²²¹ There are no legal or procedural obstacles preventing victims to request such information. However, due to the lack of practical implementation of the law so far, it is not clear if and how the court will respond to such a request.</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.²²² The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for informing the victims regarding the forwarding or execution of a decision.²²³</p>

²¹⁹ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

²²¹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

²²² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²²³ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

	authority deciding on the transfer. ²²⁰		
<ul style="list-style-type: none"> Who responsible for providing this information? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require the provision of any information to victims regarding the transfer. In practice, victims are informed about the decision on the transfer only when the sentenced person has been sentenced to pay compensation to the victim and this compensation has not been fully paid yet. In this case, the authority responsible for the provision of the information is the</p>	<p>In the law, there are no rules governing the provision of information to victims and there is no institution designated as responsible for providing such information.²²⁵</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.²²⁶ The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for informing the victims regarding the forwarding or execution of a decision.²²⁷</p>

²²⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²²⁵ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

²²⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²²⁷ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

	court, which has issued the sentence. ²²⁴		
<ul style="list-style-type: none"> • Is it a verbal or written communication? 	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require the provision of any information to victims regarding the transfer. In practice, victims are informed about the decision on the transfer only when the sentenced person has been sentenced to pay compensation to the victim and this compensation has not been fully paid yet. In this case, the victims are informed orally during the hearing.²²⁸</p>	<p>In the law, there are no rules governing the provision of information to victims.²²⁹</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.²³⁰ The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for informing the victims regarding the forwarding or execution of a decision.²³¹</p>

²²⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²²⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²²⁹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

²³⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²³¹ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

<p>Q4.3. Do the victims have the right to be heard concerning the transfer (in the state you are describing, as issuing or executing state)? (e.g. through submitting an oral or written response)</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require the victims to be heard concerning the transfer. In practice, victims are consulted only when the sentenced person has been sentenced to pay compensation to the victim and this compensation has not been fully paid yet.²³²</p>	<p>The victims do not have the right to be heard when a probation decision is forwarded or accepted for execution. When Bulgaria is the issuing state, the law does not provide for the holding of court hearing, in which the victim can potentially be heard. When Bulgaria is the executing state a court hearing is held, but the law does not explicitly provide the victims with the right to be informed about or participate in it.²³³</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.²³⁴ The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for any specific rights of victims.²³⁵</p>
<p>Q4.4. Do the victims have any other rights concerning the transfer (in the state you are describing, as issuing or executing state)? Please specify.</p>	<p>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code</p>	<p>The law does not provide victims with any other rights concerning the forwarding of the decision.²³⁷</p>	<p>Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current</p>

²³² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²³³ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

²³⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²³⁵ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

²³⁷ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

	(Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not provide for any other rights of victims concerning the transfer. ²³⁶		legislation does not provide for such a procedure. ²³⁸ The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for any specific rights of victims. ²³⁹
Q4.5. Do the victims have access to translators/interpreter in order to be kept fully informed of the transfer (in the state you are describing, as issuing or executing state)?	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require the provision of any information to victims regarding the transfer. There are no	In the law, there are no rules governing the provision of information to victims or the participation of victims in the procedure. ²⁴¹	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ²⁴² The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for any specific rights of victims. ²⁴³

²³⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²³⁸ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²³⁹ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

²⁴¹ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

²⁴² Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²⁴³ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.

	provisions entitling victims to use translators or interpreters either. ²⁴⁰		
Q4.6. Do the victims have the right to be informed of the suspect/sentenced person's release (in the state you are describing, as issuing or executing state)?	Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (<i>Наказателно-процесуален кодекс</i>) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not require the provision of any information to victims regarding the transfer. In practice, victims are not informed about the sentenced person's release. ²⁴⁴	In the law, there are no rules governing the provision of information to victims, including the provision of information about the sentenced person's release. ²⁴⁵	Bulgaria has not implemented FD 2009/829. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. ²⁴⁶ The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for any specific rights of victims. ²⁴⁷

²⁴⁰ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²⁴⁴ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015.

²⁴⁵ Bulgaria, Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to the Supervision of Probation Measures and Alternative Sanctions Act (*Закон за признаване, изпълнение и изпращане на съдебни решения и решения за пробация с оглед упражняване на надзор върху пробационните мерки и алтернативните санкции*), 27 March 2012, available at: www.lex.bg/bg/laws/ldoc/2135782661.

²⁴⁶ Bulgaria, Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*) (2015), Letter No 5676/2015 to the Center for the Study of Democracy (*Писмо № 5676/2015 до Центъра за изследване на демокрацията*), 28 May 2015; Bulgaria, prosecutor at the Supreme Prosecution Office of Cassation (*Върховна касационна прокуратура*).

²⁴⁷ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2015), Draft Recognition, Execution and Forwarding of Decision Imposing Coercive Measures Other than Detention Act (*Проект на Закон за признаване, изпълнение и изпращане на актове за налагане на мерки за процесуална принуда, различни от мерките, изискващи задържане*), 7 May 2015, available at: <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=1669>.