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

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

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

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)?

Section B: Transfer of suspects/sentenced persons

Q1. Availability of information

Q2. Informed consent of the suspect/sentenced person

Q3. Decision on transfer

Q4. Victims
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.

<table>
<thead>
<tr>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
</tr>
<tr>
<td>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</td>
</tr>
</tbody>
</table>

---

### 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.

<table>
<thead>
<tr>
<th>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)?</th>
</tr>
</thead>
</table>
| 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.\(^12\) |

---


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.


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.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1. AVAILABILITY OF INFORMATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q1.1. Is information publicly available in ‘issuing states’ concerning the following:? If yes, please specify.</td>
<td>• 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)?</td>
<td>Bulgaria has not implemented FD 2008/909. Publicly available are only the legal provisions of the Criminal Procedure Code (Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons, which lay down the procedure and conditions for the transfer of sentenced persons.</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>• How is the information made publically available (tools, or networks used)?</td>
<td>Bulgaria has not implemented FD 2008/909. Publicly available are only the legal provisions of the Criminal Procedure Code (Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons, which lay down the procedure and conditions for the transfer of sentenced persons.</td>
<td>There is no publicly available information about the conditions and procedure for forwarding judgements and probation decisions.</td>
</tr>
</tbody>
</table>

14 Bulgaria, Union of Bulgarian Judges (Съюз на съдиите в България) (2015), judge at the Sofia City Court (Софийски градски съд).
17 Bulgaria, Union of Bulgarian Judges (Съюз на съдиите в България) (2015), judge at the Sofia City Court (Софийски градски съд).
<table>
<thead>
<tr>
<th>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 receiving)?</th>
<th>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code.</th>
<th>Only the competent courts are responsible for leading initial discussions about potential transfers.</th>
</tr>
</thead>
<tbody>
<tr>
<td>In which languages is the information provided?</td>
<td>Bulgaria has not implemented FD 2008/909. Publicly available are only the legal provisions of the Criminal Procedure Code (Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons, which lay down the procedure and conditions for the transfer of sentenced persons. The provisions of the law are available in Bulgarian. The convention is available in all the languages it is translated to.</td>
<td>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.</td>
</tr>
</tbody>
</table>


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

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.

<table>
<thead>
<tr>
<th>Executing state?</th>
<th>Details</th>
<th>Discussion about potential transfers</th>
<th>State because the current legislation does not provide for such a procedure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes.</td>
<td>If yes, please provide brief details.</td>
<td>Competent courts are obliged to notify the Ministry of Justice (MoJ) (Ministerstvo za правосъдие, MP) about the judgements and decisions forwarded to other Member States. Due to the lack of practical implementation of the law so far, it is not clear what information will the Ministry of Justice (MoJ) (Ministerstvo za правосъдие) notify the Ministry of Justice (MoJ) of the interested party.</td>
<td>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.</td>
</tr>
<tr>
<td>No.</td>
<td>No information is collated.</td>
<td>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.</td>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Details</th>
<th>Information collected in each case</th>
<th>Information collected in each case is stored only in the respective case file.</th>
</tr>
</thead>
</table>


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 (Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons. 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. 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. 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. 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.

---

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

<table>
<thead>
<tr>
<th>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. 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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>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. According to practitioners, when the forwarding of the decision has been requested by the suspect/sentenced person, the latter should be able to withdraw the</th>
</tr>
</thead>
<tbody>
<tr>
<td>The law does not provide the sentenced person with the right to revoke his/her consent.</td>
</tr>
<tr>
<td>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</td>
</tr>
</tbody>
</table>

---

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. Bulgaria has also deposited a declaration in this respect when it ratified the Convention on the Transfer of Sentenced Persons.

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 2001).

Q2.4. Is there any procedure in place in the issuing state to obtain the opinion of the sentenced person concerning the following:?

| 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 (Наказателно-процесуален кодекс 2001). |

---


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

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. 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.

- When consent is required, Article 6 (3) of FD 2008/909/JHA).

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.48

---

<table>
<thead>
<tr>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is no procedure in place for obtaining the sentenced person’s opinion on the transfer.</td>
</tr>
<tr>
<td>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. 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. Bulgaria has also deposited a declaration in this respect when it ratified the Convention on the Transfer of Sentenced Persons. 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</td>
</tr>
</tbody>
</table>

---

<table>
<thead>
<tr>
<th>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)</th>
<th>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. 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.</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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). The law does not provide for any procedure to ascertain that the legal counsel speaks and understands the suspect/sentenced person’s language.</td>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q2.8. Does the suspect/sentenced person have the right to legal aid in the issuing state?</td>
<td>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 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. The suspect/sentenced person does not have the right to have his/her supervision measure forwarded to another Member State because the current legislation does not provide for such a procedure.</td>
</tr>
</tbody>
</table>

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).
| Q2.9. Is the suspect/sentenced person assisted by an interpreter in the issuing state, if required: | 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 sentenced person has the right to be assisted by an interpreter. In practice, sentenced persons are advised to ask for assistance the consul or another official from the embassy of their country. | The law does not provide for any procedure for obtaining the consent of the sentenced person before forwarding the decision to the executing state. In general, participants in court proceedings, who do not understand or speak Bulgarian, can use their own language and be assisted by an interpreter. How this general rule will be applied in practice is not clear due to lack of practical implementation of the law so far. | 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. |

- **While consenting to the transfer?**

- **While requesting the transfer?**

---


<table>
<thead>
<tr>
<th>Q2.10. Are these interpretation or translation services provided during a face-to-face consultation? Please provide brief information.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (Наказателно-процесулен кодекс) and the Convention on the Transfer of Sentenced Persons. There are no provisions governing the participation of the interpreter.</td>
</tr>
<tr>
<td>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. Since the law does not provide for the holding of a court hearing in relation to the forwarding of the decision, interpretation and translation.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

---


| 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 (Наказателно-процесулен кодекс) and the Convention on the Transfer of Sentenced Persons. 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. | 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. 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. 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. |

| 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 (Наказателно-процесулен кодекс). | 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 measures cannot be forwarded to another Member State. |

---


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

suspect/sentenced person receive any updated information? | кодекс) and the Convention on the Transfer of Sentenced Persons. According to the current rules, the court can adapt the sentence after the sentenced person is transferred to Bulgaria. | state. 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. | measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. 

| 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) | 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 sentenced person cannot appeal the decision for his/her transfer. | The law does not provide the sentenced person with the right to appeal the forwarding of the judgment or the decision. | 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. 

| Q2.14. Does the suspect/sentenced person have a right to a regular review of the decision on the transfer 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. The sentenced person cannot appeal the forwarding of the judgment or the decision. | The law does not provide the sentenced person with the right to a regular review of the decision. | 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. 

---

88 Bulgaria, Union of Bulgarian Judges (Съюз на съдииите в България) (2015), judge at the Sofia City Court (Софийски градски съд).
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?)

<table>
<thead>
<tr>
<th>Country</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>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. When the sentenced person is transferred to Bulgaria, he/she can be assisted by legal counsel during the hearing. 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.</td>
</tr>
</tbody>
</table>


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


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.

| 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 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. |
| 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. |

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.

---


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


| Q.2.17. | 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. 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. |
| 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) |
| | 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. 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. |

---


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


### Q3. DECISION ON TRANSFER

Q3.1. Are the following factors considered while deciding on forwarding a judgment or decision in the issuing state?

<table>
<thead>
<tr>
<th>Factor</th>
<th>Bulgaria</th>
<th>In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision. The court is free to decide which factors it will consider in each individual case. 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.</th>
<th>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. 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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The likely impact on the social rehabilitation of the suspect/sentenced person?</td>
<td>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 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</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---


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


| **Fundamental rights implications** (such as the right to family life, right to education)? | 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 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 not considered at this stage. The likely impact of the social rehabilitation is not considered at this stage. | In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision. The court is free to decide which factors it will consider in each individual case. 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. | 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. 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. |

---


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


most often the need of the sentenced person to be closer to his/her relatives and the lack of knowledge of the Bulgarian language.\textsuperscript{114} No other fundamental rights implications are considered at this stage.\textsuperscript{115}

- Others? Please specify.

<table>
<thead>
<tr>
<th>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.\textsuperscript{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 prosecutor at the 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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision.\textsuperscript{121} The court is free to decide which factors it will consider in each individual case.\textsuperscript{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. 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.\textsuperscript{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.\textsuperscript{126}</td>
</tr>
</tbody>
</table>


\textsuperscript{121} Bulgaria, Recognition, Execution and Forarding 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 альтернативни санкции), 27 March 2012, available at: www.lex.bg/bg/laws/doc/2135782661.

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


A 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. No other factors are considered at this stage.

<table>
<thead>
<tr>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 consideration of any specific factors when deciding on the transfer and there are no provisions listing the factors to be considered when deciding on forwarding a decision. There are no specific criteria or guidelines on the relevant factors either.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

---

130 Bulgaria, Union of Bulgarian Judges (Съюз на съдиите в България) (2015), judge at the Sofia City Court (Софийски градски съд).
| • Family and social ties (e.g. accommodation, employment or other economic ties, linguistic and cultural links)? | 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 consideration of any specific factors when deciding on the transfer and there are no specific criteria or guidelines in this respect. | In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision. There are no specific criteria or guidelines on the relevant factors either. | 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. |
| • Criminal history and criminal ties? | Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of | In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision. | 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. |

---


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


<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>140</td>
<td>Bulgaria, Union of Bulgarian Judges (Съюз на съдиите в България) (2015), judge at the Sofia City Court (Софийски градски съд).</td>
</tr>
<tr>
<td>141</td>
<td>Bulgaria, Union of Bulgarian Judges (Съюз на съдиите в България) (2015), judge at the Sofia City Court (Софийски градски съд).</td>
</tr>
<tr>
<td>145</td>
<td>Bulgaria, Union of Bulgarian Judges (Съюз на съдиите в България) (2015), judge at the Sofia City Court (Софийски градски съд).</td>
</tr>
</tbody>
</table>

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. 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. In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision. There are no specific criteria or guidelines on the relevant factors either. 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.

- Humanitarian concerns (i.e. terminal illness of suspect/sentenced person or family members)?

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 consideration of any specific factors when deciding on the transfer and there are no specific criteria or guidelines in this respect.

In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision. There are no specific criteria or guidelines on the relevant factors either. 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.
Detention conditions (e.g. issues of overcrowding or availability of courses, such as the *Modulos* in Spain which has separate units to promote a progressive accountability of inmates)

Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (Наказателно-процесуелен кодекс) and the Convention on the Transfer of Sentenced Persons.\(^\text{147}\) 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.\(^\text{148}\) In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision.\(^\text{149}\) There are no specific criteria or guidelines on the relevant factors either.\(^\text{150}\)

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.\(^\text{151}\)

Others?

Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code. In the law, there are no provisions listing the factors to be considered when deciding on forwarding a decision. 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.


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

<table>
<thead>
<tr>
<th>Q.3.3. Are the following persons/entities consulted in the evaluation of the likelihood of social rehabilitation by the issuing state:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Probation agencies or similar entities in the issuing state?</strong></td>
</tr>
<tr>
<td>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.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</td>
</tr>
<tr>
<td>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 forwarding a decision.154 There are no specific criteria or guidelines on the relevant factors either.155</td>
</tr>
<tr>
<td>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</td>
</tr>
</tbody>
</table>


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


| • 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 (Наказателно-процесуален кодекс) 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 measures. | In the law, there are no provisions listing the persons or entities to be consulted when deciding on forwarding a decision. 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. | 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. 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. |

---


<table>
<thead>
<tr>
<th>the sentence. These contacts do not address the issue of the social rehabilitation of the sentenced person.(^\text{163})</th>
<th>in relation to the social rehabilitation of the sentenced person.</th>
<th>deciding on forwarding a decision(^\text{167})</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The suspect/sentenced person?</td>
<td>Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code (Наказателно-процесулен кодекс) 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 rehabilitation of the sentenced person.(^\text{163})</td>
<td>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.(^\text{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.(^\text{170}) Due to the lack of practical implementation of the law so far, Bulgaria has not implemented FD 2008/909. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure.(^\text{171}) In the draft law for implementing FD 2008/929, currently in process of public consultation, there are no provisions listing the entities or persons to be consulted when deciding on forwarding a decision.(^\text{172})</td>
</tr>
</tbody>
</table>

---


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


| | 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 (Наказателно-процесуален кодекс) 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. | In the law, there are no provisions listing the persons or entities to be consulted to evaluate the likelihood of social rehabilitation. The court is free to consult the family of the sentenced person if it considers such consultation relevant for the case. 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. 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. |
| | Any other person/entity? | 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 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. | In the law, there are no provisions listing the persons or entities to be consulted to evaluate the likelihood of social rehabilitation. The court is free to consult the family of the sentenced person if it considers such consultation relevant for the case. 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. 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. |

---


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


| 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 (Наказателно-процесуален кодекс) and the Convention on the Transfer of Sentenced Persons. The current legal framework does not lay down any special rules for particular sentenced persons. | There are no specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular sentenced persons. | Bulgaria has not implemented FD 2008/909. A decision on supervision measures cannot be forwarded to another Member State because the current legislation does not provide for such a procedure. |

---


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


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

| 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 (Наказателно-процесуален кодекс) 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. | The law does not provide for any additional information to be provided to the competent authorities of the executing state. Additional documents can be provided if requested by 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. 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. |

---

187 Bulgaria, Union of Bulgarian Judges (Съюз на съдии в България) (2015), judge at the Sofia City Court (Софийски градски съд).
Q3.6. If pre-sentence reports are forwarded by the issuing state, are they translated to the language of 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 (Наказателно-процесуален кодекс) 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.

The law does not provide for the sending of pre-sentence reports. Bulgarians have 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. The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for the sending of pre-sentence reports.

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)?

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. Since pre-sentence reports are not mentioned in this article they are not forwarded to the executing state.

The law does not provide for the sending of pre-sentence reports.
The current legal framework does not provide for any specific measures constituting the basis for making a decision on the transfer.  

Q3.8. Are there formal and clear rules regarding data protection in the information exchange between:

- 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 (Наказателно-процесуален кодекс) 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.

The law does not oblige the courts to consult other authorities and there are no rules governing such communications.

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.

---


| Authorities in the issuing and 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. 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.\(^{200}\) | According to the law, the decisions and the accompanying certificates are sent by post, email, 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.\(^{202}\) | 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.\(^{203}\) |


### Q4. VICTIMS

#### Q4.1. Do the victims have the right to receive the following information regarding the transfer from the issuing state:

| • The decision to transfer | 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. 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 | 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. | 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 |

---

| The status of the transfer | 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. In practice, victims are not informed about the status of the transfer. | In the law, there are no rules governing the provision of information to victims. 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. | 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. 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. |
| Other? 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 (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. In practice, victims are not informed about the status of the transfer. | In the law, there are no rules governing the provision of information to victims. 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. | 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. 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. |

| 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 (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 and there is no procedure thereof.  


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). | 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.  


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). | 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 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. |
| Is the information provided upon request of the victim? | 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. 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 | In the law, there are no rules governing the provision of information to victims. 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. | 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. 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. |

---


| **Who responsible for providing 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 (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. 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 authority deciding on the transfer. 220 | 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 | 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 |

---


<table>
<thead>
<tr>
<th><strong>Is it a verbal or written communication?</strong></th>
<th>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. 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.</th>
<th>In the law, there are no rules governing the provision of information to victims.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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. 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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

| 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) | 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 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. | 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. | 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. The draft law for implementing FD 2009/829, currently in process of public consultation, does not provide for any specific rights of victims. |
| 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. | Bulgaria has not implemented FD 2008/909. Transfers of persons sentenced to imprisonment are done following the provisions of the Criminal Procedure Code | The law does not provide victims with any other rights concerning the forwarding of the decision. | 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. |

---


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)?

<table>
<thead>
<tr>
<th>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 rules governing the provision of information to victims or the participation of victims in the procedure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

---


| 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 (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. In practice, victims are not informed about the sentenced person’s release. | 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. |

---


