



NATIONAL SPECIAL INTELLIGENCE DEVICES CONTROL BUREAU

**2021
ANNUAL
REPORT**



Independence in the actions of the National Special Intelligence Devices Control Bureau in the exercise of its statutory powers is crucial for the fulfilment of its tasks. The National Bureau must identify and assess in a timely manner the risks and threats arising from the relevant actions of the bodies applying special intelligence means in order to be able to take the necessary actions in a timely manner to prevent their unregulated application and unlawful violation of the rights and freedoms of citizens.

Special intelligence means shall be used by the security and public order services to prevent and detect serious intentional crimes and to protect the life and health of Bulgarian citizens. This process is not always absolutely straightforward and the challenge for the supervisory authority is to strike a balance between ensuring that intelligence, law enforcement and law enforcement agencies have sufficient discretion to carry out their tasks while respecting and upholding the democratic principles of the rule of law

This balance is what makes supervisory activity so challenging and sometimes leads to differences in the application of the procedures laid down in the law between supervisors and competent services.

In the Republic of Bulgaria, the supervision of procedures has been considerably increased since the creation of an independent body to guarantee to the maximum extent the constitutional rights of citizens. The establishment of the National Special Intelligence Devices Control Bureau in 2013 was an important milestone in the development of the oversight activities. Today, the National Bureau plays an important role in this process, which is a complex mechanism. And in the coming years, the National Special Intelligence Devices Control Bureau will continue to work actively to implement the precise application of the Special Intelligence Means Act to ensure that these specific secret methods are applied only in the interests of the security of the country.

SINCERELY,

CHAIRPERSON OF NSIDCB

(PLAMEN KOLEV)

A handwritten signature in blue ink, consisting of a horizontal line followed by a vertical line and a stylized flourish.

ABBREVIATIONS USED

APIA	Access to Public Information Act
APO	Appellate Prosecutor's Office
BBA	Bulgarian Bar Act
c.c.	Civil case
CA	Court of Appeal
CC at the SJC	Civil Council at the Supreme Judicial Council
CC of the Republic of Bulgaria	European Court of Human Rights
CCSSAUSMDAECA	Committee for Control of the Security Services, the Application and Use of the Special Means and the Data Access under the Electronic Communications Act, committee in the National Assembly
CCUAAFC	Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
EDPRB	European Delegated Prosecutors in the Republic of Bulgaria
GDBP	General Directorate Border Police
GDCOC	General Directorate Combating Organized Crime
GDNP	General Directorate National Police
ISD	Internal Security Directorate
MAPO	Military Appellate Prosecutor's Office
MC	Military Court
MCA	Military Court of Appeal
MDPO	Military District Prosecutor's Office
ME	Material evidence
MoD	Ministry of Defence
MoI	Ministry of Interior
PPA	Public Procurement Act
SANS	State Agency for National Security
SAPO	Specialised Appellate Prosecutor's Office
SATO	State Agency "Technical Operations"
SCCA	Specialised Criminal Court of Appeal
SCCs	Supreme Court of Cassation
SCIS	State Commission on Information Security
SCPO	Supreme Cassation Prosecutor's Office
SIA	State Intelligence Agency
SIMA	Special Intelligence Means Act
SJC	Supreme Judicial Council
SMLDA	State and Municipalities Liability for Damages Act

MoJ	Ministry of Justice
NSIDCB, the Bureau The National Bureau	National Special Intelligence Devices Control Bureau
NIJ	National Institute of Justice
PC	Penal Code
CCP	Code of Criminal Procedure
NA	National Assembly
DPD	District Police Directorate
DPO	District Prosecutor's Office
OCG	Organized criminal group
DC	District Court
RAC	Rules for the administration in the courts
RAPORB	Rules for the administration of the Prosecutor's Office of the Republic of Bulgaria
PORB	Prosecutor's Office of the Republic of Bulgaria
RPO	Regional Prosecutor's Office
RC	Regional Court
MIS	Military Information Service at the Minister of Defence
MPS	Military Police Service
MINS	Military Intelligence Service at the Minister of Defence
SCPO	Sofia City Prosecutor's Office
SCC	Sofia City Court
SPD	Sofia Police Directorate
SpCC	Specialized criminal court
SpPO	Specialized prosecutor's office
SIM	Special intelligence means
ULB	Union of Lawyers in Bulgaria
CAIS EOP	Centralized Automated Electronic Public Procurement Information System
SIMA	Special Intelligence Means Act

INTRODUCTION

With the amendments in SIMA in 2013 as a result of the recommendation in item 87 of the ECtHR Decision of 28.06.2007 on appeal No. 62540/00 of the "Association for European Integration and Human Rights and Ekimdzhev v. Bulgaria" the NSIDCB was created as an independent state body to independently exercise its powers in the overall supervision of the procedures for authorizing, applying and using special intelligence tools, the storage and destruction of information obtained through them, as well as to protect the rights and freedoms of citizens against their illegal use.

This report presents the activity of the NSIDCB in 2021. It was prepared in accordance with Art. 34b, para. 7 of SIMA to present to the National Assembly information on the activities of the Bureau in accordance with its functions and powers. It was prepared in accordance with Art. 34b, para. 7 of SIMA to present to the National Assembly information on the activities of the Bureau in accordance with its functions and powers. The report contains:

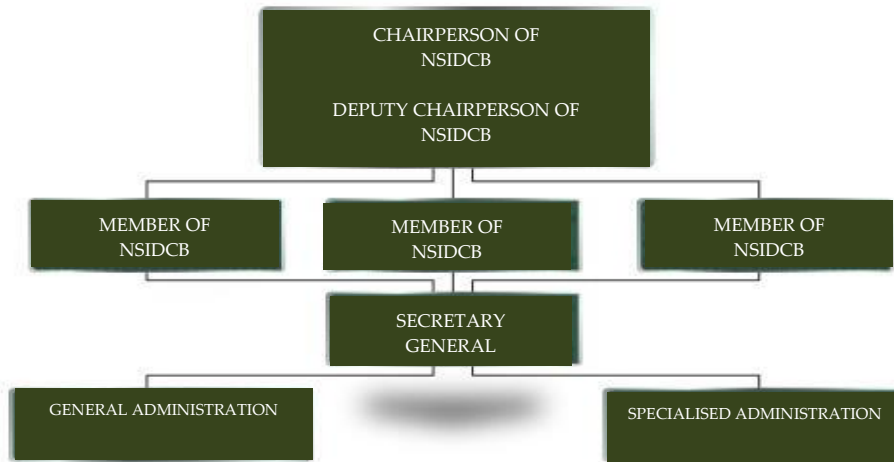
- ✓ summary data on the procedures for requesting, authorizing, applying and using the SIM, on storing and destroying the received information and on the prepared MEs;
- ✓ analysis of the results and problems identified during the inspections and recommendations for their elimination;
- ✓ information on the activity of protecting the rights and freedoms of citizens;
- ✓ information in the field of international cooperation and on the interaction with the relevant committee in the National Assembly and with other state bodies and non-governmental organizations.

An important objective for the current composition of the NSIDCB is to maintain a good inter-institutional dialogue with the legislative, judicial and executive authorities, as well as the non-governmental sector to promote and improve the good practices established since the establishment of the NSIDCB, as well as to protect fundamental rights and freedoms of the citizens, enshrined in the Constitution of the Republic of Bulgaria.

COMPOSITION OF NSIDCB. MEETINGS AND ADOPTED DECISIONS ORGANISATION OF ADMINISTRATIVE WORK

On 21.12.2018, by decision of the 44th National Assembly, the Chairperson of the NSIDCB, Deputy Chairperson and three members were elected for a term of 5 years. In the first half of 2021, the National Bureau functions in full staff: chairperson Plamen Kolev, deputy chairperson Ilko Zhelyazkov and members – Ognyan Atanasov, Iliya Ganey and Ognyan Stoichkov. By decision of the 46th National Assembly of 28.07.2021, on the basis of Art. 34e, para. 6, item 1 of SIMA, the powers of Ilko Zhelyazkov as a member and vice-chairman of the NSIDCB have been

terminated. The total number of staff is 21 full-time employees, of which 18 employees are actually employed by the end of 2021.



During the year, 56 meetings were held. For the period 2021, NSIDCB adopted a total of 740 decisions. By comparison, in 2019 NSIDCB met 44 times and in 2020 the number of meetings was 45. (Fig. 1)



Structure of the administration

Pursuant to Article 34b (1) (3) and (4) of the SIMA, the National Bureau is a permanent independent state authority, a primary budgetary authorising officer. NSIDCB is an institution established by law and is a legal entity financed by the State – Article 34b (2) of the SIMA.

General administration

The general administration supports the performance of the NSIDCB’s powers, enables the activities of the specialised administration to be carried out and carries out the technical activities related to the administrative services. The General Administration has set up the Finance and Accounting Sector, which carries out the planning, management and control of financial resources, the financial provision of the activities of NSIDCB and its administration.

Specialised administration

The specialised administration assists in the performance of the NSIDCB's powers by taking part in audits carried out by the authorities referred to in Articles 13, 15 and 20 of the SIMA regarding compliance with the law with regard to activities relating to the authorisation, use and enforcement of the SIM or the storage or destruction of the information acquired through them, by analysing, systematizing and summarising information and drawing up expert opinions and proposals.

FINANCIAL AND ECONOMIC ACTIVITIES

BUDGET AND FINANCIAL

CONTROL

The National Bureau applies a programme budget format implementing a budget programme 'Control of Special Intelligence Means' in the functional area 'Monitoring of authorisation, application and use of special intelligence means'. The State Budget Act of the Republic of Bulgaria for 2021 approved expenditure amounting to BGN 1 693 700 for the NSIDCB.

In 2021, a financial audit was carried out by the Court of Auditors of the RB on the 2020 annual financial statements of NSIDCB. The final audit report issued is of the opinion that the financial statements of the National Bureau give a true and fair view of its financial position, its financial results and its cash flows as at 31.12.2020.

PROCEDURES PURSUANT TO SIMA

In 2021, SIM was used for 2632 persons. 4580 requests for the use of SIM were made, for which the judges issued 4056 authorisations and 524 refusals. As a result of the applied SIM, 1007 ME were prepared.

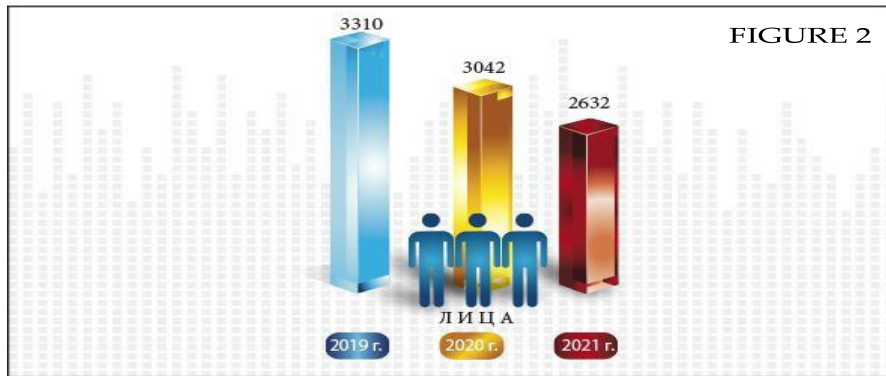
1. BODIES PURSUANT TO ART. 13 OF SIMA

The authorities referred to in Article 13 (1) to (4) and Article 34n of SIMA shall be entitled to use SIM in accordance with their competence.

It should be noted that from June 2021, the Republic of Bulgaria participates in the new European structure with European delegated prosecutors, according to Council Regulation (EU) 2017/1939 of 12 October 2017. According to Art. 173, para. 1 of the CCP (Art. 13, Para. 2 of SIMA), the European Delegated Prosecutors, in their capacity as supervising prosecutors, are competent authorities to request the use of SIM in pre-trial proceedings for the detection of crimes in cases under the jurisdiction of the Specialized Criminal Court, and to use the data and material evidence collected through them.

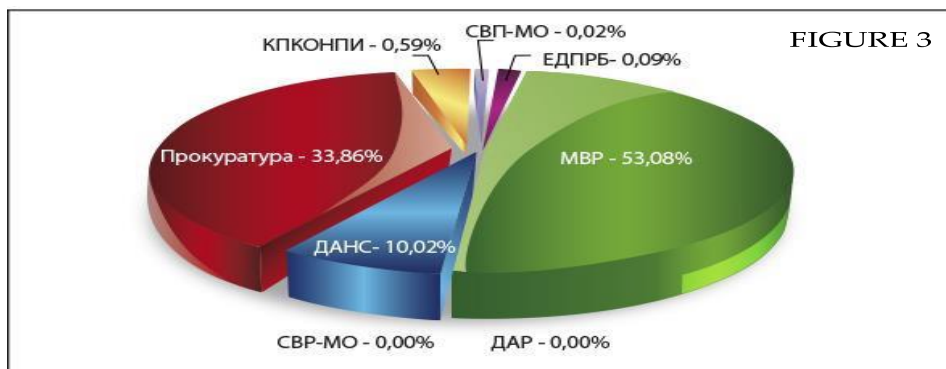
1.1. Requests

In 2021, SIM was used for 2632 persons¹ compared to 3042 in 2020 and 3310 in 2019 (Fig. 2)



In 2021, the relative share of applicants in the total number of procedures initiated was:

- MoI – 53,08% (at 51,12% in 2020, 53,73% in 2019);
- PORB – 33,86% (at 36,98% in 2020, 37,95% for 2019);
- SANS – 10,02% (at 7,28% in 2020, 5,69% in 2019);
- CCUAAFC – 0.59 % (at 3.48 % in 2020, 2.43 % in 2019);
- EDPRB – 0.09 %;
- MPS – MD – 0.02 % (at 0.22 % in 2020, 0.20 % in 2019);
- MNS – MD – 0%;
- SIA – 0 %. (Fig. 3)



A comparison of the data shows that the procedures initiated by the MoI authorities and the Prosecutor's Office account for more than 86 % of the total.

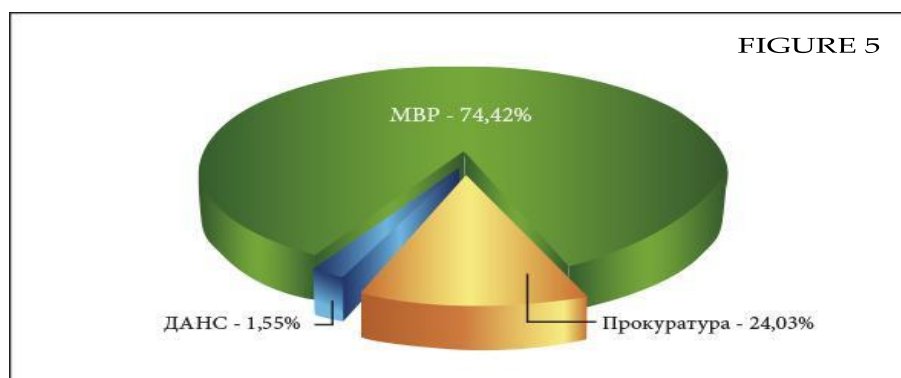
¹ According to data of the bodies pursuant to Article 20 of SIMA.

In 129 cases², SIM was used in respect of subjects for the identification of persons for whom there was evidence and reason to believe that they were preparing, committing or having committed a serious intentional crime as listed in the Act (Article 12 (1) (4) of the SIMA). (Fig. 4)



Comparing the data over the last few years, there has been a decrease in cases using this procedure since 2018.

The procedures under Art. 12, para. 1, item 4 of SIMA are distributed among the authorities under Art. 13 of SIMA in the following ratio: Ministry of the Interior – 74.42% (at 85.78% in 2020, 85.82% in 2019); prosecutor's office – 24.03% (at 12.28% in 2020, 13.70% in 2019); SANS— 1,55% (at 1,78% in 2020, 0,48% in 2019). (Fig. 5)



As evident from the chart, it is the Moi authorities which use SIM most frequently in order to identify persons and detect offenders.

In 2021, according to 373 procedures (13.51% of the total number), the application of the SIM has started according to the order and under the conditions of Art. 17 of SIMA³ (for comparison: 435 or 14.38% in 2020, 548 or 16.56% in 2019).

² According to data of the bodies pursuant to Article 20 of SIMA.

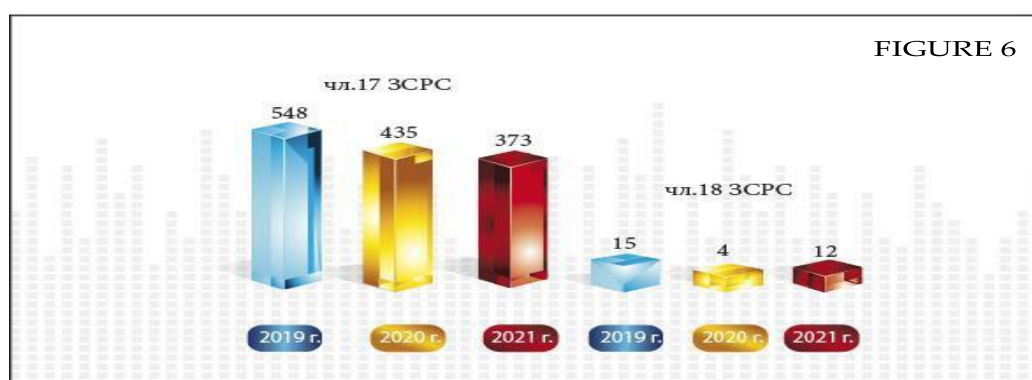
³ Application in urgent cases starting immediately after the authorisation by a judge.

In individual cases, it was found that the assumption of Article 17 of the SIMA was used to speed up the launch of the SIM application procedure.

Given the findings of the National Bureau reflected in the 2021 report, instructions have been given to refine the use of this special provision of the law.

As a result of the instructions given, the cases in which the application of the SIM is requested in the assumption of Article 17 of the SIMA have been reduced and the grounds for immediate initiation are expressly stated.

In 2021, in the case of 12 procedures (0.43% of the total number), the implementation began under the conditions of Art. 18 of SIMA⁴ (for comparison: 4 or 0.13% in 2020, 15 or 0.45% in 2019). (Fig. 6)



During the reporting period, 4,580 requests were prepared for 2,761 procedures against persons and objects (for comparison, respectively: in 2020 – 3196 procedures for 5368 requests, in 2019 – 3569 procedures for 6039 requests)⁵.

As evident from the data, in the last three years the procedures and requests have decreased significantly. Compared to 2020, procedures have decreased by 435 and requests by 788, and compared to 2019, procedures have decreased by 808 and requests by 1,459.

The analysis of the statistics and the findings of the NSIDCB audits leads to the conclusion that over the last years the number of persons against whom SIM is used has decreased and that the authorities referred to in Article 15 of the SIMA have increased their criteria when issuing authorisations for SIM application and continue the adopted practice to require all the materials on which the request is based. It was established that in the bodies under Art. 13 of SIMA, an organization was established to increase the knowledge and skills of employees for the use of SIM, as well as to increase internal control in the preparation of requests for the use of SIM. The internal departmental control introduced in some structures regarding the use of SIM has led to more precise planning and preparation for the use of this specific method of proof.

⁴ Application without prior authorisation by a judge in case of imminent danger of committing serious intentional crime or threat to national security.

⁵ According to the authorities referred to in Articles 15 and 20 of the SIMA. The number of requests is higher than the number of persons and subjects because for one person there is more than one request (upon appearance of new communicator, address, vehicle, etc.).

1.2. Substantive legal bases for the use of SIM

The use of SIM is admissible to detect only serious intentional offences expressly referred to in Article 172 (2) of the CCP and in Article 3 (1) of the SIMA.

In 2021, SIM was used most frequently in connection with acts under Article 321 of PC (OCG) – 1732; Article 354a of PC (narcotic drugs) – 787. Article 234 of PC (excise goods) – 197, Article 195 of PC (theft) – 167 (4,20%); Article 301 of PC (bribery) – 104, pursuant to Chapter One of the Special Part of the PC – 262 .⁶

The comparison shows that in 2020 SIM were used most frequently in connection with acts under Article 321 of PC (OCG) – 2551; Article 354a of PC (narcotic drugs) – 692; Article 234 of PC (excise goods) – 273; Article 195 of PC (theft) – 141; Article 301 of PC (bribery) – 123; pursuant to Chapter One of the Special Part of the PC – 188.⁷

In 2019, SIM was used most frequently in connection with acts under Article 321 of PC (OCG) – 2617; Article 354a of PC (narcotic drugs) – 803. Article 234 of PC (excise goods) – 279, Article 195 of PC (theft) – 213 (4,20%); Article 209 of PC (bribery) – 145, Article 209 of PC (fraud) (2.71%); pursuant to Chapter One of the Special Part of the PC – 181.⁸(Fig. 7)

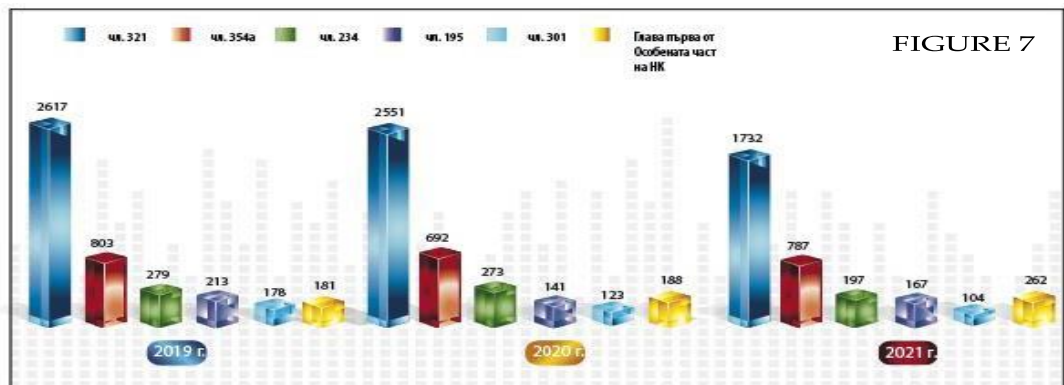


Fig. 7. The use of SIM to detect violent intentional crime for the period 2019-2021

It seems that in 2021 the authorities referred to in Article 13 of the SIMA continue to use SIM most frequently to detect offences pursuant to Articles 321, 354a, 301, 234, 195 of the PC and pursuant to Chapter One of the Special Part of the PC.

⁶ According to data of the bodies pursuant to Article 15 of SIMA. ⁷ According to data of the bodies pursuant to Article 15 of SIMA. ⁸ According to data of the bodies pursuant to Article 15 of SIMA.

For the last three years, only the cases in which the SIM was used in connection with acts under Chapter One of the special part of the Criminal Code have increased, for acts under Art. 321, Art. 234, Art. 195 and Art. 301 of the Criminal Code there is a reduction, and in the case of acts under Art. 354a relative stability of the number of used SIMs is observed.

1.3. Results of the audits carried out

In the course of the inspections, some gaps in the SIMA procedures were identified, expressed as follows:

- failure to specify a specific composition of the crime – the requests contain a description of facts and circumstances indicating the implementation of a criminal activity, but the specific composition of the PC is not indicated;
- insufficient substantiation in requests to qualify the committed acts as serious crimes from those permitted by law;
- indication of the composition of the crime other than those specified in Art. 3, para. 1 of SIMA, resp. Art. 172, para. 2 of CCP;
- lack or insufficient information about the involvement of the persons in the criminal activity described in the requests;
- in case of initiated pre-trial proceedings, the use of SIM is requested by an authority under Art. 13, para. 1 of SIMA.

In such cases, the court refuses to allow the use of the SIM.

Practices identified that the NSIDCB believes should be corrected:

- a request by the applicant for an early termination of the application of the SIM due to an achieved result, but no ME is requested and the report to the judge does not describe what the result is;
- verbatim reproduction of information from applied SIMs in a request for an extension of the application period;
- verbatim reproduction in a request for an extension of the SIM application period of information acquired from the use of a SIM of calls that are suspected of falling within the hypothesis of Art. 33, para. 3 of the BBA., for which on the basis of Art.
 - requests for SIM use based on Art. 17 of SIMA without justifying the need for urgency;
 - requests and permits for applying the method under Art. 8 of SIMA without individualization of the object to be penetrated. Most often, the request states "on the territory of the entire country";
 - single cases of destruction of information beyond the regulated period under Art. 31, para. 3 of SIMA and action has been taken to prevent repeat violations.

The problems with the application of Art. 34n of SIMA. The Public Prosecutor's Office had difficulty justifying the request for use of the SIM and could not comply with the provisions of Article 34n (2) SIMA, given the limited information received from the competent authority of the foreign country. If the offence for which the use of SIM is requested does not fall within the scope of Article 3 or Article 34i of the SIMA, notwithstanding the existence of an authorisation from the relevant national competent authority of the requesting State, this is not a sufficient ground for the Bulgarian court to authorise the application of SIM on the territory of the Republic of Bulgaria, including in cases where this will be carried out by officers of the State concerned.

This difficulty can only be overcome by improving the legislation by describing a clear and precise procedure for the application of SIM on the territory of the country when receiving a request from the relevant structures of foreign countries, in order not to violate national legislation and at the same time not to hinder the investigation of a crime.

At the same time, good practices in the application of the SIMA procedures were also found for individual applicants:

- the problem of previous years concerning the destruction of information pursuant to Art. 175, para. 7 of the CCP by some authorities under Art. 13, para. 2 of SIMA (art. 172, paragraph 1 of CCP). After initiating a working meeting with the authorities under Art. 15 and Art. 13, para. 2 of SIMA by the NSIDCB in 2021 an organization was established for the timely preparation of requests under Art. 175, para. 7 of the CCP and giving the permissions to destroy the information that did not serve to prepare the MEs. In 2022, no cases of delay in destroying the information under Art. 31, para. 3 of SIMA by the authorities under Art. 13, para. 2 of SIMA;

- in the request and order for granting permission to apply the SIM, the specific operational information with a sheet number from the reference, located in the operational report file, is indicated;

- electronic filing of SIM requests has been implemented for some applicants.

2. BODIES PURSUANT TO ART. 15 OF SIMA

Requests from the competent authorities shall be submitted to the chairpersons of Sofia CC, the relevant district or military courts, the SpCC or a vice-president authorised by them, who shall decide within 48 hours by means of a reasoned instrument (Article 15 (1) of the SIMA).

For offences committed by judges, prosecutors and investigators, their associates and witnesses, authorisation shall be granted by the Chairperson of AC – Sofia or a deputy chairperson authorised by him/her, if Sofia CC has jurisdiction over the case and, in other cases, the Chairperson of the MCA or the SCCA, or their authorised deputy. On this basis, in accordance with its competence under Article 15

⁹ According to data of the bodies pursuant to

(4) of the SIMA, the SCCA issued 29 authorisations in respect of 25 persons.

Requests to the Chairperson of AC – Sofia, the MCA and the SCCA, or their deputy, are decided by the Deputy Chairperson of the SCC, in charge of the Criminal Chamber. No requests were received in 2021 or issued decision .

2.1. Authorisations

In 2021, the authorities referred to in Article 13 of SIMA exercised their right to request the use of SIM by submitting a total of 4580 requests for persons and subjects to the authorities referred to in Article 15 of the SIMA. Of these, 4056 were granted (2602 initial requests and 1454 extension)⁹.

In 2020, the authorities referred to in Article 13 of SIMA exercised their right to request the use of SIM by submitting a total of 5368 requests for persons and subjects to the authorities referred to in Article 15 of the SIMA. Of these, 5,003 are permitted.

Out of a total of 6039 requests for persons and sites, 5396 were authorised in 2019 (3799 initial requests and 1597 extension requests). (Fig. 8)

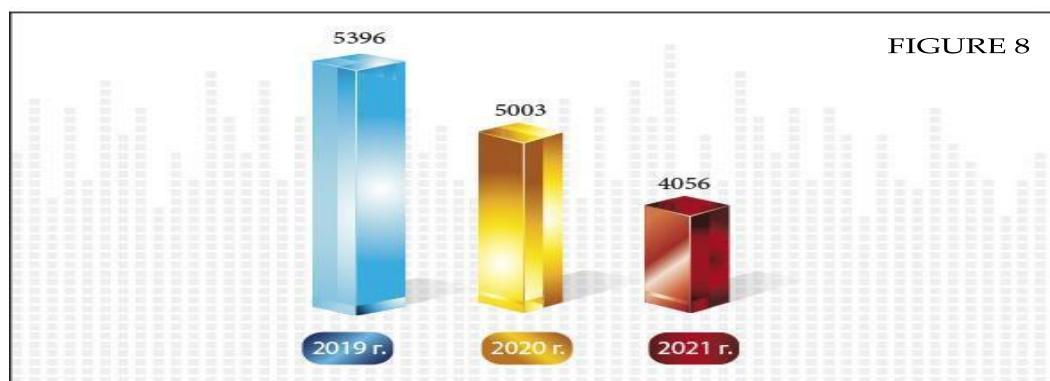


Fig. 8. Authorizations for the use of SIM for the period 2019 – 2021.

In 2021, authorizations decreased by 947 compared to 2020, which makes it possible to conclude a significant decrease in applied SIMs.

During the year, at the request of the chief prosecutor, 2 authorizations were issued against 2 persons. 2 requests for SIM implementation under Art. 34n of SIMA and 2 authorizations were issued.

Again in 2021, the SpCC ruled on the highest number of requests (50.81 % of all received by courts).

⁹ According to data of the bodies pursuant to

2.2. Refusals

In 2021, the judges rejected 524 requests for the application of SIM¹⁰ (in 2020, there were 365 refusals, and in 2019 there were 643). (Fig. 9)

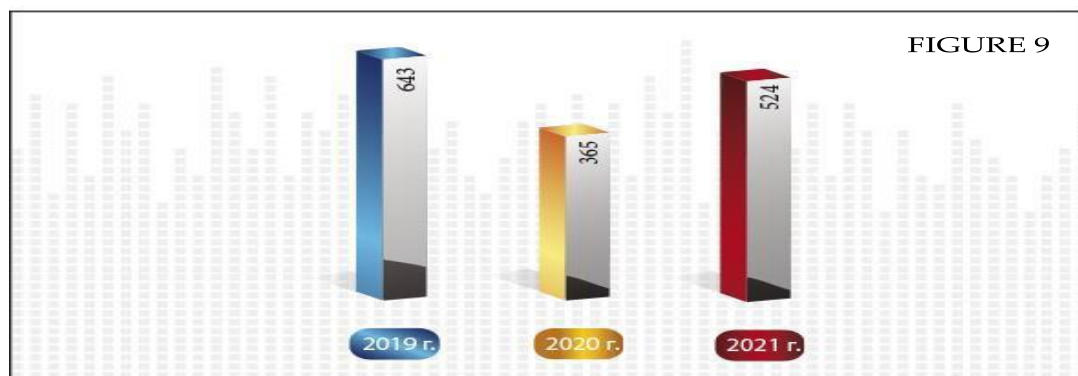


Fig. 9. Refusals for the use of SIM for the period 2019 – 2021.

In 2021 again, there is still a tendency for the courts with the highest number of requests to issue the largest relative number of refusals.

During the year, SpCC received 2,327 requests and 325 refusals were issued, which represents 13.97% of the requests submitted to the court, 392 requests were received in DC-Plovdiv and 42 refusals were issued, which is 10.71%, and in SCC 194 requests were received and 74 refusals were decided, which is 38.14%).

In 2021, the relative share of the rulings on refusals at the request of applicants is as follows:

- SANS – 13.51% (7.16% in 2020 and 14.75% in 2019);
- MoI – 8,39% (2,87% in 2020, 10,33% in 2019);
- Prosecutor’s Office – 16.31 % (6.05 % in 2020, 9.90 % in 2019);
- CCUAAFC – 0.00 % (2.67 % in 2020, 20.69 % in 2019).

The main reasons for refusal are due to the lack or insufficiency of the data on the person’s involvement in the criminal activity described; lack of evidence of the existence of an OCG (non-compliance with its legal definition in Article 93 (20) of the PC); lack of reasons for impossibility or exceptional difficulties to collect the necessary data without the use of SIM; failure to indicate the results achieved in the requests for extension, etc.

In the course of the year, the judges, exercising their power to review the legality of SIMA procedures, also issued 153 decisions in which they partially refused operative means, corpus delicti or reduced the requested time limits for the application of SIM.

¹⁰ According to data of the bodies pursuant to

2.3. Results of audits carried out

The data from 2021 allow us to conclude that the judicial control of the procedures for authorizing the application of the SIM has increased. We believe that there should be increased control by judges in the process of applying SIM and regarding the storage and destruction of information acquired through them.

✓ When carrying out the monitoring and control of the procedures, the NSIDCB identified individual cases in which an authority under Art. 15 of SIMA failed to comply with the statutory 48-hour time limit for ruling on SIM use requests.

✓ During the inspections, it was found that the practice continues in the permits (or requests) for crimes under Art. 321 of the Criminal Code not to indicate the secondary criminal activity for which the use of the SIM is requested. The exact wording of the specific legal norm is an essential element of the authorization (request), because it is the basis on which the internal conviction and the exact application of the law for a completed criminal composition is formed.

✓ In rare cases, it is found that the authorities referred to in Article 15 of the SIMA receive requests from different applicants against the same person to detect the same offence. The judges issued refusals, thus preventing a breach of the law as regards the maximum time limits for the application of the SIM.

✓ A case has been established where the judge gave permission to apply SIM to a person at the request of an applicant for 6 months, and then allowed the application to the same person and for the same act of another applicant. SATO found the time limit exceeded, did not apply the SIM and notified the applicant and the judge. The judge revoked his authorizations.

The National Bureau considers that the introduction of a single electronic register for SIM at the authorities under Art. 15 of SIMA is mandatory and the application of SIM against the same person for the same act by different applicants, as well as exceeding the deadlines for application of SIM, will not be allowed.

✓ The practice where the authority referred to in Article 15 of the SIMA, guided by the statement of reasons for the request, changes the legal classification of the offence for the detection of which use of the SIM is sought continues.

According to NSIDCB, such a practice is unacceptable and judges should refuse SIM application (arg. Article 15 (1) of the SIMA — judges give written authorisation for using SIM or refuse to use such, giving reasons for their decisions.

✓ There have been cases where a break has been found between the deadline for the initial request and the initial deadline for the continuation request. To prevent such a violation, the NSIDCB issued mandatory guidelines way back in 2020 which specifically stated that there should be no gap between the initial request and the request for extension. Otherwise, the request for an extension should be considered as an initial request for SIM application.

When carrying out complex inspections, the NSIDCB also established the introduction of practices that further guarantee the protection of the rights of citizens and do not allow violations of legal provisions. For example:

- the judge required the applicant to indicate in his request for the use of

¹¹ According to data of the bodies pursuant to

a SIM, whether the procedure under Art. 12, para. 1, item 4 of SIMA. The aim is to prevent exceeding the maximum defined period for SIM exploitation in relation to one person, user of a certain communicator, if this communicator has already been under control in accordance with Art. 12, para. 1, item 4 of SIMA;

- the judge requires applicants to describe the expected results of each method specified in the SIM usage requests.

3. BODIES PURSUANT TO ART. 20 OF SIMA

According to Art. 20 of SIMA, special intelligence means are provided and applied only by the State Agency "Technical Operations", specialized Directorate "Technical Operations" of the State Agency "National Security", Ministry of Internal Affairs – for the means under Art. 10b and Art. 10c of SIMA, as well as for the method under Art. 10a of SIMA, in cases where an undercover officer is used.

The State Intelligence Agency and the intelligence services of the Ministry of Defense may not possess and use special intelligence means within their competence.

3.1. Operational means

The total number of operational means authorised for 2021 is 11963. (in 2020 these are 15 719, 2019 – 15719).

The number of operational means (authorised/applied) by type is as follows¹¹:

- Art. 5 of SIMA (monitoring) – 3496 (at 4255 for 2020, 4585 for 2019), applied 1229 (1372 for 2020, 1628 for 2019);
- Art. 6 of SIMA (wiretapping) – 3796 (4644 for 2020, 5112 for 2019), applied 3758 (5076 for 2019);
- Art. 7 of SIMA (tracking) – 3500 (4262 for 2020, 4593 for 2019), applied 1227 (1363 for 2020; 1621 for 2019);
- Art. 8 of SIMA (penetration) – 439 (456 for 2020, 578 for 2019), applied 62 (71 for 2020; 68 for 2019);
- Art. 9 of SIMA (marking) – 218 (257 for 2020, 227 for 2019), with 19 applied (26 for 2020; 22 for 2019);

¹¹ According to data of the bodies pursuant to

- Art. 10 of SIMA (verification of correspondence) – 434 (478 for 2020, 546 for 2019), applied 31 (39 for 2020, 28 for 2019);
- Art. 10a of SIMA (controlled delivery) – 2 (3 for 2020, 2 for 2019), applied 2 (0 for 2020; 0 for 2019);
- Art. 10b of SIMA (trust transaction) – 39 (42 for 2020, 38 for 2019), with 14 applied (16 for 2020; 11 for 2019);
- Art. 10c from SIMA (undercover officer) – 39 (42 38 for 2019), with 28 applied (27 for 2020; 18 for 2019); (Fig. 10 and Fig. 11)

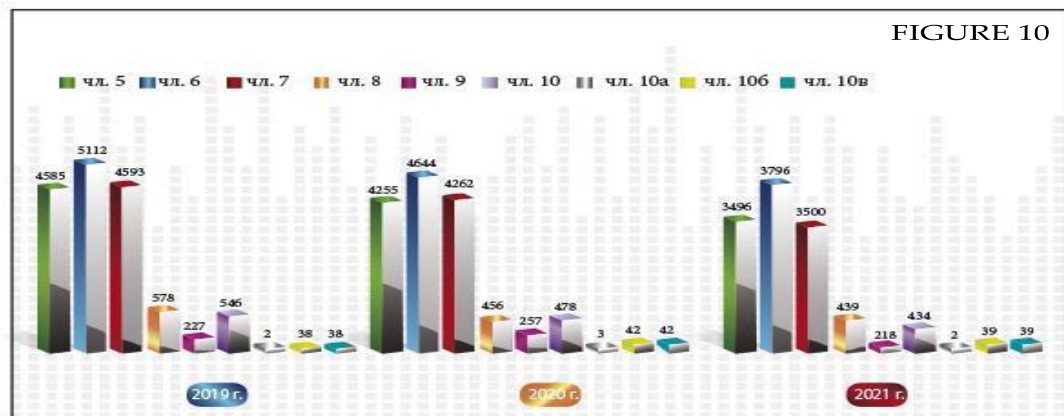


Fig. 10. Operational means requested and authorised for the period 2019-2021

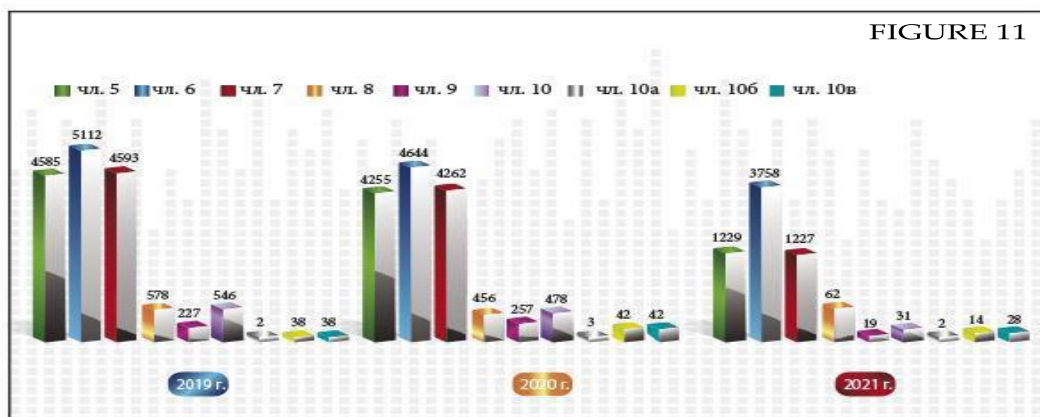


Fig. 11. Operational means applied for the period 2019-2021

In total, 6370 methods were applied in 2021 (7465 in 2020; 8472 in 2019)¹², which represents 53.25 % of the authorised operating means. This compared to 51.70 % in 2020 and 53.90 % in 2019.

¹² According to data of the bodies pursuant to

As a significant omission in the prepared reports, the NSIDCB reports that the types of methods that have been applied in the operation of the SIM are not always indicated. The non-applied methods, as well as the reasons for this, are not indicated.

According to the National Bureau, the court is not in a position to assess whether the requested methods of implementing the SIM will lead to the achievement of the desired results. It is noted that in quite a few cases, in one request, the applicant indicates the means under Art. 5, Art. 6, Art. 7, Art. 8, Art. 9 and Art. 10 of SIMA without motivating how the desired result will be achieved with a large part of them.

The court cannot judge whether the specified methods will lead to the achievement of the intended goal, but when the applicant lacks reasons for individual operational methods, the court in a number of cases rules against their application. It is necessary in the report under Art. 29, para. 7 of SIMA, the applicant must indicate which methods were not implemented and the reasons for this, as well as with which methods the target results were achieved.

3.2. Results of audits carried out

Refusal to apply the SIM under Article 22 (3) of the SIMA

In the course of the year, the authorities referred to in Article 20 of the SIMA applied the assumption of Article 22 (3) (1) and (2) of the SIMA in 18 cases, with notifications of non-application of SIM most often due to manifest and factual errors in the requests and authorisations for using SIM.

Where SATO finds that the deadline has been exceeded, it shall not apply the SIM and shall notify the applicant and the judge who granted the permit. The on-the-spot audits found that SIM had not been applied in these cases and the bodies referred to in Article 20 of the SIMA had fulfilled their obligations under SIMA.

Procedures where there is an interruption between the initial request and its continuation

Individual cases of interruption of the procedures have been identified, in which the implementing body has notified the authorities referred to in Articles 13 and 15 of the SIMA of these circumstances and the late requests for extension of the deadline for implementation of the SIM were considered to be new, initial requests, within the remaining statutory deadline, in accordance with the binding instructions given by the NSIDCB during 2020.

Procedures in which the statutory permissible application period of the SIM is exceeded

Cases have been identified in which SATO received authorisations for SIM application for a period longer than the statutory six months, in accordance

with Article 21 (2) (3) of the SIMA. The reason is a difference in the calculation of the terms (in months and days). In all these cases, SATO has notified the authorities under Art. 13 and Art. 15 of SIMA, that the deadline has been exceeded and SIM has applied in accordance with the legal norm of Art. 21 of SIMA, having terminated the operation of the SIM, calculating the maximum period of application from the original date when it began.

Thus, an additional guarantee is achieved that SIMs are implemented within the deadlines strictly defined by the legislator.

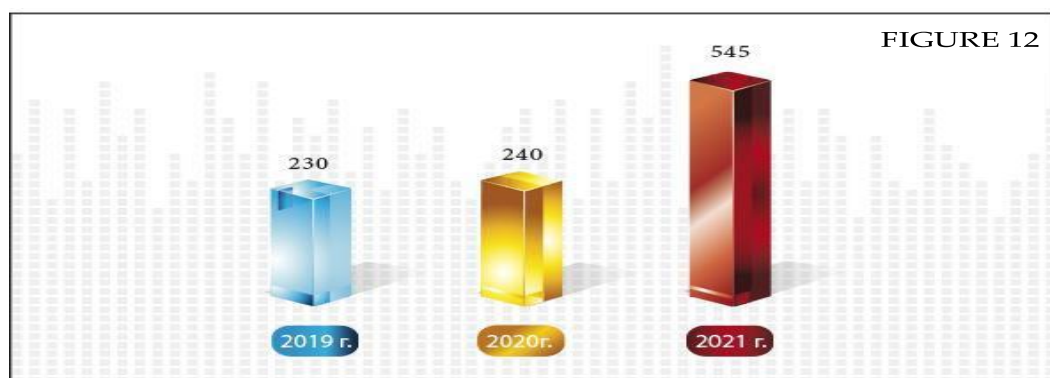
It should be noted that SATO has imposed a practice, when it is established that a certain communicator is not used by the person who is controlled through SIM, to send notifications under Art. 22, para. 3 of SIMA for this circumstance and to the authority under Art. 15 of SIMA – for additional judicial review.

NSIDCB ACTIVITY RELATED TO SIMA

1. Performance of audits, analysis of the results of the audits carried out

With decisions of the NSIDCB , 569 inspections of the bodies under Art. 13, Art. 15 and Art. 20 from SIMA (for comparison, in 2020, 240 inspections were carried out, and in 2019 – 230), of which 283 complex inspections for SIMA activity, 12 thematic and inspections on 274 files formed in the NSIDCB (125 on signals of citizens complying with the NSIDCB 's Internal Rules of Operation on reports of illegal use of the SIM and 149 after self-referral to the Bureau on the basis of Article 8, Paragraph 1, Item 9, b "b" of the Rules of Procedure of the NSIDCB and its administration.

In connection with the work on the specified files, 174 inspections of the authorities under Art. 20 of SIMA, 60 inspections of the authorities under Art. 13 of SIMA and 60 inspections of the authorities under Art. 15 of SIMA. (Fig. 12)



The authorities under Art. 20 of SIMA applies SIM subject to authorizations granted by the court. After the termination of the application, a notification is sent to the applicant and the judge, and the information obtained

through the operation of the SIM, which will not be used for the preparation of the ME, is destroyed within the period under Art. 31, para. 3 of SIMA. The protocols for the destruction of the information are sent to the authority under Art. 15 of SIMA together with the report under Art. 29, para. 7 of SIMA. When MEs are prepared, they are sent to the applicant and the judge who granted the permission to use the SIM, together with the protocol for destroying the information under Art. 24 of SIMA.

2. Opinions and instructions to the authorities under Art. 13, Art. 15 and Art. 20 of SIMA

In the course of the inspections, deficiencies were identified in the activities of the bodies implementing SIMA, to overcome which the NSIDCB, on the basis of Art. 34e, para. 1, item 3 of SIMA, gave mandatory instructions and opinions regarding:

- taking actions to prevent the use of SIM for the investigation of crimes that do not fall within the scope of Art. 3, para. 1 of SIMA, resp. Art. 172, para. 2 of CCP;

- specifying the cases in which the application of SIM begins in the hypothesis of art. 17 of SIMA;

- creation of an organization and control under the provisions of art. 175, para. 7, ex. 2 of the CCP and of Art. 31, para. 3 of SIMA, in order to avoid misuse of information collected through the use of SIM;

- compliance with the deadline under Art. 29, para. 7 of SIMA regarding preparation and transmission of the report to the judge;

- ascertained cases at the authorities under Art. 15 of SIMA of requalification of the act, expressed in changing the legal qualification of the request to use SIM – the applicant has requested permission to apply SIM to detect a crime under one composition of the Criminal Code, and the authority under Art. 15 of SIMA allowed the application for detection of a crime under another part of the PC. In some of the cases of reclassification of the act, the order does not list the secondary criminal activity for which the application of the SIM is allowed.

NSIDCB's opinion is that the act should not be reclassified, but if necessary, a reasoned refusal should be issued;

- a break from between the deadline of the original request and the start of the request-continuation;

- on the occasion of a request to give mandatory instructions regarding the deduction of the period in which the SIM was already applied in relation to an object under Art. 12, para. 1, item 4 of SIMA for identifying a person, the NSIDCB's principled opinion is that when using SIM in this scenario, the period in which this procedure was applied should be deducted from the period in a subsequent procedure for applying a specific operational method under attitude of the same person and for the same criminal act.

The NSIDCB will rule on the request for mandatory instructions after discussing the opinions of the authorities under Art. 13, Art. 15 and Art. 20 from SIMA;

- in connection with the storage of information under Art. 25 of SIMA, acquired from the application of SIM before the amendment of the provision of Art. 31, para. 6 of SIMA dated 23.12.2008, it was found that such information is available for some applicants and procedures and conditions for its storage have been created. The destruction is carried out in stages by committees appointed by orders of the relevant administrative head.

3. Cooperation with government bodies and non-governmental organisations concerned with SIMA and protecting citizens' rights and freedoms

The Council of Ministers adopted a decision to adopt a Roadmap for the implementation of the judgments of the ECtHR issued against the Republic of Bulgaria.

On 25 January 2021, the Parliamentary Assembly of the Council of Europe adopted Resolution No. 2358 (2021), in which it expressed its serious concern at the number of judgments of the ECtHR, the implementation of which has not been completed and is being monitored by the Committee of Ministers of the Council of Europe in for more than 5 years after their enactment. The Republic of Bulgaria is cited as one of the Council of Europe member states with the highest number of outstanding decisions, which still has serious structural or complex problems, some of which have not been resolved for more than 15 years.

In order to overcome the accumulated problems, in March 2021 an interdepartmental working group was established to prepare a Roadmap for the implementation of the judgments of the ECtHR against Bulgaria, with the participation of the institutions responsible for the implementation of the measures. The road map was prepared on the basis of the analysis of the main problems resulting from the established violations of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe contained in the Annual Report to the National Assembly. It contains a detailed list of the violations of the Convention established by the ECtHR under the various convictions, notes the necessary measures to overcome them, indicates the institutions responsible for them within the framework of the executive power and binds the preparation of legislative or other proposals in this regard to specific deadlines.

The NSIDCB prepared and submitted to the Ministry of Justice its proposals for improving the regime of procedures for the use of SIM under current legislation, including by synchronizing some texts from SIMA and CCP related to the activities of bodies using SIM. The presented proposals have been prepared and taken into account, apart from the identified gaps in the activities of the bodies using and applying SIM, as well as decisions of the European Court of Human Rights related to the temporary restriction of the constitutional rights and freedoms of

citizens when using SIM.

At the invitation of the National Institute of Justice in the framework of the project "NIJ – a modern institution of judicial training", implemented with the financial support of the Operational Program "Good Governance", the NSIDCB selected its representative in the research community to prepare an analysis "Use of special intelligence means at the request of the prosecution".

The analysis was completed on 01.11.2021 and on 16.03.2022 its presentation was held at NIJ. In the framework of the discussion, a training module was integrated, examining the compliance of legislation and judicial practice on the application of special intelligence tools with the European Convention on Human Rights and the decisions of the European Court of Human Rights.

The analysis was developed by a research community composed of: judges in the Supreme Court of Cassation, prosecutors in the Supreme Cassation Prosecutor's Office, the Appellate Specialized Prosecutor's Office and the Sofia Appellate Prosecutor's Office and a representative of the NSIDCB and coordinator of the research community – Ognyan Stoichkov.

The topics developed in the research are:

Historical development of legislation and judicial practice.

1. Review of legislation in other countries.
2. Applicable international acts.
3. Restriction of fundamental rights of citizens.
4. Scientific developments.
5. The Prosecutor's Office as the applicant for the use of the SIM.
6. Specific use cases and implementation of SIM.
7. Use of SIM application results in pre-trial proceedings.
8. Use of SIM application results in legal proceedings.
9. The organization in the system of the Prosecutor's Office when using

SIM.

10. Protection of citizens' rights in case of illegal use of SIM. The analysis is published on the NIJ website, section "NIJ – Advanced Institution for Judicial Training – OPGG Project", "Developing Research Communities – Analyzes Developed":

<http://www.nij.bg/Articles/Articles.aspx?lang=bg-BG&pageID=2958&articleID=1013>

In 2021, NSIDCB sent CCSSAUSMDAECA at the 44th and 47th National Assembly proposals for amendments and additions to SIMA and CCP, agreed with the authorities under Art. 13, Art. 15 and Art. 20 of SIMA, which would lead to an improvement of the procedures prescribed in the CCP and SIMA. The proposals are aimed at improving the procedures for requesting, authorizing and applying the SIM, as well as improving the procedures for storing and destroying the information obtained through them, which will contribute to increasing the protection of the rights and freedoms of citizens.

The proposals can be systematized in several groups, some of which are:

1. Creation of an order and conditions for the destruction of material evidence that will not serve the needs of the criminal proceedings, and MEs, which are part of the criminal proceedings.

2. Increase of the ten-day period under Art. 31, para. 3 of SIMA for destruction of information under Art. 24 of SIMA, which will not be used to prepare the ME, and the information under Art. 25 of SIMA, since in quite a few cases it appears to be extremely insufficient.

3. Abolition of the mandatory textual reproduction of the content of the ME in the protocol for its preparation – to cancel item 4 of para. 2 in Art. 132 of the CCP and item 4 of para. 2 in Art. 29 of SIMA.

4. Waiver of the requirement regarding the issuing of an order by the authority under Art. 174 of the CCP for the destruction of the information collected when using the SIM and did not serve for the preparation of the ME – to cancel sentence 2 of Art. 175, para. 7 of the CCP. Destruction to be carried out in accordance with SIMA, and other proposed amendments to SIMA.

RESULTS OF SIM APPLICATION, STORAGE AND DESTRUCTION OF ACQUIRED INFORMATION

1. Material evidence (ME)

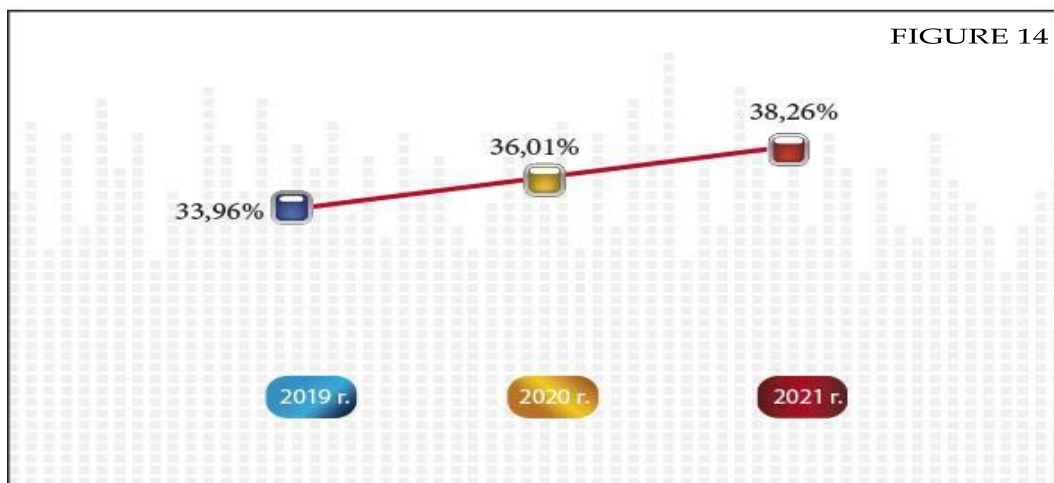
According to the provisions of the CCP, physical evidence is a means of establishing evidence for the needs of criminal proceedings. The preparation of material evidence obtained using SIM is reflected in a protocol signed by the head of the structure that prepared the material evidence. When using the SIM, physical evidence is prepared in two copies and sent to the applicant who requested the permission to use the SIM and to the court that granted the permission.

As a result of the implementation of SIM in 2021, 1007 ME¹³ were prepared (1089 in 2020, 1124 in 2019). (Fig. 13).

¹³ According to data of the bodies under Article 20 of SIMA.



The ratio between the number of ME produced and the number of persons temporarily restricted by SIM basic rights is 38.26 %. For comparison, in 2020 this ratio was 36.01%, and in 2019 – 33.96%. (Fig. 14).



A decrease in the number of cases in which ME was requested to be prepared on a large volume of information was noted, which significantly delayed their preparation.

As a result, the prepared MEs are promptly included in the criminal proceedings.

A decrease in the number of cases in which MEs are not included in pre-trial proceedings has been noted.

The main reasons for not using ME for criminal proceedings are:

- at the time of their preparation, the criminal prosecution has ended (with a decree refusing to initiate criminal proceedings, a decree to terminate criminal proceedings or an agreement between the prosecution and the accused);
- the prosecutor refused to add the prepared ME to the evidentiary material because the applicant did not specify the information necessary to prove the criminal activity.

As noted, the current legislation does not provide for the order, term and conditions for the storage and destruction of the prepared ME. At the moment, the prepared MEs are stored by the authorities under Art. 13, para. 1 of SIMA until the initiation of pre-trial proceedings, and after its initiation – by the judicial authorities. The MEs prepared and sent to the judge, who gave the permission to apply the SIM, are stored in the private criminal case initiated by him – for an indefinite period. They are not subject to destruction, as no order, conditions and time limit are provided for this to be done. Moreover, even at the conclusion of a criminal case with a legally binding sentence, the court is not given the opportunity to order their destruction – Art. 305 and Art. 306, para. 1 of the CCP do not provide for the court to rule on the verdict or with a separate act on the material evidence.

The proposed legislative amendments will lead to solving the problem related to the storage and destruction of ME.

2. Destruction of information, not used for preparation of me and preparing a report to the body referred to in Article 15 of SIMA

✓ According to the provision of Article 31, para. 3 of the SIMA, the information referred to in Article 24 of the SIMA, which is not used to produce ME, and the information referred to in Article 25 of the SIMA, whether or not it constitutes classified information, is destroyed by the entities referred to in Articles 13 and 20 (1) of the SIMA within 10 days of termination of application of the SIM. Failure to comply with these requirements creates conditions and prerequisites for the use of data collected through SIM outside the purpose of preventing, detecting and proving crimes.

In 2021, as a result of increased monitoring by the heads of the bodies referred to in Articles 13 and 20 of the SIMA, information which was not used to produce ME was destroyed within the statutory time limit, and only in individual cases delays were found.

The problem reflected in the reports from 2016 to 2020 is caused by the various procedures listed in Art. 175, para. 7, ex. 2 of the CCP and Art. 31, para. 3 of SIMA. During the inspections carried out for the activity under SIMA in 2021, it was found that it was overcome and no exceeding of the specified ten-day period for the destruction of the information was found.

✓ Within one month of termination of the application of the SIM, the authority which prepared the request is obliged to submit a report to the judge with details of the type of methods applied, start and end of application of the SIM, the ME produced and the destruction of the information collected.

This obligation is not always fulfilled in time. On the basis of Articles 34b and 34f (1) (3) of the SIMA, NSIDCB issued binding instructions to remedy the infringements in this part of the SIM procedures.

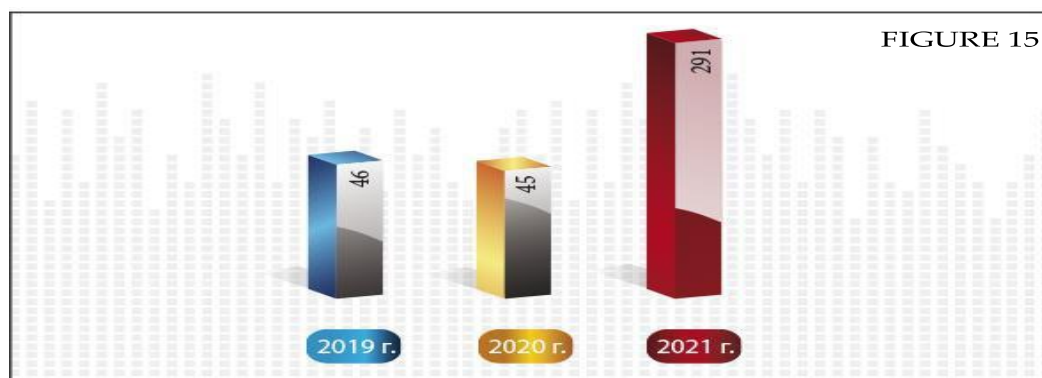
PROTECTION OF CITIZENS' RIGHTS AND FREEDOMS AGAINST THE UNLAWFUL APPLICATION OF SIM

1. Alerts of unlawful application of SIM

In 2021, the NSIDCB conducted 291 incident inspections for SIM misuse. There were 142 reports from citizens claiming that SIMs were illegally applied to them. With regard to 149 persons, the National Bureau self-reported. 246 of them have been completed. On 33 files, inspections continue in 2022.

For comparison: in 2019 – 46, in 2020 – 45, in 2021 – 291.

(Fig. 15)



Twelve of the received reports did not comply with the NSIDCB 's Internal Rules of Procedure for reports of SIM misuse and after their examination at a meeting of the NSIDCB , a decision was made not to carry out checks, for which the citizens were notified.

In the month of May 2021, allegations were made in the media about the illegal application of SIM to politicians, representatives and members of political parties, leaders of lists in the 2021 elections and participants in the mass protests of the summer of 2020.

In this regard, the NSIDCB received 65 reports from persons who indicated that illegal SIMs were applied to them in their capacity as leaders or members of political parties or participants in the protests in the summer of 2020, as well as from persons on the occasion of the statements made in the media. On the reports, the NSIDCB conducted inspection on SIM misuse.

On the basis of a letter received from the Temporary Commission for the investigation of facts and circumstances regarding the use of tear gas, the use of force and auxiliary means by the Ministry of Internal Affairs, carried out on July 10 and September 2, 2020 against protesting citizens, as well as for the investigation of facts and circumstances , related to the application of special intelligence tools to protesting citizens, opposition leaders and members of political parties from the opposition at the 46th National Assembly of the Republic of Bulgaria, the NSIDCB self-reported in relation to 141 citizens.

From the checks carried out, in seven cases data were found on illegal

application of the SIM and on the basis of Art. 34e, para. 5 and para. 6 of SIMA, the Bureau notified the competent state institutions. Citizens are to be notified in compliance with the provisions of Art. 34g from SIMA.

In the current SIMA, it is not expressly regulated that citizens are notified at each check carried out, regardless of whether SIMs have been applied to them. The legislator has foreseen that the notification will be carried out only when an illegal application of the SIM is established against a citizen.

Information about the actions of the institution was periodically reflected on the website of the NSIDCB , in compliance with the requirements of the Protection of Classified Information and Art. 34b, para. 5 of SIMA.

2. Cases pursuant to SMLDA brought by citizens on NSIDCB files

After checking the legality of the procedures for requesting, authorizing and using the SIM on the basis of Art. 34g, para. 1 of SIMA NSIDCB notified a citizen in 2016 that SIMs were illegally applied to him. On the basis of a claim filed with a legal basis, Art. 2, para. 1, item 7 of the SMLDA, the SCC in 2019 initiated a civil case for non-pecuniary damages suffered from the unlawful use of the SIM. In this case, the responsibility of the state is engaged for non-property damages caused to the plaintiff by actions of authorities under Art. 13 of SIMA.

With a Decision dated 04/07/2021, the SCC condemned the applicants who requested the use of the SIM to the plaintiff to pay compensation for the non-pecuniary damage they suffered from their illegal use.

It should be noted that the SCCs established consistent judicial practice in cases under Art. 2, para. 1, item 7 of SMLDA.

The SCCs perceives the NSIDCB 's decisions finding illegal use of SIM as official certifying documents issued by a competent authority within the scope of its powers, which have material probative value of the facts and circumstances certified therein, but the judgement of illegality contained in the instructions related to improving the mode of use and application of SIM is mandatory only for the bodies providing and applying these means. The SCCs held that such judgment is not binding on a court hearing a claim for damages brought by a citizen notified by the NSIDCB of the wrongful application of the SIM against him.

INTERNATIONAL ACTIVITY

In fulfillment of the identified priorities for 2021, indicated in the report on the activities carried out in 2020, during the reporting year the National Bureau carried out cooperation and interaction with similar state bodies of European Union countries and international organizations, through participation in international initiatives and exchanges of information.

In the month of October 2021, the Chairperson of the National Bureau and an official from the NSIDCB administration took part in the Third European Conference of Supervisory Authorities held in the city of Rome, Italy. Its hosts and organizers were the Chief Prosecutor of the Court of Appeal in Rome, Mr. Antonio Mura, and the Chief Prosecutor of the Court of Cassation in Rome, Mr. Giovanni Salvi.

The Bulgarian participants were the only representatives of a country from Eastern Europe. This is an expression of high appreciation for the Bulgarian supervisory authority and recognition of the application of European standards in this area.

Systematized information regarding National Security and the role of supervisory authorities in jurisprudence (Big Brother Watch and others, Centrum för rättvisa), International cooperation, other changes in the revised Convention 108+ (subsequent and prior supervision) and Development of European jurisprudence were among the main discussion topics of the conference, from which the following conclusions can be drawn:

- ✓ It is necessary to have minimum standards in the legislation of the countries, according to the European Convention on Human Rights, which should be applied by the national authorities.

- ✓ A domestic legal framework consistent with the Convention is required, which must contain sufficient safeguards against abuse, and the monitoring process must follow the procedures from beginning to end.

- ✓ It is necessary to find a balance between the observance of personal privacy and human rights on the one hand and the use of surveillance, as an activity of special services related to ensuring the protection and security of citizens.

- ✓ The need for international cooperation in the field of combating terrorism and the migration crisis.

All participants in the conference united around these very important topics with a unanimous agreement to work cooperatively on them.

Bulgaria and the other European countries presented their last year's reports, from which the following conclusions can be drawn: Coordination with supervisory authorities from countries applying the highest standards in terms of protecting the rights and freedoms of citizens, allows identification of the challenges facing the various supervisory authorities. Solutions should be sought through dialogue and joint discussion of problems.

CONCLUSIONS AND PROPOSALS

In 2021, NSIDCB continued to exercise objective and independent supervision, creating an environment for enhancing trust in security services, law enforcement and judiciary bodies.

The necessary structural and organizational measures have been taken to ensure the activity of the administrative units, strengthen the capacity of the institution, increase transparency and accountability in work, confirm the principles of electronic management, increase the integrity of employees, strengthen interaction and cooperation between institutions.

The main objectives of NSIDCB reflect the mission of the institution and its will to improve the procedures for requesting, authorizing and applying SIMs, storing and destroying the information acquired through them.

With a view to reducing the risk of duplication of requests for use of the SIM, the process of setting up an electronic register at the authorities referred to in Articles 13, 15 and 20 of SIMA continues, taking into account all aspects relating to the technical implementation, the available database, its storage, the provision of continuous technical and administrative support to the register, ensuring the highest level of protection against external interference and disruption in the system, as well as the financing of the processes for its establishment, maintenance and continuous operation.

In the period of its creation, the NSIDCB has repeatedly indicated in its reports to the National Assembly that it is necessary to introduce a unified information system for the persons against whom SIMs have been used, which would provide information to the judges when ruling on requests for the use of SIMs.

The unanimous opinion of the members of the NSIDCB is that this year practical actions should be taken to build the information system to which all bodies under Art. 15 of SIMA, thereby facilitating judicial review and control by the National Bureau.

There is a need to work towards upgrading standards in the performance of controls by administrative managers in the preparation and use of SIM.

In 2022, the NSIDCB planned to hold working meetings with the authorities referred to in Articles 13, 15 and 20 of the SIMA with a view to establishing a uniform practice of using and applying special intelligence techniques, as well as storing and destroying the information acquired through them.

The National Bureau will launch future joint initiatives with all stakeholders to achieve an in-depth analysis, and the development of proposals for changes related to improving the authorisation, application and use of SIM, storing and destroying the information acquired through them. The National Bureau confirms the position expressed in the previous report on the need of adoption

amendments to SIMA and CCP. In the period from the enactment of the SIMA to date, considerable practice has been developed in its application, from which many conclusions can be drawn about the most pressing changes. The National Bureau is ready with expert proposals.

The Annual Report on the Activities of the National Special Intelligence Devices Control Bureau on the work carried out in 2021 was adopted by decision of a meeting held on 26.05.2022.

26.05.2022
Sofia

CHAIRPERSON OF NSIDCB

PLAMEN KOLEV