



## ANNUAL REPORT

# 2024

ON THE ACTIVITY OF THE NATIONAL SPECIAL INTELLIGENCE DEVICES CONTROL  
BUREAU





The mission of the National Bureau is to ensure the lawful use of special intelligence means by monitoring the procedures for requesting, authorizing, and applying SIM, the storage and destruction of information obtained through them, as well as to protect the rights and freedoms of citizens against their unlawful use.

The control of intelligence gathering activities and the invasion of citizens' privacy is part of the functioning of a democratic society. The legal provisions providing for judicial prior control and expert independent supervision of these activities ensure the maximum protection of citizens' constitutional rights and freedoms.

Detailed knowledge of the work of the authorities implementing the procedures laid down in SIMA enables the NSIDCB to identify problems and weaknesses in the implementation of their activities in a timely manner, to identify emerging problems, diverse practices and interpretations of the law, and take action to remedy them in order to prevent the misuse of the SIM.

On the other hand, the constantly changing security environment requires a new prioritization in this area, the involvement of the entire institutional capacity, and the implementation of new forms of interaction between state institutions and the non-governmental sector in order to neutralize risks and threats, both in terms of national security and public order, and the protection of citizens' rights and freedoms.

In order for the supervisory authority's activities to be effective and useful, questions must be asked and risks defined. The supervisor needs to be decisive in making criticisms and recommendations so that mistakes are corrected and the application of special intelligence is always carried out within the legal limits.

The successful resolution of problems that have arisen in the course of our work gives me confidence that the appropriate approach is to continue the active work to improve internal institutional control and control by the implementing structures under Article 20 of the SIMA. Therefore, I believe that the main objective of the National Bureau will be achieved—preventing the unlawful use of SIMs and increasing the trust of Bulgarian citizens in the institutions responsible for protecting their security.

Upholding the independence of the National Bureau, its establishment and development in accordance with international standards have become my personal cause for the future of the supervisory authority as an independent, impartial, and authoritative body.

Sincerely,

**Plamen Kolev**

Chair of the National Special Intelligence Devices  
Control Bureau

A handwritten signature in blue ink, consisting of a horizontal line followed by a vertical line and a diagonal line, with a small loop at the end.

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## ABBREVIATIONS USED

<b>ASCC</b>	Specialised Criminal Court of Appeal
<b>AC – Sofia</b>	Sofia Court of Appeal
<b>ME</b>	Material evidence
<b>SPO</b>	Supreme Prosecutor's Office
<b>SCC</b>	Supreme Court of Cassation
<b>MAC</b>	Military Court of Appeal
<b>MC</b>	Military Court
<b>SJC</b>	Supreme Judicial Council
<b>DG COC</b>	General Directorate Combating Organized Crime
<b>DG BP</b>	General Directorate Border Police
<b>DG NP</b>	General Directorate National Police
<b>Cc</b>	Civil case
<b>SANS</b>	State Agency for National Security
<b>SIA</b>	State Intelligence Agency
<b>SATO</b>	State Agency "Technical Operations"
<b>SG</b>	State Gazette
<b>ISD</b>	Internal Security Directorate
<b>PTP</b>	Pre-trial proceedings
<b>EDPRB</b>	European Delegated Prosecutors in the Republic of Bulgaria
<b>EIO</b>	European Investigation Order
<b>EU</b>	European Union, the Union
<b>Bar Act-</b>	Bulgarian Bar Act
<b>APIA</b>	Access to Public Information Act
<b>SMLDA</b>	State and Municipalities Liability for Damages Act

<b>SIMA</b>	Special Intelligence Means Act
<b>EIOA</b>	European Investigation Order Act
<b>CCSSAUSIMADECA</b>	Commission for Control over Security Services, the Application and Use of Special Intelligence Means and Access to Data under the Electronic Communications Act, Commission in the National Assembly
<b>CCC</b>	Counter-Corruption Commission
<b>MoI</b>	Ministry of Interior
<b>MoD</b>	Ministry of Defence
<b>NSIDCB, The Bureau, the National Bureau</b>	National Special Intelligence Devices Control Bureau
<b>CC</b>	Penal Code
<b>CCP</b>	Code of Criminal Procedure
<b>NA</b>	National Assembly
<b>DDMoI</b>	District Directorate of the Ministry of Interior
<b>OCG</b>	Organized criminal group
<b>District Court</b>	District Court
<b>PRB</b>	Prosecutor's Office of the Republic of Bulgaria
<b>RPO</b>	Regional Prosecutor's Office
<b>MPS</b>	Military Police Service
<b>MIS</b>	Military Intelligence Service
<b>Sofia City Prosecutor's Office</b>	Sofia City Prosecutor's Office
<b>Sofia City Court</b>	Sofia City Court
<b>MDMoI</b>	Metropolitan Directorate of the Ministry of Interior
<b>SIM</b>	Special intelligence means

## INTRODUCTION



The report on the activities of the National Special Intelligence Devices Control Bureau in 2024 was prepared in accordance with Article 34b, paragraph 7 of SIMA and was adopted by a decision of a meeting held on May 29, 2025, for submission to the National Assembly.



## INTRODUCTION

Pursuant to Article 34b, paragraph 7 of the SIMA, the National Bureau shall submit an annual report on its activities to the National Assembly by May 31 each year. The report shall contain statistical data on the number of persons subject to SIM, the procedures for requesting, authorizing, applying, and using SIM, the storage and destruction of information obtained through SIM, and the ME prepared, presented in tables and diagrams, compared with previous years. An analysis is provided of the results and problems identified during the inspections and recommendations for their elimination as follows:

- ✓ summary data on the procedures for requesting, authorizing, implementing, and using SIM, on the storage and destruction of the information obtained, and on the material evidence prepared;
- ✓ 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 on international cooperation and interaction with the legislative, judicial, and executive authorities, as well as the non-governmental sector;
- ✓ information on inter-institutional working meetings and international cooperation;
- ✓ guidelines, opinions and recommendations, as well as problems identified in the SIMA procedures, which require legislative changes to the SIMA and CPC;
- ✓ information on the structure of the NSIDCB administration and its financial and economic activities;
- ✓ the strategic objectives and priorities set and their implementation.

In 2024, the National Bureau's efforts were focused on the following main areas:

- ✓ Actively monitor SIM request, authorization, and enforcement procedures and the organization of the retention and destruction of information obtained through the use of SIMs by modifying the format and frequency of inspections performed on Article 13, Article 15 and Article 20 SIMA entities.
- ✓ Active work on reports received from citizens and non-governmental organizations, given that the submission of reports of irregularities is an important source of information for identifying the SIM misapplication.
- ✓ International exchange of information, legislative decisions, and good practices in other countries related to the protection of citizens' rights, with a view to improving national activities related to the implementation of SIM.
- ✓ Need to create a single electronic register in the authorities under Article 15 of SIMA.
- ✓ Improving procedures related to the implementation of SIM and the protection of citizens' rights, based on the study and analysis of international experience, legislative solutions and good practices in other countries.
- ✓ Improving communication and cooperation with non-governmental organizations in order to identify and analyze gaps, violations, and inconsistencies in the use of SIM and to seek solutions that will enhance the protection of citizens' constitutional rights.

✓ Organisational development and strengthening of institutional and administrative capacity to ensure the quality of monitoring and control procedures.

Monitoring and control aim to improve the regulatory framework and influence the authorities responsible for SIMA to comply strictly with the relevant legislation in this area. Prevention is also essential to the overall activity, as it makes it possible to prevent the SIMA procedures from being undermined and to notify the competent state authorities of any irregularities, which is a prerequisite for reducing the risk of cases of unlawful application of SIM in order to guarantee the protection of citizens' rights and freedoms.

## I. COMPOSITION OF NSIDCB. MEETINGS AND ADOPTED DECISIONS

The National Bureau is a legal entity with headquarters in Sofia and is the principal authorising officer.

Pursuant to Article 34b, paragraph 1 of the SIMA, the National Bureau is a collegial body consisting of five members, including a chairperson and a deputy chairperson, who are elected by the National Assembly for a term of five years. From the second half of 2021 to May 8, 2025. The National Bureau has been operating with an incomplete membership, without a vice-chair. From the second half of 2024, it will also be missing one member. Despite the National Bureau operating with an incomplete composition, additional efforts have been made to achieve the main objectives of the institution. By decisions of the National Assembly of May 8, 2025, a new composition of the NSIDCB was elected.

In 2024, the National Bureau held 37 meetings. A total of 867 decisions were adopted.

During the reporting period, the National Bureau carried out 266 comprehensive, incidental, and thematic inspections of the bodies referred to in Articles 13, 15, 34n, and 20 of the SIMA (for comparison, 287 were carried out in 2023, 287 in 2022, 569 in 2021, and 240 in 2020).

In 2024, the NSIDCB received 48 reports from citizens claiming that SIMs had been used unlawfully against them. Of these, the NSIDCB did not carry out checks on 14 reports due to non-compliance with the Internal Rules on the Handling of Reports. Checks have been completed on 34 reports.

## II. PROCEDURES PURSUANT TO SIMA

The use of SIM is only permitted for the detection, prevention, or investigation of serious intentional crimes, as exhaustively and restrictively listed in Article 3(1) of the SIMA (Article 172(2) of the CPC), as well as for crimes related to the national security of the country. They directly interfere with the private life of the person being monitored without their knowledge or consent. Their use is only permissible in compliance with the following principles:

- **necessity** - when proving the criminal activity by other means is impossible or extremely difficult;
- **subsidiarity**—SIMs are used as an exception and are supplementary to other means of evidence;
- **proportionality**—if a less restrictive measure is sufficient, it should be used.

When using SIM, preliminary, ongoing, and subsequent control is exercised by the authorities authorizing the use of SIM—by the president of the competent court or his or her written representative; by the authorities applying SIM; and by the NSIDCB as the supervisory authority for the entire procedure, in accordance with the provisions of the SIMA. Continuous monitoring of the use and application of SIMs ensures that citizens' rights and freedoms are protected against misuse of information obtained.

In 2024, SIMs were applied to 2410 individuals and 45 SIMA Article 12(1)(4) procedures.

## BODIES UNDER ARTICLE 13 OF SIMA



## 1. BODIES UNDER ARTICLE 13 OF SIMA. EUROPEAN PROSECUTOR AND EUROPEAN DELEGATED PROSECUTORS. PROCEDURES UNDER ARTICLE 34N OF THE SIMA.

### 1.1. REQUESTS

Based on requests submitted in 2024, SIM were used in relation to 2,410 individuals<sup>1</sup>. By comparison, in 2023, the number of persons was 2,493. (figure 1)

In 2022, SIM was used in relation to 2,325 persons, in 2021 in relation to 2,632 persons, and in 2020 in relation to 3,042 persons.

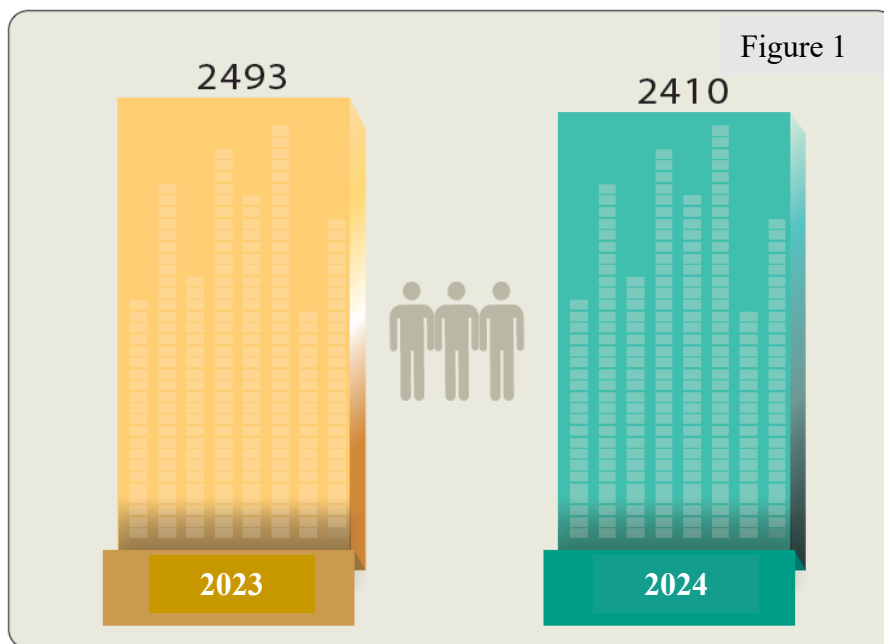


Fig. 1. Number of persons in respect of whom SIM were used in the period 2023–2024

Although there is a certain degree of stability, there has been a decrease in the number of persons in respect of whom SIM were used compared to 2023

In 2024, the relative share of applicants in the total number of procedures initiated was as follows:

MoI - 63.95%, PRB - 22.43%, SANS - 11.53%, EDPRB - 1.78%, CCC - 0.07%, MPS-MO - 0.24%. MIS-MO and SIA did not submit any requests for the use of SIM. (fig. 2)

<sup>1</sup> According to data of the bodies referred to in Article 20 of SIMA.

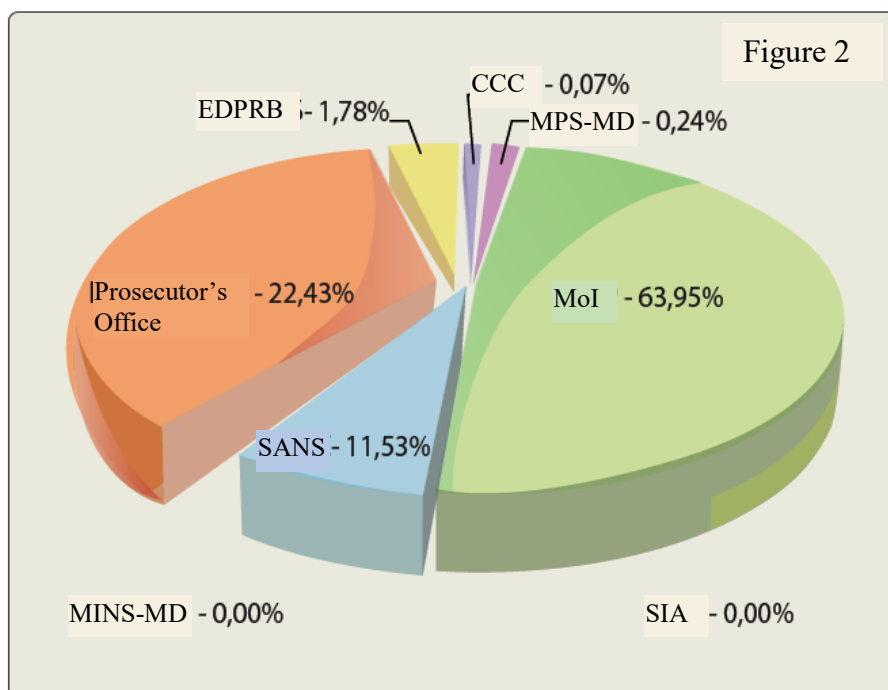


Fig. 2. Relative share of applicants in the total number of procedures initiated in 2024

For the period 2020-2024, the relative share of applicants in the total number of procedures initiated is presented in Table 1.

Table 1

Structure	Relative share of procedures compared to previous years, in percent (%)				
	2024	2023	2022	2021	2020
MoI	63.95	61.45	62.83	53.08	51.12
PRB	22.43	25.69	23.62	33.86	36.98
SANS	11.53	10.88	11.27	10.02	7.28
EDPRB	1.78	0.97	1.04	0.09	-
CCC	0.07	0.72	0.85	0.59	3.48
MPS-MO	0.24	0.23	0.40	0.02	0.22
MIS-MO	0	0.07	0	0	0
SIA	0	0	0	0	0

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.

In 45 cases<sup>2</sup>, SIMs were used in a procedure under Article 12(1)(4) of SIMA to establish the identity of persons who there was evidence and reason to believe were preparing, committing or had committed a serious intentional offence listed in the Act. (figure 3)

<sup>2</sup> According to data of the bodies referred to in Article 20 of SIMA.

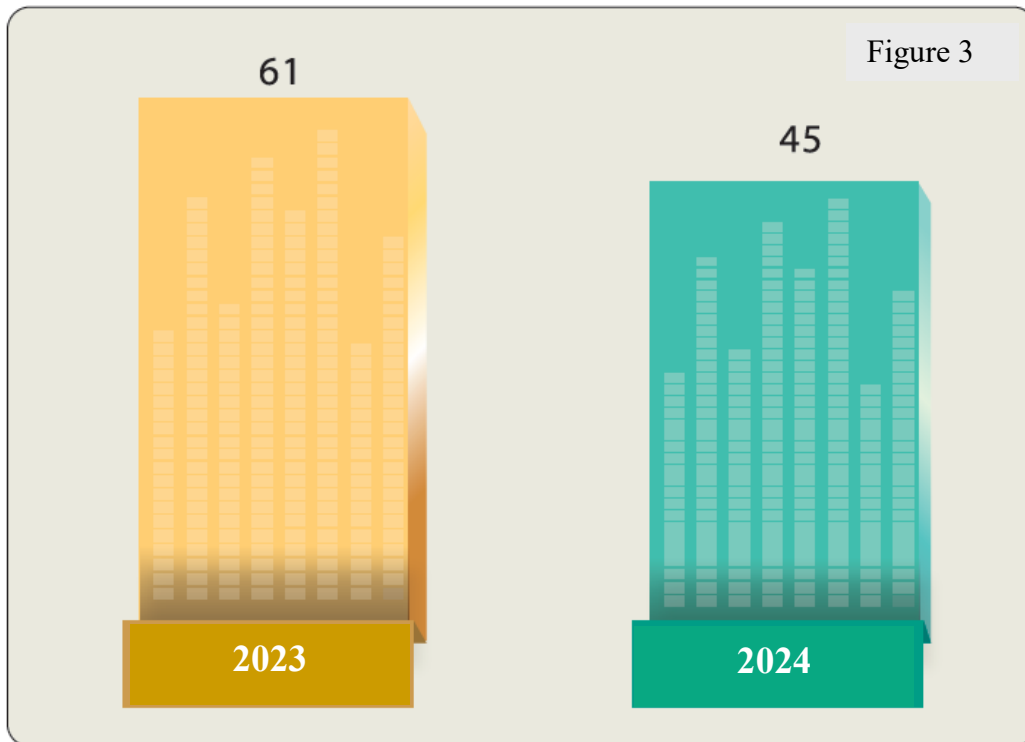


Fig. 3. Procedures applied under Article 12(1)(4) of SIMA for the period 2023-2024

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

In 2024 the procedures under Article 12(1)(4) of SIMA are distributed among the authorities under Article 13 of SIMA in the following ratio: Ministry of the Interior – 85.71% (compared to 85.39% in 2023, 80.51% in 2022, 74.42% in 2021, 85.78% in 2020); Prosecutor's Office – 14.29% (compared to 14.61% in 2023, 12.71% in 2022, 24.03% in 2021, and 12.28% in 2020). (fig. 4)

During the reporting period, SANS, EDPRB, MPS-MO, SIA, MIS-MO, and CCC did not submit any requests for the use of SIM under the procedures set out in Article 12(1)(4) of SIMA.

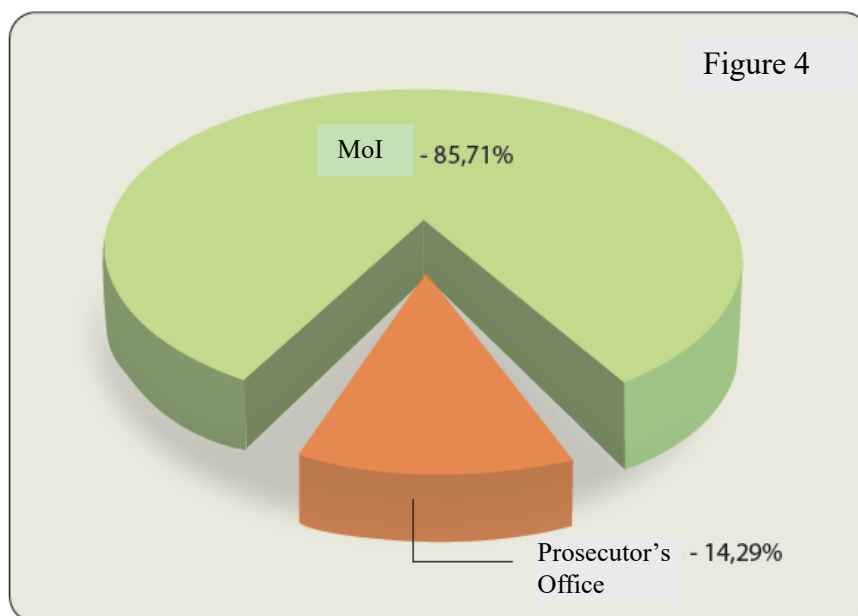


Fig. 4. Ratio of applicants using the procedure under Article 12(1)(4) of the SIMA in 2024

As can be seen from the graph, the structures of the Ministry of Interior are those that most frequently use SIMA procedures to establish the identity of perpetrators of crimes.

In 2024, 187 procedures, or 7.62%, were initiated under Article 17 of the SIMA. By comparison, in 2023 there were 308 procedures, or 12.06%. (fig. 5)

In 2022, 304 procedures or 13.08%, in 2021, 373 procedures or 13.51%, and in 2020, 435 or 14.38%.

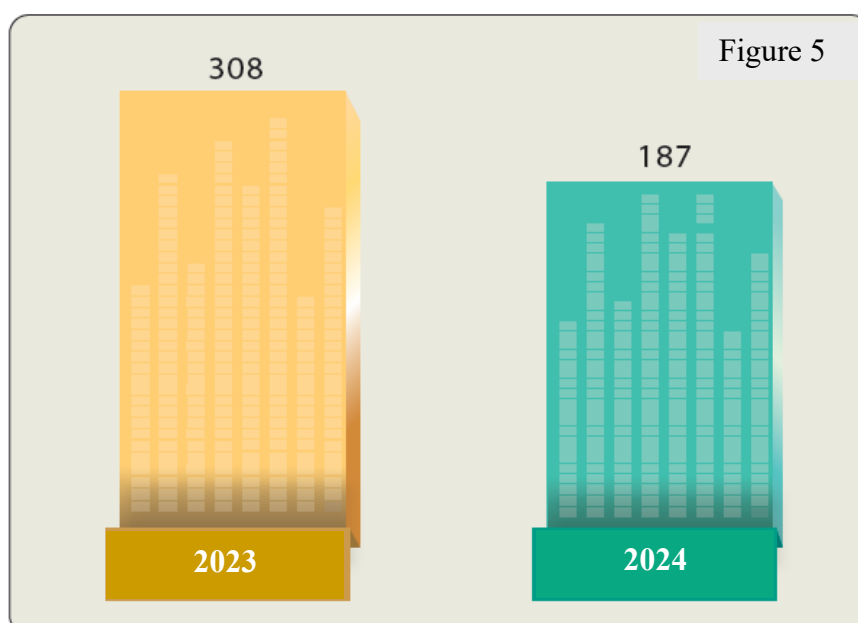


Fig. 5. Number of procedures under Article 17 of the SIMA for the period 2023-2024

As a result of the guidance provided by the NSIDCB, the application of SIM under this procedure has decreased significantly in recent years.



In 2024, in 9 procedures or 0.37%, the application of SIM began under the conditions of Article 18 of SIMA. By comparison, there were 13 procedures, or 0.51%, in 2023 (Fig. 6)

In 2022, there were 10 procedures, or 0.39%, in 2021, there were 12 procedures, or 0.43%, and in 2020, there were 4 procedures, or 0.13%.

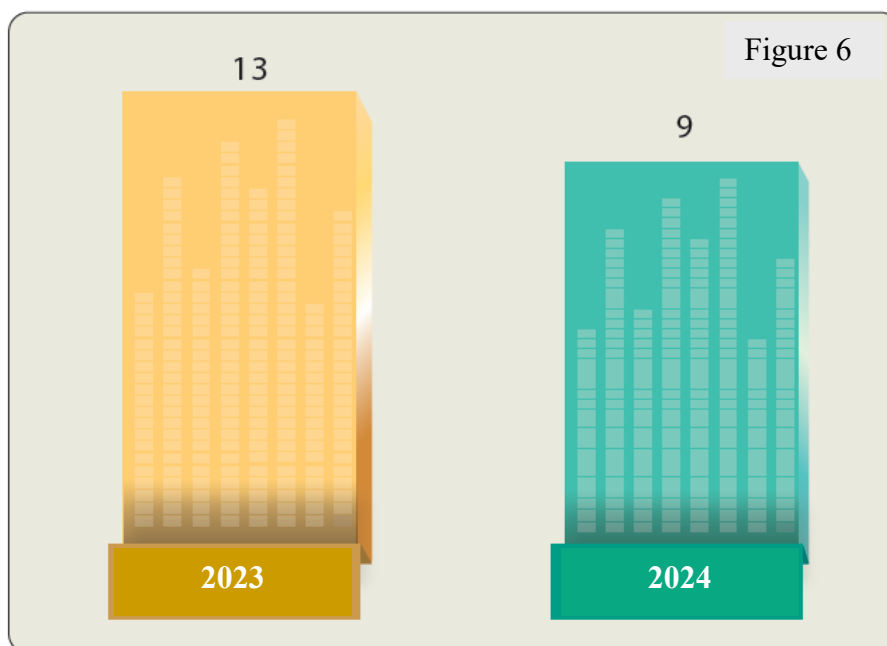


Fig. 6. Number of procedures under Article 18 of the SIMA in 2023 and 2024

Based on requests made in 2024, the SIM was applied to 2,410 persons and 45 procedures under Article 12(1)(4) of the SIMA. The authorities under Article 13 of SIMA have submitted a total of 4,513 requests to the court<sup>3</sup>.

By way of comparison, in 2023, 4,340 requests were made in respect of 2,493 persons and 61 procedures under Article 12(1)(4) of SIMA, in 2022, 4,331 requests were made in respect of 2,325 persons and 118 procedures under Article 12(1)(4) of SIMA, in 2021, 2,761 procedures were conducted in respect of 4,580 requests, and in 2020, 3,196 procedures were conducted in respect of 5,368 requests.

The data shows that the number of requests made in 2024 increased by 173 compared to 2023, while the number of persons subject to SIM decreased by 83 and the number of procedures for identifying persons decreased by 16<sup>4</sup>.

## 1.2. SUBSTANTIVE LEGAL BASES FOR THE USE OF SIM

According to the provision of Article 3, paragraph 1, the use of SIM is only permissible when it is necessary for the prevention, detection or investigation of serious intentional crimes expressly mentioned in the law, respectively in Article 172, paragraph 2 of the CCP.

In 2024, SIMs were most frequently used for crimes under Article 321 of the CC (OCG) - 1,163 cases; under Article 354a of the CC (narcotic substances) - 1,016 cases; under Articles 194 and 195 of the CC (theft, including aggravated theft) - 155 cases; under Chapter One of the Special Part

<sup>3</sup> According to data of the bodies referred to in Article 15 of SIMA.

<sup>4</sup> According to data of the bodies referred to in Article 20 of SIMA.

of the CC - 147 cases, under Articles 209 and 210 of the CC (fraud, including aggravated fraud) - 156 cases under Article 242 (crimes against customs regulations) - 140 cases under Article 234 of the CC (excise goods) - 132 cases under Article 281 of the CC (human trafficking) - 131 cases<sup>5</sup>. (fig. 7)

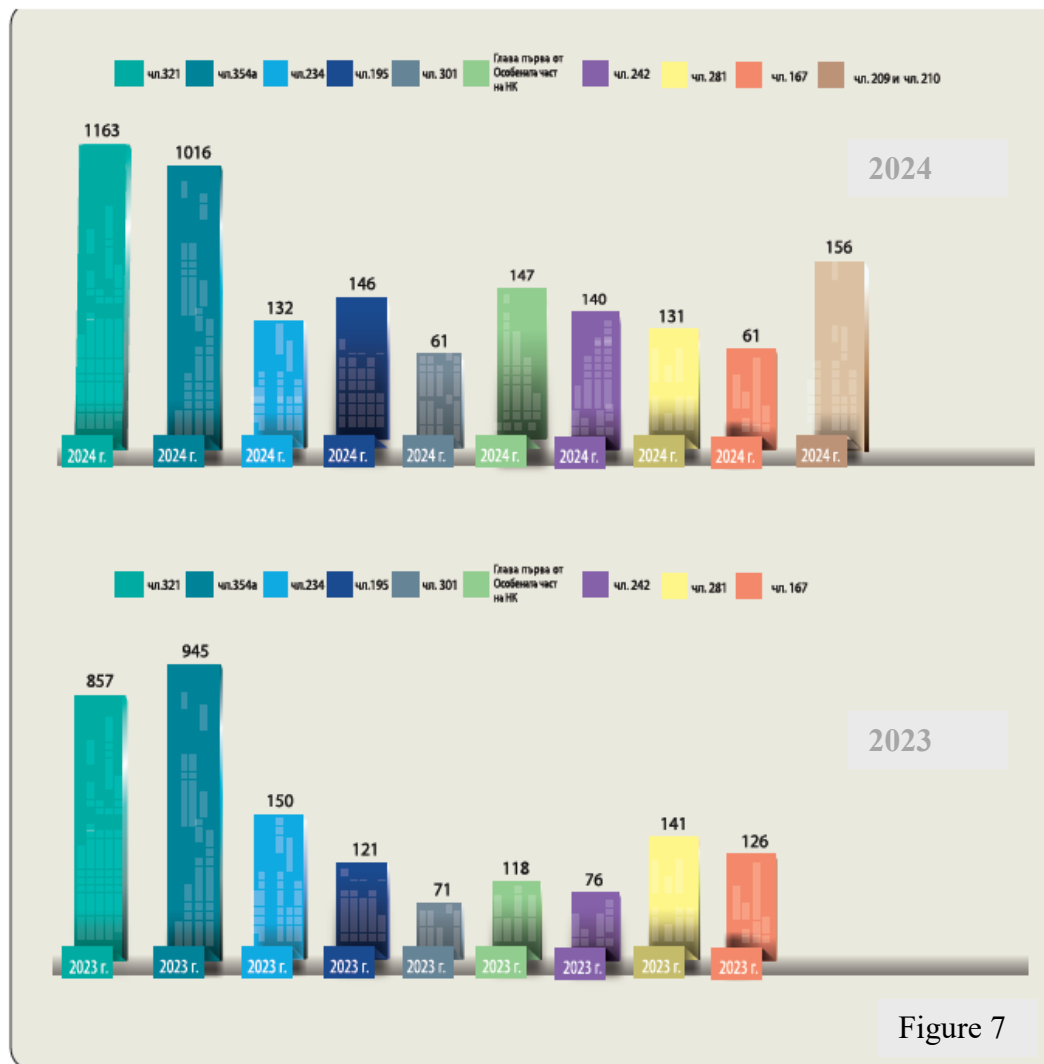


Fig. 7. The use of SIM to detect violent intentional crime for the period 2023-2024

The crimes for which SIMs were most frequently issued in the period 2020–2024 are presented in Table 2.

Table 2

Crimes under the CC	2024	2023	2022	2021	2020
Article 354a	1016	945	852	787	692
Article 321	1163	857	974	1732	2551
Article 301	61	71	47	104	123
Article 234	132	150	126	197	273
Article 242	140	76	82	55	55
Article 195	146	121	176	167	141
Chapter One of the CC	147	118	155	262	188

<sup>5</sup> According to data of the bodies referred to in Article 15 of SIMA.

In 2024, crimes under Article 321 (in connection with various secondary crimes committed by OCG, including under Article 354a of the CC) and Article 354a of the CC (as a separate crime), accounting for over 54% of the total number of criminal offenses for which the use of SIM was authorized, with 1,016 authorizations under Article 354a of the CC and 1,163 authorizations under Article 321 of the CC. There has been a significant increase in authorizations for the use of SIM to prevent, detect, or investigate crimes under Articles 194 and 195 of the CC, Articles 209 and 210 of the CC, Article 242, and Chapter One of the Special Part of the CC.

### **1.3. ANALYSIS OF THE RESULTS OF THE SUPERVISION OF THE PROCEDURES UNDER SIMA.**

During the checks carried out by the NSIDCB in 2024, it was found that as a result of the ongoing interaction with the authorities under Article 13 of the SIMA, the working meetings between the NSIDCB and the authorities under Articles 13, 15, and 20 of the SIMA, the instructions given, meetings with senior administrative authorities and operational staff, including training for operational staff at the Academy of the Ministry of the Interior and at individual structures of the Ministry of the Interior, some of the violations identified in previous years have been overcome and are now only committed in isolated cases and by individual applicants. Practices have been introduced to improve the procedure for preparing requests for the use of SIM and the control exercised by administrative managers.

Despite the meetings held and the instructions given by the NSIDCB, operational staff and supervising prosecutors continue to violate legal requirements when preparing requests for the use of SIM. There are quite a few cases where judges have issued refusals on more than one ground, pointing out the relevant flaws in the requests for SIM use, in the requests for extension of the SIM application period, or in the requests for supplementation with an operational method or a newly discovered communicator.

In its judgement of 16 February 2023 in Case C-349/2021, the Court of Justice of the European Union stated that the request and the authorisation, taken together, must contain all the factual and legal circumstances of the specific case, so that, when read together, they provide sufficient clarity as to the individual reasons on which the authorisation to use the SIM was based.

The violations and omissions in the preparation of requests identified in 2024 were also found during the checks carried out in previous years by the authorities under Article 13 of the SIMA and are as follows:

✓ *Preparation of requests by an incompetent authority or from the facts described, it cannot be established that the criminal activity was committed in the territory of the relevant court:*

- when submitting requests for the use of SIM by authorities under Article 13(1) of the SIMA, judges require information on whether pre-trial proceedings have been initiated. As a result of the instructions given and the opinions expressed, in 2024 there was a significant reduction in the number of requests for the use of SIM made by incompetent applicants in pre-trial proceedings.

- For crimes under Chapter Three, Section III of the Special Part of the CC, requests were made by directors of the DDMoI instead of the district prosecutor, as required by Article 13(1)(6) of the SIMA.

In 2024, the National Bureau issued instructions to all authorities involved in SIMA procedures that only the relevant district prosecutors have the right to request the use of SIM and to use the data and material evidence collected through them for the detection of serious intentional crimes under Chapter Three, Section III of the Special Part of the Criminal Code.

- In cases where requests were made for the detection of crimes committed by OCG, the court refused on the grounds that the competence for the prevention and detection of this type of crime lies with DG COC. The requests were not substantiated with regard to the applicant's special competence under the SANS Act;

- in 2024, cases were identified where requests for the use of SIM were made by deputies of the relevant directors of bodies under Article 13(1) of the SIMA. The judges ruled that the operational files provided to them lacked evidence that the official was authorized to sign requests for the use of SIM.

✓ *Submission of requests before an incompetent authority:*

- The requests, which were made in the context of an election campaign, did not indicate whether the individuals were candidates for elected office. This omission gave the judge grounds to rule against the requests, as he was not convinced that the special provision of Article 35(4) of the CCP had been complied with. The court rejected several requests to extend the period of application of the SIM because, during the period of authorized application of the SIM, one of the persons involved in the OCG had acquired immunity as a candidate for the National Assembly. In this case, the jurisdiction of the authority under Article 15 of the SIMA had already changed compared to the initial jurisdiction of the court, and the requests should have been submitted to the Sofia City Court.

During the election campaigns, the National Bureau issued instructions to all authorities involved in SIMA proceedings that for crimes of a general nature committed by persons enjoying immunity, such as candidates for elected office from the date of registration of the candidate lists with the Central Election Commission until the announcement of the results of the elections, requests for the use of SIM should be submitted to the Sofia City Court, which has jurisdiction over such cases as a court of first instance, in accordance with the provision of Article 35, paragraph 4 of the CCP.

Such instructions were also given in 2024 in connection with the elections for members of the National Assembly and members of the European Parliament.

It has been discussed on several occasions with the administrative heads of the authorities referred to in Article 13 of the SIMA that applicants should be proactive and provide the implementing structures with up-to-date information on persons placed under covert surveillance, in particular information relevant to changes in their legal status.

- The largest number of refusals under this indicator were issued in response to requests which did not contain information on the place where the crime was committed or that it was committed in different judicial districts. Based on the facts presented, the deciding authorities were unable to assess whether they were competent to rule on the requests submitted to them. Some requests did not specify where the crime was completed and that this had taken place in the district of the relevant district court, while others stated that the crime had been completed in the territory of another judicial district.

These omissions in the factual part of the requests made it impossible for the authority under Article 15(1) of the SIMA to assess whether it was competent to authorize the use of the SIM because

the territorial jurisdiction of the court to which the request was submitted had not been respected. The court must determine whether it has jurisdiction solely on the basis of the operational information available.

Such an omission is most often made when preparing requests for the disclosure of criminal activity under Article 321 of the CC, where the OCG operates in different judicial districts. In order to determine the territorial jurisdiction of the authority under Article 15 of the SIMA granting authorisation to use the SIM, the request must specify where the OCG was formed, who is the organiser, who is the leader and what its structure is. In addition to describing the existence of an OCG, the text of the CC under which the secondary criminal activity is carried out and, accordingly, the criminal activity of the person for whom control is requested should be described. The relationship with other participants in the OCG should also be indicated.

- In one request for the use of SIM for a crime under Article 167, paragraphs 2 and 3, of the CC, the court refused on the grounds that it had not been provided with all the materials in the case file, as required by Article 15, paragraph 3, of the SIMA.

✓ *Lack of a full and complete statement of the facts and circumstances giving reason to believe that a serious intentional offence of those listed in Article 1 of SIMA which necessitate the use of the SIM.*

The judges issued the largest number of refusals due to non-compliance with the provision of Article 14(1) of the SIMA, namely that the requests were drafted in a schematic or blanket manner or were unfounded. They did not contain any information or facts disclosed in the operational file or the pre-trial proceedings that would justify granting authorization to use SIM. The requests did not specify any specific circumstances indicating that the crime was being prepared, was being committed, or would be committed.

Poor reasoning regarding the evidence gathered in the pre-trial proceedings also gave grounds for refusal—in one request prepared by a supervising prosecutor, data from the operational file was used, but not data gathered during the pre-trial proceedings.

Another omission that gave grounds for refusal was that the requests were prepared at an early stage of the operational case or pre-trial proceedings and not all operational, investigative, and organizational measures had been exhausted, i.e., traditional methods of evidence gathering had not been exhausted.

The requests did not justify the need to use SIM—no detailed analysis of the information gathered was provided to show why SIM were needed as an extraordinary means of gathering data for the case. The actions taken so far were not described, nor was it explained why the data could not be gathered in any other way.

There are quite a few cases where there's a mismatch between the facts described and the relevant section of the Criminal Code.

The requests describe the facts, but they don't prove that the alleged crime was committed. The materials submitted to the judge also lack evidence of the criminal offences under the CC for which the use of SIM is requested.

✓ *Reference to offences under the CC that do not fall within the scope of Article 3(1) of the SIMA (Article 172(2) of the CCP).*

Despite the instructions given over the years by the NSIDCB on strict compliance with the legal requirements and the working meetings held with the authorities under Articles 13, 15, and 20 of the SIMA, at which problems identified in the preparation of requests for the use of SIM were discussed, albeit visibly reduced, the number of cases in which requests refer to criminal offenses for which the use of SIM is not permissible.

The indication of unclear or contradictory legal classification has also given rise to refusals by judges to authorize the use of SIM.

The requests refer to general provisions of the Criminal Code – the authorities under Article 13 of the SIMA should provide a precise and clear legal classification of the activity for which the use of SIM is requested, comparable to the factual account, since the Criminal Code provides for a number of different hypotheses for a single legal norm.

Several requests refer to a provision of the law that is not applicable in proceedings under Article 12(2) or (3) of the SIMA concerning persons who have given their written consent to the use of SIM in relation to them.

Some requests do not provide evidence of the time limit for conducting the investigation, as required by the CCP. The order under Article 234(3) CCP to extend the investigation period in cases of legal and factual complexity of the case has not been applied. Thus, the judge is unaware whether the time allowed for the application of the SIM will exceed the duration of the pre-trial proceedings and whether the results obtained outside the pre-trial proceedings will have probative value.

With Interpretative Decision No. 1/2020 of 15 April 2024 on Interpretative Case No. 1/2020, the General Assembly of the Criminal Division of the SCC ruled that the provision of loans (credits) on a professional basis with funds which have not been raised through public solicitation of deposits or other repayable funds does not constitute banking activity and its performance without authorisation does not constitute the offence under Article 252(1) of the CC. The provision of Article 252 of the CC falls under Chapter Six, Section IV of the CC, “Crimes against the monetary and credit system,” and the legislature has provided that SIMs may be used to detect, prevent, or investigate this crime. Following the interpretative decision, the judges have rejected requests for the use of SIMs to detect criminal activity under Article 252 of the CC, made by certain authorities under Article 13 of the SIMA.

✓ *Absence of evidence of involvement of the person for whom use of the SIM is sought in the alleged criminal activity.*

There are quite a few cases where it was found that the authorities under Article 13 of the SIMA (Article 172 of the CCP) didn't mention the connection between the person they wanted to use SIM for and the alleged criminal activity. In one request, the person referred to in the factual part differs from the person for whom the use of SIM is requested.

The same applies to objects for which the use of SIM is requested to identify persons under Article 12(1)(1) and (2) of SIMA. Under the procedures laid down in Article 12(1)(4) of the SIMA, a single request refers to a large number of objects without explaining why this is necessary.

In this regard, in 2024, the NSIDCB carried out a thematic inspection of the procedures laid down in Article 12(1)(4) of the SIMA at the SATO. The inspection found that some of the requests inspected included communicators to which SIMs had been applied in a previous period in connection with procedures relating to persons under Article 12(1)(1) and (2) of the SIMA. The requests made

for them stated that the persons were using the communicators in question. The inspection continued in a judicial district where an authority under Article 13(1) of the SIMA prepares requests for the identification of persons, with one request including multiple objects (communication devices) – telephone numbers and IMEI numbers.

A large number of requests refer to the same communication devices whose users are sought to be identified, as well as cases of communication devices that are referred to in requests in procedures under Article 12(1)(4) of the SIMA in a previous period in respect of which a SIM was applied in procedures under Article 12(1)(1) and (2) of the SIMA.

The National Bureau does not support this practice. The relevant administrative authorities were informed of the results of the verification and the opinion of the NSIDCB so that they could take the necessary measures within their competence. During subsequent verifications, the NSIDCB found that this practice had been discontinued.

✓ *Lack of identifying data on the objects against which the use of SIM is sought.*

In order for the relevant operational methods to be applied, requests for the use of SIMs must specify all identifying details, including the full identification of the object and its description by type and purpose, its owner or user, where different from the owner, etc. This is particularly important when applying the measures under Articles 6, 8, 9, and 10 of the SIMA.

There are quite a few cases in which judges have issued partial refusals in respect of individual operational methods for which the request does not specify the premises, items or objects used by the persons subject to control to whom the methods under Article 8 or Article 10 of SIMA are to be applied, nor does it indicate who their owner or user is. In some requests, the user of an object is a third party other than the person for whom the control is requested.

✓ *There is a lack of reasoning as to the operational means to be applied.*

The failure to justify the requested operational measures and the results expected to be achieved with each of them has given the judges grounds to issue full or partial refusals for their application. The requirement to justify each operational measure is the result of a meeting held in 2022 between representatives of the NSIDCB and the authorities referred to in Article 15 of the SIMA.

Refusals were also issued on the grounds that requests to supplement an initial request for the use of SIM with a newly established communicator also requested the use of the measures under Articles 5 and 7 of SIMA. Requests specifying these two methods have also been made in accordance with the procedures for establishing the identity of persons under Article 12(1)(4) of the SIMA.

✓ *Requests for the use of SIM do not comply with the requirement of Article 14(1)(4) of SIMA (Article 173(2)(5) of the CCP) to state the reasons for the requested time limit.*

Where the request does not state the reasons for the requested period for applying the SIM, the court shall reject the request in its entirety. Such requests are made by the authorities referred to in Article 13(1) and (2) of the SIMA.

The requests for extension do not sufficiently justify the length of the requested period for the application of the SIM, and therefore the court grants a shorter period.

One request does not specify the period of application, which gave the judge grounds to issue a refusal.

Requests were found to exceed the maximum time limit for SIM application. In these cases, the judges issued partial refusals, taking into account the mandatory requirements of Article 21 of the SIMA.

✓ *Requests for extension of the period of application of SIM do not indicate the results obtained from the applied SIM on the initial requests.*

SIM extension requests do not indicate the results obtained from the implemented SIMs as required by SIMA Article 21(3). In these cases, the judges assume that the application has not produced a result and it can be concluded that such a result will not be achieved by extending the application period. On these grounds, the extension of the period of application of the SIM was also refused.

The aforementioned violations of legal requirements gave grounds to the authorities under Article 15 of SIMA (Article 174, paragraph 1 of the CCP) to issue full or partial refusals to apply SIM. This analysis also reflects the omissions identified, which, although they do not affect the legality of the SIMA procedures and some of the authorities referred to in Article 13 of the SIMA have fully remedied them, should be corrected. Most of the violations and omissions identified were found during inspections and in previous years.

The National Bureau will continue to work actively with the authorities under Article 13 of the SIMA to put an end to the infringements.

As a result of good cooperation with the authorities entitled to request the use of the SIM, the following good practices relevant to strict compliance with the legal provisions have also been identified in some structures:

- requests are prepared on the basis of cases opened on an operational report, while in some judicial districts SIMs are prepared and authorized on the basis of preliminary reports opened on the basis of facts;
- an organization has been set up within the Ministry of the Interior to prevent duplication in the use of SIMs against the same person by different structures of the ministry;
- upon notification by the implementing entity, up-to-date information on the identity of persons and sites shall be provided in accordance with Article 23 of SIMA;
- in requests for supplementation with communicators, the applicants have indicated that, although these are owned by third parties, they are used by the controlled entities;
- requests for extension of the application period shall indicate in analytical form the results obtained from SIMs already applied;
- timely action is taken to terminate a SIM in respect of a communicator found not to be in use by the controlled entity;
- where the implementing structure has reason to believe that a communicator is being used by a person exercising the liberal profession of lawyer, the applicant and the judge who authorized the use of the SIM shall be notified. After confirmation of the data, the information received shall be destroyed in a timely manner without being provided to the applicant.



In 2024, pursuant to Article 34e, paragraph 1, point 3 of the SIMA, the NSIDCB issued binding instructions to the authorities referred to in Articles 13 and 20 of the SIMA concerning the rights of a duly appointed defense counsel of the accused person where he is not a lawyer, but is his spouse, descendant or ascendant. The instructions are that if, in the context of the application of the SIM, a controlled person is defended by a person referred to in Article 91(2) of the CCP, the conversations between them may not be intercepted or recorded, and any recordings made may not be used as evidence and must be destroyed immediately.

The National Bureau recognizes the improved performance in the preparation of SIM requests, supports the actions taken by administrative managers to ensure that SIMA procedures are not violated, and will continue to monitor compliance with legal requirements that ensure the protection of citizens' rights and freedoms against the misuse of SIMs.

### ***European Prosecutor and European Delegated Prosecutors.***

The European Prosecutor and European Delegated Prosecutors participate in proceedings within the competence of the European Public Prosecutor's Office in the investigation and prosecution of cases involving crimes against the financial interests of the EU, related to fraud, corruption, money laundering, and cross-border VAT fraud.

In 2024, the European Public Prosecutor did not make any requests for the use of SIM. The EDPRB has issued 81 requests for the use of SIMs in relation to 56 persons. The court has issued 34 authorizations and 47 refusals. The refusals are on initial requests for the use of SIMs. Thirteen ME have been received from the procedures applied, all of which have been included in pre-trial proceedings.

The requests for the use of SIM were made for the investigation of crimes under Article 321 of the CC, Article 242, paragraph 1 of the CC, Article 253, Article 254b of the CC, Article 255 of the CC, Article 212, paragraph 2 of the CC, Article 248a, paragraph 3 and Article 248a, paragraph 5 of the CC, under Article 282, paragraph 1, under Article 282, paragraph 2 of the CC and under Article 301, paragraph 1 of the CC. Some of the crimes under investigation for which the use of SIM was requested do not fall within the scope of Article 172, paragraph 2, of the CCP (Article 3, paragraph 1, of the SIMA), for which the authority under Article 15 of the SIMA has issued a refusal.

No requests have been made under the procedures of Article 12(1)(4) of the SIMA.

During its checks, the NSIDCB found that, in a large number of requests for the use of SIM, the competent authority under Article 174(1) of the CCP—the Sofia City Court—had issued refusals on more than one ground:

- ✓ the classification of the act by the CC did not fall within the scope of crimes for which the use of SIM was permitted;
- ✓ reference to unclear or contradictory legal classification;
- ✓ requests for investigation were made in pre-trial proceedings initiated in 2022. The court issued its refusals on the grounds that the use of SIM to obtain information two years after the crime was committed and pre-trial proceedings were initiated would not achieve the objective.
- ✓ Poor reasoning regarding the evidence gathered in the pre-trial proceedings and lack of comprehensive indication of facts and circumstances;

✓ Traditional methods of gathering evidence have not been exhausted. The use of SIM is an exceptional, last resort means of gathering data and information for the criminal prosecution of individuals by intruding into their private lives.

✓ Upon requests for an extension of the period of use of SIM, made in a pre-trial proceeding, the court ruled to refuse on the grounds of non-compliance with the mandatory provision of Article 21, paragraph 3 of SIMA for indicating the results achieved in the application of SIM. This omission gave rise to the rejection of all requests for extension of the SIM.

✓ The duration of the requested extension was not justified.

The practice of allowing fundamental errors in the preparation of SIM requests continues, which cannot be explained solely by the specific structural organization of the institution and the lack of an administrative manager who, pursuant to Article 173, paragraph 1, sentence 2 of the CCP, should be notified before the request is submitted in order to correct errors and inaccuracies before it is submitted to the judge.

### ***Procedures under Article 34n of the SIMA***

Pursuant to the provision of Article 34i of SIMA, special intelligence means may also be used, where provided for in an international treaty to which the Republic of Bulgaria is a party and which has entered into force, for the prevention and investigation of offences expressly referred to in the international treaty under which their use is permitted. The results obtained through such SIMs may be used both for the purposes of international legal assistance and for the purposes of an ongoing investigation on the territory of our country.

In 2024, there are no SIM request, authorization, and enforcement procedures under Article 34n of SIMA. The reason for this may be the heterogeneous practice reflected in the previous NSIDCB reports concerning the authorisation of the use of SIM at the request of foreign investigative authorities, expressed in the specificity of each individual case, as well as the different legislation in this area in the EU Member States – difference in the crimes for which it is permissible to apply SIM.

The Prosecutor's Office of the Republic of Bulgaria has made proposals for improving the regulatory framework, which we have reflected in previous reports on the activities of the NSIDCB, with a view to improving our legislation by laying down a clear and precise procedure for the application of SIM in our country when receiving requests from the relevant authorities of foreign countries in order to prevent violations of our national legislation and, at the same time, not to hinder the prevention or detection of crimes.

One of the proposals is to improve the existing legislation by specifying in the section on international legal cooperation that SIMA is also applicable to the execution of European Investigation Orders, and not only to requests for legal assistance and where provided for in an international treaty.

During comprehensive checks on SIMA activities in some judicial districts, cases were found where SIM was applied under the EIOA and that there was still no established practice in the country's prosecutors' offices and courts in such cases. In one judicial district, it was found that in several requests made by the relevant district prosecutor's office for the use of SIM under the EIOA, the court had refused, one of the grounds being that the written statement of the undercover officer submitted

in the requests did not meet the requirements of Bulgarian law—the tasks to be performed by the undercover officer on the territory of the requested state were not specified, to be undertaken in the territory of the requested country, together with the identification number assigned by the structure providing and conducting the investigation through the undercover officer.

The acting Chief Prosecutor of the Republic of Bulgaria was notified of these problems. In order to overcome these problems and find common solutions for the application of the provisions of the SIMA in the recognition and execution of EIOs, a working meeting was held in early 2025 with representatives of the NSIDCB, the SCC, the Deputy Chief Prosecutor, the SPO, the Sofia City Court, and the Sofia City Prosecutor's Office.

## BODIES UNDER ARTICLE 15 OF SIMA



2. BODIES UNDER ARTICLE 15 OF SIMA

2.1. AUTHORISATIONS

The requests of the competent authorities are submitted to the authorities referred to in Art. 1 of the SIMA (Article 174 of the CCP), which should give a reasoned decision within 48 hours.

In 2024, the authorities referred to in Article 15 of the SIMA received a total of 4,513 requests for the use of SIMs in relation to persons and procedures under Article 12(1)(4) of the SIMA. Of these, 3739 were granted (2462 on initial applications and 1277 for extensions of time or to supplement initial applications by operational means or by communicator)<sup>6</sup>.

In 2024, no SIMs were requested, authorized, or applied in relation to magistrates.

By comparison, in 2023, there were 4,340 requests and 3,594 authorizations (2,550 for initial requests and 1,044 for extensions or additions to initial requests). (fig. 8)

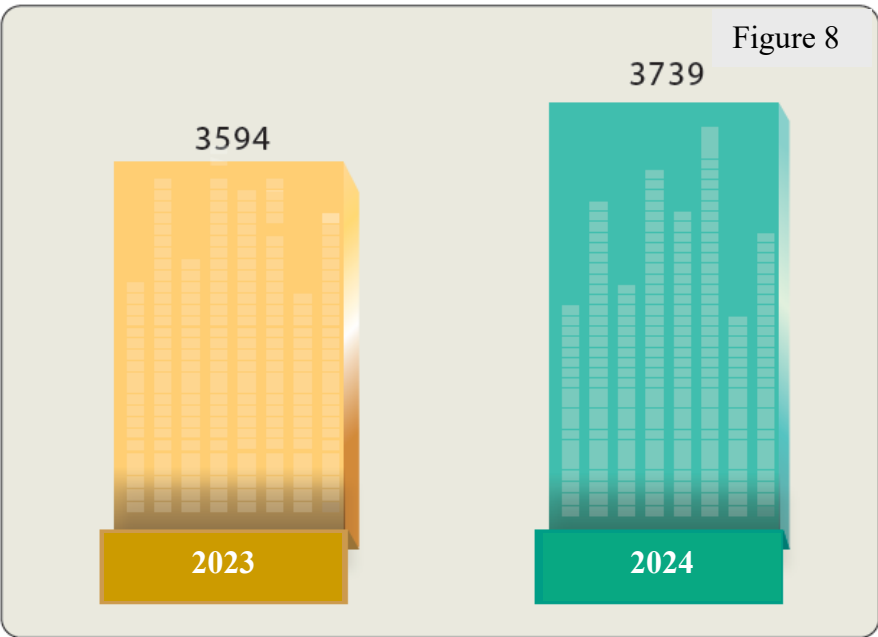


Fig. 8. Authorizations for the use of SIM for the period 2023 – 2024.

In 2022, there were 4,331 requests and 3,562 authorizations (2,588 initial requests and 974 for extension of the term); In 2021, there were 4,580 requests and 4,056 approvals (2,602 initial requests and 1,454 for extension of the deadline). In 2020, there were 5,368 requests and 5,003 approvals.

The change in the workload of the courts (number of requests received) in their capacity as bodies under Article 15 of the SIMA after the closure of the specialized justice system in mid-2022, as well as the dynamics in terms of authorizations and refusals during this period, are reflected in Table 3:

Table 3

Court	Number of requests by	Number of approvals	Number of refusals by
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<sup>6</sup> According to information by SJC.

	year				by year				year			
	2024	2023	2022	2021	2024	2023	2022	2021	2024	2023	2022	2021
Specialized Criminal Court	-	-	100 3	232 7	-	-	771	200 2	-	-	232	325
Appellate Specialized Criminal Court	-	-	0	32	-	-	0	29	-	-	0	3
Sofia City Court	1142	867	558	194	712	485	292	120	430	382	266	74
District Court-Plovdiv	480	419	458	392	398	345	404	350	82	74	54	42
District Court-Stara Zagora	301	319	213	199	301	316	211	198	0	3	2	1
District Court-Blagoevgrad	276	315	193	104	246	277	177	94	30	38	16	10
District Court-Pazardzhik	176	181	115	56	161	150	111	55	15	31	4	1
District Court-Varna	180	183	118	112	156	156	93	93	24	27	25	19
District Court-Ruse	154	109	120	118	150	101	106	118	4	8	14	0
District Court-Burgas	173	240	222	121	140	222	167	111	33	18	55	10
District Court-Haskovo	152	106	114	105	136	83	85	91	16	23	29	14
District Court-Pleven	145	153	127	89	131	133	121	85	14	20	6	4
District Court-Vidin	132	137	112	112	129	137	111	111	3	0	1	1
Sofia District Court	152	120	90	41	119	88	77	31	33	32	13	10
District Court-Kyustendil	113	150	162	96	113	149	162	96	0	1	0	0
District Court-Gabrovo	107	63	43	23	107	62	43	23	0	1	0	0
District Court-Razgrad	130	114	77	78	101	100	74	78	29	14	3	0
District Court-Pernik	83	142	60	39	79	133	55	39	4	9	5	0
District Court-Sliven	77	106	66	44	77	106	66	44	0	0	0	0
District Court-Veliko Tarnovo	76	89	92	67	74	87	87	67	2	2	5	0
District Court-Silistra	67	44	21	17	66	43	21	17	1	1	0	0
District Court-Shumen	53	57	41	35	53	57	41	35	0	0	0	0
District Court-Smolyan	48	27	17	21	46	27	16	21	2	0	1	0
District Court-Yambol	44	49	30	9	39	42	26	9	5	7	4	0
District Court-Kardzhali	43	62	59	31	38	62	57	30	5	0	2	1
Sofia Military Court	42	36	70	27	38	30	66	24	4	6	4	3
District Court-Lovech	32	44	35	33	31	38	31	28	1	6	4	5
District Court-Dobrich	28	62	13	19	27	52	13	19	1	10	0	0
District Court-Targovishte	29	30	29	6	27	26	17	6	2	4	12	0
District Court-Vratsa	51	41	28	16	25	28	23	16	26	13	5	0
District Court-Montana	22	27	28	9	14	17	22	8	8	10	6	1
Military Court-Sliven	4	2	9	6	4	2	8	6	0	0	1	0
Military Court-Plovdiv	1	27	3	2	1	27	3	2	0	0	0	0
Appellate Court-Sofia	0	19	5	0	0	13	5	0	0	6	0	0
Military Appellate Court	0	0	0	0	0	0	0	0	0	0	0	0
Supreme Court of Cassation	0	0	0	0	0	0	0	0	0	0	0	0
Total	451 3	434 0	433 1	458 0	373 9	359 4	356 2	405 6	774	746	769	524

As can be seen from the data, following the closure of the specialized courts in two consecutive years, the number of requests for the use of SIM received by the courts decreased significantly compared to 2021 – by 249 in 2022 and by 240 in 2023. In 2024, requests increased by 173 compared to 2023.

The same trend was observed for authorizations: in 2022 and 2023, they decreased compared to 2021 by 494 and 462, respectively, and in 2024, they increased by 145 compared to 2023.

There was a significant increase in refusals, which remained relatively stable throughout the period after the closure of the specialized courts: in 2022, they increased by 245, in 2023 by 222, and in 2024 by 250.

After the closure of the specialized courts, the workload related to requests for the use of SIM is highest in the Sofia City Court, where requests increased more than threefold in 2022 compared to 2021, more than fourfold in 2023, and nearly sixfold in 2024. Respectively, the number of orders issued – authorizations and refusals – has increased.

In the district courts, in 2024 compared to 2021, the workload for requests increased on average more than twofold. The dynamics for authorizations and refusals in the district courts is similar.

With regard to refusals, the analysis of the results of the checks carried out leads to the conclusion that the increase in refusals throughout the period following the closure of the specialized courts, both in the Sofia City Court and in the other district courts, is due in a significant number of cases to problems in determining or insufficiently justifying the territorial jurisdiction of the authorities under Article 15 of the SIMA in requests for the use of SIM for the detection or investigation of the activities of organized criminal groups.

## 2.2. REFUSALS

In 2024, judges issued 774 refusals out of the total number of requests for the use of SIM<sup>7</sup>, while in 2023 there were 746 refusals. (fig. 9)

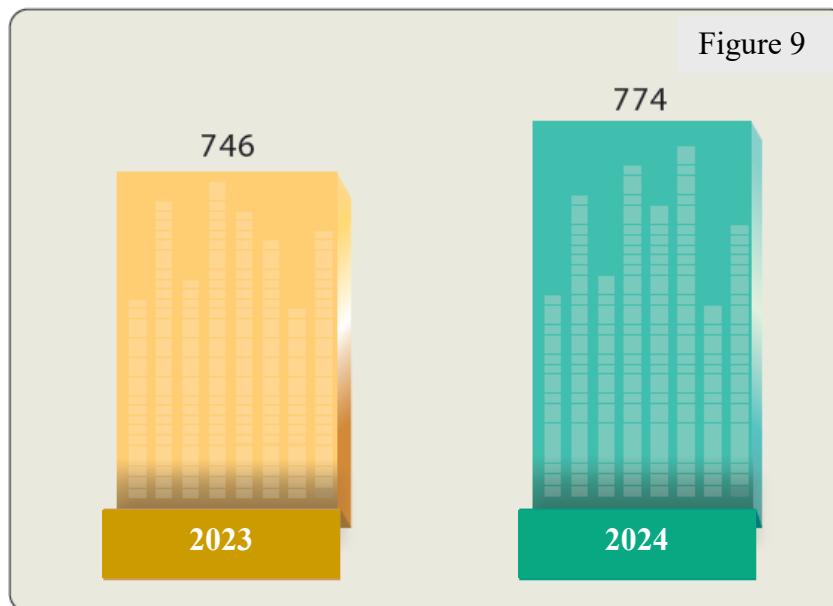


Fig. 9. Refusals for the use of SIM for the period 2023 – 2024.

In 2022, there were 769 refusals, in 2021 there were 524 refusals, and in 2020 there were 365 refusals.

<sup>7</sup> According to information by SJC.

And in 2024 the highest number of refusals were issued by the courts with the highest number of received requests – the SCC received 1142 requests and issued 430 refusals, which is 37.65%, the District Court – Plovdiv received 480 requests and issued 82 refusals, which is 17.08%.

For 2024, and compared to previous periods, the relative share of refusals by applicant is shown in Table 4.

Table 4

Structure	Percentage of refusals (%)				
	2024	2023	2022	2021	2020
EDPRB	58.02	85.71	40.91	0	-
SANS	21.18	26.75	24.69	13.51	7.16
Prosecutor's Office	16.39	21.04	20.86	16.31	6.05
MoI	14.80	12.90	14.93	8.39	2.87
CCC	0	19.35	11.11	0	2.67
MIS	-	33.33	-	-	-
MPS-MO	9.09	0	0	0	0

During the year, the judges, in exercising their power relating to the control of the legality of SIMA procedures, also issued 293 acts in which they partially refused the application of SIM in respect of individual means of operation, communicators and elements of offences not covered by Article 3(1) of SIMA, or reduced the time limits requested for the application of SIM.

In 2024, the number of requests received by the courts increased by 173 compared to 2023, the number of authorizations for the use of SIM increased by 145, and the number of refusals increased by 28.

### 2.3. ANALYSIS OF THE RESULTS OF THE SUPERVISION OF THE PROCEDURES UNDER SIMA

As a result of the comprehensive checks and control of the SIMA procedures carried out by the authorities under Article 15 of the SIMA in 2024, the National Bureau found that judicial control over the authorisation of SIM use is excessive, practices have been harmonized and uniform criteria are applied when deciding on requests for the use of SIM, as follows:

- the time limits for the use of the SIM in subsequent claims on the person already identified shall be deducted where the procedure in Article 12(1)(4) SIMA has previously been applied;
- judges require applicants to submit the order extending the investigation period in the pre-trial proceedings for which they are requesting the use of SIM;
- judges refuse to grant SIMs in cases of duplication where another authority has already granted a SIM for the same person and the same act.

However, the question remains open as to the creation of a single electronic register within the authorities referred to in Article 15 of the SIMA, which would enable judges to obtain full information on whether a SIM has already been authorized for use by another authority from a different judicial district in respect of the same person and the same criminal offense.



- Issuing refusals where the judge has not been provided with evidence of the ownership or use of the communication devices referred to in the request, as well as of the premises and objects for the application of the measures under Articles 6, 8, 9, and 10 of SIMA.

- the requests shall provide a good justification for the operational measures, and judges shall issue partial refusals for unjustified measures;

- applicants are required, in addition to giving reasons for the time limits, to indicate in the request what results are expected to be achieved by the application of the SIM.

- judges shall require applicants under Article 13(1) of the SIMA to declare that no pre-trial proceedings have been initiated;

- In most judicial districts, judges require detailed reports to be prepared, including summary data on the results of SIMs applied, the operational methods used, which methods were not used, and the reasons for this.

In 2024, some significant shortcomings were found in the decisions on requests for the use of SIMs. In these cases, the application did not start, and the authorizations were revoked. The shortcomings are as follows:

- permissions were granted for the use of SIM for the detection of crimes that are not serious within the meaning of Article 93(7) of the CC and do not fall within the scope of Article 3(1) of the SIMA;

- granting of SIM authorizations on requests submitted by an incompetent applicant.

- permission was granted upon request for the use of SIM in which more than one person was specified;

- in some authorizations granted upon extension requests, the SIM application period was exceeded by one day, while in others the judge reduced the period requested by the applicants. It should be noted that, pursuant to Article 183(3) of the CCP, where a period is calculated in months, it expires on the corresponding date of the last month. The maximum period for applying the SIM (except in cases related to national security) is six months and starts from the initial date of application.

- granting authorizations where requests for the use of SIM for identification purposes (procedure under Article 12(1)(4) of the SIMA) specify multiple communicators;

- refusal to grant the remaining period under Article 21(2)(3) of the SIMA at once solely on the grounds that each individual extension cannot exceed two months;

- in certain judicial districts, the practice continues of requiring authorities under Article 13(1) of the SIMA to notify the judge who authorized the use of the SIM and to request him to order the destruction of information collected that is not used for the preparation of the ME. In isolated cases, this has led to the destruction of information beyond the time limit laid down in Article 31(3) of the SIMA;

- requiring applicants for reports under Article 29(7) of SIMA to submit them after the expiry of the initial request, even though authorisation to continue the application had been granted and the procedure had not yet been completed;

- continuing the practice of failing to act within the 48-hour period referred to in Article 15(1) of SIMA;
- the practice of leaving requests for the use of SIMs without consideration or without granting them instead of refusing them as required by law continues;

## BODIES UNDER ARTICLE 20 OF SIMA



### 3. BODIES UNDER ARTICLE 20 OF SIMA

Pursuant to Article 20 of SIMA, special intelligence means shall be provided and used only by SATO, the specialized Technical Operations Directorate of SANS and the Ministry of the Interior for the methods referred to in Articles 10b and 10c of SIMA, as well as for the method referred to in Article 10a of SIMA, in cases where an undercover agent is used. MIS and SIA may possess and use special intelligence means within their competence.

In 2024, SATO implemented 5,564 operational measures in respect of 2,220 persons and 44 procedures under Article 12(1)(4) of the SIMA. By comparison, in 2023, SATO implemented 5,225 operational measures in respect of 2,261 persons and 60 procedures under Article 12(1)(4) of the SIMA.

The SANS Technical Operations Specialised Directorate has implemented 480 operational measures against 190 individuals and one procedure under Article 12(1)(4) of the SIMA. By comparison, in 2023, the number of operational measures applied was 488 in respect of 232 persons and one procedure under Article 12(1)(4) of the SIMA.

Through an undercover officer from the Ministry of the Interior, 31 operational measures under Articles 10b and 10c of SIMA were applied to 21 persons. By comparison, in 2023, 21 operational measures were applied to 15 persons.

In 2024, MIS and SIA did not apply SIM.

#### 3.1. OPERATIONAL MEANS

In 2024, a total of 6,095 measures were applied<sup>8</sup> (compared to 5,749 measures in 2023).

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

- Article 5 of SIMA (surveillance) – 3,329, with 1,230 applied (compared to 3,230 in 2023 and 1,079 applied);
- Article 6 of SIMA (interception) – 3,506, with 3,485 implemented (compared to 3,453 in 2023 and 3,441 implemented);
- Article 7 of SIMA (tracking) – 3331, with 1208 implemented (out of 3238 in 2023 and 1072 implemented);
- Article 8 of SIMA (infiltration) – 401, with 72 implemented (compared to 416 in 2023 and 65 implemented);
- Article 9 of SIMA (marking) – 131, with 19 implemented (compared to 201 in 2023 and 26 implemented);
- Article 10 of SIMA (checking correspondence) – 365, with 30 implemented (out of 379 in 2023 and 30 implemented);
- Article 10a of SIMA (controlled delivery) – 10, not implemented (out of 9 in 2023, not implemented);

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<sup>8</sup> According to data of the bodies referred to in Article 20 of SIMA.

- Article 10b of SIMA (confidential transaction) – 64, with 20 implemented (out of 38 in 2023 and 15 implemented);
- Article 10c of SIMA (undercover agent) – 65, with 31 implemented (compared to 40 in 2023 and 21 implemented).

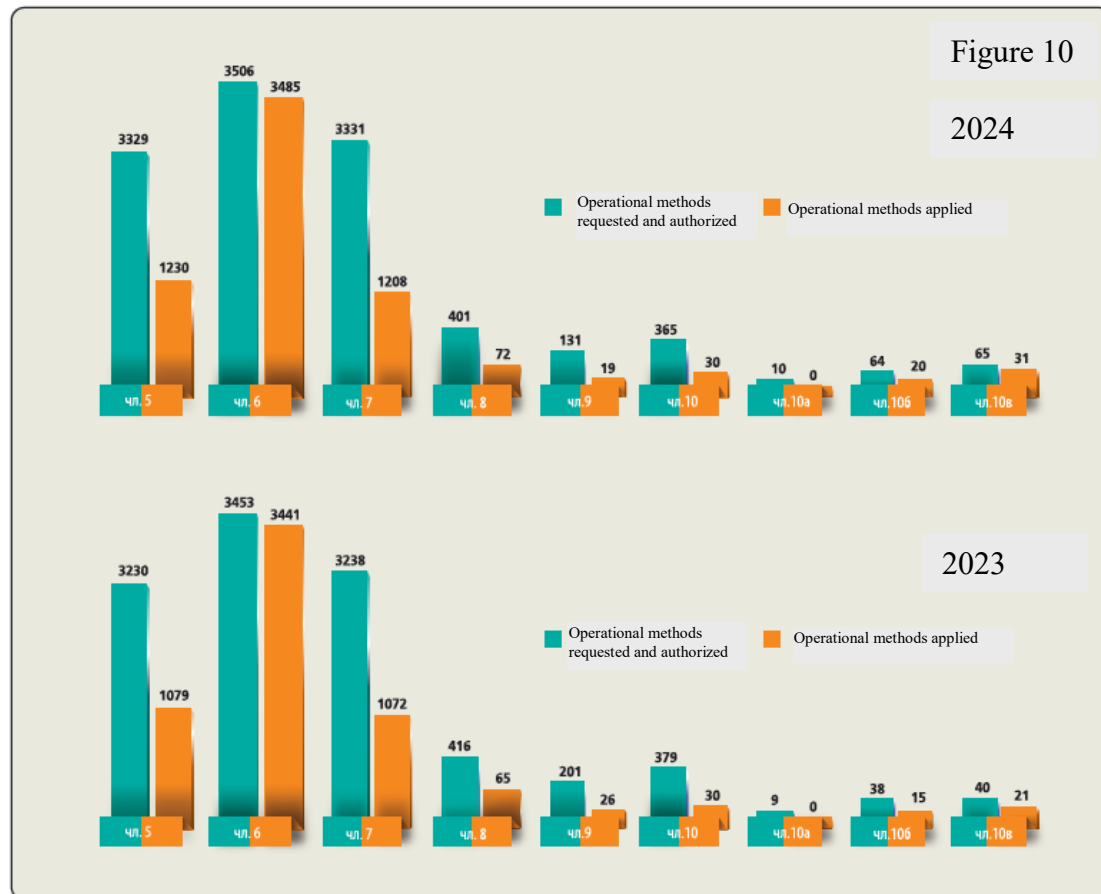


Fig. 10. Operational means authorised and applied for the period 2023– 2024

An analysis of the statistics shows that in 2024 the ratio of operational methods applied to those authorized is highest under Article 6 of SIMA (99.40%). The percentage of methods under Articles 5 and 7 of SIMA is lower (36.95% and 36.27%, respectively), and the lowest under Articles 8, 9 and 10 of the SIMA (17.96%, 14.50% and 8.22% respectively).

The practice of applicants requesting the use of more than one operational method continues. The most frequently used method is “interception,” with no possibility of using the other authorized operational methods. Coordination and cooperation between the authorities referred to in Articles 13 and 20 of the SIMA are necessary, as well as the conditions for their implementation.

In this regard, the NSIDCB has issued instructions that requests for the use of SIM should include arguments for the necessity of applying each individual operational method, as well as the result to be achieved through the use of each requested operational method.

### 3.2. CASES WHERE SIM HAS NOT BEEN TRIGGERED

During the checks carried out on the implementing authorities for their activities in 2024, 10 cases were identified in which the authority referred to in Article 16(1) of the SIMA—the chair of the SATO or his or her deputy authorized in writing—had not given an order to start applying the SIM, based on Article 22, paragraph 3, point 2 of SIMA, because of obvious factual errors in the requests or authorizations to use the SIM, such as misspelling names, incorrect spelling of the person's unique civil number or incorrect spelling of the number of the communicator for which the authorization was given.

The following cases have also been identified, which also gave rise to SATO not to initiate the application of SIM:

- inconsistency between the requested and authorized operational methods;
- requests for the use of SIM in relation to the address specified therein, which is to be infiltrated, without the application of the method under Article 8 of SIMA being authorized;
- cases where the application of SIM under Article 8 of SIMA was requested in relation to premises, but the application of the “penetration” method was authorized in relation to vehicles not specified in the request;
- cases where the application of SIM has been requested in relation to communication devices, but the court's authorization uses the term “communication device” in the singular;
- cases where, in addition to criminal offenses falling within the scope of Article 3(1) of SIMA, the application of SIM has also been authorized for the detection of crimes for which the use of SIM is not permissible;
- cases where SIM has not been applied on the basis of Article 22(3)(3) of SIMA due to the risk of revealing operational methods;
- cases where SIMs have not been applied on the basis of Article 22(3)(4) of the SIMA due to impossibility of application;
- procedures for the use of SIMs exceeding the duration authorised under Article 21(2) of the SIMA.

In all the above cases, the implementing structure SATO has notified the authorities referred to in Articles 15 and 13 of the SIMA to take action within their competence, in accordance with Article 22(5) of the SIMA.

In 2024, the SANS SDTO did not receive any requests or authorizations for the use of SIMs that would have given grounds to the authority referred to in Article 16(2) of the SIMA—the chair of the SANS or a deputy chair authorized in writing by the chair—to refuse to initiate the use of SIMs.

The Ministry of the Interior also did not receive any requests or authorizations that would have given grounds to the authority under Article 16, paragraph 4 of SIMA—the Secretary General or his/her deputy authorized in writing—to refuse to initiate the application of SIM.

### **3.3. ANALYSIS OF THE RESULTS OF THE SUPERVISION OF THE PROCEDURES UNDER SIMA**

In 2024, it was observed that in most cases the simultaneous use of the methods under Articles 5, 6, and 7 of the SIMA was requested, but in practice only the method under Article 6 of the SIMA was applied.

The analysis of the procedures for implementing the SIM shows that the authorities referred to in Article 20 of the SIMA are fulfilling their obligations under the SIMA, despite some problems arising from shortcomings in the regulatory framework.

Article 22(3) of SIMA explicitly lists the cases in which the implementation of the SIM shall not be initiated or terminated by the entities referred to in Article 20(1) of SIMA. In addition, there are other cases where, if implementation were to begin, it would violate legal provisions and, consequently, the rights and freedoms of citizens. Such cases have been reported in previous NSIDCB reports and are as follows:

- requests for the use of SIM are made by an incompetent authority;
- authorizations are granted by an incompetent court;
- the total period authorized by the court exceeds the statutory period specified in Article 21 of the SIMA.

In spite of the absence of an express legal basis, in order to prevent the unlawful use of SIMs and not to infringe the rights and freedoms of citizens, in the presence of the above-mentioned defects in the requests and authorisations for the use of SIMs, the authorities referred to in Article 16 of SIMA shall not order the use of SIMs and shall notify the relevant authorities referred to in Articles 13 and 15 of SIMA to take action under its jurisdiction. According to the NSIDCB, the exhaustive list of individual cases in the law is a prerequisite for the unlawful application of SIM, leading to violations of citizens' rights and freedoms, and therefore the provision of Article 22(3) of the SIMA should be supplemented by including the cases in which the application of the SIM should not be initiated or should be terminated.

It should be noted that the authorities under Article 20, paragraph 1, points 1 and 2 of the SIMA strictly comply with the established practice in cases where it is established that a communicator for whom the application of SIM has been authorized is not being used by the person subject to SIM control, to send notifications of this circumstance not only to the applicant but also to the authority referred to in Article 15 of the SIMA for additional judicial review. This practice has also been imposed in relation to conversations where there is a suspicion that they are being conducted with persons exercising the liberal profession of lawyer or with defense counsel within the meaning of Article 91(2) of the CCP and would fall under the provision of Article 33(3) of the Bar Act.

Until up-to-date information is received, the implementing body

continues to apply the SIM but does not send the information received to the applicant. Where it is confirmed that a communication via a communication device falls within the scope of Article 33(3) of the Bar Act, the implementing body shall immediately destroy the information in accordance with Article 31(3) of the SIMA.

The analysis of the supervision of the procedures carried out has established that, following the instructions given by the NSIDCB, the authorities under Article 13 of the SIMA take action under Article 22(2)(2) of the SIMA to terminate the application of the SIM and under Article 23 of the SIMA to provide up-to-date data on the user of the communication device or, where there is doubt, that the communicators are being used by lawyers in connection with their professional activities.



## RESULTS OF THE APPLICATION OF THE SIM



### **III. RESULTS OF SIM APPLICATION, STORAGE AND DESTRUCTION OF ACQUIRED INFORMATION.**

#### **1. MATERIAL EVIDENCE**

In response to requests for the use of the SIM made in 2024, a total of 891 requests for the preparation of ME were received (including 31 requests for the questioning of an undercover officer). In 2023, a total of 905 requests for ME were received and 16 interviews of undercover officers were conducted.

In the total of 2,264 procedures applied by SATO in respect of persons and sites under Article 12(1)(4) of SIMA, applicants requested the preparation of 781 ME. Compared to 2023, SATO implemented a total of 2,321 procedures in relation to persons and sites under Article 12(1)(4) of SIMA, with applicants requesting the preparation of 804 ME.

The analysis shows that there has been a decrease in the number of procedures applied and requests for ME.

In the total of 191 procedures applied by SANS in respect of persons and sites under Article 12(1)(4) of SIMA, applicants requested the preparation of 79 ME. Compared to 2023, SANS implemented a total of 187 procedures in relation to persons and sites under Article 12(1)(4) of SIMA, with applicants requesting the preparation of 101 ME.

The analysis shows that, while the number of procedures applied has remained relatively stable, the number of requests for ME is lower.

The Ministry of Interior, which applied 51 operational methods under Articles 10b and 10c of SIMA in respect of 21 persons, received requests for the preparation of 31 MEs through questioning before a judge. In 2023, 36 operational methods under Articles 10b and 10c of SIMA were applied to 15 persons, and 16 protocols of interrogations before a judge were drawn up, i.e. in 2024, the number of interrogations before a judge almost doubled and a success rate of 100% was achieved.

In 2024, the SIMA Article 20 authorities produced a total of 1067 MEs, of which 726 were in respect of 2024 requests and 341 in respect of requests from previous years. For 45 authorized and implemented procedures for the use of SIM under Article 12(1)(4) of SIMA, 10 MEs were prepared.

The ratio between the number of requests for the preparation of ME and the number of persons whose fundamental rights are temporarily restricted by SIM, as well as the number of requests under Article 12(1)(4) of SIMA, is 35.30%. By comparison, in 2023 this ratio was 36.06%.

After analyzing the statistical data provided by the authorities under Article 20 of the SIMA, it can be concluded that this trend is the result of both an increase in the number of procedures applied and a more precise specification by applicants of the cases in which they request the preparation of ME to prove the relevant criminal acts. On the other hand, for national security purposes, the result of the use of SIM is not always related to the preparation of ME, but also to the acquisition of operationally relevant information.

As in previous periods, a reduction was found, but there are still cases where ME prepared by bodies under Article 13(1) of SIMA are not included in pre-trial proceedings. The main reasons for not using ME prepared for criminal proceedings are as follows:

✓ 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.

✓ 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);

✓ no need for inclusion in the pre-trial proceedings;

✓ not requested by the prosecution for inclusion.

Due to the lack of a procedure, time limit and conditions for their storage and destruction in the legislation in force, currently the prepared SIM are stored by the authorities referred to in Article 13(1) of SIMA until pre-trial proceedings are initiated, and after the initiation of pre-trial proceedings – by the judicial authorities, indefinitely.

The ME prepared and sent to the judge who authorised the application of the SIM shall be kept in the private criminal case opened by him indefinitely and shall also not be destroyed.

During its comprehensive checks, the NSIDCB found that in some cases where pre-trial proceedings had been initiated and the authorities under Article 13(1) (with the exception of point 6) of the SIMA had sent the relevant ME and a report on its preparation, the judicial authority, in cases the specific ME was not included in the pre-trial proceedings, returned it to the applicant. During the checks, when the NSIDCB identified such cases, instructions were given to strictly comply with the provision of Article 31(2) of the SIMA and to keep the prepared ME with the relevant judicial authority. There have also been cases where, at the time of a request for the preparation of an ME, the need for its use as evidence in criminal proceedings has ceased to exist (termination of pre-trial proceedings, agreement, etc.) and the authority under Article 13 of the SIMA does not notify the relevant authority under Articles 20 and 15 of the SIMA, which is not good practice, as the authority under Article 20 of the SIMA allocates human and time resources to the preparation of the ME and a protocol reflecting its preparation, which will not be used in the process of proving a specific crime.

## **2. DESTRUCTION OF INFORMATION NOT USED TO PREPARE ME**

According to the provision of Article 31(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. Destruction is carried out by a committee of three members in a composition determined by the head of the entity for which a report is drawn up.

Failure to comply with these requirements create conditions and prerequisites for the use of data collected through SIM outside the purpose of preventing, detecting and proving crimes (Article 32 of SIMA).

In 2024, as a result of the directions given by NSIDCB and action taken by the heads of the authorities under Article 13 of SIMA, the information not used for preparation of ME has been destroyed within the statutory time limit. In isolated cases, it has been found that protocols have not

been drawn up or that there have been delays in destroying the information under Article 25 of the SIMA, the main reasons being:

- receipt of part of the information after the deadline under Article 31(3) of the SIMA;
- preparation of additional protocols outside the time limit under Article 31(3) of the SIMA, based on information received later under Article 25 of the SIMA;
- large volume of information acquired for the purposes of criminal proceedings, for which a request for the preparation of a ME must be made in accordance with Article 26 of the SIMA and the 10-day deadline for its preparation is not sufficient;
- the absence or delay in issuing orders under Article 175(7) of the CCP for the destruction of the information referred to in Article 25 of the SIMA.

The provision of Article 175(7), second sentence, of the CCP does not specify a time limit within which the judge who authorized the application of the SIM must issue an order for the destruction of information not used for the preparation of the ME. Cases in which the authority under Article 173(1) CCP (Article 13 SIMA) has sought an order for destruction of information under Article 25 SIMA within the ten-day period, and the judges have ruled outside this period, are decreasing.

This problem has been reflected in the NSIDCB reports of previous years, the main reasons being the different procedures set out in Article 175(7) of the CCP and Article 31(3) of SIMA, and the fact that there is no time limit for the authority under Article 15 of the CCP to rule on the request made.

In 2024, no documents were destroyed pursuant to Article 31(5) of SIMA. The provision does not specify a storage period or a procedure for destroying documents related to SIMA procedures, which creates room for different interpretations of this legal text and should be fixed by amending SIMA. Pending the establishment of a regulatory procedure for the destruction of the documents listed exhaustively in Article 31(5) of SIMA, their retention should continue to be carried out by applicants without time limit. These documents are of practical and reference value concerning the procedures carried out for the request, authorisation and application of the SIM, including the destruction of information obtained through them.

### **3. PREPARATION OF A REPORT TO THE AUTHORITY UNDER ARTICLE 15 OF SIMA**

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, start and end of application of SIM, the ME produced and the destruction of the information collected (Article 29 (7) of SIMA).

During the inspections of SIMA procedures, it was found that judges require applicants to prepare much more detailed reports.

In addition to the requirements set out in the law, the reports provide information on whether the result sought was achieved, which of the authorised operational means were applied and other data relevant to the procedures. Separately, it was found that the judges required the applicants to

submit with the report copies of the reports that destroyed the information not used to prepare the MEs. According to the National Bureau accepts these requests from the authorities referred to in Article 15 of SIMA as good practice, and through it the court exercises additional control over SIMA activity, the validity of the request to use SIM to achieve the intended purpose, and the extent to which and which operational means enable the intended results to be achieved.

In 2024, there were isolated cases of delays in the preparation and submission of the report to the judge who authorized the use of SIM, and according to the authorities under Article 13 of SIMA, the main reasons for this were:

- administrative omissions in monitoring the deadlines under Article 29(7) of the SIMA;
- non-compliance with the deadline for preparing the report due to the early termination of the SIM;
- preparation of a new report due to technical errors.

When carrying out checks on SIMA procedures, instructions were given to strictly comply with the one-month deadline laid down in Article 29(7) of SIMA.

## PROTECTION OF CITIZENS' RIGHTS AND FREEDOMS



## **IV. PROTECTION OF CITIZENS' RIGHTS AND FREEDOMS AGAINST THE SIM MISAPPLICATION.**

### **1. REPORTS OF SIM MISAPPLICATION**

The law provides for the obligation of the NSIDCB to notify citizens ex officio when SIMs have been unlawfully applied to them – Article 34g, paragraph 1 of the SIMA. Such cases include, for example, where SIMs have been applied at the request of an incompetent authority or have been authorized by an incompetent authority in the absence of facts and circumstances or information about the crime or lack of data and grounds for the person's involvement in it, within the meaning of Article 12, paragraph 1, points 1 and 2 of SIMA, for a crime outside the scope of crimes specified in Article 3, paragraph 1 of SIMA, or outside the authorized period, or where additional operational methods have been used beyond those authorized, or have been used in relation to persons and/or objects other than those specified in the authorization, or for purposes other than those provided for by law.

The law provides for an exception to this obligation of the NSIDCB – Article 34g, paragraph 2 of SIMA, where there is a risk that the objectives of the law under Articles 3 and 4 of SIMA will not be achieved, that the operational methods or technical means will be disclosed, and when this would endanger an undercover officer or his or her relatives.

SIMA does not provide for a procedure for the NSIDCB to act on reports from citizens for the purpose of investigating the unlawful application of SIM. Pursuant to Article 8(1)(9)9 of the Rules of Procedure of the NSIDCB and its Administration (promulgated in SG No. 77 of 04.10.2016), the National Bureau shall carry out audits on substantiated reports received from citizens regarding the unlawful application of SIMs against them and on its own initiative. In order to protect the rights and freedoms of citizens guaranteed by the Constitution of the Republic of Bulgaria, the National Bureau has developed “Internal Rules for the Work of the NSIDCB on Reports of Unlawful Use of Special Intelligence Means” and a template for submitting reports, published on the NSIDCB website at: [www.nbksrs.bg](http://www.nbksrs.bg), in the section “Reports pursuant to SIMA” subsection ‘Documents’ – “Work on Reports,” as well as available information on the notification procedure for establishing unlawful use and application of SIMs against citizens.

In 2024, the NSIDCB received 48 reports from citizens claiming that SIMs had been used unlawfully against them.

All the reports received have been considered at the meetings of the NSIDCB. Investigations into 5 of the reports received are continuing in 2025. The NSIDCB did not investigate 14 reports due to non-compliance with the Internal Rules for the Work of the NSIDCB on Reports of SIM misapplication. Four cases from 2023 were completed in 2024

The audits carried out revealed no case of SIM misuse.

The law does not provide for the notification of citizens when SIM have been used lawfully in relation to them. The notification from the National Bureau for the SIM misapplication is a certifying document that enables the person to exercise their right, guaranteed by Article 7 of the Constitution, to hold the state liable, provided that the relevant conditions are met. The notification marks the start of the limitation period for bringing a claim under Article 2(1)(7) of the SMLDA.

## **2. PROCEEDINGS UNDER SMLDA AND APIA**

### **Proceedings under the SMLDA**

With the entry into force of the amendment and supplement to the SMLDA (promulgated in SG No. 17 of 06.03.2009), the misuse of SIM has been included in the scope of the objective liability of the state for damages resulting from unlawful acts of law enforcement authorities. The proceedings are conducted in accordance with a special procedure before a civil court, with citizens benefiting from the probative value of the acts of the National Bureau as official documents issued by a competent authority within the scope of its functions, for the facts and circumstances certified therein. Liability under Article 2(1)(7) of the SMLDA may arise if the SIM use authorization was issued in connection with a crime that cannot be prevented or investigated by such means under the law, or if the request for authorization was submitted by an incompetent authority or was incomplete, but not if the request was duly submitted, since the civil courts hearing claims for compensation under that provision cannot review whether the judges who issued the SIM use authorization made the right call on whether using the SIM was necessary based on the facts presented to the court.

The procedure laid down in the SIMA allocates the competence and powers of the state authorities involved in the process of requesting, authorizing, implementing, storing, using, and destroying SIMs, and determines the objectively possible causal link between the damage for which compensation is claimed under Article 2(1)(7) of the SMLDA and the specific alleged infringement.

✓ In relation to legal proceedings brought under Article 2(1)(7) of the SMLDA in 2024, the competent courts ruled that the NSIDCB's actions in relation to established violations of SIMA procedures were lawful. The court cases were brought by citizens who had been notified by the NSIDCB that SIMs had been unlawfully applied to them.

✓ In claims brought against the National Bureau under Article 1(1) of the SMLDA in connection with alleged failure by the NSIDCB to act on a citizen's report of unlawful use and application of SIMs, in 2024, the competent administrative court ruled to dismiss in their entirety the claims for compensation for pecuniary damage. The court found that the actions of the NSIDCB were lawful and entirely based on legal provisions.

### **Proceedings under the APIA**

As a state body, the National Bureau is obliged to provide information on its activities in accordance with the provisions of Article 3(1) of the APIA. During the reporting period, three requests for access to public information were received. Full access to the requested information was granted in two of the cases. In the third case, a letter was sent to the applicant informing them that the requested public information was not available. No complaints were received against decisions issued by the NSIDCB under the APIA.



## INTERACTION WITH STATE AUTHORITIES AND INSTITUTIONS



## **V. INTERACTION WITH STATE AUTHORITIES AND INSTITUTIONS**

### **1. WORKING MEETINGS**

The National Bureau holds annual working meetings with representatives of all bodies involved in SIMA procedures. This has become an important step towards establishing inter-institutional dialogue between the competent authorities and jointly seeking solutions to improve the SIM use and application regime.

The main purpose of these meetings is to present and discuss the shortcomings and violations identified in the course of the NSIDCB's comprehensive checks, which create conditions for unjustified violations of citizens' rights, as well as good practices in requesting, authorizing, and applying SIM, and in storing and destroying the information obtained through them. To share our views and opinions on them and to find the best solutions on which we can agree.

Thanks to good communication and the decisions taken at joint meetings with the authorities under Articles 13, 15, and 20 of the SIMA, many of the shortcomings and different practices identified during the years of monitoring have been overcome, and judicial control over the use and application of SIM has been significantly improved. There is a steady trend each year for judges to raise their standards when authorizing the use of SIM. Good organization and uniform criteria for examining requests have been established. The timely destruction of information that has not been used for the preparation of ME is monitored, and detailed reports are prepared in accordance with Article 29(7) of SIMA.

In 2024, the National Bureau invited the management of the Ministry of the Interior to working meetings to discuss issues relating to the application of SIMA procedures on which there are differing views, with a view to finding common solutions.

In response to questions arising from the practical application of Article 30(1) and (3) of the SIMA, the National Bureau held a working meeting between representatives of the NSIDCB and the Supreme Prosecutor's Office. The following topics were discussed at the working meeting: the procedure to be followed to request the structure referred to in Article 20 of the SIMA to draw up a ME and a protocol reflecting its preparation in the case of Article 30(1) and (3) of the SIMA, including who is the competent prosecutor and what is the procedure for destroying such information, including who is the competent authority to request the destruction of the information under Article 175(7) of the CCP, and, respectively, for taking action to destroy it within the time limits set out in Article 31(3) of SIMA. The participants in the meeting discussed problems in the current regulatory framework and agreed on solutions and principles with a view to harmonizing the practice of applying the above provisions. As a result of the working meeting, the acting Chief Prosecutor of the Republic of Bulgaria issued instructions to the administrative heads of the territorial prosecutor's offices on the actions to be taken in the event of the occurrence of the hypothesis under Article 30, paragraph 1 of SIMA. In the course of its supervisory activities, the NSIDCB sent a request to the authorities under Articles 13, 15, and 20 of SIMA for an opinion on the problems raised concerning the practical application of Article 30, paragraphs 1 and 3, of SIMA, with a view to preventing the misuse of results obtained outside the request for use of the SIM. The information gathered has been analyzed and summarized with a view to finding possible solutions within the existing provisions. Amending and supplementing the provision under discussion is an important step by the legislator to overcome gaps in the regulatory framework in order to protect citizens' rights.

In connection with questions raised by administrative heads of district courts related to the practical application of the provisions of SIMA on the storage of ME and materials under Article 31(5) of SIMA in the bodies under Article 13(2) of SIMA and in the bodies under Article 15 of SIMA, the National Bureau initiated a working meeting with representatives of the Judicial College of the SJC. Those attending the meeting noted the existence of a legislative gap regarding the time limits for the storage of ME and the materials referred to in Article 31(5) of SIMA, and agreed on the need for legislative changes to SIMA that would be binding on all participants in the procedures and relevant to the time limits for the storage of documents from SIMA procedures. The National Bureau provided the SCC with materials and summary data relating to the storage and destruction of materials from SIMA procedures applied by the authorities referred to in Article 15 of the SIMA.

At the invitation of the Rector of the Academy of the Ministry of Interior, representatives of the NSIDCB conducted training for students from the master's program in National Security at the Academy of the Ministry of Interior on the topic: "Control over the organization and implementation of SIM in the Republic of Bulgaria." The training covered the following main points:

- European requirements for control bodies implementing SIM;
- structure, functions, and tasks of the NSIDCB;
- conclusions and results of the control over the implementation of SIM.

The students were familiarized with the main activities of the National Bureau. The feedback provided by the trainees at the Academy of the Ministry of Interior confirmed the need for training to build on practical and theoretical knowledge on the use and implementation of SIM under SIMA and CCP.

At the invitation of the Acting Prosecutor General of the Republic of Bulgaria, representatives of the National Bureau conducted training for information security officers of the organizational units of the Prosecutor's Office on "Practical problems and sharing of good practices in the application of the procedures under the Special Intelligence Means Act." The trainees were familiarized with the shortcomings and violations in the SIMA and CCP procedures identified during the inspections carried out in 2024.

Representatives of the NSIDCB participated in a seminar organized by DG COC - Ministry of Interior on "Application of the EUA and SIMA for documenting and detecting the crime of money laundering." NSIDCB findings, recommendations and best practices. Co-operation and collaboration with SATO and other structures of the DGCOC-MoI on corruption crimes. The role of Europol in international cooperation in investigating money laundering cases". The representatives of the National Bureau gave a lecture on "Good practices, problems and findings identified in the course of the inspections of the authorities involved in the procedure for the use and application of SIM".

The practice established over the years by the National Bureau of initiating and holding regular meetings with representatives of all authorities involved in SIMA procedures and training is an additional guarantee for strict compliance with the law and prevention of unlawful violations of the constitutional rights and freedoms of citizens.

## **2. GUIDELINES, RECOMMENDATIONS, AND OPINIONS EXPRESSED FOR IMPROVING THE REGIME FOR THE USE OF SIMA PROCEDURES.**

Over the years, the National Bureau has issued binding instructions, proposals, and recommendations and expressed opinions on improving the regime for the use and application of SIM, as well as on the storage and destruction of information obtained through them.

The guidelines are intended to establish a uniform practice for the application of SIMA procedures and are binding on the authorities referred to in Articles 13 and 20 of SIMA, which can be summarized under the following headings:

- ✓ Destruction of information obtained as a result of the application of SIM in pre-trial proceedings which has not been used for the preparation of ME;
- ✓ Extension of the period of application of SIM where there is an interruption between the date on which the initial authorisation was terminated and the date specified as the initial date in the operative part of the authorisation to extend the period of application of SIM;
- ✓ Preparation of requests for the use of SIM for the prevention and detection of serious intentional crimes expressly referred to in Article 3(1) of the SIMA and establishment of an organization and internal control to prevent the use of SIM for the prevention and detection of crimes outside those specified in Article 3(1) of the SIMA;
- ✓ Not to exceed the maximum periods for the application of the SIM, as regulated in Article 21 of the SIMA;
- ✓ Instructions on the time limits for the application of the SIM and determining the duration of the application and its expiry date. SIMA does not answer the question of how the final date of application is determined when issuing an authorisation with a duration in months, and the provision of Article 183(3) of the CCP should apply;
- ✓ Authorization of officials to access information through an automated information network in accordance with Article 25(2) of SIMA - to the authorities referred to in Article 13 and Article 20(1)(1) and (2) of SIMA;
- ✓ Upon receipt of notifications from the implementing structures regarding sites for which authorizations have been granted but are not used by the person to whom the SIM applies, the authorities referred to in Article 20 of the SIMA shall be provided in a timely manner with up-to-date information on each of them, in accordance with the provisions of Article 23 of the SIMA;
- ✓ Instructions regarding the closure of specialized justice in the Republic of Bulgaria for the actions of applicants under Article 13 of the SIMA and of the implementing authorities under Article 20, paragraph 1 of the SIMA, as well as the establishment of an organization of the administrative heads of the closing and receiving judicial authorities regarding the transfer and acceptance of PNR, formed upon requests for the use of SIM, authorised by the Specialised Prosecutor's Office;
- ✓ Taking action to establish the existence of undestroyed results provided to the supervising prosecutors by the Supreme Prosecutor's Office on the basis of Article 30 of SIMA, including those provided by the closed Specialised Prosecutor's Office;

✓ Compliance with the requirement for competence of the authority granting authorization for the use of SIM against persons with immunity during elections;

✓ Compliance with the provision of Article 13, paragraph 1, point 6 of SIMA, according to which, for the disclosure of serious intentional crimes under Chapter Three, Section III of the Special Part of the Penal Code, requests for the use of SIM shall be prepared by the relevant district prosecutors' offices;

✓ Deduction of the period of application of SIM in respect of an object under Article 12(1)(4) of SIMA from the period of application of SIM in respect of a person who has been found to be a user of the same object;

✓ Instructions to the authorities under Articles 13 and 20 of SIMA regarding the rights of the defense counsel under Article 91, paragraph 2 of the CCP in SIMA proceedings.

In order to improve the regime for the use and application of SIM, as well as for the storage and destruction of information obtained through them, the following proposals have been made:

to the bodies referred to in Article 15 of SIMA – to remedy gaps in the completion of the registry referred to in Article 34e(2)(1) of SIMA and to bring it into line with the approved rules for its keeping; to ensure the proper systematization and storage of documents relating to SIMA procedures; to strictly comply with the provision of Article 175(7) of the CCP when deciding on the destruction of information that has not been used for the preparation of the ME.

to the bodies referred to in Article 13 of the SIMA – to enter in the SIM registry the details of all sites for which the use of SIM is requested; in the reports to the authority referred to in Article 15 of the SIMA, both the authorized and the applied operational methods shall be indicated; in the request, only officials involved in the use of SIM and their superiors shall be authorized and shall be informed of the results obtained; when preparing requests for the use of SIM, the procedure laid down in Article 14 of SIMA shall be followed; each request shall refer to the operational report and its registration number; the statutory time limits for the destruction of results obtained through the use of SIM shall be observed; the numbers of the protocols for the destruction of information that will not be used for the preparation of ME shall be entered in the SIMA registers; the establishment of a procedure for the storage of requests and authorizations for the use of SIM in accordance with Article 31(5) of SIMA and for the destruction of information in accordance with Article 25 of SIMA.

- to the authorities referred to in Article 20 of the SIMA - the SIM register shall also contain the details of all sites for which the use of SIM is requested; requests for the extension of the period of application of the SIM and for the addition of a new communicator shall be entered in a separate line in the register and only the number of the request for extension/addition shall be indicated in the relevant column.

The National Bureau has expressed the opinion that when preparing requests and requests for extension for the use of SIM, information obtained as a result of the application of SIM and subject to destruction under Article 31(3) of SIMA should not be reproduced, and that information which may be presumed to be protected within the meaning of Article 33(3) of the Law on the Bar should not be reproduced.

As a result of the instructions given and the opinions expressed, the National Bureau notes the positive results achieved so far in the activities of the SIMA authorities and structures in strict

compliance with the provisions of the law when preparing requests and granting authorizations for the use of SIM, as well as the good practices already in place, which should be further developed and improved.

### **3. ISSUES IDENTIFIED IN THE SIMA PROCEDURES FOR WHICH LEGISLATIVE CHANGES ARE NECESSARY.**

The National Bureau confirms the position expressed in previous reports on the need to adopt amendments to the SIMA and the CCP and to synchronize them. To date, a significant application practice has been developed from which many conclusions can be drawn on the most urgent amendments. The NSIDCB is ready to contribute with expert proposals when the changes are discussed by the legislature.

In the exercise of its functions under section 34f(1) of SIMA during the period 2019 – 2024, the National Bureau has identified certain difficulties in the implementation of the statutory procedures set out for the use and enforcement of SIMs and the retention and destruction of information acquired through them. In order to overcome these challenges, the NSIDCB has submitted proposals to the Commission for Control over Security Services, the Application and Use of Special Intelligence Means and Access to Data under the Electronic Communications Act, in consultation with the authorities referred to in Articles 13, 15, and 20 of the SIMA, for amendments and additions to the existing legislation which will improve the procedures laid down in the SIMA and the CCP.

Based on the analysis carried out, the National Bureau agreed on the following proposals:

#### **3.1. THE NEED FOR AMENDMENTS AND ADDITIONS TO THE SIMA AND THE CCP**

✓ The structures of the Ministry of Interior and SANS store ME that are not used for the purposes of criminal proceedings, while the prosecution authorities store ME that are not used for evidentiary purposes (e.g., due to the termination of pre-trial proceedings or the conclusion of the case with a settlement). A copy of the ME prepared and provided to the court in accordance with Article 29, paragraph 1, sentence 2 of SIMA or with an indictment also is stored in the authorities under Article 15 of SIMA for an indefinite period. This creates a prerequisite for the use of information obtained through the use of SIM for purposes other than those provided for in SIMA and could lead to a violation of the constitutionally guaranteed rights of citizens.

In order to prevent the misuse of information obtained through the use of SIM, it is necessary to establish rules and conditions for the destruction of ME that are no longer necessary for storage.

For the reasons stated above, it is necessary to establish rules and conditions for the destruction of the documents and materials listed exhaustively in Article 31(5) of the SIMA, for which there is no longer any need for storage.

✓ The cases in which delays in the destruction of information under Article 25 of the SIMA have been established are due to the requirement of Article 175, paragraph 7, sentence 2 of the CCP that the authority under Article 172, paragraph 1 of the CCP request the judge who has authorized the use of the SIM, to order the destruction of the information under Article 25 of the SIMA. This should

be done within the 10-day period under Article 31(3) of the SIMA, but no time limit is set for the judge to give his decision. The assessment of the information obtained should be made solely by the authority that requested the use of the SIM.

In order to prevent delays in the destruction of information under Article 25 of the SIMA for the reasons mentioned above, it would be appropriate to consider repealing the provision of Article 175(7), second sentence, of the CCP.

✓ The limited powers of the authorities under Article 16 of the SIMA to refuse to issue a written order to initiate or terminate the application of a SIM would lead to a violation of the rights and freedoms of citizens in the application of SIMs. As in this report and in previous reports to the National Assembly, we have noted that in cases where the procedure for issuing or authorizing the use of SIMs is found to be unlawful, the heads of the implementing structures have no legal power to refuse to initiate the application of SIMs. They use the legal concept of an obvious factual error, which, however, has a different meaning in terms of content – a technical error.

It is therefore necessary to supplement the provision of Article 22(3) of the SIMA by extending the powers of the authorities under Article 16 of the SIMA to refuse to order the implementation of a SIM or its termination in the following cases:

- when a request for the use of a SIM is made by an incompetent authority under Article 13 of the SIMA;
- when authorisation for the use of a SIM is granted by an incompetent authority under Article 15 of the SIMA;
- when the authorised period for the application of the SIM has expired;
- when the authorisation issued by the judge is not accompanied by a declaration under Article 173(3) of the CCP by the undercover officer.

✓ There are numerous cases in which, for national security purposes, operational information is obtained through the use of SIMs without the need to draw up a ME.

In this regard, it is necessary to discuss the possibility of supplementing Article 1, paragraph 1 of the SIMA to specify that SIMs are also used for the acquisition, processing, storage, and provision of intelligence information in the interest of national security, and to supplement the provision of Article 4 of SIMA in order to enable SIMs to be used also in relation to activities for obtaining intelligence information related to the protection of national security.

✓ The increasingly rapid and comprehensive development of communication services and the development of new technologies enable communication and contact between persons engaged in criminal activities by means and methods that cannot be traced using existing technologies. Checks carried out by the NSIDCB and discussions with the management bodies of the implementing SIM structures have revealed that some provisions of the current SIMA are rather analog in nature and lag significantly behind modern technological capabilities and global trends.

Such findings point to the need to supplement the definition of SIM to include system and mobile software products and to provide a definition of software product. The inclusion of software products as part of special intelligence means will enable control over their use by both the authority referred to in Article 15 of the SIMA and the supervisory authorities.

✓ A significant percentage of refusals are based on a failure to justify the individual operational methods that are to be applied. At the working meeting held in 2022 between the NSIDCB and representatives of the authorities referred to in Article 15 of the SIMA, it was decided that requests should state the reasons and necessity for using each operational method requested and the results expected to be achieved with each of them, i.e. they should be justified.

Such a requirement is not contained in the SIMA, but in order to comply with the principle of proportionality when entering the personal space of citizens, it is necessary to indicate in the requests the need to apply each of the requested operational methods.

✓ According to information from management and operational staff, the period for applying SIM in cases where an undercover officer is used is not sufficient. The need to set a longer period for the application of SIM by an undercover officer should be discussed.

✓ In 2020, the National Bureau issued mandatory guidelines stating that there should be no interruption between the initial request for the use of SIM and the request for an extension of the period. When determining the date from which the extension of the SIM application period begins, the court should ensure that there is no interruption and that the maximum legal period of six months (three years for activities related to national security) is not exceeded.

Notwithstanding the instructions given in Article 34e(1)(3) of the SIMA, which are binding on all authorities involved in SIMA procedures, there is still a break in the period between the initial request for the use of SIM and the judge's authorization for its extension.

This makes it necessary to add to Article 21(4) of the SIMA that no interruption is allowed between the period referred to in Article 21(2) of the SIMA and the period initially authorized under Article 21(1) of the SIMA.

✓ The report under Article 29(7) of the SIMA is the final document drawn up by the authorities under Article 13 of the SIMA and, in essence, summarizes all actions taken during the period of application of the SIM, the destruction of information after its termination, and provides information on whether a ME has been drawn up. The aim is to provide complete and comprehensive information to the authority that authorized the use of the SIM.

Although in its latest checks, the NSIDCB noted a positive trend towards expanding the content of the reports to the judge, it is common practice for them to be limited in terms of their content in relation to the text of the law – they only contain formal information on the type, start and end of the application of the SIM, whether an ME has been prepared and whether the information collected has been destroyed.

The need to specify the operational methods used and the reasons for not using other methods is related to the initial (judicial) and subsequent control of the procedures and the extent to which citizens' rights will be restricted, as well as how many and what resources will be committed to preparing for the implementation of the SIMA procedure. The authority referred to in Article 15 of the SIMA will be informed of which of the authorized methods achieved the desired result and whether, at a later stage, it will be necessary to authorize requested methods that will not achieve the objective in relation to the same person for the same criminal offense.

✓ The SIMA does not specify a specific procedure for action when results are obtained beyond the request for the use of SIM, which creates conditions for delaying the destruction of the



results of SIMs applied for on the basis of Article 30(1) of the SIMA. This necessitates the addition of a provision in this regard, including in the case of results obtained under Article 30(3) of the SIMA.

During an inspection, the NSIDCB found a delay in the destruction of the results of applied SIMs obtained on the basis of Article 30(1) of the SIMA, beyond the request for use of the SIM.

On the other hand, there is a legislative gap in the case of Article 30(3) of the SIMA, where the results relate to the applicant or his superior, the chair of the SATO, the chair of the SANS, the secretary general of the Ministry of the Interior or their written representatives. The actions of the competent new supervising prosecutor should not be disclosed to the initial applicant to whom the results of the SIM applied relate, in order to avoid disclosing information about a criminal offense committed by the persons listed exhaustively in Article 30, paragraph 3 of the SIMA.

It is necessary to lay down a procedure for requesting the termination of the initial application of the SIM, for notifying the need to draw up a ME, since, according to the provisions of Article 22(2) and Article 26 of the SIMA, only the initial applicant may request this from the implementing body.

✓ Need for legislative changes in relation to international cooperation in the use of SIMs at the request of foreign investigating authorities. This aimed at improving our legislation by laying down a clear and precise procedure for the application of SIM on our territory when receiving a request from the relevant authorities of foreign countries, in order to prevent the violation of our national legislation and at the same time not to hinder the prevention or detection of a crime.

In this regard, the PRB has made proposals to harmonize certain provisions in Chapter Four (b) of the SIMA, which the NSIDCB has also reflected in previous reports, as follows:

✓ Need to align Article 34n of the SIMA with Article 40 of the Convention implementing the Schengen Agreement (the Convention), as well as whether a distinction should be made between cross-border surveillance in the context of police cooperation between EU Member States and in the context of requests for legal assistance from judicial authorities, based on the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters between the Member States of the EU, including from the point of view of the allocation of competence

✓ In the title of Chapter Four (b) of SIMA, in Articles 34i to 34l, indicate that in the context of international legal cooperation in criminal matters SIMA is also applicable to the execution of the EIO, not only to requests for legal aid and where this is provided for in an international treaty.

### **3.2. NECESSITY OF ALIGNING THE PROVISIONS OF THE SIMA AND THE CCP**

✓ The SIMA does not lay down a procedure for the application of the methods referred to in Articles 10a, 10b and 10c when an undercover agent is used. Such a provision is only laid down in the CCP for the investigation of criminal offences. The functions of the operational officers of the authorities referred to in Article 13(1) of SIMA relate to the detection and prevention of crimes, but not to their investigation. This leads to different practices in the preparation of requests and the necessary documents, as well as in the questioning of undercover officers before a judge.

Therefore, the necessity and possibility of including undercover officers by reproducing the provision of Article 173(3) of the CCP in the SIMA should be considered.

✓ It appears from the refusals to grant authorisation to use SIM that some of them stem from a difference between the provisions of Article 14(1) of the SIMA and Article 173(2)(1) of the CCP.

Most of the grounds for refusing requests made by supervising prosecutors are that they are insufficiently substantiated with regard to the existence of a crime, the link between the person or object and the alleged criminal activity, the grounds for the requested operational measures and the expected results of their implementation, the designation of the authorized official to be notified of the results obtained, etc.

According to the NSIDCB, in order to achieve better results in the use of SIM by the Prosecutor's Office, the provisions of Article 173(2) of the CCP should be fully aligned with those of Article 14(1) of the SIMA.

## INTERNATIONAL ACTIVITY



## VI. INTERNATIONAL ACTIVITY

### **International exchange of information. Participation in international forums and conferences of supervisory authorities.**

The National Bureau has long-standing cooperation and interaction with similar supervisory authorities in European Union countries and international organizations through participation in international forums and exchange of information.

International initiatives provide an opportunity for the exchange of experience, opinions, and good practices between bodies applying covert surveillance methods and their supervisory authorities, with a view to developing new approaches to support both security and fundamental human rights.

Coordination with similar supervisory authorities from countries applying the highest standards in terms of protecting the rights and freedoms of citizens allows for the identification of challenges arising from the development of information technologies, the complex international situation, and the security environment.

In 2024, the National Bureau, within the scope of its statutory powers as an independent state body, continued to develop international cooperation in the field of oversight of the use of covert surveillance methods.

As a result of the National Bureau's active participation in previous conferences and forums, lasting contacts have been established at international level in the field of the use of covert surveillance methods and the protection of citizens' rights and freedoms.

The National Bureau has received invitations to participate in upcoming international events in 2025, which is proof of the recognition of the NSIDCB's activities at the international level.

An invitation has been extended to the National Bureau to organise and host the European Intelligence Surveillance Conference in 2027

## ORGANISATION OF ADMINISTRATIVE WORK



## **VII. ORGANISATION OF ADMINISTRATIVE WORK**

### **1. STRUCTURE OF THE ADMINISTRATION**

The total number of staff is 21 full-time employees, of which 19 employees are actually employed by the end of 2024.

#### **1.1. 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.

#### **1.2. 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.

### **2. FINANCIAL ACTIVITY 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'.

With Art. 48, para. 2 of the State Budget Act of the Republic of Bulgaria for 2024, a budget of the National Bureau in the amount of BGN 2,142,400 was adopted.

A project with an estimated budget of BGN 93,000 has been included in the Investment Program for National Projects under Annex 2 to Article 106, paragraph 5 of the State Budget Act for 2024.

As of December 31, 2024, the National Bureau has no reported revenue. The total amount of expenditure reported at the end of 2024 is BGN 1,596,059.

In 2024, a financial audit was carried out by the Court of Auditors of the RB on the 2023 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 results and its cash flows as at 31.12.2023.

Financial management and control at NSIDCB is implemented through the financial management and control system comprising policies, procedures and activities designed to provide reasonable assurance that the objectives of the organisation are achieved in compliance with

legislation, internal acts and contracts; reliability and comprehensiveness of financial and operational information; effectiveness, efficiency and economy of operations; safeguarding of assets and information; and prevention and detection of fraud and irregularities. Procedures are in place for the ongoing monitoring of the implementation of financial commitments and contracts and for the ex-post evaluation of performance.

Table 5

Indicators	2024 Act (in BGN)	2024 Refined plan (in BGN)	2024 Report (in BGN)	Execution % compared to the refined plan
<b>EXPENDITURE:</b>	<b>2,142,400</b>	<b>2,142,400</b>	<b>1,596,059</b>	<b>74,50 %.</b>
<b>Current expenditure</b>	<b>2,142,400</b>	<b>2,142,400</b>	<b>1,596,059</b>	<b>74,50 %.</b>
Staff	1,714,400	1,734,496	1,395,505	80,46 %.
Maintenance and other running costs	428,000	407,904	200,554	49,17 %.

## CONCLUSION





## VIII. CONCLUSION

The monitoring of procedures is carried out by carrying out inspections of the authorities under Article 13, Article 34n, Article 15 and Article 20 of SIMA, according to a Methodology developed and validated in order to guarantee the protection of the rights and freedoms of citizens against the SIM misuse. The audits carried out also play a key role in supporting law enforcement and law enforcement authorities.

The main strategic priorities in the work of the NSIDCB are to ensure the continuity of good practices, build on the results achieved, and formulate new short-term and long-term objectives for effective follow-up control by the NSIDCB in line with public expectations and attitudes.

In exercising its powers, the National Bureau's efforts are aimed at establishing independent, impartial, effective, and transparent control, subject to the public interest.

The strategic objectives of the National Bureau are based on the positive results achieved so far and the good practices already in place, which should be further developed and improved.

1. Improving the procedures for requesting, authorizing, and implementing SIM, and the organization of the storage and destruction of information obtained through the use of SIM through active monitoring and changing the form and frequency of inspections of the structures referred to in Articles 13, 15, 34n, and 20 of the SIMA.

Regular, comprehensive and objective audits carried out enable the timely identification of emerging issues, divergent practices and interpretations of the law and action to remedy them in order to prevent SIM misuse.

In order to ensure the full performance of the above functions, it is necessary to strengthen the administrative capacity and increase the staffing of the “Specialized Administration” sector in the NSIDCB.

2. Active work on reports from citizens.

Continuing active work on citizens' reports, given that reporting irregularities is another source of information for identifying the unlawful application of SIM.

In order to perform its main functions of protecting the rights and freedoms of citizens, the National Bureau has developed and maintains an up-to-date website, which publishes publicly available information, rules for the work of the NSIDCB on reports of unlawful application of SIM, as well as a sample report – a standard document to be filled in by citizens. In this way, we have made it possible for any interested person to submit their report to the National Bureau and request an investigation.

3. Compliance with international and European standards regarding the procedures for applying and using SIM, against arbitrary actions by state structures against citizens and their rights and freedoms.

Maintaining good contacts with similar international supervisory bodies with which we actively exchange information related to the application of secret methods, legislative decisions and good practices in other countries, as well as discussing new challenges facing supervisory authorities in order to support the process of harmonizing Bulgarian legislation with European and international

legal standards and improving national activities related to the implementation of procedures for the application and use of SIM.

**4. Introduction of a single electronic register for SIM in Article 15 SIMA authorities as well as electronic registers in Article 13 and Article 20 SIMA authorities.**

The National Bureau will continue its work on the introduction of a single register of requests, authorizations, and refusals for SIM. The authorities referred to in Article 15 of the SIMA do not have such an information system, which creates difficulties in cases of criminal activity that has developed in different judicial districts. The existence of a single register will prevent the SIM from being authorized for use against the same person for the same crime.

**5. Unify practices regarding regulated procedures for authorizing, implementing, and using SIMs and documenting them.**

Improve the NSIDCB's work in line with European Court of Human Rights rulings and the challenges of using new technologies by the implementing bodies.

Improving procedures related to the implementation of SIM and the protection of citizens' rights, based on the study and analysis of international experience, legislative solutions and good practices in other countries.

**6. Improving communication and cooperation with non-governmental organizations in order to identify and analyze gaps, violations, and inconsistencies in the use of SIM and to seek solutions that will enhance the protection of citizens' constitutional rights.**

Promoting dialogue between representatives of civil society, non-governmental organizations, think tanks, business organizations, etc., with a focus on offering expert solutions, analyses, and proposals for the timely formulation of short- and long-term goals for effective follow-up control of SIMA procedures.

Increasing transparency in line with public expectations and attitudes regarding the intrusion into personal space resulting from the temporary restriction of fundamental civil rights when using SIM for the prevention, detection, and investigation of serious intentional crimes.

**7. Organizing working meetings with the authorities referred to in Articles 13, 15, and 20 of the SIMA.**

The National Bureau will launch future joint working meetings with all stakeholders to achieve an in-depth analysis, including 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 organization of working meetings is an opportunity to share problems and good practices, exchange views that will help improve the effectiveness of SIM implementation and protect the constitutional rights and freedoms of citizens, overcoming accumulated deficits and identifying new problems in the practice of individual law enforcement and judicial authorities in relation to SIMA procedures, as well as initiating legislative changes aimed at resolving them.

Active work needs to continue to improve internal institutional control and control by the implementing structures. This will achieve the main objective of the National Bureau – to prevent the

SIM misuse and to increase the trust of Bulgarian citizens in the institutions responsible for protecting their security.

It is necessary and useful for employees of structures involved in SIMA procedures to undergo training to improve their performance in accordance with the requirements of the law.

8. Organizational development and strengthening of institutional and administrative capacity to ensure the quality of monitoring and control procedures, including building the technological competence of the NSIDCB to carry out reliable control of the activities of the implementing structures.

The National Bureau will continue to be a driving force for the consolidation of good practices established over the years and for cooperation with a view to preventing the creation of conditions for the SIM misapplication.

The independence of the NSIDCB activities in the exercise of its statutory powers is crucial to the fulfilment of its tasks. The National Bureau must identify and assess in a timely manner the risks and threats arising from relevant actions of the authorities implementing the SIM, so that it can take the necessary measures in a timely manner to prevent the unauthorized implementation of the SIM and the unlawful violation of citizens' rights and freedoms.