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Bulgaria's Policy and Role in the Management of Europe's External Borders

*(Bulgarian Border Police: a guarantee for the security at the external
borders of the EU)*

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Geographical Information

Bulgaria is located in South –Eastern Europe bordering the Black Sea to the East between Romania and Turkey and Greece, FYROM and Serbia to the West. Bulgaria has therefore land-borders, as well as blue borders. Since January 1st the sections to Greece and to Romania have turned into internal EU borders /external Schengen/. The three other sections with Turkey, FYROM and Serbia will remain external borders for the time being.

The state border of the Republic of Bulgaria altogether has an overall length of 2,245 km. Bulgaria borders the following countries (in km):

- Romania 609 km (including the Danube river) ;
- Serbia 341 km
- FYROM 165 km
- Greece 493 km
- Turkey 259 km
- Black Sea 378 km

Pull and Push factors for the Establishment of the Bulgarian Border Police

Bulgaria's accession to the EU on January 1 2007 assigned the country the responsibility to guard 1647 km of the Union's external borders. Bulgaria is expected to build an adequate capacity to perform its Treaty obligations of a reliable South –Eastern border of the Union. Key to the success in meeting such a goal **is the efficiency and effectiveness of the Bulgarian Border Police** in its efforts to guarantee security at the external borders of the Union and, at the same time, to ensure the rights of the free movement of citizens.

In 1997, the year when the National Border Police Service was first established, Bulgaria was markedly unprepared for a status of a candidate for membership in the EU and had been on the EU and, at that time, Schengen Negative Visa List since 1995. In May 1997 a new Government of the Union of Democratic Forces headed by Ivan Kostov came to power. Two and a half years later /December 1999/ Bulgaria was given the status of a candidate country and the year after/ December 2000/ the Justice and Home Affairs Council /JHA Council/ reached a political agreement on the Commission's proposal, through which Bulgaria was placed in the EU Visa Positive List and Bulgarian nationals benefited from the visa exemption as of the date of entry into force of the regulation. The European Commission submitted a report to the JHA Council which assessed the measures taken by Bulgaria to curb illegal

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migration and illegal residence by persons from the country in the member States and for repatriation of those persons.

The measures taken by Bulgaria within the period 1997-2000 comprised legislative and institutional changes which had the aim to convince the EU Member States that the country no longer produced illegal migration and had established **efficient border control based on the European standards**.

Bulgarian Border Police Management before and after the EU Accession

1. The Institutional Development and Structural Reform of the Border Police

The institutional development and structural reform of the National Border Police Service (NBPS) began with the adoption of the Ministry of the Interior Act (MIA) on December 9th, 1997. Despite its subordination to the Ministry of the Interior, the Border police **at that time had a Soviet type military organisation** which could not cope with newly arising problems like trans-border-crime and increasing migration-pressure. Within a little more than two years /1999/, the NSBP has established itself as a **specialised Police Border** Guard and search unit within the ministry of the Interior.

Since 1999 there has been an on-going reform for institutional strengthening of the Bulgarian Border Police. The implementation of the Strategy on the professionalisation of the staff and the replacement of military conscripts was completed in 2002. Now the borders of the country are guarded by professional border police officials.

The Bulgarian Border Police is a completely renewed institution. A clear three-level management system has been introduced within the service. The areas of responsibilities of its regional structures correspond to the borders of our neighbouring countries. Thus, better levels of management and a comparatively stronger administrative capacity have been achieved.

With the adoption of the new Ministry of Interior Act on May 1st 2006 the National Border police Service has become General Directorate Border Police (DGBP) within the structure of the National Police. The three level management system remains. DG Border Police is a law enforcement body hierarchically structured on 3 levels: headquarter – regional border service – border police unit. On the highest level is the General Directorate Border Police, located in Sofia, tasked with managing the whole structure and supervision of the 9 Regional Border Police Services. On the levels below there are 40 Border Sections, 30 Border Crossing Points (BCP), 24 posts for technical and visual surveillance and two Bases for Border Police Ships. The actual professional tasks (passport checks, patrols, etc.) are carried out by the Border Police Services, in which the responsibilities for the Border Crossing Points and the “Green Border” are concentrated.

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2. Legislative Measures Determining the Work of Border Police

- **Ministry of Interior Act and the Regulation on its implementation**, describing and regulating the functions, structure and authority of the Border Police within the Ministry of Interior;
- **Foreign Nationals Act** establishing the terms and conditions, and the procedure, under which aliens may enter, stay, and leave the Republic of Bulgaria, as well as their rights and obligations;
- **Bulgarian Identity Documents Act** providing the terms, conditions, and procedure for the issue and use of Bulgarian identity documents by Bulgarian citizens and foreign nationals;
- **Penal Code** defining as criminal offences the illegal crossing of borders, trafficking in humans, document-related crimes, and other related offences;
- **The Council of Ministers Decree № 213/15.05.1997 on the adoption of the Regulation of Border Checkpoints defining the organisation**, operation, and management of the border checkpoints and the interaction between the authorities who perform controlling functions at such checkpoints.

The Regulation also provided for an **Interagency Council on Border Control Management** - a national structure for coordination of the activities of the agencies implementing the border control, which became the basis for development of an effective model for integrated border management. The main tasks of the Council are: Program elaboration for border control development of Republic of Bulgaria; elaboration of legislative drafts in the field of border control; elaboration of finance statements for establishment of new border control check points or for reconstruction and modernization of the existing ones; coordination on national level of the interaction among the services implementing compulsory border control. The structure of the Council consists of two levels – strategic and operative level.

3. Bulgarian Border Police-Staff and Training

The total staff of the Bulgarian Border Police is 8634, including professional officers, non-commissioned officers and civil servants. The implementation of the Strategy on the professionalisation of the staff and the replacement of military conscripts was completed in 2002.

Border Police training is carried out in the specialised Training Centre in Pazardjik for training and qualification of border police officials.

The Centre for specialisation and professional training of Border Police staff was opened in Pazardjik in October 2000 in implementation of a PHARE Twinning Project with Germany in order to create the appropriate structure for an efficient and specialist training of border police.

It employed 149 trainers delivering four core courses:

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- Initial police training (Criminal Law, Criminal Procedure Law, Police Law, EU Law, Psychology, Border Police Training, etc.)
- specialised police training;
- tailor-made courses for border police officers (border police at checkpoints, border guard police, border police at river and maritime border);
- foreign language training.

In addition to core training, the Centre offered senior management courses and training of trainers in: the following subjects: European integration - EU Law; Schengen Information System; visas and the visa regime of Bulgaria; trans-border crime; human rights; refugee law and asylum; technical equipment for checking of travel documents and border surveillance; and the Border Control Automated Information System

About 4000 non-commissioned officers have been trained over the last six years. This has contributed greatly to the total professionalisation of the staff.

Border guard officers are also trained at the Police Academy in Sofia.

4. Technical equipment

As far as the technical equipment is concerned, Bulgarian borders are guarded and controlled with modern equipment.

Thermo- vision systems and locators surveillance equipment for green and blue border and night vision mobile systems, which are as a priority located at future external borders and those sections that pose biggest migration risks.

Vessels for control of maritime areas are among the special priorities of Bulgaria in view of its specific geo-strategic location. Strengthening maritime control became possible also due to the three 200-ton ships purchased by the available resources of the Federal Police of Germany that patrol in the Black Sea, as well as three new 50-ton ships delivered by means of EU funding. Thus the Border Police is in a position not only to perform its tasks by sea, but also to render cooperation to other specialized state bodies, that perform ecologic control of sea and river resources.

The communication technologies are of a totally new generation. Among them should be mentioned the central digital telecommunication system TETRA. This modern system is already functioning partially on the border with the Republic of Turkey.

New equipment for first and secondary control of documents for traveling abroad and identity documents; detecting hidden persons, radioactive materials etc. have been introduced at border check points.

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5. International Cooperation

Bulgaria has signed 17 international or bilateral agreements in connection with border control. Basic agreements exist with the neighbouring states. The country has 32 readmission agreements; the last two ones were signed on 1 February 2006 with Germany and on 1 March with Bosnia Herzegovina. There are two remaining countries in the region namely Russia and Turkey with whom this kind of agreement is missing.

Bulgarian Border Police created one contact point together with their Romanian counterparts in Geurgeu in December 2005. Apart from the information exchange the main aim of this contact point to harmonize the blue border surveillance along the river Danube. The cooperation between Bulgarian and Romanian border guards is good and in 2002 the border section along the Danube was divided to avoid overlapping and to facilitate each others' work.

One –stop control with Romania has been introduced since January 1st 2007.

Expert talks and negotiations related to the preparation for introducing one-stop control principle are underway with Greece, as well.

Black Sea cooperation is very good. Several countries along the Sea take part in the work of the **Permanent Coordination and Information Centre** located in Bourgas. In 2002 Bulgaria signed an agreement with Turkey for coast guard cooperation, and protocols for police and border police cooperation with Russia, Romania, Turkey and Georgia. Bulgarian border police became a permanent coordinator of the cooperation between the border guards of the Black Sea region countries. The established Black Sea Border Coordination and Information Centre performs the interaction with the counterpart maritime services in real time

There is a recently updated Agreement for Border Police Cooperation between the governments of the Republic of Bulgaria and the Republic of Macedonia referring to the guarding of the state border.

Bulgaria's preparedness for future Schengen Accession

Integrated Border Management Strategy

The basis of the Strategy for Integrated Border Management is the general understanding for elaboration of a unified system for cooperation at national and international level for combating trans-border crime, terrorism and illegal migration in all its forms.

The strategy is in conformity with the provisions of the Treaty Establishing the European Community and the Treaty on the European Union, the Implementing Convention of the Schengen Agreement, as well as with the strategic programme documents of the Bulgarian government regarding border control.

The implementation of the Strategy is divided into two phases:

- ***1 phase – until the accession of Republic of Bulgaria to the EU;***

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- ***II phase- until the full implementation of the Schengen acquis.***

The main aim of the **first phase** has been the attainment of the required level for interagency cooperation between the different competent national authorities involved in border control, ensuring the European standards for border security and the free movement through border crossings, in view of the readiness of the Republic of Bulgaria for full membership in the European Union.

The efforts have been focused on the necessary legal changes, establishment of mechanism assuring the improvement of information exchange, joint risk analysis, joint actions on both national and regional levels, coordination of the required technical facilities and staff, joint training and qualification.

The aim of **the second phase** is fulfilling the Schengen standards for securing external EU borders and ensuring the free movement within the European area in order to prepare Republic of Bulgaria for the full implementation of Schengen legislation.

This objective could be achieved by further strengthening of the system for integrated border management and deepening the interaction between the institutions, responsible for the border control and border surveillance.

The efforts will be directed towards the intensification of the measures for implementing the integrated border management principle at a regional level during the first phase and its development at a national and international level.

Compulsory precondition for further development and strengthening of the system for integrated border management in the period after the accession of Republic of Bulgaria in EU is the widening of the competencies of the Interagency Council on border control issues regarding the infrastructure development and the coordination between the agencies related to this issue.

There is also a necessity for widening the competencies of the Security Council at Council of Ministers on issues, regarding the control and coordination of the authorities at national and international level.

Intra-agency and interagency cooperation in the context of IBM

Within the context of the integrated border management, the delegation of competencies between the authorities within and outside the Ministry of Interior is a task which requires serious preparation.

The implementation of the principle for delegation of competencies requires legislative steps, connected with amendments of the special laws of the different services. Later, they need special training and qualification for creating the necessary administrative capacity for implementing the respective amendments.

Implementation of simplified procedures for passing through the Border Crossing Check Points (BCCPs)

The big number of rules and different types of documents, regulating the operation of all border control

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authorities at the BCCP enlarges the possibilities for offences and increase the time for passing through the BCCP. An effective instrument for improving the coordination and cooperation between the services and for facilitating the border transition is the implementation of “Schedule of BCCP procedure” (common fiche, Laufzettel) at all land BCCPs and the elaboration of e-form. The “Schedule of BCCP procedure” clearly describes the control procedures and tasks of the services, defines the technological aspects of the control, increases the transparency and avoids the duplication of activities.

The implementation of this measure at a national level requires Council of Ministers’ Decision and adequate financial provision.

The principle “one stop control” between the border authorities of two neighboring countries should be implemented at all the internal borders(for the time being it is implemented only at Bulgarian-Romanian border).This approach shortens the time for processing the passengers’ flow, facilitates the border transitions and leads to responsibility share between the border authorities from the two countries.

This approach saves material sources and personnel and allows for more intensive checks at the border zone.

Setting up joint teams demands solutions, connected with the task implementation and the guarantees of personnel safety.

The implementation of this measure at an international level should be regulated by international agreements. The measure requires adequate training of the border servants by joint qualification activities

Information exchange

For the mid term it is important that an **integrated information system, based on the existing local information systems made during the first phase, should be established on a national level.** This system will provide fast access and up to date information exchange between the different services. The use of up to date information will simplify the procedures and it will establish a base for joint risk analysis and the formation of common criterion and common methods for object selection. The integrated information system establishes a common data base for the different agencies.

At international level this integration will be achieved by means of contact points/services, liaison officers, contact persons or in the framework of the international organizations. A particular attention should be paid at the improvement of the surveillance system in the Black Sea Region. The principles for information exchange need to be clearly determinate in compliance with the European regulations for personal data security.

The realizations of this measure at national level have to be regulated by decision of Council of Ministers and at international level- in international agreements.

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Establishment of an effective communication structures

Based on the results achieved during the first phase and on the compatible communication systems at national and at regional level this measure should also be realized at an international level. It will be done by signing bilateral agreements between the authorities from the neighboring countries.

For the mid term, effort should be made at national level in order to connect other agencies out of MoI to **the digital radio communication system TETRA**. This will make possible the extension of the network at national scale for a long term period

Joint description and analysis of the operative situation

The information exchange assures an analysis of the collected data at national scale and provides the information back to the regional structures for tactical analysis of the risk and of the operative planning.

An important element of the joint risk analysis is the determination of the common risk indicators at national level. By reason of the specific activity and the requirement for deep knowledge of the transnational criminality process and its tendencies at national and international level, it is necessary to establish a specialized structure for analysis at national level. Its activity has to be regulated by decision of the Council of Ministers with the proposal of the Security Council at Council of Ministers. It requires staff and technical provision.

Strategic planning

Consequently to the joint risk analysis it is necessary to apply the approach for **joint strategic planning**.

The Security Council at Council of Ministers should confirm the offered measures for strategic planning and border control operative coordination at national level and also should add specific importance on the border management, organisation and management of the operative interaction, provision of permanent information exchange, elaboration of plans for border control cooperation with third countries and management of the cooperation with third countries in the field. In order to realize these purposes a special work group for strategic planning has to be set up at the Security Council at Council of Ministers.

Joint teams

The activity of the joint teams at international level should be regulated by international agreement. Special attention should be paid on the problems related to carrying and use of weapons at specific territory **trans-border surveillance and (hot) trans-border pursuit**.

With regard to the administrative organization it is necessary to harmonize the procedure for control between the relevant services, elaboration of joint operative plans and trainings, language courses

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Sharing infrastructure and technical equipment

The principle of joint use of the infrastructure and technical equipment should be extended at international level.

The joint use of the infrastructure and available technical and special equipment with neighboring countries gives possibility for improvement of the interaction between the relevant services and saving of human and material resources.

It is important that a **video surveillance system** be introduced at all BCCP at the territory of Republic of Bulgaria. This system will increase the capacity of the surveillance at the BCCP areas and the level of knowledge of the operative situation.

Joint operation

Following the joint risk analysis the **joint operations** should be planned at national and international level. At national level they should be realized on the base of orders of the agency's chiefs. At international aspect the possibility of realization of joint operations should be based on international agreement.

Joint teams for investigation

The joint teams for investigation with the participation of representatives from neighboring countries services should be formed according to the respective European regulations.

Realization of the Concept for contact points

The expansion of the contact points net is conditioned by its high efficiency based on the fast up to date information exchange and the capacity to combat the illegal migration, trafficking in people and trans border crime. This measure will be realized by means of the establishment of contact points at the borders with Greece, Macedonia, Turkey and Serbia

Exchange of liaison officers and document advisors

In order to achieve good coordination and mutual assistance between the Member States and between the Member States and candidate countries **an exchange of liaison officers** should be take place.

For efficient counteracting of the document crimes after the EU accession of Bulgaria, **document advisors** are to be sent at the airports of third countries in order to help the local border control authorities.

Both possibilities will be realized by means of bilateral agreements between the countries.

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Exchange of experts for technical assistance in the field of development of the legislation and the administrative capacity of the border control services in the countries from the region

Border police renders an account of the importance of the process of mutual experience and practices exchange with the countries from the region in order to achieve an area of freedom, security and justice by means of secure borders.

With regard to this aim it is necessary that regular exchange of experts takes place in the area of border management between the countries from the region. This will enhance and coordinate the best practices for efficient counteracting the trans border crime, terrorism and other threats for the national security.

Conclusions and Recommendations

The implementation of the above mentioned measures will be a guarantee for an effective border control guaranteeing a higher level of national security. Thus Bulgaria will give its contribution for the strengthening of the regional security and the security of the Community as a whole.

Strategic element for successful realization of the Strategy is the balanced planning of financial funds under the EU programmes and from the national budget.

The implementation of the Strategy should be accompanied by regular monitoring and evaluation of the efficiency and effectiveness.

The realization of the phases of the Strategy will show the dynamics of the processes in the field of Justice and Home affairs of Republic of Bulgaria aiming to become full member of Schengen.

- An agreement between the authorities bearing the responsibility for border check would be advisable.
- The Law on Combating THB is not enforced because of the inefficiency of the National Commission for Combating THB
- The one-stop principle with Greece should be speeded up.
- Study visits to some Member States who operate joint BCPs like Hungary, Austria, Slovakia ,Poland.
- The establishment of an effective communication system should be speeded up.
- The one-line control principle should be introduced as a general procedure at all BCPs as soon as possible. This will have a positive effect on the prevention of corruption and will help to accelerate the legal traffic flow as well as strengthen the inter-agency cooperation.

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- The sharing of infrastructure and technical equipment and the creation of Joint Information Points should be finalized.

The Western Balkans is a particular challenge for the EU. The enlargement policy needs to demonstrate its power of transformation in a region where states are not marked by stability and societies are divided. A convincing political perspective for eventual integration into the EU is crucial to keep their reforms on track. But it is equally clear that these countries can join only once they have met the criteria in full. This will be more than necessary as regards *justice, freedom and security* where it will be expected that responsibilities are shared. An example could be given with the integrated border control, which in most of the countries is still in preparation. In this respect, the vital role and experience of Bulgaria in the implementation of the efficient border control management in the Region could enhance and speed up its Schengen accession