

Bulgaria's Export Control System

Bulgaria has developed a national export control system that meets the recognised standards of EU and all international export control and non-proliferation regimes such as the Wassenaar Arrangement (WA), the Australia Group, the Nuclear Suppliers Group, the Zangger Committee and the MTCR.

The legislative framework of today's export control regime was initially laid out in 1995 – 1996 and subsequently amended in 2002. In view of our accession to the EU the Bulgarian National Assembly has accepted new amendments to the export control legislation. These legislative changes were voted in Parliament in January and they already entered into force. **The amended Export Control Law** reflects the relevant EU *acquis*, in particular Regulation/EC/ 1334/2000, the Common Position on the Control of Arms Brokering of 2003 and other documents.

There exists a two-tier licensing and control mechanism whereby a company should hold an authorization to carry out foreign trade in arms prior to applying for a specific export licence. The process of pre-licensing is carried out by an **Interministerial Council at the Council of Ministers** (i.e. the Government) to eligible entities meeting the criteria for economic stability and reliability. These criteria are explicitly defined under the Export Control Law. The authorization is initially delivered for a probation period of one year and then, depending on performance, could be extended to three years. For brokering activity a registration is required as well as an individual licence for each brokering transaction.

The export licence for a specific transfer is issued, on a case-by-case basis, by the **Interministerial Commission for Export Control and WMD Non-Proliferation at the Ministry of Economy and Energy**. Those permits are valid for one year and may be extended for another six months. Export applications are assessed against all the criteria of the EU Code of Conduct, which in 1998 Bulgaria has associated with. In 2005 the Code was incorporated into the national export control legislation, thus becoming a legally binding instrument. The Export Control Law introduced licence for every single brokering transaction of arms, and several additional requirements for activities with dual-use goods following Regulation /EC/ 1334/2000.

Bulgaria maintains two national lists of controlled items and destinations. Firstly, we have the **List of Arms and Dual-Use Goods and Technologies**, adopted in 1998. That list is kept updated on a regular basis, in parallel with all relevant developments in the EU and the international export control regimes. Secondly, Bulgaria also maintains a national list of controlled destinations, namely a **list of countries and organisations towards which Bulgaria applies embargoes and restrictions**. That list is regularly updated in accordance with UN Security Council Resolutions and decisions of the EU and the OSCE.

Bulgaria put into place the necessary safeguards to ensure due enforcement of the export control legislation, including pre- and post-shipment assurances and verification. Applicants are required to submit an original of the End-User Certificate (EUC) and its authenticity is subject to verification, including through diplomatic channels. The elements of the EUCs are fully in line with the WA Assurances List and the best practices, enumerated in the User's Guide to the EU Code of Conduct. Post-shipment assurances are also incorporated in the Bulgarian export control legislation and practice. Each applicant is obliged to provide a Delivery Verification Certificate (DVC), issued by the competent authorities of the country of final destination. There exists a legal provision that on-spot inspections must be required in cases when considered necessary. These undertaking regarding end-use assurances fully comply with the respective consolidated indicative list of the WA.

Recent amendments are expression of Bulgaria's will to improve consistently its export control system as well as to enhance and improve its practical implementation following the goal to achieve efficiency and to be fully engaged partner in the sphere of export control.