

REGULATION ON IMPLEMENTATION OF THE LAW ON EXPORT CONTROL OF ARMS AND DUAL-USE ITEMS AND TECHNOLOGIES

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Chapter One

GENERAL PROVISION

Art. 1. This Regulation regulates the implementation of the Law on Export Control of Arms and Dual-Use Items and Technologies, hereinafter referred to as “the Law”.

Chapter Two

EXPORT, IMPORT, TRANSFER, TRANSPORTATION AND TRANSIT OF ARMS AND ARMS BROKERING

Section I

Licensing

Art. 2. (1) An activity authorization for dealing with export, import and transfer of arms or transportation of arms is granted by the Interdepartmental Council on the Issues of the Military-Industrial Complex and Mobilization Readiness of the Country, hereinafter referred to as "the Interdepartmental Council", for a given term and scope.

(2) Limited activity authorization is issued for not more than two-thirds of the categories of the List of Arms and/or for not more than 5 countries, where no restriction measures have been imposed by the national and/or European legislation.

(3) To obtain an activity authorization for dealing with export, import and transfer of arms, applicants shall submit to the Interdepartmental Council an application form according to a sample – Annex No. 1, and the documents under Art. 10, s. 1 and 2 of the Law.

(4) To obtain an activity authorization for arms transportation from the territory of one third country to the territory of another third country, the applicants shall submit to the Interdepartmental Council an application form according to a sample – Annex No. 1, and the documents under Art. 10, s. 3 of the Law.

(5) Activity authorization under s. 1 is issued in two copies according to a sample – Annex No. 2 and 3 accordingly. The first copy is given to the applicant, and the second remains with the Interdepartmental Council.

Section II

Registration for Arms Brokering

Art. 3. (1) Registration for arms brokering is done by the Interdepartmental Council for the period of 3 years.

(2) For registration of arms brokering the applicants shall submit to the Interdepartmental Council an application form according to a sample – Annex No. 1, and the documents under Art. 21, s. 1 and 2 of the Law.

(3) Once the registration has been done, the Interdepartmental Council shall issue a registration certificate for brokering in two copies according to a sample – Annex No. 4. The first copy is given to the applicant, and the second remains with the Interdepartmental Council.

Section III

Licence for Export, Import, Transfer, Transit, Participation in Exhibitions of Arms and Arms Brokering

Export Licence

Art. 4. Export of arms is performed on the basis of an Export Licence, issued by the Interministerial Commission for Export Control and Non-Proliferation of Weapons for Mass Destruction with the Minister of Economy and Energy, hereinafter referred to as "the Interministerial Commission".

Art. 5 (1) To obtain an export licence for arms, the applicant shall submit the following documents to the Interministerial Commission :

1. a filled-in application – Annex No. 5
2. a filled-in form – Annex No. 6 in four copies;
3. a copy and a certified Bulgarian translation of the documents, certifying the eligibility of the participants in the transaction to carry out the respective activities;
4. a copy and a certified Bulgarian translation of the documents, certifying the origin, acquisition and functional purpose of the arms;
5. an original end-user certificate and/or international import certificate, issued by a competent authority of the country of the end-user and a certified Bulgarian translation;
6. a copy and a certified Bulgarian translation of a document, certifying the foreign trade relations (contract and/or order), as well as a document, verifying the participation in the transaction of persons other than the foreign importer and/or end-user (broker, forwarder, carrier, etc.).
7. a document on paid state fees.

(2) In case that according to the national legislation of the country to which the arms are to be exported, the document under s. 1, p. 3 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the importer and a certified Bulgarian translation for this effect.

(3) The document under s. 1, p. 6 must include: parties to the transaction, name of goods, technical parameters, quantity, terms of delivery, price, term of performance, a clause obliging the buyer and/or end-user not to re-export the goods without the written consent of the Interministerial Commission.

(4) Arms exporters must submit to the Interministerial Commission a delivery verification certificate or its equivalent, including quantity, type, respective identification (serial number, certificate, specification) and an end-user in the transaction, issued by a national competent authority of the country of the end-user and verifying the delivery, but not later than 3 months of the date of its arrival in the country of the end-user.

Art. 6. To obtain a licence in case of re-export, post-import export and post-transfer export of arms, the applicant shall submit to the Interministerial Commission in addition to the documents under Art. 5, s. 1:

1. a licence for re-export and a certified Bulgarian translation by the competent authority of the country, from which the arms have been imported or transferred;
2. a statement by the foreign forwarder and a certified Bulgarian translation, certifying that no prohibition on re-export has been imposed in case that according to the national legislation of the country, from which the arms have been imported or transferred, no such document as per point 1 is issued.

Art. 7. (1) To obtain an export licence for arms under claim, related to authorized transactions of the Ministry of Defense and the Ministry of Interior, the applicant shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 5
2. a filled-in form – Annex No. 6 in four copies;
3. a copy and a certified Bulgarian translation of the documents, certifying the eligibility of the participants in the transaction to carry out the respective activities;

4. a claim verification certificate – a statement or report of claim;
5. a copy and a certified Bulgarian translation of a document, issued by a competent authority of the country, where the works under claim are to be done (warranty service, repair), verifying the replacement or repair of the arms under claim and subsequent export for the Ministry of Defense or the Ministry of Interior.

(2) In case that according to the national legislation of the country to which the arms are to be exported, the document under s. 1, p. 3 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the importer and a certified Bulgarian translation for this effect.

Import Licence

Art. 8. Import of arms is performed on the basis of an Import Licence, issued by the Interministerial Commission.

Art. 9 (1) To obtain an import licence for arms, the applicant shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 5
2. a filled-in form – Annex No. 7 in four copies;
3. a copy and a certified Bulgarian translation of the documents, certifying the eligibility of the participants in the transaction to carry out the respective activities;
4. a copy and a certified Bulgarian translation of the documents, certifying the origin, acquisition and functional purpose of the arms;
5. a copy and a certified Bulgarian translation of a document, certifying the foreign trade relations (contract, pro-forma invoice, invoice), as well as a document, verifying the participation in the transaction of persons other than the foreign exporter (broker, forwarder, carrier, etc.);
6. a written declaration – Annex No. 8 by the end-user that the imported arms will not be re-exported or transferred to third parties, natural and/or legal persons, without the authorization of the Bulgarian competent authorities and will be used in the strict compliance with the effective Bulgarian laws, whereby the end-user shall, within 5 workdays, notify the Interministerial Commission prior to every subsequent change to the end-user of the arms on the territory of the Republic of Bulgaria, except in the cases of sales throughout the commercial network; every next end-user shall complete Annex No. 8;
7. a copy of the end-user certificate under the transaction in case that it has been issued by the authorities under Art. 22, s. 1;
8. a document on paid state fees.

(2) In case that according to the national legislation of the country, from which the arms are to be exported, the document under s. 1, p. 3 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the exporter and a certified Bulgarian translation for this effect.

(3) The document under s. 1, p. 5 must include the details under Art. 5, s. 3.

Art. 10. (1) To obtain an import licence for own needs of the Ministry of Defense and the Ministry of Interior, the applicant shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 5
2. a filled-in form – Annex No. 7 in four copies;
3. a copy and a certified Bulgarian translation of the documents, certifying the eligibility of the participants in the transaction to carry out the respective activities;
4. a copy and a certified Bulgarian translation of the documents, certifying the origin, acquisition and functional purpose of the arms;
5. a document certifying that the declared import is designed for the own needs of the Ministry of Defense or the Ministry of Interior;
6. a copy of the end-user certificate in case that it has been issued by the authorities under Art. 22, s. 1.

(2) In case that according to the national legislation of the country, from which the arms are to be exported, the document under s. 1, p. 3 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the exporter and a certified Bulgarian translation for this effect.

Transfer Licence

Art. 11. Transfer of arms is performed on the basis of a Transfer Licence, issued by the Interministerial Commission.

Art. 12 (1) To obtain a transfer licence for arms from the territory of the Republic of Bulgaria, the applicant shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 5
2. a filled-in form – Annex No. 9 in four copies;
3. a copy and a certified Bulgarian translation of the documents, certifying the eligibility of the participants in the transaction to carry out the respective activities;
4. a copy and a certified Bulgarian translation of the documents, certifying the origin, acquisition and functional purpose of the arms;
5. an original end-user certificate and/or international import certificate, issued by a competent authority of the country of the end-user and a certified Bulgarian translation;
6. a copy and a certified Bulgarian translation of a document, certifying the foreign trade relations (contract and/or order), as well as a document, verifying the participation in the transaction of persons other than the foreign importer and/or end-user (broker, forwarder, carrier, etc.);
7. a document on paid state fees.

(2) To obtain a transfer licence for the territory of the Republic of Bulgaria, the applicant shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 5
2. a filled-in form – Annex No. 9 in four copies;
3. a copy and a certified Bulgarian translation of the documents, certifying the eligibility of the participants in the transaction to carry out the respective activities;
4. a copy and a certified Bulgarian translation of the documents, certifying the origin, acquisition and functional purpose of the arms;
5. a copy and a certified Bulgarian translation of a document, certifying the foreign trade relations (contract, pro-forma invoice, invoice), as well as a document, verifying the participation in the transaction of persons other than the foreign importer and/or end-user (broker, forwarder, carrier, etc.);

6. a written declaration – Annex No. 8 by the importer and the end-user, if different from the importer, that the imported arms will not be re-exported or transferred to third parties, natural and/or legal persons, without the authorization of the Bulgarian competent authorities and will be used in the strict compliance with the effective Bulgarian laws, whereby the importer and the end-user shall, within 5 workdays, notify the Interministerial Commission prior to every subsequent change to the end-user of the arms on the territory of the Republic of Bulgaria, except in the cases of sales throughout the commercial network; every next end-user shall complete Annex No. 8;

7. a copy of the end-user certificate under the transaction in case that it has been issued by the authorities under Art. 22, s. 1;

8. a document on paid state fees.

(3) In case that according to the national legislation of the country, to or from which the arms are to be transferred, the document under s. 1, p. 3 and s. 2, p. 3 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the importer and a certified Bulgarian translation for this effect.

(4) The document under s. 1, p. 6 and s. 2, p. 5 must include the details under Art. 5, s. 3.

(5) Forwarders must submit to the Interministerial Commission a delivery verification certificate or its equivalent, including quantity, type, respective identification (serial number, certificate, specification) and an end-user in the transaction, issued by the consignee in the country

of the end-user and verifying the delivery, but not later than 3 months of the date of its arrival in the country of the end-user, as well as copies of the transport documents, issued at delivery.

Art. 13. To obtain a licence in case of post-import export or post-transfer transfer of arms, the applicant shall submit to the Interministerial Commission in addition to the documents under Art. 5, s. 1 and Art. 12, s. 1 also a certified Bulgarian translation of:

1. an authorization for export or transfer by the competent authority of the country, from which the arms have been imported or transferred;
2. a statement by the original forwarder, certifying that no prohibition on re-export has been imposed by the country, from which the arms have been imported or transferred, in case that according to the national legislation of the country no such document as per point 1 is issued.

Art. 14. For transfer to the territory of the Republic of Bulgaria for own needs of the Ministry of Defense and the Ministry of Interior, as well as for transfer from the territory of the Republic of Bulgaria under claims, related to authorized transactions of the Ministry of Defense and the Ministry of Interior, it is issued a Transfer Licence.

Art. 15. (1) To obtain a transfer licence for the territory of the Republic of Bulgaria for own needs of the applicants under Art. 14, they shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 5
2. a filled-in form – Annex No. 9 in four copies;
3. a copy and a certified Bulgarian translation of the documents, certifying the eligibility of the participants in the transaction to carry out the respective activities;
4. a copy and a certified Bulgarian translation of the documents, certifying the origin, acquisition and functional purpose of the arms;
5. a copy of the end-user certificate under the transaction in case that it has been issued by the authorities under Art. 22, s. 1.
6. a document certifying that the declared transfer is designed for the own needs of the Ministry of Defense or the Ministry of Interior;

(2) To obtain a transfer licence from the territory of the Republic of Bulgaria under claims, the applicants under Art. 14 shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 5
2. a filled-in form – Annex No. 9 in four copies;
3. a copy and a certified Bulgarian translation of the documents, certifying the eligibility of the participants in the transaction to carry out the respective activities;
4. a claim verification certificate – a statement or report of claim;
5. a copy and a certified Bulgarian translation of a document, issued by a competent authority of the country, where the works under claim are to be done (warranty service, repair), verifying the replacement or repair of the arms under claim and subsequent transfer for the Ministry of Defense or the Ministry of Interior.

(3) In case that according to the national legislation of the country from or to which the arms are to be transferred, the document under s. 1, p. 3 and s. 2, p. 3 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the forwarder, consignee correspondingly, and a certified Bulgarian translation for this effect.

Broker Deal Licence

Art. 16. To carry out a broker deal with arms, it is issued a Broker Deal Licence by the Interministerial Commission.

Art. 17. (1) To obtain a broker deal licence for arms, the applicant shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 5
2. a filled-in form – Annex No. 10 in four copies;
3. a copy and a certified Bulgarian translation of the documents, certifying the eligibility of the participants in the transaction to carry out the respective activities;
4. a copy and a certified Bulgarian translation of the document, certifying the applicant's participation in the deal;
5. a copy or notarized copy and a certified Bulgarian translation of the Export Authorization, if required by the national legislation of the country of the exporter;
6. an original end-user certificate and/or international import certificate or copies thereof, certified respectively by a competent authority of the country of the end-user or in the country of the forwarder, accompanied by a certified Bulgarian translation;
7. a copy and a certified Bulgarian translation of the documents, certifying the foreign trade relations (contract, invoice, order, etc.) between the participants in the deal;
8. a document on paid state fees.

(2) In case that according to the national legislation of the country, the document under s. 1, p. 3 and 5 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the forwarder and the consignee, and a certified Bulgarian translation for this effect.

(3) Having been granted a broker deal licence, the applicant shall notify the Interministerial Commission in writing of the participation of other Bulgarian natural and legal persons in the performance of the broker deal.

Transit Licence

Art. 18. Transit of arms by car and/or railway is performed on the basis of a transit licence, issued by the Interministerial Commission.

Art. 19. (1) To obtain a transit licence, the forwarder or his authorized person shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 5
2. a filled-in form – Annex No. 11 in four copies;
3. a notarized copy and a certified Bulgarian translation of the documents, certifying the eligibility of the exporter to carry out the respective activity;
4. a copy of an end-user certificate and/or international import certificate, issued by a competent authority of the country of the end-user and a certified Bulgarian translation;
5. a copy and a certified Bulgarian translation of the transit licence or acceptance authorization for the territory of the country, following the Republic of Bulgaria along the route of the transit, issued by a competent authority;
6. a copy and a certified Bulgarian translation of the documents, certifying the origin, acquisition and functional purpose of the arms;
7. a document on paid state fees.

(2) In case that according to the national legislation of the country, the document under s. 1, p. 5 is not issued, the forwarder or his authorized person shall submit to the Interministerial Commission a written statement and a certified Bulgarian translation for this effect.

(3) Transit Licence is valid under the terms and conditions and till expiration of the term, as specified therein, but for not more than 30 days of the date of entry into the territory of the Republic of Bulgaria.

(4) Transit Licence for arms shall describe the route of passing through the territory of the Republic of Bulgaria and the scheduled date of passing.

Licence for participation in exhibitions

Art. 20. For participation in commercial exhibitions relating to falling under regimes of temporary export with re-import, temporary import with re-export of arms or transfer of arms from and to the territory of the Republic of Bulgaria it is issued a licence for participation in exhibitions.

Art. 21. (1) To obtain a licence for participation in exhibitions, the applicant shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 12
2. a filled-in form – Annex No. 13 in four copies;
3. copies and certified Bulgarian translations of documents, issued by competent authorities of the countries of the foreign counterparties, verifying their eligibility to deal with this activity under their national legislation;
4. a copy and a certified Bulgarian translation of the documents, certifying the origin, acquisition and functional purpose of the arms;
5. a copy and a certified Bulgarian translation of documents, certifying the organization and conduct of the exhibition;
6. a document on paid state fees.

(2) In case that according to the national legislation of the country, the document under s. 1, p. 3 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the forwarder and the consignee, and a certified Bulgarian translation for this effect.

(3) The licence per art. 20 is issued once for the calendar year and encompasses the number of participation of the applicant in that year.

(4) Each particular participation in exhibitions of the annexes to the licence under Art. 20 shall be certified by the Secretary of the Interministerial Commission against presentation of a document, verifying the applicant's participation in the respective exhibition, but not later than 10 workdays prior to holding of the exhibition.

(5) Each participation in an exhibition beyond these included in the licence under Art. 20 shall take place under the provisions of Art. 5, 9 and 12.

Section IV

Issuance of End-User Certificate, International Import Certificate and Delivery Verification Certificate for Arms

Art. 22. (1) If the country of the forwarder requires from the Bulgarian consignee an end-user certificate for arms, it is issued in 3 copies according to a sample – Annex No. 14, as follows:

1. by the Ministry of Defense – where the arms are designed for the needs of the armed forces;
2. by the Ministry of Interior – where the arms are designed for the needs of this ministry;
3. by other state authorities, which use items of the List of Arms according to the functions that they are intended for.

(2) The first copy of the certificate is given to the applicant, the second is sent to the Interministerial Commission, and the third remains with the respective authority.

(3) The list of names of the persons (principal and deputy), entitled to sign the end-user certificates under s. 1, shall be approved by the co-chairpersons of the Interdepartmental Council by proposal of the respective ministers or the manager of the respective state authority.

(4) The specimens with the signatures of the persons under s. 3 shall be sent to the Interdepartmental Council, Interministerial Commission and the Ministry of Foreign Affairs.

(5) If the country of the forwarder requires issuance of an end-user certificate for arms, different from the one according to the sample – Annex No. 14, the state authorities under s. 1 may issue such a document in the strict compliance with the provisions of s. 2 – 4.

Art. 23. (1) If the country of the forwarder requires from the Bulgarian consignee an international import certificate for arms, the Interministerial Commission issues it in two copies according to a sample – Annex No. 15.

(2) The international import certificate for arms is issued by the Interministerial Commission on the basis of an import licence for arms, issued by the Interministerial Commission. The first copy is given to the applicant, and the second one remains with the Interministerial Commission.

(3) The international import certificate is signed by the Chairperson of the Interministerial Commission or an official, authorized by his order.

(4) The specimens with signatures of the persons under s. 3 shall be sent to the Interdepartmental Council and the Ministry of Foreign Affairs.

Art. 24. (1) To obtain a certificate under Art. 22 or 23 the licensed applicant shall submit the following documents to the respective authority:

1. an application to obtain a certificate according to a sample – Annex No. 16;
2. a copy and a certified Bulgarian translation of a document from the foreign forwarder or a copy and a certified translation of a contract, verifying the need for issuance of the certificate;
3. a copy and a certified Bulgarian translation of a document, issued by a competent authority of the country of the forwarder, verifying his eligibility to perform the export.

(2) In case that according to the national legislation of the country, the document under s. 1, p. 3 is not issued, the applicant shall submit to the respective authority a written statement by the exporter and a certified Bulgarian translation for this effect.

Art. 25. (1) The authorities under Art. 22, s. 1 and Art. 23 shall pass their judgment on the applications within 15 workdays of the date of their receipt and notify the applicant within 3 workdays of the date of their decision making.

(2) The certificates under Art. 22 and 23 shall be submitted by the applicant of the foreign forwarder.

(3) In case that the certificate is not submitted to the competent authorities of the country of the forwarder within 6 months of its date of issue, the consignee shall return the original certificate to the issuing authority.

Art. 26. (1) If the forwarder's country requires a delivery verification certificate for arms in the customs processing of the goods, the importer shall submit to the customs authorities at the competent customs agency, a filled-in delivery verification certificate in 3 copies according to a sample – Annex No. 17 and a copy of the respective import licence.

(2) The applicant obtains a form - Annex No. 17 under s. 1, from the Interministerial Commission after submission of an application for issuance of a delivery verification certificate for arms according to a sample - Annex No. 16.

(3) The delivery verification certificate submitted is certified by the customs authorities with the competent customs agency, who have authorized the respective customs regime. The first copy of the certificate is given to the importer, the second one is sent within 15 workdays of the date of certification by the head office of the Customs Agency to the Ministry of Economy and Energy, and the third remains with the head office of the Customs Agency.

Chapter Three

EXPORT, TRANSFER AND IMPORT OF DUAL-USE ITEMS AND TECHNOLOGIES

AND DUAL-USE ITEMS BROKERING

Section I

Registration of persons for export and transfer of dual-use items and technologies

Art. 27. (1) Export and transfer from the territory of the Republic of Bulgaria to the territory of a country of the Community of dual-use items, included in Annex I of Regulation No. 1334/2000 of the Council of the European Union, published in the Official Journal of the European Communities, ed. 159, on setting up a regime of the Community for export control on dual-use items, as amended, hereinafter referred to as "Regulation 1334/2000", and determined by act of the Council of Ministers, may be done by natural and legal persons following registration with the

Interministerial Commission , except in cases where an authorization from another country of the Community is issued.

(2) The persons under s. 1, applying for registration for export and transfer of dual-use items, shall submit to the Interministerial Commission a filled-in application for issuance of a certificate for registration according to a sample – Annex No. 18, and the documents under Art. 43, s. 2 and Art. 54, s. 2 of law, correspondingly.

(3) Certificate for registration under s. 2 is issued in two copies according to a sample – Annex No. 19.

(4) Certificate for registration is initially issued for the period of 3 years, and on its expiration, every subsequent registration is made for the same period.

(5) The first copy of the issued certificates for registration is given to the applicant, and the second one remains with the Interministerial Commission.

Section II

Licence for Export and Transfer of Dual-Use Items and Technologies

General provisions

Art. 28. (1) Licence for export and transfer from the territory of the Republic of Bulgaria to the territory of another country of the Community of dual-use items and technologies is issued by the Interministerial Commission only to the persons under Art. 27, s. 1, holding a certificate for registration.

(2) Only the person to whom the licence under Art. 1 is granted may use it.

(3) If applicable, the Interministerial Commission may require from the applicant any further information relevant to the transaction.

Export Licence

Article 29. (1) For exports of dual-use items specified in Annex I of Regulation 1334/2000 and determined by act of the Council of Ministers, an export licence shall be issued by the Interministerial Commission.

(2) The export licence under paragraph 1 may be an individual export licence, a global export licence or a general export licence.

(3) An individual export licence shall be issued according to a sample – Annex No. 20 for:

1. exports of dual-use items specified in Annex I of Regulation 1334/2000 for a specific state through a single delivery or partial deliveries on the basis of contractual relations between the exporter and the foreign contractor; the licence issued shall have a validity term of **up to** one year and may be extended once for a term of up to six months.

2. rendering of technical assistance for military end-use according to Art. 68 of the law.

(4) A global export licence shall be issued according to a sample – Annex No. 20, for exports of a certain type or category of dual-use items specified in Annex I of Regulation 1334/2000, with the exception of items specified in Part 2 of Annex II of Regulation 1334/2000, which is valid for exports to one or more states. The licence issued shall have a validity term of **up to** two years and may be extended once for a term of up to one year.

(5) A general export licence shall be issued to exporters under article 43 of the Law on exports of dual-use items from Annex I, with the exception of items specified in Part 2 of Annex IV of Regulation 1334/2000. The licence issued shall have a validity term of **up to** two years and may be extended once for a term of up to one year.

Art. 30. (1) For export of dual-use items to the countries, specified in Annex II of Regulation 1334/2000, it is applicable a general export licence of the Community pursuant to Art. 6 of Regulation 1334/2000.

(2) Within 5 workdays prior to performing of the export under s. 1, the exporter shall submit to the Interministerial Commission a declaration according to a sample – Annex No. 21.

Art. 31. (1) To obtain an export licence under Art. 29, s. 3 and 4, the applicant shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 22 or Annex No. 23, depending on the type of licence;
2. a filled-in form – Annex No. 20 in four copies;
3. an original end-use/end-user certificate and/or application, and/or international import certificate, issued by the competent authorities of the country of the end-user, accompanied by a certified Bulgarian translation;
4. a copy and a certified Bulgarian translation of a document, including the details under Art. 5, s. 3 and verifying the foreign trade relations (contract and/or order), and of a document, verifying the participation of other persons in the transaction, different from the foreign importer and/or end-user (broker, forwarder, carrier, etc.);
5. a copy and a certified Bulgarian translation of a document, certifying the eligibility of the participants in the transaction to carry out the respective activities;
6. a copy and a certified Bulgarian translation of a document by the manufacturer of the dual-use items, certifying their technical characteristics, functional purpose, quality and quantity composition;
7. a copy and a certified Bulgarian translation of a document, certifying the origin and acquisition of the items;
8. a document on paid state fees.

(2) In case that according to the national legislation of the country to which the arms are to be exported, the document under s. 1, p. 5 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the importer and a certified Bulgarian translation for this effect.

(3) When filing an application for a global export licence, the applicant shall submit documents to certify that he has performed in the previous year and/or will do in the next year no less than 10 exports of dual-use items under contract, as specified in the application, for the consignees stated therein.

Art. 32. In case of re-export, post-import export and post-transfer export of dual-use items of Annex I of Regulation 1334/2000 the applicant shall submit the following documents to the Interministerial Commission in addition to the documents under Art. 31, s. 1:

1. a re-export licence and a certified Bulgarian translation from the competent authority of the country, from which the items have been imported or transferred;
2. A statement by the foreign forwarder and a certified Bulgarian translation that no prohibition on re-export has been imposed, provided that according to the national legislation of the country, from which the items have been imported or transferred, the document under p. 1 is not granted.

Art. 33. The applicant must submit to the Interministerial Commission a delivery verification certificate or its equivalent, issued by a competent authority in the country of the end-user within 3 months of the date of the delivery of the dual-use items in the country of the end-user.

Transfer Licence

Art. 34. (1) For transfer of dual-use items specified in Annex IV of Regulation 1334/2000 and determined by act of the Council of Ministers, from the territory of the Republic of Bulgaria to the territory of another country of the Community, a transfer licence shall be issued by the Interministerial Commission .

(2) The transfer licence under paragraph 1 may be an individual transfer licence, a global transfer licence or a general transfer licence.

(3) An individual transfer licence shall be issued according to a sample – Annex No. 24 for transfer within the Community of dual-use items, enlisted in Annex IV of Regulation 1334/2000. The licence issued shall have a validity term of **up to** one year and may be extended once for a term of up to six months;

(4) A global transfer licence shall be issued according to a sample – Annex No. 24, for transfer within the Community of dual-use items, enlisted in part 1 of Annex IV of Regulation 1334/2000. The licence issued shall have a validity term of **up to** two years and may be extended once for a term of one year;

(5) A general transfer licence shall be issued to persons under article 54 of the law on transfer within the Community of dual-use items, specified in part 1 of Annex IV of Regulation 1334/2000. The general transfer licence shall be published by the Interministerial Commission. The licence issued shall have a validity term of **up to** two years and may be extended once for a term of up to one year.

(6) For transfer of dual-use items, specified in part II of Annex IV of Regulation 1334/2000, no general transfer licence is issued.

(7) When filing an application for a global transfer licence, the applicant shall submit documents to certify that he has performed in the previous year and/or will do in the next year no less than 10 transfers of dual-use items under contract, as specified in the application, for each of the consignees stated therein.

Art. 35. (1) To obtain a transfer licence from the territory of the Republic of Bulgaria to the territory of another country of the Community, the applicant shall submit the following documents to the Interministerial Commission:

1. a filled-in application – Annex No. 22 or Annex No. 23, depending on the type of licence;

2. a filled-in form – Annex No. 24 in four copies;

3. an original end-use/end-user certificate and/or application, and/or international import certificate, issued by the competent authorities of the country of the end-user, accompanied by a certified Bulgarian translation;

4. a copy and a certified Bulgarian translation of a document, including the details under Art. 5, s. 3 and verifying the foreign trade relations (contract and/or order), and of a document, verifying the participation of other persons in the transaction, different from the foreign importer and/or end-user (broker, forwarder, carrier, etc.);

5. a copy and a certified Bulgarian translation of a document, certifying the eligibility of the participants in the transaction to carry out the respective activities;

6. a copy and a certified Bulgarian translation of a document by the manufacturer of the dual-use items, certifying their technical characteristics, functional purpose, quality and quantity composition;

7. a copy and a certified Bulgarian translation of a document, certifying the origin and acquisition of the items;

8. a document on paid state fees.

(2) In case that according to the national legislation of the country to which the arms are to be exported, the document under s. 1, p. 5 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the consignee and a certified Bulgarian translation for this effect.

(3) Item forwarder must submit to the Interministerial Commission a delivery verification certificate or its equivalent, issued by the consignee in the country of the end-user and verifying the delivery, but not later than 3 months of the date of its arrival in the country of the end-user, as well as copies of the transport documents, issued at delivery.

Section III

Registration for Brokering with Dual-Use Items and Technologies

Art. 36. (1) The registration for brokering with dual-use items and technologies is done by the Interdepartmental Council for the period of 3 years.

(2) For the registration of brokering with dual-use items and technologies the applicant shall submit to the Interdepartmental Council a sample application – Annex No. 1, and the documents under Art. 21, s. 1 of the Law.

(3) Once the registration has been done, the Interdepartmental Council shall issue a certificate for registration of brokering in two copies according to a sample – Annex No. 25. The first copy is given to the applicant, and the second one remains with the Interdepartmental Council.

Section IV

Certificate for Import of Dual-Use Items and Technologies

Art. 37. Import of dual-use items of Annex IV of Regulation 1334/2000 to the territory of the Republic of Bulgaria from countries outside the Community and the ones determined by act of the Council of Ministers may be performed by natural and legal persons following registration of the import by the Minister of Economy and Energy or by his authorized officials.

Art. 38. (1) The persons under Art. 37, applying for registration of the import, shall submit to the Ministry of Economy and Energy the following documents:

1. a filled-in certificate according to a sample – Annex No. 26
2. a copy and a certified Bulgarian translation of a document, certifying the eligibility of the participants in the transaction to carry out the respective activities;
3. a copy and a certified Bulgarian translation of a document, certifying the foreign trade relations (contract, pro-forma invoice, invoice);
4. a declaration according to a sample – Annex No. 27 by the end-user that the imported items and technologies will not be re-exported or transferred to third parties, natural and/or legal persons, without the licence of the Bulgarian competent authorities and will be used in the strict compliance with the effective Bulgarian laws, whereby the end-user shall, within 5 workdays, notify the Ministry of Economy and Energy prior to every subsequent change to the end-user of the dual-use items on the territory of the Republic of Bulgaria; every next end-user shall complete Annex No. 27;
5. a copy and a certified Bulgarian translation of a document by the manufacturer of the dual-use items, certifying their technical characteristics, functional purpose, quality and quantity composition;
6. a document on paid state fees.

(2) In case that according to the national legislation of the country, from which the arms are to be exported, the document under s. 1, p. 2 is not issued, the applicant shall submit to the Interministerial Commission a written statement by the exporter and a certified Bulgarian translation for this effect.

(3) Registration for the transactions shall be done within 7 days as of the date of receiving of the documents under s. 1, and for which an import certificate is issued.

(4) The licence issued shall have a validity term of one year and may be extended once for a term of up to 6 months.

Section V

Issuance of End-User Certificate, International Import Certificate and Delivery Verification Certificate for Dual-Use Items and Technologies

Art. 39. (1) If the country of the forwarder requires from the Bulgarian consignee an end-user certificate for dual-use items and technologies, it is issued in 3 copies according to a sample – Annex No. 28, under the terms and conditions of Art. 22, as follows:

1. by the Ministry of Defense – where the items and/or technologies are designed for the needs of the armed forces;
2. by the Ministry of Interior – where the items and/or technologies are designed for the needs of this ministry;

3. by other state authorities, which use items of the List of Dual-Use Items and Technologies according to the functions that they are intended for.

(2) If the country of the forwarder requires issuance of an end-user certificate for dual-use items and technologies, different from the one according to the sample – Annex No. 28, the state authorities under s. 1 may issue such a document in the strict compliance with the provisions of Art. 22 s. 2 – 4.

(3) If the country of the forwarder requires from the Bulgarian consignee an international import certificate for dual-use items and technologies, the Ministry of Economy and Energy issues it in two copies according to a sample – Annex No. 29. The first copy is given to the applicant, and the second one remains with the Ministry of Economy and Energy.

(4) If the forwarder's country requires a delivery verification certificate for dual-use items and technologies in the customs processing of the goods, the importer shall submit to the customs authorities at the competent customs agency, a filled-in delivery verification certificate in 3 copies according to a sample – Annex No. 30 and a copy of the respective import certificate.

(5) The applicant obtains a form - Annex No. 30 under s. 4, from the Ministry of Economy and Energy.

(6) The delivery verification certificate submitted is certified by the customs authorities with the competent customs agency, who have authorized the respective customs regime. The first copy of the certificate is given to the importer, the second one is sent within 15 workdays of the date of certification by the head office of the Customs Agency to the Ministry of Economy and Energy, and the third remains with the head office of the Customs Agency.

Art. 40. (1) To obtain a certificate under Art. 39 the applicant shall submit the following documents to the respective authority:

1. an application to obtain a certificate according to a sample – Annex No. 31;
2. a copy and a certified Bulgarian translation of a document from the foreign forwarder or a copy and a certified translation of a contract, verifying the need for issuance of the certificate;
3. a copy and a certified Bulgarian translation of a document, issued by a competent authority of the country of the forwarder, verifying his eligibility to perform the export.

(2) In case that according to the national legislation of the country, the document under s. 1, p. 3 is not issued, the applicant shall submit to the respective authority a written statement by the exporter and a certified Bulgarian translation for this effect.

(3) The authorities under Art. 39, s. 1 and 3 shall pass their judgment on the applications within 15 workdays of the date of their receipt and notify the applicant within 3 workdays of the date of their decision making.

(4) The certificate under Art. 39, s. 1 and 3 shall be submitted by the applicant of the forwarder. In case that the certificate is not submitted to the competent authorities of the country of the forwarder within 6 months of its date of issue, the consignee shall return the original certificate to the issuing authority.

Chapter Four

COMPOSITION AND ORDER OF ACTIVITY OF THE INTERMINISTERIAL COMMISSION

Art. 41. (1) The Interministerial Commission consists of a Chairperson and six members.

(2) A Chairperson of the Interministerial Commission is the Ministry of Economy and Energy.

(3) Members of the Interministerial Commission are:

1. two representatives of the Ministry of Economy and Energy;
2. a representative of the Ministry of Interior;
3. a representative of the Ministry of Foreign Affairs;
4. Two representatives of the Ministry of Defense.

(4) The members of the Interministerial Commission and their deputies shall be approved by names by order of the Chairperson of the Interministerial Commission nominated by the respective ministers.

(5) The work of the Interministerial Commission is assisted by a Secretary and a Deputy Secretary, who are officers at the Ministry of Economy and Energy, and are approved by names by order of the Chairperson of the Interministerial Commission. The Deputy Secretary performs the functions of a Secretary of the Interministerial Commission in case that the Secretary is absent.

Art. 42. (1) The work of the Interministerial Commission is managed by the Chairperson.

(2) The Chairperson may authorize a member of the Interministerial Commission to preside a meeting.

(3) The Secretary of the Interministerial Commission shall notify the members of the Interministerial Commission in writing of each upcoming meeting not later than 5 workdays prior to the date appointed for a meeting.

(4) The materials on the agenda of the meetings, as well as any minutes kept with the Interministerial Commission and other materials shall be made available to the members of the Interministerial Commission and/or their representatives, appointed by name by the respective member of the Interministerial Commission.

(5) Applications and materials that have been received following the date of notice for an upcoming meeting of the Interministerial Commission are considered at its next meeting except in cases where the applications and the materials are of a proven urgent nature.

Art. 43. (1) The meetings of the Interministerial Commission are held in chamber.

(2) The meetings of the Interministerial Commission shall be valid, if no less than two-thirds of all its members are present.

(3) The agenda of the meetings may include for discussion apart from applications for registration and licence issuance also other issues within the authority of the Interministerial Commission.

(4) The Interministerial Commission shall adopt a separate minute decision per each point of the agenda.

(5) Minute decisions shall be signed by the Chairperson, members, Secretary and Deputy Secretary of the Interministerial Commission. In the cases under Art. 41, s. 5 the minute decisions shall be signed by those present at the meeting.

Art. 44. Making a decision by default shall take place by the initiative of the Chairperson of the Interministerial Commission or any of its members.

Art. 45. The documents under the regulation shall be submitted at and received from the administrative office under the provisions of the Administrative Procedure Code and the Classified Information Protection Act.

Chapter Five

OBLIGATIONS OF THE PERSONS ENGAGED IN ACTIVITIES WITH ARMS

AND DUAL-USE ITEMS

Art. 46. Persons, dealing with arms and dual-use items, shall introduce internal rules on the organization and control on the activities that they deal with, which should contain:

1. guidelines of the company policy in compliance with the legislation in the field of the export control;

2. a list of the natural, who are directly involved in this activity, accompanied by CV's and employment records;

3. procedures on keeping a register of the transactions concluded pursuant to this Act – *Annex No. 32*, stored for a period not less than 10 years;

4. a training program for the staff, who is directly related to this activity;

5. rules and procedures on carrying out activities falling under export control under the provisions by law;
6. a program for internal inspections;
7. rules and procedures on establishment of infringements of the law and subsequent measures.

Art. 47. Persons, dealing with arms and dual-use items, shall keep for a period not less than 10 years any commercial and transport documents, and the information related to carrying out of the respective activity, containing data about:

1. the type of arms or dual-use items and their respective identification such as serial number, certificate, specification;
2. quantity of items;
3. name and address of the exporter and consignee;
4. the arms or dual-use items end-user and end-use;
5. the name, business position and address of the representatives of the party to the transaction and of the end-user responsible for implementation of the obligations upon the transaction.

(2) Persons, dealing with arms and dual-use items, shall:

1. at request by the control bodies under Art. 71 of the Law provide the information under s. 1 and render assistance with the inspections performed by them;
2. in the fixed terms submit to the Interministerial Commission the information and the documents, required by law and regulation, related to performance of its authorized activities;
3. be abide by the conditions, under which this activity has been authorized;
4. notify of any change to the circumstances under s. 1;
5. notify the Interministerial Commission if the conditions, stated under Art. 4 of the Act, are present.

SUPPLEMENTARY PROVISION

§ 1. In the cases where the transport is by air, the Interministerial Commission shall notify the Ministry of Foreign Affairs in reply to the inquiries that it has placed concerning the validity of the licences issued in the meaning of Art. 5, 6, 7, 9, 10, 12, 13, 15, 21, 31, 32 and 35, as follows:

1. not later than 3 workdays after the date of receipt of the inquiry, provided that issuance of licences requires to obtain diplomatic licences from foreign countries;
2. not later than 5 workdays after the date of receipt of the inquiry, provided that issuance of licences does not require to obtain diplomatic authorizations from foreign countries;

TRANSITIONAL AND FINAL PROVISIONS

§ 2. Applications for issuance of licences that are submitted not later than 5 workdays prior to this regulation entry into force shall be considered under the terms and conditions of the Regulation on Implementation of the Law on Control of the Foreign Trade with Arms and Goods and Technologies of Possible Dual-Use, adopted by Decree No. 274 of the Council of Ministers of 2002 (promulgated SG., ed. 115/2002; as amended by ed. 97/2003, ed. 11 and 35/2004 and ed. 27, 78 and 96/2005).

§ 3. The Regulation is adopted pursuant to § 13 of the transitional and final provisions of the Law on Export Control on Dual-Use Items and Technologies (SG., ed. 11/2007).

§ 4. It is revoked the Regulation on Implementation of the Law on Control of the Foreign Trade with Arms and Goods and Technologies of Possible Dual-Use, adopted by Decree No. 274 of the Council of Ministers of 2002 (promulgated SG., ed. 115/2002; as amended by ed. 97/2003, ed. 11 and 35/2004 and ed. 27, 78 and 96/2005).

ANNEXES FOLLOW