

**Project RECOVER – Crime doesn't pay (GA no. 101091375)**

**Reform Proposals for the Bulgarian National System – General Prosecutor's Office – Bulgaria**

The General Prosecutor's Office suggests the following amendments to national legislation in Bulgaria:

1. Removal or increase of the period for which the security measure on the property of the accused person under Art. 72 of the Criminal Procedure Code may last in the pre-trial proceedings. Currently art. 234, p. 8 of the CPC stipulate that these measures cannot last more than 18 months in the case of serious crimes (which are punishable by imprisonment for more than five years) or 8 months in all other cases. After the expiration of this period, all such measures must be revoked.
2. Introduction into the procedural law of a requirement and rules for the investigation of the financial aspects of crimes generating benefit.

In addition, a proposal that does not refer to a change in the legislation, but to clarifying the national position regarding the transposition of Directive No. 2014/42/EU of the European Parliament and of the Council on the seizure and confiscation of funds and benefits from criminal activity in the European Union – revision of the content of the notification of the Republic of Bulgaria regarding the transposition of Directive No. 2014/42/EU in view of the decisions of the CJEU from recent years (Decision of 19.03. 2020 in case C 234/18; Decision of 28.10.2021 in case C 319/19; Decision of 21.10.2021 in joint cases C 845/19 and C 863/19). At the moment, publicly available information (<https://eur-lex.europa.eu/legal-content/BG/NIM/?uri=CELEX:32014L0042&qid=1686040846038>) indicates that the Law on Combating Corruption and Confiscation of Illegally Acquired Property is transposing Directive No. 2014/42/EU. Since the civil confiscation procedure has a relatively autonomous nature, this position should be reconsidered in the light of the mentioned decisions of the CJEU.

**N.B. These proposals are for the purposes of the RECOVER project and do not necessarily express the position of other specialists or practitioners in the field.**