

RECOVER
CRIME DOESN'T PAY



Co-funded by
the European Union

RECOVER

**Mutual recognition of freezing and confiscation
orders between efficiency and the rule of law**

Grant Agreement No. 101091375

AROs and AMOs, implementation of the mutual recognition of freezing and confiscation orders

BULGARIA

Bulgaria has designated two AROs
(as the Council Decision 2007/845/JHA1
allows such approach) –
the Commission for Illegal Asset
Forfeiture and
the Supreme Prosecutor's Office.

- *Commission for Illegal Assets Forfeiture (CIAF) - an independent State body for the implementation of the unlawfully acquired assets forfeiture policy. Their competence is within so called “civil confiscation”.*
- *Supreme Prosecutor's Office through its International department*

Furthermore the following structures are related to asset recovery procedures:

- a) National Revenue Agency (NRA);
- b) Ministry of the Interior – competence in dealing with financial crimes and support the identification and investigation of illegally acquired assets activities related specifically to the acquisition of assets.
- c) State Agency for National Security (SANS) – has specialized department that investigate cases of ML, TF and other financial crimes.

Regarding CIAF as an ARO:

The activity of CIAF to secure and confiscate for the benefit of the state assets acquired from illegal activity is carried out through the so-called civil confiscation proceedings conducted under civil law. Therefore acts of seizure and confiscation issued within the framework of civil proceedings do not fall within the scope of the regulation.

In connection with the identification and tracking of assets related to criminal activity EUROJUST is assisted by the specialized directorates of SANS for the implementation of the regulation.

The International Department of the SPO is a contact point regarding the recovery of assets related to crimes.

The department's activity consists in coordinating and sending documents from the requesting country to the relevant authority in Bulgaria - Prosecutor's office, court or NRA, which must perform the corresponding action.

Management of Frozen and Confiscated Assets

Directorate "Management of Secured Property" is part of the specialized administration of CIAF and performs functions of management, storage and protection of property on which security measures have been imposed in the proceedings initiated by the Commission.

On the basis of a 2019 amendment to the Criminal Procedural Code, the property secured in the criminal cases for the purpose of confiscation or deprivation of property for the benefit of the state is also managed by CIAF through the abovementioned Directorate.

The NRA perform the management and disposal of confiscated and abandoned property in addition to its main activity of establishing, securing and collecting public claims and private state claims determined by law.

The Customs Agency which is a centralized administrative structure under the Minister of Finance is responsible for the implementation of customs legislation, which disposes of goods seized and abandoned for the benefit of the state in proceedings conducted by the customs authorities, including those concluded with a court decision.

The management and disposal of confiscated assets lays within the competence of the Interdepartmental Board for Management of Forfeited Assets, which is a collective body and consists of deputy ministers appointed by the Minister of Justice, the Minister of Finance, the Minister of the Economy, the Minister of Labor and Social Policy and the Minister of Regional Development and Public Works.

The National Revenue Agency maintains a public register of confiscated real estate which contains information on the stage of management and disposal thereof.

Sales of confiscated property are conducted through public auction sales. The evaluation of the items is carried out at market prices by engaging an independent evaluator.

The NRA has received 5 acts issued in member states of the EU, recognized as enforceable in Bulgaria, under which immovable properties and amounts available on bank accounts were confiscated. The acts have been executed and 50 percent of the sums received from the assets have been transferred to the accounts of the member states of the EU.

Thank you for your attention!

Questions