

LAW OF THE EXTRADITION AND THE EUROPEAN ARREST WARRANT

In force from 01.07.2005

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Chapter one. GENERAL PROVISIONS

Subject of the law

Art. 1. This law shall settle the terms and order of execution of extradition, as well as the terms and order of European Arrest Warrant.

Extradition

Art. 2. Extradition shall be handing over of a person, located on the territory of one country:

1. against which person a prosecution procedures has been started in another country or before an international court;
2. who is wanted to serve an imposed by the court authorities of another country or international court penalty imprisonment;
3. to which a measure requiring detention has been imposed by the court authorities or by an international court.

European Arrest Warrant.

Art. 3. The European Arrest Warrant shall be an act, issued by the competent bodies of a Member State of the European Union, for detention and surrender of the looked person by another Member State with the purpose of performing of criminal prosecution or execution of imprisonment penalty or a measure requiring his/her detention.

Application field

Art. 4. (1) This law shall be applied if an international treaty, where the Republic of Bulgaria is a party to, exists and the Republic of Bulgaria shall supply it regarding the unsettled matters.

(2) In case of absence of international treaty, the law shall be applied under the condition of reciprocity. The reciprocity shall be found by the Minister of Justice.

(3) This law shall be applied also in case of receipt of Bulletin of international searching of the International Organization of the Criminal Police (Interpol) with detention and extradition purpose.

Chapter two.

CONDITIONS FOR EXTRADITION.GROUNDS FOR REFUSAL OF EXTRADITION.

Double criminality

Art. 5. (1) Extradition shall be admitted only if the act constitutes a criminal offence as per the Bulgarian legislation and as per the legislation of the applying country, and for this offence imprisonment penalty or measure requiring detention not for shorter than 1 year or other more stiff penalty is stipulated.

(2) Extradition shall be admitted also for the purpose serving of imprisonment penalty, or if measure requiring detention of the person, imposed by the applying country for not shorter than 4 months.

(3) The act shall constitute offence in the both countries, if, not depending on the differences in the corpus delicti, the main indications are identical.

Persons, against which extraditions shall not be admitted

Art. 6. (1) Extradition shall not be admitted:

1. of a Bulgarian citizen, except such provided by an entered in force international treaty, where the Republic of Bulgaria is a party to;

2. of a person, for which person refuge has been provided in the Republic of Bulgaria;

3. of a foreign citizen, who has immunity regarding the prosecution jurisdiction of the Republic of Bulgaria;

4. of a person who shall not bear penal liability as per the Bulgarian legislation;

(2) The existence of Bulgarian citizenship, of provided refuge in the Republic of Bulgaria or of immunity regarding the prosecution jurisdiction of the Republic of Bulgaria shall be assessed to the moment of receipt of the extradition request.

Grounds on which the extradition shall be refused:

Art. 7. Extradition shall be refused:

1. regarding a political or related to it offence, except the offences, which by virtue of a law or an international treaty where the Republic of Bulgaria is a party to, are not considered political;

2. for a military offence, which is not an offence under the general criminal law;

3. if the person, the surrender of which is required, shall be judged by an extraordinary court in the applying country or if against him/her a sentence pronounced by a such court shall be executed;

4. if the extradition has the purpose prosecution or punishing of the person on such grounds as race, religion, citizenship, ethnic belonging, sex, citizen status or political convictions, or is assessed that a risk for aggravating of his/her situation due to some of these grounds exists;

5. if the person will be a subject of violence, torture or cruel, inhuman or humiliating penalty related with the prosecution and with the execution of the penalty as per the requirements of the international law in the applying country;

6. for a offence which has been amnestied or for which the prosecution or the execution of the penalty shall be precluded due to expiration of the limitation period as per the legislation of the Bulgarian or of the applying state;

7. if for the same offence an entered in force sentence against the same person for which person the extradition is required exists in the Republic of Bulgaria;

8. if the legislation of the applying state provides for the offence death sentence or such has been imposed, except the applying state gives sufficient legal guarantees that the death sentence shall not be imposed, or if it had been imposed – shall not be executed or shall be replaced by a different penalty.

Grounds on which extradition may be refused

Art. 8. Extradition may be refused:

1. for an act –judicable by the Bulgarian court;

2. if for the same offence the prosecution procedures had been terminated in the Republic of Bulgaria;

3. if against the person, whose extradition is required, pending prosecution procedures for the offence for which the extradition is required exist;

4. if the sentence had been pronounced not in the presence of the person and the person did not know about the prosecution against him/her, except the applying country gives sufficient guaranties that the person shall be provided with second hearing of the case with right of defense.

5. for an offence which has been committed outside the territory of the applying country and the legislation of the Republic of Bulgaria does not allow performance of criminal prosecution for such offence.

Chapter three. EXTRADITION PROCEDURE

Section I. Extradition upon request of another country

Application of extradition

Art. 9. (1) The application shall be submitted by a competent body of the applying country in written form to the Ministry of Justice of the Republic of Bulgaria.

(2) The application of extradition may be transmitted also via diplomatic channel, via the International Organization of the Criminal Police (Interpol) or in another manner which may be agreed between the applying country and the Republic of Bulgaria.

(3) To the application of extradition shall be attached:

1. original or a certified copy of the sentence, the writ of seeking of criminal liability or the arrest warrant or another document of the same effect, issued following the order as prescribed by the legislation of the applying country;

2. description of the offence for which the extradition is required, time and place of the commitment, legal classification, range of the damages if such arose, a copy of the applicable legislation provisions, including regarding the limitation period;

3. data about the requested person, accompanied by other information allowing his/her identification and citizenship;

4. information regarding the not-served part of the imposed penalty, if extradition of a sentenced person is required;

5. documents certifying the guaranties under Art. 7, item 8 and under Art. 8, item 4.

(4) The application and the attached thereto documents shall be drafted in the language of the applying country and a translation in the Bulgarian language shall be also attached thereto, except otherwise provided in an international treaty.

Check of the application of extradition

Art. 10. (1) The Minister of Justice or an empowered by him/her official shall check the application and the attached thereto documents.

(2) If the application and the attached thereto documents do not meet the requirements of Art. 9, the Minister of Justice or the empowered by him/her official shall return them to the applying country and shall point the grounds for the return.

Informing about a set of applications of extradition

Art. 11. If extradition of the same person has been required, by one or more countries for one and the same or different offences, the Minister of Justice shall immediately inform the competent bodies of the applying countries regarding the appearance of a set of applications of extradition.

Sending the application and the documents at the Supreme Cassation Prosecution

Art. 12. (1) After the check under Art. 10 the Minister of Justice shall send immediately the application of extradition and the attached thereto documents or the temporary detention application to the Supreme Cassation Prosecution.

(2) In case of set of applications of extradition, the Supreme Cassation Prosecution shall coordinate their consequence with the Ministry of Justice.

Temporary Detention

Art. 13. (1) In urgent cases, the competent bodies of the applying country may require from the Ministry of Justice or from the Supreme Cassation Court a temporary detention of the required person before the sending of application of extradition.

(2) In the temporary detention application the existence of detention warrant, of act of seeking of penal liability or of sentence and the intention of the applying country to submit an application of extradition shall be pointed. The application shall contain also information regarding the offence for which the extradition shall be required, regarding the time and place of commitment, as well as data about the wanted person.

(3) In case that the temporary detention application is submitted by a country with which the Republic of Bulgaria has not concluded treaty of extradition, the Minister of Justice shall notify the Supreme Cassation Prosecution about the existence of reciprocity.

(4) The temporary detention application may be sent by post, telegraph, telex, fax, via diplomatic channel, via the International Organization of the Criminal Police (Interpol) or in another manner which allows the evidencing of the receipt in written.

(5) After finding the location of the person on the territory of the Republic of Bulgaria and the identity of the person, the Supreme Cassation Prosecution shall detent the person for a

period not longer than 72 hours and shall send the temporary detention application together with all the documents to the District Prosecutor of the district where the person is located.

(6) Within the term under Para 5, the District Prosecutor shall appoint defender and interpreter if the person does not understand the Bulgarian language and shall table a temporary detention request for the person at the respective District Court.

(7) (amend., SG 86/05- in force from 29.04.06) The District Court shall hear the request following the order of Art. 64, Para 3 and Para 5 of the Penal Procedure Code and shall pronounce a definition of imposing measure of temporary detention or of another measure of proceedings compulsion which shall provide the participation of the person in the extradition procedure. The measure of temporary detention shall be imposed for a period of 40 days or another period as provided in an international treaty where the Republic of Bulgaria is a party to.

(8) The definition under Para 7 may be appealed and protested before the respective Court of Appeal within 3-days period.

(9) The Supreme Cassation Prosecution shall notify immediately the Minister of Justice and the applying country regarding the imposed measure.

(10) (amend., SG 86/05- in force from 29.04.06) The District Court upon request of the detained person may amend the measure for temporary detention within the term of Para 7 into another measure of proceedings compulsion, which measure provides the participation of the person in the extradition procedure, following the order of Art. 152b Art. 65 of the Penal Procedure Code. The definition of the District Court may be appealed and protested before the respective Court of Appeal within 3- days term.

(11) The prosecutor shall cancel the measure of temporary detention, if, within the determined by the court term of temporary detention, the Republic of Bulgaria does not receive the application of extradition and the documents under Art. 9, Para 3.

(12) Discharging of the person shall not establish obstacle for a new detention with extradition purpose or for the performance of the extradition itself, if the application of extradition is received after the elapse of the term under Para 7.

Actions of the Prosecutor after receipt of the application of extradition

Art. 14. (1) After the receipt of the application under Art. 9, the Supreme Cassation Prosecution shall establish correspondence (file) on the case. In event of set of applications they shall be joined at one correspondence.

(2) The Supreme Cassation Prosecution shall detain the person for a period not longer than 72 hours, including the cases where the term of temporary detention as defined by the court under the procedure of Art. 13, Para 7 has expired or another measure providing the participation of the person in the extradition procedure has been imposed.

(3) The correspondence together with obligatory instructions shall be sent to the relevant District Prosecutor of the district where the required person is located.

(4) The District Prosecutor within the term of Para 2 shall:

1. provide the required person with a defender if he/she has no such, and an interpreter if he/she does not know the Bulgarian language;

2. acquaint the person and his defender with all the documents of the correspondence and take written explanations from the person;

3. acquaint the person with his/her right to express consent to his/her immediate extradition before the court;

4. table at the respective District Court request for imposing of detention in custody measure for the required person till the finalization of extradition procedure;
5. table the correspondence at the respective court for hearing.

Imposing of detention in custody measure

Art. 15. (1) (amend., SG 86/05, in force from 29.04.06) In the cases of Art. 14, Para 4, item 4 the District Court shall immediately hear the request for imposing of detention in custody measure under the procedure of Art. 64, Para 3 and Para 5 of the Penal Procedure Code.

(2) The appearance of the required person shall be provided by the Prosecutor. The participation of a defender and of an interpreter in the court session shall be obligatory.

(3) The definition of the District Court may be appealed and protested before the relevant Court of Appeal within 3-days period.

Establishing of a court extradition procedure

Art. 16. (1) After the receipt of the correspondence on the application of extradition, the District Court shall establish court procedure and shall appoint a court session not later than 7 days from its receipt.

(2) The reporter-judge shall terminate the extradition procedure in the cases of Art. 6.

(3) Simultaneously with the resolution of appointing the session, the reporter - judge shall rule on the detention of the person.

Procedure before the first instance

Art. 17. (1) The hearing of application of extradition shall be at an open session before a chamber of three judges with the participation of a prosecutor.

(2) The court shall appoint for the required person a defender if he/she has no such, and an interpreter if he/she does not understand the Bulgarian language, shall clarify his/her right to give consent to immediate extradition and the consequences of it.

(3) The court may require from the applying country additional information and shall determine a term for its receipt.

(4) At the court session the court shall hear the prosecutor, the required person and his/her defender.

(5) The court shall discuss:

1. whether the conditions under Art. 5 and 6 do appear, whether there are grounds for refusal of the extradition under Art. 7 and 8

2. whether grounds for cancellation of extradition or for temporary extradition do exist;

(6) In case of set of applications of extradition for one person for one and the same or for different offences, the court shall discuss the matters regarding the place of commitment of the offences, the citizenship of the required person, the degree of the committed offences, the consequence of the commitment and the possibility of subsequent extradition in another applying country, the dates of receipts of the applications and the existence of reciprocity. In the cases where one of the applications has been submitted by an international criminal court, it shall have the priority before the rest applications.

(7) The court shall pronounce a decision, by which they admit or refuse extradition and shall announce it immediately after the hearing under Art. 4.

(8) By this decision the court shall also rule on the handing over the found at the person and related to the offence documents, books and property to the applying country. They shall be delivered also in the case where the person has died or has escaped.

Cancellation of extradition. Temporary extradition

Art. 18. (1) By the decision to admit the extradition the court may cancel the factual surrender of the required person if a pending penal procedure or entered in force sentence-subject of execution against him/her exists in the Republic of Bulgaria for an offence, different than this for which the extradition, has been admitted.

(2) If the cancellation under Para 1 may lead to elapse of the limitation period for the criminal prosecution in the applying country or to complicate it significantly, the court may admit temporary extradition, under the condition that the person shall be returned in the Republic of Bulgaria immediately after enactment of the actions for which the temporary extradition is admitted.

Procedure upon consent to immediate extradition

Art. 19. (1) In the case where the required person expresses consent to immediate extradition at the court session, the court shall question him/her whether he/she gives voluntary his/her consent and whether he/she understands the consequence of this.

(2) After the court makes sure that the consent has been given voluntary, it shall be inscribed in the minutes which shall be signed by the person and by his/her defender.

(3) If there is no ground for refusal for extradition under Art. 7, the court shall pronounce decision for immediate extradition within 24 hours. The decision is final.

(4) A certified copy of the decision under Para 3 shall be sent within 24 hours to the Minister of Justice for notification of the applying country and to the Supreme Cassation Prosecution for issue of a decree of execution of the extradition.

Procedure before the court of appeal

Art. 20. (1) The decision of the District Court shall be a subject of check by the Court of Appeal upon a complaint of the person or upon a protest of the prosecutor within 7-days period of its announcement.

(2) The complaint or the protest shall pass hearing within 10-days from its submission at the court under the procedure of Art. 17.

(3) The decision of the court of appeal shall be final.

(4) A certified copy of the decision of the court of appeal shall be sent within 24 hours to the Minister of Justice for notification of the applying country and to the Supreme Cassation Prosecution for issue of a decree of execution of the extradition.

Actions at refusal of extradition

Art. 21. (1) In case of refusal of extradition, the Minister of Justice shall notify the applying country.

(2) Where the deed is within the jurisdiction of the Bulgarian court, the materials shall be provided to the respective prosecutor for performance of criminal prosecution, if grounds for such exist.

(3) The refusal of the extradition of a foreign citizen, against who an accusation has been brought or who has been sentenced in another country, shall not establish obstacle for criminal prosecution in the Republic of Bulgaria, if grounds for such exist.

Extradition upon request of an international court

Art. 22. The provisions of this section shall be applied also in the cases where the extradition is required by an international court.

Section II.

Extradition upon the request of the Republic of Bulgaria

Bodies which shall make request for extradition;

Art. 23. A request for extradition of a person who has committed a judicable before a Bulgarian court offence, shall be made by:

1. the Chief Prosecutor – for an accused or sentenced with an entered in force sentence person;
2. the Minister of Justice – for a defendant, by a proposal of the respective court.

Application of extradition

Art. 24. (1) Application of extradition shall be submitted in written form. The documents under Art. 9, Para 3. shall be attached thereto.

(2) The application and the documents shall be sent at the Ministry of Justice in the one of the manners as per Art. 9. Para 2. If the approached country requires additional document, they shall be sent in the same manner.

(3) The translation of the application of extradition and the attached thereto documents shall be provided by the Supreme Cassation Prosecution in the cases of Art. 23, item 1 and by the Minister of Justice in the cases of Art. 23, item 2.

Temporary detention in custody

Art. 25. (1) In urgent cases, the body under Art. 23 may require from the competent bodies of the other country the temporary detention in custody of the person before sending the application of extradition.

(2) The application of temporary detention in custody shall be drafted and sent under the conditions of and following the order of Art. 13, Para 2 and 4.

(3) The National Central Bureau of Interpol shall draft and transmit a Bulletin of international seeking of the person with purpose detention and extradition.

Chapter four.

CONSEQUENCES OF THE ADMITTED EXTRADITION

Section I.

Obligations of the Republic of Bulgaria as an approached country

Surrender of the extradited person

Art. 26. (1) in case of admitted extradition, The Supreme Cassation Prosecution , in co-operation with the National Central Bureau of Interpol shall settle with the applying country the place and date of the surrender of the person.

(2) Surrender of the person shall be performed in execution of a decree of the Supreme Cassation Prosecution and the bodied of Ministry of Justice shall provide the security and convoy.

(3) At the surrender a record shall be made, where the surrender and acceptation of the person, the participating officials and other circumstances shall be inscribed. Thereto shall be attached: the identity document of the person, description-list of his/her personal property, reference regarding his/her health status, as well as reference regarding the duration of detention in custody for the purposes of performance of extradition.

(4) In case the surrender has not been executed, the competent bodies of the both countries shall agree upon a new date of surrender. If the required person has not been accepted on the new date, he/she shall be released after expiration of 30 days from this date.

Surrender of persons at canceled extradition

Art. 27. In the cases of Art. 18, Para 1 the surrender shall be executed after the prosecution chase against the person had been terminated, the procedures had been finalized with an acquittal or after the imposed penalty imprisonment had been served.

Repeated extradition

Art. 28. (1) If the extradited person absconds the criminal prosecution or serving the imposed penalty in the country, where he/she has been extradited to, and returns on the territory of the Republic of Bulgaria, he/she may be extradited again.

(2) The repeated surrender shall be executed upon request of the interested country on the grounds of the pronounced initial decision. The repeated extradition of the person shall be executed following the order of Art. 26.

Transit of extradited person

Art. 29. (1) Transit of extradited person trough the territory of the Republic of Bulgaria shall be permitted by the Supreme Cassation Prosecution, after submission of an application in one of the manners as per Art. 9, Para 7, under condition that the extradition for which the transit has been required is not inadmissible under Art. 7.

(2) Permit for transit of a Bulgarian citizen shall be granted under the conditions under which extradition is admissible.

(3) In cases of using of air transport:

1. if a landing is planned, the applying country shall submit an application for transit before the execution of the transit;

2. in case of unplanned landing, the applying country shall submit application for transit immediately after the landing.

(4) The application for transit under Para 3 shall be sent following the order of Art. 13, Para 4 and shall have the effect of an application for detention in custody.

(5) The provisions of this Art. shall be applied respectively where the competent Bulgarian bodies ask for transit through the territory of another country.

Section II.

Obligations of the Republic of Bulgaria as an applying country

Acceptation of the extradited person

Art. 30. (1) The extradited to the Republic of Bulgaria person shall be accepted following the order of Art. 26.

(2) The person shall be lodged immediately at a place for serving penalty of imprisonment, if he/she shall serve imposed penalty, or at a place for execution of the restraining measure detention in custody.

Judging of a person surrendered by another country-principle of the peculiarity

Art. 31. (1) The person who has been extradited by another country, may be judged only for the offence for which the person has been surrendered, except:

1. a subsequent consent of the other country is granted also for another offence, committed before his/her surrender, or

2. the person had the ability to leave the territory of the Republic of Bulgaria and he/she did not leave up to 45 days after his/her final discharge and has returned back on it, after he/she has left it.

(2) Application for obtaining consent under Para 1, item 1 shall be sent to the other country by the respective body under Art. 23 and observing the requirements of Art. 9, Para 3.

(3) If the delivered person has committed or is sentenced also for another offence, the prosecution procedure for this offence or the execution of the imposed penalty shall be stopped until the receipt of answer of the approached country.

(4) In case of amendment of the accusation against the surrendered person during the prosecution procedures, if the new accusation is for a offence for which extradition is admissible, the prosecution procedures shall be a continued, without necessity of obtaining consent under Para 1- 3 by the country which has delivered the person.

Subsequent extradition to third country

Art. 32. If a third country requests extradition of a person, who is not a Bulgarian citizen, for committed before the surrender by him/her offences, different from these for which the person has been extradited from the Republic of Bulgaria, this extradition may not be executed without the consent of the country, which has extradited the person to Republic of Bulgaria.

Simulative extradition

Art. 33. Surrender of a person by way of transfer, expelling, handing over on the state boundary or by another way, which conceals extradition, shall not be admissible.

Expenditures

Art. 34. (1) The expenditures for the extradition, made on the territory of the Republic of Bulgaria as an approached country shall be borne by it under the conditions of reciprocity.

(2) The expenses for transit through the territory of the Republic of Bulgaria in case of extradition shall be borne by the requesting country.

Chapter five.

SURRENDER ON THE BASE OF THE EUROPEAN ARREST WARRANT

Section I.

Field of application, form and content of the European Arrest Warrant

Surrender of a person between two Member States of the European Union

Art. 35. (*) Detention and surrender of a person with purpose of criminal prosecution, execution of a imprisonment penalty, or of a measure requiring detention, between the Republic of Bulgaria and the states – members of the EU, shall be performed on the base of an European Arrest Warrant under the conditions and following the order as laid in this chapter.

Conditions for application of the European Arrest Warrant

Art. 36. (*) (1) European Arrest Warrant shall be issued for persons who has committed offences, which carry as per the legislation of the requesting country not less than one year imprisonment sentence or a measure requiring detention or another more severe penalty, or if the imposed penalty imprisonment or the requiring detention measure is not shorter than 4 months.

(2) The surrender on the base of European Arrest Warrant shall be performed, if the offence which the warrant has been issued for, constitutes a offence as per the Bulgarian legislation too. Execution of an European Arrest Warrant related to taxes, custom fees or currency exchange cannot be refused on the ground that that the Bulgarian legislation does not stipulate the same type of taxes or fees or does not settle the taxes, fees, custom fees or the currency exchange in the same way as the legislation of the issuing Member State does.

(3) Double criminality shall not be required for the following offences, if in the issuing State they carry not less than three years of imprisonment or with another more severe penalty, or for them a measure requiring detention for not less than of 3 years is provided:

1. participation in a criminal organisation,
2. terrorism,
3. trafficking in human beings,
4. sexual exploitation of children and child pornography,
5. illicit trafficking in narcotic drugs and psychotropic substances,
6. illicit trafficking in weapons, munitions and explosives,
7. corruption,

8. fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests,
9. laundering of the proceeds of offence,
10. counterfeiting currency, including of the euro,
11. computer-related offence,
12. environmental offence, including illicit trafficking in endangered animal species and in endangered plant species and varieties,
13. facilitation of unauthorised entry and residence,
14. murder, grievous bodily injury,
15. illicit trade in human organs and tissue,
16. kidnapping, illegal restraint and hostage-taking,
17. racism and xenophobia,
18. organised or armed robbery,
19. illicit trafficking in cultural goods, including antiques and works of art,
20. swindling,
21. racketeering and extortion,
22. counterfeiting and piracy of products,
23. forgery of administrative documents and trafficking therein,
24. forgery of means of payment,
25. illicit trafficking in hormonal substances and other growth promoters,
26. illicit trafficking in nuclear or radioactive materials,
27. trafficking in stolen vehicles,
28. rape,
29. arson,
30. offences within the jurisdiction of the International Criminal Court,
31. unlawful seizure of aircraft/ships,
32. sabotage

Form and content of the European Arrest Warrant

Art. 37. (*) (1) The European Arrest Warrant shall be issued in written form as laid in the annex to this law and shall contain data regarding:

1. identity and citizenship of the required person;
2. name, address, telephone, fax and electronic address of the issuing body;
3. evidences of entered into force sentence, warrant of detention or other effective judicial act of the same legal consequences;
4. nature and legal qualification of the offence;
5. circumstances of commitment of the offence, including the time, place and degree of participation of the required person;
6. imposed penalty if an effective sentence has been pronounced, or type and size of the penalty as provided by the legislation of the issuing Member State for the committed offence;
7. other consequences of the offence.

(2) The European Arrest Warrant, issued by a Bulgarian body, shall be accompanied by a translation in the official or in one of the official languages of the executing Member State or in another official language of the institutions of the European Communities, which

has been accepted by it through a declaration which shall be deposited by it at the General Secretariat of the Council of the European Union.

(3) European Arrest Warrant, sent to a Bulgarian body, shall be accompanied by a translation in the Bulgarian Language.

Section II.

Execution of European Arrest Warrant, issued in another Member State of the European Union

Competent Bodies

Art. 38. (*) (1) European Arrest Warrant, issued by a competent body of a Member State, shall be executed by the District Court if the territory where the required person is located.

(2) The central body on the European Arrest Warrant shall be the Minister of Justice.

Grounds for refusal to execute European Arrest Warrant

Art. 39. (*) The District Court shall refuse to execute European Arrest Warrant, if:

1. the offence, which the warrant has been issued for is amnestied in the Republic of Bulgaria and shall enter under its prosecution jurisdiction;

2. has been notified, that the requested person has been sentenced with an entered into force sentence by a Bulgarian court or by the court of a third Member State and the person services or has serviced the penalty, or the penalty cannot be executed as per the legislation of the country where the person has been sentenced for the same offence, which the warrant has been issued for.

3. the required person is under aged as per the Bulgarian legislation.

Grounds on which execution of European Arrest Warrant may be refused:

Art. 40. (*) The District Court may refuse execution of the European Arrest Warrant, if:

1. the offence which the warrant has been issued for shall be judicable by the Bulgarian court;

2. the limitation period for the prosecution or for execution of the penalty has elapsed as per the Bulgarian legislation and the offence shall be judicable by the Bulgarian court;

3. has been notified that the required person has served or serves penalty in a state, which is not a member of the European Union, upon an enacted sentence for the same offence for which the warrant has been issued for, or the sentence may not be executed as per the legislation, where the person has been sentenced;

4. the required person lives or is permanently staying in the Republic of Bulgaria, or is a Bulgarian citizen and the Republic of Bulgaria accepts to execute as per the Bulgarian legislation imprisonment penalty or the measure requiring detention in custody of the person which measures have been imposed by the court of the issuing Member State.

5. the offence has been committed, as a whole or partially, on the territory of the Republic of Bulgaria, or has been committed outside territory of the issuing Member State and

the Bulgarian legislation does not admit prosecution for such offence outside the territory of the Republic of Bulgaria;

Warranties provided by the issuing Member State

Art. 41. (*) (1) The European Arrest Warrant, issued for execution of imprisonment penalty or of measure requiring detention, where the required person has not been notified about the prosecution against him/her, and did not participate in the case, shall be executed only if the issuing Member State provides sufficient warranties that the person should have opportunity to exercise his/her right of repeated hearing of the case in the issuing state with his/her participation.

(2) An European Arrest Warrant, issued for a offence for which life imprisonment or measure requiring life detention is provided, shall be executed under condition that the legislation of the issuing Member State shall provide opportunity to:

1. revise the imposed penalty or measure upon the request of the person, or
2. revise the imposed penalty or measure ex officio, not later than 20 years, or
3. amnesty.

(3) If the European Arrest Warrant has been issued with the purpose of execution of prosecution against a Bulgarian citizen or against a person who is a permanently staying in the Republic of Bulgaria, his/her surrender shall be executed under the condition that, after he/she is heard in the issuing Member State, he/she shall be returned in the Republic of Bulgaria for serving of the imposed in the issuing Member State imprisonment penalty or the imposed measure which requires detention.

Actions after the receipt of the European Arrest Warrant

Art. 42. (*) (1) After the receipt of European Arrest Warrant directly from a competent body of the issuing country, the District Court of the territory where the required person is located, it shall check if the warrant meets the requirements of Art. 36 and 37 and shall order his/her detention for 24 hours by the police.

(2) If for the required person the signal has been received via the Schengen Information System (SchIS), the police shall detent the person for 24 hours.

(3) The police shall immediately inform the respective District Prosecutor about the detention of the person under Para 1 and 2.

(4) The signal under Para 2 shall be treated as equivalent of an European Arrest Warrant, if it is accompanied by the information under Art. 37, Para 1 and 2 and shall be executed in accordance with Art. 95 of the Convention of June, 19th 1990 on the Application of the Schengen Agreement on the step-by-step removal of the checks at the common state boundaries

Detention in custody

Art. 43. (*) (1) Within the term of Art. 42, Para 1 and 2, the prosecutor shall table at the respective district court a request for imposing of detention in custody measure to the required person.

(2) (amend., SG 86/05, in force from 29.04.06) The court shall hear the request immediately, following the order of Art. 64 of the Penal Procedure Code.

(3) The court shall appoint a defender for the person and an interpreter if the person does not understand the Bulgarian language, and shall acquaint him/her with the content of the European Arrest Warrant, as well as with his/her right of expressed consent to surrender to the competent bodies of the issuing Member State, and with the consequences of this.

(4) (amend., SG 86/05, in force from 29.04.06) Upon request of the detained person the District Court may change the detention in custody measure into another measure, which provides his/her participation in the procedure of execution of the European Arrest Warrant, following the order of Art. 65 of the Penal Procedure Code.

Court Procedure

Art. 44. (*) (1) The District Court shall start a court procedure and shall appoint court session for the hearing of the European Arrest Warrant within 7-day period from the detention by the police of the required person.

(2) The hearing of the European Arrest Warrant shall be at an opened session of three - members chamber with the participation of a prosecutor.

(3) The court shall appoint for the required person a defender if he/she has no such and an interpreter, shall clarify his/her right to give consent for surrender to the issuing Member State, as well as to make a rejection of application of the principle of peculiarity under Art. 61, and the consequences of such actions.

(4) The court may require from the issuing Member State additional information and shall determine a term for its receipt, as well as it may accept provided by the issuing Member State information.

(5) At the court session the court shall hear the prosecutor, the required person and his/her defender.

(6) The court shall discuss if the conditions for surrender under Art. 36 and 41 appear and if the reasons for cancellation of the execution or for execution under condition exist under Art. 52.

(7) The court shall pronounce immediately a decision for the surrender of the required person or for the refusal to execute the European Arrest Warrant.

Procedure upon a consent to surrender

Art. 45. (*) (1) If at the court session the required person expresses consent to surrender, as well as a rejection of application of the principle of the peculiarity, the court shall apply respectively Art. 19, Para 1 and 2.

(2) The required person may withdraw his/her consent under Para 1 within 3 days from its giving. In this case the procedure shall continue under the order of Art. 44.

(3) Where the required person gives a consent to surrender, the court shall pronounce a decision within 7-days term after the elapse of the period for withdrawal of the consent under Para 2 and after a check of the conditions under Art. 36 and 41 and of the grounds for refusal under Art. 39. The decision is final.

Decision at a set of European Arrest Warrants. Competition between European Arrest Warrant and application of extradition.

Art. 46. (*) (1) Where at the District Court European Arrest Warrants are received from two or more Member States for one and the same person, the court shall take decision

observing all the circumstances and after an assessment of the degree and place of the committed offences, dates of submission of the European Arrest Warrants and the purpose which the respective warrant is issued for.

(2) The court may consult with Eurojust at taking the decision under Para 1.

(3) In case of competition between European Arrest Warrant and a application of extradition submitted by a country, which is not a member of the European Union, the court shall assess all the circumstances, especially the envisaged in Para 1, and the envisaged in the respective international treaty.

(4) An application of extradition, submitted by the International Criminal Court shall be considered under priority.

Privileges and Immunities

Art. 47. (*) (1) If the required person has privileges or immunity regarding the jurisdiction of the Republic of Bulgaria and a Bulgarian body has the power to lift the privilege or to deprive the immunity, the court shall make e request immediately for this from the competent body.

(2) If competent body is a body of another country or an international organization, the court shall immediately notify the issuing body in order to make a request for the lifting of the privilege or to deprive the immunity.

(3) In the cases of Para 1 and 2 the terms for finalization of the court procedure on execution of European Arrest Warrant shall start run from the day on which the court has been notified about lifting the privilege or about depriving the immunity.

Procedure before the Court of Appeal

Art. 48. (1) The decision of the District Court shall be a subject of appeal before the Court of Appeal upon complaint of the person or of his defender, or upon a protest of the prosecutor, submitted within 5-days term from the announcement of the decision.

(2) The complaint and the protest shall be considered within 5-days period from their submission under the order of Art. 44.

(3) The decision of the court shall be pronounced not later than 60 days from the detention of the person by the police and is final.

Prolongation of the period for pronouncing the court decision

Art. 49. (*) (1) If the European Arrest Warrant cannot be executed within the terms of Art. 45, Para 3 and Art. 48, Para 3, the court shall immediately notify about this the issuing body and shall state the motives for the delay. In this case the periods shall be prolonged with additional 30 days.

(2) If the procedure has not been finalised within 90- days from the detention of the person by the police, the court shall immediately notify Eurojust about the delay and shall state reasons for this.

Temporary surrender or hearing of the required person

Art. 50. (*) (1) If the European Arrest Warrant is issued with the purpose prosecution and before the finalisation of the court procedure on execution of the warrant the issuing body

requires from the District Court hearing or temporary surrender of the required person, the court shall hear the person or shall surrender him/her temporary to the issuing body.

(2) The required person shall be heard by the court in the presence of the issuing body in accordance with the Bulgarian legislation and under conditions as defined in an agreement between the issuing body and the District Court.

(3) The required person shall be surrendered for a temporary surrender under conditions and for a term as per agreement between the issuing body and the District Court.

(4) A temporary surrender shall be admissible under condition that the issuing body guarantees the return of the person in the Republic of Bulgaria to participate in the court procedure on the execution of the warrant.

Surrender of a person extradited to the Republic of Bulgaria

Art. 51. (*) (1) A person, extradited to the Republic of Bulgaria from a country which is not a member of the European Union and protected by the principle of the peculiarity as provided in the international act under which act the person has been extradited, may not be surrendered to the issuing body, except a consent by the country where the person has been extradited from.

(2) The Minister of Justice shall immediately make request for consent to surrender to the issuing body from the competent body of the state, where the person had been extradited from.

(3) The terms for finalization of the court procedure on execution of European Arrest Warrant shall start run from the day of the receipt of the consent under Para 2.

(4) Until the decision of the state where the person has been extradited from is obtained, the District Court shall impose to the person a measure which shall provide his/her participation in the procedure on execution of the European Arrest Warrant.

Canceled execution of European Arrest Warrant. Execution under condition

Art. 52. (*) (1) If against the required person a pending prosecution or an sentence which has come into effect for a offence different than the stated in the European Arrest Warrant exist in the Republic of Bulgaria, with the decision for surrender the court may cancel the surrender until finalization of the prosecution or until the imposed penalty shall be served.

(2) In the cases of Para 1, instead of cancellation of the surrender, the court may surrender the required person temporary to the issuing Member State under conditions as defined in a written agreement between the court and the issuing body.

Notification about the decision

Art. 53. (*) (1) The District Court shall notify immediately the issuing body about the decision on the European Arrest Warrant and about the actions on its execution which will be undertaken.

(2) A certified copy of the decision on the execution of the European Arrest Warrant which has entered into force shall be sent immediately to the Supreme Cassation Prosecution for issuing of a decree for execution of the decision.

Section III.

Surrender of persons under European Arrest Warrant. Transit

Surrender of the person

Art. 54. (*) (1) Surrender of the required person shall be performed under the order of Art. 26, Para 1- 3 not later than 10 days from the court decision for execution of European Arrest Warrant becomes effective.

(2) If due to reasons not depending on the Member States the surrender of the person within the term of Para 1 is not executed, the Supreme Cassation Prosecution, the National Central Bureau of Interpol and the issuing body shall immediately agree upon a new date of surrender. In this case the surrender shall be executed not later than 10 days from the new date.

(3) The surrender may be temporary canceled by the District Court if a reasonable assumption that this may sustain danger for the life or for the health of the required person. The European Arrest Warrant shall be executed immediately after the assumption falls out. The Supreme Cassation Prosecution and the issuing body shall immediately agree upon a new date of surrender. In this case the surrender shall be executed not later than 10 days of the new date.

(4) If the person is not surrendered after the elapse of the terms under Para 1- 3, he/she shall be discharged.

Transit of a person who has been surrendered on the base of European Arrest Warrant

Art. 55. (*) (1) The Minister of Justice shall accept the applications of transit and the accompanying them documents in a manner which certifies their written transmission and shall immediately send them to the Supreme Cassation Prosecution.

(2) The Supreme Cassation Prosecution shall allow transit through the territory of the Republic of Bulgaria of a person, who is subject of surrender for execution of imprisonment penalty or of a measure which requires detention, under condition that information is provided about:

1. the identity and the citizenship of the person;
2. the issued European Arrest Warrant;
3. the nature and legal classification of the offence;
4. the circumstances upon which the offence has been committed, including the date and place of commitment.

(3) The Supreme Cassation Prosecution shall notify the Member State, which has required the transit and the Minister of Justice about their decision in a manner which can certify the transmission in written.

(4) If the person, for which an European Arrest Warrant has been issued with the purpose performance of prosecution, is a Bulgarian citizen or a permanently staying in the Republic of Bulgaria, the transit may be executed under the condition that after the finalisation of the prosecution in the issuing state with a sentence by which sentence imprisonment penalty or a requiring detention of the person measure is imposed, he/she shall be returned for serving in the Republic of Bulgaria.

(5) The provisions of this Art. shall not apply in case of transportation via air without planned interim landing in the Republic of Bulgaria. In case of extraordinary landing, the issuing Member State shall provide the information under Para 2 to the Minister of Justice.

(6) The provisions of Para 1- 5 shall be applied respectively if the transit is of a person, extradited from a third country into a Member State of the European Union.

(7) The provisions of this Art. shall be applied respectively also if the bodies under Art. 56, Para 1 require transit through the territory of another Member State of the European Union.

Section IV.

Issue of European Arrest Warrant in the Republic of Bulgaria

Competent Bodies

Art. 56. (*) (1) European Arrest Warrant in the Republic of Bulgaria shall be issued by:

1. the respective prosecutor – for an accused or for a sentenced with an entered into force sentence person;

2. the respective court – for a defendant.

(2) The European Arrest Warrant shall be issued in the form and of the content as laid in Art. 37.

Sending of European Arrest Warrant

Art. 57. (*) (1) If the location of the required person on the territory of a Member State of the European Union is known, the issuing body may send the European Arrest Warrant directly to the executing body in the Member State. Where the issuing body has no information about the executing body in the Member State, the issuing body shall consult with the European Judicial Network.

(2) The issuing body may bring a signal about the required person in SchIS through the bodies of the Ministry of Interior.

(3) The signal under Para 2 shall be transmitted in accordance with Art. 95 of the Convention of June 19th 1990 on the application of the Schengen Agreement of the June 14th 1990 on the step-by-step removal of the checks at the common state boundaries.

(4) The signal of seeking in SchIS shall be accompanied by the information under Art. 37, Para 1 and 2 and shall be considered equivalent to an European Arrest Warrant.

(5) Transmission of European Arrest Warrant may be performed via:

1. the Schengen Information System;

2. the telecommunication system of the European Judicial Network;

3. the bodies of the International Organisation of the Criminal Police (Interpol) or

4. each duly securitised manner, in which the executing Member State may identify the authenticity of the European Arrest Warrant.

(6) The complications at the identification the authenticity of a needed for the execution of the European Arrest Warrant document shall be solved directly by the issuing and by the executing body with the participation of the central bodies of the Member States.

Information which shall be provided by the issuing body

Art. 58. (*) The issuing body under art. 56, Para 1 shall provide needed data and information upon a request of the issuing body in relation with the procedures of execution of European Arrest Warrant.

Notification of delay of execution of European Arrest Warrant

Art. 59. (*) In case of regular delays of execution of an issued in the Republic of Bulgaria European Arrest Warrant by a Member State, the Minister of Justice shall notify the Council of the European Union in order to assess the execution by the Member States of the Framework Decision of the Council of the European Union № 2002/584/ JHA of June 13th 2002.

Section V. Consequences of the surrender

Deduction with the period of detention in the executing Member State

Art. 60. (*) The period of detention in the execution Member State in relation with an European Arrest Warrant, issued by the bodies under Art. 56, Para 1, shall be subtracted from the period of imprisonment which the person shall serve upon pronounced by a Bulgarian court sentence.

Principle of the peculiarity

Art. 61. (*) (1) A person which has been surrendered on the base of European Arrest Warrant may not be prosecuted, judged or detained in the Republic of Bulgaria for an offence committed before the surrender, and different from this for which the warrant is issued for.

(2) Para 1 shall not be applied where:

1. the surrendered person had the opportunity to leave the territory of the Republic of Bulgaria and did not leave up to 45 days after his/her final discharging, or has returned again on it after he/she had left it.

2. for the offence no imprisonment or life-sentence is stipulated;

3. the prosecution does not require imposing of a measure limiting the personal freedom,

4. the required person has rejected the application of the principle of peculiarity before the executing body simultaneously with the giving of consent to surrender in the Republic of Bulgaria;

5. after the surrender in the Republic of Bulgaria , the required person has explicitly rejected application of the principle of peculiarity for offences committed before the surrender;

6. the executing body has given a consent not to apply the principle.

(3) In the cases of Para 1, item 5 the surrendered in the Republic of Bulgaria person may reject application of the principle of the peculiarity before the competent body which has issued the warrant and Art. 19, Para 1 and 2 shall be applied respectively.

Prosecution for other offences with the consent of the executing body

Art. 62. (*) (1) Application for obtaining of consent under Art. 61, Para 2, item 6 shall be submitted by the respective Bulgarian body, which body has issued the order, together with the information and the translation under Art. 37.

(2) Application for giving consent shall be submitted at the District Court on the ground of which decision the person had been surrendered, together with the information and the translation under Art. 37, and following the procedure of Art. 57. The court shall give consent observing the provisions of Art. 36 and Art. 39 – 41. The court shall rule with a decision not later than 30 days from the receipt of the application.

Further surrender or further extradition

Art. 63. (*) (1) A person which has been surrendered into the Republic of Bulgaria by a Member State, may be surrendered to a third country on the base of an European Arrest Warrant, issued for a committed before his/her surrender to the Republic of Bulgaria offence, without the consent of the executing body, if:

1. the person gives consent to surrender to a third Member State on the base of an European Arrest Warrant under the order of Art. 61, Para 3;

2. the required person does not benefit the principle of the peculiarity under Art. 61, Para 2, items 1 and 4-6.

(2) After a surrender of a person by the Republic of Bulgaria on the base of European Arrest Warrant into the issuing state, consent to surrender to a third country shall be given by the District Court, which has pronounced decision for execution of the warrant, under the conditions and following the order as provided in Art. 62, Para 2.

(3) A person who has been surrendered to the Republic of Bulgaria on the base of an European Arrest Arrant, may be surrendered to a third state, which is not a member of the European Union, only with the consent of the executing Member State.

Handing over property

Art. 64. (*) (1) In the following cases seizure and handing over of property may be ordered by the respective District Court upon request of the issuing body, or ex-officio, and in accordance with the Bulgarian legislation:

1. the property may be requested as evidences; or

2. has been obtained by the requested person in a result of the offence.

(2) The property under Art. 1 shall be handed over also in the cases, where the European Arrest Warrant cannot be executed due to death or to abscond of the person.

(3) Where the items under Para 1 shall be a subject of seizure or confiscation on the territory of the Republic of Bulgaria, if they are needed in relation to a pending prosecution in the issuing Member State, the competent Bulgarian court may take a decision for their temporary detention in the Republic of Bulgaria or to deliver them temporary to the issuing Member State under the condition they shall be returned.

(4) The acquired rights by the Republic of Bulgaria or by third persons on the envisaged property shall be preserved. If such rights appear, the items shall be returned in the executing Member State immediately after the finalisation of the prosecution.

Expenses

Art. 65. (*) (1) The made by the Republic of Bulgaria as executing state expenses on execution of European Arrest Warrant, shall be borne by the Republic of Bulgaria.

(2) All other expenses shall be borne by the issuing state.

Subsidiary application of the Penal Procedure Code

Art. 66. As far as this law does not contain special rules, the provisions of the Penal Procedure Code shall be applied.

Transitional and concluding provisions

§ 1. The started extradition procedures and the admitted extraditions shall be finalized and executed following the order of this law.

§ 2. The Penal Procedure Code (prom., SG 89/ 1974; corr., 99/ 1974, 10/ 1975; amend., 84/ 1977, 52/ 1980, 28/ 1982; corr., 38/ 1982; amend., 89/ 1986, 31/ 1990;corr., 32 and 35/ 1990;amend., 39, 109 and 110/ 1993, 84/ 1994, 50/ 1995, 107 and 110/ 1996, 64/ 1997; corr., 65/ 1997; 95/ 1997, 21/ 1998, 45/ 1998 - Decision No. 9/1998 of the Constitutional Court; amend., 70/ 1999, 88/ 1999 - - Decision No. 14/1999 of the Constitutional Court; amend., 42/ 2001; 74/ 2002 , 50 and 57/ 2003, 26, 38, 89 and 103/ 2004) shall be amended and supplemented as follows:

1. In Art, 362a, Para 1 shall be created sentence two: "If the motion has been filed by a sentenced by default and handed by another state to the Republic of Bulgaria, against provided bails over the suit, the court shall revive it, without assessment of if the person had been or had not been aware of the criminal prosecution against him or her."

2. Section II of the Chapter Twenty Two "Special Proceedings" and Art. 435 – 441 shall be repealed.

§ 3. The law enters into force one month after its promulgation in the State Gazette, excluding Art. 35 – 36, which Art.s shall enter into force from the date of the Agreement on Accession of the Republic of Bulgaria to the European Union becomes effective.

The law was adopted by the XXXIX National Assembly on the 20th of May 2005 and was affixed with the official seal of the National Assembly.

Annex to Art. 37, Para 1

European Arrest Warrant (*1)

This warrant has been issued by a competent judicial authority. I request that the person mentioned below be arrested and surrendered for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

(a) Information regarding the identity of the requested person:

.....

.....
Name:
Forename(s):
Maiden name, where applicable:
.....
Aliases, where applicable:
.....
Sex:
Nationality:
Date of birth:
Place of birth:
Residence and/or known address:
.....
.....
Language(s) which the requested person understands (if known):
.....
Distinctive marks/description of the requested
person:
.....
Photo and fingerprints of the requested person, if they are available and can be
transmitted, or contact details of the person to be contacted in order to obtain such
information or a DNA profile (where this evidence can be supplied but has not
been included)

(b) Act on the grounds of which the warrant is issued:
1. Detention act:.....
Type:
.....
2. Entered into force sentence:
Number for reference:
.....
.....
(c) Indications on the length of the sentence:
1. Maximum length of the custodial sentence or detention order which may be imposed
for the offence(s):
.....
.....
2. Length of the custodial sentence or detention order imposed :
.....
.....
.....
Remaining sentence to be served:
.....
.....

(d) Decision rendered in absentia and:
- the person concerned has been summoned in person or otherwise informed of the

date and place of the hearing which led to the decision rendered in absentia,
or
- the person concerned has not been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia but has the following legal guarantees after surrender (such guarantees shall be given in advance)
Specify the legal guarantees:
.....
.....
.....

(e) Offences:

This warrant relates to in total: offences .
Description of the circumstances in which the offence(s) was (were) committed, including the time, place and degree of participation in the offence(s) by the requested person:
.....
.....
.....
Nature and legal classification of the offence(s) and the applicable provisions of the Penal Code:
.....
.....
.....
.....
I. If applicable, tick one or more of the following offences punishable in the Republic of Bulgaria by a custodial sentence or detention order of a maximum of at least 3 years as defined by the laws of the Republic of Bulgaria:

- participation in a criminal organization;
- terrorism;
- trafficking in human beings;
- sexual exploitation of children and child pornography;
- illicit trafficking in narcotic drugs and psychotropic substances;
- illicit trafficking in weapons, munitions and explosives;
- corruption;
- fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of European Communities' financial interests;
- laundering of the proceeds of offence;
- counterfeiting of currency, including the euro;
- computer-related offence;
- environmental offence, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- facilitation of unauthorised entry and residence;
- murder, grievous bodily injury;
- illicit trade in human organs and tissue;

- kidnapping, illegal restraint and hostage-taking;
- racism and xenophobia;
- organised or armed robbery;
- illicit trafficking in cultural goods, including antiques and works of art;
- swindling;
- racketeering and extortion;
- counterfeiting and piracy of products;
- forgery of administrative documents and trafficking therein;
- forgery of means of payment;
- illicit trafficking in hormonal substances and other growth promoters;
- illicit trafficking in nuclear or radioactive materials;
- trafficking in stolen vehicles;
- rape;
- arson;
- offences within the jurisdiction of the International Criminal Court;
- unlawful seizure of aircraft/ships;
- sabotage.

II. Full descriptions of offence(s) not covered by section I above:

.....

(f) Other circumstances relevant to the case (optional information):

(NB: This could cover remarks on extraterritoriality, interruption of periods of time limitation and other consequences of the offence)

.....

(g) This warrant pertains also to the seizure and handing over of property which may be required as evidence:

This warrant pertains also to the seizure and handing over of property acquired by the requested person as a result of the offence:

Description of the property (and location) (if known):

.....

(h) The offence(s) on the basis of which this warrant has been issued is(are) punishable by/has(have) led to a custodial life sentence or lifetime detention order:

- the legal system of the Republic of Bulgaria allows for a review of the penalty or measure imposed . on request or at least after 20 years, aiming at a non-execution of such penalty or measure,
 and/or

- the legal system of the Republic of Bulgaria allows for the application of measures of clemency to which the person is entitled under the Penal Code of the Republic of Bulgaria, aiming at non-execution of such penalty or measure.

(i) The judicial authority which issued the warrant:
Official name:
Name of its representative(*2):.....
.....
Post held (title/grade):
.....
File reference:
.....
Address:.....
.....
Tel: (country code) (area/city code)
(..).....
Fax: (country code) (area/city code)
(..).....
E-mail:
.....
Contact details of the person to contact to make necessary practical arrangements for
the surrender:
.....
.....

Where a central authority has been made responsible for the transmission and
administrative reception of European arrest warrants:
Name of the central authority:
.....
Contact person, if applicable (title/grade and name):
.....
.....
Address:
Tel: (country code) (area/city code)
(..).....
Fax: (country code) (area/city code)
(..).....
E-mail:
Signature of the issuing judicial authority and/or its representative:
.....
.....
Name:.....
Post held (title/grade):.....
Date:
.....
Official stamp (if available)

(*1) This warrant must be written in, or translated into, one of the official languages
of the executing Member State, when that State is known, or any other language accepted by
that State.

(*2) In the different language versions a reference to the "holder" of the judicial authority will be included.