

Republic of Bulgaria – national procedures for transfer of sentenced  
persons  
Updated 28/04/2015

The information contained in this table should be updated on a yearly basis.

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for the transfer of sentenced persons:</p>	<p>Ministry of Justice of the Republic of Bulgaria, tel.: +35929237545/515, fax: +35929237545, e-mail: <a href="mailto:k_panova@justice.government.bg">k_panova@justice.government.bg</a> <a href="mailto:Terziivanov@justice.government.bg">Terziivanov@justice.government.bg</a> Postal address: 1, Slavyanska Str., 1040 Sofia BULGARIA</p>
<p>If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):</p>	
<p>If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned (name of the institutions, address, telephone, fax and e-mail where available):</p>	<p>The Authorities in charge of coordinating and/or implementing the physical transfer of the person concerned are the Central Authority – Ministry of Justice and the Prosecutor General of the Republic of Bulgaria</p> <p>Prosecutor General of the Republic of Bulgaria, tel.: +35929370343/+35929219330, fax: +35929885895, e-mail: <a href="mailto:mpp_vkp@prb.bg">mpp_vkp@prb.bg</a>, Address: Sofia 1061, 2 “Vitosha” Str.</p> <p>Directorate General “Security”, Ministry of Justice, tel.: +35929263952, fax: +35928902055, Address: Sofia 1309, 2 “Major Vekilski” Str.</p>
<p>Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):</p>	<p>Directly</p>

Means of communication (e.g. by post, fax, e-mail <sup>1</sup> ):	Requests for transfer and replies shall be made in writing. Requests shall be addressed by the Ministry of Justice of the requesting State to the Ministry of Justice of the requested State. Replies shall be communicated through the same channels.
-------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Language requirements:	The requests for transfer and supporting documents shall be accompanied by a translation into Bulgarian, or in the absence of such, with a translation into either one of the official languages of the Council of Europe.
------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Documentation required:	Written application from the person; the name, date and place of birth of the sentenced person; his address, if any, in the administering State; a statement of the facts upon which the sentence was based; a certified copy of the judgment and the law on which it is based; the nature, duration and date of commencement of the sentence; a statement indicating how much of the sentence has already been served, including information on any pre-trial detention, remission, and any other factor relevant to the enforcement of the sentence; a declaration containing the consent to the transfer; and whenever appropriate, any medical or social reports on the sentenced person, information about his treatment in the sentencing State, and any recommendation for his further treatment in the administering State.
-------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Continued enforcement or conversion of the sentence <sup>2</sup> :	After the convicted person arrives in the Republic of Bulgaria or it is established that he/she is in its territory, the Prosecutor General shall send the sentence accepted for execution and the materials of the Sofia City Court attached thereto with a proposal for deciding the issues connected to its execution. The
--------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<sup>1</sup> Please indicate if encryption or electronic signature is required.

<sup>2</sup> In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

	<p>court shall pronounce itself on the proposal with a definition in a court hearing with the participation of a prosecutor and summoning the convicted person. The definition shall contain the number and date of the sentence accepted for execution, the case in which it has been enacted, the text of the law of the Republic of Bulgaria stipulating liability for the perpetrated crime, the term of the imprisonment punishment imposed by the foreign court, and the initial regime of serving the punishment shall be determined.</p> <p>When under the law of the Republic of Bulgaria the maximum term of imprisonment for the perpetrated crime is shorter than that determined with the sentence, the court shall reduce the imposed punishment to this term. When under the law of the Republic of Bulgaria imprisonment is not stipulated for the perpetrated crime, the court shall determine a punishment corresponding most fully to that imposed with the sentence.</p> <p>The pre-trial detention and the served punishment in the state where the sentence has been enacted shall be deducted, and when the punishments are different, these periods shall be taken into consideration in determining the term of the punishment.</p> <p>The additional punishments imposed with the sentence shall be subject to execution, if such ones are stipulated in the respective text of the legislation of the Republic of Bulgaria and have not been executed in the state where the sentence was enacted.</p>
<p>General rules on early release:</p>	<p>The court can rule a probationary release ahead of term for the remaining part of the punishment of imprisonment or probation regarding a convicted with exemplary conduct and honest attitude to the work, and who has proven his reformation and has served actually no less than half of the imposed punishment.(see Article 70 Bulgarian Criminal Code)</p>
<p>Scope of application with regard to transfer of mentally disordered persons:</p>	<p>Regarding a person who has committed a socially dangerous act in a state of insanity or who has lapsed into such a state before the ruling of the verdict or during the serving of the sentence the court can rule:</p>

	<p>a) delivery to the next of kin if they undertake an obligation for his treatment under the supervision of a psycho-neurological dispensary;</p> <p>b) mandatory treatment in a general psycho-neurological establishment;</p> <p>c) mandatory treatment in a special psychiatric hospital or in a special ward of a general psycho-neurological establishment.</p> <p>The mandatory treatment in a general psycho-neurological establishment can be ruled by the court regarding a mentally ill who, in view of his psychic status and of the nature of the committed socially dangerous act, needs care and treatment by mandatory order.</p> <p>The mandatory treatment in a special psychiatric hospital or in a special ward can be ruled by the court regarding a mentally ill person who, in view of his psychic status and the nature of the committed socially dangerous act is particularly dangerous for the society or for his next of kin. In these cases the person shall be kept under doubled supervision excluding the possibility for him to commit a new socially dangerous act.</p>
<p>Scope of application with regard to nationals and/or residents:</p>	<p>According to the Convention on the transfer of sentenced persons a sentenced person may be transferred only if that person is a national of the administering State.</p> <p>Under the provisions of the Additional Protocol from 1997 the consent of the sentenced person shall not be required to the transfer of the execution of the sentence. The opinion of the sentenced person is provided in the case when that person is subject to an expulsion or deportation order.</p>
<p>Other particularly relevant information (such as practice regarding time limits or revocation of consent):</p>	<p>According to the declaration made by The Republic of Bulgaria the consent of the person concerned cannot be withdrawn after the authorities responsible for his transfer have taken their decision.</p>


Links to national legislation, national guides on procedure:	PENAL PROCEDURE CODE, Chapter 36, Section I <a href="http://www.justice.government.bg">www.justice.government.bg</a>
--------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------

--	--

Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS°112 and PC-OC INF 12):	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<b>For Parties to the Additional Protocol</b>	
-----------------------------------------------	--

Information on the implementation of Article 2 (e.g. interpretation of “by fleeing to”):	According to Article 454 of the Bulgarian Criminal Code, Para (1), Point 2 - the consent of the convicted person shall not be required for the transfer when:  Point 2. before serving the verdict, the convicted person has fled from the state, which has convicted him/her, to the territory of the state whose citizen he/she is.
------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

--	--

Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence):	According to Article 454 of the Bulgarian Criminal Code, Para (1), Point 1 the consent of the convicted person shall not be required for the transfer when:  Point1. the verdict or the subsequent administrative decision of the state, which has convicted the person, includes an order for expulsion (deportation) or another act under which the person, after his/her release from the place of imprisonment, cannot stay on the territory of the state, which has convicted him/her;  In the cases under Para. 1, Point 1, before enacting the decision for transfer, the opinion of the
---------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	convicted person shall be taken into consideration.
Documentation required:	
Other relevant information:	