



Project on improving the Asset Recovery System in Bulgaria (AR- Bulgaria)

Pre-defined Project Description	
Programme Area	PA 30 (BG13): Schengen Cooperation and Combating Cross-border and Organised Crime including Trafficking and Itinerant Criminal Groups
Pre-defined Project	Project on improving the Asset Recovery system in Bulgaria (AR-Bulgaria)
Project Promoter	The Commission for Illegal Assets Forfeiture (CIAF)
Donor Project Partner:	Council of Europe
Financial Mechanism	EEA and Norway Grants (June 2011 Memorandum of Understanding) Norwegian Financial Mechanism 2009-2014
Budget	1.000.000 EURO
Duration	18 months

1 INTRODUCTION AND STATE OF PLAY

1. Economic and organised crime, corruption and money laundering pose serious threats to the countries in South East Europe and beyond the region. They undermine public trust in the rule of law and the institutions of governance and ultimately weaken civil society, the protection of human rights and the prospect for economic development.
2. Strengthening the current systems to trace, seize and forfeit proceeds of crime, is a matter of urgency and one of the crucial steps towards the implementation of Bulgaria's priority and that is, preventing and combating organized crime and corruption, reinstating justice and compensating the victims of crime.
3. In Bulgaria the Asset Recovery System has a relatively short history in terms of operational asset recovery. The original: "Law of Divestment in Favour of the State of Property Acquired from Criminal Activity" was adopted in 2005 (hereafter – the CEPACA law) while the Commission for Establishing of Property Acquired from Criminal Activity (CEPACA) was defined as the competent state authority for asset recovery. A second new "Law on Forfeiture in favour of the State of Illegally Acquired Property" followed in early May 2012, taking effect in November 2012 (hereafter – the CIAF law), which abolished CEPACA and created the CIAF (Commission for Illegal Assets Forfeiture) as a full-fledged successor assuming all rights and liabilities of the old CEPACA. The CEPACA law is still functional with regards to legal cases launched under that law until they are closed.
4. The Commission (CIAF) is a collegial body consisting of five members, including a Chairman and a Deputy Chairman. The Chairman of the Commission is appointed by the Prime Minister, the Deputy Chairman and two of the members are elected by the National Assembly and yet another member is appointed by the President of the Republic. The purpose of this principle is to guarantee independence of the CIAF Members. For this same purpose, CIAF submits an annual report on its activity, which is presented to the National Assembly, the President and the Prime Minister. The CIAF has its own budget and carries out its activities with the help of general and specialized administration. The specialized administration is organized in 5 territorial directorates which are directly subordinated to the Commission. Upon receiving a notification from the prosecutors regarding a perpetrator, the Commission shall start a check about the origin of his/her property. The Commission pronounces its decisions, based on a majority and provided that more than half of its members are present, that concerns: 1) opening a procedure against the person who is the focus of the respective report, 2) requesting the Court for seizing the property that is the object of forfeiture, 3) requesting the Court to forfeit property of illicit origin of the person checked. The decisions of the court are subject to appeal through the standard appellation procedure. Pursuant to the new law, proceedings before the Commission may also be instituted when criminal proceedings have not been initiated or have been dismissed or stayed due to illness, death, etc., preventing a suspect from standing a trial (this provision was also a part of the former legislation).
5. According to the previous law the threshold for inspections conducted by the Commission to assess the property assets of respective person could not go back to more than 25 years from the date of starting the inspection. According to the same law, the amount of "Significant value" was fixed at a minimum of 60 000 levs. The procedures under that law used to be carried out when it had been established that a given person[s] had acquired property of significant value, based on the allegations that it had been acquired from a criminal activity, and against her/him criminal proceedings (prosecution) had started for crimes prescribed in the Criminal Code.

6. The new CIAF Law contains rules regarding non-conviction based forfeiture (NCB). The main changes introduced through it are:
- the shortening of the statute of limitation period from 25 years to 10 years.
 - the threshold of the asset value that falls within the notion of “significant value” is 250 000 Levs now (1 Euro \approx 1.96 Levs), and it is treated as a prerequisite for confiscation of the respective estate if the legal sources for its acquirement have not been proven.
 - introduction of the civil procedure approach when the threshold of 250 000 Levs is met: a civil court decision is sufficient in such cases (thus no need for penal proceedings any more, i.e. awaiting an end to a three - instance procedure engaged before the Criminal Courts); both procedures - civil and penal - run independently of each other.
 - The possibility to launch a forfeiture procedure, based on administrative offences with an applicable threshold of 150 000 Levs.
 - Introducing a new institution, namely: the Inter-institutional Council for Managing of the Forfeited Assets (ICMFA).

7. The new law establishes an entirely new legal framework and evokes two stages of non-conviction based confiscation proceedings: 1) Proceedings at the Commission for Illegal Assets Forfeiture (which probes the sources of the acquired assets and ensures that precautionary measures are taken to preserve them); and 2) Forfeiture proceedings before a civil court. According to the law, probes are conducted into the assets of persons against whom criminal proceedings have been brought, as well as natural and legal persons who own or control assets which can reasonably be considered to have been acquired through a crime committed by another person against whom criminal proceedings had been brought. The main feature of the new law is the lack of inter-dependence between the decisions of the penal and the civil courts, (while previous legislation allowed a Commission's claim for forfeiture to take effect only after a final conviction had been pronounced).

8. According to Art. 30 of the new law, the bodies that are in charge of establishing whether a property was acquired from criminal activity are the Ministry of Interior, the National Investigation Service, State Agency for National Security, the Customs Agency, and the Office of the Prosecutor. The Prosecutor's Office informs CIAF about persons who are indicted for crimes, listed in the new law, thus providing the Commission with the grounds to initiate a legal probe in the person's assets. The Ministry of Justice informs CIAF about each case of criminal proceedings in another country or a final foreign court conviction against Bulgarian citizens for crimes corresponding to those listed in the new law. The Supreme Cassation Prosecutor's Office and the Ministry of Justice inform CIAF about any transfer of penal proceedings from a foreign to a Bulgarian court. In the course of executing its duties CIAF may ask for support and information from all state and municipal bodies, enterprises and credit institutions, as well as other legal persons, notaries, and executives. All those subjects are obliged to submit the requested information within one month except for such information that falls under a special regime. In order to meet the purposes set in the CIAF law, the Commission's inspectors receive access to the personal data of the persons checked, their family members, and other affiliated persons. Handling of such data must comply with the Law on Protection of Personal Data.

9. During the last 4 years, the Commission's total number of initiated cases for which the courts ordered confiscation/forfeiture reached 4 in 2009 with a total value of asset forfeiture up to 677,198.32 Levs; reached 11 cases in 2010 with a total value of asset forfeiture up to 6 798,434.11 Levs; reached 27 cases in 2011 with a total value of asset forfeiture up to

9 355,364.00 Levs; and reached 38 cases in 2012 with a total value of asset forfeiture up to 12 369,345 Levs. In 2013 a total of 42 cases produced 12 879 473 Levs in forfeited assets.

10. While CIAF is responsible for securing the seized property, it has no competence regarding the employment, management and transfer of property forfeited as a result of its activity. The newly created Inter-institutional Council for Managing of the Forfeited Assets (ICMFA) is in charge of those activities. The main function of the Council is to elaborate proposals for distributing the confiscated assets, donating them for humanitarian purposes, or tasking someone with their sale. The new law provides that the Inter-institutional Council for Managing of the Forfeited Assets is a collective authority consisting of vice-ministers appointed by the Minister of Justice, Minister of Finance, Minister of Economy, Energy and Tourism, Minister of Work and Social Politics and Minister of Regional Development and Public Works, and chaired by a Vice-Minister of Finance. The Commission is obliged to inform the ICMFA, no less than once a month, about the court-decisions on civil confiscation of assets that have come into effect. All positive court decisions and enforcement orders have to be forwarded to the Council. So far the ICMFA has not yet become operational.

2 INTERNATIONAL COMMUNITY VIEWS RELEVANT TO THE ASSET RECOVERY SYSTEM IN BULGARIA

11. In the July 2011 Report of the Commission to the European Parliament and the Council on Progress in Bulgaria under the Cooperation and Verification Mechanisms it is stated that *“Since the Commission's last annual report the Bulgarian authorities pursued plans to strengthen asset forfeiture following recommendations by the Commission. Bulgaria needs to pursue urgently the adoption of this asset forfeiture legislation, despite recent setbacks in Parliament. Other weaknesses of asset forfeiture must still be addressed: Assets must be identified and secured at early stages of investigations before they can be hidden or moved. For this purpose, efficient cooperation must be established between the asset forfeiture commission, financial institutions, administrative authorities and the prosecution including the joint teams.”*

12. Furthermore, the same report recommends that Bulgarian authorities are advised to: *“(i) Adopt legislation providing for non-conviction based confiscation and ex-officio verification of assets of senior officials, magistrates and politicians, and demonstrate a track record in this area; and (ii) Establish efficient cooperation between the asset forfeiture commission, financial institutions, administrative authorities and the prosecution including the joint teams and develop a track record in securing assets upon the launch of investigations”;*

13. The Venice Commission has welcomed the implementation of the notion of civil forfeiture in the Bulgarian legislation after having taken into account the peculiarities of the economic development in Bulgaria during the last twenty years, the level of corruption and organized crime, as well as the unsuccessful trial in combating them. In its conclusions as stated in the Interim Opinion № 563/2009 dated 16 March 2010: *“Given the situation in Bulgaria, the choice of its authorities to use a non-conviction based forfeiture as a tool in fighting corruption and organized crime in a country cannot be criticised. The draft Law can also be seen as an answer to requests from international organisations for Bulgaria to reform its legislation in this field. Whilst the purpose of this mechanism is to be strongly encouraged, it should not have the effect of reducing the guarantees contained in the European Convention on Human Rights (hereinafter: the ECHR).³⁹ The Venice Commission acknowledges the fact that the extension of the scope of the draft Law and the corresponding change of its title is the result of the wish of the Bulgarian authorities to address the phenomenon of “inexplicable enrichment” of public*

servants widely spread in the country. However, the Venice Commission stresses that the Bulgarian authorities must ensure that the relevant procedures be devised and carried out in compliance with the Constitution, the ECHR and the European standards concerning the rule of law and respect for human rights.⁴³ In this regard, the Venice Commission recalls that a civil forfeiture system should balance the will to recover assets deriving from illegal activities - and which have been deliberately transferred to third parties as part of the laundering process - with appropriate safeguards for the protection of third parties rights (who may be genuinely innocent property owners). The Venice Commission therefore strongly recommends introducing relevant provisions ensuring the establishment of an asset seizure and forfeiture fund as well as of the adequate structures for control and auditing of asset administration. Further, a particular attention should be made to ensure that property offered for public sale is not purchased by exponents of organized crime or by a man of straw of the very person from whom the property in question has been forfeited”.

14. The phenomenon of unexplained wealth was the main topic at the three-day Annual Conference in Sofia (14-16 September 2011) of CARIN (Camden Asset Recovery Inter-Agency Network), an informal international network of judicial and law enforcement practitioners, who are experts in the field of asset tracing, freezing, seizure and confiscation. The Bulgarian Commission for Establishing Property Acquired from Criminal Activity (CEPACA) hosted the Annual Conference and General Meeting of CARIN. Bulgaria is a CARIN member since March 2007 and a member since 2008 of its Steering Group which is its decision making body.

15. The Council of Europe’s MONEYVAL Committee in its 4th Round Mutual Evaluation Report adopted in September 2013 recommended *inter alia* that: *i) the authorities take legislative measures in order to include a definition of property, which is subject to security measures and confiscation; ii) Distinct provisions and adequate procedures for protection of the rights of bona fide third parties be included in the legislation; iii) Efforts be made by the authorities to increase the number of provisional measures applied and the volume of forfeited assets and to make more use of the powers currently vested to them by the existing legislation which offers a relatively broad authority to seize/sequester and to confiscate.* The UNCAC Implementation Review Group in its analysis of the asset recovery regime of Bulgaria recommended to “*ensure that all appropriate measures are in place to further reinforce the proper administration of frozen, seized or confiscated property derived from, used — or destined for use — in the commission of offences established domestically in accordance with the UNCAC*”.¹

3 NATIONAL PRIORITIES CONCERNING THE ASSET RECOVERY SYSTEM IN BULGARIA

16. According to the report of the European Commission to the European Parliament and the Council on Progress in Bulgaria under the Cooperation and Verification Mechanisms (Brussels, 20.7.2011), and other international monitoring mechanisms of relevance in the area of and relevant to asset recovery the Bulgarian government has declared a series of priorities as regards fight against organized crime and corruption. More specifically:

17. **Fight against Organised Crime:** Bulgaria has pursued a new police reform. A reorganisation of the competent police directorates led to an integration of operative and investigative police work and to a substantial increase in the number of police investigators. Bulgaria should continue its efforts for police reform and link it to a wider reform of pre-trial investigations. This will require establishing effective operational cooperation with the

¹ Executive summary: Bulgaria. (CAC/COSP/IRG/2011/CRP.11)

prosecution and other authorities, the application of the principle of joint teams in all serious crime cases and investment in equipment and specialised training. The joint team on organised crime achieved several indictments related to important organised crime-groups and some convictions have been rendered, other important cases have been concluded with acquittals since 2010. In appeal, severe detention sentences have been pronounced but not yet enforced in one emblematic organised crime case.

18. Weaknesses exist in the collection of **evidence**, **the protection of witnesses** as well as in investigative strategies, comprehensive financial investigations and the securing of assets. The General Prosecutor should systematically analyse the reasons for acquittals in high level cases, make recommendations for the handling of future cases when shortcomings in the procedure have been identified and appeal the acquittal decisions when it appears that the Courts did not properly assess the evidence provided.

19. Bulgaria decided to reform the judicial structures that deal with organised crime cases. A **specialised criminal court and prosecution office** have been established. In the preparation for the setting up of the specialised structure, it is important to secure its effectiveness and independence. In particular, the court's attribution of cases must be balanced with its staff capacity in order to allow for swift and effective investigations, prosecution and sentencing of organised crime cases.

20. Fight against Corruption: The fight against **high-level corruption** has not yet led to convincing results. There have been very few final and enforced verdicts in this area and there are no indications of active targeting of high-level corruption. Since summer 2010, two suspended sentences were pronounced in cases of high-level fraud and corruption. Two cases against former ministers finished with acquittals. Two other cases involving a former minister and a high public official have met difficulties and delays in court. Appeals in two cases involving fraud of EU funds and money laundering, reported last year, remain pending in court with little movement.

21. A number of cases involving EU funds were terminated by the prosecution despite indications of **fraud** provided by OLAF and the judicial authorities of another Member State. Since summer 2010, Bulgaria registered acquittals in a number of important fraud and corruption cases.

22. The analysis over some of these cases by the European Commission and independent experts demonstrated serious weaknesses in **judicial and investigative** practice. These weaknesses mainly concern the collection of evidence, the protection of witnesses and the general lack of investigative strategies, comprehensive financial investigations and securing of assets. Coordination within the prosecution and between the prosecution and the police should be improved. These weaknesses are compounded by an out-dated Penal Code. Court practice is permissive and excessively cautious, overly attentive to procedures at the expense of delivering justice. While the revision of the Penal Code is advancing, immediate corrective measures, such as the use of interpretative rulings by the Supreme Court of Cassation or legislative amendments should be considered, since a new Penal Code is yet to come into effect.

23. In November 2010, Bulgaria adopted a strengthened law on **conflict of interest**. Delays in the nomination of the members of the dedicated commission created by the law and in the set-up of its administration have led to an interruption in the follow-up of signals of conflict of interest since the first quarter of 2011. In this context, concerns must be raised regarding weaknesses in asset declarations and verifications of politicians, magistrates and senior civil servants.

24. Bulgaria continues to implement an integrated **strategy to prevent and sanction corruption and organised crime** and took a number of measures in this framework. Bulgaria should consider establishing a set of concrete targets for the fight against corruption and organised crime for the different institutions involved in the implementation of the Integrated Strategy. Bulgaria should also involve external experts and civil society in the evaluation of the results of the Integrated Strategy.

25. Bulgaria has prepared a number of changes to the **Public Procurement Law** which inter alia aims at simplifying and speeding-up public procurement procedures. Bulgaria also intends to amend the law on the Public Financial Inspections Agency in order to allow for ex-officio checks of public tenders and develop checks based on risk assessment. These legal improvements are welcome. However, the main challenge in the field of public procurement remains a substantial improvement in administrative capacity and in the quality of administrative action.

3.1 **International Standards (Treaty law) applicable to Bulgaria concerning Asset Recovery**

26. The asset recovery system in Bulgaria is affected to a greater or lesser degree by different international conventions, such as United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, United Nations Convention against Transnational Organized Crime, United Nations Convention against Corruption, European Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime, European Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (a Law on Recognition, Execution and Freezing Orders or Evidence, followed thereafter; the central competent authority is the Sofia City Court and the Supreme Cassation Prosecutor's Office, Republic of Bulgaria), Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property, Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation (a Law on the Recognition, Execution and Transmission of Decisions about Confiscation or Forfeiture, and Decisions for Imposing Financial Penalties, followed thereafter; the central competent authority is the Ministry of Justice, Republic of Bulgaria and the local district courts as well).

4 **ASSET RECOVERY SYSTEM CHALLENGES AND NEEDS TO BE ADDRESSED**

4.1 **Challenges faced by the Asset Recovery System in Bulgaria**

27. The adoption of the New Law introduces significant changes to the Asset Recovery System of Bulgaria, which in turn poses challenges in terms of the practical implementation of the provisions by the institutions concerned. This requires an effort to build up capacity based on previous experience, especially in the process of setting up the two new government institutions envisioned by the Law – the CIAF (already taken place but the process of optimizing CIAF structure is still ongoing) and the ICMFA. The ICMFA will be charged with the functions related to justified re-distribution of forfeited goods for social (both material and humanitarian) purposes. Therefore Bulgaria faces the complex challenge of creating from scratch an efficient and transparent system of asset management in rather tight timeframes.

28. The issue of asset recovery is politicized domestically to a significant degree, which may impede the consistent implementation of adopted measures in the long term. Therefore broader outreach to the various government and non-government stakeholders, as well as the general public is needed, in order to ensure wider support and acceptance of the measures, and increase the understanding of respective roles of various actors involved in the AR regime.

29. The Commission continues to face difficulties in terms of interagency information exchange, which affect the work process and slow down the exchange of information. This concerns a range of institutions, e.g. the commercial banks, the Patent Office, and others while waiting to obtain written communications and confirmations instead of having free access to the respective databases as required for the effective functioning of the Commission.

30. There is a clear need to further strengthen Commission staff capacities to be able to process foreign language information, and to communicate and coordinate internationally, by undertaking networking activities with key regional and international counterparts, as well as through general and specialized foreign language training, with a focus on terminology and templates used in international communication and in cooperation exchange in the area of legal matters and asset recovery, the latter reaching also to target groups of CIAF to enhance their capacities as well.

4.2 Preliminary Identification of IT/technical needs in support to the Asset Recovery System in Bulgaria

31. CIAF has previous experience in allocating funds for technical and IT required resources like servers, network products, desktops, laptops, communications and other equipment. Furthermore, certain funds have been allotted in the project's budget to cover for a Feasibility Study to review and assess CIAF's needs for the intended acquisition of hardware/equipment and come up with conclusions. Based on the results of the feasibility study and if a purchasing option is followed in return, CIAF will be in a position to proceed with a Tender procedure in line with the regulation concerning the source of funds provided, supported by Terms of Reference, for those items that might necessarily demand these supporting tools.

32. CIAF's technical resource needs include for example: improving/enabling/expanding its communications by adding video conferencing traffic and additional network components; uninterrupted power supplies; computing mobility; mobile phones; and document office machines. The provision of a video conferencing system incl. the necessary TV sets/Projectors, for example, will enable CIAF to save on travel time between its offices in the country and potentially outside the country through hosting of virtual meetings from remote locations. While saving on transportation, hotel and other subsistence costs from meeting people online in a most convenient interface format, is the directly measurable effect of the video-conferencing solution, the benefits in saving on travel time, as well as the visual communication benefits over those of phone contacts, are all numerous, and not immediately possible to quantify. UPS equipment will help the hassle-free functioning of the video-conferencing system and other IT/network equipments of CIAF during power failures. Network components will facilitate the communication range of the Commission. Computing mobility in the form of various mobile devices, like laptops and others, will give extra power to CIAF's Members, and/or regional leadership, and/or staffed asset recovery experts and IT specialists, to process data on the go when commuting to/from their offices, working past business hours outside the office, travelling on assignments in the country and abroad, or when attending various meetings, etc.. New desktops will either replace older devices with outdated technical capacities, or just ensure that the increasing size of computer demand across the organization is handled accordingly. Laptops

and the like may operate in a desktop fashion, when not needed for mobile purposes. Smartphones will give the CIAF staff the hi-tech edge these novel gadgets provide. Document office machines like scanners and printers have their obvious numerous benefits in every institution and CIAF definitely has its needs in this direction. All of these technical components will *inter alia* be an integral part of a more solid asset recovery system for the future.

33. CIAF has also taken into account in the project budget annual maintenance costs for certain planned new equipments through the project grant, while the same costs will still be supported with the help of the State's Central Budget transfers to CIAF beyond the project's lifetime.

34. The planned hardware/equipment activities and related purchased item groups, and the euro amounts behind them, might undergo internal reallocations of the costs among the separate sorts of equipment and/or overall revision. That is: the break-down of the costs between the video-conferencing solution, the TV sets/Projectors facilitating the video connections, the UPS equipment, the network components, the computing mobiles, smartphones, and the document machines, as presented in the project budget files, should be viewed more as being of a provisional character. Conversely, by the time CIAF steps in to make actual purchases of the products, the Commission will explore the opportunity, if that's permissible, to shift portions of the separate sorts of equipment costs among themselves, i.e. shrinking the cost of one sort of equipment for the benefit of other sort/sorts of equipment cost. All these developments might take place to meet technical needs of CIAF, updated to the actual timing of the purchase and/or newly emerging industry/product trends, and thus achieve desired effects. Nevertheless, the Commission shall not be obliged to actually buy any of the pre-planned hardware/equipment items which have been included in the present project documentation, or if the Commission proceeds to buying any of the units, it will be free to do so separately from the project. Equipment/ hardware/ IT/ Communications/ machines/ devices and similar other are to a degree interchangeably used as terms in the present project description and all they refer to Art. 7.3, par. 1(c) of the Regulation on the Implementation of the Norwegian Financial Mechanism 2009 - 2014 and the products that are presented as planned for purchasing by the Project Promoter, incl. intrinsic to them supporting services, e.g. maintenance.

35. According to the Regulation on the Implementation of the Norwegian Financial Mechanism and more specifically Art 7.3.(1c) of this Regulation, there is an exception to the equipment reimbursement rule. This exception allows for the entire equipment costs to be treated as eligible by a decision from the Donor through a waiver (exception) to this rule. In view of this, and of the proposed budget in this proposal, CIAF hereby declares its request for an exception to the general rule, since the plan is to use the hardware/equipment after the project is over for the same purposes which it will serve while the project implementation phase is still ongoing, and therefore ensure sustainability of interventions and actions. The dominant share of the material life of most equipments is expected to go through the project's post-implementation period. The next paragraph gives a detailed motivation.

36. CIAF stands by the notion that all IT/equipment items that the Commission plans to purchase under Outcome 3 clearly qualify as integral components of a desired future system, and not temporary tools to achieve a project outcome for the short-term. The essence here is: being themselves integral components, these IT/equipment items are inextricable from the desired final system, i.e. they are building blocks of the system. If they were just tools to achieve a certain desired outcome by supporting the implementation of one or more project activities, these temporary tools would not be necessary afterward, once they have played out their auxiliary role and the project is over. In such settings they would be reallocated to other projects/activities or just retired. But now CIAF has selected items which will compose Outcome 3, i.e. the improved

System, and they will remain so for the years to come. On the other hand, our temporary means to achieve our goal to build-up/strengthen the asset recovery system, and in particular: accomplishing Outcome 3, are different: preliminary product budgeting as part of the project application, following feasibility study once the project starts, terms of reference drafting, public procurement procedures, delivery of trainings. Outcome 3 is set so that the planned equipment components are integral to it and sustain it for the future to perform and deliver. The bottom line is that the planned equipments do not serve the occurrence of some one-time-limited event but they are rather meant to sustain a lasting setup, a horizon that extends well beyond the narrow implementation period of the project, whose objective is about the long-term, and they are having fundamental effect to the project objective as being an integral part of it.

37. Outcome 3 has been scheduled to be completed in the relatively earlier periods of the project's duration. Unforeseen delays to complete the purchases and a lack of full cost eligibility treatment would make less sense to CIAF to buy the equipment under the auspices of the project. For all many reasons, the waver mentioned already is of exceptional importance.

4.3 Needs to be addressed in the Asset Recovery System of Bulgaria

38. Given the current and future upcoming framework (legal and institutional) but also the institutional and public awareness environment, the following overall needs and issues to be addressed have been identified:

The Objective: To increase the effectiveness and efficiency of the Asset Recovery System in Bulgaria. This **objective** is to be reached by addressing the identified needs through interventions aimed at reaching the following **outcomes**:

- Outcome 1: Ensured implementation of the regulatory and institutional framework of the Asset Recovery System in Bulgaria
- Outcome 2: Improved capacities, coordination, cooperation, and knowledge/information sharing with national and foreign institutions in order to support the Asset Recovery System in Bulgaria;
- Outcome 3: Improved IT and Communications System supporting the Asset Recovery in Bulgaria

5 RATIONALE AND JUSTIFICATION

39. The accomplishment of the **objective** and desired **outcomes**, as listed above, will be followed with the help of the design of this pre-defined project. The project's **logical framework** will propose **outputs** for each desired **outcome**. Furthermore, **outputs** will be reached through a series of **activities** and **inputs** which will be identified in a greater detail in the **logical framework** and subsequently in the **workplan** of the project.

Project Purpose	Increase citizens security through improvement of the efficiency of the cooperation with law enforcement and other authorities in Schengen and other countries in fighting economic and organised crime, and effectively recovering assets
Objective	Increase the effectiveness and efficiency of the Asset Recovery System in Bulgaria
Outcome 1	Ensured implementation of the regulatory and institutional framework

	of the Asset Recovery System in Bulgaria
Output 1.1	Available Recommendations for improving the implementation of the regulatory and institutional framework of the Asset Recovery System in Bulgaria through a multi-sector Study/Assessment.
Output 1.2	Increased knowledge and use of Asset Recovery mechanisms by the Commission and other related institutions in Bulgaria.
Output 1.3	Increased capacities of the Commission and other related institutions through exchange of good practices and multi-disciplinary training of key actors in the Asset Recovery System in Bulgaria.
Output 1.4	Increased public awareness of the Asset Recovery System in Bulgaria and implementation of the Publicity Plan
Outcome 2	Improved capacities, coordination, cooperation, and knowledge/information sharing with national and foreign institutions in order to support the Asset Recovery System in Bulgaria
Output 2.1	Increased capacities of the Commission and other national institutions staff/inspectors through study visits and specialised trainings on topics such as: property which devaluates quickly, “tainted funds”, related persons, “straw men”, management and distribution of sequestered assets, international element cases, non-conviction based confiscation, ECHR decisions, etc.
Output 2.2	Increased capacities of Commission staff/inspectors and other related institutions in dealing with international and regional cooperation cases of confiscation and recovery
Output 2.3	Increased technical capacities and skills of Commission staff/inspectors and other institutions to process foreign language information and to communicate, network and share information and data-base internationally with other partner and homologue institutions.
Outcome 3	Improved IT and Communications System, supporting the Asset Recovery in Bulgaria
Output 3.1	Provision of Needs Assessment on IT/Equipment needs
Output 3.2	Develop Terms of Reference in line with CIAF’s needs
Output 3.3	Purchase of equipment/hardware to provide/serve video conferencing traffic, networking communication, uninterrupted power supplies, computing mobility, and document scanning/copying/printing
Output 3.4	Introduction of the newly acquired video equipment: training of the Commission’s operators

6 TARGET GROUPS

- **Ministry of Finance:** The Ministry of Finance whose Vice-Minister is chairing the Inter-institutional Council for Managing of the Forfeited Assets (ICMFA). Furthermore, the National Revenue Agency (NRA) which is subordinated to the Ministry provides CIAF with tax and social security information on inspected persons, and their legally declared incomes.

- **National Security State Agency:** The Financial Intelligence Directorate (FID) collects, stores, investigates, analyses and discloses financial intelligence under the terms and procedures of the Measures against Money Laundering and Measures against the Financing of Terrorism Act.
- **Public Prosecutor's office:** The Prosecution notifies the Commission about persons who have been prosecuted for criminal offences or have already been convicted for such offences. Besides that, it has the power to confiscate assets which are the objects of crime, identified in the course of criminal proceedings.
- **The Courts:** Upon respective court decision CIAF gets access to bank secrecy and so may check bank accounts of the respective persons. The Civil Courts admit claims of the Commission for seizure of criminal assets and decide on whether to allow forfeiture of these assets.
- **The Inter-institutional Council for Managing of the Forfeited Assets:** an interagency body tasked with the management of forfeited assets.
- **General Public:** The general public needs to be informed about the tasks of the Commission including the scope of work (only via the prosecutors office), on cases and on the management in general terms. The right communication with the general audience ensures public support to AR activities.

40. The above list is flexible to allow for future developments during the project implementation phase.

6.1 Expected effects on the Target Groups

- Cooperation facilitation;
- Acceleration of the exchange of information on records of seized and confiscated assets between them and the Commission;
- Introducing of good practices in the management of confiscated assets regarding transparency in their re-distribution for the defined purposes; storage or sale of these assets and administration of the accumulated funds;
- Self-assessment and lessons learned from previous practices;
- Trained administration/civil servants and judiciary on the forfeiture of proceeds from crime;
- Increased awareness and understanding of the public and other professionals on the asset recovery system as a whole.

7 SUGGESTED PROJECT'S INPUTS

41. The project could provide funding for:

- long-term technical advice to the Commission
- a number of short-term advisers based on specialised needs and institutional knowledge
- administrative project support staff
- in-country specialised trainings
- regional and international events
- preparation of training materials/modules and guidelines

- legal and technical opinions
- international networking aimed at achieving a framework of MoUs with partners
- feasibility studies
- needs assessments
- IT / Equipment
- Other

8 PREVIOUS EXPERIENCE WITH FUNDING

8.1 As an Applicant

42. Home/2010/ISEC/AG/, Programme: Prevention of and fight against crime; Project title: Camden Asset Recovery Inter-Agency Network (CARIN) Annual Conference and Plenary Meeting 2011; role: applicant; the project has been awarded – total value: 221.583,00 euro; partners: Comisarion General de Policia Judicial, Spain and National Bureau of Investigation, Economic Crime Division, Hungary.

8.2 As a Partner

43. Twinning Light Project, DG Justice, Freedom and Security Unit F4: Financial Support – Security; Phare Programme - Project title: BG/2005/IB/GH/08/UE/TWL “Strengthening the investigation capacity of CEPACA”; role: partner; the project has been awarded; total value: 230.598,30 euro, duration – 6 months; implementing agency: the Central Finance and Control Unit (CFCU) in the Ministry of Finance; partner: United Kingdom.

44. Support to Anti-Money laundering and financial investigation IPA 2009, IPA 2009 (2009/021-642), Twinning Project AL-2009-IB-JH-03; project title: “Support to Anti-Money Laundering and Financial Crimes Investigations Structures”; beneficiary country: Albania; Senior partner project leader - Spain, Junior partner project leader - Bulgaria, the project has been awarded - total value: 1.500.000 euro;

45. Programme: Prevention of and fight against crime; DG Justice, Freedom and Security; Project title: JLS/2009/ISEC/AG/197 “Sharing Alternative Practices for the Utilisation of Confiscated Criminal Assets”; role: partner; the project has been awarded; total value: 208.020,00 euro, duration – 1 year; applicant: Provincia di Caserta – Italy.

46. Prevention of and fight against crime; DG Justice, Freedom and Security; Project title: JLS/2010/ISEC/FPA “SIENA Project Bulgaria” (SIENA-Pro-BG); role: partner; the project has been awarded; total value: 300.000,00 euro; duration: 6 months; applicant: Ministry of Interior of Republic of Bulgaria.

47. HOME/2012/ISEC/AG/FINEC PROGRAMME "Prevention of and fight against crime" Targeted call for proposals Financial and economic crime - FINEC, Action Grants 2012, project title: “European college of financial investigations and financial criminal analysis” (CEIFAC), role: partner; the project has been awarded; total value: 785.878,03 euro; applicant: University of Strasbourg.

8.3 Previous Project Participation

48. Twinning project (reference number BG/07/IB/JH/01) related to strengthening police capacity in the area of combating drugs traffic at domestic and regional level; partners: Ministry

of Interior, General Directorate “Fight against organized crime”, Republic of Bulgaria and Spanish National Police.

49. Centre of Excellence in Asset Recovery and Training (CEART) focused on proceeds of crime recovery and management, specifically the implementation of European Council Decision 2007/845/JHA obliging each EU Member State to put in place mechanisms to ensure cooperation between Asset Recovery Offices; applicant: Spanish National Police in cooperation with “Rey Juan Carlos University”, Europol and AROs of Belgium, Hungary, Poland and United Kingdom (Scotland).

9 IMPLEMENTATION ARRANGEMENTS

9.1 Role of Project Promoter

50. The Commission will be the Project Promoter responsible for initiating, preparing and implementing all the project activities (including evaluation and reporting) in cooperation with the Project Partner as agreed in advance. The Commission will assign job time to this project and more specifically for the following positions:

Project Leader: The Project Leader will be the Chairperson of the Commission and will oversee the success, management, implementation and reporting of the project and its results. As the project moves on, the Project Leader will assign relevant project implementers to manage and carry out the project on a daily basis with certain tasks and responsibilities. Subject to internal CIAF arrangements the Project Leader will make sure the bank or cash transfers/payments on behalf of the Commission, are executed as needed. The Project Leader shall not receive any payment from the project funds.

Project Administrators (4 persons, max.50% time-share each; other arrangements in the course of the project’s implementation in terms of number of persons and time-share values are yet a possibility): The Project Administrators, who will belong to CIAF’s own staff, may handle, among others, various activities and responsibilities like – organisation, time and activities planning, schedules, follow-up; coordination with the Project Leader, the Commission’s leadership and its staff, the Project Partner, the Programme Operator, and third parties; events preparation, meetings, participating themselves, but not necessarily at all times, amongst other recruited participants at seminars/workshops/other activities; team leading, documents collection, project amendments if needed; reports: both with respect to the Regulation and those addressed to internal parties, including assistance to verifying/certifying/auditing and monitoring entities.

Accounting/Financial Assistant (service provider, non-staff status): The Project Accounting/Financial Assistant may handle, among others, various activities and responsibilities like: receiving all invoices and documents supporting the expenses made, and filing them with the overall documentation of the project; calculations regarding amendments of the budget; possible support to the Project Leader in the payment process; delivering of the accounting outputs for the accounts payable/receivable, assets/services received, cashflows/payments related to the project’s grant and other relevant accounting objects, and their reflection in the internal accounting software system, as well as contributing to their reflection in CIAF’s general financial reporting; overhead calculations, if necessary; drafting the accounting/financial parts of the reports on the

project; and support to the certifying/auditing/monitoring and other similar authorities including the Bulgarian National Audit Office.

51. The following clarifications and terms apply:

- a). Compared to a monthly basis, the staff costs cannot be expected to follow the line of fixed equal monthly amounts for the entire project period, the individual ones including, as they may happen to fluctuate in either direction on such a basis, for a variety of reasons.
- b). Any CIAF staff time-shares assigned to the project should not be treated as fixed monthly values either, as they may happen to fluctuate in either direction on a monthly basis. Such time shares are to be considered as maximum values, which compared to a basis: *the entire project duration*, are treated as averaged for that period percentage numbers, which may not really happen to be exploited in full, but on the other hand should not be exceeded on an individual basis.
- c). CIAF may at its own discretion manage in the course of time the staff number implementing the project or the time-share that each of those individuals will commit to the project. For example, project implementation period revisions could be one of the reasons to prompt such action. Individual personal replacements are very feasible too, given the chance that people may leave the institution, and of course other conceivable reasons may also play a role. All such adjustments may entail corresponding staff costs adjustments with respect to what has been allocated in the initially drafted 18-month project budget.
- d). Similar to any other project costs that have not been initially allocated in the project's budget, either in the sense of a mismatch between higher actual cost figures compared with lower initially projected ones, or in the sense of individual cost items missing in the initial budget, the adjustments of staff costs in an uphill direction are planned to take place by means of the 5% (max.) contingency fund, instituted through Art. 6.7. of the Regulation on the Implementation of the Norwegian Financial Mechanism, 2009-2014.
- e). The initial financial projections indicate those shares of the staff costs, which will be funded by the project's grant, and which correspond to the time shares committed to the project. The remaining time shares, i.e. the ones not funded by the project grant, rest entirely with the Project Promoter and the Project Partner to be handled at their own discretion, and respectively find sources for the correspondent staff cost financing.
- f). Regarding the accounting services provider, the Project Promoter has classified the corresponding costs under the cost category: "Costs entailed by other contracts awarded by a Project Promoter for the purposes of carrying out the project" as provided by the Regulation on the implementation of the Norwegian Financial Mechanism, 2009-2014. The Project Promoter may, however, revise in the course of time the hiring arrangement of the accounting services provider and switch to an in-house solution, employing someone as a member of its own staff to provide accounting support, either exclusively working on the project all alone, or on a time-share basis similar to the administrators' formulation, whose costs also will be treated as Staff Costs.

52. Beside the two Project Administrators and the Financial/Accounting Assistant, there shall be other staff participants in this project. Therefore, additionally assigned staff time to specific assignments and activities of the project will vary based on their input to different outputs. For the purposes of this project, the term *staff* will include also CIAF leadership and members, as well as analogue or similar high-ranking positions at other institutions involved.

9.2 Role of Project Partner (PP)

53. The Council of Europe (CoE) will be the Project Partner for this pre-defined project and will be actively involved in, and effectively contributing to, the implementation of the project. The Council of Europe's role as Project Partner includes, but is not limited to:

- Contributing to the implementation of the project through relevant knowledge experience, particularly in the field of assets recovery and promoting/safeguarding transparency, ethics and human rights in this process;
- Contributing to the conceptual design and updating of the project workplan and specific activities through relevant experience in the implementation of the project;
- Contributing to keeping the project implementation within the European standards framework through knowledge of the mandates, functioning, rules of the Council of Europe's monitoring mechanisms such as GRECO and MONEYVAL, and the case law of the European Court of Human Rights; and
- Contributing by providing legal and technical advice in particular as regards legislative and institutional related reforms and improvement processes, as well as project implementation tools.

54. As a Project Partner, the Council of Europe will recruit a part-time (50% time share) Project Adviser to work very closely with the project team in Sofia in implementing the project. The Project Adviser will be providing direct technical advice on specific activities of the project and will ensure coordination and information sharing with other Council of Europe experts that will be engaged and recruited directly by the project to carry out and deliver specific project inputs based on the workplan of the project.

55. Furthermore it should be noted that wherever the CoE is involved as a Project Partner in this project, its inputs will be provided through engagement of knowledge and skills of its own Secretariat members or/and through engagement of European experts, including in the area of asset recovery, and that are coming from any member state of the Council of Europe bringing the experience and knowledge as required and needed for this project.

9.3 Expenses

56. Travel and Subsistence allowances costs for the Project Team and relevant Project activity participants (representatives of the Commission, other persons/institutions involved as participants in this project, and CoE assigned experts) are covered from the project's budget, whenever travelling within the country and outside the country in line with a project workplan of activities. Not all project activity participants may need or be eligible for travel and subsistence costs: which means no such corresponding costs are subject to budgeting.

57. Service days as intellectual work/services provided by: either experts (national or international), or/and different service providers/contractors, will be measured by Units (1 service day = 1 Unit). However, payments themselves are not necessarily tied to the unit measuring.

58. The project will include the participation of international and national experts, who shall be chosen and recruited with due consideration to the standards of CoE and the Commission. Travelling and subsistence expense costs of national and international experts shall be treated in a similar manner in accordance with the standards of CoE or the respective experts' national levels.

59. The Project expenses will be carried out from two cost centres, namely CIAF and the CoE based on the division of responsibilities as specified in the Partnership agreement between these two parties.

10 LOGICAL FRAMEWORK

Intervention Logic			
Project Title: Improving the Asset Recovery System in Bulgaria (AR-B)			
Project Purpose: Increase citizens security through improvement of the efficiency of cooperation with law enforcement and other authorities in Schengen and other countries in fighting economic and organised crime, and effectively recovering assets			
Project Objective	Performance Indicators	Sources of Verification	Assumptions
Increase the effectiveness and efficiency of the Asset Recovery System in Bulgaria	<ul style="list-style-type: none"> ▪ Number of actions provided in the Action Plan for implementing and addressing the results and recommendations of the Assessment/Study on the AR system in Bulgaria ▪ CIAF and other national institutions exposed to international standards, good practices and leading expertise in the area of legal and asset recovery matters, as well as international cooperation ▪ Extended technical and IT capacities of CIAF's technology set-up through the newly acquired IT / Hardware equipment. 	<ul style="list-style-type: none"> ▪ MONEYVAL report; ▪ GRECO report. 	<ul style="list-style-type: none"> ▪ Sustainable and consistent political will to undertake reforms aimed at combating organized crime through seizure of assets; ▪ Continuous support from the government authorities and all cooperating institutions in implementing the existing regulatory framework; ▪ Sufficient human resources with the capacities to absorb reform related interventions concerning the improvement of the Asset Recovery System in Bulgaria.

Outcome 1	Performance Indicators	Sources of Verification	Assumptions
<p>Ensured implementation of the regulatory and institutional framework of the Asset Recovery System in Bulgaria</p>	<ul style="list-style-type: none"> ▪ CIAF and other national participants attended/trained to discuss/to implement efficiently and effectively the regulatory framework and any relevant recommendations concerning the improvement of the Asset Recovery System in Bulgaria, as well as on the institutional roles and their set up for cooperation and exchange of information: min. 145 persons attended the events (following instructions by the Program Operator, one and the same person who participated at several different events should be counted as several participants, i.e. for counting purposes it is irrelevant if the persons are different individuals or they are overlapping across the events) ▪ A list of recommendations available through the Assessment/Study on the AR system in Bulgaria submitted at the attention of the Commission and other institutions. ▪ Workshops/trainings organized and delivered: min. 7 events 	<ul style="list-style-type: none"> ▪ MONEYVAL report; ▪ Assessment/Study of the AR System and its efficiency in Bulgaria ▪ Attendance lists/rosters 	<p>The Commission fully participates in all planned activities</p> <p>Participation and cooperation of all relevant institutions</p>
Outputs	Activities	Inputs/Description of Role (Unit rate = 1day)	
<p>Output 1.1 Available Recommendations for improving the implementation of the regulatory and institutional framework of the Asset Recovery</p>	<p>1.1.1. Organisation of brainstorming workshop with institutions involved in the asset recovery to facilitate the discussion and exchange of views of potential problems and deficiencies of the asset recovery.</p>	<p>CoE Experts: 1 Expert (6 Units) + 1 RTN travel + 2 days per diem CoE Secretariat: 1 RTN travel + 2 days per diem National Experts: 1 Expert (4 Units) Others: Event Management Contract²</p>	

² Event management/PR contracts, even though indicated consistently in the table, might not necessarily be applied in all cases. The Partners might partially or entirely manage events' logistics, organization and preparation, PR activities and interpretation/translation, as well as some or all of their intrinsic cost elements, in-house instead, including resorting to its own premises and human resources. In addition to renting of equipped event space, arranging catering, dinners and all other conceivable elements that sustain the summits, event management contracts may also include travel, accommodation, and interpretation arrangements. A single event management contract or PR contract for the entire set of respective project activities, which fall into the cost pool of one of the

System in Bulgaria through a multi-sector Study/Assessment		Interpretation/translation Cost 1 day workshop (min. 20 participants).
	1.1.2. Preparation of a comprehensive Assessment/Study (including recommendations for improvement) on institutional and legal framework, covering all aspects concerning the efficiency of the AR system in Bulgaria, including its Human rights safeguarding aspects and the transparency/efficiency of management of forfeited assets	CoE Experts: 2 Experts (33 Units) and 2 x 1 RTN travel + 2 x 3 per diem CoE Secretariat: 1 RTN travel + 3 days per diem National Experts: 1 Expert (5 Units) Others: (Interpretation/translation Cost)
	1.1.3. Workshop on launching and publication of the results from the Assessments/Study and its Recommendations for improvement of the AR System in Bulgaria	CoE Experts: 1 Expert (6 Units) + 1 RTN travel + 2 days per diem CoE Secretariat: 1 RTN travel + 2 days per diem National Experts: 1 Expert (4 Units) Others: Event Management Contract Interpretation/translation Cost 1 day workshop (min. 25 participants).
Output 1.2 Increased knowledge and use of Asset Recovery mechanisms by the Commission and other related institutions in Bulgaria.	1.2.1. 'Road mapping' and provision of min. 1 (one) multi-disciplinary training on implementation of the asset recovery legislation, including International Standards (Treaty Law) which Bulgaria should adhere to.	Cost of 1 Training: CoE Experts: 1 Expert (4 Units) + 1 RTN travel+ 2 day per diem CoE Secretariat: 1 RTN travel + 2 days per diem National Experts: 1 Expert (3 Units) Others: Event Management Contract Interpretation/translation Cost 1 day Training (min. 20 participants per training).

partners, are also a possible solution. An event management service provider may handle travel and accommodation arrangements and their costs regardless of their different classification as *Travel and Subsistence Allowances* or *Costs entailed by contracts awarded by the Project Promoter / Partner*. No separate itemized remuneration/payments to the event management providers for their services have been budgeted. Whatever their margins/profits/revenues are, these should be considered as included in the overall costs budgeted for the different events, even though for each event those costs have been itemized in the budget forms. The same is valid also for costs related to other conceivable elements in support to the summits, which have not been individually indicated, but may happen to occur.

	<p>1.2.2. ‘Road mapping’ related 1 (one) multi-disciplinary training on institutional roles and their set up for cooperation and exchange of information</p>	<p>CoE Experts: 1 Expert (2 Units) + 1 RTN travel +2 day per diem CoE Secretariat: 1 RTN travel + 2 days per diem National Experts: 1 Expert (2 Units) Others: Event Management Contract Interpretation/translation Cost 1 day Training (min. 15 participants)</p>
<p>Output 1.3 Increased capacities of the Commission and other related institutions through exchange of good practices and multi-disciplinary training of key actors in the Asset Recovery System in Bulgaria</p>	<p>1.3.1. Provision of a workshop on Exchange of Good Practices for the Commission and all cooperating institutions. (revision of “road mapping”)</p>	<p>CoE Experts: 1 Expert (4 Units) + 1 RTN travel + 2 day per diem CoE Secretariat: 1 RTN travel + 2 days per diem National Experts: 1 Expert (4 Units) Others: Event Management Contract Interpretation/translation Cost 1 day workshop (min. 25 participants).</p>
	<p>1.3.2. Prepare an Action Plan for implementing and addressing the results and recommendations of the Assessment/Study on the AR system in Bulgaria</p>	<p>CoE Experts: 1 Expert (4 Units) National Experts: 1 Expert (4 Units) Others: (Interpretation/translation Cost)</p>
	<p>1.3.3 Provision of a multi-disciplinary training on AR system in Bulgaria based on the needs assessment for trainings reflected in Action plan (Activity 1.3.2)</p>	<p>CoE Experts: 2 Experts (8 Units) + 2 RTN travel + 2 x 2 day per diem CoE Secretariat: 1 RTN travel + 2 days per diem National Experts: 1 Expert (4 Units) Others: Event Management Contract Interpretation/translation Cost 1 day workshop (min. 20 participants).</p>
<p>Output 1.4 Increased public awareness of the Asset Recovery System in Bulgaria and implementation of the Publicity Plan</p>	<p>1.4.1. Dissemination and publication of awareness campaign /visibility items to public and professionals. (in implementation of the Publicity Plan)</p>	<p>CoE Experts: N/A National Experts: N/A Others: Public Relations Services Contract/s and/or CIAF own Public Relations Unit Event Management Contract</p>

	1.4.2. Provision of 1 (one) training for the media with regard to asset recovery mechanisms and practices	CoE Experts: N/A National Experts: N/A Others: Public Relations Services Contract Cost and/or CIAF own Public Relations Unit Event Management Contract 1 day event (min. 20 participants)	
Outcome 2	Performance Indicators	Sources of Verification	Assumptions
Improved capacities, coordination, cooperation, and knowledge/ information sharing with national and foreign institutions, in order to support the Asset Recovery System in Bulgaria	<ul style="list-style-type: none"> Trainings/study visits organized and delivered: min. 5 of them planned, and min. 195 persons attended the events (following instructions by the Program Operator, one and the same person who participated at several different events should be counted as several participants, i.e. for counting purposes it is irrelevant if the persons are different individuals or they are overlapping across the events) 	<ul style="list-style-type: none"> MONEYVAL report; Attendance lists/rosters 	<p>Responsiveness of all institutions involved in asset recovery</p> <p>The Commission fully participates in all planned activities and engaged fully in ensuring proper implementation of the deliverables.</p> <p>Participation and cooperation of all relevant institutions</p>
Outputs	Activities	Inputs/Description of Role (Unit rate= 1day)	
Output 2.1 Increased capacities of the Commission and other national institutions staff/inspectors through study visits and specialised trainings on topics such as: property which devaluates quickly, “tainted funds”, related persons, “straw men”, management and distribution of sequestered assets, international element cases, non-conviction based confiscation, ECHR decisions, etc.	2.1.1 Provision of one specialised training in Bulgaria for the Commission and other national institutions’ staff, held by experts from four European countries (e.g., UK, Ireland, France, the Netherlands; Belgium and Spain possible too) on topics such as: property which devaluates quickly, “tainted funds”, related persons, “straw men”, management and distribution of sequestered assets, international element cases, non-conviction based confiscation, ECHR decisions, etc.	CoE Experts: N/A National Experts: N/A Others: 4 foreign experts (24 units) + 4 x 1 RTN travel + 4 x 3 days per diem; Event Management Contract Interpretation/translation Cost 2 day Training (min. 60 participants)	
	2.1.2 Provision of min. 1 (one) training for Commission and other national institutions’ staff on ECHR court decisions related directly or implicitly to Confiscation and Asset Recovery issues. Other possible topics may include applicable Treaty Law.	Cost of 1 training: CoE Experts: 2 Experts (8 Units) + 2 x 1 RTN travel + 2 x 2 days per diem CoE Secretariat: 1 RTN travel + 2 days per diem	

		National Experts: N/A Others: Event Management Contract Interpretation/translation Cost 1 day Training (min. 25 participants per training)	
Output 2.2 Increased capacities of Commission staff/inspectors and other related institutions in dealing with international and regional cooperation cases of confiscation and recovery	2.2.1 Specialised training for institutions such as the Commission, MoJ, Prosecutors Office and Ministry of Finance, on asset recovery tracing and exchange of information through regional and international cooperation.	CoE Experts: 4 Experts (24 Units) + 4 x 1 RTN travel + 4 x 3 days per diem CoE Secretariat: 1 RTN travel + 3 days per diem National Experts: N/A Others: Event Management Contract Interpretation/translation Cost 2 day Training (min. 15 participants)	
Output 2.3 Increased technical capacities and skills of Commission staff/inspectors and other institutions to process foreign language information and to communicate, network and share information and data-base internationally with other partner and homologue institutions.	2.3.1 Foreign language training courses for Commission staff/members (e.g. English/French/Spanish/Italian/German) including preliminary assessment of the trainees' proficiency level.	CoE Experts: N/A National Experts: N/A Others: Language training Service Provider/s for min. 60 trainees	
	2.3.2 One training course on specialised English legal and administrative terminology (2 days) for the Commission and other relevant institutions staff on design and content of Mutual Legal Assistance communications and other types of exchange of information among institutional counterpart offices/agencies at the international level.	CoE Experts: 1 Expert (6 Units) + 1 RTN travel + 3 days per diem CoE Secretariat: 1 RTN travel + 3 days per diem National Experts: N/A Others: Event Management Contract Interpretation/translation Cost 2 day Training (min. 25 participants)	
Outcome 3	Performance Indicators	Sources of Verification	Assumptions
Improved IT and Communications System, supporting the Asset Recovery in Bulgaria	<ul style="list-style-type: none"> ▪ Needs Assessment/Feasibility study provided ▪ Equipments/hardware delivered after terms of reference draftings ▪ Trainings organized and delivered: number of events depends on future needs 	<ul style="list-style-type: none"> ▪ Contracts and other purchasing-related documentation, reports, attendance lists 	CIAF has sufficient allocated annual budget for maintenance of the equipment beyond the project's duration

Outputs	Activities	Inputs/Description of Role (Unit rate= 1day)
Output 3.1 Provision of Needs Assessment on IT/Equipment needs	3.1.1 Organise needs assessment/feasibility study to assess CIAF's intentions to acquire technical resources, which it plans to finance by way of the project.	CoE Experts: 1 Expert (16 units) + 1 RTN travel + 4 days per diem National Experts: N/A Others: N/A
Output 3.2 Develop Terms of Reference in line with CIAF's needs	3.2.1 Producing of a complete legally required set of documents at the phase of preparing of public procurement procedures, whenever such set is internally needed, but subject to CIAF's own discretion if such set or a public procurement procedure are not mandatory, which will include, among others, technical specifications like details concerning quantity, features and installation of the <u>hardware/equipment</u> that would be appropriate and adequate for CIAF to perform its functions as per item 4.2 of the Project rationale, modus operandi i.e. custom method for evaluation criteria of the offers submitted, etc.	CoE Experts: N/A National Experts: N/A Others: Commission staff (no individual cost) and/or External expert(s)/ Consultant(s)/ Service Provider(s)
Output 3.3 Purchase of equipment/hardware to provide/serve video conferencing traffic, networking communication, uninterrupted power supplies, computing mobility, and document scanning/copying/printing	3.3.1 Announcing of the Tender Calls or other applicable steps for the purposes of making purchases, based on criteria/needs as provided in the set of documents under Activity 3.2.1 and/or through internal planning. 3.3.2 With respect to the phase of enacting the public procurement procedures, establishing of Tenders Boards or any other applicable arrangements for the purposes of analysing, evaluating and ranking of the offers received, and taking decisions by the same on potential hardware/equipment providers (if applicable and subject to CIAF's discretion if not mandatory). Purchasing of the items.	CoE Experts: N/A National Experts: N/A Others: Commission staff (no individual cost) CoE Experts: N/A National Experts: N/A Others: Commission staff (individual costs are a possibility only if applicable at the timing of the event) and/or External expert(s)/ Consultant(s)/ Service Provider(s)
Output 3.4 Introduction of the newly acquired video equipment: training of the Commission's operators	3.4.1 Organisation and delivery of the trainings for CIAF staff by the provider (number and type of trainings will depend on needs as assessed by the provider together with CIAF)	CoE Experts: N/A National Experts: N/A Others: Equipment Provider

N.B.! Albeit the numbers of participants in the planned events are set at the *minimum* threshold in the log-frame, the same numbers are set at higher feasible levels in the budget projections, which are part of the project proposal. This arrangement is agreed with the Program Operator in order to secure financially situations, where more participants will happen to actually attend the respective events, compared to the projected initial *minimum* numbers. The same arrangement applies also to a couple of activities, for which the above log-frame indicates, that a minimum of 1 (one) training will take place, but the budgeting projections are really tuned for higher number of trainings, i.e. more cash is provided for in there.

11 INDICATIVE CALENDAR

Activity\Month	1 If starts Nov 2014	2 XII	3 I	4 II	5 III	6 IV	7 V	8 VI	9 VII	10 VIII	11 IX	12 X	13 XI	14 XII	15 I	16 II	17 III	18 If ends April 2016
1.1.1. Organisation of brainstorming workshop with institutions involved in the asset recovery to facilitate the discussion and exchange of views of potential problems and deficiencies of the asset recovery.		x																
1.1.2. Preparation of a comprehensive Assessment/Study (including recommendations for improvement) on institutional and legal framework, covering all aspects concerning the efficiency of the AR system in Bulgaria, including its Human rights safeguarding aspects and the transparency/efficiency of management of forfeited assets			x	x	x	x												
1.1.3. Workshop on launching and publication of the results from the Assessments/Study and its Recommendations for improvement of the AR System in Bulgaria						x												
1.2.1. 'Road mapping' and provision of up to 2 (two) multi-disciplinary trainings on implementation of the asset recovery legislation, including International Standards (Treaty Law) which Bulgaria should adhere to.							x	x										
1.2.2. 'Road mapping' related 1 (one) multi-disciplinary training on institutional roles and their set up for cooperation and exchange of information									x									
1.3.1. Provision of a workshop on Exchange of Good Practices for the Commission and all cooperating institutions. (revision of "road mapping")												x						
1.3.2. Prepare an Action Plan for implementing and addressing the results and recommendations of the Assessment/Study on the AR system in Bulgaria							x	x										
1.3.3 Provision of a multi-disciplinary training on AR system in Bulgaria based on the needs assessment for trainings reflected in Action plan (Activity 1.3.2)											x							
1.4.1. Dissemination and publication of awareness campaign /visibility items to public and professionals. (in implementation of the Publicity Plan)			A separate table in the Publicity Plan gives a detailed breakdown															
1.4.2. Provision of 1 (one) training for the media with regard to asset recovery mechanisms and practices												x						
2.1.1 Provision of one specialised training in Bulgaria for the Commission and other national institutions' staff, held by experts													x					

on criteria/needs as provided in the set of documents under Activity 3.2.1 and/or through internal planning.																			
3.3.2 With respect to the phase of enacting the public procurement procedures, establishing of Tenders Boards or any other applicable arrangements for the purposes of analysing, evaluating and ranking of the offers received, and taking decisions by the same on potential hardware/equipment providers (if applicable and subject to CIAF's discretion if not mandatory). Purchasing of the items.				x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
3.4.1 Organisation and delivery of the trainings for CIAF staff by the provider (number and type of trainings will depend on needs as assessed by the provider together with CIAF)													x	x	x	x	x	x	x
Evaluation																			

Note: The Calendar holds a tentative element even though numerous instances of rescheduling of activities and events are not expected. However, shifting from one month to another, or combining certain events is still possible due to unforeseen circumstances and/or establishing more optimal opportunities in the course of the project's implementation. November 2014 has been provisionally indicated as the first month of the project. Should the actual time of effecting the project contract does not correspond with November 2014, then the Project Promoter and its Partner will be free to adjust the current project proposal, immediately when they become aware of the effective time horizon, by modifying the current calendar and the budget plan forms, and by performing cutbacks in the number of planned activities/events, as they consider appropriate. For some activities the consecutive "x" marks indicate that the activity will be performed within the time frame between the first and last "x" marks, not necessarily in each and every single month, though.