

LAW ON MEASURES AGAINST FINANCING OF TERRORISM

Article 1 This law shall define the measures against financing of terrorism, as well as the organization and control of their application.

Article 2 (1) The aim of this law shall be to prevent and detect actions of natural persons and legal entities that are directed at the financing of terrorism.

(2) The Minister of Interior and the Minister of Finance shall create the necessary organization to attain the aim of the law.

Article 3 (1) Measures under this law shall include:

1. Blocking of funds, financial assets and property of natural persons and legal entities, who have been included in a special list;
2. Non-granting of funds, financial assets or other property, or non-rendering of financial services to persons included in the list under Subpart 1.

(2) Persons who have applied any measures under Article 3, Section (1) shall send immediately the relevant notification to Ministers of Interior and Finance.

Article 4 The Ministry of Interior shall be responsible for collecting, processing, systematizing, preserving, analyzing, using and providing the information necessary to attain the aim of the law.

Article 5 (1) The Council of Ministers, upon the proposal of the Minister of Interior and/or the Prosecutor General, shall adopt and amend a list of natural person and legal entities against whom these measures should be applied.

(2) The list provided for by Article 5, Section (1) shall include the following persons:

1. Persons, listed by the UN Security Council as associated with terrorism and sanctioned by force of the UN Resolution, as well as persons identified by competent authorities in compliance with international treaties to which Bulgaria is a party in case such listing is provided.
2. Persons sentenced for terrorism, threats or manifest inducement to commit terrorist activity, within the meaning of the Penal Code.
3. Individuals under preliminary investigation for terrorism, threat or manifest inducement to commit terrorist activity, within the meaning of the Penal Code.

(3) The list provided for by Article 5, Section (1) shall be promulgated in the first edition of State Gazette, upon adoption or amendment of the law, and shall enter into force immediately.

(4) Persons listed pursuant to Article 5, Section (1), Subparts 2 and 3 can appeal their inclusion by the Council of Ministers on the list before the Supreme Administrative Court. The appeal against the Council of Ministers shall not stop the execution of its acts.

(5) The list shall be revised at least every six months.

Article 6 (1) All funds, financial assets and property of the persons, listed under Article 5, independent of who possesses them shall be blocked. Only items which cannot be seized and rights not subject to interference, shall be excluded.

(2) The measure described in Article 6, Section (1) also shall be applied to funds, financial assets and property, acquired after the promulgation of the list under article 5.

(3) Implementation of the measure described in Article 6, Section (1) shall not stop the accumulation of interest and accrual of other civil benefits related to the blocked funds, financial assets and property. Any newly acquired interest and benefits also shall be blocked.

(4) The Minister of Finance (may) authorize payments or other expenditures out of blocked funds, financial assets and property, when necessary for the following purposes:

1. Medical treatment or other urgent humanitarian needs
2. Payment of obligations to the State
3. Payment of salaries
4. Payment of social security

The Minister of Finance shall grant such authorization on a case-by-case basis upon a request by the person affected.

(5) The Council of Ministers shall determine the conditions and procedures for applying the provisions under Article 6, Section (4).

(6) Refusal by the Minister of Finance to grant such authorization can be appealed before the Supreme Administrative Court.

Article 7 Persons who have been included on the list under Article 5 shall not receive funds, financial assets, property nor financial services.

Article 8 (1) Any person who suspects that a financial deal or transaction is aimed at terrorist financing shall immediately notify the Minister of Interior.

(2) The Director of the Bureau of Financial Intelligence Agency (BFI) shall notify immediately the Minister of the Interior should a suspicion arise that a financial deal or transaction is aimed at terrorist financing.

(3) The Director of the BFI shall draft criteria to identify transactions, deals or persons suspected to relate to terrorist financing, which criteria is subject to approval by the Minister of the Interior.

(4) The disclosure of information under Article 8, Sections (1) and (2) shall not lead to liability for infringement of other laws.

Article 9 (1) In cases under Article 8, Sections (1) and (2), the Minister of the Interior may freeze temporarily a particular transaction or deal by written order for no more than three working days. The Minister of the Interior shall notify immediately and refer all the relevant information to the Prosecutor's Office.

(2) In emergency cases, this being the only opportunity to block funds, financial assets or property, or in case there is information that a person is preparing to commit a terrorist act, the Minister of the Interior may block funds, financial assets or property by written order for no more than three working days following the day the order was issued. The Minister of the Interior shall immediately notify and refer all relevant information to the Prosecutor's Office.

(3) The Prosecutor may extend the term under Article 9, Sections (1) and (2) to no more than 20 working days. Within this period of 20 working days, the Prosecutor shall lodge a request with the court a request to block moveable or immoveable funds, financial assets or property.

(4) The Prosecutor's action may be appealed before a court in compliance with the requirements of the Criminal Procedure Code.

(5) Persons who are obligated to implement the orders under Article 9, Sections (1) and (2) shall be considered to have been notified as of the date they receive a copy of the order issued by the Minister of Interior.

Article 10 The measures imposed under Article 3 shall be lifted upon the request of an interested person under Article 5, Section (1) on the day following promulgation in the State Gazette of amendments providing for the deletion of the names of natural persons or legal entities from the list. The deletion of the names can also be ordered by the decision of the Supreme Administrative Court.

ADMINISTRATIVE – PENAL PROVISIONS

Article 11 (1) Whoever commits, or allows to be committed, a violation of Articles 6, 7 and Section (1) of Article 8 shall be punished by a fine in an amount not less than BGL 5,000 and not more than BGL 15,000, if the act committed does not constitute a crime.

(2) When a violation as defined by Article 11, Section (1) is committed by a legal entity the later shall be punished by a property sanction in an amount not less than BGL 10,000 and not more than BGL 100, 000.

Article 12 (1) The act establishing a violation shall be issued by the bodies of the Ministry of Finance, and penal orders shall be issued by the Minister of Finance.

(2) The compilation of acts and the issuance, appeal, and execution of penal orders shall be done in compliance with the requirements of the Administrative Violations and Penalties Act.

ADDITIONAL PROVISION

& I. For the purposes of this law:

- 1) "Terrorism" shall mean the crime terrorism, as well as threats or manifest inducements to commit such a crime, within the meaning of the Penal Code.
- 2) "Blocking" of funds, financial assets and property shall mean suspension of all legal or factual activities of disposal, management, use or possession, including all legal or factual activities that shall lead or could lead to any change of quantity, location, ownership, nature and purpose of the relevant object or right.
- 3) "Funds, financial assets and property" shall mean items and any kind of property rights, including available and non-available, tangible and non-tangible, movable and immovable, independent of the means of acquisition, including any kind of state securities or other instruments in any form, including electronic, and other documents, attesting or tangible rights or other material interest.
- 4) "Financial services" shall mean deals under Articles 1 and 2 of the Banking Act, insurance, reinsurance or services related to insurance; public offering of state securities and deals with state securities, any kind of management of funds or properties, any kinds of management of collective investments, management of pension funds; rendering and disseminating of financial information, processing of financial data and the relevant software; consulting, accounting, intermediation, related to financial services.

TRANSITIONAL AND CONCLUSIVE PROVISIONS

& II. The execution of the law shall be assigned to the Minister of Interior and the Minister of Finance.

& III. The Council of Ministers shall adopt the Regulations for the implementation of the law.