

SUMMARY OF THE PROPOSALS MADE AT THE PUBLIC DISCUSSION ON THE DRAFT LAW ON MEASURES AGAINST FINANCING OF TERRORISM

In the course of the discussion the following proposals were made:

Mr. Vladislav Slavov, Chair of the Supreme Administrative Court, referred to the Constitution and proposed that Article 1 and Article 2 of the Draft Law should explicitly state that the Supreme Administrative Court shall exercise control over the implementation of the *Law on Measures against Financing of Terrorism*. Mr. Slavov expressed his concern that the procedure for implementing the measures under article 5, paragraph 2, item 3 is rather simplified which may create possibilities for abuse of power by the investigation authorities, the prosecutors and the Executive. He emphasized on the need of a clearer definitions and a prompt control. In his opinion the Draft Law requires also the inclusion of a special provision explicitly specifying the persons obliged under the law, namely the local natural and legal persons, as well as the foreign natural and legal persons on the territory of Bulgaria. Mr. Slavov also mentioned that the terms and deadlines provided in Article 9, paragraphs 1, 2 and 3 should be shortened.

Ms. Carol Kelley, US Treasury Department Legal Advisor, mentioned that the working group should take into consideration the need of extension of terms and deadlines provided because the investigation of terrorist activities often relies on international sources and international intelligence.

Mr. Svilen Mechev, Head of Department for Combating Money Laundering at Municipality Bank, emphasized that the similarities between the *Draft Law on Measures against Financing of Terrorism* and the *Law on Measures against Money Laundering* provide for the possibility to rely upon the experience acquired with the implementation of this law. He also pointed out the necessity of reliable protection and guarantees for the persons who have reported or have witnessed for suspicious operations and transactions, especially for the employees in the banks and the notary offices. **Mr. Vassil Chobanov** from Radio Free Europe also supported this suggestion.

Answering to the questions posed by the participants Minister Petkanov stated that the Law should not provide for appeal against the blocking of financial assets of persons sentenced by a verdict that has entered in force. He added that in case of a competition of interests he would rather have the interests of the society protected than those of the person against who there exists suspicion for performing terrorist activity.

Mr. Boiko Noev expressed his opinion that during the discussion on the Draft Law special attention should be paid on the specific situation in Bulgaria, namely the abuse of power and the possible violation of the rights of citizens by the prosecutors.

Dr. Vassil Kirov, Director of the Agency Financial Intelligence Bureau, pointed out that the *Law on Measures against Money Laundering* provides for protecting the anonymity of the informer and this should be followed as an example in the *Draft Law on Measures against Financing of Terrorism*. He outlined that according to the recommendations of FATF the legal framework of the measures against money laundering should be incorporated into the legislation against financing of terrorism.

Mr. Oleg Nedialkov, Chief Executive Director, Bulgaria Invest Bank, summarized the main aspects of the discussion and underlined the need for quick adoption of the Law.

In his concluding remarks Minister Petkanov expressed his gratitude to the participants in the discussion and assured them that the controversial issues will be further discussed and reconsidered.