

APPENDIX 6: REGULATION ON THE IMPLEMENTATION OF THE LAW ON THE CONTROL OF FOREIGN TRADE ACTIVITY IN ARMS AND DUAL-USE GOODS AND TECHNOLOGIES¹⁸⁷

Council of Ministers
Decree No 274
dated 29 November 2002

for passing Regulations on the implementation of the Law on Control of Foreign Trade Activities in Arms and Goods and Technologies with Potential Dual Use

THE COUNCIL OF MINISTERS HAS DECREED:

Single Article. Approves Regulations on the implementation of the Law on Control of the Foreign Trade Activities in Arms and Goods and Technologies with Potential Dual Use.

REGULATIONS on implementation of the Law on Control of Foreign Trade Activities in Arms and Goods and Technologies with Potential Dual Use

CHAPTER ONE

General provisions

Art 1. (1) These Regulations shall settle in accordance with the Law on Control of the Foreign Trade Activities in Arms and Goods and Technologies with Potential Dual Use the conditions and order for performance of foreign trade activities in arms and goods and technologies with potential dual use, the control of the State on these activities, the composition and the order of activity of the Interdepartmental Commission for Export Control and Non-Distribution of Mass Destruction Weapons with the Minister of Economy.

(2) The weapons and goods and technologies with potential dual use under para 1 shall be included in a list, passed by the Council of Ministers.

CHAPTER TWO

Foreign Trade Activities in Arms

Section I

General Provisions

Art 2. (1) Foreign trade activities in arms may be carried out only by commercial entities registered under the Commercial Code, which have received a license for such activities from the Interdepartmental Council on the Matters of the Military Industry Complex and Mobilization Preparedness of the Country with the Council of Ministers, called hereunder the Interdepartmental Council.

(2) The license for foreign trade activities in arms shall be issued initially for a term of one year, following the expiry of which each subsequent license shall be issued for a term of three years.

(3) The scope of the license under para 1 may be full or limited in respect of the items under the List of Weapons and Goods and Technologies with Potential Dual Use and/or in respect of the country – end user or exporter.

Art 3. The license is personal and may not be transferred or granted to other parties.

¹⁸⁷Source: Ministry of Economy

Art 4. (1) The entities which have received a license under Art 2 shall perform each foreign trade transaction in arms on the basis of a permit granted by the Interdepartmental Commission for Export Control and Non-Distribution of Mass Destruction Weapons with the Minister of Economy, called hereunder the Inter-Departmental Commission.

(2) The permit shall be issued within the scope of the license for a period of six months and may be extended once for a period of up to six months, while the term of the permit and its extension may not exceed the term of the license.

Art 5. Fees at an amount determined by the Council of Ministers shall be paid for the obtaining of a license for performance of foreign trade activities in arms and permit for each transaction. In case of suspension of the license and/or the permit the fees paid shall not be subject to reimbursement.

Section II

License for performance of foreign trade activities in arms

Art 6. (1) A license shall be issued to a commercial entity when it meets the requirements for reliability for performance of foreign trade activities in arms and is economically stable.

(2) The license under para 1 shall be issued in 2 copies as per form – appendix No 1. The first copy shall be provided to the applicant and the second one shall be kept with the Inter-Departmental Council.

(3) The commercial entities under para 1, applying for the granting of a license shall submit to the Interdepartmental Council the following documents:

1. An application as per form approved by the Interdepartmental Council;
2. A document of court registration and an original of court certificate of current status of the applicant, issued not earlier than 30 days from the filing of the applications and reflecting all changes of circumstances listed in the Commercial Register;
3. A document by the Ministry of the Interior that the applicant has established the required organization for storage of weapons in accordance with the requirements of the Law on Control on the Explosives, Firearms, and Ammunitions;
4. A document issued by the competent authorities that the applicant has established conditions for safeguarding the classified information representing state secret in the cases when this is necessary under the Law on Protection of Classified Information;
5. A list of individuals who shall participate directly in these activities coordinated with the security authorities, together with a curriculum vitae, job reference, certificate of no previous conviction and a sample signature for each;
6. A certificate of no previous conviction of the General Manager, the members of a Management or Control body of the commercial entity;
7. A copy of the documents certifying the tax registration and National Statistics Institute registration (BULSTAT code);
8. A certificate issued by the Territorial Tax Directorate or the Tax Division as per registration of the entity as to the absence of liquid and demandable public receivables or a certificate that the public receivables are deferred, rescheduled or secured;
9. A certificate from the social security funds of the state social security as to the absence of liquid or demandable receivables or a certificate that the receivables have been deferred, rescheduled or secured;
10. A declaration by the General Manager, by the members of a Management or Control body of the commercial entity that the entity does not have liquid and demandable payables to natural persons or legal entities, where the payable has been recognized to the body under enforced execution or where a court decision entered into force has been established, with a document certified by a Notary Public or with a promissory note;
11. A document as to the paid state fee.

Art 7. (1) The Interdepartmental Council shall pronounce on the applications within 30 days as of their filing.

(2) Upon finding of incompleteness in the presented documents within seven days as of the date of filing the documents, the Interdepartmental Council shall send notification to the applicant to eliminate the incompleteness while providing guidance as to their elimination. In this case the deadline under para 1 shall stop as of the date of sending the notification until elimination of the incompleteness.

(3) The decision as to granting a license or refusal shall be announced to the applicant within seven days from the date of taking the decision.

Art 8. The Interdepartmental Council shall notify the Ministry of the Interior, the Central Customs Department of Customs Agency and the Interdepartmental Commission within five working days as to the licenses issued and renewed.

Art 9. The commercial entities that obtained a license shall be obliged to inform the Interdepartmental Council as to any change in the circumstances under which the license has been issued within 14 days as of its occurrence and to present the respective document under Art 6, Para 3.

Section III

Permit for foreign trade activities in arms

Art 10. (1) A permit for foreign trade transaction for import or export of weapons shall be issued only to the commercial entities under Art 2 holding license for performance of such activities.

(2) The Interdepartmental Commission shall decide on the applications within 20 days as of their filing.

(3) Upon finding of incompleteness of the submitted documents the Interdepartmental Commission shall send notification to the applicant within seven days for elimination of the incompleteness while giving guidance as to their elimination. In this case the deadline under para 2 shall stop as of the date of sending the notification until elimination of the incompleteness.

(4) In case of necessity for performance of an inspection on the documents submitted, including an inspection via diplomatic channels, the Interdepartmental Commission may postpone for the next meeting the review and decision on the application for issuance of a permit within the deadline set out under para 2.

(5) The permit or refusal shall be announced to the applicant within seven days as of the date of taking the decision.

(6) The first copy of the issued permit shall be provided to the applicant, the second one shall be sent to Security National Authority with the Ministry of the Interior, the third copy shall be sent to the Central Customs Department of the Customs Agency and the fourth copy shall be kept with the Interdepartmental Commission.

Art 11. (1) The permit for a foreign trade transaction in arms shall be issued for a period of six months as of the date of issuance, which period may not exceed the period of the license.

(2) If a transaction allowed under the provisions of this Chapter shall not be executed within the deadline, the applicant may request extension of the deadline by means of a motivated written request not later than 15 days prior to its expiry, while specifying the portion of quantities not realized.

(3) The permit may be extended under the order of para 2 only once for a period of six months, which period may not be longer than the period of validity of the license.

Art 12. The Interdepartmental Commission shall inform the Ministry of the Interior and the Central Customs Department of the Customs Agency within five days as to the permits issued and extended.

Art 13. Following the drawing up of the customs documents on the last shipment with which the quantity allowed under the permit for export or import is exhausted, or following the term of validity, the applicant shall return the original of the permit to the Interdepartmental Commission within seven working days.

Art 14. (1) The permit may be used solely by the entity under Art 10, Para 1, to which it has been issued.

(2) The applicant shall be obliged to inform the Commission in writing within five days as to all changes in the conditions under which the transaction has been allowed.

(3) Following receipt of a permit for a specific transaction changes in the terms and conditions of the transaction may be made following the consent of the Interdepartmental Commission.

(4) The document evidencing the conclusion of a foreign trade transaction, which the applicant shall submit to the Interdepartmental Commission shall obligatorily include:

1. price;
2. parties on the transaction;
3. name of the goods;
4. quantity;
5. terms of delivery;
6. term of execution;
7. a provision for non-permission of re-export by the buyer and/or the end user without the written consent of the Interdepartmental Commission.

(5) If assessed so the Interdepartmental Commission may require from the applicant additional information, which is related to the foreign trade transaction.

A. *Import Permit*

Art 15. Foreign trade transaction for import of weapons shall be carried out on the grounds of an import permit issued by the Interdepartmental Commission. The permit shall be issued as per standard form in four copies – appendix No 2.

Art 16. (1) For obtaining weapons import permit the licensed commercial entity shall present to the Interdepartmental Commission the following documents:

1. standard form application filled-in – appendix No 3;
2. a permit filled-in in four copies;
3. a copy of the license for performance of foreign trade activities in arms issued by the Interdepartmental Council;
4. a copy of the license for performance of intermediary activities issued to the intermediary by the Interdepartmental Council if there is such under the transaction;
5. a copy and a certified translation into Bulgarian of a document issued by a competent authority of the country in which the exporter is registered, verifying its right to perform this type of activity under the exporter's national legislation;
6. a copy and certified translation into Bulgarian of the document verifying the foreign trade transaction (an agreement, proforma invoice, invoice, order, sample document, etc.), as well as all other agreements related to the execution of the transaction (for example, with the Bulgarian or the foreign partner – intermediary, forwarding company, transport company, end user or manufacturer);
7. written declaration by the importer and written declaration by the end user that the imported weapons shall not be re-exported or transferred to third individuals and/or legal entities without the permission of the Bulgarian competent authorities and that the weapons shall be used in observance of the effective Bulgarian legislation;
8. a copy of an end user certificate if such has been issued to the applicant as per request of the competent authorities of the country in which the exporter is registered;
9. a document on the state fee paid.

(2) The import permit issued shall be presented by the importer to the relevant customs office together with the customs declaration for the specific customs regime.

(3) The import shall be verified by means of copy of the customs declaration certified by the customs authority (Unified Administrative Document, UAD) and weapons import permit in which the number and date of the customs manifest and the number and date of the customs declaration shall be written under each separate shipment.

Art 17. (1) If the country of the exporter shall require from a Bulgarian importer an end user certificate it shall be issued in three copies as per standard form – appendix No 4, as follows:

1. by the Ministry of Defense – when the weapons are intended for the needs of the military forces;
2. by the Ministry of Economy – when the weapons are intended for production activity of the commercial entities or for the purpose of re-export;
3. By the Ministry of the Interior – when the weapons are intended for the needs of this Ministry or for the purpose of sales at the domestic market.

(2) The first copy of the certificate shall be provided to the applicant, the second one shall be sent to the Interdepartmental Commission, and the third copy shall be kept with the respective Ministry.

(3) The staff name list of the entities (the titular and the deputy) who have the right to sign end-user certificates under para 2, shall be approved by the Chairman of the Interdepartmental Council as per proposal of the respective Ministers. The specimen of the signatures shall be sent to the Interdepartmental Council, the Interdepartmental Commission, the Ministry of the Interior and the Ministry of Foreign Affairs.

Art 18. (1) If the country of the exporter shall require from a Bulgarian importer international import certificate, the latter shall be issued by the Interdepartmental Commission in two copies as per standard form – appendix No 5.

(2) The international weapons import certificate shall be issued by the Interdepartmental Commission within seven days based on the weapons import permit issued by the Interdepartmental Commission. The first copy of the certificate shall be provided to the applicant, the second shall be kept with the Interdepartmental Commission.

(3) the international import certificate shall be signed by the Secretary of the Interdepartmental Commission, and in his/her absence – by the Minutes keeping person of the Interdepartmental Commission. The specimens of their signatures shall be sent to the Interdepartmental Council, the Ministry of the Interior and the Ministry of Foreign Affairs.

Art 19. (1) To obtain a certificate under Art 17 or 18 the Bulgarian importer shall submit to the respective authority the following documents:

1. an application for receipt of a certificate with stated reasons as to its issuance (for the international import certificate the number of the issued import permit shall be specified as well);
2. an original and certified translation of a document issued by a competent authority of the country of the foreign exporter or by the foreign exported, or a copy and a certified translation of an agreement verifying the necessity of issuance of the certificate;
3. in the cases of issued of an end user certificate a document verifying the right of the end user to perform the activities for which the goods are imported, shall be presented;
4. filled-in copies of the certificate; the blank end user certificates shall be received from the respective Ministry under Art 17, Para 1, and the blank international import certificates – by Internationally Controlled Commerce Directorate with the Ministry of Economy.

(2) Registers shall be maintained for the issued certificates.

(3) The Ministries under Art 17, para 1 shall decide on the applications within 15 days as of the date of their submission.

(4) In case of finding of incompleteness of the submitted documents the bodies under Art 17 and 18 shall send a notice to the applicant to eliminate the incompleteness while giving guidance as to their elimination. In this case the deadline under para 2 shall stop as of the date of sending the notification until the elimination of the incompleteness.

(5) The issuance of a certificate or the refusal shall be announced to the applicant within three days as of the date of taking the decision.

(6) The first copy of the certificate under Art 17 shall be provided by the applicant to the foreign exporter within six months as of the date of its issuance.

(7) Following the expiry of six months as of the issuance of the certificate under Art 17 the importer shall send to the Interdepartmental Commission and to the respective Ministry information as to its provision to the foreign exporter. In case of non-provision within the specified period the applicant shall return the original of the certificate.

(8) The first copy of the certificate under Art 18 shall be provided by the applicant to the foreign exporter.

Art 20. (1) If the country of the exporter shall require a certificate for delivery made, the importer following processing of the goods with the respective customs authority shall present a filled-in certificate for delivery in three copies as per standard form – appendix No 6 while attaching a copy of the respective import permit thereto.

(2) The customs office processing the import of the goods shall certify the certificate within three days, and the first copy of the certificate for delivery made shall be provided to the applicant.

(3) The Central Customs Department of the Customs Agency shall send the second copy of the certificate for delivery made certified by it to the Interdepartmental Commission within 15 days of the date of certification, and the third copy shall be kept with the Central Customs Department of Customs Agency.

(4) The applicant shall receive the blank certificates of delivery made from the Interdepartmental Commission following the filing of an application with stated reasons as to the necessity of issuance of a certificate for delivery made.

B. Export Permit

Art 21. The foreign trade transaction for export of weapons shall be made on the grounds of an export permit issued by the Interdepartmental Commission. The permit shall be issued in four copies as per standard form – appendix No 7.

Art 22. (1) To obtain an export permit the licensed commercial entity shall submit to the Interdepartmental Commission the following documents:

1. filled-in application as per standard form – appendix No 3;
2. filled-in permit in four copies;
3. a copy of the license for performance of foreign trade activities in arms issued by the Interdepartmental Council
4. a copy of the license for performance of intermediary activities issued by the Interdepartmental Council to the intermediary, if there is such under the transaction;
5. a copy and a certified translation in Bulgarian of a document issued by a competent authority in the country of the foreign counterparty – importer verifying the right of the latter to perform this type of activity under the importer's national legislation;
6. an end user certificate and/or international import certificate in original issued by the competent authorities of the country of the end user and a certified translation of the certificate to Bulgarian;
7. a copy and a certified translation in Bulgarian of the document confirming the foreign trade transaction (an agreement, proforma invoice, invoice, order, document of samples, etc) as well as all other agreements related to the execution of the transaction (for example with the Bulgarian or foreign partner – intermediary, forwarder, transport company, end user or manufacturer);

8. a document on the state fee paid.

(2) The document certifying the conclusion of the foreign trade transaction obligatory shall include a provision for non-permission of re-export by the buyer and/or the end user without the written consent of the Interdepartmental Commission.

(3) To obtain a re-export permit apart from the documents required under para 1, the re-exporter shall present to the Interdepartmental Commission:

1. a re-export permit by the competent authority of the country from which the goods are imported;
2. when the competent authority of the country from which the goods are imported has not issued the document under point 1, this circumstance shall be declared by the re-exporter together with a declaration that there is no ban imposed for re-export by the country from which the goods are imported.

(4) The export permit shall be presented by the exporter to the respective customs office together with the customs declaration as to the specific customs regime.

(5) The export shall be verified by means of copies of the customs declaration (UAD) for the specific customs regime and the export permit certified by the customs office in which the number and date of the customs declaration shall be written under each separate shipment.

Art 23. The exporter shall be obliged to include in the foreign trade agreement a provision obliging the buyer and/or the end user not to make any re-export without the explicit consent of the Interdepartmental Commission.

Art 24. The applicant shall present to the Interdepartmental Commission a certificate for delivery made or an equivalent document issued by a competent authority in the country of the end user and confirming the realization of the delivery not later than three months as of the date of its arrival in the country of the end user.

Section IV

Transportation of weapons

Art 25. (1) The carriers registered under the Commercial Code shall transport weapons from and to the territory of the Republic of Bulgaria, as well as from and to the territory of third countries on the grounds of a license issued by the Interdepartmental Council. The license shall be issued in two copies as per standard form – appendix No 8, while the first copy shall be provided to the applicant, and second copy shall be kept with the Interdepartmental Council.

(2) The carriers under para 1, applying to obtain license for transportation of weapons shall present to the Inter-Departmental Council the following documents:

1. an application as per standard form approved by the Interdepartmental Council;
2. A document of court registration and an original court certificate of current status of the applicant, issued not earlier than 30 days from the filing of the applications and reflecting all changes of circumstances listed in the Commercial Register;
3. A document from the Ministry of the Interior stating that the applicant may render such transport services;
4. A document from the Marine Administration Executive Agency, Automobile Administration Executive Agency, Railway Administration Executive Agency, or Civil Air-Traffic Administration Central Directorate regarding the fitness of the transport vehicles for performance of this activity;
5. A document issued by the competent authorities that the applicant has established conditions for safeguarding of the classified information representing state secret in the cases when this is necessary under the Law on Protection of the Classified Information;
6. A list of individuals, who shall participate directly in these activities, coordinated with the security authorities, together with a curriculum vitae, job reference, certificate of no previous conviction and a sample signature for each;

7. A certificate of no previous conviction of the General Manager, the members of a Management or Control body of the commercial entity that the individuals have not been convicted of an offence of general nature;
8. A copy of the documents certifying the tax registration and National Statistics Institute registration (BULSTAT code);
9. A certificate issued by the Territorial Tax Directorate or the Tax Division as per registration of the entity as to the absence of liquid and demandable public receivables or a certificate that the public receivables are deferred, rescheduled or secured;
10. A certificate from the social security funds of the state social security as to the absence of liquid or demandable receivables or a certificate that the receivables have been deferred, rescheduled or secured;
11. A declaration by the General Manager, by the members of a Management or Control body of the commercial entity that the entity does not have liquid and demandable payables to natural persons or legal entities, where the payable has been recognized to the body under enforced execution or where a court decision entered into force has been established, with a document certified by a Notary Public or with a promissory note;
12. A document as to the paid state fee.

Art 26. (1) The Interdepartmental Council shall decide on the applications filed within 30 days from the date of filing.

(2) Upon finding of incompleteness in the presented documents within seven days as of the date of filing the documents, the Interdepartmental Council shall send notification to the applicant to eliminate the incompleteness while providing guidance as to its elimination. In this case the deadline under para 1 shall stop as of the date of sending the notification until elimination of the incompleteness.

(3) The decision as to granting a license or refusal shall be announced to the applicant within seven days from the date of taking the decision.

(4) Bulgarian carriers that have obtained a license for transportation of weapons and performing transportation of weapons between the territories of two separate third countries shall inform the Ministry of Transport and the notifications as to the starting and final destination, as to the route, as well as to the points of technical landing/stops within a period of not more than five days prior to the commencement of the transportation.

(5) The Ministry of Transport and Communications shall send within 2 days the information received to the Interdepartmental Council, the Interdepartmental Commission, the Ministry of the Interior and the Ministry of Foreign Affairs.

Art 27. (1) The license shall be issued initially for a term of one year and following its expiry each subsequent license shall be issued for a period of three years.

(2) The license shall be personal and may not be transferred or re-granted.

(3) The Interdepartmental Council shall refuse to issue a license when the documents under Art 25, Para 2 are not submitted after the provided period for addition of the documents and when the requirements under Art 25, para 2 are not existing, which the applicant must certify by means of the presented documents.

(4) The Interdepartmental Council shall deprive the license granted:

1. in case of non-fulfillment or in case of breach of the conditions of the license;
2. when the licensed entity has filed incorrect data which has serviced in the issuance of the license;
3. when the licensed entity stops meeting the requirements of Art 25, para 2.

(5) The Inter-Departmental Council shall terminate the license:

1. due to expiry of the term

2. upon its deprivation
3. as per request of the licensed entity
4. upon termination of the activity of the carrier.

Art 28. The foreign carriers and the companies using foreign carriers and/or transport vehicles shall present to the Ministry of Transport and Communications a document confirming their right to carry out transportation of weapons under their national legislation, a document of registration and a certificate of fitness of the transport vehicles by means of which the transport of weapons shall be carried out.

Art 29. Within five days the Interdepartmental Council shall inform the Ministry of Transport and Communications, the Ministry of the Interior, the Interdepartmental Commission and the Central Customs Department of the Customs Agency as to the licenses issued or renewed.

Section V

Permit for Transit Transport of Weapons

Art 30. (1) Transit transport of weapons shall be carried out on the grounds of a permit for transit transport for each separate case, issued by the Interdepartmental Commission. The permit shall be issued in four copies as per standard form – appendix No 9.

(2) The permit for transit transport of weapons shall specify the customs points, the route and the term for passing.

(3) For the issuance of the permit for transit transport the sender or a person authorized by it shall present to the Interdepartmental Commission the following documents:

1. a filled-in standard application approved by the Interdepartmental Commission;
2. a legalized copy and a certified translation in Bulgarian of the document issued by a competent authority of the country of the exporter, certifying its right to perform the specific transaction and the end user, and a certified translation in Bulgarian of the document;
3. a legalized copy and a certified translation in Bulgarian of the permit for transit transport or for acceptance on the territory of the country following the Republic of Bulgaria as per the route of the transit transport issued by its competent authorities.

(4) The documents shall be presented to the Interdepartmental Commission by the sender of the goods or by a person authorized by it not later than 20 days before the entering of the goods on the territory of the Republic of Bulgaria.

(5) The Interdepartmental Commission shall decide on the applications within ten days as of the date of their filing. The permission or the refusal shall be announced to the applicant within five days as of the pronouncement.

(6) The permit shall be valid under the conditions and until expiry of the period specified therein but for not more than 15 days as of the date of the entering of the goods in the entry customs office of the Republic of Bulgaria.

(7) The first copy of the permit shall be provided to the applicant, the second copy shall be sent to the Security National Service with the Ministry of the Interior, the third copy shall be sent to the Central Customs Department of the Customs Agency and the fourth copy shall be kept with the Interdepartmental Commission.

(8) Within ten days as of the date of certification of the transit transport the exit customs office shall send to the Interdepartmental Commission the copy of the permit which has been provided to the applicant.

CHAPTER THREE**Foreign Trade Activities with Goods and Technologies with Potential Dual Use***Section I***General Provisions**

Art 31. (1) Export of goods and technologies with potential dual use included in the list under Art 1, Para 3 of the Law, may be carried out by entities registered under the Commercial Code, that have obtained a license for such activities by the Interdepartmental Council.

(2) The scope of the license under para 1 may be full or limited in respect of the categories and items in accordance with the List of Weapons and Goods and Technologies with Potential Dual Use and/or in respect of the country – end user.

Art 32. The license shall be issued initially for a period of one year following the expiry of which each subsequent license shall be issued for a period of three years.

Art 33. (1) The export and import of goods and technologies with potential dual use shall be carried out on the grounds of a permit for each transaction issued by the Interdepartmental Commission. The import and export permits shall be issued within the scope of the license for a term of six months and may be extended only once for a period of up to six months, while the term of the permit and its extension may not be longer than the period of the license – in the case of export.

(2) If a transaction allowed under the provisions of this Chapter shall not be executed in due time, the applicant may request with a well-grounded written request extension of the term not later than 15 days prior to its expiry, while specifying the portion of unrealized quantities.

Art 34. To obtain a license for export of goods and technologies with potential dual use and a permit for each transaction fees at an amount defined by the Council of Ministers shall be paid. In case of deprivation of the license and/or of the permit the fees paid shall not be subject to reimbursement.

*Section II***Export License**

Art 35. (1) The entities registered under the Commercial Code shall be issued an export license for goods and technologies with potential dual use, when they are reliable and economically stable and when they have established the necessary organization for with the goods and/or technologies specified by them.

(2) The license under para 1 shall be issued in 2 copies as per standard form – appendix No 10. The first copy shall be provided to the applicant and the second one shall be kept with the Interdepartmental Council.

(3) The entities registered under the Commercial Code, applying for the granting of a license for export shall submit to the Interdepartmental Council the following documents:

1. A filled-in application for issuance of a license as per standard form approved by the Interdepartmental Council;
2. A document of court registration and an original court certificate of current status of the applicant, issued not earlier than 30 days from the filing of the application and reflecting all changes of circumstances listed in the Commercial Register;
3. A list of individuals, who shall participate directly in these activities, coordinated with the security authorities, together with a curriculum vitae, job reference, certificate of no previous conviction and a signature sample for each;
4. A certificate of no previous conviction of the General Manager, the members of a Management or Control body of the trader;
5. A copy of the documents certifying the tax registration and National Statistics Institute registration (BULSTAT code);

6. A certificate issued by the Territorial Tax Directorate or the Tax Division as per registration of the entity as to the absence of liquid and demandable public receivables or a certificate that the public receivables are deferred, rescheduled or secured;
7. A certificate from the social security funds of the state social security as to the absence of liquid or demandable receivables or a certificate that the receivables have been deferred, rescheduled or secured;
8. A declaration by the General Manager, and by the members of a Management or Control body of the commercial entity that the entity does not have liquid and demandable payables to natural persons or legal entities, where the payable has been recognized to the body under enforced execution or where a court decision entered into force has been established, with a document certified by a Notary Public or with a promissory note;
9. A document as to the paid state fee;
10. for nuclear and explosive materials, toxic chemical compounds, pathogenic and toxic biological agents and the equipment related thereto a document shall be required issued by a competent authority specified by the Inter-Departmental Council depending on the type of the goods an/or technology, that the applicant has established conditions and the required organization for export of the specific type of goods and/or technology in accordance with the requirements of the effective legislation.

Art 36. (1) The Interdepartmental Council shall pronounce on the applications within 30 days as of their filing.

(2) Upon finding of incompleteness in the presented documents within seven days as of the date of filing the documents, the Interdepartmental Council shall send notification to the applicant to eliminate the incompleteness while providing guidance as to its elimination. In this case the deadline under para 1 shall stop as of the date of sending the notification until elimination of the incompleteness.

(3) The decision as to granting a license or refusal shall be announced to the applicant within seven days from the date of taking the decision.

Art 37. The Interdepartmental Council shall notify the Ministry of the Interior, the Central Customs Department of Customs Agency and the Interdepartmental Commission within five working days as to the licenses issued and renewed.

Art 38. The entities registered under the Commercial Code that obtained a license shall be obliged to inform the Interdepartmental Council as to any change in the circumstances under which the license has been issued within 14 days as of its occurrence and to present the respective document under Art 35, para 3.

Section III

Permit for foreign trade transaction with goods and technologies with potential dual use

Art 39. (1) A permit for export of goods and technologies with potential dual use shall be issued by the Interdepartmental Commission only to the entities under Art 35, para 3 holding license for performance of such activities.

(2) The Interdepartmental Commission shall decide on the applications for permission of the foreign trade transaction within 20 days as of their filing.

(3) Upon finding of incompleteness of the submitted documents the Interdepartmental Commission shall send notification to the applicant within seven days as of the date of filing the application for elimination of the incompleteness while giving guidance as to its elimination. In this case the deadline under para 1 shall stop as of the date of sending the notification until elimination of the incompleteness.

(4) In case it is necessary to carry out an inspection of the documents submitted, including an inspection via diplomatic channels, the Interdepartmental Commission may postpone for next meeting the review and decision on the application for issuance of a permit within the deadline set out under para 2.

(5) The permit or refusal shall be announced to the applicant within seven days as of the date of taking the decision.

(6) The first copy of the issued permit shall be provided to the applicant, the second one shall be sent to Security National Authority with the Ministry of the Interior, the third copy shall be sent to the Central Customs Department of Customs Agency and the fourth copy shall be kept with the Interdepartmental Commission.

Art 40. (1) A permit may be used solely by the entity to which it has been issued.

(2) The applicant shall be obliged to inform the Commission in writing within five days as to all changes in the conditions under which the transaction has been allowed.

(3) Following receipt of a permit for a specific transaction changes in the terms and conditions of the transaction may be made following the consent of the Interdepartmental Commission.

(4) The document evidencing the conclusion of a foreign trade transaction, shall obligatory include:

8. price;
9. parties to the transaction;
10. name of the goods;
11. quantity;
12. terms of delivery;
13. term of execution;
14. a provision for non-permission of re-export by the buyer and/or the end user without the written consent of the Interdepartmental Commission.

Art 41. If assessed so the Interdepartmental Commission may require from the applicant additional information, which is related to the foreign trade transaction.

Art 42. Following customs clearance of the last shipment with which the allowed quantity under the permit for export or import is exhausted, or following expiry of the term of validity the applicant shall within seven days return the original of the permit to the Interdepartmental Commission.

Art 43. The Interdepartmental Commission shall inform the Ministry of the Interior, and the Central Customs Department of the Customs Agency within five working days as to the permits issued and extended.

A. *Import Permit*

Art 44. (1) Import of goods and technologies with potential dual use included in the list under Art 1, para 3 of the Law shall be carried out on the grounds of an import permit.

(2) The import permit shall be issued as per standard form in four copies – appendix No 11.

(3) To obtain import permit the applicants shall present to the Interdepartmental Commission the following documents:

1. standard form application filled-in – appendix No 3;
2. a permit filled-in in four copies;
3. A document of court registration and an original court certificate of current status of the applicant, issued not earlier than 30 days from the filing of the application and reflecting all changes of circumstances listed in the Commercial Register;
4. a copy and certified translation in Bulgarian of the document verifying the foreign trade transaction (an agreement, proforma invoice, invoice, order, sample document, etc.), as well as all other agreements related to the execution of the transaction (for example, with the Bulgarian or the foreign partner – intermediary, forwarding company, transport company, end user or manufacturer);

5. declaration by the importer and/or declaration by the end user by means of which it is obliged to inform in writing the Interdepartmental Commission within five days prior to each subsequent change of the end user on the territory of the Republic of Bulgaria;
6. a copy of the documents certifying the tax registration and the National Statistic Institute registration (BULSTAT code);
7. a copy of the license of the intermediary if there is such on the transaction for performance of intermediary activities issued by the Interdepartmental Council;
8. a document on the state fee paid.

(4) The import permit shall be presented by the importer in the respective customs office together with the customs declaration for the specific customs regime.

(5) The import shall be verified by means of copy of the customs declaration certified by the customs authority (UAD) and import permit in which the number and date of the customs manifest and the number and date of the customs declaration shall be written under each separate shipment.

Art 45. (1) If the country of the exporter shall require by the importer an end use/end user certificate and/or international import certificate it shall be issued under the terms and provisions of Art 17-19, as follows:

1. by the Ministry of Defense – when the goods and/or technologies are intended for the needs of the military forces;
2. by the Ministry of Economy – when the goods and/or technologies are intended for production activity of the commercial entities or for the purpose of re-export and sale in the country;
3. by the Ministry of the Interior – when the goods and/or technologies are intended for the needs of this Ministry.

(2) The end use/end user certificate shall be issued in standard form – appendix No 12.

Art 46. If the country of the exporter shall require certificate of delivery made of goods and technologies with potential dual use, the certificate shall be issued under the terms and provisions of Art 20.

B. Export Permit

Art 47. The export of goods and technologies with potential dual use shall be made on the grounds of an export permit issued by the Interdepartmental Commission. The permit shall be issued in four copies as per standard form – appendix No 13.

Art 48. (1) To obtain an export permit the applicant shall submit to the Interdepartmental Commission the following documents:

1. filled-in application as per standard form – appendix No 3;
2. filled-in permit in four copies;
3. a copy of the license for performance of foreign trade activities with goods and technologies with potential dual use;
4. an end user certificate and/or international import certificate in original issued by the competent authorities of the country of the end user and a certified translation of the certificates in Bulgarian;
5. a copy and a certified translation in Bulgarian of the document confirming the foreign trade transaction (an agreement, proforma invoice, invoice, order, document of samples, etc.) as well as all other agreements related to the execution of the transaction (for example with the Bulgarian or foreign partner – intermediary, forwarder, transport company, end user or manufacturer);
6. a copy of the license of the intermediary if there is such under the transaction for performance of intermediary activities issued by the Interdepartmental Council;
7. a document on the state fee paid.

(2) To obtain a re-export permit apart from the documents required under paragraph 1, the re-exporter shall present to the Interdepartmental Commission:

1. a re-export permit by the competent authority of the country from which the goods are imported;
2. when the competent authority of the country from which the goods are imported has not issued the document under point 1, this circumstance shall be declared by the re-exporter together with a declaration that there is no ban imposed for re-export by the country from which the goods are imported.

(3) The export permit shall be presented by the exporter to the respective customs office together with the customs declaration as to the specific customs regime.

(4) The export shall be verified by means of copies of the customs declaration (UAD) for the specific customs regime and the export permit certified by the customs office in which the number and date of the customs declaration shall be written under each separate shipment.

Art 49. The applicant shall present to the Interdepartmental Commission a certificate for delivery made or an equivalent document issued by a competent authority in the country of the end user and confirming the clearance of the goods not later than three months as of the date of its arrival in the country of the end user.

Section IV

Permit for Transit Transport

Art 50. (1) Transit transport through the territory of the Republic of Bulgaria of radioactive, explosive, flammable, oxidizing, corrosive, bacteriological (biological), toxic and pathogenic goods included in the list under Art 1, para 3 of the Law shall be carried out on the grounds of a permit for transit transport for each separate case, issued by the Interdepartmental Commission.

(2) The permit under para 1 shall be issued in four copies as per standard form – appendix No 14.

(3) The permit for transit transport shall specify the customs points, the route and the term for passing.

(4) For the issuance of the permit for transit transport the sender or a person authorized by it shall present to the Interdepartmental Commission the following documents:

1. a filled-in standard application approved by the Interdepartmental Commission;
2. a legalized copy of a document issued by a competent authority of the country of the exporter, certifying its right to perform the specific transaction and the end user, and a certified translation in Bulgarian of the document;
3. a legalized copy and a certified translation in Bulgarian of the permit for transit transport or for acceptance on the territory of the country following the Republic of Bulgarian as per the route of the transit transport issued by its competent authorities.

(5) The documents shall be presented to the Interdepartmental Commission by the sender of the goods or by a person authorized by it not later than 20 days before the entering of the goods on the territory of the Republic of Bulgaria.

(6) The Interdepartmental Commission shall decide on the applications within ten days as of the date of their filing. The permission or the refusal shall be announced to the applicant within five days as of the pronouncement.

(7) The first copy of the permit shall be provided to the applicant, the second copy shall be sent to the Security National Service with the Ministry of the Interior, the third copy shall be sent to the Central Customs Department of Customs Agency and the fourth copy shall be kept with the Interdepartmental Commission.

(8) The permit shall be valid under the conditions and until expiry of the period specified therein but for not more than 15 days as of the date of the entering of the goods in the entry customs office of the Republic of Bulgaria.

(9) The exit customs office within ten working days as of the date of certification of the transit transport shall send to the Interdepartmental Commission the copy of the permit which has been provided to the applicant.

CHAPTER FOUR

Intermediary Activities Related to Foreign Trade Transactions In Arms or Goods and Technologies with Potential Dual Use

Art 51. (1) Intermediary activities related to foreign trade transactions in arms and/or goods and technologies with potential dual use from and to the territory of the Republic of Bulgaria may be carried out by natural persons and legal entities who have obtained license for the performance of such activities by the Interdepartmental Council.

(2) The Interdepartmental Council shall issued license for intermediary activities related to foreign trade transactions in arms as per standard form – appendix No 15 and a license for intermediary activities related to foreign trade transactions with goods and technologies with potential dual use as per standard form – appendix No 16.

(3) The license for intermediary activities shall be issued initially for a term of one year, following the expiry of which each subsequent license shall be issued for a term of three years.

(4) The license shall be issued in two copies – the first copy of the license shall be provided to the applicant and the second copy shall be kept with the Interdepartmental Council.

(5) The scope of the license under para 1 may be full or limited in respect of the items or categories under the List of Weapons and Goods and Technologies with Potential Dual Use and/or in respect of the country – end user or exporter.

Art 52. (1) To the entities under Art 51 a license shall be issued when they meet the requirements for reliability for the performance of intermediary activities and are economically stable in accordance with the Regulations.

- (2) The Bulgarian persons shall be considered reliable for the performance of intermediary activities if:
1. they are capable
 2. if the natural person or the general manager, members of a management and control body of the legal entity have not been convicted for committing a general nature offence;
 3. there is no data that the natural person, or the general manager or the members of a management or control body of the legal entity, or the natural person (persons) who directly participate in the intermediary activity represent a threat to the national security, the economic or foreign policy interests of the Republic of Bulgaria, the strengthening of international peace and security and the fulfillment of the international obligations of the Republic of Bulgaria.
- (3) The Bulgarian persons shall be considered economically stable if:
1. the legal entities are not undergoing liquidation or bankruptcy proceedings;
 2. do not have liquid and demandable public payables to the Bulgarian state and payables to the state social security funds.
- (4) The foreign persons shall be considered reliable for the performance of intermediary activities if:
1. they have the right to perform such activities under their national legislation;
 2. there is no data that the natural person, or the general manager, the members of a management or control body of the legal entity, or the natural person (persons) who directly participate in the intermediary activity represent a threat to the national security, the economic or foreign policy interests of the Republic of Bulgaria, the strengthening of international peace and security and the fulfillment of the international obligations of the Republic of Bulgaria.

(5) The foreign persons shall be considered economically stable for the performance of intermediary activities when they do not have liquid and demandable payables to natural persons or legal entities, where the payable is recognized to the authority on enforced execution or when it is established by virtue of court decision entered into force, with a document certified by a Notary Public or by means of a promissory note.

(6) The foreign persons shall have the right to authorize Bulgarian persons to represent them under the procedure on issuance of a license by the Interdepartmental Council.

Art 53. (1) The Bulgarian persons under Art 51, applying to obtain a license shall present to the Interdepartmental Council the following documents:

1. An application as per standard form approved by the Interdepartmental Council;
2. A certified copy of the identity document of the natural person or a document of court registration and an original court certificate of current status of the applicant, issued not earlier than 30 days from the filing of the applications and reflecting all changes of circumstances listed in the Commercial Register;
3. A list of individuals, who shall participate directly in these activities, coordinated with the security authorities, accompanied with a curriculum vitae and job reference, certificate of no previous conviction and a sample of the signature;
4. A certificate of no previous conviction of the General Manager, the members of a Management or Control body of the commercial entity or of the natural person;
5. Copies of the documents certifying the tax registration and National Statistics Institute registration (BULSTAT code);
6. A certificate issued by the Territorial Tax Directorate or the Tax Division as per registration of the trader as to the absence of liquid and demandable public receivables or a certificate that the public receivables are deferred, rescheduled or secured;
7. A certificate from the social security funds of the state social security as to the absence of liquid or demandable receivables or a certificate that the receivables have been deferred, rescheduled or secured;
8. A document as to the paid state fee.

(2) The foreign persons under Art 51 applying to obtain license for intermediary activities, shall submit to the Interdepartmental Council the following documents:

1. An application as per standard form approved by the Interdepartmental Council;
2. A copy and a certified translation in Bulgarian of the identity document of the natural person;
3. A copy and a certified translation in Bulgarian of a document issued by a competent authority confirming the right of the person to perform this type of activity under its natural legislation;
4. A declaration by the General Manager, the members of management or control body of the legal entity, of the natural person or of a person authorized by them as to the absence of liquid or demandable payables to natural persons or legal entities where the payable is recognized by the enforced execution authority or when it is established by virtue of a court decision entered into force or with a promissory note;
5. a document ad to the state fee paid.

Art 54. (1) The Interdepartmental Commission shall give an opinion on the applications under Art 53 within ten days after their sending to the commission.

(2) The Interdepartmental Commission shall send to the Interdepartmental Council its opinion and the filed documents within three days as of the date of the pronouncement.

(3) The Interdepartmental Council shall pronounce on the application under Art 53 within 30 days as of their submission.

(4) Upon finding of incompleteness in the presented documents within seven days as of the date of filing the documents, the Interdepartmental Council shall send notification to the applicant to eliminate the incompleteness while providing guidance as to its elimination. In this case the deadline under para 1 shall stop as of the date of sending the notification until elimination of the incompleteness.

(5) The decision as to granting a license or refusal shall be announced to the applicant within seven days from the date of taking the decision.

Art 55. The Interdepartmental Council shall notify the Ministry of the Interior, the Central Customs Department of Customs Agency and the Interdepartmental Commission within five working days as to the licenses issued and renewed.

Art 56. The persons under Art 51 that obtained a license shall be obliged to inform the Interdepartmental Council as to any change in the circumstances under which the license has been issued within 14 days as of its occurrence and to present the respective document under Art 53.

CHAPTER FIVE

Composition and Order of the Activity of the Interdepartmental Commission

Section I

General Provisions

Art 57. The Interdepartmental Commission:

1. shall pass decisions as to granting of permission or refusal to grant permission for:
 - a) foreign trade transactions in arms and with goods and technologies with potential dual use;
 - b) transit transportation of weapons through the territory of the Republic of Bulgaria;
 - c) transit transportation of radioactive, explosive, flammable, oxidizing, corrosive, bacteriologic (biologic), toxic and pathogenic goods with potential dual use through the territory of the Republic of Bulgaria, included in the List of Weapons and of the Goods and Technologies with Potential Dual Use;
 - d) foreign trade transactions with toxic chemical substances and their precursors, specified in the appendices to the Law on Prohibition of Chemical Weapons and on Control of Toxic Chemical Substances and Their Precursors;
2. shall inform the Ministry of the Interior, and the Central Customs Department of the Customs Agency as to the permits issued and extended;
3. shall present to the Council of Ministers an annual report on the fulfillment of the Law not later than six months following the expiry of the calendar year covered by the report.
4. shall present to the Council of Ministers a draft of a Decree for the updating of the List of Weapons and Goods and Technologies with Potential Dual Use;
5. shall co-ordinate the work and shall control the fulfillment of the Convention on Prohibition of the Development, Production, Accumulation and Use of Chemical Weapons and of its destruction and shall perform control and permission functions as to the application of the Law on Prohibition of the Chemical Weapons and Control on Toxic Chemical Substances and Their Precursors;
6. shall submit to the Council of Ministers proposals as to the introduction of limitations and imposing of bans on the goods and technologies with potential dual use under Art 4, Para 1, item 2 of the Law.

Art 58. (1) the activity of the Interdepartmental Commission shall be assisted administratively by the Internationally Controlled Trade Directorate with the Ministry of Economy.

(2) The Internationally Controlled Trade Directorate with the Ministry of Economy shall prepare opinions as to whether certain goods fall within the List of Weapons and Goods and Technologies with Potential Dual Use under Art 1, para 3 of the Law upon an inquiry by the state authorities or persons

performing foreign trade activities. The opinions under this paragraph shall be signed by the Director of the Internationally Controlled Trade Directorate or by officials authorized by him.

Section II

Composition of the Interdepartmental Commission

Art 59. (1) The Interdepartmental Commission shall include a chairman and six members and shall be assisted by a secretary and minutes keeper.

(2) Chairman of the Interdepartmental Commission shall be the Minister of Economy.

(3) Members of the Interdepartmental Commission shall be:

1. two representatives of the Ministry of Economy;
2. a representative of the Ministry of the Interior;
3. a representative of the Ministry of Foreign Affairs;
4. two representatives of the Ministry of Defense.

(4) Secretary of the Interdepartmental Commission shall be the Director of the Internationally Controlled Trade Directorate within the Ministry of Economy.

(5) Minutes keeper of the Interdepartmental Commission shall be an employee of the Internationally Controlled Trade Directorate within the Ministry of Economy.

(6) The members of the Interdepartmental Commission, the secretary and the minutes keeper shall be approved on a name-by-name basis by the Chairman of the Interdepartmental Commission as per proposal of the respective ministers.

Art 60. The Chairman:

1. shall summon and chair the meetings of the Interdepartmental Commission;
2. shall organize and manage the work of the Interdepartmental Commission.

Art 61. The members of the Interdepartmental Commission:

1. shall participate in the meetings of the commission personally;
2. shall have the right of access to the provided documents and to the minutes and other materials filed at the Commission.

Art 62. The Secretary of the Interdepartmental Commission:

1. shall organize the preparation for its meetings;
2. shall report and shall present at meetings of the Interdepartmental Commission the documents filed under the agenda;
3. shall monitor the fulfillment of the decisions of the Interdepartmental Commission;
4. shall organize the document flow related to the activities of the Interdepartmental Commission.

Art 63. The Minutes Keeper of the Interdepartmental Commission:

1. shall assist the secretary in the organization of the preparation of the meetings of the Interdepartmental Commission and the documents flow related to the activities of the Interdepartmental Commission;
2. shall inform the members of the Interdepartmental Commission as to the upcoming meeting not later than three days prior to each meeting;
3. shall prepare the minutes from the meetings of the Interdepartmental Commission;

4. shall monitor the fulfillment of the decisions of the Interdepartmental Commission.

Section III

Order of activities

Art 64. The meetings of the Interdepartmental Commission shall be closed. If assessed so by the Interdepartmental Commission specialists-experts may be summoned to the meetings, who shall provide opinions on matters on which specialized knowledge shall be required.

Art 65. (1) The Interdepartmental Commission shall be summoned to regular meetings not less than twice per month.

(2) An extraordinary meeting may be summoned by the Chairman of the Interdepartmental Commission if there is a consensus between its members. In case of justified impossibility of a certain member of the Interdepartmental Commission to attend the meeting the right to vote may be exercised without his presence. In this case the vote shall be expressed in writing and shall represent an integral part of the minutes from the meeting. By exception the decisions of the Inter-Departmental Commission may be passed in absence if the minutes are signed without remarks by its members.

(3) The decisions of the Interdepartmental Commission may be passed also in absence as per initiative of the Chairman of the Interdepartmental Commission or under a decision of the Commission.

(4) In case of a proposal to refuse the permission of a certain transactions the member of the Inter-Departmental Commission shall indicate the specific facts and grounds which justify the refusal.

Art 67. (1) The agenda of a meeting of the Interdepartmental Commission shall be offered by the Chairman and shall be accepted by the Commission.

(2) The materials on the agenda of the meetings shall be provided to the members of the Inter-Departmental Commission or their representatives specified by the respective authorities as per list approved by the Chairman of the Interdepartmental Commission.

(3) The members of the Interdepartmental Commission shall be informed regarding the upcoming meeting at least three days before the meeting.

(4) In the agenda by exception issues for discussion may be included with the exception of decisions for permission of foreign trade transactions in arms or goods and technologies with potential dual use, which are of urgent nature as the materials on them shall be presented at the meeting.

(5) As per decision of the Interdepartmental Commission the Secretary shall send documents to obtain opinions of other state authorities.

Art 68. (1) For each transaction the Interdepartmental Commission shall pass a separate protocol decision. The protocol decision shall contain the requisites under Art 15, para 2 of the Law on Administrative Proceedings. The minutes with the decisions shall be signed by the Chairman, the members, the secretary and the minutes keeper of the Interdepartmental Commission.

(2) The decisions of the Interdepartmental Commission shall be announced to the interested parties within the deadlines specified in the Regulations under the order provided for by the Law on Administrative Proceedings.

Section IV

Relations with other state authorities

Art 69. (1) Upon the performance of its functions the Interdepartmental Commission shall interact with other state authorities by:

1. participating in joint inspections;
2. exchange of information
3. holding of joint meetings.

*Section V***Order on the filing of documents**

Art 70. The documents which shall be presented to the Interdepartmental Commission for the granting of a permit for a foreign trade transaction in arms and goods and technologies with potential dual use and to obtain permit for transit transportation of weapons and goods with potential dual use shall be accepted, registered and kept by the Internationally Controlled Trade Directorate of the Ministry of Economy or by the security unit of the Ministry of Economy in separate premises and registers shall be kept.

Art 71. (1) Access to the documents filed for the issuance of permits shall have only the members of the Interdepartmental Commission and their representatives, as well as experts from the Internationally Controlled Trade Directorate and the officer from the security unit of the Ministry of Economy identified under a list approved by the Interdepartmental Commission Chairman.

(2) The members of the Interdepartmental Commission, the officers as well as the attracted specialists-experts under Art 64 shall be obliged not to disclose circumstances and facts, which they became aware of during or in relation of the fulfillment of their duties under the law or under the regulations, except under a written request of a state authority when this is provided for by law.

Art 72. 91) The decisions under appendices No 2, 7, 9, 11, 13 and 14 or the notification letter as to the refusal for issuance of a permit shall be signed on the grounds of the respective protocol decision under Art 68, para 1 by the secretary of the Interdepartmental Commission, and in his absence – by the minutes keeper.

(2) Access to information received including by the respective information systems and by the respective databases related to the foreign trade transactions in arms and goods and technologies with potential dual use, shall have the persons under Art 71, para 1.

(3) The administrators servicing the information systems under para 2 shall be approved by the Chairman of the Interdepartmental Commission. The access of the administrators to the information systems and the work on them shall be registered in a respective ledger in the Internationally Controlled Trade Directorate.

Art 73. The permit shall be handed to the person following presentation of payment documents on the fees paid.

Art 74. The refusal for issuance of a permit shall be recorded in writing and the documents shall be returned to the applicant. The decision for a refusal together with copies of the documents thereto shall be kept with the Internationally Controlled Trade Directorate with the Ministry of Economy or by the officer in the security unit within the Ministry of Economy.

Art 75. The issued permits and the refusals for issuance of a permit shall be sent via the formal channels to the Ministry of the Interior and the Central Customs Department of the Customs Agency. Notification shall be sent to the applicants within the deadlines specified under the regulations.

CHAPTER SIX**Obligations of the Persons Performing Foreign Trade Activities in Arms and Goods and Technologies with Potential Dual Use**

Art 76. The persons performing foreign trade activities in arms and goods and technologies with potential dual use and the intermediaries shall be obliged to observe the conditions under which this activity has been allowed and shall inform the control authorities as to any change in the circumstances under which their activity has been allowed.

Art 77. (1) The persons performing foreign trade activities in arms and goods and technologies with potential dual use and the Bulgarian persons performing intermediary activities shall be obliged to maintain a register on the transactions which are concluded under the law, as per standard form – appendix 17.

(2) Upon request the persons under para 1 shall be obliged to present the register to the control authorities.

(3) The persons under para 1 shall keep the trade and transport documents and the information related to the execution of a foreign trade transaction for not less than ten years.

Art 78. The persons performing foreign trade activities in arms and goods and technologies with potential dual use and the intermediaries shall be obliged upon request of the Interdepartmental Commission to present:

1. data regarding the employees responsible for the execution of the transaction;
2. description of the item – subject of the foreign trade transaction, the license rights, as well as potential limitations for export to third countries related thereto;
3. information on the concluded foreign trade transactions and their realization as per permits granted;
4. if assessed by the Interdepartmental Commission or by another control authority under the law additional information regarding the foreign trade transaction may also be requested in accordance with the powers of the authority.

Art 79. Control on the foreign trade activity in arms and with goods and technologies with potential dual use shall be carried out by the Interdepartmental Council, the Interdepartmental Commission, the Ministry of Economy, the Ministry of the Interior and by the Customs Agency or by officials authorized by them in accordance with the powers vested therein.

Art 80. The control authorities if necessary may request the opinion of other state authorities which shall provide the requested opinion within 15 days as of the date of its sending.

Art 81. The control authorities may exchange information necessary for the performance of control with the competent authorities of other state, international organizations and export control regimes in execution of international agreements. The exchange of information shall be carried out through the Internationally Controlled Trade Directorate of the Ministry of Economy.

Art 82. The control authorities, the authorized officials as well as the attracted specialists shall be obliged not to disclose the official, production or commercial secret of the reviewed persons.

ADDITIONAL PROVISIONS

§ 1. (1) No permit shall be required for import and export under the order provided for in the Regulations upon the receipt and sending of goods and technologies with potential dual use, upon the execution of undertaken obligations of the Republic of Bulgaria under international conventions, organization and regimes for non-distribution of mass destruction weapons, when the recipient of the import shall be a ministry or an authority responsible for the execution thereto, and the recipient in case of export shall be the respective international organization, regime or authority on the execution of a convention for non-distribution of mass destruction weapons.

(2) No license for export of goods and technologies with potential dual use shall be required in the cases of demonstrations, certification, participation in an exhibition, when upon the import of the goods and technologies with potential dual use a customs regime of a temporary import is established for the initial sender within six months as of the date of their import.

§ 2. The samples under appendices No 4, 5, 6 and 12 shall be unsealed by the Interdepartmental Council while the sample shall be included in a register.

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 3. (1) The validity of the licenses and permits issued before the entering into force of these Regulations, shall continue until its expiry.

(2) The applications filed for issuance of licenses and/or permits filed not later than five days prior to the entering into force of these regulations shall be reviewed and issued under the terms and order provided for by the Regulations on Implementation of the Law on Control of the Foreign Trade Activity in Arms

and Goods and Technologies with Potential Dual Use passed by virtue of Decree No 38 of the Council of Ministers dated 1996.

(3) No licensing shall be required for the intermediaries under agreement for which there are permits already issued.

§ 4. The Regulations shall be passed on the grounds of § 24 of the transitional and concluding provisions of the Law on Amendment and Supplementation of the Law on the Control of Foreign Trade Activity in Arms and in Dual-Use Goods and Technologies (State Gazette, issue 75 dated 2002)