

### Third Study Commission Questionnaire 2024

**1) Does your country have legislation, or regulations, and/or court rules of procedure that are relevant to the topic of our focus this year – chemical substances and essential equipment possibly used in illicit drug manufacturing and trafficking, including importing, exporting, for domestic distribution and use and private sector due diligence.**

There is a special Control over the Narcotic Substances and Precursors Act and its bylaws. All drugs and related substance that are officially produced have to be strictly accounted for and registered with the Ministry of Health. Access is restricted by special prescriptions that are also registered and issued only by qualified persons.

**2. Does your country have specific legislation on precursors control?**

Yes.

Current Legislation Act Control over the Narcotic Substances and Precursors Act of 1999 (Закон за контрол на наркотичните вещества и прекурсорите).

Last amendment: 10 May 2024.

**3. In your country, is an approval by a judge a pre-condition to launch investigations into a case of diversion and trafficking of precursors? Similarly, is a court order or approval by a judge required for effecting controlled or monitored deliveries?**

No previous approval by a judge is required to start an investigation.

Controlled or monitored deliveries are only to be made after a judge's approval according to the Special Investigative Measures Act. It is a procedure *ex limine litis* where the accused or suspected does not take part and is handled in camera with no public access.

**4. When a drug/precursor-related crime is being investigated in your country, does the judiciary have any role (a) in the request for information from a foreign state and/or (b) in the provision of information to a foreign state?**

In the pre-trial phase such requests are handled by prosecutors. However, prosecutors are considered part of the Judiciary according to the Constitution, although their independence is limited.

It is regulated by the European Investigation Order Act and the Criminal Procedure Code.

**5. Does your country have legislation or court rules that relate to monitoring manufacture and distribution of precursors which are applicable over the entire national territory?**

The Act mentioned in point 2 has several control mechanisms – mostly by the health authorities, but also by the police.

**6. Does your country have legislation or court rules that establish as a criminal offence the manufacture, transport and distribution of essential equipment intended to be used for illicit drug manufacturing?**

Yes, punishable by 3 to 12 years imprisonment and a fine by Article 354a of the Criminal Code. There are related offences for trafficking or obstruction of justice related to drugs and precursors.

**7. In respect of non-scheduled chemicals/ equipment, is the fact that they have been mis-declared before the Customs, sufficient to impute 'knowledge' on the part of the supplier of their being used for illicit drug manufacture??**

No, all drug-related offences require intent, including knowledge or suspicion of the character of the substance. However, if the knowledge is not established, the offender can be tried for failure to declare objects of value.

**8. In your country, does domestic legislation include measures and/or civil, criminal and/or administrative sanctions to address non-scheduled chemicals and emerging precursors, namely those that are used as starting materials and/or intermediaries in the legitimate manufacture of substances in Table I and Table II of the 1988 Convention? If yes, which type of sanctions??**

Yes, the definition of “drug-related substances” of Article 354a of the Criminal Code includes “substances with a similar effect to known drugs”. However, knowledge of such effects must be established.

**9. Please elaborate on specific pieces of information and level of details that would allow you as a judge to act on information/intelligence/evidence received from counterparts in investigations related to new emerging drug precursor chemicals not under control in your country?**

No specific measures exist besides the possibility to use foreign expert witnesses in criminal trials.

**10. Are there any specific provisions that allow you as judge to act on non-scheduled chemicals with no known legitimate uses? Would information from an international body, or a collection of information from other countries, that a chemical has no known legitimate use facilitate your work in any way?**

As a judge, the only applicable provision is the definition explained in question 8. Such information cannot be used in a trial, except as additional information provided by expert witnesses.

Investigators can have much more use of such information sources.

**11. As a judge, if you receive a request for assistance in a drug/precursor-related crime from a foreign country, whether at the investigation stage or in the context of a court proceeding (a hearing or a trial), how is it relevant to your determination to ensure that basic human rights, principles of natural justice, and/or rules of procedural fairness that exist in your country are respected?**

Usually, such requests are dealt with according to the procedural guarantees of national law. The source of the request is not relevant for the procedural rules.

**12. Describe your own personal experience(s) as a judge that are relevant to the topic of our focus this year, whether it be presiding over an extradition hearing (a request to extradite an accused person to another country in order to be prosecuted in that other country), or receiving evidence in a court proceeding in your country from a witness who is testifying from another country and with the help of court officials in that other country, or helping to arrange for a witness in a court proceeding in another country to testify from a place in your own country, or responding to a request for assistance from an international court such as The Hague, or something else. These are just examples of things that you may have experienced; they are not meant to be exhaustive.**