

Translation from Bulgarian

Rectangular stamp of
Ministry of Interior
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Reg. No 812100-6002
Copy No 3 of 29.03.2018

Rectangular stamp of
Prosecutor's Office
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Prosecutor General
No ПП-167/13.04.2018
1040 Sofia

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Reg. No C-7, date: 17.04.2018

AGREEMENT

ON THE INTERACTION IN INVESTIGATIONS OF ACCIDENTS AND INCIDENTS IN AIR, WATER AND RAILWAY TRANSPORT BETWEEN THE PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA, THE MINISTRY OF INTERIOR AND THE MINISTRY OF TRANSPORT, INFORMATION TECHNOLOGY AND COMMUNICATIONS

On 17.04.2018, in the city of Sofia, in pursuance of Art.12, para. 3 of Regulation 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ, L295, of 2010),

item 14 of the Recital of Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in maritime transport and on the amendment of Directive 1999/35/EC of the Council and Directive 2002/59/EC of the European Parliament and of the Council (OJ, L 131 of 2009), Art. 20, para. 1-3 of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on the safety of railway transport in the Community and amending Directive 95/18/EC of the Council on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ, L 164 of 2004),

between the Prosecutor's Office of the Republic of Bulgaria (PORB), the Ministry of Interior (MoI) and the Ministry of Transport, Information Technology and Communications (MTITC), referred to herein below for brevity as the Parties,

the following Agreement was concluded:

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Chapter I

General Provisions

Art.1. This Agreement shall regulate the procedures for interaction and cooperation between the Parties in the parallel conduct of safety investigations and pre-trial proceedings for cases relating to accidents and incidents in air, water and railway transport.

Art. 2. When accomplishing the interaction the Parties shall preserve their organizational and functional independence according to their competence.

Art. 3. The conducted in parallel safety investigations and pre-trial proceedings are independent from each other and they shall be conducted in accordance with the effective regulatory, methodological, organizational and other acts.

Art. 4. A safety investigation shall be conducted in the cases of accident and incident occurrence within the meaning of Regulation 996/2010 and the Civil Aviation Act (CAA), Directive 2009/18/EC and the Commercial Navigation Code (CNC), Directive 2004/49/EC and the Railway Transport Act (RTA) and its sole objective shall be to establish the causes having led to the occurrence of the accident without apportioning blame or liability. It shall be conducted independently and without prejudice to any punitive or administrative proceedings within the frames of which blame and liability are apportioned.

(2) A safety investigation shall be conducted by a respective committee to be appointed in accordance with the requirements of CAA, CNC, RTA for the transport functional area, while for the time prior to such appointment its functions shall be performed by the specialized units of the transport functional areas of Directorate “Unit for investigation of accidents in air, water and railway transport” (UIAAWRT) of MTITC. The chairman of the committee shall be the investigator-in-charge of the safety investigation and for the time prior to his appointment – the head of the specialized unit of the functional area. Representatives of safety investigation authorities of other EU member states may also participate in the safety investigation.

(3) The investigator-in-charge of safety investigation shall exercise the rights established for the functional areas in Art. 4 of Regulation 996/2010, Art. 8, para.1 and 4, of Ordinance 23 of 24.10.2011 on the reporting and investigation of accidents in maritime space, Art. 21 of Directive 2004/49/EC, Art.115k of RTA and Art. 76 of Ordinance No 59/05.12.2006 on railway transport safety management and shall grant such rights to the investigation committee members to the extent necessary to enable them to participate effectively in the safety investigation. Such rights shall not affect the rights of the authorities conducting the judicial investigation.

Art. 5 (1) Pre-trial proceedings shall be conducted in accordance with the requirements of the Criminal Procedure Code (CPC) for cases relating to accidents and incidents in air, water and railway transport, where death, physical injury or material damage was caused, and also in cases of terrorist acts and other acts of unlawful interference in the operations of the above mentioned types of transport, classed as criminal offences according to the Criminal Code.

(2) Pre-trial proceedings shall be conducted by the competent investigation authorities under the guidance and supervision of a prosecutor, referred to further on in this Agreement as Pre-Trial Proceedings Authorities (PTPA).



Art. 6. To achieve an efficient interaction and cooperation an organization shall be set up for the maintenance of an ongoing contact and the heads of the Parties shall nominate the contact persons too.

Chapter II

Initial information and operative exchange of data on the progress of investigation

Art. 7. The Parties shall inform each other about each accident subject of investigation, which has occurred in the air, water or railway transport in the territory of the Republic of Bulgaria or in the serviced airspace of the Republic of Bulgaria.

Art. 8. In the event of pre-trial proceedings instituted for cases relating to accidents and incidents in air, water and railway transport, the supervising prosecutor shall inform the investigator-in-charge of safety investigation.

Art.9. In the cases where Prosecutor's Office refuses to build pre-trial proceedings or terminates the pre-trial proceedings built, the supervising prosecutor shall forward a copy of the decision to the investigator-in-charge of safety investigation.

Chapter III

Action in case of act of unlawful interference

Art. 10. Where in the course of a safety investigation it becomes known or a doubt arises that an accident or incident are related to acts of terrorism or other acts of unlawful interference the investigator-in-charge of safety investigation shall immediately inform the relevant competent authorities.

Art. 11. (1) Subject to the requirements of Art. 14 of Regulation 996/2010, Art.79 of CNC, Art. 9, para. 1 of Ordinance No H-32/19.09.2007 on the coordination of the actions and the exchange of information in investigations of railway accidents and incidents, the respective authorities shall be provided with the necessary information gathered during the safety investigation.

(2) The scope of such information and materials shall not affect the safety investigation authority right to continue the safety investigation in coordination with the authorities the control of the case might be transferred to.

Chapter IV

Access to the site of accident

Art. 12. The MoI authorities shall safeguard the site of accident, as well as all found dispersed wreckage and traces of the transport vehicle and they shall not allow to displace, destroy or damage them in any way whatsoever except in the cases where interference is necessary for saving a human life or preventing a negative impact on third persons, property or environment.



Art.13. In the cases where there are perishable traces (e.g. ice, soot) or other evidences which might be damaged or destroyed before the arrival of the safety investigation and pre-trial proceedings authorities the respective MoI authorities shall, if possible, take measures to document them by photographing or video recording.

Art.14. Only authorities conducting rescue operations, pre-trial proceedings and safety investigation authorities shall be granted access to the area safeguarded by MoI authorities. The investigator-in-charge of safety investigation shall identify himself by inspector's card according to the sample approved by the Minister of transport, information technology and communications. The experts and representatives of the operator/carrier to whom it is necessary to grant access to the site of accident, the wreckage of the vehicle and its contents shall be expressly nominated by the heads of the authorities under sentence one.

Art. 15 (1) Modification of the state of the site of accident, taking samples therefrom, displacement and removal of the transport vehicle, its wreckage and/or contents, and taking samples therefrom shall be allowed upon the express permission of the pre-trial proceedings authority and after coordination with the investigator-in-charge of safety investigation.

(2) Exceptions in the procedure under para. 1 shall be allowed in case of necessity of interference for the rescue of a human life or prevention of a negative impact on third persons, property or environment.

Art. 16. The investigator-in-charge of safety investigation may demand to restrict the movement of transport vehicles within and beyond the accident area.

Chapter V

Examination of the site of accident

Art. 17. The pre-trial proceedings authorities and the investigator-in-charge of safety investigation shall, prior to the conduct of the examination, coordinate the boundaries of the site of accident and the sequence of the urgent actions to be undertaken under the examination in order to secure the safe treatment and preservation of the evidences found.

Art. 18. The conduct of the examination of the site of accident, the modification of the state, the displacement of the transport vehicle or its wreckage and the taking of traces or other physical evidences or samples shall be performed after prior coordination between PTPA and the investigator-in-charge of safety investigation.

Art. 19. The safeguarding of the site of accident, transport vehicle wreckage and its contents shall be terminated by decision of PTPA and after coordination with the investigator-in-charge of safety investigation.

Chapter VI

Preservation of evidence and access thereto

Art. 20. (1) The Parties shall ensure the safe treatment of all evidences and they shall undertake all reasonable measures to preserve them, including to safeguard the transport

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vehicle, its contents and its wreckage in a safe place for the period for which it may be required for the objectives of the safety investigation and the pre-trial proceedings.

(2) Preservation of evidences shall include also the preparation of photographic or other material for each evidence that may be displaced, effaced, lost or destroyed.

(3) Preservation of evidence in a safe place shall include protection against further damage, access of unauthorized persons, theft and destruction.

Art. 21. Each Party shall grant to the other Parties an immediate and unrestricted access to the physical evidences preserved thereby, provided the preset requirements are observed.

Art.22. Disposition of physical evidences in pre-trial proceedings shall be performed by the prosecutor after coordination with the investigator-in-charge of safety investigation.

Art. 23. Preservation and traceability of evidencing materials from recording devices and objective control devices in the cases where parallel investigations are conducted shall be ensured by the investigator-in charge of safety investigation, whereby an officer may be appointed by PTPA to escort the evidencing materials and the recording devices to the place where information shall be obtained from them or they shall be used for the needs of the investigation.

Art.24. The pre-trial proceedings authorities and the safety investigation authority shall coordinate between them in advance each case where the evidencing material may be modified or destroyed in the conduct of an expertise in pre-trial proceedings, respectively in the examination or analyses relating to safety investigation.

Chapter VII

Presentation of information and materials from the investigation

Art. 25. (1) The exchange of information shall be accomplished subject to the requirements of Regulation 996/2010, Art.79, para. 12 of CNC, Directive 2004/49/EU, CPC, the Classified Information Protection Act and the Personal Data Protection Act.

(2) Protected information channels for information exchange may be used for the needs of the Parties to this Agreement.

Art.26. The investigator-in-charge of safety investigation shall submit, upon demand, the following to PTPA:

1. A certified copy of the site of the event examination protocol, of the investigation preliminary report, if required, and of the final report;
2. The documentation relating to the technical operation of the transport vehicle until the moment of occurrence of the event after he has performed the safety investigation and analysis;
3. Information about the examinations and analyses performed for the components, systems, working fluids and fuels from the transport vehicle, as well as copies of the protocols of such examinations and analyses. If necessary the investigator-in-charge of safety investigation shall allow PTPA representatives to attend the performance of the tests.



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may be modified or destroyed, and it has not received a reply within ten days from the date of request, the safety investigation authority shall notify the contact person of the Supreme Prosecutor's Office of Cassation to render assistance.

(2) In case no agreement to perform the examination has been received within two weeks from forwarding the request the investigator-in-charge of safety investigation shall perform the examination or analysis and inform the Parties thereof in writing.

Art. 36. In case an arising dispute fails to be resolved under the procedure envisaged therefor, such case shall be referred for final resolving to the heads of the Parties under this Agreement.

Chapter X

Training and up-skilling

Art. 37. The Parties shall conduct joint training and qualification activities in the field of investigation of accidents in air, water and railway transport. The specific subjects, trainers and educational and up-skilling forms shall be coordinated in due time, each Party undertaking the expenses for its participants.

Art. 38. To ensure an efficient performance of their powers the Parties may develop, select and supplement standard action plans, which shall be studied and worked out by the direct performers under the procedure determined by the heads of the Parties.

Chapter XI

Signature and effectiveness of the Agreement, procedure for familiarization with the Agreement and procedure for amendments and supplements

Art. 39. This Agreement shall be signed by the heads of the Parties and it shall become effective from the day following its signature by all Parties. After its signing a certified translation in English shall be forwarded by the Ministry of Transport, Information Technology and Communications to the European Commission in accordance with the requirements of Art. 12, para. 3 of Regulation 996/2010 and to the European Railway Agency.

Art. 40. The Parties shall be obligated to make their structures in the Republic of Bulgaria familiar with the text of this Agreement.

Art.41. This Agreement shall be amended and supplemented following the procedure for its approval.

Art. 42. The Agreement on interaction in the investigation of aviation accidents and serious incidents in civil aviation between the Prosecutor's Office of the Republic of Bulgaria, the Ministry of Interior and the Ministry of Transport, Information Technology and Communications (No I-167/2012 of PPOoRB, Reg. No 1-10093/2012 of MoI and Reg. No C-8/2012 of MTITC) shall be repealed.



Sotir Tsatsarov
Prosecutor General
of the Republic of Bulgaria

Signature illegible
Round seal of
Prosecutor General
of the Republic of Bulgaria

Valentin Radev
Minister of Interior
of the Republic of Bulgaria

Signature illegible
Round seal of Ministry
of Interior of the Republic
of Bulgaria

Ivaylo Moskovski
Minister of Transport,
Information Technology
and Communications
of the Republic of Bulgaria

Signature illegible
Round seal of Ministry of
Transport, Information Technology
And Communications

I, the undersigned, Ventseslava Mihailova Mishlyakova certify the truthfulness of the translation made by me from Bulgarian into English of the enclosed document. The translation consists of 8 pages.

Sworn translator:



Ventseslava Mihailova Mishlyakova

