

New York, 3 July 2023

The Permanent Mission of the Republic of Bulgaria to the United Nations in New York presents its compliments to the Office of the Legal Affairs of the United Nations and with reference to the latter's Note Verbale LA/COD/74 dated 2 December 2022, has the honor to communicate the following information on the topic "Prevention and repression of piracy and armed robbery at sea" (A/77/10, para. 244):

"In the Republic of Bulgaria the act of piracy and armed robbery is defined in art. 341b of the Penal Code, which provides for the following:

*PENAL CODE*

*Art. 341b. (New - SG 95/75) (1) (Amend. and suppl. – SG 101/17) Whoever illegally takes possession over an aircraft on the ground or in flight, or over a ship located **in the maritime spaces or in the internal waterways of the Republic of Bulgaria or in the open sea, or over a fixed platform located on the continental shelf, or establishes control over such facilities, shall be punished by imprisonment of up to ten years.***

*(2) If the act under the preceding para has been **committed with force or threat**, the penalty shall be imprisonment of three to twelve years.*

*(3) If the act under the preceding paras has incurred:*

*a) (suppl. – SG 101/17) considerable damage to the aircraft, of a ship or of the platform;*

*b) average or severe bodily injury to one or more persons, regardless of whether the consequences under the preceding letter have occurred;*

*c) (amend. - SG 153/98; amend. – SG 75/06, in force from 13.10.2006) death of one or more persons, regardless of whether the consequences under letter "a" and "b" have occurred,*

*the penalty shall be: under letter "a" and "b" - imprisonment of five to fifteen years, and under letter "c" - imprisonment of ten to twenty years or life imprisonment without parole, whereas the court can also rule revoking of rights under art. 37, para 1, items 6 - 10.*

While Art. 34b of the Penal Code does not specifically mention the act of piracy as defined by art. 101 of UNCLOS, its scope is wider and includes the definition of art. 101 UNCLOS. In accordance with Art. 3, par. 1, Art. 4, par. 1 and Art. 5 of the Penal Code, Art 341b is also applicable to:

- every crime committed on the territory of the Republic of Bulgaria (Art. 3, par. 1);
- Bulgarian citizens for the crimes committed by them abroad (Art. 4, par. 1);
- foreigners who have committed crime of general nature abroad, affecting the interests of the Republic of Bulgaria or of a Bulgarian citizen (Art. 5).

There is no case law within the Bulgarian jurisprudence regarding acts of piracy or armed robbery at sea as no such acts which fall within the scope of this provision have been committed according to the archived records, neither is there any legislation or case law in relation to Article 100 and Article 107 of UNCLOS. However, The Republic of Bulgaria is State Party to most of the relevant international treaties dealing with piracy, including UNCLOS, the Convention on the High Seas, the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf among others.

As a member of the European Union, the Republic of Bulgaria is also bound by the Union's principles and resolutions against maritime piracy (such as resolutions P6\_TA(2008)0519 and (2011/2962(RSP)) P7\_TA(2012)0203).

As far as agreements entered into by States under which persons accused of piracy or armed robbery at sea are transferred with a view to prosecution, the legal regime of extradition in the Republic of Bulgaria is regulated by the Extradition and European Arrest Warrant Act. Art. 4 of said Act of Law defines its application field as follows:

#### ***Application field***

*Art. 4. (1) This Act shall be applied in the presence of an international treaty to which the Republic of Bulgaria is a party and the Republic of Bulgaria shall supplement it regarding the unsettled matters.*

*(2) In case of absence of international treaty, the law shall be applied under the condition of reciprocity. The reciprocity shall be found by the Minister of Justice.*

*(3) (suppl. – SG 49/10) This Act shall also be applied in case of receipt of Bulletin of international searching of the International Organization of the Criminal Police (Interpol) or receipt of any alert through the Schengen Information System with detention and extradition purpose.*

The Republic of Bulgaria has concluded such international extradition treaties with the following countries: Armenia (1998), Azerbaijan (1998), Belarus (2011), China (1998), India (2003), Kazakhstan (2015), Lebanon (2004), Morocco (2013), South Korea (2010), Spain (1995), The United States of America (2008), Uzbekistan (2004).”

The Permanent Mission of the Republic of Bulgaria to the United Nations avails itself of this opportunity to renew to the Office of the Legal Affairs of the United Nations the assurances of its highest consideration.