

## **RULES OF ORGANISATION of the National Customs Agency**

Promulgated - SG, issue 59 of 16.07.2021, in force as from 31. 07.2021.

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### **Chapter One GENERAL PROVISIONS**

**Art. 1.** These rules shall lay down the organisation, method of activity, functions and number of staff of the National Customs Agency (NCA), hereinafter referred to as the 'Agency', as well as the number of staff working in the Central Customs Directorate.

**Art. 2.** The Agency is a centralised administrative structure to the Minister of Finance.

**Art. 3.** (1) The Agency is a legal entity with its address: Sofia, 47 G.S.Rakovski Str.

(2) The Director General of the Agency is a secondary budget spending unit under the budget of the Ministry of Finance.

**Art. 4.** The Agency has a sign, which is registered as a trademark, as well as a stamp with the name and the image of the sign.

### **Chapter Two POWERS OF THE DIRECTOR GENERAL OF THE AGENCY**

**Art. 5.** (1) The National Customs Agency (NCA) is managed and represented by a Director General (DG). In performing his or her functions, the NCA DG is assisted by three Deputy DGs.

(2) The Director General shall delegate powers to the Deputy Directors with an order and shall define their functions.

(3) The functions of the Director General, when absent or on its paid annual leave, shall be performed by a Deputy Director designated with its order on case-by-case basis.

**Art. 6.** The Director General of the NCA shall:

1. Represent the Agency;
2. Exercise management and control on the performance of its functions and tasks;
3. Run directly the activity of the Central Customs Directorate;
4. Plan, distribute and administer the utilization of the Agency's budgetary allocations provided;
5. Appoint the civil servants, amend and terminate the service relationships with them;
6. Coordinated with the Minister of Finance, appoint the directors of directorates in the specialized administration of the Agency and the directors of the Territorial directorates;
7. Sign, amend and terminate the labour contracts with the persons, working in the Agency under labour relationship;
8. Define the workplace of the NCA officials;
9. Grant leaves and deploy NCA officials to business trips;
10. Endorse rules for organization of the activity, internal order, salary and bonuses within the NCA;
11. Endorse the NCA establishment plan;
12. Endorse the job functional specifications for the individual structural units in the Agency;
13. Define the job positions for which carrying of service weapons is compulsory;
14. Define the special-purpose vehicles;
15. Issue certificates for completed professional qualification improvement course to the officials in the customs administration;
16. Issue penal orders in the cases, stipulated by law;

17. Issue individual administrative acts within the DG powers;
18. Propose measures to define customs policies to the Minister of Finance or to a Deputy Minister, designated by the minister;
19. Propose the signing of international agreements and joining international conventions in the field of customs to the Minister of Finance or to a Deputy Minister, designated by the minister;
20. Cooperate with other bodies on the definition, execution and control of the activities, relating to customs issues;
21. Exercise the powers under Art. 7 and 7a of the Ordinance on Border-Crossing Points, adopted with CoM Decree No. 104 of 2002 (promulg., SG, issue 54 of 2002, amended and suppl., issue 24 and 86 of 2004, issue 90 and 96 of 2005, issue 85 and 106 of 2006, issue 62 of 2007, issue 71 and 79 of 2008, issue 14 and 100 of 2009; issue 22 and 61 of 2010, issue 64 and 85 of 2015, issue 45 of 2016 and issue 55 of 2017);
22. Perform other duties, as assigned by law or other administrative acts.

### **Chapter three**

## **STRUCTURE, FUNCTIONS AND ORGANISATION OF WORK**

### **Section I**

#### **General provisions**

**Art. 7** (1) The Agency is structured in the Central Customs Directorate and in Territorial directorates: Plovdiv Customs, Sofia Customs, Rousse Customs, Varna Customs and Bourgas Customs.

(2) The administration of the Central Customs Directorate of the Agency is organised in 5 directorates of general administration, 7 directorates of specialised administration, Inspectorate, personal data protection official, Security Unit, Information and Network Security Unit and Internal Audit Unit.

**Art. 8.** (1) The total number of staff in the Agency is 3362 job positions.

(2). The number of staff in the Central Customs Directorate is 630 job positions as per the Annex 1.

(3) Within the total number of staff of the Agency, one representative of the Agency is appointed to the Permanent Representation of the Republic of Bulgaria to the EU in Brussels, Belgium, one – to the World Customs Organisation in Brussels, Belgium, and one – to the Southeast Law Enforcement Center with its headquarters in Bucharest, Romania.

(4) The officials under para. 3 shall carry out their activity on the basis of a long-term secondment order of the Director General, issued following coordination with the Minister of Foreign Affairs. Upon proposal of the Director General of the Agency, the Minister of Foreign Affairs shall award to the officials under para.3 a temporary diplomatic rank for the term of their mandate abroad depending on the specifics of the tasks assigned and their work experience under the Diplomatic Service Act.

(5) For the period of the secondment of the officials under para3., the provisions of the Ordinance on Secondment Allowances at a Mandate Abroad, adopted with Decree No 188 of the Council of Ministers of 2008 (promulg. SG, issue 70 of 2008; amended and suppl., issue 101 of 2008, issue 57 and 98 of 2009, issue 40 of 2010, issue 2 and 104 of 2011, issue 103 of 2012 and issue 2 and 108 of 2014, issue 1 and 104 of 2016, issue 24 and 102 of 2017, issue 75 and 107 of 2018, issue 49 and 101 of 2019 and issue 2 of 2021) shall apply to the officials under para. 3. The cost for living, medical services and training of the family members living together with the seconded official shall be at its own expense unless otherwise provided for in a legal act.;

(6) Following termination of either the secondment or the allowed unpaid long-term leave on absence, as well as in cases of premature termination, the civil servant shall take its previous position within 15 days. In cases when this job is made redundant, another equivalent civil service position in the same administration shall be offered to the civil servant.

**Art. 9.** (1) Officials from the Central Customs Directorate and from the territorial directorates, within their competence, shall take part in the working bodies of the European Union, international organisations and conventions.

(2) The directorates in the Central Customs Directorate, within their competence, shall analyse, prognosticate and offer solutions and measures for the uniform application of the EU law and of the national law in view of increasing budget revenue, ensuring safety and security of citizens, protection of the financial interests of the European Union and the national financial interests, protection from unfair and illegal trade and facilitation of legitimate trade.

(3.) The directorates in the Central Customs Directorate and the territorial directorates, within their competence, shall:

1. Analyse the data, conditions, factors and mechanisms, defining the successful application of the Agency's policy, and shall recommend measures for its efficient implementation;

2. Analyse the information received in the respective structure, as they lay down risks, define rules and offer solutions aiming at the efficient implementation of the Agency's policy.

(4) The directorates of the specialised administration in the Central Customs Directorate, within their competence, shall participate in the exchange of data and information under the administrative cooperation at national and international level.

(5) The directorates in the Central Customs Directorate, within their competence, shall participate in setting up of the customs administration information systems' business models.

## **Section II**

### **Secretary General**

**Art. 10.** (1) The administrative management of the National Customs Agency (NCA) is carried out by a Secretary General (SG).

(2) The SG shall manage, coordinate and control the activity of the administration in line with the legal directions of the NCA Director General (DG) to ensure correct compliance with the normative acts. The SG shall:

1. Organizationally connect the DG and the administrative units within the NCA as well as the administrative units themselves;

2. Organize the distribution of tasks among the NCA administrative units;

3. Create conditions for normal and efficient operation of the NCA units;

4. Control the execution of the tasks, assigned to the administration;

5. Control and be responsible for the documents and their storage;

6. Endorse internal rules for organisation of administrative services;

7. Control the performance of the tasks related to the defence and mobilisation preparation and wartime planning;

8. Endorse the job descriptions of the NCA officials.

9. Perform also other tasks, assigned by the Director General.

(3) The Secretary General may authorise the heads of the territorial directorates with its powers under para. 2, p. 8.

### **Section III Inspectorate**

**Art. 11.** (1) The Inspectorate is directly subordinate to the Director General (DG) towards exercising administrative control over the activity of the customs administration.

(2) The Inspectorate shall prepare a strategic plan for its activity and perform checks under an annual plan as proposed by the Head of Inspectorate and endorsed by the Director General of the Agency. The Inspectorate shall also carry out checks on ad-hoc basis and on high-visibility cases, assigned by the Director General of the Agency:

(3) The Inspectorate has the following functions:

1. Carries out scheduled and unscheduled checks on the exercising of customs control on structures, activities and processes in the Agency;

2. Scrutinizes the corruption risk and offers measures to limit the gaps and irregularities established;

3. Collects and analyses information and performs checks on the establishment of offences, corruption acts and inefficient work of the administration;

4. Carries out checks on alerts and proposals against illegal and incorrect actions or inactions of the Agency's officials;

5. Checks the observation of the laws, regulations and intra-Agency acts related to the organisation of work by the Agency officials;

6. Makes proposals to the Director General for initiation of disciplinary proceedings at established breaches of duties as well as of the Code of Conduct for the Officials in the State Administration and of the Code of Conduct of the Customs Official;

7. Monitors the actions taken to eliminate the weaknesses and infringements found during checks;

8. Exercises control and carries out checks in relation to the Counteraction to Corruption and Forfeiture of Illegally Acquired Property Act and the Ordinance on the organisation and order for performing a check on the declarations and for ascertainment of conflict on interests, adopted with Decree No. 209 of the Council of Ministers as of 2018 (SG, issue 81 of 2018);

9. Participates in drafting of, and makes proposals for new and amended intra-Agency acts, regulating the organisation of work and the activity of the Agency;

10. Sends alerts to the national prosecution authorities when data for committed offences are established during checks, including ones committed by officials of the Agency;

11. Draws up administrative offence statements under Art. 238b of the Customs Act, Art. 173, 174 and 176 of the Anti-corruption and Forfeiture of Illegally Acquired Property Act, Art 302, 303 and 305 in relation to Art. 307, para. 1 of the Administrative-Procedure Code and under Art. 32 of the Administrative Offences and Penalties Act in the cases, when obligations are violated in respect to the administrative services, which are laid down in the Ordinance on the Administrative Services, adopted with Decree No. 246 of the Council of Ministers of 2006 (promulg., SG, issue 78 of 2006; amended and supplemented, issue 47 and 64 of 2008, issue 25 and 58 of 2010, issue 105 of 2011, issue 50 of 2012, issue 27 of 2015, issue 8 of 2016, issue 61 of 2017, issue 7 and 56 of 2019, issue 9 of 2020 and issue 27 of 2021);

12. Carries out checks on the provision of administrative services;

13. Carries out also other activities, related to the administrative control, arising out of legal acts or assigned by the Director General of the Agency.

(4) The checks of the Inspectorate shall be carried out on the basis of a written order or a written instruction of the Director General.

(5) The Head of the Inspectorate shall report to the Director General on the results of the checks carried out, and shall make proposals for elimination of gaps and offences found.

(6) The Agency officials are obliged to render full assistance to the inspectors from the Inspectorate while performing their functions. The inspectors from the Inspectorate are entitled to:

1. free access to all facilities, documents and to all the information, which is necessary to perform their duties;

2. to check all documents and information carriers, including electronic, the management and control systems and others, which are of importance for performing their functions;

3. to require documents, data, information, inquiries and other information carriers from the persons checked and from other structural units, which are necessary to perform the checks.

(7) The Head of the Inspectorate shall present a report to be endorsed by the Director General on the Inspectorate activity every year till 15th February.

## **Section IV**

### **Personal Data Protection Officer**

**Art 12.** (1) The Personal Data protection Officer is directly subordinate to the Director General of the National Customs Agency and shall perform activities on the legitimate application of the legislative acts in the area of personal data and in compliance with Regulation 679/2016 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

(2) The Personal Data Protection Officer shall:

1. control and monitor the respecting of the rules on the data protection and ensure the application of the data protection policy in the Agency;

2. inform and consult the Director General of the Agency and the officials for their duties, arising out of the General Data Protection Regulation and the legal acts, regulating the personal data protection;

3. monitors on the awareness and the training of the Agency officials in the area of the personal data protection;

4. inform and give recommendations in respect to the compliance of the operations on personal data processing with the established requirements;

5. provide expert opinions and directions on issues, related to the legislative and regulatory data protection, and report risks which are related to the operation on personal data processing;

6. realizes the cooperation with the Personal Data Protection Commission and is a contact point for the Personal Data Protection Commission on issues related to the personal data processing;

7. assist the organization of the processing of the data in compliance with the applicable rules for data protection according to the purposes of the processing;

8. participate in all issues related to data protection;

9. perform internal analysis of the personal data processing activities;

10. report the risks, related to the data processing operations, as it takes account of the nature, scope, context and purposes of the processing;

11. provide timely information on the risks to the data protection and lead to improvement of the protection measures applied;

12. participate in the preparation of documents, related to data protection;

13. offer directions regarding the risk assessments, the counteraction and impact assessment on the data protection in the Agency;

14. take actions within its competence on submitted requests, appeals and alerts;
15. organize and control the keeping of registers of the activities on processing of personal data;
16. ensure legality at the transfer of personal data to third countries or international organisations;
17. perform also other tasks, which arise out from legal acts, regulating the data protection, or were assigned by the Director General of the Agency in this area.

## **Section V Security Unit**

**Art. 13.** (1) The Security unit is structured as a department and is directly subordinate to the Director General of the National Customs Agency.

(2) The Head of the Security Unit Department shall perform the functions of an information security officer and of a Head of Disaster Protection and Defence and Mobilisation Preparation Unit.

(3) The Head of the Security Unit Department shall perform its activity under the Classified Information Protection Act.

(4) The Security Unit shall:

1. Monitor the compliance with the Classified Information Protection Act and the international treaties relating to classified information protection;
2. Apply the rules on the types of classified information protection;
3. Carry out periodic checks of the records and the movement of materials and documents;
4. Conduct the procedure for ordinary clearance under Art. 47 of the Classified Information Protection Act and shall keep a register of the persons cleared;
5. Organise, coordinate and methodologically guide the activities relating to the accreditation of automated information systems or networks for classified information;
6. Organise and conduct training for the Central Customs Directorate staff in the field of classified information protection and shall render methodological assistance to the territorial directorates on the issues of its competence;
7. Plan, provide for and organise the activities for disaster or other emergency protection and on establishment of the critical infrastructures and their sites in the Agency; organize and carry out the activities and tasks on the defence and mobilization preparation and setting of the Agency from peace regime to higher degrees of readiness for wartime operation;
9. Organize non-stop manned surveillance and control of security, and alarm; provide for the development, maintenance and repair and exercise control at the use of security, fire alarm and fire-fighting installations; plan, ensure and control the security and admissive regime in the administrative complex of the Central Customs Directorate;
10. Draw up internal rules, plans and other documents within the competence of the unit.

(5) The Security Unit shall keep registers for national classified information and EU classified information and shall be responsible for the duly creation, processing, storage and transmission of classified information.

## **Section VI Network and Information Security unit**

**Art. 14.** (1) The Network and Information Security Unit is structured as a department that reports directly to the Director General of the National Customs Agency and operates under the Ordinance on Minimal Requirements for Network and Information Security, adopted by the Council of Ministers under Decree No. 186/2019 (SG, issue 59 of 2019)

(2) The Information and Network Security Unit shall:

1. Manage the activities, associated with achieving of high level of network and information security of the National Customs Agency in conformity with the legislative basis, policies and objectives for network and information security in cooperation with the 'Information Systems and Analytical Activity' Directorate and the Internal Audit Unit;
2. Participate in the elaboration of policies, internal rules and the documented information;
3. Develop and offer approaches and solutions for improvement of the network and information security of the National Customs Agency;
4. Develop and submit instructions, guidelines and procedures on network and information security to the DG for endorsement;
5. Monitor the implementation of instructions, directions and procedures, endorsed by the Director General, related to the network and information security;
6. Keep a list of threats and potential risks in the area of network and information security;
7. Monitor for the observing of the internal rules in the meaning of Art. 5, para 1, p.6 of the Order on the minimal requirements for network and information security and application of the laws, regulations, standards, policies and rules for network and information security;
8. Advise the NCA management on matters, pertaining to network and information security;
9. Manage the periodic risk assessments for the network and information security;
10. Periodically (at least once a year), prepare reports on the state of play in the field network and information security and submit them to the DG;
11. Organise, coordinate and participate in the training of NCA management and officials on network and information security issues;
12. Organise periodic review of the network and information security and the relevance of the measures taken;
13. Organise checks on the relevance of the plans to deal with incidents and action plans in cases of emergencies, natural disasters and other force majeure circumstances; analyse the results thereof and organise amendment to the plans, if necessary;
14. Liaise with other administrations, organizations and experts in the field of information security;
15. Monitor for the correct keeping of the incidents' register;
16. Inform about incident the respective sectoral team for reaction to incidents with computer security pursuant to the Order on the minimal requirements for network and information security;
17. Organise and participate in the analysis of the incidents with network and information security, the reaction to incidents, offer actions to compensate the consequences and measures to improve the network and information security;
18. Propose activities for the timely installation of correcting software (patches) by reporting of the software and hardware available in the respective administration and monitor their implementation;
19. Monitor the novelties in the security threats by reporting of the software and hardware available in the Agency, including for the emergency of new viruses and damaged code, spam and attacks, timely make suggestions to the DG on the adequate countermeasures;
20. Organise penetration tests, reveal weaknesses in the NCA network and propose measures to improve network and information security
21. Organise tests to detect vulnerabilities in the information and communication systems of the NCA and propose measures for their elimination;
22. Organise and cooperate when conducting of audits, checks and inquiries and when sending the results thereof to the respective national competent authority;
23. Make proposals to the NCA DG Make suggestion for launching disciplinary proceedings for violation of security rules to the DG;

## **Section VII**

### **Internal Audit Unit**

**Art. 15.** (1) The Internal Audit Unit is structured as a department and reports directly to the Director General of the National Customs Agency and undertakes internal audits under the Public Sector Internal Audit Act.

(2) The Internal Audit Unit shall audit all structures, programmes, activities and processes in the NCA and lower level budget spending units with the DG of the NCA.

(3) The Internal Audit Unit shall:

1. Plan, execute and report internal audit activities in accordance with the provisions of the Public Sector Internal Audit Act, the international standards for professional practice in internal audit, the Code of Ethics for the internal auditors, the status of the Internal Audit Unit and the methodology for internal audit in the public sector endorsed by the Minister of Finance;
2. Give the NCA DG an independent and objective assessment on the status of the financial management and control of all audited NCA structures, programmes, activities and processes, including observing the principles of legality, sound financial management and transparency.
3. Advise the NCA DG, upon its request, by providing advice, opinion, training, etc. aiming at improving risk management and control processes without assuming managerial responsibility.

## **Section VIII**

### **General Administration**

**Art. 16.** The General Administration in the Central Customs Directorate of the Agency is organized as:

1. 'Finance, Property Management and Public Procurement' Directorate;
2. 'Human Resources Management' Directorate;
3. 'Administrative Services and Communication' Directorate
4. 'Legal and Regulatory ' Directorate;
5. 'National Training Centre' Directorate.

**Art. 17.** The 'Finance, Property Management and Public Procurement' Directorate shall:

1. Provide financial and accounting services to the CCD;
2. Participate in drafting legislation on funds and budget planning and management within the National Customs Agency (NCA);
3. Develop summary draft NCA budget;
4. Prepare, justify and submit for approval the budget allocation for third-level NCA spending units in accordance with the respective budgetary procedure and control their expenditures;
5. Provide methodological guidance on the accountability of the customs administration and the enforcement of financial legislation;
6. Organize and control the current implementation of the approved budget;
7. Prepare periodic reports and the annual report and balance of the NCA;
8. Organise the reporting of state receivables collection for the state budget;
9. Develop methodological guidelines on reporting the revenue from state receivables, controlled by the customs authorities;
10. Exchange information and coordination with the Bulgarian National Bank and with the trade banks, servicing the accounts of the customs offices;



11. Control the reporting of securities with cash deposits and bank guarantees;
12. Perform preventive, ongoing and subsequent internal financial control within the NCA;
- 13 Summarise the results of the tolls and vignettes collected that are laid down in a legal act;.
14. Organise, coordinate and plan the conducting of public procurement tenders within the customs administration.
15. Draft and legally coordinate individual administrative acts, documentation and contracts under the Public Procurement Act;
16. Implement litigation before law enforcement and judicial authorities in connection with legal proceedings under the Public Procurement Act, to which the Agency is a party;
17. Exercise preliminary control for legality of the financial activity of the Central Customs Directorate, including assuming of debts and making expenditures pursuant to the Financial Management and Control in the Public Sector Act;
18. Summarise and propose for approval name lists for acquisition of long-term tangible assets and keeps record for the absorbed capital expenditure funds;
19. Organise and coordinate the maintenance, reconstruction and management of public-state-property buildings and land and technical infrastructure not assigned to other ministers or heads of administrations for border control purposes, as well as facilities, provided to the National Customs Agency for management
20. Keep registers, store state property deeds and construction papers for entrusted state-owned buildings and property;
21. Organise and coordinate the maintenance of entrusted BCP special communications and engineering facilities which are located at BCP areas;
- 22.. Ensure the preservation and protection of BCP state property as assigned to the NCA Director General;
23. Coordinate NCA territorial unit actions in connection with the implementation of the activity under item 19;
24. Provide for the maintenance of the national flag and the visualisation of the coat of arms of the Republic of Bulgaria in accordance with the regulatory requirements;
25. Provide for and organise the installation and maintenance of signs and inscriptions in Bulgarian and in English, indicating the location and terms for border crossing;
26. Organise and coordinate the BCP and public area landscaping, road marking and cleaning;
27. Provide for and organise the implementation of other activities related to the maintenance, redevelopment and management of BCP buildings and land, in accordance with the legislation in force;
28. Prepare technical specifications for NCA property management and maintenance public procurement tenders;
29. Perform other activities, as assigned by the NCA Director General in line with the powers, conferred under Art. 7 and 7a of the Ordinance on Border Crossing Points;
30. Organize and carry out NCA logistical supply activities;
31. Be responsible for the proper use and management of NCA property;
32. Provide methodological guidance and coordinate the disposal of abandoned and forfeited to the state goods through developing guidelines on the implementation of existing legislation;
33. Interact with competent authorities in connection with the disposal of goods abandoned and forfeited to the state and propose measures to improve working processes;
34. Participate with its representatives in working groups and give opinions in the drafting legal acts on the disposal of goods, abandoned and forfeited to the state.
35. Coordinate the management of the NCA recreation facilities.

**Art. 18.** The ‘Human resources Management’ Directorate shall:

1. Develop and propose to the Director General of the NCA an entire strategy and policies for HR management and development, systems and procedures for their implementation and perfection;
2. Organise and administer the HR management activity in the NCA;
3. Develop prognoses and plans for HR in the customs administration, make analyses and prepare specific information in the HR area;
4. Prepare and update the staff establishment plan and the individual establishment plan;
5. Participate in the preparation and implementation of structural reforms in the NCA and the changes in the civil service and labour relationships associated thereof;
6. Organise the staff recruitment and selection process; apply, monitor and update the recruitment and selection by introducing psychological methods and rendering methodological assistance in organizing competitions under the Civil Service Act and procedures under the Labour Code;
7. When appointing and promoting NCA officials, organize conducting a survey on the professional and psychological employability under the terms and procedures for conducting the survey, defined with an ordinance of the Minister of Finance;
8. Draft or participate with its representatives in drafting intra-Agency acts in the HR area and give opinions for HR management internal procedures and rules;
9. Give methodological guidance to the territorial directorates aiming at uniform application of the procedures and rules in force; consult the heads and officials in the Agency on HR management issues;
10. Develop internal rules and apply the remuneration and stimulation policies according to the legal basis and coordinate the application of the state requirements for labour regulation and payment of salaries in the Agency;
11. Organise and coordinate the efficient management and control of the entire process of NCA officials’ performance appraisal;
12. Analyse, evaluate and draft jobs in the Agency, organise the drawing up and update of job descriptions;
13. Organise the activities, related to the induction, motivation, professional development management, career advancement and staff mobility in the Agency;
14. Organise and exercise control over the activities on preparation and storage of all acts related to the establishment, amendment and termination of service and labour relationships, and their reflection in the HR management software product;
15. Draw up, keep and store the civil service and labour relationship personal employment files in accordance with the legislative basis, issue and keep record of the service cards of the NCA officials, keep a register of the declarations under Art. 35 of the Anti-Corruption and forfeiture of illegally acquired property Act;
16. Organise the development and coordinate the application of legislation related to the provision of health and safety work conditions;
17. Prepare opinions on draft legislative acts and other documents related to HR management;

**Art. 19.** The ‘Administrative Services and Communication’ Directorate shall:

1. Organise and coordinate the activity of administrative services to physical and legal entities and of handling of complaints, suggestions and alerts of citizens and organizations;
2. Organise and carry out the filing activities as it shall provide for the storage and bookkeeping of documents;

3. Make inquiries and prepare certified copies of the documents, which are stored in the NCA archive;
4. Develop and offer for coordination draft NCA document flow rules;
5. Make entries in the Integrated Information System of the State Administration;
6. Implement relationship and coordination with other agencies and organisations;
7. Organize and control the process of preparation and distribution of NCA's printed and audio-visual materials to create a positive image and popularization of the NCA policy;
8. Coordinate and control the update of information on the NCA official webpage and develop the basic principles for its development in order to offer services of the information society;
9. Plan, coordinate and carry out the NCA information and communication policy and ensure publicity and transparency of its activity, as it shall organize efficient communications with the media and the citizens, including by participating in the preparation and coordination of draft decisions for granting or refusal of access to public information;
10. Develop, organize and assign information campaigns for preliminary presentation and making popular of the NCA activities and the preparation of general administrative acts developed by it;
11. Support the NCA participation in international meetings, sessions and other events;
12. Make a protocol translation of the international correspondence of the management and provide translation at international fora;
13. Prepare, coordinate, realize and report the organization, carrying out and the protocol servicing at formal and working meetings of the NCA management and maintain the protocol correspondence.

**Art. 20.** The 'Legal and Regulatory' Directorate shall:

1. Render legal assistance for the legitimate implementation of the powers of the Director General, related to its competence;
2. Render legal assistance in the application of legal acts, in which are indicated the obligations and the responsibilities of the customs administration;
3. Support the NCA Director General on legal issues of its competence;
4. Implement litigation before the judicial power and judicial authorities of the Republic of Bulgaria on proceedings, on which the Director General or the NCA are parties unless otherwise endorsed by the NCA Director General or the provided for in these Rules;
5. Prepare position on preliminary rulings on which the NCA is a party to the main proceeding, jointly with the competent directorate of the specialized administration;
6. Participate in the preparation of draft positions of the Republic of Bulgaria on preliminary rulings, on which the NCA is a party to the main proceeding, jointly with the competent directorate of the specialized administration;
7. Implement litigation of the NCA before the Court of Justice of the European Union;
8. Prepare draft decisions for granting or refusal of access to public information based on a presented opinion by the respective administrative unit for the availability of information and its character;
9. Prepare and legally coordinate the agreements, to which the NCA is a party, except the agreements, prepared and/or coordinated by the 'Finance, Property Management and Public Procurement' Directorate pursuant to the Public Procurement Act;
10. Give opinions and coordinate for legality draft individual administrative acts of the Director General except the drafts, prepared and coordinated by 'Customs Intelligence and Investigation' Directorate, and except the drafts, prepared and coordinated by 'Finance, Property Management and Public Procurement' Directorate pursuant to the Public Procurement Act;

11. Prepare opinions on legal issues in respect to the activity and functions of the customs offices, put by legal and physical entities, and on appealed administrative acts;

12. Participate in the procedures for appointment of officers in the NCA and monitor for legality of the acts, related to the incurrence, amendment and termination of the service and labour relationships as well as with implementation of disciplinary liability of the officials;

13. Participate in commissions in the cases laid down in a normative act or by order of the NCA Director General, except the commissions, appointed pursuant to the Public Procurement Act;

14. Prepare and coordinate draft normative acts as well as express legal opinions on draft legal act presented for coordination;

15. Participate with its representatives in working groups for preparation of draft legal acts;

16. Implement legal ensuring in the elaboration of draft intra-Agency acts;

**Art. 21.** The 'National Training Centre' Directorate shall:

1. Participate in the development of the NCA strategy for training and qualification of customs officials;

2. Develop an annual programme for training of the officials in the customs administration;

3. Organise and carry out the training and qualification of the officials at job levels;

4. Keep register of the certificates for completed training course, issued under Art. 6, p. 15;

5. Analyse the need of professional knowledge improvement of customs officials, necessary for performing their duties, organize conducting of courses and other forms of training related thereto, analyse their performance and evaluate the results achieved;

6. Carry out methodological guidance, coordinate and control all forms and activities of training, conducted by the regional training centres;

7. Collect, systematize and store a library stock, related to the training and qualification of customs officials;

8. Cooperate with similar Bulgarian and foreign training institutions, aiming at exchanging of information and experience.

## **Section IX**

### **Specialised administration**

**Art. 22** The specialised administration in the Central Customs Directorate of the NCA is organised in:

1. 'Customs Intelligence and Investigation' Directorate;

2. 'Information Systems and Analytics Directorate';

3. 'Customs Activity and Methodology' Directorate;

4. 'Excise Activity and Methodology' Directorate; '

5. 'Post-release Control' Directorate;

6. 'Central Customs Laboratory' Directorate;

7. 'International Affairs' Directorate;

**Art. 23.:** The 'Customs Intelligence and Investigation' Directorate shall:

1. Participate in the development of the customs policy in the area of prevention, intelligence and investigation of administrative offences/crimes of the competence of the customs officials;

2. Guide, support and control the activity of the territorial departments, and also it shall guide methodologically, support and control the activity of the customs offices in the area of:

- a) Counteraction to administrative offences/crimes of the competence of the customs authorities;
  - b) Counteraction and investigation of the illegal trafficking in narcotic substances, precursors, defense-related products, and dual-use products and technologies;
  - c) Counteraction to infringements to the EU legislation, vesting control functions in the customs authorities;
  - d) Checks on persons, holding or carrying out activities with excise goods, and provision of evidence;
  - e) Control over the cash, precious metals, gemstones and items of them or made with them, carried across the state border;
  - f) Counteraction and investigation of the cash, precious metals, gemstones and items of them or made with them, smuggled across the state border;
  - g) Implementation of intellectual property rights protection measures;
  - h) Establishment of administrative offences and imposition of administrative penalties; use of sniffer dogs;
3. Interact and exchange information with law-enforcement and judicial authorities in the area of intelligence and investigation of administrative offences/crimes of the competence of the customs authorities;
4. Implement risk management in a common framework, including exchange of risk information and of risk analysis results between the customs administration on the basis of established common risk criteria and standards, control measures and priority control areas;
5. Collect, process, analyse, assess and distribute data and information for the purposes of risk analysis and prevention from violations and crimes of the competence of the customs authorities:
- a) persons, sites, goods and means of transport, for which a risk has been identified;
  - b) risk-related movement of goods;
  - c) customs formalities, for which a risk has been identified;
  - d) activities with excisable goods and their movement, for which a risk has been identified;
6. Make risk assessment and develop risk profiles, offer measures to limit the options of risk exposure;
7. Plan and organise, including through a coordination centre, performing of physical checks, as it shall implement their direct operational guidance, where necessary;
8. Organise and carry out checks in the BCP area and countrywide;
9. Perform checks on persons, holding or carrying out activities with excise goods, and ensure evidence
10. Solely and together with the competent units from the NCA structure perform customs control and carry out checks to respect the customs, excise and currency legislation and to counteract customs, excise and currency violations and crimes, illegal trafficking of narcotic substances, precursors, dual-use weapons and goods as well as implementation of measures for Intellectual Property Rights protection;
11. Organise and carry out checks according to its competence under the Road Act;
12. Participate in the activity of the Coordination Council in the Fight against the Infringements, Affecting the EU Financial Interests (AFCOS);
- 13.; Perform mutual administrative assistance and cooperation within the scope of Council Regulation (EC) No. 515/1997, Naples II Convention and the administrative cooperation agreements concluded at EU and national level;
14. Assist in various forms of training and assist in raising the qualification of the customs officials in the area of customs intelligence and investigation;

15. Carry out the check and infringement establishment activities in relation to the application of the EU legislation, assigning functions to the customs authorities;

16. Accept, store and destroy narcotic substances and precursors;

17. Perform checks with specialised technical equipment and technical means with ionizing radiation sources for the needs of the customs supervision and control on goods and vehicles;

18. Plan and organise the whole activity with specialised technical equipment and technical means with ionizing radiation sources in the Agency in compliance with the national and Community legislation;

19. Coordinate, control and guide methodologically the territorial departments when they use specialised technical equipment and technical means with ionizing radiation sources;

20. Coordinate and control the activities in analysing the X-ray images received in the course of customs control, and summarise the results by means of 24-hour analysis centre as well as scan and read the images, made with specialised technical equipment with ionizing radiation sources as it shall reflect the results as per certain order;

21.; Plan, guide and control the activities on integration, operation and maintenance of specialised technical equipment and technical means with ionizing radiation sources in the Agency;

22. Create and periodically update the database of scanned sites and monitor the technical condition of the specialized technical equipment;

23. Analyse the needs and participate in trainings in the area of use of specialised technical equipment and technical means with ionizing radiation sources;

24. Organise, carry out and coordinate operational search and convoy activity;

25. Organise and coordinate the crime investigation activity in the cases, under the terms and conditions provided for in the Penal Procedure Code as well as perform investigation or separate actions in the investigation of crimes under Art. 234, 242, 242a and 251 of the Penal Code and under Art. 255 of the Penal Code in respect to obligations for VAT from imports and excise duties, under the Penal-Procedure Code;

26. Monitor Internet, collect and analyse data in order to establish and detect offences and crimes of the competence of the customs authorities;

27. Perform activity on establishment of administrative violations and imposition of administrative penalties;

28. Initiate administrative-penal proceedings upon establishment of offences of the competence of the customs authorities, collect, analyse and summarise evidence of offences perpetrated in the course of the administrative-penal proceeding;

29. Prepare draft penal statements, agreements for termination of administrative-penal proceedings, decisions for approval or refusal to approve concluded agreements, statements for imposition of security measures and orders for imposition of coercive administrative measures of the NCA competence;

30. Collect, summarise and provide data for offences, established by customs authorities and stored in the NCA information funds;

31. Carry out survey, analysis and systematization of the activity on the application of the administrative-penal provisions of the customs, excise and currency legislation based on the administrative and judicial practice and give methodological directions aiming at increasing the efficiency in this area.

32. Ensure at legal and expert level the activity of the directorate, as it shall:

a) Prepare and coordinate for legality draft individual administrative acts as per the competence of the directorate;

b) Prepare draft legal and intra-agency acts as per the competence of the directorate;

c) Perform litigation on administrative-penal proceedings, as in other cases, assigned by the Director General;

33. Organise, coordinate and participate in specialised national and international operations;

34. Analyse and summarise the information related to exercising of operational control in respect to the application of the customs, currency and excise legislation;

35. Assist and coordinate the activity of the customs offices on administration of road and vignette fees at the border-crossing points in respect to the acting regime for the movement of motor vehicles on the territory of the Republic of Bulgaria;

36. Exchange information with other directorates in the Central Customs Directorate and in the territorial directorates of the Agency according to their competence in respect to the activity on the prevention and detection of customs, excise and currency violations and crimes;

37. Be responsible for the functioning of the tobacco products tracing system laid down in Commission Implementing Regulation (EU) 2018/574 of 15 December 2017 on the technical standards for the setting up and work with tobacco tracing system (OJ, L 96/7 of 16 April 2018.);

38. Coordinate and control the work of the customs dog training school.

**Art 24.** The ‘Information Systems and Analytics Activity’ Directorate shall:

1. Participate in the elaboration of the strategy, priorities, development plans and programmes in the area of information technologies in the Agency;

2. Determine the development guidelines, organise and control the integration of new information and communication technologies in the Agency;

3. Carry out the planning and organisation of activities on the development of services, provided by the NCA e-portal in accordance with the accepted standards and the EU requirements;

4. Provide the interaction with the automated information systems, functioning in other state bodies and institutions;

5. Ensure compliance of the information systems of the customs administration with the EU requirements;

6. Examine the NCA information needs, conduct analyses and make proposals for the acquisition, usage and modernisation of hardware, software products and services in the area of information technologies in the Agency;

7. Coordinate, guide and participate in setting up of the customs administration information system business models;

8. Organise, manage and coordinate the activities on planning, building, maintenance and development of customs administration’s information systems;

9. Provide continuous technical monitoring and control, administer and maintain the information technology infrastructure and the customs administration information system performance;

10. Participate in the preparation of the security documents needed for the accreditation of the automated information systems or classified information networks, in their administration and in the process of their development and operation;

11. Carry out methodological guidance to the archiving of specific customs documents in the customs offices;

12. Carry out methodological guidance and help the customs offices in the processes of electronic data exchange (exchange, structure and format of the messages and data sets) in the scope of the information systems of the Agency;

13. Participate in the elaboration and give opinions on draft legal acts according to the competence of the directorate;

14. Develop strategic documents regarding the informational and analytical activity and offer long- and short-term priorities;
15. Make analyses and expert-analytical assessment in the formation of concepts in relation to the NCA activity implementation;
16. Assist the Director General in the formulation of the NCA goals, plan their implementation and assess the effect from their achievement; analyse the effect from the implementation of the excise duty collection measures;
17. Develop documents of planning, programming and reporting nature within the strategic planning processes;
18. Develop guidelines for the provision of the informational and analytical activity of the units in the NCA;
19. Prepare and apply methodology on information collection, analysis and evaluation of work processes by developing and integrating performance indicators, identify and make proposals for their optimisation;
20. Assist informationally the decision-making activity of the Director General and carrying out of efficient control activity by the customs authorities as it (the directorate) shall prepare and provide informational and analytical materials
21. Process and analyse information, acquired at or on occasion of implementation of the NCA activities;
22. Require information and opinions from the NCA structures in respect to analyses and checks assigned by the Director General;
23. In the area of statistics, implement the liaisons and the coordination with the other agencies, the information exchange with other state bodies, international data exchange with other customs administrations and keep a database
24. Organize, manage and ensure the activities in the area of the customs and excise statistics;
25. Elaborate and summarise analyses and statistical prognoses on the activity of the customs administration.

**Art. 25.** The ‘Customs Activity and Methodology’ Directorate shall:

1. Participate in the development and the application of legislation in the area of: customs regimes and procedures, EU commodity nomenclatures, tariff classification, customs valuation, origin of goods, VAT at import of goods, customs debt and security, customs exemptions, tariff and non-tariff measures, as well as the Common Agriculture Policy and the Common Fisheries Policy of the EU;
2. Coordinate the process of the application of legislation in the area of export control of dual-use products and technologies and defense-related-products, and cooperate with the respective competent authorities;
3. Assist and support the working groups to the EU Matters Council with the Council of Ministers in the activities under p.1 and 2;
4. Participate in the work of committees, sessions, work groups and other similar fora, held within the United Nations’ Economic Commission for Europe, the World Customs Organisation, the Common Transit Convention and other international events as per the competences of the directorate
5. Develop or participate with its representatives in the development of draft legal and intra-agency acts, related to the activities under p.1 and 2;
6. Prepare opinions on draft legal acts, related to the activities under p.1 and 2, sent for coordination by other state bodies, and intra-agency acts, sent for coordination by other directorates or autonomous units;
7. Participate in working meetings, seminars, discussions, negotiations, etc, on issues from the areas under p.1 and 2;



8. Prepare opinions and provide to the interested persons information on the application of the legislation, related to the activities under p.1 and 2;
9. Guide methodologically and assist the customs offices in the application of the legislation in the areas under p.1 and 2;
10. Prepare draft individual administrative acts and decisions, related to the application of customs legislation;
11. Administer the activities, related to the issuance of decisions pursuant to Art. 163 and Art. 19, para, 2 and 3 of the Customs Act, including organize, coordinate and control the activities, related to the issues of the Authorised Economic operators;
12. Analyse and summarise the information in the area of customs legislation;
13. Participate in the preparation of draft legal acts and prepare intra-agency acts of the competence of the directorate;
14. Develop and participate in the development of draft instructions and cooperation and interaction agreements with the competent authorities in respect to the application of customs legislation and the EU legislation, related to the protection of life and health of citizens, of animals and plants, of cultural and historical heritage, environment etc., as well as cooperate for application of the measures for market supervision;
15. Organise and implement the administrative cooperation with the competent national authorities, with the customs authorities and with other EU Member States in respect to the implementation of the Common Agriculture Policy measures;
16. Fulfill functions of a competent authority in the meaning of Art.7, para 1 of Council Regulation (EC) No. 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community;
17. Organise and coordinate the administrative cooperation based on the free trade agreements, concluded by the Union with partner countries, or on measures, adopted unilaterally by the Union in respect to third countries or territories, or in the meaning of the provisions to prove free circulation of the goods in the Customs Union EU-Turkey, with the competent national authorities and with the authorities of other states in respect to application of the rules of origin of goods;
18. Organise and coordinate the system of customs exemptions of the European Union, as well as fulfilment of the obligation for exemption from import duties in respect to privileges or immunities, provided for in multilateral or bilateral international contracts, agreements, arrangements and conventions;
19. Administer the information in the TARIC national application, the Tariff Quota Management System and the Monitoring Data Management System;
20. Coordinate the activity on presentation before the European Commission of the requests and objections of economic operators for introduction of autonomous measures for duty suspension;
21. Administer the registration data for exporters from the European Union in the REX system and the decisions under Art.19, para 2 of the Customs Act in the Customs Decision Management System – CDMS;
22. Carry out exchange of documents, used at transit procedure, with other EU Member States, with the countries with Common Transit procedure and with the countries to TIR Convention, as well as exchange of information between the coordination centres of the Member States for ATA carnets;
23. Maintain database, related to the competences of the directorate;
24. Monitor for the amendments to the EU customs legislation and where necessary, shall develop guidelines for its application;

25. Participate in the exchange of data and information under the administrative cooperation at international and national level in the area of customs debt and the traditional own resources, as it:

a) Collects and exchanges information with the offices, competent on traditional own resources, of the EU Member States, and with the offices of the European Commission;

b) Registers the cases of fraud and irregularities with import duties exceeding 10 000 EUR and, where necessary, updates already registered cases in the OWNRES system;

c) Prepares and submits the 'A' and 'B' account statements for customs duties to the Own Resources Coordination Unit of the Ministry of Finance;

26. Render assistance in the activity of qualification of customs officials;

27. Assist 'The Legal-normative' Directorate in drafting positions on preliminary rulings, to which the Agency is a party in the main proceedings;

28. Assist 'The Legal-normative' Directorate in drafting positions of the Republic of Bulgaria on preliminary rulings, related to the competence of the directorate, to which the Agency is a party in the main proceedings.

**Art. 26.** The "Excise Activity and Methodology" Directorate shall:

1. Within its competencies, participate in the development and application of the excise duty legislation related to the production, warehousing, movement of excise goods and their charging with excise duty;

2. Prepare or participate with its representatives in the preparation of draft legal and intra-Agency acts, related to the taxation and control of excise goods;

3. Exercise coordination, monitoring and supervision over the activity of the customs offices on the implementation of the legal and administrative acts in the area of excise legislation;

4. Analyse and summarise the information related to the excise legislation implementation;

5. Guide methodologically and support the customs offices in the area of excise duties, the checks to find facts and circumstances of importance for the excise obligation and the audits to establish excise obligations;

6. Provide information and prepare opinions regarding the implementation of the legal and administrative acts in the area of excise legislation;

7. Prepare draft individual administrative acts and decisions for application of the legal and administrative acts in the area of excise legislation;

8. Participate in conducting of working meetings, discussions, etc., on issues related to the competences of the directorate;

9. Collect and exchange information with other governmental bodies;

10. Collect and exchange information with the offices competent in excise duties of the EU Member States;

11. Assist the Director General in issuing tax warehouses operation authorisations and certificates for registered prices of tobacco products;

12. Keep the registers under the Excise Duties and Tax Warehouses Act;

13. Render assistance in the activity of qualification of customs officials and economic operators;

14. Prepare opinions on draft legal acts, prepared in other agencies and related to the excise legislation;

15. Monitor the changes in the EU excise legislation and develop guidelines for its application;

16. Assist the 'Legal and Regulatory' Directorate in the drafting positions on preliminary rulings, on which the Agency is a party to the main proceedings;

17. Assist the 'Legal and Regulatory -' Directorate in drafting positions of the Republic of Bulgaria on preliminary rulings related to the competence of the directorate, to which the Agency is a party in the main proceedings;

18. Participate in drafting legal acts and intra-agency acts of the competence of the directorate;

19. Participate in the activities on creation and support of the information systems of the customs administration.

**Art. 27.** The Post- release Control Directorate shall:

1. Guide methodologically and assist the customs offices in the area of:

a) preliminary controls on applicants for issuance of authorisations under the customs legislation;

b) preliminary controls for issuance of an Authorised Economic Operator certificate and ex post controls on certificate holders;

c) post-clearance control and customs debt, incurred as a result of the checks performed;

d) controls for establishment of facts and circumstances of importance for excise obligations and audits for establishment of excise obligations;

2. Monitor the changes in the EU customs legislation related to post clearance, and develop guidelines in respect to its application;

3. Participate in drafting of legal acts related to the post clearance control in the area of customs and excise legislation;

4. Give opinions on draft legal and other acts, prepared in other governmental bodies, according to the competencies of the directorate;

5. Prepare and legally coordinate draft decisions:

a) in respect to appeal proceedings of individual administrative acts, issued as a result of controls carried out by post-clearance control units;

b) under the Tax and Social Insurance Procedure Code in connection with administrative appeal of amended audit statements by administrative order;

6. Prepare and legally coordinate draft individual administrative acts according to the competence of the directorate;

7. Analyse and summarise the information, related to post-clearance control in respect to the application of customs and excise legislation;

8. Prepare a control plan on the post-clearance control unit activity control in respect to the application of customs legislation;

9. Select physical and/or legal entities which are subject to controls under the customs legislation;

10. Coordinate and participate in preliminary checks and controls within the post-clearance control on the application of customs legislation;

11. Report the results of the control activity, analyse the prerequisites for commitment of infringements to the customs legislation and offer measures for their elimination;

12. Prepare plan for the control of post-clearance units in the area of the excise legislation;

13. Select tax-liable persons for performing of controls and audits in the area of excise legislation;

14. Report, assess and analyse the results from the implementation of the control activity of post-clearance control units in the applications of excise legislation and offer measures for their elimination;

15. Coordinate and participate in controls and audits in the area of customs legislation;

16. create and maintain database, which are related to the competences of the directorate;

17. Coordinate the draft simplified declaration procedure authorisations, prepared by the competent customs office;

18. Initiate and/or participate in consultation procedures, related to the issuance of Single authorisations for simplified procedures (SASP);

19. Organise, coordinate and control the activities, related to:

a) Preliminary check on applications submitted for issuance of Authorised Economic Operator certificate;

b) Consultation and information exchange with the customs authorities of the other Member States;

c) Preparation and implementation of the activities, related to the issuance of Authorised Economic Operator certificate or to the issuance of a decision rejecting the application;

d) Management of the AEO certificates issued;

20. Participate in the activities of building and maintenance of customs administration's information systems; Administer the registration data in the Authorised Economic Operator System(AEO);

21. Render assistance in the customs officials' qualification activity;

22. Participate in working meetings jointly with the economic operators and provide information to interested persons on the application of the customs and excise legislation within the competences of the directorate;

23. Guide methodologically and render methodological assistance in taking decisions on incurrance and securing of customs debt in the post-clearance control area;

**Art. 28.** The 'Central Customs Laboratory' Directorate shall:

1. Examine, analyse and identify goods for the purposes of the customs supervision and control;

2. Examine, analyse and identify goods subject to excise duty;

3. Examine, analyse and identify goods to which the measures of the Common Agriculture Policy and the Common Fisheries Policy of the EU shall apply;

4. Examine, analyse and identify goods for the needs of their classification in the Combined Nomenclature of the European Union;

5. Examine, analyse and identify goods subject to special measures including non-tariff ones according to the legislation in force;

6. Organise and carry out activity for examination, analysis and identification of goods by a mobile laboratory;

7. Collect, process, systematize and store documents and specialised scientific and technical information related to the field of its activity;

8. Adopt, develop and integrate standard, new, modified and alternative methods for examination, analysis and identification of goods;

9. Provide and store standard samples, certified reference materials and standards;

10. Organize, coordinate and report the activity of the other customs laboratories;

11. Render expert scientific and technical assistance to the customs administration;

12. Cooperate with Bulgarian and foreign laboratories, organisations, physical and legal persons related to the field of activity;

13. Prepare and issue, upon request of the customs offices, technical information for dangerous and harmful materials and products;

14. Guide methodologically and help the customs offices in the establishment of an organisation for sampling by the customs authorities.

**Art. 29.** The 'International Affairs' Directorate shall:

1. Participate in the development and monitor the implementation of underlying and strategic documents and operation plans, related to the fulfilment of the obligations, arising from Bulgaria's membership in the EU, in their part within the Agency's competence;

2. Coordinate the participation of the Republic of Bulgaria in EU programmes in their part within the Agency's competence;
3. Guide and take part in the work of Working Group No. 24 'Customs Union and Customs Cooperation' and in that of other working groups to the European Matters Council to the Council of Ministers;
4. Coordinate the preparation of draft positions on issues within the Agency's competence, which are reviewed by the Council of the European Union and the European Commission and their ancillary bodies in the EU decision-making process;
5. Coordinate the participation of the Agency's officials and take part in the work of the bodies of the European Commission, the Council of the European Union and other international organizations;
6. Guide the work of the NCA representative to the Permanent Representation of the Republic of Bulgaria in EU in Brussels, Belgium;
7. Prepare, organize and conduct the Bulgarian Presidency of the European Union in the customs area;
8. Participate in the process of the Republic of Bulgaria's accession to international customs conventions and agreements and assist the other directorates in fulfilling the commitments, resulting from those international agreements for the customs administration;
9. Implement and coordinate the Agency's cooperation with other customs administrations; take part in the process of preparation, coordination and concluding of bilateral customs agreements;
10. Coordinate the participation of NCA officials and directly participate in the work of the World Customs Organization and coordinate the preparation of the coordinated positions of the Republic of Bulgaria and of the EU;
11. Coordinate and participate in the representation of the Agency in regional initiatives and projects;
12. Prepare the materials and participate in the work with international organizations and institutions as far as they perform activity related to the Agency's competences;
13. Participate in the programming process of the European Union and of other international organizations and institutions and in the drafting of documentation for implementation of the projects under those programs in their part falling within the Agency's competence;
14. Coordinate the implementation of the current projects under the programmes of the European Union and other international organizations and institutions in the Agency's competence;
15. Organize and coordinate the Agency's participation in international meetings, sessions and other events;
16. Translate the international correspondence of the NCA management and provides interpretation at international fora, where necessary.

## **Section X**

### **Territorial Directorates**

**Art. 30.** (1). The Territorial Directorate is an administrative unit in the structure of the Agency.

(2) The Director of the Territorial Directorate is a tertiary budget spending unit with the Minister of Finance.

**Art. 31.** (1) The Territorial Directorate is structured in a territorial administration, customs offices and/or customs points

(2) The structure and numbers of staff in the Territorial Directorate, the customs offices and the customs points shall be defined with an order of the Director General.

**Art. 32.** (1) The Territorial Directorate shall organise, manage, control and report the activity of the customs offices and customs points, included in the structure of the territorial directorate, shall carry out legally defined activities, and shall provide the information services to the Central Customs Directorate.

(2) The Territorial Directorate is organised in general and specialised administration. The general and specialised administrations in the territorial administration are organised in departments.

(3) In the specialised administration of the territorial directorates may be organised 'Customs Laboratory' departments which examine, analyse and identify goods:

1. for the purposes of customs supervision and control; for the needs of classifying goods under the Combined Nomenclature of the European Union; for the implementation of the EU Common Agriculture Policy measures;

2. for the purposes of charging with excise duty.

(4) The activity in the customs offices and customs points shall be carried out by specialised administration officials.

**Art. 33.** (1) The Territorial Directorate shall be managed and represented by a Director, appointed by the Director General, in coordination with the Minister of Finance, without applying Art. 10, para 12 of the Customs Act.

(2) In performing its powers, the Director shall be assisted by Deputy Directors.

(3). The Director of the Territorial Directorate shall delegate with an order powers to the Deputy Directors of the territorial directorates and shall define their functions.

(4) The functions of the Director, when absent or on its annual paid leave, shall be performed by a Deputy Director or another official, designated with an order by the Director General.

**Art. 34.** The Director of the Territorial Directorate shall:

1. Manage, organise, coordinate and control the performance of the entire activity of the territorial directorate, as well as its relationships with the other administrative units in the Agency and with other bodies and organisations;

2. Be responsible for conducting the NCA policy and for observing the obligatory guidelines of the NCA management in the whole activity of the territorial directorate;

3. Represent the territorial directorate;

4. Manage directly the activity of the territorial directorate;

5. Monitor the correct and efficient application of legal acts in the activity of the territorial directorate;

6. Plan, distribute and control the spending of budgetary resources, allocated to the territorial directorate;

7. Organise the management of the property, provided to the territorial directorate;

8. Conclude contracts, related to the implementation of the activity of the territorial directorate;

9. Issue individual administrative acts within its powers;

10. Exercise control in respect to observation of professional and labour discipline;

11. Make proposals for conducting of competitions under the Civil Service Act and the Labour Code, competitive selections and changes in the structure and number of staff in the territorial directorate;

12. Control and coordinate the activity within the territorial directorate on issues related to the traditional own resources;

13. Participate directly in the preparation of verifications of the European Commission services on traditional own resources on the territory of the territorial directorate;

14. Till the end of the current month, endorse and send to the Director General the shift schedules with shift (unit) composition, the job titles and their duties reflected;

15. Manage, organise and control the activities on classified information protection, disaster or any other emergency protection and defense and mobilisation preparation;

16. Perform also other functions, assigned to it with a legal act or with an act of the Director General.

**Art. 35.** (1) The customs office and the customs point shall be managed and represented by a head.

(2) The functions of the head of the customs office or of the customs point in its absence shall be executed by an official designated by the director of the territorial directorate

**Art. 36.** The officials in the Territorial Directorate shall:

1. Carry out and implement the policy of the Agency at territorial level;

2. Perform customs supervision and control over the import, export and transit of goods to, from and across the Republic of Bulgaria and their customs clearance on the territory of the country;

3. Carry out specific actions, such as controls on goods, on transportation-, commercial, accounting etc. documents of physical and legal persons, on means of transport, luggage and other consignments and goods, carried across the state border, and other similar actions to ensure the observation of the customs legislation and of the other normative acts applicable to the goods under customs supervision;

4. Collect customs duties and other state receivables;

5. Apply administrative-penal provisions;

6. Carry out checks within the post-clearance control;

7. Administer and carry out activities related to the application of the Excise Duties and Tax Warehouses Act, perform operational control over the production, storage, security, movement and placing on the market of excise goods, carry out controls on the observation of the excise legislation and audits on establishment of the excise obligations;

8. Analyse the information related to the application of the customs and excise legislation, as well as the information on performing of operational and post-clearance control under the customs and excise legislation;

9. Carry out control over the tolls and vignettes and permissive regimes for international transportations within the competencies, laid down in normative acts;

10. Carry out control on observing the currency legislation within the powers granted;

11. Administer and assist the investigative activity, carried under the Penal Procedure Code;

12. Elaborate statistical analyses and prognoses on the activity of the territorial directorate

13. Administer the process of issuance of EORI numbers;

14. Provide legal services and litigation;

15. Administer HR organisation and management activities;

16. Organise the activity on the application of the normative acts on providing health and safety work conditions;

17. Provide financial and accounting services and logistical supply;

18. Be responsible for the correct use, holding and management of property;

19. Interact with the competent authorities and perform procedures related to the disposal of abandoned and forfeited to the state goods, under the terms provided for in the Customs Act and in the Excise Duties and Tax Warehouses Act;

20. Organise and carry out the administrative services and filing activity;

21. Organise and perform the activity on the application of the classified information protection provisions;

22. Carry out also other activities, provided for in a normative act.

## **Section XI**

### **Organisation of the NCA work**

**Art. 37.** (1) The written correspondence with state authorities, national and international institutions and the Territorial Directorates, as well as the working meetings with representatives of agencies and organisations, shall be carried out by the Director General or officials designated by it

(2) The written correspondence with the Central Customs Directorate and with other institutions and the work meetings with representatives of other agencies and organisations shall be carried out by the director of the Territorial Directorate.

**Art. 38.** (1). The working hours of the officials of the Agency at 5-day week shall be 8 hours per day and 40 hours per week

(2) The working hours of the officials under para. 1 shall vary from 7.30 to 18.30 with compulsory presence from 10.00 to 16.00 hrs and a break of 30 minutes between 12.00 and 14.00 hrs. In these cases, out of the compulsory presence time, the officials can work out the daily working hours during certain days in the next or in another day of the same business week.

(3) The working hours under para. 2 shall be counted by means of an electronic system for control of the access to the NCA buildings or in another suitable way. The concrete organisation of work and the control on the respect of the established working hours shall be regulated with an act either by the Director General or by the Director of the Territorial Directorate.

(4) The distribution of working hours of the officials from the territorial directorates and the customs offices included therein, as well as that of the officials from the Central Customs Directorate, performing specific tasks, shall be defined by the Director General or by officials at managerial position duly authorised by the DG.

**Art. 39.** (1) The proposals and alerts, submitted to the Director General, shall be considered under Chapter 8 'Proposals and Signals' of the Administrative – Procedure Code.

(2) The proposals or the alerts – either written or oral – can be submitted personally or by an authorised representative. The proposals and alerts submitted shall be registered, as the sender, the date of entry and the issue, stated in the proposal or the alert, shall be indicated as well as the officials, to which the preparation of the decision on them is assigned.

(3) No proceedings shall be initiated on anonymous proposals or alerts, nor on alerts related to offences committed more than two years ago.

(4) The proposals or alerts, which do not fall within the competence of the Director General, shall be re-sent, not later than 7 days from their entry, to the competent authorities, unless there is information that the matter has already been referred to them too. The person made the proposal or the alert shall be notified of the resending.

(5) Reception of citizens and representatives of organisations and hearing of their recommendations and alerts shall be made on Tuesdays and Thursdays from 14.00 to 16.00 hrs in the building of the Central Customs Directorate of the Agency.

## **Chapter Four**

### **OFFICIALS IN THE AGENCY**

**Art. 40.** (1) The activity of the Agency is carried out by civil servants and by persons under labour relationship.



(2) The newly-appointed officials in the specialised administration shall compulsorily pass a basic training course in the 'National Training Centre' of the Agency.

(3) Customs officials, when performing their duties, shall legitimize with a service card.

**Art. 41.** Upon appointment and every year within a deadline, set by the Director General, customs officials shall submit a declaration, with which they give their consent to reveal bank secrecy in the cases provided for by law, pursuant to Annex 2.

**Art. 42.** (1) Pursuant to Art.10, para 7 of the Customs Act the Director General every year until 31st May shall request from the National Revenue Agency authorities the available data for the income and property of the customs officials.

(2) Access to information and documents under Art.1 have the officials of the NCA Inspectorate pursuant to Art. 74, para 3 of the Tax and Social Insurance Procedure Code.

**Art. 43.** (1) Customs officials are entitled to uniforms.

(2) The Director General shall define the positions and workplaces in the customs offices, at which the officials are obliged to wear uniforms when performing their duties

(3) The uniforms cannot be given to other people.

(4) The type, material, colour and insignia of the uniforms shall be defined with an order of the Director General.

**Art. 44.** (1) The value and wear-out terms of the uniforms of the customs officials shall be defined with an order of the Director General.

(2) Upon termination of the labour relationship, when acquiring an entitlement to length-of-service and old-age pension and under Art. 325, p. 9, 11 and 12 , Art. 327, p. 1,2 and 3 and Art. 328, para 1, p.1, 2,3,6, 7 and 8 of the Labour Code, as well as upon termination of the service relationship under Art. 103, para1, p.3,7,8 and 9, Art. 106, para 1, p.1,2 and 5 and Art. 107, para.1, p. 6 of the Civil Service Act, the uniform shall not be returned and the unworn part shall not be paid for

(3) In the rest of the cases of civil service and labour relationship termination, the uniform shall not be returned, but its value for the time till its wearing off shall be paid for.

(4) Upon termination of the labour or civil service relationship, the uniform insignia shall be liable to return.

**Art. 45.** (1) The uniform, destroyed or damaged during the performance of duties, not by fault of the person, which shall be established with a protocol, endorsed by the director of the territorial directorate, shall be restored with funds from the NCA budget.

(2) The lost, destroyed or damaged uniform by the fault of the official shall be restored with its own funds

(3) The uniform insignia shall be provided free of charge to those entitled to that uniform. The lost, destroyed or damaged insignia by fault of the official shall be restored with its own funds.

(4) In the cases under Art. 1,2 and 3, the head of the customs office may relocate the person to work at another workplace until the restoration of its uniform.

**Art. 46.** (1) Customs officials are entitled to carry personal weapon and to use it in case of self-defence and exigency

(2) The Director General shall define the positions and workplaces in the customs offices, which have the right to wear service weapon and to use it in inevitable-self-defense and exigency.

(3) The customs official is obliged to protect from loss, theft or damage the assigned service weapons as it shall bear penal and disciplinary responsibility at the occurrence of an extraordinary event.

**Art. 47.** (1) The funds for the reception of all documents needed for issuance of a permit for carrying and use of service weapons shall be provided by the budget of the Agency.

(2) Upon termination of the labour or service relationship, the assigned service weapon is liable to return.

(3) At a loss, theft or damage of the service weapon by the fault of the official, the latter shall pay its value threefold.

**Art. 48.** (1) For exemplary performance of their duties, civil servants and persons under labour relationship can be awarded by the Director General as the type of distinction shall be determined in the award order.

(2) The Director General shall endorse patterns of a gold and silver badge of honour of the customs administration.

### **TRANSITIONAL AND CONCLUDING PROVISIONS**

§ 1. This Rules of Organisation shall be adopted pursuant to Art. 11, para 1 and 2 of the Customs Act and Art. 11 of the Administration Act.

§ 2. For 2021 the data under Art. 42, para 1 shall be required until 31 July 2021.

§ 3. The implementation of the Rules shall be assigned to the Director General.

### **Annex 1 to Art.8, para 2**

#### **Number of staff in the Central Customs Directorate of the National Customs Agency – 630 posts**

Director	1
Deputy Directors	3
Secretary General	1
Inspectorate	12
Personal Data Protection Official	1
Security Unit	4
Information and Network Security Unit	4
Internal Audit Unit	3
General Administration, including:	152
‘Finance, Property Management and Public Procurement’ Directorate	70
‘Human Resources Management’ Directorate	27
‘Administrative Services and Communication’ Directorate	25
‘Legal and Regulatory ’ Directorate	22
‘National Training Centre’ Directorate	8
Specialised Administration, including:	449
‘Customs Intelligence and Investigation’ Directorate	173
‘Information Systems and Analytics ’ Directorate	123

‘Customs Activity and Methodology’ Directorate	57
‘Excise Activity and Methodology’ Directorate	33
‘Post-release Control’ Directorate	23
‘Central Customs Laboratory’ Directorate	26
‘International Affairs’ Directorate	14

**Annex № 2 to Art. 41**

**DECLARATION OF CONSENT**

under Art. 41 of the Rules of Organisation of the National Customs Agency

The under signed ....., born on ....., ЕГН/ЛНЧ ....., ID card ....., issued on ..... by MoI – ....., with permanent address: .....,

with the present

I DECLARE, THAT:

Pursuant to Art. 62, para 5, p.1 of the Credit Institutions Act I give explicit consent to be provided to the Director General of the National Customs Agency or an official authorized by him, information, representing bank secrecy, relating to my personal bank accounts and deposits, opened in banks and their branch offices, foreign financial institutions and their branch offices, registered on the territory of the country and abroad.

Date: ..... DECLARANT: .....

The National Customs Agency shall process and protect your personal data pursuant to the Personal Data Protection Act (PDPA) and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016.

*More details about the commitments of the National Customs Agency in its capacity of personal data controller you can find on the official webpage: [www.customs.bg](http://www.customs.bg), in heading ‘Personal Data Protection Policy’ or on telephone: 02/9859 4421.*