



Answers of the Republic of Bulgaria to the questions raised by the CCM Article 3 Analysis Group

The Republic of Bulgaria appreciates the comments provided by the Analysis Group upon their observation of the Bulgarian Extension Request submitted in accordance with Article 3.3 of the Convention.

We therefore submit relevant additional information corresponding to the Group's comments and queries:

1. ***“In accordance with Article 3.3, Bulgaria is encouraged to provide more information to clearly and credibly show that it is fully determined to complete the project as soon as possible and within the 18 requested months, and display more ownership, accountability and determination. For instance the “circumstances that may impede the ability” given as ‘insufficient level of knowledge and experience of the contractor’ are not encouraging especially considering the two previous failed attempts in identifying a contractor. In this regard, it could be helpful to provide more information on the reasons why the two previous attempts in identifying a contractor were not successful. Additionally, as previously mentioned ‘probability of funds shortages’ which could result in ‘lingering the project sine die’, indicate inadequate planning”***

Initially, NSPA has organized a new tender procedure for selecting a project contractor with a closing date of January 29, 2019. However, at the end of January 2019, NSPA informed the Ministry of Defence of the Republic of Bulgaria (MoD) of the necessity to further scrutinize the project documentation with consequent delays. The Request for Proposal (RfP) has been released with a bid closing date of 29th March. As of 1st April the bid is closed. Within the next three weeks, NSPA anticipates to complete the technical selection of a contractor. More detailed information will be provided at the end of April 2019. NSPA executes the contractor's selection procedure. Nevertheless, the MoD will be explicitly consulted before making any final decision. The MoD has developed a Resource Mobilization Plan to secure additional finances in case of insufficiency of resources and to ensure fulfillment of the commitments undertaken by the Bulgarian Government.

It should be underlined that the two previous attempts to identify a contractor failed due to the selected contractor's lack of capacity to meet the requirements of the Bulgarian legislation, namely the Law on the implementation of the Convention on cluster munitions and the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction.

2. ***“Submunitions possessed by EMKO LTD – are Bulgaria’s responsibility and part of its stockpile, and until they are effectively destroyed Bulgaria is accountable for them and needs to ensure they are destroyed and provide detailed information and updates on the process. In addition to number and type of cluster munitions, Bulgaria should also provide information about the submunitions”***

The Bulgarian private company EMKO LTD owns 25 Air bombs RBK 250-275 AO-1 SCh and 10 Air bombs RBK 250 PTAB-2,5 M. In November 2018, EMKO LTD initiated a procedure for removal of its cluster munitions out of Bulgarian territory and their destruction in Italy. As of 1 April 2019, EMKO LTD has successfully transferred all submunitions to a factory in Italy, where the process of destruction will take place. EMKO assured that the process would be finalized before 1 October 2019.

3. ***“Project plan and budget – Bulgaria should provide a more concrete work plan i.e. details on what will take place when, where and how as soon as it is in a position to do so (ideally by the end of March). This should include information on the rate of work, methodology to be used, etc. ”***

See para. 1.

The Republic of Bulgaria will provide detailed information after finalizing contractor’s selection and conducting relevant consultation with NSPA and the US.

4. ***“Probable/possible insufficiency of funding – since Bulgaria suspects that the 1.8 million USD may not be sufficient, Bulgaria needs to have a clear action plan for securing additional funding (either from national budget or elsewhere) and once it knows that it needs additional funds - act immediately (in April) to secure additional funds to ensure the destruction project will not be prolonged. Contingency planning is critical”***

In case of any funding shortages, the MoD has developed a Resource Mobilization Plan, aimed at securing additional finances and ensuring the successful destruction of the munitions in due course. If necessity for that is identified once the Contract is signed, the Resource Mobilization Plan will be activated. The budgetary procedure for providing additional funds is a complex process and may require additional time, which, for the moment, is hard to be calculated.

5. ***“There are discrepancies between the quantity and type of cluster munitions and submunitions presented in the table in the extension request (page 3) and Bulgaria’s latest Art. 7 transparency report from June 2018. Bulgaria needs to verify the information and provide an explanation to these differences”***

Discrepancies between the quantity and type of cluster munitions (CM) and explosive submunitions (ES) are due to a technical mistake. The quantity of cluster munitions and submunitions in TOTAL (10669 CM/217 545 ES) in Form B; Part I: Stockpiled cluster munitions contains the quantity of the Slovenian ES, which by the time of submitting of the report were already destroyed.

Another possible confusion comes from the fact that Form B includes the amount of CM and ES owned by EMKO LTD and EXPAL BULGARIA JC while the extension request includes only those owned by the MoD.

Nevertheless, if compared type by type, the numbers of the Bulgarian Army's CM and ES in the extension request are the same as the ones stated in the Bulgarian Art. 7 transparency report.

6. ***“It would be beneficial to include information such as the age of the submunitions as this would have a bearing on the period of the project. Additionally information could be provided on availability of the submunitions manufacturer manual as this could have information on the methodology to be used in their breakdown”***

The age of the CM and ES is stated in the table of Form B; Part I: Stockpiled cluster munitions of the Bulgarian Art 7 transparency report. The year of manufacture of the submunitions is contained in the second column of Lot number.

The manufacturer manual is classified and the requested information falls within the scope of an Agreement for mutual protection of classified information. Therefore, it cannot be delivered.

7. ***“Include some information on the rationale of the CM retention and provide a plan for its use”***

The 8 cluster munitions, type 9N123K, containing 400 explosive submunitions, 9N24, are retained for annual trainings.

8. ***“National ownership over the stockpile destruction process should be strengthened in terms of selecting the contractor, monitoring implementation of the contract, technical supervision, financial and human resources input”***

The Bulgarian Government is strongly committed to the implementation of the project for the destruction of the CM stockpiles. The Republic of Bulgaria keeps its supervision over the whole process by holding regular meetings and consultations (formal and informal) with representatives of NSPA. Before the signing of the contract with the contractor-to-be selected, the Republic of Bulgaria will demand guarantees for a comprehensive and timely monitoring of the overall process of the project implementation.

9. ***“Clarify why the gross and net weight indicated in the 2nd table on page 3 of the Request is the same”***

The gross and net weight of Submunition type ZAB-2,5 and RBS 100 AO 25 33 is the same, because these types are only explosive submunitions without cassettes. The net weight is only the weight of the explosive submunitions contained in each cluster bomb.

10. ***“Include the Project Management Plan, which is also required of the contractor according to page 17 of the Statement of Work, as this would allow the States Parties to gain the best insight into the proposed project”***

The Project Management Plan along with more precise work plan i.e. details on the process, timeframe and actions that will take place, will be provided by the Republic of Bulgaria as soon as feasible.

The contractor, once selected, shall provide a Preliminary Project Management Plan (PPMP) explaining how the project will be managed. The final Project Management Plan will be based on the PPMP and completed within 30 days after contract award.

From the contract award onwards on the first day of every month the contractor will be presenting Production Status Report that summarizes the demilitarization status, records the type and quantity of ammunition that has been received at the Contractor's storage site as well as the type and quantity of scrap that has been generated.