



CCM Article 3 Extension Request

By the Republic of Bulgaria

The Republic of Bulgaria ratified the Convention on Cluster Munitions (CCM) in April 2011. CCM entered into force for Bulgaria on 1st October, 2011. Under its provisions, the Republic of Bulgaria undertakes to destroy or to ensure the destruction of all cluster munitions (CM) within eight years. The deadline for the destruction of the Bulgarian cluster munitions stockpiles is 1st October 2019. Due to the circumstances outlined below, the Republic of Bulgaria is to complete the cluster munitions destruction beyond the aforementioned eight years period. This requires submission of a request to the 9th Meeting of States Parties for an extension of the deadline for implementation of the CCM commitments under Article 3 of the Convention.

Executive summary

- **Duration of the proposed extension**

We consider that the destruction of the cluster munitions stockpiles on the territory of the Republic of Bulgaria can be completed by the beginning of 2021.

Herewith, the Republic of Bulgaria would like to submit an extension request for a period of 18 months in order to meet its Article 3 obligations.

- **Rationale and resource mobilization: Summary explanation of the proposed extension, including the financial and technical means available to or required by the State Party, and, where applicable, the exceptional circumstances justifying it**

The Bulgarian Armed Forces do not have the relevant equipment, facilities, technologies and trained qualified personnel required for the purpose of destruction of their own CM stockpiles on Bulgarian territory.

In order to meet the CCM obligations under Art. 3, in 2013 the Minister of Defense of the Republic of Bulgaria and the US Embassy in Sofia signed a technical agreement for the destruction of the Bulgarian Armed Forces' cluster munitions. The United States provided and transferred financial resources (**USD 1, 8 mln**) to NATO Support and Procurement Agency (NSPA) for the destruction of up to 875 tons of Bulgarian cluster munitions.

However, the Bulgarian competent authority twice denied a license for the destruction of the Bulgarian Armed Forces' cluster munitions to the first project contractor selected by NSPA. The grounds for denial was the lack of capacity of the contractor to meet the requirements of the Law on the Implementation of the Convention on Cluster Munitions (CCM) and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. The work on the project for the destruction of the Bulgarian Armed Forces' cluster munitions stockpiles was renewed in 2017.

In February 2018, NSPA presented to the MoD a draft Statement of Work (SOW) for the destruction of the Bulgarian Armed Forces' cluster munitions. The document is the main element of the tender procedure for selection of a project contractor. In October 2018, SOW was officially approved by MoD.

NSPA organized a new tender procedure for selecting a project contractor with intended deadline 29th January 2019. However, at the end of January 2019, NSPA informed the MoD of the necessity to further scrutinize the project documentation with consequent delays. The Request for Proposal (RfP) was released with a bid closing date of 29th March. As of April 2019, the bid is closed. By the end of April, NSPA anticipates to complete the technical contractor selection and prepare a financial assessment of the proposed bids. In the course of execution of these procedures, Bulgarian authorities will explicitly consult NSPA on the specific requirements of the Bulgarian Law. Following the conclusions of the aforementioned processes, the companies involved in the tender procedure will be evaluated and ranked. If necessary, negotiations will be held with the selected company. The contractor is to be selected by the end of May 2019, and a contract for transportation and destruction will be signed between the chosen company and NSPA. A kick-off meeting will be organized no later than three weeks after contract award.

- **Outline for how and when stockpile destruction will be completed - Summary work plan for the period of extension**

According to SOW, the contractor should perform the safest and most cost-effective destruction of the cluster munitions within frameworks and conditions required by MoD and agreed with NSPA. The destruction should be completed within 12 months after contract award. The destruction will likely be performed outside the territory of the Republic of Bulgaria, in a State Party to the Convention.

The Bulgarian cluster munitions and explosive submunitions (ES), subject to the contract with NSPA, of total number **6862** CMs and **186349** ESs, have been divided into three (3) lots according to the priorities outlined in Table 1 in **Detailed narrative** section of the Extension request. The explosive submunitions, listed in Lot 1, are of highest priority as they are preloaded with specific firing compositions.

Given the mass and variety of submunitions and having in mind that the implementation of the project is to begin no earlier than mid-2019, the expected rate of the destruction is as follows:

The explosive submunitions in Lot 1 and 2 are to be destroyed by the end of 2019.

The explosive submunitions in Lot 3 are to be destroyed in 2020.

Between January-March 2021 the verification processes of the project for the destruction of the BA's cluster munitions and any contingencies (should they arise) will be completed.

• Quantity and type of cluster munitions and explosive submunitions held at the entry into force of the Convention for that State Party and any additional cluster munitions or explosive submunitions discovered after such entry into force

Cluster munitions and submunitions held at the entry into force of the Convention:

Name	Number of CM	Number of explosive submunitions	Gross weight (t)	Net weight (t)
RBK 250 PTAB-2,5 M	478	20 076	160.13	118.54
RBK 250 ZAB 2,5 SM	60	2 880	15.6	12
RBK 500 ZAB 2,5 SM	86	25 542	45.58	37.41
RBK 500 SHOAB-0,5 M	36	19 656	19.08	14.76
RBK 500 SHOAB-0,5	3	1 695	1.59	1.23
RBK 500 AO-2,5 RT	201	12 060	92.46	76.179
BKF AO-2,5 RT	2 166	25 992	172.2	136.46
BKF AO-2,5 RTM	912	10 944	71.136	56.544
BKF PTM-3	740	8 880	61.05	48.1
BKF PTAB-2,5	1 965	23580	143.45	110.04
RBK 250-275 AO 1 SCh	214	32 100	78.11	58.85
Submunition type ZAB-2,5		2 939	6.7597	6.7597
RBS 100 AO 25 33	1	3	0.1	0.1
	6 862	186347	875	681.55

Explosive submunitions discovered after entry into force:

Name	Number of CM	Number of explosive submunitions	Gross weight (t)	Net weight (t)
Submunition type PTAB-2,5		2	0.0037	0.0037

• Quantity and type of cluster munitions and explosive submunitions destroyed during the 8 years after the entry into force of this Convention for that State Party

The Bulgarian Armed Forces have not yet destroyed any of their cluster munitions and explosive submunitions.

- **Quantity and type of cluster munitions and explosive submunitions remaining to be destroyed during the proposed extension and the annual destruction rate expected to be achieved**

Cluster munitions (CMs) owned by the Bulgarian Armed Forces:

None of the cluster munitions and explosive submunitions owned by the Armed Forces of the Republic of Bulgaria have been destroyed.

As outlined in Table 1, the total number of CMs and explosive submunitions to be destroyed under the clauses of the contract with NSPA is **6862** CMs and **186349** ESs.

The annual destruction rate to-be-achieved depends on the capabilities of the to-be-selected contractor. Additional information will be provided once the project contractor is selected.

Retained CM and explosive submunitions:

As stated in the 2017 CCM Article 7 Annual Report, the Republic of Bulgaria retained 400 explosive submunitions, 9N24, for training purposes of the Bulgarian Armed Forces.

Private companies

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. As of April 2019, EMKO LTD has successfully transferred all submunitions to a factory in Italy, where the process of destruction took place. On 23rd April 2019, EMKO informed MoD that the process was successfully finalized.

In December 2018, another Bulgarian private company EXPAL BULGARIA JCS obtained a license, granted by the Bulgarian authorities, for the destruction of **3760** 4.2 OF mines for mortar GRM 20, M20G, imported from Cyprus in 2014. As of April 2019, EXPAL BULGARIA JCS has successfully destroyed **2416** 4.2 OF mines. The process of destruction of the remaining **1344** 4.2 OF mines is to be finalized before 1st October, 2019.

The CMs owned by EMKO Ltd. and the Cypriot CMs to-be-destroyed by EXPAL BULGARIA JCS are not subject to the Extension request.

- **Provide full contact details of the national focal person with whom follow-up will be conducted**

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Detailed narrative

• Origins of the Article 3 challenge to meeting the deadlines

The Republic of Bulgaria ratified the Convention on Cluster Munitions (CCM) in April 2011 and it entered into force on 1st October 2011. According to Article 3 (2) each State Party undertakes to destroy or ensure the destruction of all cluster munitions (CM) as soon as possible but not later than eight years after the entry into force of this Convention for the country. For the Republic of Bulgaria the deadline is 1st October 2019.

In December 2011, an intergovernmental meeting was held to discuss proposals and options for the destruction of the Bulgarian Armed Forces' cluster munitions.

Since then the activities regarding the process of destroying the cluster munitions stockpiles of the Armed Forces of the Republic of Bulgaria can be separated in two phases.

First phase

The first phase began in 2012 when the Ministry of Defense (MoD) and the U.S. Embassy in Sofia negotiated the provision of financial resources for the destruction of the Bulgarian Armed Forces' cluster munitions.

In 2013, the Minister of Defense of the Republic of Bulgaria and the US Embassy in Sofia signed a technical agreement for the destruction of the Bulgarian Armed Forces' cluster munitions. Thus, the United States provided and transferred financial resources (USD 1, 8 mln) to NATO Support and Procurement Agency (NSPA) for the destruction of up to 875 tons of Bulgarian cluster munitions. NSPA conducted a tender procedure and selected a project contractor.

In 2014, a private company was selected by NSPA as a project contractor for the destruction of the Armed Forces' cluster munitions.

The implementation of this contract was postponed due to inconsistency between the CCM cluster munitions definitions and the ones outlined in the Law on Arms, Ammunition, Explosives and Pyrotechnic Products. On this basis, the Ministry of the Interior refused to grant permission to the project contractor.

In order to find a proper solution to the definitions issue and to fulfill the commitments undertaken by the Republic of Bulgaria, in November 2015, the National Assembly adopted a Law on the Implementation of the Convention on Cluster Munitions (CCM) and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

However, due to non-compliance with the technical requirements of the new Law, the project contractor, chosen by NSPA, was denied a license for the destruction of the Bulgarian Armed

Forces' cluster munitions for the second time. The contractor company did not have at its disposal the requisite facilities, means and technologies to execute the destruction of the cluster munitions and explosive submunitions owned by the Bulgarian Army. Thereupon, the contractor company was unable to fulfill its part of the contract with NSPA and the contract itself was terminated at the end of 2016.

Generally, finding a credible project contractor posed a major challenge due to the Soviet origin of the munitions. An option at that time was to have the destruction conducted by a contractor in a third country, non-state party to the Convention, which had the necessary technical knowledge and practice in the field. However, the Convention's provisions outline that the destruction can be done only on a State Party' territory.

The outcome of the first phase led to the conclusion that the destruction of cluster munitions is most likely to take place outside the territory of Bulgaria, in a State Party of the Convention.

Second phase

Given the 2013 technical agreement between MoD and the US Embassy in Sofia for the destruction of the Bulgarian Armed Forces' cluster munitions, in 2017 the project for the destruction of Bulgarian Armed Forces' cluster munitions was reinstated in cooperation with U.S. Government and NSPA.

In January 2018, the Bulgarian Law on Cluster Munitions was amended so that material resulting from the destruction process, whether of commercial value or a waste stream requiring further treatment, becomes ownership of the contractor when the destruction of CM stockpiles takes place outside the Bulgarian territory.

In February 2018, NSPA presented to the MoD a draft Statement of Work (SOW) for the destruction of the Bulgarian Armed Forces' cluster munitions. The document is the main element of the tender procedure for selection of a project contractor.

In October 2018, SOW has officially been approved by the MoD.

NSPA has organized a new tender procedure for selecting a project contractor with intended deadline 29st January 2019. However, at the end of January 2019, NSPA informed the MoD of the necessity to scrutinize further the project documentation with consequent delays. The Request for Proposal (RfP) has been released with a bid closing date of 29th March. As of April 2019, the bid is closed. By the end of April, NSPA anticipates to complete the technical contractor selection of a contractor and to prepare a financial assessment of the proposed bids. In the course of execution of these procedures, Bulgarian authorities will explicitly consult NSPA on the specific requirements of the Bulgarian Law. Following the conclusions of the aforementioned processes, the companies involved in the tender procedure will be evaluated and ranked. If necessary, negotiations will be held with the selected company. The contractor is to be

selected by the end of May 2019 and a contract for transportation and destruction will be signed between the chosen company and NSPA. A kick-off meeting will be organized no later than three weeks after contract award.

- **Existing national storage and stockpile destruction capacities**

In 2018, the private company EXPAL BULGARIA JCS managed to destroy all **52 000** explosive submunitions type DPM85 for artillery shells, cal. 155 mm, PAT794, owned by the Armed Forces of the Republic of Slovenia.

In December 2018, another Bulgarian private company EXPAL BULGARIA JCS obtained a license, granted by the Bulgarian authorities, for the destruction of **3760** 4.2 OF mines for mortar GRM 20, M20G, imported from Cyprus in 2014. As of April 2019, EXPAL BULGARIA JCS has successfully destroyed **2416** 4.2 OF mines. The process of destruction of the remaining **1344** 4.2 OF mines is to be finalized before 1st October, 2019.

However, the private company does not have the required facilities to carry out the process of destruction of the cluster munitions and explosive submunitions owned by the Bulgarian Armed Forces, as the latter significantly differ in numbers and types from the Slovenian and Cypriot ones.

The cluster munitions of the Bulgarian Armed Forces are held in the following military bases:

Ser	Military Base (MB)		Approximate CM Distribution		Road Distance to Ports (km)		Explosive sub munitions
	Number	Location	tonnes	US Tons	Varna	Burgas	Number
Air Force							
1	MB 26810	Popovica	283	309	350	225	55925
Joint Force Logistics Brigade							
2	MB 32830	Asen	181	201	330	230	34 055
3	MB 22720	Smyadovo	210	230	115	130	66 129
4	MB 22780	Dolno Kamarci	195	211	430	380	30240

- **Nature and extent of the progress made to date**

The project for the destruction of the Bulgarian Armed Forces' cluster munitions, financed by the U.S. government, was delayed due to reasons of normative and technical character, as the first project contractor, selected by NATO Support and Procurement Agency, was twice denied a license for the destruction of the CM stockpiles.

As stated in Detailed narrative's "Origins of the Article 3 challenge to meeting the deadlines Part", in 2017, the project for the destruction of the Bulgarian Armed Forces' cluster munitions stockpiles was reinstated. By the end of April 2019, NSPA will complete the technical selection of a contractor and will produce a financial assessment of the proposed bids. The contractor is to be selected by the end of May 2019 and a contract will be signed.

- **Resources made available to support progress made to date**

According to a technical agreement signed between the Minister of Defense of the Republic of Bulgaria and the US Embassy in Sofia, the United States has provided financial resources worth **1, 8 mln USD** for the destruction of the cluster munitions stockpiles of the Bulgarian Armed Forces. The project is funded by the US Department of State Bureau of Political-Military Affairs Office of Weapons Removal and Abatement.

- **Methods and standards used**

According to the Statement of Work, the contractor shall complete the demilitarization operations associated with each consignment, as evidenced by the signed certificate of demilitarization (COD), within four months following the date on which the contractor collects the ammunition from the MoD nominated location. The contractor shall have sufficient processing capacity to process the ammunition, which is subject to this SOW within the agreed timeframe.

Demilitarization is defined as the process to achieve full destruction of the item such that the ammunition has been destroyed and that no part, material or explosives can be reused for its original intended purpose. Demilitarization of ammunition will be effected by applying procedures developed by the contractor, using tools and equipment provided and maintained by him.

The contractor shall demilitarize the ammunition and dispose of the residues following established industrial standards for the processes to be performed. Demilitarization is considered completed when all the residues from the demilitarization process have been recycled or destroyed.

Explosive materials shall be disposed of, where applicable, by cost-effective means consistent with the least possible negative impact on the environment. Explosives may be destroyed,

converted into other products or recycled for civilian use. However, explosives shall not be recycled for military use.

The demilitarization operations shall make the optimum use of Resource Recovery and Reuse (R3) to ensure maximum environmental protection/benefit of recovered materials.

In the implementation of this SOW, the contractor shall not use destruction by Open Burning (OB) or Open Detonation (OD) methods.

Ammunition parts and components to be disposed of as scrap must be destroyed by permanent deformation and must be free of toxic and hazardous materials. No part shall be in a condition that will permit re-use for its original intended purpose.

More detailed information regarding the methods and standards to be used can be found in SOW Section 6 – DEMILITARIZATION.

- **Nature and extent of the remaining challenges**

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.

- **Humanitarian, economic, social, and environmental implications**

The cluster munitions are safely stored in military bases of the Bulgarian Armed Forces and do not pose a threat to the civilian population.

With regard to the environmental considerations during the implementation of the project for the destruction of the Bulgarian Armed Forces' cluster munitions stockpiles, the Statement of Work states that the contractor shall establish and maintain systems that protect the environment from contamination, pollution or other adverse impacts resulting from the demilitarization work. The contractor's environmental protection measures shall be, as a minimum, in accordance with national, regional and local laws and regulations.

Demilitarization techniques that involve uncontrolled emissions of the by-products deriving from the burning or detonation of explosive materials, including Open Burning/Open Detonation, are not permitted under this project, even if such techniques are permitted by the national regulations of the country in which the demilitarization takes place.

The contractor is responsible for all safety aspects and for the implementation of all European environmental standards and regulations.

- **Institutional, financial, technical, and human means and resources available and/or necessary in order to meet remaining challenges**

The project for the destruction of the Bulgarian Armed Forces' cluster is funded by the U.S. government, which provides the sum of **USD 1, 8 mln**. A Resource Mobilization Plan has also been developed to secure additional finances, if needed.

Points of Contact (POC) are listed in the Statement of Work to assist the transportation within and from Bulgaria. The POCs are from the following institutions: Ministry of Economy, Ministry of Transport, Information Technology and Communications, Ministry of Interior and Bulgarian Customs Agency.

The Bulgarian Military Police will escort the cluster munitions during movement on the territory of Bulgaria.

Further information regarding the institutional, financial, technical, and human means and resources available can be found in the Statement of Work.

- **Amount of time requested and reasoning behind the amount of time requested**

As outlined above, a contractor company is yet to be selected and a contract is to be signed by the end of May 2019.

Therefore, the Republic of Bulgaria would like to submit an extension request in order to meet its Article 3 obligations for the timeframe of 18 months until 1st April 2021.

- **Detailed work plan covering the amount of time requested, with measurable benchmarks, including, but not limited to:**

- *How much storage and stockpile destruction is planned for each year of the extension period?*

Table 1

Priority/Lots № ^o	Name	UN №	Class or Division	All					Net weight of 1 cassette (kg)
				Number of CM	Gross Number of explosive submunitions (t)	Net weight (t)	NEQ (t)		
1	RBK 250 ZAB 2,5 SM	0010	1.3G	60	2 880	15.60	12.00	*	200
	RBK 500 ZAB 2,5 SM	0010	1.3G	86	25 542	45.58	37.41	*	435
	Submunition type ZAB-2,5	0010	1.3G		2,939	6.76	6.76	*	2.3

	4	BKF PTM-3	0370	1.1E	740	8 880	61.05	48.10	23.70	65
		Subtotal:			886	40241	128.99	104.27	23.70	
2	1	RBK 250 PTAB-2,5 M	0370	1.1E	478	20 076	160.13	118.54	12.60	248
	2	BKF PTAB-2,5	0370	1.1E	1,965	23580	143.45	110.04	14.90	56
	3	Submunition type	0370	1.1E		2	0.0056	0.0056	0.00126	2.8
		Subtotal:			2443	43658	303.58	228.59	27.50	
3	1	RBK 500 SHOAB-0,5 M	0370	1.1E	36	19 656	19.08	14.76	2.10	410
	2	RBK 500 SHOAB-0,5	0370	1.1E	3	1 695	1.59	1.23	0.20	410
	3	RBK 500 AO-2,5 RT	0370	1.1E	201	12 060	92.46	76.18	9.80	379
	4	BKF AO-2,5 RT	0370	1.1E	2,166	25 992	172.20	136.46	21.20	63
	5	BKF AO-2,5 RTM	0370	1.1E	912	10 944	71.14	56.54	8.90	62
	6	RBK 250-275 AO 1 SCh	0370	1.1E	214	32 100	78.11	58.85	2.20	275
	7	RBS 100 AO 25 33	0370	1.1E	1	3	0.10	0.10	0.02	100
		Subtotal:			3553	102450	434.67	344.12	44.42	
		TOTAL:			6862	186349	867.25	676.98	95.62	

The Bulgarian cluster munitions to be destroyed under the contract with NSPA have been divided into three (3) lots according to the priorities in the Table 1 above. The explosive submunitions, listed in Lot 1, are of highest priority and are to be destroyed first as they are preloaded with specific firing compositions.

As the contractor is to-be-selected by the end of March 2019, it is expected that the implementation of the project and the actual process of destruction will begin no earlier than mid-2019.

The annual rate of destruction of the explosive submunitions is to be as follows:

The explosive submunitions in Lot 1 and 2 are to be destroyed by the end of 2019.

The explosive submunitions in Lot 3 are to be destroyed in 2020.

The completion of verification processes of the project for the destruction of the BA's cluster munitions and any contingencies (should they arise) will be completed in the period January-March 2021.

The Statement of Work implies that the contractor 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 be completed within 30 days after contract award.

The Project Management Plan along with a 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.

After the signing of the contract, at 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.

- *What annual costs are projected, including a breakdown of costs?*

The current budget for the implementation of the project for the destruction of the Bulgarian Armed Forces' cluster munitions stockpiles is 1,8 mln USD. The estimated breakdown of costs (including transportation) is as follows:

The destruction of the explosive submunitions (see Table 1) in Lot 1 is envisaged to cost **389 533 USD**. The Lot 2 expenses are projected to be **422 609 USD** and those for Lot 3 **991 761 USD**.

Thus the annual costs for 2019 are expected to be **812 142 USD** and for 2020 **991 761 USD**.

More precise information regarding the costs for the project implementation will be provided upon selection of the project contractor and signing of a contract.

- *What are the expected sources of funding necessary for implementation of the plan?*

As stated above in the Extension request, the U.S. Government provides **USD 1,8 mln** for the destruction of the Bulgarian Armed Forces' cluster munitions.

- *What are potential challenges and/or risk factors that may negatively affect the realization of the plan?*

Some financial challenges to the realization of the project may occur. To tackle this, 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.

- **Circumstances that may impede the ability of the State Party to destroy all stockpiles during the proposed extension**

See Detailed narrative's "Nature and extent of the remaining challenges" Part.

- Pictures of the Bulgarian Armed Forces' cluster munitions and explosive



BKF

AO-2,5RT



BKF AO-2,5RTM



BKF

AO-2,5RTM



BKF

AO-2,5RTM



RBK - 250 ZAP-2,5



RBK-250 ZAP-2,5



RBK-250 PTAB – 2,5M



RBK-250 PTAB – 2,5M