[BG] Amendments to the criminal code concerning computer-related crimes, crimes against the intellectual and industrial property, and online child abuse

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On 7 July 2022, *Закон за изменение и допълнение на Наказателния кодекс* (Act for Amendment and Supplement to the Criminal Code – the Act) was promulgated in the State Gazette. The amendments to the existing legal framework are in the field of computer-related crimes (including cybercrime and crimes against critical infrastructure), the crimes against intellectual and industrial property, and plagiarism, as well as the crimes against online child sexual exploitation.

The amendments can be narrowed down to changes expanding the minimum and maximum thresholds for imprisonment for the described fields and changes in the maximum amount of the fines.

However, an important practical implication of this change is that, for example, copyright-related offences (e.g. unauthorized use of copyrighted works), trademark infringements and others will now be considered "serious" crimes according to the Criminal Code. This gives the right to the relevant competent authorities to request traffic data from telecom operators in such cases (in line with the general obligation of the telecoms to store traffic data for a period of 6 months).

The Act also widens the scope of certain offences that will be considered crimes – e.g. the unauthorized use of inventions and utility models are now considered crimes (in addition to unauthorized use of trademarks, industrial design, etc.).

Some additional background here is that on 14 October 2019 a letter of formal notice from the European Commission was submitted to the Bulgarian Ministry of Justice. According to the findings of the European Commission, when transposing Directive 2013/40/ EU (the Directive), Bulgaria had not observed the required maximum threshold for imprisonment provided for in the cases of illegal system interference and illegal data interference.

In a nutshell, the aim of the Act is to achieve congruence between the high degree of public danger which these crimes pose, and the criminal liability foreseen by law, so that the legislation corresponds to the dynamics with which technology is evolving. The adoption of the Act is a victory for the long-standing

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attempts of local copyright collective societies to achieve these changes to battle copyright piracy. At the same time, there are arguments, and maybe some concerns, that the new provisions are not entirely proportional and balanced in terms of the potential risks to the invasion of privacy. Hopefully, these concerns will remain unjustified.

Закон за изменение и допълнение на Наказателния кодекс

https://dv.parliament.bg/DVWeb/showMaterialDV.jsp;jsessionid=20F8429D535EC278668FF232D9245D00?idMat=174622

Law amending and supplementing the Criminal Code

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