



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 3 June 2016
(OR. en)**

**15533/08
EXT 1**

**SCH-EVAL 89
COMIX 802**

PARTIAL DECLASSIFICATION

of document:	15533/08 RESTREINT UE
dated:	21 November 2008
new status:	Public
Subject:	Schengen evaluation of ROMANIA - Answers to the questionnaire with a view to the evaluation of Romania's preparations for the application of the Schengen Acquis

Delegations will find attached the partially declassified version of the above-mentioned document.



ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 November 2008

15533/08

RESTREINT UE

**SCH-EVAL 89
COMIX 802**

NOTE

from : the Romanian delegation
to: the Schengen Evaluation Working Party

No. prev. doc. : 15480/2/07 REV 2 SCHEVAL 189 COMIX 984

Subject : Schengen evaluation of ROMANIA
- Answers to the questionnaire with a view to the evaluation of Romania's
preparations for the application of the Schengen Acquis

Delegations will find enclosed the answers from Romania to the Schengen evaluation questionnaire with a view to the evaluation of its preparation for the application of the Schengen acquis.

A list of the respective annexes can be found at the end of this document. The annexes themselves were distributed (pdf.format) to delegations on a CD rom during the Schengen Evaluation Working Party of 17 November 2008. They are also available at the General Secretariat of the Council.

SCHENGEN EVALUATION QUESTIONNAIRE Reply of Romania



SCHENGEN ROMANIA

INTRODUCTION

In compliance with the priority of its foreign policy, Romania began accession negotiations to the EU on February, the 15th 2000.

The accession process was concluded on December, the 17th 2004, when the European Council decided to close negotiations with Romania. The signing of the Accession Treaty took place on April, the 25th 2005, in Luxembourg.

Romania joined the European Union on January, the 1st 2007.

Once a member of the European Union, Romania entered a new period involving the preparation and adoption of necessary measures towards eliminating controls at internal borders with a view to joining the Schengen area.

Romania has been systematically preparing for accession to the Schengen area in parallel with carrying out the activities which targeted EU accession. The actions in this field followed the course set in the National Strategy for accession to the Schengen area ([annex 1](#)) and of the Schengen Action Plan ([annex 2](#)).

By signing the Accession Treaty, Romania assumed the commitment to apply the provisions of Category I Schengen acquis as from the date of EU accession. As far as the Category II provisions are concerned, they will come into force in Romania as of the date of the abolition of the border control at internal borders, on the basis of a decision taken separately by the Council of the European Union.

In order to ensure a coherent and unitary approach of Romania's coordination efforts, the Schengen Department was set up under GD no. 1317/2007. Also, the inter-institutional co-ordination is realized by the National Commission for Schengen auto-evaluation (National Commission), a body set up under GD no. 882/05.07.2006. It is formed of representatives of all institutions with responsibilities in the field.

Romania declared its readiness for Schengen accession on June the 28th 2007, on three fields: data protection, police co-operation and visas. A second Declaration of readiness including all fields of evaluation was presented on June, the 2nd, 2008.

The answers to the Schengen questionnaire describe the way the Schengen acquis was implemented in Romania, current state of preparations and plans, which will be implemented in the remaining period before the lifting of border control.

The questionnaire contains a number of annexes, including the list of abbreviations used.

* * *

ABBREVIATIONS

BCP	Border crossing points
BP	Border Police
BPCI	Border Police County Inspectorate
BPD	Border Police Directorate
BPS	Border police sectors
CCC	Common Core Curriculum
CCI	Common Consular Instructions
DDLVRC	Directorate for Driving Licenses and Vehicles Registration Certificates
DIOCTO	Directorate for the Investigation of Organized Crime and Terrorism Offences within the Public Ministry
EADS	European Aeronautic Defence and Space Company
eASF Interpol	Electronic Automatic Search Facility
EAW	European arrest warrant
EPN	European Patrol Network
GD	Government Decision
GDP	General Directorate for Passports
GDIIP	General Directorate for Intelligence and Internal Protection
GEO	Government Emergency Ordinance
GO	Government Ordinance
GIBP	General Inspectorate of Border Police
GIRP	General Inspectorate of Romanian Police
GIRG	General Inspectorate of Romanian Gendarmerie
IGIMRSB	Interministerial Group for the Integrated Management of the Romanian State Border
IOM	International Organization for Migration
IPCC	International Police Cooperation Center
ISBS	Integrated System for Border Security
MFA	Ministry of Foreign Affairs
MIAR	Ministry of Interior and Administrative Reform
NSAPDP / NSA	National Supervisory Authority for Personal Data Processing
NCA	National Customs Authority
NVC	National Visa Centre
NISA	National IT System for Alerts
NCMDPR	National Centre for Managing the Databases on Persons Records
RBP	Romanian Border Police
RIO	Romanian Immigration Office
RON	New Romanian Currency (Leu)
RIS	Romanian Intelligence Service
SBC	Schengen Borders Code
SCOD	Integrated System for the Surveillance of Vessels' Itinerary
SCOMAR	System for the surveillance and observation at the Black Sea
UNHCR	United Nations High Commissioner for Refugees
VTMIS System	Vessel Traffic Management and Information System
WAP	Wireless Application Protocol

CONTENTS

I.	General border management of external borders	7
II.	Specific management of external borders	60
III.	Entry	92
IV.	Readmission	103
V.	Schengen Information System.....	111
VI.	Issuing of visas	148
VII.	Judicial cooperation.....	165
VIII.	Legislation on firearms.....	171
IX.	Police cooperation	175
X.	Drugs	208
XI.	Data protection	222
	Annexes.....	232

List of Figures:

Figure 1. Organisational structure of the risk analysis procedure	16
Figure 2. Information flow towards the central level	16
Figure 3. Information flow towards the subordinated units	17
Figure 4. The available human resources of the Romanian Border Police (01.06.2008)	20
Figure 5. Continuous training courses on forged/falsified documents and stolen cars	27
Figure 6. Data exchange through contact points	29
Figure 7. Border Crossing Points' location	Error! Bookmark not defined.
Figure 8. Naval mobility means at the maritime border	45
Figure 9. Naval mobility means at the Danube and Prut river	45
Figure 10. Surveillance towers location	47
Figure 11. Integrated System for Border Security – PMR Network	48
Figure 12. Border illegal crossings/attempts	49
Figure 13. Estimated level of detection	49
Figure 14. Persons admitted from neighbouring countries	50
Figure 15. Detected illegal immigrants on the Romanian territory	51
Figure 16. Routes used by illegal migrants	53
Figure 17. Number of passengers of the regular ferry line Odessa – Constanta – Varna	61
Figure 18. Vessels calling at ports from EU and third countries	63
Figure 19. The deployment of SCOMAR	Error! Bookmark not defined.
Figure 20. The Command and Control Centre for SCOMAR	Error! Bookmark not defined.
Figure 21. The network communication subsystem	Error! Bookmark not defined.
Figure 22. Deployment of local operation consoles	Error! Bookmark not defined.
Figure 23. The general architecture of the Command and Control Centre	Error! Bookmark not defined.
Figure 24. Sample screenshot of Constanta VTMS System	73
Figure 25. Sample screenshot from AIES	77
Figure 26. International Airports location	80
Figure 27. Penalties applied by the Romanian Border Police personnel.	96
Figure 28. Reasons for issuing visas in 2007	97
Figure 29. Number of visas granted at the border	97
Figure 30. Snapshot – Visa Online	99
Figure 31. Illegal aliens deported by the Romanian authorities	106
Figure 32. Number and percentage of the expulsion ordered	109
Figure 33. NISA architecture	128
Figure 34. Data flow to NISA and C.SIS	129
Figure 35. Number of terminals with SIS access	132
Figure 36. Estimate of data to be introduced into SIS	133
Figure 37. Historical data to be introduced into SIS	134
Figure 38. Accessing data of RIO IT System	148
Figure 40. Total number of visa requested in 2005, 2006 and 2007	158
Figure 41. Main training activities in field of firearms	172
Figure 42. The most important forces with police tasks	175
Figure 43. “Hotel area”	203
Figure 44. Contact Points	205

I. GENERAL BORDER MANAGEMENT OF EXTERNAL BORDERS

A) BORDER SECURITY MODEL

Please describe the border security model in your country? Is this model based on a Governmental decision and what is the nature of this decision? Please provide a copy of all relevant documents. Do you have or are you planning to have a special concept of compensatory measures after abolishing border control on internal borders?

The Romanian national border security model is based on the “four tiers model” of the *Schengen Catalogue. External Borders control, removal and readmission.*

I. Activities in third countries, in countries of origin and transit

Parameters:

- Controls made on documents at consular posts and career consulates;
- Detection of false and falsified documents;
- Control on visa application documents;
- Home affairs attachées/liaison officers

II. Bilateral and international border co-operation

Parameters:

- Multilateral, bilateral and local co-operation;
- Exchange of information through appropriate communication channels, local contact points, emergency procedures;

III. Measures at the external borders

Parameters:

- Border checks and border surveillance, based on risk analysis;
- Clear concept of training (basic and further) is required covering operational skills, knowledge of legislation, languages, etc.
- Appropriate equipment according to the border situation;
- Functioning internal coordination at all levels;
- Information exchange between competent authorities (border guard, customs, police, judicial authorities, prosecutors);
- Compatible communication equipment.
- Agreed international/bilateral cooperation implemented in practice on the spot (examples: exchange of information, joint controls, handling of readmission situations);

IV. Further activities inside the Romanian territory

Parameters:

- Measures to prevent illegal immigration and cross-border crime inside the territory by enhanced search, checks and surveillance;
- Measures to enable the repatriation in accordance with national law.

Details on the implementation of the four tiers model are included in 2007-2010 National Strategy for the Integrated Management of the Romanian State Border (hereinafter referred to as National Strategy) approved under the Government Decision no. 324/ 28.03. 2007.

The National Strategy is presented in [annex 3](#).

As far as compensatory measures after abolishing border control on internal borders are concerned, Romania foresees a complex system that includes on one hand, the development of an Integrated System for Border Security (ISBS) and on the other hand, redeployment of personnel from the future internal border, combined with modifying the tasks of the remaining structures on the internal border, as described in the answer to question no. 11.

The following compensatory measures are also included in the National Strategy:

- Extending the activities of countering cross-border crime inside the national territory, by organising and enforcing mixed complex check-ups on transit routes by the qualified authorities (the Romanian Border Police, the National Customs Authority, the Financial Guard, the Traffic Police, the National Gendarmerie, the Romanian Road Traffic Authority, the Romanian Motor-vehicle Registry Office, the National Environment Guard and others);
- Enhancing international, bilateral and multilateral cooperation on border management by concluding new agreements or modifying existing ones so as to ensure better procedures for the exchange of data and information among the competent authorities, creating new contact centres/points or upgrading the working procedures of the ones already in place and assuming an active role in European and international agencies and mechanisms in the field of border management and combating illegal migration;

ISBS represents the main instrument of implementing the integrated management of the state border. ISBS, which is currently in implementation under the EADS contract, will be composed of the following autonomous subsystems, interconnected:

1. Infrastructure subsystem

The purpose of this subsystem is:

- a) Investments in operational infrastructure, headquarters of Romanian Border Police, consisting of building new locations, as well as refurbishing or enlarging the old ones;
- b) Construction of communication infrastructure: towers, pillars and antennas; if possible, the equipments will be installed in the current locations, if not, new towers will be built.

2. Border surveillance subsystem

It provides for the surveillance and specific border activities by applying sensor based technologies, radars, or combinations of these. The information obtained with the help of sensors is transmitted to the control towers with the help of communication subsystems and are processed by the IT subsystem. The border surveillance is based on mobile platforms, as well as on immobile ones.

2.1. Green border

Fixed surveillance consists basically of a set of equipments for day and night surveillance, including radars of human detection, fixed on pillars, mainly within the headquarters of Romanian Border Police Points and Sectors.

Mobile surveillance is based on vehicles with integrated equipments for surveillance. These vehicles are equipped with night surveillance equipments which will be integrated in ISBS. The mobile surveillance is also provided by the air-force structures of the Ministry of Interior and Administrative Reform. The helicopters are provided with special equipments: search lights, night infra-red surveillance systems, recording video cameras with a real data transmitting, FLIR type etc. Rapid means of communication on board provide the coordination of the activities of border patrols.

2.2. Blue border

a) In order to provide the surveillance of internal maritime waters, territorial waters, contiguous area and exclusive economic area, an integrated system of surveillance and control of naval traffic at the Black Sea , named SCOMAR, will include:

- (i) Coast sensor stations;
- (ii) Communication infrastructure;
- (iii) Centre of command and control;
- (iv) Naval, terrestrial and air intervention units.

SCOMAR will exchange surveillance and tactical information by connecting to similar systems of other institutions within the Ministry of Transportation, VTS/AIS, and Ministry of Defense and with the satellite monitoring system of fishing boats and has the following functions:

- (i) detecting and identifying by radar sensors and optoelectronics;
- (ii) transmitting and collecting information at the Centre of Command and Control;
- (iii) transmitting instructions towards terrestrial, naval and air units.

b) On the border on the Danube river, an integrated system of surveillance of vessel itinerary, named SCOD, will be used on the Danube and in the Danube Delta and will consist of the following:

- (i) sensor stations on the river;
- (ii) infrastructure of communications;
- (iii) centers of command and control;
- (iv) naval, terrestrial and air intervention units .

SCOD will be integrated with the System of Management, Construction and Naval Tourism on the Danube RO-RIS, both by a real data transmission on the trade ships itinerary and by a common use of the available technical resources.

3. The control subsystem of border crossing

The subsystem is designed to provide the border control of persons and their belongings, means of transportation, including mobile control in border crossing points of harbours, railway stations and in the competence areas of Border Police. It includes fix and mobile readers - LPR system to read registration plates, as well as detection devices for drugs, explosive and radioactive substances, equipments to detect falsified and counterfeited documents, devices to detect persons and smuggled goods hidden in various vehicles, fingerprints reader, system of facial recognition. This subsystem will be inter-connected with the component parts of IT subsystem.

4. IT Subsystem

Designed as an on-line system available to all institutions with attributions in the field of border management, based on the standards of open systems, in order to realize the inter-connection with IT systems used by these institutions, as well as with SIS II, VIS, EURODAC, Interpol, Europol, AFIS, the IT system regarding the passengers in airports.

The IT on-line system will allow the collection, processing, transferring, storage and consultation in real time of the necessary information for ensuring a proper border management; it will also allow the interconnection and exchange of secured data with the IT systems of the institutions involved in public order and national security. The IT system provides support to the institutions for the performance of their attributions in fighting cross border crimes, illegal migration or in finding wanted persons and goods, for example; it will further allow the access to the existing information in the SIS II, verification in case of routine checks and cross border controls, and will offer to all levels of command and execution the necessary information for the control and surveillance of Romania's borders.

5. Voice and data communication subsystem

A wide area network, WAN, and a local network, LAN, will be developed to allow data and voice traffic between ISBS users. It will constitute the communication infrastructure for the IT subsystem.

6. Mobile radio communication subsystem

This subsystem ensures the basis for an information exchange (data and voice) between the operational mobile elements, as well as between these and the control and command centers. The mobile communication services are analogical, in VHF and HF frequency, for the naval mobility units and digital, PMR type (Professional Mobile Radio-communications), in TETRA standard. Particularly, the subsystem PMR in TETRA standard will ensure the communication needs for all the institutions with border responsibilities, the radio electrical covered area will be ensured in all border counties area, ensuring the interoperability at national level within the TETRA radio communication unique platform.

7. The fixed communication subsystem

The fixed communication subsystem ensures the transport infrastructure for wide band for information exchange between the fixed locations. It will realize the voice communication, for transferring data necessary for IT applications, as well as the infrastructure necessary for the mobile radio communication subsystem.

8. Mobility Subsystem

The air-naval-terrestrial means will include all transportation means designated for surveillance and intervention at the state border (surveillance and patrolling, transportation of intervention forces and equipment, operational transportation between different operational structures and the logistic transportation for provision and maintenance). This subsystem is composed of air, naval and terrestrial components.

9. The integrated logistic support subsystem

It is formed of all the activities necessary to support the system during its function. It includes training activities, documentation, spare parts, maintenance as well as a centralized support which permits ISBS to function 24 hours per day.

What legislation in your country governs the issue of border management and directly related issues?

The legal framework in the field of border management is represented by:

- Government Emergency Ordinance no 104/2001 on the organization and functioning of the Romanian Border Police, approved with amendments by Law no 81/2002, later amended ([annex 4](#));
- Government Emergency Ordinance no. 105/2001 on the Romanian state border, approved with amendments by Law no 243/2002, later amended ([annex 5](#));
- Government Decision no. 445/2002 approving the methodological norms for the application of Government Emergency Ordinance no. 105/2001 on the Romanian state border, later amended ([annex 6](#));
- Government Decision no.324/2007 for approving the 2007 – 2010 National Strategy for the Integrated Management of the Romanian State Border;
- Government Decision no. 943/2001 establishing the Inter-ministerial Group for the Integrated Management of the Romanian State Border ([annex 7](#)).

What do you consider to be the main threats that may affect the security of the borders of your country?

According to the statistical data available to the Romanian Border Police ([annex 8](#)), the main threats that may affect border security are:

- illegal migration and trafficking in human beings;
- trafficking with counterfeited goods;
- copyright offences;
- trafficking in cigarettes;
- smuggling of goods;
- illegal trafficking in arms, ammunition, explosive and radioactive materials;
- trafficking in drugs and substitutes;
- stolen vehicles.

Is there an overall national security plan or national border security plan in which the general border control management strategy is developed?

The 2007 – 2010 National Strategy for the Integrated Management of the Romanian State Border constitutes the national border security plan in which the general border control management strategy is developed.

This strategy is based on the analysis of cross-border crime and main tendencies of this phenomenon and also on the concepts of management and integrated system for border security, developed according to the provisions of the Schengen Catalogue – „*External borders control, extradition and readmission*”.

The purpose of the Strategy is to accomplish the general framework, necessary to the unitary and coherent approach of the integrated management of the state border as well as to combine efforts of the institutions with border responsibilities, for the entire referred period. Also, the Strategy provides the action guidelines for the fulfilment of the objectives related to Romania’s state border security.

The implementing instrument of 2007 – 2010 National Strategy for the Integrated Management of the Romanian State Border is the “Action Plan” which stipulates specific activities and responsibilities for each ministry/agency with attributions in the field.

The Action Plan highlights the actions assumed by the institutions with attributions in the field of integrated border management, for fighting cross-border crime and especially illegal migration, in accordance with the “four tires model” established by the “*Schengen Catalogue: External borders control, Removal and Readmission: Recommendations and best practices*”.

B) ORGANISATIONAL STRUCTURE

Which authorities are responsible for border control in your country? Which Ministry or Ministries are they subordinated to? Please describe the structure of these authorities and the division of responsibilities between them. What coordination mechanisms are in place between the different bodies both at central and at operational level? Are the different responsibilities and interdependencies laid down in national law or in any kind of documentation?

The main Romanian authorities responsible for border control are: the Romanian Border Police and the National Customs Authority.

The Romanian Border Police (RBP) is a nation-wide body, subordinated to the Ministry of Interior and Administrative Reform. It bears the responsibility for the control of the state border and has exclusive competence in the field of checks over persons crossing the state border and the surveillance of the green and blue border.

According to the provisions of the Schengen Catalogue (*cap.1.4 Organizational structure*), the Romanian Border Police has developed co-ordination structures of the specific activities, at central (GIBP), regional (territorial directorates of the Border Police) and local level (county inspectorates of the Border Police).

Thus, the territorial structures within the Border Police have a common organizational scheme with the GIBP (the structures within the GIBP have a counterpart within territorial subordinated structures).

At central level, the border management is exercised through *the General Inspectorate of Border Police*, having territorial competence for the entire area of responsibility of the Romanian Border Police. It co-ordinates the activity of its subordinated structures and carries out activities of investigation and inquiry of the serious crimes in the field of border related offences such as organized crime, illegal migration and cross-border crime.

At regional level, 6 border police territorial directorates (BPD) operate – one for each border with the neighbouring country (Republic of Moldova, Ukraine, Hungary, Serbia, Bulgaria) and for the Black Sea Coast. The Directorates are: Iași, Rădăuți, Oradea, Timișoara, Giurgiu and Constanța. The Directorates have attributions in the co-ordination and guidance of the activities specific to the border area, the representation of the institution in the relations with the similar institutions of the neighbouring countries.

• *21 Border Police County Inspectorates* – are subordinated to Border Police Directorates and are organized within the counties which have as limit the state border or the internal Danube. They fulfil the attributions of the border police within the area of competence as far as the border control and surveillance is concerned.

The county inspectorates are:

- Botoșani, Iași, Vaslui, Galați (BPD Iasi)
- Maramures, Suceava (BPD Radauti)
- Arad, Bihor, Satu Mare (BPD Oradea)
- Caras-Severin, Mehedinti, Timis (BPD Timișoara)

- Călărași, Giurgiu, Teleorman, Olt, Dolj (BPD Giurgiu)
- Brăila, Tulcea, Constanța, Ialomița (BPD Constanta).

- 83 Border police sectors - are organized within the border police county inspectorates, representing the execution structure of the Border Police. 49 of them are located at the EU external border and 34 at the borders with Hungary and Bulgaria.

- 2 Border police naval groups - located at the EU external border, they represent the maritime component of the Border Police, organized on the Black Sea shore. They carry out their attributions within the territorial waters, contiguous area and economic exclusive area.

- 78 Border crossing - points - structures within the border police sectors, fulfilling the attributions related to the control of persons, goods and means of transportation crossing the state border and the surveillance of the border crossing point. 3 BCPs at the external border (2 of them at the border with Ukraine - Câmpulung la Tisa - rail, Valea Visului - rail - and 1 at the border with Serbia - Portile de Fier II - road - are not operational due to infrastructure problems.

The 75 operational BCP are:

- 51 BCPs located on the EU external border: 15 airports (Bucharest Henri Coanda, Bucharest Baneasa Aurel Vlaicu, Cluj napoca, Bacau, Sibiu, Targu Mures, Satu Mare, Baia Mare, Suceava, Craiova, Iasi, Timisoara Traian Vuia, Arad, Oradea, Mihail Kogalniceanu Constanta), 12 road (Jimbolia, Moravita, Naidas, Portile de Fier I, Galati, Oancea, Albita, Sculeni, Stanca, Siret, Halmeu, Sighetu Marmatiiei), 7 railway (Jimbolia, Stamora Moravita, Galati, Falciu, Iasi Nicolina, Vicsani, Halmeu), 17 ports, out of which:
 - 4 at the Black Sea (Constanta, Constanta Sud Agigea, Mangalia and Midia),
 - 3 on the Danube river (Sulina, Tulcea, Galati),
 - 7 on the Danube river, at the border with Bulgaria (Corabia, Turnu Magurele, Zimnicea, Oltenita, Bechet, Calafat, Calarasi) and
 - 3 on the Danube river, at the border with Serbia (Orșova, Drobeta Turnu Severin, Moldova Veche);
- 24 BCPs located on the EU internal border: 14 road (Urziceni, Valea lui Mihai, Salonta, Bors, Sacuieni, Varsand, Turnu, Nadlac, Cenad, Petea, Giurgiu, Negru Voda, Vama Veche, Ostrov), 8 railway (Valea lui Mihai, Episcopia Bihor, Salonta, Curtici, Carei, Tudor Vladimirescu, Giurgiu, Negru Voda) and 2 ports on the inner Danube (Braila, Cernavoda).

The organisational structure of the Romanian Border Police is presented in [annex 9](#).

The National Customs Authority (NCA) carries out its responsibilities through the head office, the regional customs directorates and the border and inland customs offices. NCA guides and controls the activity of the subordinated structures, controls observance of customs legislation all over the national territory, takes measures to prevent and combat any offence or contravention in customs matters, and ensures the application of customs provisions in the international conventions and treaties to which Romania is a party. NCA carries out within the state's customs policy the attributions granted by law in order to perform customs clearance for goods introduced into or taken out from the country and to combat drug trafficking as shown in question 1, chapter X (Drugs).

NCA is subordinated to the Ministry of Economy and Finance through the Fiscal Administration National Agency.

The organisational structure of the National Customs Authority is presented in [annex 10](#).

The *division of responsibilities* on border checks between Romanian Border Police and National Customs Administration is given by the laws regulating the organization and operation of both structures: Romanian Border Police performs checks on persons, whilst the Customs authorities are entitled to perform checks on personal belongings and goods. As an exception to this rule, when there is a suspicion that the goods constitute a threat against the national security (e.g. drugs, weapons) RBP is entitled to perform checks with immediate notification of Customs.

Co-operation between Customs and RBP in performing their tasks is regulated by law. According to art 17 of GEO no. 105/2001 on the Romanian state border, checks at BCPs are performed in joint teams, by both RBP and Customs personnel (one-stop control). Also, the inter-institutional cooperation framework is empowered by co-operation protocols between the agencies with attributions at the border. The purpose of these protocols is to formalize co-operation between the main agencies operating at the border, to prevent and combat cross-border crime. In the margins of this legal framework, joint mobile teams of border policemen and customs agents are organized for punctual actions.

The *co-ordination of all agencies* with responsibilities on the border management is achieved by the Inter-ministerial Group for the Integrated Management of the Romanian State Border established by GD no. 943/ 2001.

IGIMRSB is an advisory body within the Ministry of Interior and Administrative Reform, formed of state secretaries from the ministries and authorities in the field of defence, public order and national security authorized to fulfil activities for securing the state border, and also of heads of directorates within the MIAR.

The Group establishes the overall conception and the unitary coordination of the actions and measures put into practice by its members in order to achieve a high degree of security at the state border, in the framework offered by the National Strategy for the Integrated Management of the Romanian State Border

C) RISK ANALYSIS, INTELLIGENCE & DATA-FLOW

How are risk analysis, intelligence and data-flow management carried out? Has a risk assessment strategy been developed as a basis for risk analysis at national, regional and local level?

Starting with December 2004, risk analysis structures were created at the levels of the Romanian Border Police, within central, regional and county headquarters.

At the level of GIBP, a Risk Analysis Unit was created and a “*Procedure for risk analysis activities*” was developed. This procedure sets up the framework of risk and intelligence analysis activities. It is based on CIRAM and provides relevant information for the assessment and identification of risks at borders, which are used as basis for risk analysis as well as for the criminal intelligence analysis concerning illegal migration and cross-border crime.

Figure 1. Organisational structure of the risk analysis procedure

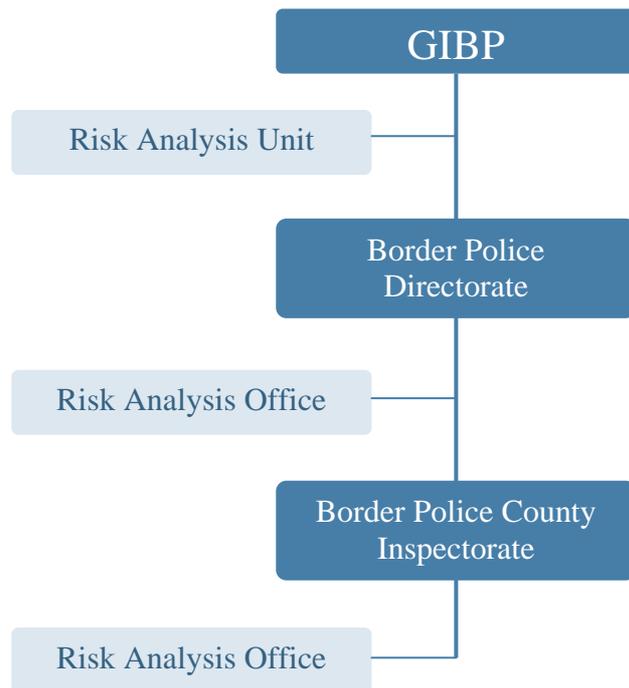


Figure 2. Information flow towards the central level



Monthly risk analysis referring to illegal migration and cigarettes smuggling are drafted at the level of the Risk Analysis Unit (Figure 1), based on data collected from operational databases of RBP and other MIAR structures, criminal files, and monthly reports from Risk analysis offices from regional and county BP structures (Figure 2).

The final documents on risk analysis are monthly distributed to Border Police territorial structures and to the operative structures dealing with surveillance and checks at the border (Figure 3).

Figure 3. Information flow towards the subordinated units



What strategy is followed with regard to the handling of information concerning illegal immigration, cross-border crime and organised crime? How are results of risk analysis forwarded to the operational authorities responsible for border management? In what form is this information forwarded, by whom and how often? How is information concerning illegal immigration, cross-border crime and organised crime handled by the authorities responsible for border management?

Handling information concerning illegal immigration, cross-border crime and organised crime is based on inter-institutional cooperation protocols concluded for exchange of information or access to databases managed by each structure in their field of competence.

Border Police

Monthly risk analysis are drafted by Border Police structures, forwarded in hard copy to the operative structures responsible for border control, as presented above, at question no. 6.

Border police territorial structures are drafting monthly analysis of criminal activities in their territorial area of competence. These monthly documents follow a structure based on types of criminality, tendencies in each field, based on risk analysis, and data received from other law enforcement agencies and are used for operational management, organisational activities and for decision making. Also, quarterly, biannual and annual reports on the same issues are being drafted.

National Police

All relevant information regarding cross-border crime (including trafficking in human beings) and organized crime are forwarded to the territorial Prosecutor's Office. Distinction should be made between border counties (where the prosecutor decides whether the investigation is to be continued by the National Police or by the Border Police) and inner counties (where the investigation is continued by the National Police, on the basis of a mandate from the prosecutor).

All other information is exchanged upon written request, or within a joint investigation team (Romanian Police and Romanian Border Police / National Customs Authority), whenever such a team is constituted.

Romanian Immigration Office

Romanian Immigration Office exchanges in real time information concerning the illegal migration with other institutions operating in the same field (Border Police, National Police). RIO collects, stores, processes, uses and ensures exchange of data and information on migration routes, aliens with illegal stay, as well as on those involved in human trafficking.

Risk analysis on information concerning illegal immigration, cross-border crime and organised crime is carried out in joint centres (for instance, Trident Project – gathering Police, Border Police and Customs). Currently, the following offices deliver such products: Otopeni Trident Office (international airport), Giurgiu Trident Office (road BCP at the border with Bulgaria), Constanta Trident Office (port BCP at the Black Sea), Iasi Trident Office (road BCP at the border with the Republic of Moldova) and Oradea Trident Office (road BCP at the border with Hungary).

Information is exchanged in both written and electronic form, by responsible structures within the Romanian Police, Romanian Border Police and Romanian Immigration Office, on a regular basis and upon written request.

Do the authorities in charge of border control have the necessary information about vehicles, persons and travel documents for which an alert has been issued? If so, what procedure or mechanism allows them to obtain and use this information in a timely way?

In the first line of control at the border crossing points, border police personnel has access to the ALLERTS database of the Romanian Border Police. This database includes alerts on travel documents/ vehicles/persons/goods forwarded by institutions with tasks in justice, public order or national security field (e.g. Ministry of Justice, Romanian Police, GD for Passports, Romanian Immigration Office within MIAR, etc). All third country nationals are checked at the border against the abovementioned database, using the border checks application. In case of a doubt, EU citizens may also be checked using the same application.

The access for BP personnel to this database is made by username and password allotted by administrators.

In the second line of control, detailed databases are also available for border guards when thorough checks are performed on persons, vehicles or travel documents, through the intranet site of the Romanian Border Police.

These data bases are:

1. *Passports Register* database (INTRAPASS);
2. *Persons Register*;
3. *Entry/Exit Aliens Register* – contains flow records of alien citizens (except citizens from EU, Norway, Switzerland and Iceland) at the border;
4. *Driving Licences Register*;
5. *eASF Interpol* (electronic Automatic Search Facility) – It is an Interpol general application accessed through the Romanian International Police Cooperation Centre. This application contains databases on persons and vehicles traced by Interpol, lost or stolen identity or travel documents (ex. passports), lost or stolen administrative documents (ex. Vehicle registration certificates), a fingerprints database and a stolen art objects database;
6. *Integrated Information System for the management of migration, asylum and visas* – a web application managing records of aliens (records regarding admission and stay right, asylum and refugees, as well as information regarding aliens illegally staying, aliens who committed crimes, orders of leaving Romanian territory and interdictions);
7. *Stolen Vehicles Register*;
8. *All points bulletin* – contains data on wanted persons.

The access to all databases for BP personnel is made directly in the first or second line of control, by username and password allocated by administrators.

D) HUMAN RESOURCES MANAGEMENT

What human resources are used to carry out control at the borders of your country? Please describe the availability and permanency of these resources. Please provide a breakdown of the number of the personnel between land, sea and air borders.

Romania has land borders with Republic of Moldova, Ukraine, Serbia and with Hungary and Bulgaria (future internal EU border). Also, Romania has borders with Bulgaria, Ukraine and Serbia on the Danube river and with Moldova and Ukraine on the river Prut. Sea border procedures are implemented at the Black Sea and, as regards the border checks of the vessels arriving from third country harbours into Romanian ones, on the Danube River (due to the international regime of the Danube, established by the Belgrade Convention from 1948). Also, 15 airports operate international flights, having border police units.

Figure 4. **NOT DECLASSIFIED**

In order to ensure the permanency of the border surveillance and control activity, the personnel carries out their activity in work shifts – 12/24, 12/48 hours.

A special attention was paid to the future external borders of the EU (Republic of Moldova, Ukraine, Black Sea and Serbia). The current level of employment of the personnel allotted to the EU external border is close to 100%.

Allocation of human resources at the operative level was programmed to ensure the flexibility of forces in peak times at border control. In this respect, Border Police Sectors have been designated to ensure not only the border surveillance, but also the checks at BCP. All human resources (for both checks and surveillance tasks) are allocated to Border Police Sectors and the shift leader is responsible for establishing the number of personnel for border surveillance and for border checks during 12 hours service. Also the shift leader has the possibility to relocate the personnel according to operational needs.

The exception is constituted by air border crossing points, directly subordinated to the Border Police County Inspectorates (situated in the border area) or to the General Inspectorate of the Border Police (for the inner airports) and not to the Border Police Sectors as the border crossing points are.

The personnel of the National Customs Authority is distributed as follows:

- At the land border - 172 customs agents
- At the sea ports and Danube river ports - 150 customs agents
- At the air border - 79 customs agents

Are there any plans for staff reinforcement? If so when and with what timetable?

No future staff reinforcement of the personnel of the Romanian Border Police is envisaged. The current vacant positions will be filled in by the graduates of RBP schools for agents or by Police Academy officers.

How do you intend to redeploy staff which is currently deployed for border control at future internal borders, after the lifting of internal border controls? Will border guards currently deployed for border control at future internal borders continue to be deployed in areas close to these borders? If so, what proportion of current border guards will continue to be deployed and what tasks will they have?

Currently, a Plan for redeployment of RBP personnel after the lifting of the internal borders control is being drafted. A different approach will be introduced for the border with Hungary as for the border with Bulgaria.

For the border with Hungary, the approach will be to remove all border checks and to diminish surveillance tasks. Common actions with Customs authorities and National police on main roads and controls of bus and rail stations in the border area. will be introduced. The level of employment will be reduced with almost 20-30%.

For the border with Bulgaria and taking into account that the navigation on the Danube River is considered free from national checks in case of transit ships, according to the Belgrade Convention of 1948, the Danube surveillance will be strengthened, using technical means and an appropriate number of personnel. At the land border with Bulgaria, the number of BCPs which will be removed is 6, namely Giurgiu rail and road BCP, Negru Vodă road and rail BCP, Vama Veche road BCP and Ostrov road BCP.

What are the selection criteria for the recruitment of border guards?

The main pool for the employment of personnel within RBP is the *basic training schools* of the Ministry of Interior and Administrative Reform:

- Border police officers - Police Academy “Alexandru Ioan Cuza” – 3 year regular courses (it is also equivalent to a law school)
- Border police agents - Border Police Agents Training School Oradea – 2 year regular courses

The selection criteria, for both agents and officers are as follows:

- He/she has Romanian citizenship and has the domicile established in Romania;
- He/she has graduated the high school;
- He/she is of the age of maximum 25 years;
- He/she was declared able, from a physical, psychical and medical point of view following specific examinations;
- He/she does not have a criminal record or is not under criminal investigation or in trial for having committed a crime;
- He/she is not member of a political party or of any other type of organisation with political character.

Also, for expert positions (e.g. IT specialists) the recruitment of personnel is realised from *external source* with the observance of the abovementioned criteria, except for the age limit. As far as the condition related to the diploma is concerned, the candidate should have a university degree (for the officers) or a high school diploma (for the agents), observing the specific requirements of the position.

What are the career prospects of the border guards? Is there a fixed career planning?

General aspects

Police career system is stipulated by *Law no. 360/2002* on the Police Officers Status, as well as by the *MoIAR Staff Career Guide*, applicable to all categories of MoIAR staff, including the Border Police.

The Staff Career Guide regulates the aspects regarding the career steps development, the compulsory points to be reached along the career and also includes the set of minimum requirements to fill in the management positions. Career rules regard recruitment, selection, type of positions, getting professional ranks, promoting to managerial positions, probation system, basic and continuous training.

In MoIAR, the aspects on career focus on the *management of the career* (that represents the responsibility of the institution) and *the planning of the career* (the responsibility of each person for professional evolution). In this respect, the frame for a fixed career planning is a matter of institutional involvement and individual interest.

The most important aspects regarding the Police career system (including RBP staff) are the following:

- The police officer is a special statute civil servant, armed and usually uniformed, who performs law enforcement duties.
- The capacity of being a police officer shall be acquired or lost according to the law, and this profession shall be exerted only by a person who has been legally invested as such.
- Police officers are regularly graduates of MoIAR educational institutions.
- For positions requiring specialised training (physicians, economists, sociologists, psychologists, IT specialist, etc.) that cannot be delivered within MoIAR training institutions, the recruitment source is an external one.
- Entrance to MoIAR educational institutions is achieved through professional tests.
- Any person, irrespective of their race, nationality, sex, religion, financial status or social origin can participate the entrance examination.

Police staff categories

According to the education level requested, Police staff is divided into two distinct bodies as follows:

- a) Police officers body – Police officers with an university degree;
- b) Police agents body – Police agents with high school diploma.

Career development rules

General rules

- Border Police officers perform leadership/managerial tasks, but they can also hold expert positions within different lines of work, whereas border police agents perform execution tasks and certain low-level leading positions (team leaders, shift leaders).
- In order to obtain the ranks of “Chief Commissar”, “Sub-commissar” and “Chief - Agent”, a border police officer/agent shall graduate the capacity course and in order to get the rank of “quaestor”, a police officer shall pass a special exam.
- After graduating from basic training institutions, border police officers enter a tutorship period – 1 year for border police officers and 6 months for border police agents. This period is ended by a test, whose failure induces dismissal from service.

Specific rules

Border Police officers have to comply with the following specific career development rules:

- Border Police officers recruited from external source must graduate during the first year of their career a 4-12 weeks basic training course;
- Border Police officers transferred from other structures must attend special courses on the new lines of work;
- Managing positions shall be hold following an exam by police officers who meet the requirements stipulated for those positions as well as the requirements stipulated in the Table on the minimal conditions for holding managerial positions, appendix to Career Guide.

Border Police agents have to comply with the following specific career development rules:

- Police agents recruited from external sources must graduate during the first year of their career a 4-12 weeks basic training course;
- Police agents transferred from other structures must attend special courses on the new lines of work.

Please describe the basic training programme of border guards, broken down according to different hierarchic levels. To what extent is the EU Common Core Curriculum of the Border Guard training implemented in your national training programmes?

General aspects

- MoIAR provides the organizational background for both basic and further training in accordance with the strategy in this field, with the policies and procedures generally applicable at the MoIAR level.
- The General Directorate for the Management of Human Resources within MIAR coordinates, monitors and evaluates both basic and further training.
- The General Inspectorates manage basic and further training for the subordinated staff according to their specific needs.
- All levels managers are responsible for organizing and delivering training activities for the subordinated staff.

Professional basic training

The professional basic training of the staff is mainly performed within MoIAR educational institutions, but also within some schools of the Ministry of Defence (MOD), for those specializations that are not provided by MoIAR own training institutions.

Border Police Officers Basic Training

Basic Training within MoIAR educational institutions

Starting with the university year 2007 – 2008, the cadets training shall comprise three year regular courses carried out by the Police Academy “Al. I. Cuza” (Bucharest), Police Faculty, higher education accredited institution, within MoIAR. The graduates get a law degree, public order and safety specialization - and they also get the professional rank of police junior inspectors.

The curriculum for the Police Academy students includes:

- *training in the judicial field*: Criminal Law, Criminal Procedure Law, Civil Law, Civil Law Procedure, Labour Law, Trade Law, State Border Law, Roman Law, Constitutional Law, Administrative Law, Financial Law, Public International Law, Private International Law, General Theory Of Law, International Trade Law, Trade Competition Law, European Law, Environment Law, Family Law, Community Law, Customs Law;
- *specialist training*: border police theory and tactics, the legal protection of human rights, surveillance and control technical systems, Romanian borders history, cross-border cooperation, border police management, state and Romanian law history, organized crime, Schengen legislation and practices, the basis of intelligence activity, investigation of cross-border criminality, border police history, public relations, shooting training, computer skills;
- *foreign languages training*: English, French, German and Russian.

Border Police officers basic training within the Ministry of Defense educational institutions is delivered by:

- The Military Technical Academy (Bucharest) – four – year - regular courses. Upon graduation, cadets get a degree in technical fields (IT, Communications, etc.), and also they get the professional rank of being ranked police junior inspectors.

- “Mircea cel Batran” Navy Academy (Constanta) - four – year regular courses and the graduates get a degree in navy specializations needed for Border Police and they get the rank of police junior inspectors.

Border Police Agents Basic Training

Basic Training within MoIAR educational institutions

Border police agents basic training is delivered by the Border Police Agents School (Oradea), during two – year - regular courses. The graduates get the professional rank of border police agent. The curriculum is focused on further competences, providing the professional training standards as follows:

- *Key competence units* (allow transfer within the labor market): professional communication, professional communication in a foreign language, IT&C, cooperation and teamwork;
- *General competence units* (indicate the common training in the public order&security field): health and security at work, event management, use of service weapons, driving;
- *Specialized competence units* (derived from the specific missions).

The written curriculum is developed on the basis of the modules created according to the above/mentioned standards together with the educational plan.

Border Police Agents Basic Training within the Ministry of Defense educational institutions

The training of the Border Police agents for technical specializations such as: navy, weapons, communications, radio-electronic and electro-mechanic commissioning is delivered by two-year regular courses, within “Amiral I. Mungescu” Warrant Officers Military School of the Navy. The graduates obtain the rank of Border Police agents.

External source newly recruited staff basic training

The basic training of the external source newly recruited staff is delivered during 4 - 12 months courses within the Post Graduate Training Centre or in other training institutions of the General Inspectorates.

The implementation of the EU Common Core Curriculum of the Border Guard

The Common Core Curriculum is currently in an implementing stage within all education institutions of Romanian Border Police. The relevant provisions were also included in the continuous training of the staff in the territorial units.

Approximately 80% of the content of the Common Core Curriculum has been implemented in the RBP training schools curricula (Avram Iancu Oradea, Orsova, Iasi, Timisoara, Giurgiu and Constanta) and also in the Police Academy „Alexandru Ioan Cuza” Curriculum (for the basic training of the future border police officers).

Two teachers from the RBP training schools have been trained by Frontex, in order to become national trainers and evaluators for the implementation of the CCC. The implementation of the CCC will continue further on.

Please describe the system and programmes of further continuing education. How is specialised training organised, related to:

- **document checking;**
- **language skills;**
- **other specialised skills?**

How many special trainings on forged/falsified documents and stolen cars have been organised?

General aspects regarding the system and programmes of continuing education

Professional further continuous training includes:

- training delivered by the border police units;
- training provided by specialized education institutions;
- self – training.

The training delivered by the border police units (on levels) for both border police officers and agents aims at acquiring the necessary knowledge and skills for developing competences in certain fields of activity and includes:

- Specialised training (in the field of Border Police legislation, working procedures, tactics, public order and security, combating organized crime, document checking, forged/falsified documents and stolen cars, drugs, trafficking in human beings, police ethics, Schengen related issues, using Border Police databases, etc). The allocated time to the specialised training activities comprises 12 – 18 hours/trimester. It is also used the system of delivering training by the leaders simultaneously with performing the professional activities according to the job description.
- Shooting training (from 6 shooting sessions annually to 2 shooting sessions/month according to the type of the staff missions)
- Physical education (normal training – 4 h/week; intensive – 6h/week; special – 10h/week)
- Tutorial programmes and professional guidance - designed to provide the professional and social integration of the police probationers and students, to develop professional knowledge and skills necessary to accomplish their missions.

Training provided by specialized education institutions

Further training organised in MoIAR specialized institutions is mainly delivered through courses, drills, demonstrations, briefings, meetings, symposiums, seminars, conferences, cascade dissemination of knowledge programmes, etc. This kind of training is delivered according to annual plans. If necessary staff may attend further continuous training programmes organized by MoIAR, MOD, Ministry of Education and other professional training providers.

The range of courses consists of:

- Career development courses (basic training, courses for getting higher ranks, holding managerial positions, changing the line of work).
- Further continuous training regular courses.
- Foreign language courses
- IT courses
- Training courses for the staff to be deployed to peacekeeping missions.

Specialised training related to document checking

Specialised training related to document checking is organized as a part of the general training frame work above mentioned:

a) *Basic Training* – the curricula for border police officers and agents include the topics regarding document checking in order to provide the theoretical knowledge and practical skills necessary to acquire the professional abilities to accomplish the missions. During the training process, the students learn in the training institutions and during the practice in the operational units, how to use the technical devices of the Border Police units and the operational procedures in their field of activity.

b) *Continuous Training* – provides the development of the professional abilities through the ways and means already mentioned at the point 15.1.1.

The training organized in the RBP units for the discovery of forgeries in documents and visas is carried out with the support of three categories of trainers:

- the professional body of the trainers from the initial and continuous training schools;
- trainers with operational attributions in the border crossing points;
- trainers from the marine structures, which carry out, according to their attributions, control activities on documents and visas.

Figure 5. Continuous training courses on forged/falsified documents and stolen cars

In 2008, in the continuous training schools of the Romanian Border Police the following training courses have been organized on forged/falsified documents:		
Oradea	2 series	30 participants
Orsova	1 series	7 participants
Giurgiu	1 series	20 participants
Iasi	12 series	205 participants
Constanta	6 series	80 participants
Timisoara	4 series	61 participants
Bucharest	6 series	120 participants

In 2007 the situation was the following:		
Oradea	1 series	27 participants
Orsova	1 series	6 participants
Iasi	3 series	49 participants
Constanta	1 series	12 participants
Timisoara	2 series	33 participants
Bucharest	5 series	74 participants

At the level of the Romanian Border Police, there are 5 training schools, dedicated to further continuous training: Giurgiu - for maritime and river surveillance staff; Iasi, Constanta, Timisoara, Orsova.

The continuous training schools of the Romanian Border Police delivered the following training activities on *stolen cars*, are described below:

In 2008 in the continuous training schools of the Romanian Border Police the following training courses have been organized on stolen cars:		
Avram Iancu	2 series	60 participants
Iasi	9 series	172 participants
Constanta	3 series	41 participants
Timisoara	4 series	62 participants
Orsova	1 series	7 participants

In 2007		
Avram Iancu	1 series	15 participants
Orsova	1 series	20 participants
Iasi	3 series	56 participants
Constanta	1 series	13 participants

The training in the field of foreign languages

It is carried out through courses in the RBP continuous training schools, at the Post Graduate Training Centre in Bucharest belonging to the MoIAR, as well as through individual training.

Within each structure of RBP (GIBP, BPD, CIBP) a situation on levels of knowledge with the staff that has foreign languages skills was established.

In order to cover the lack of knowledge regarding foreign languages, a plan for improving the situation is being drafted at the level of the ministry. It contains the number of people who require foreign language knowledge, the priority target groups and the way to provide the training.

E) INTERNATIONAL COOPERATION

Please present a general overview of bilateral and multilateral international cooperation regarding border security, including structures in place to exchange information and joint operational activities undertaken at national, regional and local level. Provide also any existing cooperation agreements in this context. Do you intend to modify agreements concluded with neighbouring states with regard to the future regime at internal borders? If yes, please provide details about time schedule and extent of the planned modifications.

An overview of the bilateral and multilateral international cooperation agreements on border security with each of the neighboring countries is presented in [annex 11](#).

The channels of international police cooperation used by the General Inspectorate of the Romanian Border Police are the following:

- *Exchange of information through the contact points and centers*

The difference between the contact centre and contact points/offices is that in the latter the customs authorities and the national police do not participate. The objective of the cooperation within a contact centre is to develop police and customs cooperation at local and international level, while the contact points and offices are to enhance the cooperation between border police services.

The following contact points and centers are used: Galați Trilateral Contact Centre (at the border with Moldova), Porubne Contact Point (at the border with Ukraine), Oradea Contact Point and Artand Contact Point (at the border with Hungary) and Giurgiu Contact Bureau (at the border with Bulgaria).

Figure 6. Data exchange through contact points

Exchange of information/2007	Documents	Persons	Vehicles	Total
Oradea Contact Point	3296	4050	3396	10742
Artand Contact Point	240	447	160	847
Giurgiu Contact Bureau	373	160	132	665
Galati Trilateral Contact Center	813	705	352	1870
Porubne Contact Point	95	177	193	465
TOTAL	4817	5539	4233	14 589

The procedures are currently undergoing in order to set up Portile de Fier I Contact Bureau at the border with Serbia. Working spaces were allocated and endowed with equipments and the Regulation for the functioning of the Bureau was drafted and sent to Serbian counterparts.

Detailed information regarding the existing contact points and centers are presented in the response to question no. 28 of the Police cooperation chapter.

- *Exchange of information directly performed through foreign liaison officers / internal affairs attaches working in Romania.*

The liaison officers and internal affairs attaches aim at promoting cooperation between Romania and other states. The liaison officers and internal affairs attaches may assist but they cannot carry out concrete actions in the field of preventing and countering crime. They provide data and information and carry out their duties according to the instructions given by their competent authorities.

The direct cooperation with the liaison officers working in Romania focuses on countering trans-border crime phenomenon, mainly illegal migration and the trafficking in human beings.

- *Exchange of information through the International Police Cooperation Center (aiming at developing cooperation with EUROPOL and SIRENE and exchange of intelligence directly performed through Romanian liaison officers / internal affairs attaches working in other states).*

The International Police Cooperation Centre is centralizing on a regular basis data on information exchange carried out by the Romanian Police and Romanian Border Police with foreign partners.

- *Exchange of information with similar structures in other states, based on bilateral documents signed by Romania.*

On the basis of bilateral documents Romania is part of, periodical (monthly) meetings are being held with border structures in the neighbouring states, at management and expert level. On these occasions, exchange of relevant information is performed between border authorities.

- *Exchange of information through FRONTEX*

The information are exchanged upon specific requests.

GIBP is also taking part in peace keeping missions organized by UN or EU (e.g. Bosnia-Herzegovina, Kosovo, Gaza Strip, etc.).

Activities carried out in the field of international cooperation have as result the signature of new cooperation documents, as guidelines for issues related to the state border and cooperation between border authorities in the border area, as well as participation in the discussion of other documents related to modern cooperation mechanisms, following the pattern of other European states. For a brief description of these documents please refer to question 69.

9 border policemen are currently on mission within the Romanian Consulate in Chisinau since 25.01.2007, on the context of the constraints of the visa regime.

At the request of Austrian, Spanish, British and Irish border authorities, a number of border police officers carried out activities as liaison officers in the territory of these states.

Since 2006 up to now, operational missions in the following border points were carried out:

- Nickelsdorf (Hungarian-Austrian border) - 3 officers
- La Junquera (France-Spanish border) – 2 officers
- Heathrow Airport (Great Britain) – 2 officers
- Dublin Airport (Ireland) – 4 officers

To assist the Italian authorities regarding the possible return measures on Romanian citizens situated on Italian territory, between 15.11.2007 – 15.02.2008, the Romanian Border Police representatives were on temporary mission in Rome, Milano, Torino and Treviso.

No intention to modify the agreements concluded with neighbouring states with regard to the future regime at internal borders is envisaged.

How is cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) carried out?

As of 15 February 2007, FRONTEX National Contact Point, set up at the level of the General Inspectorate of Border Police became operational.

Romania's involvement in the activities organized by FRONTEX is circumscribed in the following coordinates:

- Romanian Border Police and other subordinated structures of the Ministry of Interior and Administrative Reform participate in the drafting of guidelines regarding the external border management of the EU within the Agency;
- Romanian Border Police representatives participate in the drafting of the annual working programmes on the basis of risk analysis and of the operational evaluations at FRONTEX and national level;
- Romanian Border Police experts participate in joint operations, on the Romanian territory and on the territory of other states, on all three types of border (green, blue, air borders);
- Providing operative assistance for a limited period of time, in the form of rapid border intervention teams (RABIT);
- Increasing the European Patrol Network in Black Sea, H zone;
- Participating in drafting risk analysis at European level through the Risk Analysis Unit of the Romanian Border Police (member of FRAN);
- Training border police officers;
- Participating with technical equipment in CRATE (Central Record of Available Technical Equipment).

In 2007, Romanian Border Police participated in 10 joint operations in the green border area, 5 joint operations at the blue border and 5 joint operations at the air border.

In 3 of the joint operations organized in the *green border* area, Romania was „host country”, but it also deployed experts in other EU member states. The main aim of these operations was to combat illegal migration from/ through Ukraine, Republic of Moldova towards EU.

In the other operations at the *land border*, Romania participated only with experts deployed to other Member States, aimed at combating illegal migration from / through Croatia towards EU, of citizens from Serbia or in transit through Serbia towards EU, detection of illegal migrants in transit through Slovenia towards other Member States, detecting false/ falsified documents and stolen vehicles.

As far as operations at *air borders* are concerned, Romania was “host country” for 2 operations and also deployed experts in airports opened to international traffic from other Member States. For the other 3 joint operations, Romania participated with deployed officers. The operations aimed at fighting illegal migration from the South American countries, of Chinese nationals, of "false seamen" from third countries who are in transit, identification of illegal migrants from Nigeria trying to enter the European Union using false/ falsified documents or presenting false information. The operations had additional aims such as: the profile of illegal migrants and apprehension of traffickers in human beings.

At the *blue border*, Romania participated in 5 joint operations with experts deployed to ports in Greece, Malta, Spain, and Italy. These operations aimed at combating illegal migration from countries of North Africa, by strengthening controls at the maritime southern borders in the central Mediterranean area.

Romania is represented in RABIT by its own National Rapid Intervention Team established and operating on the basis of EC Regulation 863/2007 which establishes the objectives, tasks and powers of RABIT teams. Romania has a national reserve of 18 members. At the request of FRONTEX, Romania organized in October 2008, the 3rd RABIT exercise.

At the request of FRONTEX, Romania appointed a RABIT trainer within the General Inspectorate of the Romanian Border Police who participated in training the trainers RABIT Courses in 2007.

Following a bilateral expert meeting of Romania and Bulgaria, an Action Plan and the common areas of joint patrol and surveillance in the Black Sea - the H area (Hotel Area) was established.

Romania is responsible for sub-areas H1, H2, H3, which were extended to the base line of the coast. Missions in the Hotel Area are planned in common with Bulgaria. Under this project, FRONTEX organized during 1-31.10.2008 EUXINE joint operation at the Black Sea. 11 EU member states took part in this operation with experts and technique.

The National Coordination Centre was set up and became operational starting with 01.10.2008 within EUXINE Exercise.

NCC collects data on small vessels in H area of EPN (Black Sea, Chilia Branch and Sulina Channel); the data are received 24 hours prior their arrival and, in case of pleasure boats, after the border controls are performed.

Among *the key projects for 2008*, mention should be made of the development of EPN and the creation of FRONTEX Situation Centre which combines the functions of an operational and information coordinating centre.

In 2008, the Romanian Border Police was involved in national and international operations as described below:

▪ AT THE GREEN BORDER:

- 16 operations coordinated by FRONTEX, attended by the Romanian Border Police both with technical equipment and personnel;
- 6 operations at the green border focusing on the fight against illegal migration of Moldovan and Ukrainian nationals, and ensuring border security with Ukraine and Serbia were hosted by Romania;
- maintained the Focal Points in Iasi and Galati. Plans for opening two other Focal Points in Timisoara and Oradea exists;
- organized a joint RABIT exercise in BP Directorate Iasi with 60 RABIT experts from the Member States.

▪ AT THE BLUE BORDER:

- organized a joint operation at the Black Sea in cooperation with Bulgaria and under the coordination of and financed by FRONTEX – EPN EUXINE 2008 (1-31.10.2008);
- was involved in 4 other operations with approximately 12-14 experts (Poseidon, Nautilus 2008, EPN Indalo, Hermes).

▪ AT THE AIR BORDER:

- was involved in 5 operations (hosting 2 of them).

F) BORDER CHECKS

What are the main principles for border checks, applied in your country? How many border crossing-points are there in your country at the different borders (land, air, sea)? What is the actual number of staff at the different border crossing-points? Please provide a breakdown of these numbers according to sea, land borders and airports, as well as by border crossing point. Do you have common border crossing-points (BCP) with neighbouring countries? If yes, is the Schengen acquis fully respected?

NOT DECLASSIFIED

NOT DECLASSIFIED

What technical equipment is available at border crossing-points for first and second line border checks? What equipment has or will be introduced before full implementation of the Schengen acquis, for instance:

- **terminals for consulting national databases and SIS (fixed or mobile),**
- **Schengen entry and exit stamps and**
- **equipment for checking of documents?**

Please provide a breakdown of these numbers to land, sea and air borders.

First line of control:

- Search terminals at border control desks for national databases (which will also be used for SIS enquiries)
- Schengen-compatible entry and exit stamps
- document readers
- mini-kits for document examination made up of: microscope, UV and white light lamp, retro viewer for 3 M foil, 8x magnifier, UV stationary lights lamps with UV and white light.

Upon implementation of ISBS, under the EADS contract, scanners capable of recognising and reading biometric documents will be provided for all BCPs.

Second line of control:

- Search terminals (for national databases)
- EURODAC terminals in the following BCPs: Constanța Harbour, International Airport „Henri Coandă” Bucharest, International Airport „Aurel Vlaicu” Bucharest Băneasa, International Airport „Traian Vuia” Timișoara, International Airport Cluj Napoca, International Airport Sibiu;
- Document testing equipment (video spectrometers) in:
 - i. airports Henri Coandă, Aurel Vlaicu, Traian Vuia Timișoara, Mihail Kogălniceanu Constanta, Sibiu, Cluj-Napoca, Targu-Mureș;
 - ii. road BCPs: Siret, Stâncă-Costești, Sculeni, Albița, Oancea, Galați, Stamura Moravița, Naidaș, Porțile de Fier I, Cenad, Giurgiu
 - iii. railway: Vicsani, Nicolina
- RBP’s data base with documents specimens, methods and means of forgery (manual with false and authentic travel documents, including stamps specimens);
- Schengen Borders Code, the Practical Manual for the use of borders guards (Schengen Manual) and other relevant legislation for border control;
- Doku –Box document testing equipment (several strengths of UV, infrared, white light, oblique light, etc)
- Antidrug kits;
- Access to communication equipments.

All second line offices have access to the intranet site of the Romanian Border Police through which the access to databases of other law enforcement agencies is possible (Persons register, Romanian passport register, eAsf Interpol, Integrated Information System for the management of migration, asylum and visas, All points bulletin, Driving Licence Register etc.) access to national and community legislation.

Third line of control

Third line of control is represented by the Forensic Service within the GIBP and the Forensic territorial units set up at the level of the county inspectorates of the RBP. These units are endowed with video spectrometers as follows: - 1 video spectrometer VSC 5000 – at the Forensic Service within GIBP, 9 video spectrometer VSC-4C – at the CIPB Iași, Galați, Suceava, Oradea, Arad, Timișoara, Mehedinți, Giurgiu, Constanța and 12 video spectrometers VDF-100 – at the CIPB Botoșani, Vaslui, Tulcea, Brăila, Călărași, Teleorman, Olt, Dolj, Caraș-Severin, Satu-Mare, Maramureș and the Forensic Service within GIBP.

EURODAC terminals are currently installed in 14 Border Police County Inspectorates namely: Suceava, Botoșani, Iași, Vaslui, Constanța, Tulcea, Giurgiu, Dolj, Mehedinți, Caraș-Severin, Arad, Bihor, Satu-Mare, Maramureș.

Upon implementation of ISBS, under the EADS contract, the current document readers will be replaced in the locations situated at the external border. 403 biometric document readers will be placed both in the first and second line of control. The second line of control will be equipped with digital cameras, colour scanners, colour printers, document readers and fingerprints scanners. Also, a mobile version of the future Documents Control and Checking System for checks on persons (e.g. for checks on trains, ships) is designed to be installed on a handheld computer with an attached (integrated) handheld document reader. This endowment is planned to take place in the second phase of implementation of the ISBS, after December 2009.

The Romanian Customs Authority has the following equipments:

b. land borders

- smuggling dens-metric detectors Buster type;
- radiation detection portal (customs offices Albita and Siret);
- endoscopes,
- drugs and explosive substances detection equipment Vapor Tracer type;
- station equipment for X-ray baggage and merchandises scanning;
- narcotest;
- 20 drug dogs (14 in border crossing points - and 6 in mobile teams);
- two customs offices (Albita/Republic of Moldova and Halmeu/Ukraine) are equipped with MIS mobile installations (Mobile Inspection System) for auto scanning with Gamma rays;
- customs offices Albita/Republic of Moldova, Moravita/Serbia and Halmeu/Ukraine are equipped with a portable X-ray devise.

Customs Office Albita/Republic of Moldova is also equipped with a special device for smuggling detection, type PASS (Portable Acoustic Signature System).

The border crossing points are equipped with specific devices for psychotropic substances detection (drugs-testers, kits with specific devices for cars and trains control). Sniffing dogs are also used.

c. sea borders

- smuggling dens-metric detectors Buster type;
- drugs and explosive substances detection equipment Vapor Tracer type;
- endoscopes;
- narcotest;
- 3 drug dogs (two in ports and one in mobile teams);
- static device with X-ray scanning and a mobile unit for maritime containers scanning type MIS at the Customs Office Constanta South;
- the Customs office Constanța South is using a maritime containers scanning device, belonging to the Ports' Administration;
- the Customs Office Constanta South is equipped with an ecograph type PASS (Portable Acoustic Signature System) for detecting smuggling using tanks/wagons.

d. air borders

1.
 - anti-smuggling devices;
 - endoscopes, drugs and explosive substances detectors;
 - devices for baggage and packages scanning with X-rays;
 - narcotest;
 - X-ray Rapiscan 530 (Bucharest - cargo and passangers, Timisoara-passangers, Arad-passangers);
 - 5 drug dogs.
- 2.
3. Two body scanners for detection of swallowed illicit drugs were installed at Henri Coandă and Aurel Vlaicu airports in Bucharest.

Please describe the procedure for border checks on entry and exit (e.g. use of risk indicators, interviewing, checking conditions of entry, stamping). Please specify according to land, sea and air borders. How are checks on vehicles carried out at land and sea borders?

Romanian state border can be crossed by persons, means of transport, merchandise or other goods only through the border crossing points, during the fixed hours.

Starting with the 1st of January 2007, Romania uses the uniform stamp format, according to SCH/Com-ex (94) 16 rev – 21.11.94 – *Acquisition of common stamps for entry and exit in the border crossing points.*

For this purpose, a number of 1004 stamps have been manufactured and distributed to the BCPs.

The travel documents of the third country nationals are stamped fully observing the provisions of art. 10 and Annex IV of the Schengen Borders Code.

The control of the vehicles at land and sea borders is carried out by a joint team formed by National Customs Authority and Romanian Border Police personnel.

In the first line of control at the BCPs, border police personnel have access to the alerts database of the Romanian Border Police. This database includes alerts on travel documents vehicles/persons/goods forwarded by institutions invested by the law with tasks in justice, public order or national security field (e.g. Ministry of Justice, Romanian Police - MIAR, GD of Passports, Romanian Immigration Office, Romanian Intelligence Service, etc). All third country nationals are being checked at the border on the abovementioned database, using the border checks application.

If during border control, border policemen have any suspicion regarding the person subject to control, the following questions are addressed:

- *regarding the persons' identity:* name and surname, date of birth, residence;
- *regarding the travel:* purpose of the travel, destination, known details about the visited place;
- *If it is a business travel:* details about the business partner, invitations;

Also, data from risk analysis forwarded by the General Inspectorate of the Romanian Border Police and daily bulletins received from other law enforcement agencies are used when performing checks on persons and their means of transportation. Supplementary questions are addressed to travellers by the Romanian Border Guards to verify the scope and duration of stay, place of travel (e.g. hotel, host).

Procedures for checks on border crossing points for land, sea and air border follow the rules established in annex VI of the Schengen Borders Code:

Checks on land borders:

Separate lanes for checks of road traffic according to nationality are available at all border crossing points, according to annex III of the Schengen Borders Code. Also, where infrastructure of the BCP allows it, separate lanes for lorries and buses are established.

For rail traffic, checks are performed in the station of arrival/departure. In cases of transit, at entry, persons are checked on board of the train previous to the arrival in the first station whilst at exit, persons are checked previous to the arrival in the last station on Romanian territory. Checks on first line of control are performed in such a way so as to ensure a direct contact between the border guard and travellers with the view to profiling and identification.

Checks on air borders:

Separate lanes for checks according to nationality, crew and diplomatic personnel are ensured according to Annex III of the Schengen Borders Code. All persons are checked at the border, according to rules established in the Schengen Borders Code. At the request of the Romanian Border Police, the list of passengers is transmitted by the transporters by fax, before the arrival of the planes. In cases when the analysis of the list and risk indicators available at the BCP level is indicating a possible threat on the border security, checks are performed at the aircraft gate.

Checks on sea border:

Checks on ships are carried at the port of arrival or departure. The list of passengers is transmitted to the Romanian Border Police and harbour masters by the transporters by fax, before the arrival of the ship. Lists are pre-checked, and also confronted along with the identification control of each person at the arrival of the ship.

For additional information related to this topic, please refer also to the answer provided for in question no. 39.

Please indicate what databases are used / are available for thorough checks of third country nationals when carrying out border checks in the first line and in the second line?

In the first line of control at the BCPs, border police personnel has access to the alerts database of the Romanian Border Police. This database includes alerts on travel documents vehicles/persons/goods forwarded by agencies invested by the law with tasks in justice, public order or national security field (e.g. Ministry of Justice, Romanian National Police, GD of Passports, Romanian Immigration Office, Romanian Intelligence Service etc). All third country nationals are being checked at the border on the abovementioned database, using the border checks application.

The Romanian Border Police has access in the second line of control to the following databases administrated by other law enforcement agencies:

1. *Passports Register*
2. *Persons Register*
3. *Entry/Exit Aliens Register* which contains flow records of alien citizens (except citizens from EU, Norway, Switzerland and Iceland) at the border.
4. *Driving Licences Register*
5. *eASF Interpol* (electronic Automatic Search Facility) – It is an Interpol general application accessed through the Romanian International Police Cooperation Centre. This application contains databases on persons and vehicles traced by Interpol, lost or stolen identity or travel documents (ex. passports), lost or stolen administrative documents (ex. Vehicle registration certificates), a fingerprints database and a stolen art objects database.

6. *Integrated Information System for the management of migration, asylum and visas* – a web application managing records of aliens (records regarding admission and stay right, asylum and refugees, as well as information regarding aliens illegally staying, aliens who committed crimes, orders of leaving Romanian territory and interdictions).
7. *Stolen Vehicles Register*
8. *All points bulletin* – database on wanted persons

Please describe the procedure followed in case of apprehension of illegal immigrants in the process of border control (identification procedure, prosecution, cooperation with other authorities in the field of prosecution, expulsion).

The procedures applicable in case of illegal crossing are based on the regular principles to be applied in any case of criminal activity and have the foundation in the Criminal Procedure Code.

After the apprehension of illegal immigrants, the support team from the headquarters is announced and the area is searched in order to detect any other persons which might illegally cross the border. The main access roads in the area where the persons were detected, which may be used by the illegal migrants for escaping, is thoroughly checked by all police forces in the area (national and border police and even community police in towns/county residences), while paper work and forensic tasks are carried out. In the same time, eye witnesses and crime scene traces are being detected and processed.

The migrants are driven to the headquarters and their verification and investigation begins, including hearing, data base inquires on the basis of documents found in possession of the migrants or of data resulted from their statements (Integrated Information System for the management of migration, asylum and visas, Criminal Record, etc). Fingerprinting and interrogation against AFIS database and also the use of IMAGETRAK (photos database) are performed.

During the entire investigation procedure the migrants are entitled to have a lawyer.

At the sea border, the hearing of the captain and crew of the vessel is mandatory. Also, when filling in the necessary papers, the presence of the Customs Authority and of the Romanian Naval Authority representatives is ensured.

After the preliminary procedures, the competent prosecutor office is informed about the deed and the criminal investigation begins, including the arrest of the migrants by a judge, after the hearing by a prosecutor.

If an illegal migrants group is detected at the border and they apply for asylum, the provisions of Law no. 122/2006 on asylum in Romania ([annex 13](#)) are observed. In this case, the forms are filled in at the border crossing point while informing the migrants about the rights of the asylum seekers.

The applications are forwarded to the Romanian Immigration Office. Until a permanent decision is issued, the applicant may remain in the transit area up to 20 days.

If a preliminary decision granting access inside the Romanian territory is issued, the migrant has to undergo the necessary procedures in front of the Romanian Immigration Office. If the preliminary decision is refusing the application as obviously non-founded, the person has to leave Romania immediately.

Following the necessary steps of the ordinary procedure, the decision rejecting the asylum application is mentioning that the person concerned has 15 days to leave the country, RIO then being in full right to use the legal means in order to put the measure into practice.

How is cooperation with Customs organised at the border crossing points? Are joint border checks being carried out? Is the cooperation laid down in an agreement? Is cooperation similar in all border crossing points across the country? Is cooperation with Customs regulated at a central national level? Will the scope of activities (in legal and practical terms) of Customs at internal borders change after the lifting of internal border control on persons?

Article 17 of the Government Emergency Ordinance no.105/ 2001 on the Romanian state border provides that border control should be carried out in joint teams by the representatives of the two institutions (Romanian Border Police and National Customs Authority).

Co-operation between the two institutions is settled by cooperation protocols concluded both at central and local level. At the central level, *the Protocol on the co-operation between the General Inspectorate of Romanian Border Police and the Customs General Directorate* was concluded on 26.03.2003. It settles the tasks of each party as regards the mutual support in fulfilling the legal attributions, according to the competences established in the normative acts.

Thus, at the level of all BCPs, checks on persons and vehicles are performed in joint teams, according to the provisions of the abovementioned Protocol and in implementing the “one stop control” principle that governs the practical cooperation between RBP and NCA structures.

After Romania’s accession to the European Union on the 1st of January 2007, the Customs Offices in the BCPs at the borders with Bulgaria and Hungary were removed and its personnel were reorganized as mobile teams in the respective areas. The mobile teams perform their activity on the entire national territory including the special customs surveillance area, which corresponds to the competence area of the border police (30 km inland from the land state border and the territorial sea).

NCA’s mobile teams have the right to stop, using formal signals, any vehicle or transportation mean in order to check its documents as well as any other documents confirming the origin and the conformity with the customs and excise legislation of any goods discovered in the respective vehicle or transportation mean, including international transportation documents. As mentioned in question no 5, when necessary, border policemen can be coopted in the mobile teams. Also, in their activity, the customs officers in the mobile teams are allowed to request to natural or legal persons, in the framework provided by the Romanian law, any information or document regarding excisable or special regime goods and means of transportation.

G) BORDER SURVEILLANCE

What are the underlying principles of surveillance of the green and of the maritime border?

Surveillance of the green/maritime border is carried out according to the principles stated in art. 12 of the Schengen Borders Code – *Border Surveillance*, and Part three of the Practical Handbook for Border Guards – *Border Surveillance, but also by the Schengen Catalogue - External borders control, Removal and readmission: Recommendations and best practices at point 2.2. Organisation of border surveillance* and 9.1 Sea Borders and is based on tactical risk analysis.

The main principles for the organization and execution of the surveillance of the state border are:

- To ensure a full observation of the Romanian state borders, on 24/24 hours basis;
- The concentration of the effort for the surveillance of the state border on the probable directions of action of the criminals, based on risk analysis, intelligence and other data received from other law enforcement agencies;
- Multiple filters of surveillance (3 lines are used for surveillance of the green border, whilst 4 are used for the surveillance of the maritime border)
- Permanent changes of the position of posts and patrols.

Describe the tactics applied regarding the system of technical surveillance, border patrolling, command and control?

Surveillance of the state border is achieved exclusively by the Romanian Border Police, with the purpose to prevent illegal border crossing, to combat cross-border crime, and to collect evidence required by criminal investigation procedure.

For an efficient surveillance of the border, border policemen carry out their attributions, patrolling or in stationary posts in places considered to be sensitive, in the perimeters or on the directions of maximum risk and on the communication routes.

The deployment of the forces and technical means is carried out depending on the operational situation and risk analysis, the characteristics of the land, hydro and weather conditions, on the basis of the “three alignments principle”, at the green border and four alignments at the blue border using methods and procedures of police tactics, through frequent and unexpected changes of the patrolling directions and observed areas.

At the land border

First alignment – usually is placed near the border, at a distance of no more than 50 – 100 meters. From this alignment it is possible to observe the preparations carried out by the persons intending to illegally enter the territory of the country and the forces can be alerted in due time. This alignment enables border policemen to retain the persons and vehicles that have over passed the second and third alignments and try to leave Romania illegally.

The second alignment - placed along the first line of communications in parallel with the border, or depending on the case, at a distance of no more than 5 -10 km from the border line. This alignment is considered to be the most important, here being deployed the majority of the forces and means of surveillance with fixed and mobile thermo vision devices.

The third alignment – placed at a distance of 10 – 30 km from the border line.

The main mission of the personnel in this alignment is to discover the acts preparing the illegal border crossing when leaving Romania and to retain the persons who entered illegally or who forced the first and second alignment. Generally, systems for document checking in mobile points of control are installed in this alignment.

At the maritime border

First alignment – situated in the contiguous area and the exclusive economical area (12 - 100 nautical miles from the base line of the shore)

Second alignment – situated in the territorial sea from 6 to 12 nautical miles from the base line of the shore

Third alignment – situated near the harbours, from the shore to 6 nautical miles from the base line of the shore

Fourth alignment – situated on the shore and 30 km inside the territory

What is the reaction capability in routine and in emergency situations?

NOT DECLASSIFIED

What is the availability and permanency of human and technical resources for border surveillance?

Border surveillance is performed by Border Police Sectors, the same units that provide the personnel for border checks. In the last 5 years, the allocation of personnel and technical resources was directed mainly to the external borders, with Ukraine, Republic of Moldova, the Black Sea and Serbia.

As presented in question 9, all human resources available at Border Police sectors (for both checks and surveillance tasks) are allocated by the shift leader according to operational needs. Also, the shift leader has the possibility to relocate the personnel from the surveillance field to checks, or vice versa and when necessary to reinforce the surveillance or checks tasks.

The percentage of the personnel responsible for the surveillance and control of the state border represents 66,7% from the total number. In order to ensure the permanency of the border surveillance and control activity, the appointed personnel carries out their activity in work shifts – 12 hours a day each. Thus, 66,7% of the personnel are divided in 4 shifts to assure the permanency of the activity, 24 hours a day/7 days a week..

The personnel who ensure the surveillance and control of the state border are distributed thus:

NOT DECLASSIFIED

As regards the technical resources for border surveillance, please see question no 28.

What is the number, broken down by type (observation towers, radars, long-range cameras, IR cameras etc.), of monitoring facilities at borders? Please provide a breakdown according to land, sea, air borders.

At present, the Border Police has the following equipment for border surveillance:

- *Land borders:*
 - portable thermo vision systems (portable thermo vision cameras SOPHIE – 28; portable thermo vision cameras MATIS – 49);
 - night vision binoculars (Midi Bino Kite – 138; DIANA 6X - 61);
 - night vision goggles (DIANA R – 174);
 - thermo vision surveillance vans – 41;
 - patrol and intervention vans (off road vehicles) NISSAN - 206;
 - intervention vans (mini buses) VW Transporter – 127;
 - vans for personnel transportation - MERCEDES – 65;
 - QUADS - ARCTIC CAT – 118;
 - other means of transportation (town vehicle) (OPEL - 96; DACIA LOGAN – 119)

- *Air borders:*
 - Helicopters/aeroplanes

At the level of the Ministry of Interior and Administrative Reform there is an Aviation Inspectorate with attributions in border surveillance and, if necessary, rapid intervention for solving the special situations requiring its contribution. On the basis of a monthly planning of the Romanian Border Police, territorial structures based on their needs for surveillance of the border, helicopters with Border Police officers onboard are deployed to execute missions at the border. A minimum number of 6 missions per month are planned and executed at national level.

At present, the Aviation Inspectorate is endowed with 12 helicopters and other 29 helicopters are planned to be purchased through an auction procedure which started in September 2008.

- *Sea borders:*

- At the maritime border, the Border Police has the following naval mobility means:

Figure 8. Naval mobility means at the maritime border

Type	Project	Length (m)	Speed (knots)	Number of means
Patrol and intervention maritime ships	P-157	38,5	30	4
	0111C	38,5	24	9
	834M	22,5	49,7	4
Port surveillance and control fast boat	R 1120	11,46	28	12
Boarding, control and rescue boat (RIB)	SLP 5400	5,4	30	10

- At the maritime border, the Border Police has the following equipment for border surveillance:
 - portable thermo vision systems (portable thermo vision cameras SOPHIE – 2;);
 - night vision binoculars (DIANA 6X - 11);
 - night vision goggles (DIANA R – 28);
 - thermo vision surveillance vans – 2;
 - patrol and intervention vans (off road vehicles) NISSAN - 29;
 - intervention vans (mini buses) VW Transporter – 15;
 - vans for personnel transportation - MERCEDES – 3;
 - QUADS - ARCTIC CAT – 34;
 - other means of transportation (town vehicle) (OPEL - 6, DACIA LOGAN - 6)
- At the border on Danube and Prut river, the Border Police has the following naval mobility means:

Figure 9. Naval mobility means at the Danube and Prut river

Type	Project	Length (m)	Speed (knots)	Number of means
Patrol and intervention ship	822M	33.3	12	2
	383	22	14	14
	Freeway	14	36	4
	Arvor	7.15	17	50
River fast boat	Maren 34	10	30	10
	Class 500	10.8	36	5
Hovercraft	HTI 425	4	50	6
Attachable engine boats	Harpoon	5	36	64
	RR 4,2	4	28	20
	Drussila	4	20	38
	F 50	5	25	20
River patrol and intervention fast boat	P-66	14.05	24	5

Are further reinforcements planned in terms of technical equipment? If yes, when/ how many /with what timetable?

Reinforcement of the technical equipment is planned, upon implementation of the Integrated System for Border Security under the EADS contract, also through PHARE, and Schengen Facility funds.

The following timetable is foreseen for the first phase of implementing the Integrated System for Border Security:

Fixed surveillance component - implementation foreseen for the end of 2009:

- 1) 40 surveillance towers (radars and optoelectronic), with the following equipment (positioned as shown in the map below):
 - a) 4 radar surveillance systems deployed on the eastern border;
 - b) 40 optoelectronic surveillance systems, deployed on the entire external land border, composed of:
 - i) colour video camera;
 - ii) thermo vision camera;
 - iii) laser telemeter;

- 2) Mobile surveillance component
 - a) 52 portable thermo vision cameras with cooling;
 - b) 100 portable thermo vision cameras without cooling;
 - c) 137 night vision binoculars;
 - d) 611 night vision goggles.

- Through PHARE and Schengen Facility the following acquisitions and rehabilitation programs will be implemented:
 - maritime surveillance ships – 1;
 - patrolling and intervention maritime ships – 3;
 - river patrolling motor boats – 10;
 - patrolling and intervention boats – 20;
 - docking facilities – 20;
 - modernization of naval mobility means – 3.
 - cross-country car for operative work – 150;
 - city car for operative work – 200;
 - special vehicle for transport (minibus – 8+1 seats) – 300;
 - special vehicle for dog transport – 50;
 - special vehicle for the transport of retained persons – 46;
 - motorcycles / ATV – 500;
 - buses – 25.
 - minivans (16+1 seats) – 100

Figure 10. Surveillance towers location



What are the means of communication between the operational units assigned to monitor land and maritime borders and their operational centre?

To facilitate communication between operational units and their operational centre, Romanian Border Police is currently using an analogical VHF communication system. Also, a GSM communication system is available for operative units assigned to monitor land and maritime borders.

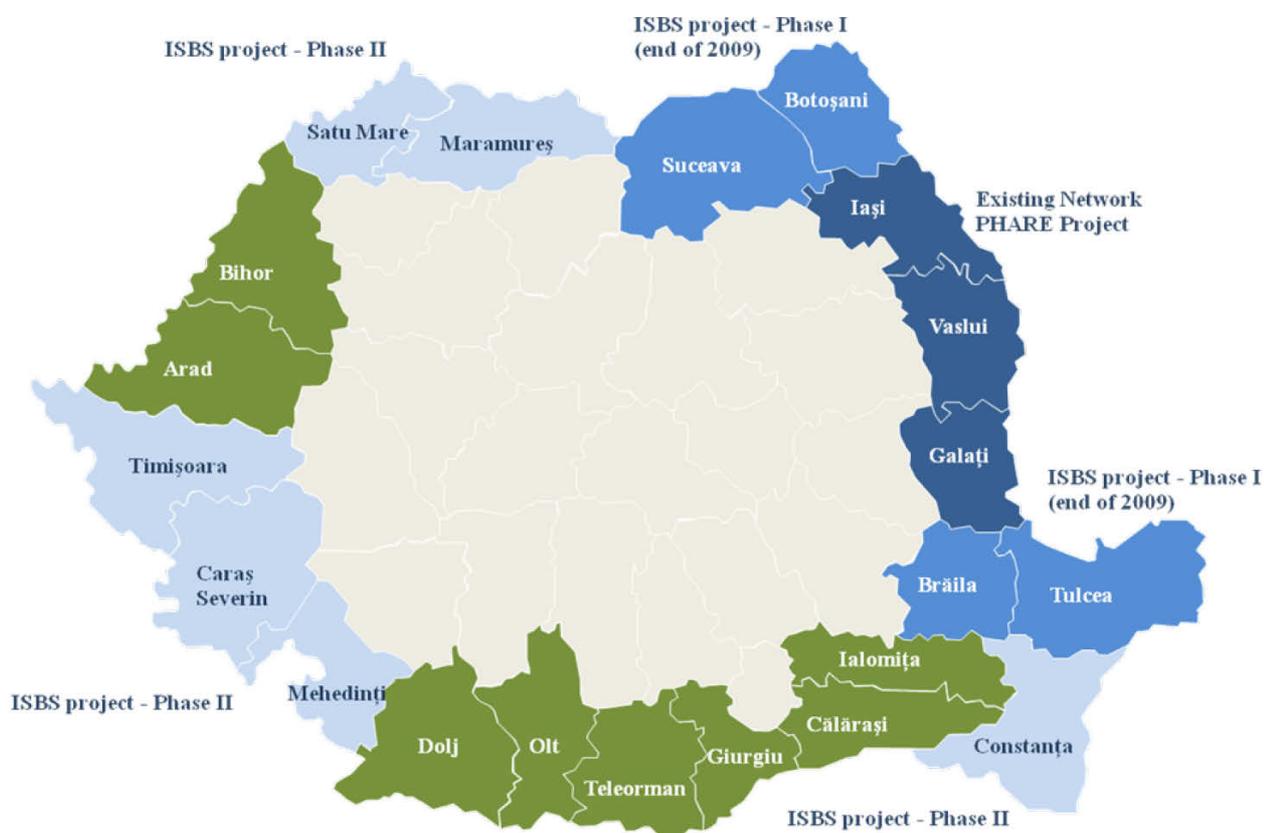
At the level of 3 counties at the external border with the Republic of Moldova (Iasi, Vaslui, Galati) the operative structures are using Tetra portable and mobile terminals.

Upon implementation of ISBS, the sub-system of professional mobile radio communications (PMR) already existing at the level of the 3 counties on the external borders with Moldova, will be finalized for all external borders counties.

The 1st phase of ISBS with deadline established for the end of 2009 will include Botoşani, Suceava, Tulcea and Braila counties, while the remaining external border counties will be included in phase II of ISBS.

The future mobile radio – communications sub-system of ISBS will provide the mobile voice and data communications between the operational units and the dispatches (Operative Command Centres), Romanian Border Police, as well as the transmission of primary information from the surveillance system sensors to the Command and Control Centres.

Figure 11. Integrated System for Border Security – PMR Network



H) STATISTICS ON ILLEGAL BORDER CROSSINGS

Please provide statistics on all known cases of illegal border crossing for the last three years by border types. What is the estimated rate of detection and apprehension of persons crossing the border illegally? How is this estimate calculated/justified? How many persons were admitted from neighbouring countries?

Figure 12. Border illegal crossings/attempts

Year	Border	Attempts / illegal crossings
2005	Land	3401
	River	152
	Maritime	27
	Air	169
2006	Land	2308
	River	159
	Maritime	29
	Air	184
2007	Land	1493
	River	15
	Maritime	13
	Air	90
Total		8140

Based on available data, such as illegal crossings and attempts of illegal crossings discovered by Romanian Border Police structures, information received from neighbouring countries on incidents related to illegal border crossing and asylum applicants in Romania, a formula of calculating the estimated level of detection can be provided as follows:

Figure 13. Estimated level of detection

	2005	2006	2007	
Illegal crossings / Attempts	3849	2680	1611	A
Persons who were not apprehended according to information from neighbouring countries	22	9	23	B
Asylum applicants (illegal entry)	226	125	347	C
A + B	3871	2689	1634	X
A + B+ C	4097	2814	1981	Y
Estimated rate of detection $X / Y * 100 (\%)$	94.4	95.5	82.4	R

The following charts present the situation of the persons admitted from neighbouring countries, broken down on Romanians and foreigners, for the period 2005-2007:

Figure 14. Persons admitted from neighbouring countries

Romanian citizens (2005):

Country	R. MOLDOVA		BULGARIA		SERBIA		HUNGARY		UKRAINE	
Age	Adults	Minors	Adults	Minors	Adults	Minors	Adults	Minors	Adults	Minors
Number	4	0	22	0	326	14	1214	43	3	0
TOTAL	4		22		340		1257		3	

Romanian citizens (2006):

Country	R. MOLDOVA		BULGARIA		SERBIA		HUNGARY		UKRAINE	
Age	Adults	Minors	Adults	Minors	Adults	Minors	Adults	Minors	Adults	Minors
Number	1	0	3	0	98	4	563	22	3	0
TOTAL	1		3		102		585		3	

Romanian citizens (2007):

Country	R. MOLDOVA		BULGARIA		SERBIA		HUNGARY		UKRAINE	
Age	Adults	Minors	Adults	Minors	Adults	Minors	Adults	Minors	Adults	Minors
Number	1	0	3	0	45	3	63	1	1	0
TOTAL	1		3		48		64		1	

Aliens:

Country	R. MOLDOVA	BULGARIA	SERBIA	HUNGARY	UKRAINE
2005					
TOTAL	0	0	70	53	0
2006					
TOTAL	0	14	28	33	0
2007					
TOTAL	0	5	5	21	0

How many illegal immigrants have been detected inside the territory and what are their countries of origin? Provide data over the last 3 years. What is the background of these illegal immigrants (overstayer, former asylum seekers, people who crossed the border illegally, people travelling from other member states)? What were the main routes of the illegal immigrants to your country and within your country?

Figure 15. Detected illegal immigrants on the Romanian territory

	Citizenship	2005	2006	2007
1)	Albania	10	27	33
2)	China	121	115	155
3)	Egypt	15	19	18
4)	India	19	38	77
5)	Jordan	16	26	27
6)	Iraq	9	22	44
7)	Iran	20	25	19
8)	Israel	28	56	38

9)	Lebanon	22	23	17
10)	Morocco	12	22	26
11)	Moldova	556	1123	1367
12)	Nigeria	7	17	23
13)	Pakistan	28	27	25
14)	Russia	15	25	25
15)	Serbia	60	99	122
16)	Syria	37	42	49
17)	USA	30	68	75
18)	Tunis	16	47	57
19)	Turkey	303	527	771
20)	Ukraine	60	88	130
21)	Other countries	458	727	315
	Total	1842	3163	3413

	2005	2006	2007
Overstayed	1614	2922	3044
Former asylum seekers	91	79	26
People who crossed the border illegally	57	67	159
People against whom an expulsion sentence has been pronounced	16	19	11
Other reasons	64	76	173
TOTAL	1842	3163	3413

Figure 16. Rutes used by illegal migrants

Routes used by people from Turkey: they enter with short stay visa and they leave illegally the Romanian territory to Hungary – Austria – Germany.



Routes used by Afro-Asian people: they enter with short stay visa or illegally over the east or south border (when they enter this way they apply for asylum) and then they leave illegally on following routes: Romania – Hungary – Austria – Germany or Romania – Serbia – Bosnia – Italy.



Routes used by people from R. Moldova: they almost always legally enter and then try to leave Romania hiding in trucks or using forged passports/visas on the following routes:

- Romania – Hungary – Slovakia – Czech Republic– Germany
- Romania - Hungary – Austria – Germany
- Romania – Serbia – Bosnia – Croatia – Italy.



I) FIGHTING ILLEGAL MIGRATION

Explain the activities against illegal immigration undertaken by your authorities in third countries, especially in countries of origin and transit countries. Have immigration liaison officers been seconded to main source countries of illegal immigration? Which service or Ministry are the immigration liaison officers subordinated to? Provide a list of third countries where immigration liaison officers (Council Regulation EC 377/2004) are posted.

Art. 1 of the Council Regulation EC/377/2004 stipulates that an "*immigration liaison officer*" is the representative of one of the Member States, posted abroad by the immigration service or other competent authorities in order to establish and maintain contacts with the authorities of the host country with a view to contributing to the prevention and combating of illegal immigration, the return of illegal immigrants and the management of legal migration.

Starting with 25.01.2007, in the context of the constraints regarding the visa regime for non EU citizens, the Ministry of Interior and Administrative Reform and the Ministry of Foreign Affairs of Romania set-up a task force within Romanian Consulate in Chisinau, formed by 10 border policemen acting mainly in the field of combating the illegal migration related crimes (illegal border crossing, trafficking and smuggling in human beings and counterfeiting or falsifying: visas, residence clearances, identity and travel documents).

Since 2003, the Ministry of Interior and Administrative Reform of Romania has developed a Home Affairs Attachés Network (as detailed in Chapter IX - Police cooperation) which is formed by Romanian police officers/experts in the field of combating organised crime, illegal migration or civil emergencies.

The Romanian Home Affairs Attaché is the official representative of the Ministry of Interior and Administrative Reform of Romania in the foreign country - acting under the instructions of the State Secretary for relation with Parliament and European Affairs – and working within Romanian Embassy with diplomatic statute.

Collecting information for use at the operational and strategic level about the flows of illegal immigrants to EU originating from third states or transiting through third/EU countries – especially if this phenomenon is a result of the cross-border organised crime or the subjects are involved in committing illegal migration related crimes as mentioned above - is a part of his duties if affecting the immigration policy within EU or is related to Romanian citizens and for these aspects the Romanian Home Affairs Attaché should be considered as an *immigration liaison officer* (ILO) as stipulated in Art. 1(2) of the Council Regulation EC/377/2004.

Considering the statistics for illegal immigrants detected in Romania during 2007, the main source countries of illegal immigrants (over 100 immigrants) from the third states are:

Moldova(1367), Turkey (771), China (155), Ukraine (130) and Serbia (122)

The Romanian Home Affairs Attaches Network is present in the above mentioned countries, except China, and most important, it covers all the countries within migration routes including Romania and ending with Germany or Italy.

Source/transit/destination countries covered by the Romanian representatives of Ministry of Interior and Administrative Reform, home affairs attaches/immigration liaison officers:

SOURCE countries: Moldova (10 border policemen within the Romanian Consulate in Chisinau), Turkey (1 officer in Ankara and 1 officer in Istanbul), Ukraine (1 officer in Kiev), Serbia (1 officer in Belgrade), Russia (1 officer in Moscow) and USA (1 officer in Washington);

TRANSIT countries: Hungary (1 officer in Budapest), Croatia+Slovenia (1 officer in Zagreb) and Austria (2 officers in Wien);

DESTINATION countries: Germany (2 officers in Berlin) and Italy (2 officers in Rome and 1 officer in Milano).

It is very important to highlight that the Romanian Home Affairs Attachés Network, besides the above mentioned officers and the 2 liaison officers from EUROPOL it is also present in the following EU/Schengen countries: Belgium+Luxembourg (1 officer in Brussels), Bulgaria (1 officer in Sofia), France (2 officers in Paris), Greece (1 officer in Athena), Ireland (1 officer in Dublin), United Kingdom (2 officers in London), Norway (1 officer in Oslo), the Netherlands (1 officer in Hague), Poland (1 officer in Warsaw), Spain (2 officer in Madrid), Sweden (1 officer in Stockholm) and Switzerland (1 officer in Bern).

Starting with October 2008, the Romanian Home Affairs Attaché Network will be extended by deploying police officers at the existed offices from Romanian Embassies in the Czech Republic (1 officer) and Moldova (1 officer) and by setting-up new offices at the embassies from Macedonia (1 officers) and Bosnia-Herzegovina (1 officer).

Additional information relating to the activities against illegal immigration undertaken by the Romanian authorities in third countries are presented in the answer to question no. 16 above.

Approximately how many hours per day are external borders surveyed by the available resources (broken down according to the different areas)?

All Romanian borders are under permanent surveillance, in order to prevent unauthorized crossing of the border. As presented at question 24, one of the principles for the organization and execution of the surveillance of the state border is to ensure a full observation of Romanian state borders, on 24/24 hours basis. Also, a system of 3 (4 at the sea border) alignments was established at the level of Romanian border police forces, in order to ensure an effective surveillance of the border.

What are the legal background, organisational structure and method applied for fighting illegal immigration in terms of investigation and checks on persons within the territory? Which organisations in your country are responsible for fighting illegal immigration? If there are more organisations, how do they cooperate with each other?

Two institutions are involved in combating illegal immigration: the Romanian Immigration Office and the General Inspectorate for Border Police, within the Ministry of Interior and Administrative Reform.

Pursuant to Government Decision no. 639/2007, the Romanian Immigration Office is the specialized structure subordinated to the Ministry of Interior and Administrative Reform, exercising the attributions given by the law for the implementation of the Romanian policies in the field of migration, asylum and foreigners' integration, as well as of the relevant legislation in these fields. Within RIO, there are specialized departments for combating illegal migration, having the following tasks:

- Identifying and conducting aliens in breach of the Romanian legislation on the regime of aliens and of those whose identity could not be established to the territorial units of RIO, after which, following thorough checks in databases, the legal measures can be imposed on them, within a timeframe of 24 hours from detection;
- Organizing checks in places and areas frequented by aliens, in public and private institutions, premises of private economic enterprises, when there are clues or data that in the respective areas there are aliens in breach of the national legislation on the regime of aliens.

In their activity, RIO police officers cooperate with other structures within the MIAR, as well as with other governmental agencies with attributions in the field of aliens. Also, RIO police officers make use of information obtained from their own databases or from databases administered by other institutions.

According to art. 3 of GEO no. 104/2001, the Romanian Border Police has the legal obligation to prevent and counter threats against Romania, related to cross-border crime and illegal migration during all the actions performed in the area of competence.

Co-operation between the two institutions is based on co-operation protocols concluded both at central and local level. When necessary, these institutions cooperate with other structures subordinated to the Ministry of Interior and Administrative Reform or with institutions subordinated to other ministries.

The Government Emergency Ordinance no 194/ 2002 on aliens' regime in Romania represents the legal framework establishing the entry, residence and exit conditions for aliens within the Romanian territory, their rights and obligations, as well as specific measures for immigration control.

Does this legislation (or administrative practice or instruction) provide for differentiation between internal borders/connections or internal border zones and the rest of the territory? If so, describe the differences.

Romania does not have internal borders/connections or internal border areas separating different areas of the national territory.

According to article 4 of the Government Emergency Ordinance no 105/ 2001 on the regime of the state border, a border area was established for 30 km from the state border line inland. This area is subject to regular controls and monitoring by the Romanian Border Police structures on the movement of persons and their means of transportations so as to ensure an effective surveillance of the border. Also, it must be stressed that the territorial competence of the Romanian Border Police structures are limited to the border area.

For the airports (Henri Coandă Bucharest, Aurel Vlaicu Bucharest, Cluj, Târgu-Mureş, Sibiu, Bacău) and ports (Brăila, Cernavodă) situated in inner counties, the area of competence of the RBP structures covers the surface of the airports open to international traffic, with the platforms, buildings and related facilities.

Is there a memorandum of understanding or other kind of formal arrangements governing cooperation between the competent authorities involved in combating illegal immigration within the country?

Yes, there are co-operation protocols between Romanian Immigration Office and other structures within MIAR (General Inspectorate of Romanian Police, General Directorate for Combating Organized Crime, the General Inspectorate of Border Police, the General Inspectorate of the Gendarmerie, General Directorate for Passports and General Inspectorate for Persons Records) or from other governmental agencies: Work Inspection within the Ministry of Labour, Ministry of Foreign Affairs and the National Office for Preventing and Combating Money Laundering.

They establish a formal framework for executing common tasks in the field of combating illegal immigration and illegal work. The conclusion dates of the cooperation protocols, their aim and the main tasks established by them are presented below:

- Cooperation Protocol between the General Inspectorate of Border Police and the Romanian Immigration Office in preventing and combating trans-border crime and illegal stay of aliens - 07.10.2005;
- Cooperation Protocol between the National Office for Preventing and Combating Money Laundering and Romanian Immigration Office - 16.08.2004;
- Cooperation Protocol between Ministry of Foreign Affairs, General Inspectorate of Romanian Police, General Inspectorate for Persons Record and Romanian Immigration Office in identifying civil status forged documents and preventing mixed marriages of convenience - 18.04.2006;
- Cooperation Protocol between General Directorate for Passports and Romanian Immigration Office in fulfilling common tasks in preventing and combating crimes – 02.11.2004 renewed on 03.04.2008
- Cooperation Protocol between Romanian Immigration Office and the General Inspectorate of Romanian Police in order to enforce the legislation on aliens - 17.12.2004 (renewed on 22.03.2007);
- Cooperation Protocol between Romanian Immigration Office and Labour Inspectorate in combating illegal employment on Romanian territory - 07.07.2005.
- Cooperation Protocol between General Directorate for Passports and General Inspectorate of Border Police in fulfilling common tasks in preventing and combating crimes specific to the state border, passports, as well as for combating the illegal migration of Romanian citizens - 29.09.2008

The agreements provide the framework for inter-institutional cooperation, following these main directions:

- common activities aiming to identify, apprehend and remove illegal aliens
- electronic data interchange (file transfers, ensuring the accessibility to the IT applications)
- information exchange regarding operational data
- mutual assistance; exchange and share experience and expertise
- organizing common activities and controls in the areas and environments preferred by aliens in order to apprehend:
 - illegal immigrants
 - nationally wanted persons
 - aliens who are involved in guiding of illegal migrants groups
 - foreigners involved in cross border documents forgery.
- support regarding organizing escorts

Do you make use of special investigation groups with officers of the various responsible bodies, with a view to combating international organised crime used in integrated border management?

Special investigation units are used for combating international organized crime and a special body made up of officers appointed for this purpose – the Judiciary Police – exists at the level of GIBP and GIRP. The initiative of creating such a specialized team is taken, case by case, by the designated prosecutor from the Directorate for Investigating Organized Crime and Terrorism within the Public Ministry who also establishes its members and inter-institutional cooperation limits, according to art 218 of the Code of Criminal Procedure.

II. SPECIFIC MANAGEMENT OF EXTERNAL BORDERS

A) SEA BORDERS

(answer the applicable questions separately for internal waters as regards Danube river).

How are checks on the different types of vessels (ferries, cruise ships, cargo vessels, coastal fishing vessels and pleasure boats) carried out?

1. *Cruise ships* (Annex VI, points 3.2.1 – 3.2.4 of the Schengen Borders Code)

For the cruise ships entering the Romanian territory, the checks are carried out only in the first and last harbour on the Romanian territory on the basis of the crew and passengers lists which is previously sent by the captain of the respective vessel to the harbour master and the Romanian Border Police. For the persons disembarking in Romanian ports, the border checks are performed by the border police agents fully observing the provisions of annex VI, points 3.2.1 – 3.2.4 of the Schengen Borders Code.

2. *Pleasure boats* (Annex VI, points 3.2.5 – 3.2.7 of the Schengen Borders Code)

Pursuant to point 3.2.6 in Annex VI of the Schengen Borders Code, the pleasure boats coming from third countries can enter, exceptionally, in the harbours which are not BCPs. When entering the harbour, the persons on board have the obligation to inform the harbour authorities, so they can be allowed to enter. The harbour authorities inform the border authorities in the nearest harbour, authorized as BCP, on the arrival of the ship. After receiving this notification, the competent border authority carries out the border check.

3. *Coastal Fishing* (Annex VI, points 3.2.8. and 3.2.9 of the of the Schengen Borders Code)

Romania has 4 ports destined for ships performing coastal shipping: Constanta, Mangalia, Midia and Sulina. According to prior notifications of the harbour master, the fishing ships are allowed to leave the port for the Romanian territorial sea (12 Nm). Notifications on the ships that are performing coastal fishing are sent to the Romanian Border Police by the harbour master. All coastal ships trying to leave the Romanian territorial sea are subject to border control.

4. *Ferry connections* (Annex VI, point 3.2.10 of the Schengen Borders Code)

Starting with the 13th of June 2008, a regular ferry line was established on the route Odessa (Ukraine) – Constanta (Romania) – Varna (Bulgaria). Checks are performed in Constanta harbour where the proper infrastructure according to the Schengen Catalogue is in place. When embarkment operations are finished in Varna or in Odessa, the lists of crew and passengers are submitted by fax to the Romanian authorities, on the basis of which pre-checks are performed on national databases.

5. Due to the fact that the legal regime of the *Danube River* is established by the Belgrade Convention (1948) as international water, the border check performed by the Romanian Border Police is different for ships stopping in a Romanian harbour and for ships transiting the international segment of the Danube without stopping in Romanian ports.

Thus, upon entry, for vessels stopping in the Romanian ports, the border check is performed in the respective port. If there is no BCP in the arrival port the border check will be performed in the first Romanian port where a BCP exists. Upon exiting, the border check is performed in the Romanian departure port if there is a BCP, if not, in one of the other Romanian ports with a BCP on the route.

Moreover, for the foreign vessels navigating on the Black Sea-Danube channel (which is the artificial channel connecting the Black Sea and the inner Danube) or the inner segment of the Danube, the border check at the entry/exit is performed in one of the two designated ports for this purpose (Galati and Calarasi), even if the respective vessel is in transit and does not stop in a Romanian harbour.

What measures have already been taken or are you planning to take in terms of infrastructure to guarantee the separation between passengers of Schengen and non-Schengen ferry connections (physically, administratively, equipment)? How many ports have or plan to have a physical separation between Schengen and non-Schengen passengers? Please provide statistics from all international ports on the number of departures and arrivals and passengers of regular internal ferry connections and from third countries, if available.

As mentioned in question 39, starting with the 13th of June 2008, a regular passengers line was established for the route Odessa (Ukraine) – Constanta (Romania) – Varna (Bulgaria). The passengers' terminal in Constanta is already adapted for the Schengen/non Schengen separation and the equipment is in place for border control. Also, the EU/EEA+CH and All passports separation of flows according to annex III of the Schengen Borders Code is in place.

Figure 17. Number of passengers of the regular ferry line Odessa – Constanta – Varna

LEGEND: "D"- disembarked - "E"- embarked

No	DATE	ROUTE/NO OF PASSENGERS		
1	13.06.2008	Odessa	Constanta	Varna
		181	D-12	169
2	27.06.2008	Odessa	Constanta	Varna
		119	D-14	105
3	05.07.2008	Varna	Constanta	Odessa
		42	E-4	46
4	11.07.2008	Odessa	Constanta	Varna
		145	D-27	118
5	12.07.2008	Varna	Constanta	Odessa
		115	E-13	128
6	18.07.2008	Odessa	Constanta	Varna
		142	D-23	119
7	19.07.2008	Varna	Constanta	Odessa
		186	E-4	190
8	26.07.2008	Varna	Constanta	Odessa
		150	D-2/E-8	156
9	01.08.2008	Odessa	Constanta	Varna
		126	D-14	112
10	02.08.2008	Varna	Constanta	Odessa
		151	E-27	178
11	08.08.2008	Odessa	Constanta	Varna
		198	D-18/E-2	182
12	09.08.2008	Varna	Constanta	Odessa
		88	E-15	103
13	15.08.2008	Odessa	Constanta	Varna
		169	D-11/E-2	160
14	16.08.2008	Varna	Constanta	Odessa
		127	D-2/E-14	139
15	22.08.2008	Odessa	Constanta	Varna
		106	D-22/E-3	87

However, since the 22nd of August 2008, the regular line was suspended due to the lack of passengers.

For the situation related to passengers' terminals of the ports situated on the Danube river, please refer to the answer to question 41.

Are passengers on extra-Schengen crossings channelled in such a way so as to ensure the separation between persons enjoying the Community right of free movement and those from third countries?

The only port at the Black Sea receiving passengers is Constanta. In this location, a new passenger's terminal was built in such a way to separate Schengen and non-Schengen crossings, upon Schengen accession. The passengers flow at this terminal is separated according to citizenship in compliance with annex III of the SBC. There are 4 filters for border checks with the possibility for the signalling for *EU/ EEA/ CH and All passports* to be changed according to passengers nationality.

Also, for the Danube River, new passengers' terminals were built in the following ports: Tulcea, Calarasi, Orsova and Moldova Noua. These locations can also be separated for Schengen and non-Schengen crossings. Due to the reduced number of passengers, for the other ports on the Danube River the border checks are performed at the pontoon, when passengers disembark. In addition, mention must be made of the fact that Romanian naval procedures for the Danube River do not permit for more than one vessel to dock at a certain moment, so border policemen always concentrate their activity on a single vessel.

Is signposting ensured in line with the requirements of the Schengen Borders Code?

Signposting in line with the requirements of the Schengen Borders Code is not yet in place, but in the near future measures will be put into practice according to the provisions of Annex III of the SBC for all the passengers terminals (see also the answer to question 63).

Please provide statistics for the past three years as regards the number and types of vessels calling at ports from the EU and third countries (e.g. ferries, cruise ships, cargo vessels, fishing vessels and pleasure boats). What is the percentage of physical control made onboard these vessels? How are decisions on such checks controls made? How are vessels surveyed during their stay in ports?

Statistics on vessels calling at ports from EU and third countries are being kept by the Romanian Border Police only starting with the 1st of January 2007 (the date of Romania's accession to the EU).

The situation for 2007 presents itself in figure 18.

In case of container vessels arriving in Romanian ports for discharge, the selection for physical control is made on the basis of a primary risk analysis performed by the customs' agents, taking into account the cargo-manifest sent to the harbour master 48 hours prior to the arrival of the vessel. For example, if a vessel is loaded with 1500 containers, approximately 1,5% of them are selected for non-disruptive control (x-ray scan). After that, depending on the results of the x-ray scan, they are subject to physical control, which can be done by observation, indiscriminately or total.

Physical control inside the vessel consists of randomly checking the machine room, restaurants, cabins and other facilities onboard the vessel, in order to identify the conformity of the provisional declaration.

For vessels arriving in Romanian ports, the physical control procedure is different for vessels arriving from EU and third country ports. For vessels arriving from EU member states ports the physical control is performed only in the conditions specified by FAL Convention, approved in Romania by Government Ordinance no 58/1999 for the accession of Romania to the Convention for the facilitation of the international maritime traffic (FAL convention), adopted in London on 9th of April 1965, amended and completed in 1984, 1986, 1989, 1991, 1993 and 1994, approved by Law no 80/2000, whilst for vessels from third countries ports this control is performed for each ship upon arrival. The physical control onboard the vessel is conducted by a mixed team consisting of the border police officer, the customs agent, the harbour master, where necessary the representative of the veterinary and health authority, and in the presence of the ship captain or any other person especially designated by the latter.

Figure 18. Vessels calling at ports from EU and third countries

		EU			THIRD COUNTRIES			TOTAL		TOTAL
		Entry	Exit	Total	Entry	Exit	Total	Entry	Exit	
Black Sea	Ferry boat	20	18	38	0	0	0	20	18	38
	Cruise ships	33	33	66	20	8	28	53	41	94
	Cargo ships	1290	1620	2910	4334	4132	8466	5624	5752	11376
	Fishing ships	161	154	315	15	16	31	176	170	346
	Pleasure boats	52	62	114	35	25	60	87	87	174
	TOTAL	1556	1887	3443	4404	4181	8585	5960	6068	12028
Danube	Ferry boat	788	788	1576	0	0	0	788	788	1576
	Cruise ships	182	181	363	47	39	86	229	220	449
	Cargo ships	4237	4599	8836	3420	3346	6766	7657	7945	15602
	Fishing ships	2	2	4	0	0	0	2	2	4
	Pleasure boats	364	286	650	159	148	307	523	434	957
	TOTAL	5573	5856	11429	3626	3533	7159	9199	9389	18588
Total		7129	7743	14872	8030	7714	15744	15159	15457	30616

*Other categories of vessels not foreseen by the Schengen Borders Code (tugs, barges, pushers) – 2522.

Surveillance of the stationary vessels in the port is performed by the Border Police. The security of the perimeter is ensured by the harbour administrator and by each company operating in the premises of the harbour by means of private security companies and technical measures (CCTV, access points etc). Also, according to art 588 of the Government Decision no 707/2006, the Customs Authority is responsible for the surveillance of goods on vessels, in the harbour area and of persons exiting, entering or performing activities in the respective area.

Do you make use of advanced passenger data in the process of checking vessels? If yes, how is this organised in practice?

The list of passengers is transmitted to the Romanian Border Police and harbour masters by transporters, by fax, 24 h before the arrival of the ship or, if the interval from the port of origin to the Romanian port is shorter, immediately after the ship's departure from the respective origin port. Passengers and crew members on the list are pre-checked against the Border Police alerts database and at Burgas Cooperation Centre on their list of suspected ships. Also, another check is made when performing the identification control of each person at the ship's arrival.

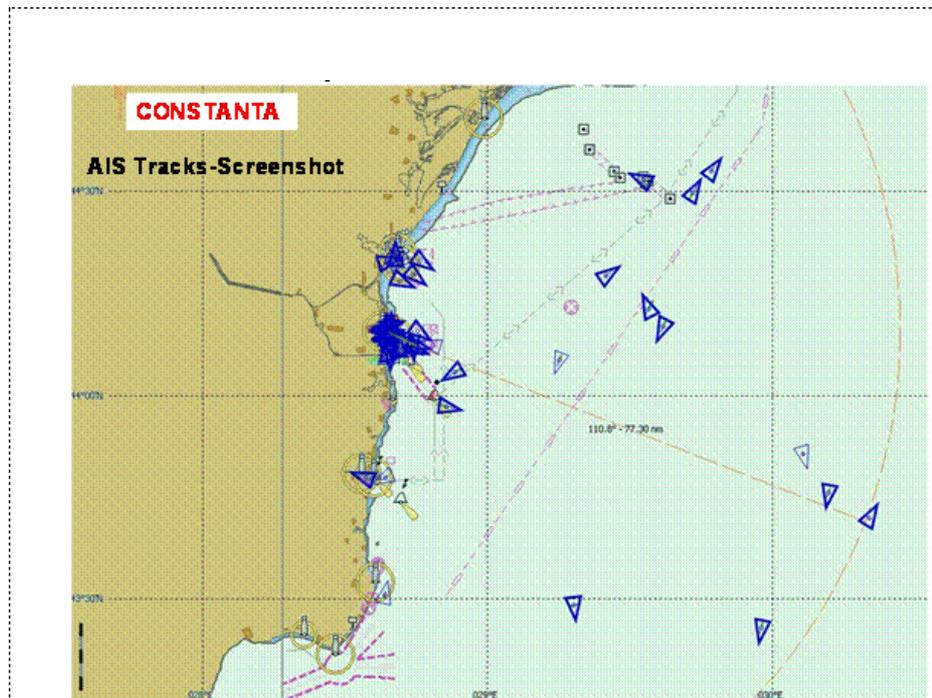
What tactics are applied for sea border surveillance, including the use of coastal surveillance systems, border patrolling, command and control systems?

If an integrated coastal surveillance system is used, please describe its components and capabilities. Please provide a list of vessels traffic monitoring systems (AIS, VMTS, VTMS LRIT) accessible for the border guard authorities.

NOT DECLASSIFIED

Pages 65 through 72: NOT DECLASSIFIED

Figure 24. Sample screenshot of Constanta VTMISS System



This is an integrated system of maritime traffic management which ensures the collecting, processing, management, stocking, interrogation and presentation of the system and peripheral sensors data, from sources such as AIS, coastal radars, weather stations, video cameras and integrated VHF communication stations. The system offers the operator the possibility to correctly assess the traffic values at any given time through the detailed electronic maps in a S57 format (radar image, target related information, customized alerts, electronic navigation tools etc).

The main tasks of VTMISS Constanta are to follow, direct, supervise and control the traffic in order to assure the safety of the navigation, to make efficient the naval traffic and to protect the environment in the roadstead and in the area of Constanta harbour. The system was built in accordance with IMO Resolution A.857 (20) from 1997 and with Resolution 2002/59/EC establishing a maritime naval traffic monitoring system in the EU waters. The latest was transposed in the Romanian legislation by the Order of the Minister of Transports no 323/2006. The order applies for ships over 300 tons.

The Romanian Border Police has access to the information provided by the system through a specialized border police officer present in the command centre in Constanta. This is a transitory measure which will be in place until the completion of the SCOMAR system of the Romanian Border Police. As mentioned above, SCOMAR has a wider range of action (for the entire Romanian Black Sea Coast) and better capabilities (detection of small vessels). Also, in order to ensure a good cooperation between the RBP and the Romanian Naval Authority, SCOMAR consoles will be installed at the Port's Masters in Sulina, Midia, Constanta and Mangalia.

RoRIS - is a complex system covering all the ports with significant vessel traffic, situated on the Romanian sector of the Danube River (23 locations). Its main functions are: transmits clearance orders to navigators, offers authorities information on the route of the ships, ensures naval traffic management and the management of dangerous goods, accident prevention and statistics.

The system fulfils the requirements of the RIS European Platform, defined within the research/ demonstration projects INDRIS and COMPRIS and in the Directive 2005/ 44/ CE of the European Parliament and Council regarding the river harmonized information services (RIS - River Information Service), on the interior waterways on the territory of the Community.

In the second phase of development, the system will provide full AIS, VHF and radar coverage on the Romanian sector of the Danube River. Also, software up-upgrades will be performed in order to comply with European rules in the field, add new functions to the system (e.g. reducing disaster effects) and enable information exchange with other RIS national centres in Europe.

In the final stage, the VTMIS system will be developed on the navigable inner channels Danube-Black Sea and Poarta Alba-Midia Navodari and it will be integrated in the existing RoRIS system as a regional sub-system. The RIS VTMIS system will have additional functions necessary for the channels' management and a graphic interface similar to the one of the actual RoRIS.

What technical equipment is available to the forces responsible for surveying borders, for instance:

- **radars/surveillance cameras/night vision equipment;**
- **helicopters/aeroplanes and**
- **ships/boats, available for monitoring of sea borders (by category according to length and maximum speed in knots)?**

What is the detection range of human beings of cameras (daylight, IR)?

As presented at question 28, *at the maritime border*, the Border Police has the following naval mobility means:

Type	Project	Length (m)	Speed (nd)	Number of means
Patrol and intervention maritime ships	P-157	38,5	30	4
	0111C	38,5	24	9
	834M	22,5	49,7	4
Port surveillance and control fast boat	R 1120	11,46	28	12
Boarding, control and rescue boat (RIB)	SLP 5400	5,4	30	10

At the **border on the Danube and Prut river**, the Border Police has the following naval mobility means:

Type	Project	Length (m)	Speed (nd)	Number of means
Patrol and intervention ship	822M	33.3	12	2
	383	22	14	14
	Freeway	14	36	4
	Arvor	7.15	17	50
River fast boat	Maren 34	10	30	10
	Class 500	10.8	36	5
Hovercraft	HTI 425	4	50	6
Attachable engine ships	Harpoon	5	36	64
	RR 4,2	4	28	20
	Drussila	4	20	38
	F 50	5	25	20

Also, an integrated system for coastal surveillance is currently under implementation-SCOMAR. Details on the system components and technical equipments are presented at question 45.

Please explain methods and practice of tactical and operational risk analysis at blue borders.

Monthly risk analysis on migration and cigarette smuggling is drafted at national level, as mentioned at question 6.

The tactical risk analysis is drafted on the basis of the passengers' list transmitted to Romanian Border Police by the transporters, before the arrival of the ship. Passengers and crew members on the list are pre-checked against the Border Police alerts database and at Burgas Co-ordination and Information Centre at the Black Sea in Bulgaria on their list of suspected ships.

Burgas Centre was established among the Black Sea neighbouring countries for exchanging information on suspected ships. A data base was created, containing all the ships that are subject to permanent monitoring on their course or stationing in territorial waters. Alert fiches are drafted and sent to all Black Sea neighbouring states when suspect ships appear in the competence area.

The tactical analysis on surveillance has the purpose to prevent illegal border crossing and to combat cross-border crime and is based on:

- the data received from the observance of the maritime traffic with the surveillance means in the endowment of the RBP
- information received from other law enforcement agencies (national and international); for this purpose the Burgas Centre was established among the Black Sea neighbouring countries for exchanging information on suspected ships. A data base was created, containing all the ships that are subject to permanent monitoring on their course or stationing in territorial waters. Alert fiches are drafted and sent to all Black Sea neighbouring states when suspect ships appear in the competence area.

Do the responsible authorities participate in the European Information System of Immigration Control in Seaports (EISICS) and to what extent?

Romanian Border Police does not participate in the European Information System of Immigration Control in Seaports, but in a regional initiative at the Black Sea in force since 2003, when Burgas Coordination and Information centre at the Black Sea (CIG Burgas) was established. National Coordination Centres were established in all participating countries as a communication platform between the national authorities and CIG Burgas. Constanta Directorate of the Romanian Border Police was designated as the Romanian National Coordination Centre.

A list of suspected ships (LOSS) was created and at the initiative of the Russian Border Service, a secure and real time electronic application was established, respectively the Automated Information Exchange System (AIES).

Do the responsible authorities use electronic data interchange (EDI) at their maritime borders? Do you exchange data on sea related threats (e.g. on vessels connected to illegal immigration, etc.). How is the exchange carried out, what data is exchanged and with whom? Are third countries included in data exchange, and what data is exchanged with them?

As presented at question 48, an Automated Information Exchange platform on suspected ships is available for electronic data exchange, at the Black Sea level. The LOSS list is monthly updated by the national centres with information available on ships suspected of:

- Illegal migration;
- Drug trafficking;
- Environmental pollution;
- Fuel and oil smuggling;
- Illegal harvesting of maritime resources;
- Illegal fishing;
- Piracy and armed robbery;
- Other kind of smuggling;
- Other illegal activities;

All Black Sea neighbouring countries participate in this project, including the following third countries: the Russian Federation, Ukraine, Georgia and Turkey. The input form for Automated Information Exchange System is presented below:

Figure 25. Sample screenshot from AIES

Do you cooperate with the Customs authorities in checking and surveillance of

your maritime borders? How is this cooperation organised?

Cooperation between Customs and RBP in performing their tasks is regulated by art 17 of GEO 105/2001 on the Romanian State Border ([annex 5](#)). Checks at BCPs are performed in joint teams by both RBP and Customs personnel. When performing checks on the ships, the control team is made up of members of the RBP, NCA and Harbour Master, as detailed in answer to question no. 43.

What modus operandi is followed when sea craft carrying suspected illegal immigrants is intercepted at sea (territorial waters; high seas)? What arrangements are in place for the rescue of illegal immigrants in distress at sea?

At the beginning of 2008, a *Co-operation Plan on the unitary intervention, in emergency situations, for search and rescue human lives on the seaside and sea* was approved. It settles the main guidelines in the field, for the three authorities involved: Ministry of Transportation, Ministry of Defence and MoIAR.

Common responsibilities for MT/ MoIAR/MD in the case of rescue operations on sea:

- a) to monitor continuously in order to identify the situations which require the initiation of intervention operations;
- b) to notify reciprocally the emergency situations;
- c) to search and rescue the persons in danger;
- d) to give emergency medical assistance;
- e) to organize the point of gathering, selection and evacuation;

- f) to organize the accommodation centres for the persons rescued;
- g) to evacuate, transport and accommodate the saved persons.

According to the Co-operation Plan, intervention actions on sea are co-ordinated by the Romanian Naval Authority, through the Maritime Co-ordination Centre (MCC) and the appointed *action coordinator*.

The information on the ship in distress is received by the MCC from the national single System for emergency calls 112, the System for the surveillance and observation at the Black Sea – SCOMAR or the ships or airships nearby.

After assessing the situation, the *action coordinator* sends SAR units to the place of the incident, appoints the *commander on the spot* and defines his/her responsibilities. His/her tasks are: to keep in touch with all the involved factors, to co-ordinate actions to recover the survivors and to send them to a safe place, as well as to send the wounded persons to the medical facilities.

The *action coordinator* may ask for support, depending on the case, from the MoIAR and Ministry of Defence.

After fulfilling the search and rescue procedures, the rescued persons are brought to the nearest harbors where they can receive assistance.

When the rescue procedure is completed, if the illegal migrants apply for asylum, they are included in the accelerated border procedure and handed over to the Romanian Immigration Office. If not, they are returned to the origin, transit or destination country.

Apart of the procedure described above, mention should be made of the fact that the searching and rescuing operations are performed according to the principle of the first comer at the place of distress. When a ship in distress at sea is intercepted, the first obligation of the rescuing ship captain is to take all the necessary measures to help rescuing the lives of all passengers and crew members.

The foreign rescuers are obliged to make their presence announced and explain the reason for their presence in the territorial waters of Romania or in the correspondent airspace, through the coast line radio station, which, in its turn, shall immediately inform the harbour master and the county inspector of the Border Police in whose jurisdiction the rescuer is.

B) AIRPORTS

What measures have already been taken or are planned in terms of infrastructure to physically separate the flows of passengers of internal Schengen flights from the flows of passengers of other flights? Please describe the requisite measures, implemented at the airports to channel passenger traffic to facilities, reserved for checks (e.g. transportation using airport buses, structural guidance of passengers within the airport building). At how many airports is or will the separation be carried out by physical means? Please provide statistics from all international airports and aerodromes on the number of flights and passengers from within Schengen and from third countries, if available as well as list scheduled origins and destinations by airport.

At present, the flow of passengers on Romanian airports is physically separated only between the domestic and the international flights.

Upon Romania's accession to the Schengen area, a number of airports will have a physical separation of the passengers' flows as Schengen and non-Schengen. The measures which will be taken to achieve this result will consist of one or a combination of the following: designing/building new terminals or modifying existing terminals in order for these to fulfil the necessity of physical separation of flows between Schengen and non-Schengen flights. In different airports such measures are either in a design stage or ongoing and even, in some cases, finalized.

Also, upon Schengen accession there will be airports which, due to the small number of flights, will organize the separation of Schengen and non-Schengen flights according to the schedule of the respective flights (separation in time).

As regards the measures implemented in Romanian airports in order to channel passenger traffic to facilities reserved for checks, from and to the platform area, the passengers are transported by buses or, where the infrastructure permits it, directly to/from the terminal through air-bridges. Inside the terminals the passengers are channelled by means of visible and explicit signposting.

Figure 26. International Airports location



However, in order to have a clear picture and to offer airport administrators a tool to establish the level of investments that need to be carried out by each airport, the Ministry of Interior and Administrative Reform and the Ministry of Transport promoted a Government Decision which will establish an obligation for airport administrators to apply for a certificate that will allow them to operate non-Schengen flights.

In the annex of this GD standards and conditions (Schengen, civil aviation) are stipulated, which must be fulfilled by airports in order to be able to operate international flights after March 2011.

Those which will not obtain the certificate or which will not apply for it will be able to operate only internal flights (Schengen flights) and only exceptionally extra-Schengen flights. A specialized commission will be designated to evaluate the respective airports on the basis of the standards imposed by the GD. The report drafted by the commission will be the basis for the certificate which will be granted to the airport by the minister of transportation.

Please find enclosed, in [annex 14](#), statistics from all international airports and aerodromes on the number of passengers from within Schengen and from third countries. Also, presented in figure 26, is a map containing the location of the Romanian airports on the national territory.

Please provide information also on national plans on establishment of new international airports in the foreseeable future (short and medium term) in the period following the Schengen evaluation.

According to Law no 363/2006 on the approval of the development program of the national territory, there are 4 airports planned to be constructed, in the following areas: Braşov-Ghimbav-Prejmer; Brăila - Galaţi - Tuluceşti; Alba Iulia - Aurel Vlaicu; Bistriţa city. However, there is no short or medium timeframe foreseen for the construction of these objectives.

What measures have already or will be taken to provide separate lanes for border checks on persons enjoying the Community right of free movement and on all other persons? Is signposting ensured in line with the requirements of the Schengen Borders Code?

The guidance of the passengers in airports is carried out through written panels installed on the control filter of Romanian Border police for UE/EEA+CH, ALL PASSPORTS, CREW, DIPLOMATS, according to the Annex III of the Schengen Borders Code. The situation regarding the separation of flows and signposting in each airport is also presented in [annex 15](#).

Do airports have appropriate separate areas for temporary accommodation for asylum applicants and non-admissible passengers?

As regards the facilities for asylum applicants and non-admissible passengers, please find below a chart describing the situation in the first five significant international airports from the number of passengers point of view:

<i>Henri Coandă Bucharest International Airport</i>	The current infrastructure of the airport provides for a separate area for temporary accommodation of asylum applicants. The areas for the temporary accommodation of the asylum seekers and non-admissible passengers have been taken into account as regards the future terminal for the non-Schengen flights.
<i>Bucharest Baneasa International Airport</i>	No separate areas for the temporary accommodation of asylum seekers and non-admissible passengers are currently in place. Until the end of 2008, the beginning of the works to a new terminal having such areas is planned.
<i>Traian Vuia Timisoara International Airport</i>	The asylum seekers are kept in the transit area until the application is processed. The non-admissibles are accommodated in the same area. There is a location established for these two categories under refurbishment and endowment.
<i>Mihail Kogalniceanu Constanta International Airport</i>	Only one room for this kind of situations currently exists.
<i>Cluj Napoca International Airport</i>	Special areas for asylum seekers and non-admissible passengers have been foreseen for the new arrival terminal.

Do airports have a separate international transit zone for passengers of non-Schengen flights?

A transit area is available in the airports having a transit schedule. However, due to the small number of transit passengers at national level, only a few major airports have such facilities. The situation in the first five airports (as number of passengers) is as follows:

<i>Henri Coandă Bucharest International Airport</i>	Two transit areas are planned for the terminal which will be used for the non Schengen flow.
<i>Bucharest Baneasa International Airport</i>	No transit area is available, taking into consideration that no transit/transfer is performed.
<i>Traian Vuia Timisoara International Airport</i>	The new terminal for passengers from non Schengen flights has a transit area.
<i>Mihail Kogalniceanu Constanta International Airport</i>	No transit area is available, taking into consideration that no transit/transfer is performed.
<i>Cluj Napoca International Airport</i>	The new terminal has a transit area for the passengers from non-Schengen flights.

Are there any special rules governing checks on flight crews? If so, please provide details of the rules in question and on the procedure for checking flight crews.

At the level of the air BCPs, separate lanes for the border checks of the members of the crew are in place, signposted with “CREW” in order to ensure a rapid check.

The provisions of the Schengen Borders Code on the procedures applicable to crew members are fully observed in this respect.

Are border checks carried out on the aircraft or at the gate in the case of flights from problem countries? If so, please describe the procedure is being applied.

At the request of the Romanian Border Police, the list of passengers is transmitted by the air carriers, by fax, before the arrival of the planes. Also, the flight schedule is available to the border police authorities for the following day. When the analysis of the lists and risk indicators available at the BCP level lead towards the conclusion that a possible threat on the border security could appear, the suspected person is accompanied from the stairway of the aircraft to the second line of control where a further check is carried out.

Please describe the measures implemented at airports to enable appropriate controls of persons travelling on private flights. How is the general declaration and information concerning passengers' identity (according to Annex VI of the Schengen Border Code) used in the process of border checks?

The list of passengers and the general declaration containing the flight details on private flights is transmitted to the Romanian Border Police structures upon request. The list is pre-checked by the Romanian Border Police against its national database on alerts. Also, border checks are performed at the arrival of the flight on each person, according to articles 5 – 13 of the Schengen Borders Code.

There are two private terminals, one at Henri Coanda International Airport and one at Aurel Vlaicu International Airport. Both of them are within the airports' perimeters and are forseen with security and travel documents checking facilities.

What forms of cooperation have been established with air carriers? How has the Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data been implemented in your national legislation? Are you making use of the capability to request API in practice? If so, how is this organised?

Council Directive 2004/82/EC of 29 April 2004 was implemented in the national legislation, through Government Ordinance no 34/2006 on the obligation of air carriers to communicate passenger data, approved by Law 452/ 2006 ([annex 33](#)). The passengers' lists are submitted by the air carriers, at the request of the Romanian Border Police structures, in paper layout, via fax.

In addition to that, for an efficient use of this facility, especially as regards working out risk analysis, discussions are currently taking place in order to find a technical solution agreed by the majority of the air carries, for the automatic transmission of the data foreseen in Directive 2004/82/EC. To this end, MIAR promoted a Government Decision to obtain the necessary funding from the state budget, in order to acquire a technical solution which will allow the Romanian Border Police to receive the data from all air carriers through a dedicated IT network.

What measures have been taken to prevent unauthorised persons entering and leaving the reserved areas at airports? Are the perimeters of international airports and aerodromes fenced in and monitored by cameras and sensors? Which authority (authorities) are responsible for access control and monitoring of the perimeters of airports?

Personnel access in the restricted areas of the airports is possible only with special permits, in compliance with the National Programme for Aeronautical Security, in order to prevent unauthorized access. Airports' perimeters are fenced and, also, major airports have additional security measures for the entire perimeter, paying special attention to sensitive places. These security measures include CCTV systems, sensors, land radars, patrols and fixed guard posts. The authority responsible for access control and monitoring of the perimeter is "Airport Security" seconded, in some cases, by a private company sub-contracted by the airports' administration.

Bellow, details on measures taken on the most important airports in Romania (as regards the number of passengers), to ensure the security of the perimeter.

NOT DECLASSIFIED

C) Land borders

How are the provisions of the Schengen Borders Code, Schengen Handbook concerning land borders and the recommendations of the Schengen Catalogue (External borders control, removal and readmission, recommendations and best practices) being applied at your land borders, both at the main international border crossing points and at smaller BCPs'?

These documents have been distributed to all the RBP structures in hard copy (brochures) and are also available in electronic format, on the intranet page of the Border Police. The Schengen Borders Code and Schengen Handbook are also available in the first and second line of control.

Schengen Borders Code is used by border guards in performing their daily tasks, whilst the Schengen Handbook is used for detailing aspects on the correct implementation of the community acquis in the field of border control and for the professional training of the border guards.

Are separate lanes for border checks on persons enjoying the Community right of free movement and on all other persons provided for at border crossing points? Is the vehicle traffic separated into different lanes by vehicle type? Is signposting ensured in line with the requirements of the Schengen Borders Code?

Currently, the separation of passengers' flows and the signposting does not follow completely the requirements of the Schengen Borders Code in all BCPs. Taking into account the fact that the situation is different from a BCP to another an exact situation on this issue in each BCP is presented in [annex 15](#).

If the case may be, BCPs that do not have separate lanes by vehicle type, after the rehabilitation of their infrastructure will have separate lanes in accordance with the traffic level, the type of vehicles allowed to cross through the BCP and the terrain configuration.

How are the perimeters of border crossing points guarded? Do you use technical surveillance equipment, including video for monitoring? Is the surveillance of border crossing points carried out outside their fixed opening hours?

The perimeters of the Border Crossing Points are permanently under surveillance through fixed posts and patrols of border police agents. There are BCPs that have fenced perimeters, but as shown in the answer to the previous question an exact situation for each BCP is presented in [annex 15](#).

However, upon implementation of ISBS, all Border Crossing Points will be fenced and endowed with video monitoring systems.

How are border checks carried out in international trains and, in particular, what kind of equipment is available for border guards carrying out such checks?

For rail traffic, checks are performed in the station of arrival/departure. In cases of transit, upon entry, persons are checked on board the train until the arrival in the first station whilst at exit, trains are checked until the arrival in the last station on Romanian territory.

Checks in the first line of control are performed in a way to ensure a direct contact between the border guard and travellers for profiling and identification.

There are no specific devices for the detection of forgeries and no appropriate means for granting the visas onboard the trains, this last process is performed in the second line of control (in the railway stations). A mobile version of the future Documents Control and Checking System for checks on persons (e.g. for checks on trains, ships) installed on a handheld computer with an attached (integrated) handheld document reader is to be implemented under the second phase of the ISBS contract which is planned to start in December 2009.

Are there any agreements between your country and neighbouring third countries for the purpose of implementing the local border traffic regime according to Regulation (EC) No. 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the member States and amending the provisions of the Schengen Convention? What are the main rules for local border traffic in your country? How are border checks carried out in that respect?

A Framework Agreement for the implementation of local border traffic regime was drafted and approved by the Romanian Government. It was transmitted to neighbouring third countries for consultation in order to start the negotiation process.

Until now, only Ukraine expressed its availability to conclude such an agreement. To this end, negotiations took place in Bucharest and a consensus was reached on this matter. The agreement will be signed in the near future by the foreign ministers of the two countries.

What technical equipment has been made available to the forces responsible for border surveillance, for instance:

- helicopters/aeroplanes,
- vehicles, boats,
- radars/night vision/infrared detection equipment,
- integrated technical surveillance systems and
- surveillance cars?

What is the detection range of human beings of cameras (daylight, IR)?

As previously presented at question no. 26, the Romanian Border Police has the following equipment for border surveillance:

- portable thermo vision systems (portable thermo vision cameras SOPHIE – 30;
- portable thermo vision cameras MATIS – 49;
- night vision binoculars (Midi Bino Kite – 138; DIANA 6X - 72);
- night vision goggles (DIANA R – 202);
- thermo vision surveillance vans – 43;
- patrol and intervention vans (off road vehicles) NISSAN - 235;
- intervention vans (minibuses) VW Transporter – 142;
- vans for personnel transportation - MERCEDES – 68;
- QUADS - ARCTIC CAT – 152;
- other means of transportation (town vehicle) (OPEL - 102; DACIA LOGAN – 125)

Helicopters/aeroplanes

At the level of the Ministry of Interior and Administrative Reform there is an Aviation Inspectorate with attributions in border surveillance and, if necessary, rapid intervention for solving the special situations requiring its contribution.

On the basis of a monthly planning of the Romanian Border Police territorial structures based on their needs for surveillance of the border, helicopters with Border Police officers onboard are deployed to execute missions at the border. A minimum number of 6 missions per month are planned and executed at the national level.

Reinforcement of the technical equipment is planned, in implementing the Integrated System for Border Security, under the EADS contract.

At present, the Aviation Inspectorate is endowed with 12 helicopters and, as shown in question 28, other 29 helicopters are planned to be purchased through an auction procedure which started in September 2008.

The sub-system for border surveillance that will be implemented in the first phase, includes:

- 1) *Fixed surveillance component* - implementation foreseen for the end of 2009:
 - a) 40 surveillance towers (radars and optoelectronic), with the following equipment:
 - b) 4 radar surveillance systems deployed on the eastern border;
 - c) 40 optoelectronic surveillance systems, deployed on the entire external land border, composed of:
 - i) colour video camera;
 - ii) thermo vision camera;
 - iii) laser telemeter;
- 2) *Mobile surveillance component* - implementation foreseen for the end of 2008:
 - a) 52 portable thermo vision cameras with cooling ;
 - b) 100 portable thermo vision cameras without cooling;
 - c) 137 night vision binoculars;
 - d) 611 night vision goggles.

Are special mobile units available for guaranteeing the appropriate reaction capability at the external land borders?

As shown in the answer to question no. 26, at the local – BP County Inspectorates and regional – BP Directorates level, intervention teams were established to ensure the reaction capability in emergency situations. These teams are composed of approximately 5 agents, per shift. The teams are equipped with specific weapons and gear, are permanently located at the headquarters and can provide a rapid reaction necessary in operative cases. The time of intervention depends on the distance, traffic, conditions of the roads and generally is situated between 30 – 90 minutes. For routine situations there is a reserve of personnel located at each headquartering of the Border Police Sectors which can intervene when the situation requires. Moreover, additional personnel can be brought from home in a previously established timeframe, on the basis of specific operational plans.

What kind of cooperation arrangements with border guard forces of the neighbouring countries have been implemented at the regional and local level? Are there cooperation agreements between border guard units of the neighbouring countries at the regional level?

Cooperation with Bulgaria

On 31.07.2007 the “Joint Action Plan between the BP Directorate Giurgiu and the Regional Border Service Ruse for the carrying out of common control and surveillance of the Danube and for the land patrolling in joint teams in the area of responsibility” was approved in Burgas (Bulgaria).

2008 Plan for the development of the cooperation between border authorities of Romania and Bulgaria is under negotiation.

Joint patrol missions are carried out at the green border, on the basis of the Joint Patrolling Plan for the area of responsibility of the County BP Inspectorate Constanta 3 and of the Border Police Sector General Toșevo and Border Police Sector Silistra.

Cooperation with Serbia

The Border Representative Office operates at the common border for the mutual collaboration and assistance in solving the border-related issues and in the implementation of bilateral agreements in force on the state border regime.

The Romanian Border Representative has 4 border representatives from Serbia as counterparts, heads of:

- Sector no. 1 Jimbolia – Zrenjanin;
- Sector no. 2 Deta – Vrsac;
- Sector no. 3 Moldova Veche – Veliko Gradiste;
- Sector no. 4 Turnu Severin – Kladovo.

Regular meetings are carried out between the border authorities of the two countries, followed by the agreement of joint measures regarding the organisation and deployment of activities at the common border, synchronised surveillance of the state border:

- Annual working meetings of the sector Commissions organised with a view to analyzing the activity of the Border Representatives and mutual exchange of information;
- Monthly sessions at the level of BCPs for data and information exchange;
- Border discussions on the state border issues.
- Joint investigations of the border-related events;
- Border meetings on the occasion of examining and solving some problems related to the return of persons crossing the state border or other issues;

Also, cooperation notes are being signed at the level of sector commissions, comprising the analysis of the operative situation, envisaged measures for cooperation, mutual information on the contact points appointed by each part in order to keep being informed and exchanging information on concrete cases.

Cooperation with Hungary

The general inspector of the Romanian Border Police and his homologue from Hungary meet annually and analyse the operative situation of the common border and set down joint measures aiming at countering cross border crime.

Cooperation notes are also being signed on these occasions:

- 2008 Cooperation Plan on the development of continuous cooperation between Romania and Hungary in order to maintain order, securing the border and countering the illegal migration and trafficking in human beings;
- Cooperation Note on the one stop control system in common border control points, signed on 4.01.2007;
- Cooperation Note signed on 24.04.2007, containing detailed rules for the application of the Treaty between Romania and Hungary on the state border regime, mutual cooperation and assistance, signed on 20.10.2005.

The cooperation at the level of the territorial bodies is based on:

- Working meetings between the heads of the BP Directorates Timisoara and Oradea with the similar structures of Hungary;
- Working discussions between the heads of BP Sectors and the correspondent of Hungary, according to the annual Cooperation Notes of cooperation conclude dat the level of local BP directorates;
- Sessions for debating the operative situation, exchanging data and information on the application of bilateral documents;
- Joint investigations;
- Border meetings on the occasion of examining and solving some problems related to the return of persons crossing the state border or other issues.

Cooperation with Ukraine

In force

- Protocol between the General Inspectorate of the Border Police within the Romanian Ministry of Interior and Administrative Reform and the Administration of the State Border Service of Ukraine on the setting up and operation of the Contact Point Porubne, signed on 07.02.2006.

Pending negotiation:

- The Protocol between the GIBP and the Administration of the State Border Service of Ukraine on the navigation rules in border waters of their vessels. The drafting phase of the text was finalised on 10.04.2008. Currently, the internal procedures with a view of signing it.
- Under implementation are the provisions of the 2008 Plan for the development of the cooperation between border authorities of Romania and Ukraine.

Cooperation with R. Moldova

Protocol between General Inspectorate of Border Police from MIAR of Romania and Service of Border Guards from Republic of Moldova on information exchange in order to fulfil the specific attributions, signed at Kishinev, on November 22nd 2005.

The parts and the competent subordinated structures cooperate and have a permanent exchange data and information in the following fields of activity:

- a) countering illegal migration and the related deeds;
 - illegal border crossing;
 - the establishment of the guidance and transport network over the border of the persons, for trafficking in human beings, prostitution, exploitation of the disabled persons and of the children;
 - the falsification of the travel, identity documents and other official writings;
- b) countering crimes with a high level of social danger regarding the public order and safety in the case of border crossing and especially in the trafficking in drugs, psychotropic substances, substitutes, as well as guns, ammunitions, their components, explosive, toxic and radioactive materials;
- c) countering smuggling with merchandise, auto vehicles, art objects, precious stones and metals, as well as other valuable objects;
- d) countering avoidance, namely for the theft of auto vehicles discovered in the competence area, as well as for the counterfeited documents accompanying them,
- e) operational investigation activities for the security, surveillance and control of the border.

The parties in this protocol establish mixed teams which meet and consult as regards the way of action, in order to solve the problems occurred during the cooperation and the efficient application of this protocol.

The problems and the competence of mixed teams are settled in anticipation and with mutual agreement, thus:

- a) the members of the delegation, the date of the meetings and the schedule are agreed in due time by the representatives of the parties;

b) the meetings between the representatives of the parties take place, by rotation, on the territory of the Moldavian Republic or on the Romanian territory at least once a year or whenever necessary.

In emergency situations, the chiefs of the delegations of mixed teams can initiate border meetings:

- the representatives of the parties, by mutual consent, can organize meetings at the level of the mixed teams to solve the situations regarding the fulfilment of the obligations mentioned at art. 1, as well as, the cooperation in general;
- the expenses for the accommodation of the delegations and of the mixed teams will be covered by the organizing party, except for the expensed related to the transport to/ from Romania.
- the result of the meetings are recorded in a written report;
- the exchange of information is carried out on the occasion of the meetings between the representatives of the two parties and via mail, telephone, fax or other communications means.

Please find enclosed, in [annex 11](#) a detailed list of cooperation documents regarding the border with neighbouring countries.

Do you cooperate with the Customs authorities in border checking and surveillance at your land borders? How is this cooperation organised?

Article 17 of the Government Emergency Ordinance no.105/ 2001 on the Romanian state border provides that the border control should be carried out jointly, by the representatives of the two institutions (Romanian Border Police and National Customs Authority).

Cooperation between the two institutions is based on protocols concluded both at central and local level:

At the central level, the Protocol on the co-operation between the General Inspectorate of Romanian Border Police and the Customs General Directorate was concluded on 26.03.2003. This protocol establishes the tasks of each party as regards the mutual support in fulfilling the legal attributions of each party.

At the level of Border Crossing Points, checks on persons and vehicles are performed in joint teams, according to the provisions of the abovementioned Protocol and in the implementation of “one stop control” principle that governs the practical cooperation between RBP and NCA structures at the level of BCPs.

As far as the division of responsibilities is concerned in relation to border checking, the Romanian Border Police performs checks on persons, whilst the Customs authorities are entitled to perform checks on personal belongings and goods.

III. ENTRY

1. What administrative and criminal-law penalties have been introduced under your national legislation for

(a) persons entering the national territory illegally?

According to the provisions of Government Emergency Ordinance (G.E.O.) no. 105/2001 on Romania's state border, entering the national territory illegally shall be sanctioned by 3 months to 2 years of prison. If this deed was committed in order to elude punishment the deed shall be sanctioned by 6 months to 3 years of prison.

According to the provisions of G.E.O. no. 194/2002 on aliens' regime in Romania ([annex 16](#)), the person which crossed illegally the Romanian state border shall also be removed under escort from the Romanian territory and will get interdiction to enter Romania for 5 years. The interdiction shall be decided by territorial structures of the Romanian Immigration Office (RIO).

If a person was declared undesirable or has received the interdiction to enter or stay in Romania and illegally crossed the Romanian border, he/she will be sanctioned by 2 to 6 years of prison. If the deed shall be repeated, the person will be sanctioned by 3 to 7 years of prison.

Still, if the person applies for asylum and he/she is granted with any kind of form of protection, he/she will not be incriminated for crossing the border illegally.

Also, if the deed was committed by a victim of the trafficking in human beings, he/she will not be sanctioned.

(b) persons involved in assisting/facilitating illegal immigration?

The deed of a person which is recruiting, directing or guiding one or more persons in order to cross the state border illegally, and also the deed of a person which organises this activity represents an offence and shall be sanctioned by 2 to 7 years of prison. The deed to be associated or to initiate the setting up of an association in order to commit the deed mentioned above or the accession to or supporting of this kind of association, in any way, shall be sanctioned by 3 to 10 years prison. The attempt to commit these offences shall also be sanctioned.

(c) persons using labour made up of illegally resident aliens?

According to the provisions of art. 26 of Government Emergency Ordinance (G.E.O.) no. 56/2007 approved with amendments by Law no. 134/2008 on employment and secondment of aliens in Romania, the following deeds are to be considered small offences:

- employment of an alien without a work authorization or work residence permit, sanctioned by fine from 1,500 to 2,000 RON (approximately 405 to 540 Euro, 1 Euro=3.7 RON); the fine can not exceed 100,000 RON (approx. 27,027 Euro);

- keeping employed an alien after expiring the work authorization, sanctioned by fine from 1,500 to 2,000 RON (approx. 405 to 504 Euro); the fine cannot exceed 100,000 RON (approx. 27,027 Euro);
- the employer hasn't transmitted a communication to the territorial labour inspectorate; this communication should present the situation of aliens secondment in his/her company, aliens which need work authorisation. If this communication hasn't been transmitted with at least 5 days before the beginning of the activity of that alien in Romania, but not later than the first day of activity, the deed shall be sanctioned by fine from 3,000 to 6,000 RON (approx. 810 to 1620 Euro);
- the work authorisation of the alien has been lost, damaged or destroyed and these facts haven't been brought to the attention of the Romanian Immigration Office (RIO); the necessary documents (copy of the act of secondment; if the case, documents attesting the fact that are family members of an Romanian citizen, also documents attesting that they are employed by a legal person which has the headquarters in one of EEA MS, being seconded in Romania, also presenting the residence permit from that State) have to be transmitted to RIO; the employer has to communicate to RIO, within 10 days, any change or the expiry of the personal work contract., all these deeds shall be sanctioned by fine from 1,500 to 3,000 RON (approx. 407 to 504 Euro).

Also, according to the provisions of art. 141 of G.E.O. no. 194/2002 on aliens' regime in Romania, republished, the facilitation, with intention, of illegal residence of aliens in Romania, represents an offence and shall be sanctioned by 6 months to 5 years of prison. If the deed mentioned above was committed by two or more persons or has caused a serious injury to the alien's life or to his/her corporal integrity, the deed shall be sanctioned by 2 to 8 years of prison. If the deed has caused the alien's death, the sanction shall be the imprisonment from 3 to 15 years. If the deed mentioned above was committed by a person which is part of an organized group or which has produced or obtained for himself/herself or for somebody else important material benefits, the special maximum of the sanction shall be increased by 3 years.

According to the provisions of art. 142 of G.E.O. nr. 194/2002, republished, if the deed provided by art. 141 of G.E.O. no. 194/2002 was committed as or for the benefit of a legal person by his/her bodies or representatives, he/she shall be sanctioned by fine from 15,000 to 30,000 RON (approx. 4,055 to 8,110 Euro)

Has your country already signed or ratified the additional protocols to the UN Convention against Transnational Organized Crime on trafficking in human beings and the smuggling of migrants?

In 2002, Romania has ratified the UN Convention against Transnational Organised Crime on trafficking in human beings and smuggling of migrants by Law no. 565/2002.

Also, in 2002, Romania has ratified 2 protocols of this convention by Law no. 565/2002:

- Protocol against the Smuggling of Migrants by Land, Air and Sea
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

In 2004, Romania has ratified the third protocol of the Convention mentioned, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, by Law no. 9/2004.

What measures have been implemented in order to apply Article 27 of the Schengen Convention against those who assist an alien to enter the territory of one of the other Schengen States illegally?

The principle established by art. 27 of the Schengen Convention (repealed as of 5 December 2004 by the Council Directive no. 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence and by the Council Framework Decision of 28 November 2002 on strengthening the criminal framework to prevent the facilitation of unauthorised entry, transit and residence) was implemented into the Romanian legislation on aliens' regime.

According to the provisions of art. 8 paragraph 2 letter b of G.E.O. no. 194/2002, border policemen may refuse aliens to enter Romania if they have introduced or have tried to introduce illegally in Romania other aliens.

According to the provisions of art. 33 (annulment and revocation of visa) paragraph 2 letter c) of G.E.O. no. 194/2002, Romanian diplomatic missions and consular offices abroad or, on the territory of Romania, the General Directorate for Consular Affairs within the Ministry of Foreign Affairs, are entitled to cancel the visa for an alien who has introduced or has tried to introduce illegally in Romania other aliens or has facilitated their transport or accommodation.

According to the provisions of art. 71 of G.E.O. no. 105/2001, the deed of a person which recruited, directed or guided one or more persons in order to cross the state border illegally, and also the deed of a person which organised this activity, represent offences and shall be sanctioned by 2 to 7 years of prison. The deed to be associated or to initiate the setting up of a group in order to commit the deed mentioned above or to access or support, in any way, this kind of group shall be sanctioned by 3 to 10 years of prison. The attempt to commit these offences shall also be sanctioned.

Are criminal-law penalties envisaged against those who assist a person to leave a country allowing them to enter another one illegally?

According to the provisions of art. 71 of G.E.O. no. 105/2001 on the state border regime in Romania, the deed of a person which recruited, directed or guided one or more persons in order to cross the state border illegally and also the deed of a person which organised this activity represents the crime of trafficking of migrants and shall be sanctioned by 2 to 7 years of prison.

If the deed has threaten the life or security of migrants or they were subjected to inhuman or degrading treatment, the penalty shall be 5 to 10 years of prison.

If the deed has as result the death of suicide of the victim, the penalty shall be 10 to 20 years of prison. The attempt to commit these offences shall also be sanctioned.

In accordance with the provisions of Article 26 of the Schengen Convention, does national law oblige sea or air carriers or operators of international coach services to take all the necessary measures to ensure that an alien is at the point of departure in possession of the travel documents required for entry into the territories of the Contracting Parties?

According to the provisions of art. 7 (carriers' obligations) paragraph 1 of G.E.O. no. 194/2002, the carriers are forbidden to bring aliens which do not fulfil the entry conditions into Romania.

Also, according to the provisions of art. 75 of G.E.O. no. 105/2001, the deed of air, sea or land carriers to bring into Romania aliens or stateless persons without documents for crossing the state border, with false or forged documents or visas, or hidden in means of transport is considered small offence and shall be sanctioned by fine from 3000 to 15.000 lei (approx. 500 to 4050 Euro).

Have criminal-law or coercive measures been introduced in case of non-compliance with this duty?

According to the provisions of art. 7 paragraph 2 and 3 of G.E.O. no. 194/2002, if a carrier doesn't respect the obligations provided for by art. 7 para. 1 (mentioned above), he has to ensure the transport of the aliens concerned immediately to the place of embarkment or to another place where the aliens have accepted or where they are accepted. If these actions are not possible, the carrier has to bear all the expenses regarding the accommodation, subsistence and all the other expenses related to their return.

These obligations are also applicable to the companies of transportation, with which the aliens arrive in Romania, if:

- a) the carrier, which is going to take those aliens in order to carry them to their country of destination, refuses to embark them;
- b) the authorities from the country of destination do not permit the entry of aliens and their return.

Also, according to the provisions of art. 134 of GEO no. 194/2002, republished, if the carrier transports aliens which do not fulfil the entry conditions, the deed shall be considered small offence and shall be sanctioned by fine from 5,000 to 15,000 RON (approx. 1,351 to 4,055 Euro)

Are carriers legally obliged to return aliens who are not in possession of the required documents?

If an alien is not in possession of the required documents, the carrier shall be bound to ensure and bear the immediate transportation of the respective alien to the place of embarkment or to other place which the aliens have accepted or where they are accepted. If it is not possible, the carrier shall be bound to bear the expenses for accommodation and support, as well as all other expenses deriving from the return of these persons.

These obligations are also applicable to carriers bringing aliens in transit to Romania, if the carrier that transport them to the country of destination refuses to embark them or whenever the authorities of the country of destination do not allow the entry of aliens and return them to Romania.

Is Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Schengen Convention fully implemented in your country? What is the maximum and minimum amount of the applicable financial penalties? Please provide information on how many penalties were imposed on carriers, what the total amount of financial penalties was and how many of them were effectively applied during the last 3 years. Break down to air, land, sea borders. Which is the competent authority in this area?

The provisions of Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of art. 26 of the Schengen Convention were implemented in the Romanian legislation by G.E.O. no.194/2002 on the aliens' regime in Romania.

The amount of applicable financial penalties are between 5,000 and 15,000 RON (approx. 1350 to 4050 Euro)

Figure 27. Penalties applied by the Romanian Border Police personnel.

Border Type	Number of applied penalties	Value of applied penalties (RON)	Value of cashed penalties (RON)	2005			2006			2007		
				Number of applied penalties	Value of applied penalties (RON)	Value of cashed penalties (RON)	Number of applied penalties	Value of applied penalties (RON)	Value of cashed penalties (RON)	Number of applied penalties	Value of applied penalties (RON)	Value of cashed penalties (RON)
Land	40	23,705	12,945	10	7,705	4,105	0	0	0	0	0	
Air	370	2,068,501	1,878,500	388	2,068,602	1,962,500	130	655,501	513,000			
Sea	3	9,500	9,000	1	500	0	2	2,500	1,500			
Total	413	2,101,706	1,900,445	399	2,076,807	1,966,605	132	658,001	514,500			

Mention should be made of the fact that the Romanian Border Police only imposes the financial penalties. It does not collect them.

How is visa-issuance carried out at the border and what was the number of visas issued at the border during the last three years by border type? Please break down the number of issued visas on the basis of the reason for issuance and the persons benefiting therefrom (nationality, passenger or crew member). Please provide information regarding the number of applications refused. Do you issue visas at the border to family members of Union citizens? What is the readiness of your country for implementation of the Visa Information System when issuing visas at the border?

According to the provisions of art. 32 of G.E.O. no. 194/2002, republished, short stays and transit visas may be granted, in exceptional cases, by the structures of the Romanian Border Police, in border crossing points, according to the provisions of Council Regulation (EC) no. 415/2003 on the issue of visas at the border, including the issue of such visas to seamen in transit, and of Regulation (EC) no.562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

In border crossing points visa stickers are applied. All the visas issued at the border are printed.

[Annex 17](#) presents the number of visas granted during 2005-2007.

Figure 28. Reasons for issuing visas in 2007¹

REASONS	TOTAL
Emergency (disasters, calamities)	8
Death, sickness	27
Aircrafts / ships forced to land / accost	0
Seamen	672
Participation to international actions	11
Employees belonging to some international organizations, appointed, in short notice, to carry out official missions in Romania Humanitarian reasons, national interest or due to some obligations assumed by Romania through international documents	83
TOTAL	801

Figure 29. Number of visas granted at the border

	2005	2006	2007
Granted visas	1.188	705	801
Refusals of granting the visas	3.178	2.943	3.906
Total visas applications	4.366	3.648	4.707

According to the provisions of Government Decision no. 1864/2006 for the approval of Methodological norms for the application of Government Emergency Ordinance no. 102/2005 on the free movement of citizens of EU MS and EEA in Romania, visas for family members of EU citizens may be issued at the Romanian border.

In this respect, the family member who is not an EU citizen and doesn't have a Romanian entry visa has to present to the structures of Romanian Border Police the following documents:

- 1) valid passport;
- 2) passport or identity card of EU citizen, original and copy; if the EU citizen is already in Romania, a copy of its passport or identity card, also a copy of the document that certifies the residence of EU citizen in Romania, certified according to the original by the Romanian Immigration Office have to be presented;
- 3) according to the case:
 - a) for family members, documents proving the marriage or the family relation with EU citizen;
 - b) for dependent persons, documents issued by the origin or Member State, documents proving the concerned person is family member of EU citizen (but is not the spouse, direct descendents, no matter what are their citizenship, who are under the age of 21 or are dependents and those of the spouse, or direct ascendants, no matter what are their citizenship, who are dependents and those of the spouse), who is a dependent or

¹ This kind of statistics is not available before 2007.

- members of the household of the EU citizen or, for medical reasons, needs personal assistance from the EU citizen;
- c) for recorded partnership, the document proving that the relation with the EU citizen was recorded in the Member State of origin, or for unrecorded partnership, the documents proving that the concerned person cohabitates with the EU citizen, for a sufficient period of time.

Also, these persons have to prove, by any means or a declaration, on his/her own responsibility, that there were exceptional circumstances preventing them to obtain a visa in normal conditions (family members who are not EU citizens can obtain entry visa, upon request, from Romania's diplomatic missions and consular offices, with the prior approval of the National Visa Center, in 48 hours and free of consular taxes).

The structures of the Romanian Border Police allow the entry in Romania of the person that, based on the documents presented at the border, proves that he/she enjoys the right of free movement and residence in Romania.

The structures of the Romanian Border Police may grant at the border visas to family members which are not EU citizens and do not have entry visa, with the exception of the ones holding a document proving the right of residence in a Member State, with the prior approval of the General Inspector of the Border Police.

Within 2006 PHARE Project "*Strengthening of management and control at the border*", the Ministry of Foreign Affairs is responsible for the implementation of the following components:

- strengthening the capacity of the Romanian Consular Posts to reach Schengen standards and the procedures of the visa issuing process according to the current practices of the EU Member States;
- technical assistance for the development of the national section of VIS (Visa Information System), which will have as a result the technical project necessary for the implementation of the National Visa Information System (N-VIS).

At the end of September 2008, the winning company was decided for the first component of this Phare Project. For the second component, the project is currently under tender procedure.

The project will be finalised in 2009.

The VIS implementation process will start at the very beginning of 2009. NS-VIS will be prepared for testing with CS-VIS in August 2010. By that time, all internal tests of NS-VIS will be completed.

What methods are used for storage and issuance of blank visa?

The blank visas (stickers) are kept in safety conditions in sealed metallic lockers, in the dispatch offices of border crossing points, where an officer is permanently on duty. For registration, storage and issuance of visas, the web application – Visa Online, part of the Integrated Information System for the management of migration, asylum and visas, managed by the Romanian Immigration Office is available.

Figure 30. Snapshot – Visa Online

Tiparire colant de viza si inregistrare in baza de date

Punctul de frontiera: Nume/Prenume separate:

Cheie: 549069 Data nasterii: 01.05.1967 CNP: Sex: M
Nume / prenume: TEST COLANT VIZA
Cetatenia: TURCIA
Pasaport: PASAPORT TURISTIC serie AB nr. 123456 eliberat de TURCIA la data de 01.01.2000 valabil pana la 01.01.2010

Date despre viza:
Emitent: IGPF Punct de frontiera: Otopeni (Henry Coanda) Tip viza: C/M
Nr. pasaport: 123456
Serie viza: ROU Numar colant: 987456 Data acordarii: 29.09.2006
Viza de la: 29.09.2006 Drept sedere: 5 zile Valabila pana la: 03.10.2006 [Date Persoana](#)
Observatii:

Emitere colant
 Colantul a fost tiparit corect si validat? DA NU

Declarare rebut
Doriti sa declarati colantul REBUT? DA NU

Salvare viza-ok/actionati in ordinea afisata butoanele ptr.pregatire si tiparire colant

No cases of stealing, loosing or disappearance of the visa stickers have been registered as of 01.02.2006, when the visa sticker started to be applied in the border crossing points.

What are the methods and frequency for changing the numerical security codes for uniform entry/exit stamps? What methods are used for keeping uniform entry/exit stamps?

The security codes of the stamps are changed monthly. The stamps are kept in the dispatch offices of the border crossing points, in sealed lockers. The stamps are handed out to the workers by the officer on duty in the border crossing point, on the basis of a signature. The status of distributed stamps is registered in a special registry.

How is the processing of refusals and asylum applications carried out at BCPs? Please describe the procedure regarding persons whose entry is refused. How many refusal-of-entry decisions have been taken (total number, breakdown by main nationalities concerned and breakdown by border posts)? How many persons have been refused entry since 2005? On what grounds were they refused?

The Romanian legislation on asylum is represented by Law no. 122/2006 on asylum in Romania ([annex 13](#)). The Romanian institution responsible for interviewing, analysing the grounds invoked and taking the decision regarding the asylum application is the Romanian Immigration Office (RIO).

The procedure regarding processing of asylum applications carried out in border crossing points is provided for by Law no. 122/2006. The border procedure shall not apply in case of unaccompanied minors asylum seekers. The unaccompanied minor asylum seekers shall be granted access to Romania and to the ordinary asylum procedure.

The alien who applies for a form of protection in Romania shall remain in the transit area of the border crossing point, until she/he receives the positive decision for entering Romania or, as the case might be, until the final decision of rejecting the asylum application, but no more than 20 days since she/he has entered the transit area. If, after the expiring of that period the asylum application is not solved by an irrevocable decision, the alien will be allowed to enter Romania.

The asylum seeker may be accommodated within special receiving and accommodation centres placed near the border crossing point, set up by Order of the minister of interior and administrative reform no. 1417/2006 and having the legal regime of the transit area. These are:

- The premises of the following BCPs: Naidaş, Vicşani and Albiţa;
- Centre for special receiving and accommodation of the asylum seekers from „Henry Coandă” Airport.

Thus, only these four buildings have the legal regime of a transit area, according to the legislation in force, therefore the asylum seekers, whose entrance in Romania was not allowed, shall be accommodated within one of these centres. Naidaş and Vicşani locations are in process of rehabilitation under Schengen Facility. The Accommodation Centre in Constanţa was taken over by the Accommodation and Procedures Centre Galaţi, which subsequently endowed properly this facility. At present, RIO is carrying out legal procedures in order to change the destination of this Centre as a transit area by Order of the minister of interior and administrative reform.

The asylum applicant, accommodated within the centres mentioned above, benefits from free food, in accordance with the conditions established by Government Decision.

According to the provisions of Government Decision no. 1251/2006 for approving the methodological norms for applying Law no. 122/2006 on asylum in Romania, the transfer of asylum seeker and the act of ensuring his/her presence to the trial, at the request of the court, are realised without considering, from the legal point of view, that the asylum seeker has been admitted in Romania.

When the asylum applicant arrives at the border crossing point, she/he is entitled to legal and social assistance and to humanitarian aid from the non-governmental organizations competent in refugee matters, as well as from the United Nations High Commissioner for Refugees (UNHCR)'s representation in Romania. At the same time, the applicant has the rights and obligations of asylum seekers, except for the ones that are contradictory with the provisions of the border procedure. An asylum application lodged to a structure of the Romanian Border Police in a border crossing point is forwarded to the competent structure of the Romanian Immigration Office (RIO), which will analyse it and pronounce on it within 3 days from the date it was received.

After carrying out the interview and analysing the grounds invoked, correlated with the data on the status in his/her origin country, the officer from RIO will decide to:

- a) grant a form of protection and access in Romania
- b) grant access in Romania and to an ordinary procedure of asylum, if the asylum application can not be rejected as being ungrounded;
- c) reject the asylum application as being ungrounded.

Against a decision of rejecting the asylum application, the alien can lodge a complaint two days after the communication of this decision. This complaint is lodged to a structure of RIO which has issued the decision, which will forward the complaint to the competent court.

The court will solve the complaint in 5 days and will deliver a grounded decision, by which:

- a) admits the complaint, grants access in Romania and holds the case for solving in ordinary procedure;
- b) maintains the decision of RIO.

If the asylum application was rejected by an irrevocable decision, the General Inspectorate of Border Police will take the necessary measures to return the alien.

If the application is accepted, the applicant is granted access in Romania and is informed about the fact he/she has to present him/herself to the head office or RIO's territorial structure, depending on the case.

The procedure of refusal of entry at the border is carried out according to the provisions of the Schengen Borders Code (art. 13 and Annex V- Part A "Procedures for refusing entry at the border" and Part B "Standard form for refusal of entry at the border", which is filled in).

[Annex 18](#) presents the situation of refusal of entry decisions since 2005.

How many aliens have sought political asylum? How many aliens were granted political asylum? How many aliens were refused political asylum?

All the asylum applications are solved in the same way, without been made a distinction as if it were for political reason or not.

In this respect, during 2004-2007, 2,067 asylum applications were submitted. 371 applicants were granted the status of refugee and 126 subsidiary protections.

Do you have the possibility of an accelerated asylum procedure for asylum seekers at the border?

Yes, Law no. 122/2006 on asylum in Romania provides a procedure at the border, as it was described at point 12.

Do you have the possibility to detain persons who are refused entry and ask for asylum during their asylum procedure?

Yes, in the special places in the transit border areas for maximum 20 days, as described at point 12.

How many counterfeit travel documents have been discovered at BCPs? Please provide statistics over the last 3 years, broken down per border crossing points and types of documents.

[Annex 19](#) presents the situation on the counterfeited travel documents discovered in the BCPs.

Is information on original and counterfeit travel documents available at BCPs? What methods are used for this purpose? Are FADO and appropriate national databases accessible at BCPs via computer network? Which authority is responsible for administrating these databases?

A national database on genuine documents and alerts issued on travel documents was set up and managed by the IT&C Centre of the Border Police and is available at all border crossing points, in the Ist and IInd line of control. The database can be accessed through the intranet site of the Romanian Border Police, by means of a link.

The necessary support information on genuine documents and alerts on travel documents is provided for by the Forensic Service of the GIBP.

The necessary communication lines and hardware for the implementation of FADO system in Romania were already installed and the testing phase was completed. Currently, *iFADO* system is accessible via intranet in all BCPs.

Until now, more than 500 accounts were distributed to the RBP units. Also, *iFADO* accounts were distributed to DG for Passports, National Centre for Managing the Databases on Persons Records, National Police and Giurgiu, Oradea and Galati contact points/centres. The allocation of accounts will continue further on, according to the operational needs of the MoIAR units.

For full implementation of the FADO system at the level of Forensic Service within the General Inspectorate of the Border Police, the accreditation procedure by the competent national security organism (ORNISS) is in the final stage.

Are EURODAC and national AFIS accessible at BCPs?

EURODAC is functional in 14 locations of the County Inspectorates of Border Police, namely: Suceava, Botoşani, Iaşi, Vaslui, Constanţa, Tulcea, Giurgiu, Dolj, Mehedinţi, Caraş-Severin, Arad, Bihor, Satu-Mare, Maramureş.

Also, EURODAC is functional in the following air BCPs: Constanţa Harbour, International Airport „Henri Coandă” Bucharest Otopeni, International Airport "Aurel Vlaicu” Bucharest Băneasa, International Airport „Traian Vuia” Timişoara, International Airport Cluj Napoca, International Airport Sibiu.

At the Forensic Service within GIBP, an AFIS work station is functioning connected to the central server in the Forensic Institute of the GIRP (General Inspectorate of Romanian Police).

In November 2007, through the input-checking station, the Forensic Service within GIBP started to implement fingerprints fiches (received from the International Airports „Henri Coandă” and „Aurel Vlaicu”) in the AFIS system.

When the ISBS (Integrated System of Border Security) will be implemented, it will allow the access to EU EURODAC data baseis, as well as to the national AFIS in all BCPs.

IV. READMISSION

1. What readmission agreements exist with

(a) other Schengen States?

In force – with 22 Schengen States

Austria	Belgium	Netherlands	Luxembourg	Czech Republic
Denmark	Greece	Finland	France	Germany
Italy	Latvia	Norway	Poland	Portugal
Slovenia	Slovakia	Spain	Sweden	Hungary
Lithuania	Estonia			

Ratified by Romania, pending diplomatic procedures for entering into force - Iceland

(b) with other MS of the European Union

In force – with 3 EU Member States

- United Kingdom of Great Britain and Northern Ireland
- Ireland
- Bulgaria.

(c) third countries?

In force – with 9 third countries

Moldova	India	Swiss Confederation	Albania
Turkey	Former Yugoslav Republic of Macedonia	Lebanon	Bosnia and Herzegovina
Croatia			

Regarding the readmission Agreements concluded between European Community and some third countries, Romania applies these Agreements, in general.

In the case of Moldova, Former Yugoslav Republic of Macedonia and Bosnia and Herzegovina, Romania applies the bilateral readmission Agreements concluded between Romania and these three countries.

Still, if the provisions of these bilateral readmission Agreements are incompatible with the provisions of readmission Agreements concluded by European Community with these three countries or there are concluded Implementing Protocols of these EC readmission Agreements between Romania and these third countries, then Romania will apply the provisions of the readmission Agreements concluded between European Community and these three third countries.

2. How many persons have been sent back each year since 2005 under these agreements? Please break this down by the country to which the person was sent back.

Three persons have been sent back since 2005:

- 2006 - one Czech citizen readmitted by the Czech authorities;
- 2007 - two Iraqi citizens readmitted by the Bulgarian authorities.

3. What is the number of foreigners readmitted (figures per State)

- (a) to other Schengen States?**
- (b) to neighbouring States?**
- (c) to the countries of origin of the persons concerned?**

- a) 1 – Czech Republic
- b) 2 – Bulgaria

How many cases were studied in total? What were the countries of origin involved?

Only 3 cases took place in total and only in one case the person was readmitted to his country of origin (Czech Republic).

4. Which administrative structures are responsible for readmission and expulsion? What legal and practical measures have been taken to ensure the readmission and expulsion of illegally resident aliens? Are these measures effective?

The administrative structures responsible for readmission and expulsion are the Romanian Immigration Office (RIO) and the Romanian Border Police.

The Romanian Border Police is usually involved in cases of fast-track readmission procedures when the persons are detected after illegally entering the country or at the moment of crossing the border.

Legal measures taken in order to ensure the readmission and expulsion of illegally resident aliens.

The legal framework which ensures the removal of illegal alien residents is:

- Government Emergency Ordinance no. 194/2002 on aliens' regime in Romania;
- Law no. 374/2003 for the ratification of the Memorandum of Understanding between the Romanian Government and the International Organization for Migration concerning the cooperation in the field of assisted humanitarian voluntary return

Practical measures taken in order to ensure the readmission and expulsion of illegally resident aliens

The return decision – the most important instrument for removals – is based on voluntary compliance of the concerned alien with the return decision, meaning that the alien concerned is bound to leave the Romanian territory within a given period of time.

The measure of return under escort - the removal of the alien is a forced one. This decision is applied in the following cases:

- the alien did not comply with the return decision within the given period of time;
- the alien entered Romania illegally;
- the alien has been declared “undesirable person” on the Romanian territory on national security or public order grounds;
- expulsion – as security measure foreseen by the Romanian Criminal Code and ordered by the judicial authorities in criminal cases in addition to the penalty prescribed by the criminal law;
- the alien with illegal stay on the Romanian territory cannot prove his/her identity (lack of identity papers, no identity match with the existing records in the information system).

All the return decisions issued to illegally staying third country nationals are recorded in the national data base on aliens’ records and all RIO territorial structures monitor the compliance of the concerned aliens with these decisions. If the return decisions are not complied with within the given period of time, an alert in the Integrated IT system for migration, asylum and visas management is entered.

Within the Romanian Immigration Office, a special unit for return and escort matters is operational – the Return and Escorts Unit. This unit has the responsibility to organize and implement all the necessary actions/measures to ensure the return of illegally staying third country nationals and the actual implementation of transfers based on Dublin Regulation, as follows:

- identification of undocumented aliens and acquisition of travel documents (cooperation with consular representatives of the aliens concerned – directly or through the Romanian Ministry of Foreign Affairs’ channels or liaison officers network in cases when the alien concerned is not consular represented on the Romanian territory);
- organization of return operations;
- execution of return operations for those held in detention centres (public custody) for the purpose of return;
- participation in joint return operations by air organized by other EU member states (Council Decision 2004/573/EC on the organization of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders);
- permanently updating the information on scheduled joint return operations organized by Member States by maintaining a permanent contact, also using ICO-net platform, with FRONTEX and the return central points designated by other Member States, according to the Commission Decision C (2005) 5159 final;
- co-operation with responsible authorities of Member States in case of transit through MS’ airports during the return operations by air (Council Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air);

Escorted returns:

- most of the returnees subjects to this measure are escorted to the border crossing points;
- returnees escorted to the country of origin - only in cases where the returnee actively resist/manifests against, trying to hamper the return or in cases where the returnee has to be accompanied due to his physical/mental disabilities, medical condition etc.

Effectiveness

- over 90% of the return decisions are complied with within the given period of time.
- approximately 85% of the cases, where the measure of return under escort is ordered, are successfully dealt with (in 9 - 9,5% of the cases the measure cannot be implemented due to the fact that the concerned aliens apply for asylum, after the measure of return under escort is ordered).

5. Over the past five years, how many illegal aliens have been deported by the authorities of your country? How many have been deported outside the readmission procedures? Please provide details for each type of border.

Figure 31. Illegal aliens deported by the Romanian authorities

Removal type / Year	2003		2004		2005		2006		2007	
Return decision	4.099		4.395		4.669		3.912		4234	
	Air	Land	Air	Land	Air	Land	Air	Land	Air	Land
	2209	1890	1935	2460	2183	2486	1947	1965	2279	1955
Return under escort	515		658		618		682		431	
	Air	Land	Air	Land	Air	Land	Air	Land	Air	Land
	152	363	377	281	356	262	269	413	208	223
Return within the readmission procedures	1		0		0		1		2	
	Air	Land	Air	Land	Air	Land	Air	Land	Air	Land
	-	1	-	-	-	-	1	-	-	2
Return outside the readmission procedures	514		658		628		681		429	
	Air	Land	Air	Land	Air	Land	Air	Land	Air	Land
	152	362	377	281	379	249	268	413	208	221

6. Will the EU laissez-passer be used for readmissions?

Yes, if the responsible authorities from the country of origin accept the EU standard travel document for readmission purposes.

7. How will aliens required to leave the country be identified in cases of doubt or if identity papers are unavailable?

If the legal requirements for the return under escort are not fulfilled, the concerned alien is issued a return decision whereby he/she is required to leave Romania within a certain period of time. The alien is obliged to take the necessary steps/measures (e.g. to procure himself a travel document, flight ticket, etc.) to insure that he/she will leave the Romanian territory within the time limit provided for in the return decision. Prerequisite: the alien's identity is certain – positive match with the identity data existing in RIO's records (information system, personal files).

If there is doubt of alien's identity or the alien doesn't possess identity papers and there is no match with the existing records and, eventually, the alien is not willing to benefit from the assisted humanitarian voluntary return programme, the return under escort measure is ordered. As the measure cannot be implemented within 24 hours (due to the lack of travel documents), the alien is taken into public custody (administrative detention). During the detention period, RIO – the Return and Escorts Unit takes all the necessary measures to identify the alien and acquiring a travel document:

- the alien is interviewed in order to gather all the necessary information which can lead to his identity;
- all the other leads are explored for the same purpose: family members on the Romanian territory, employers, other relatives or friends, criminal records, checks through INTERPOL channels etc;
- alien's fingerprints are verified in the EURODAC system;
- the consular representatives of the country of origin receive a note concerning the legal situation of the alien concerned and all available identification data; in most cases the alien is interviewed by the consular representatives;
- if the alien is not consular represented in Romania, the request for a travel document is sent to the Romanian Ministry of Foreign Affairs which ensures that the request is sent to the consular representative of the country of origin abroad; the request can also be sent to the competent body for the coordination of liaison officers.

8. Are there any residence arrangements in place for foreigners who, for various reasons, cannot be expelled? If so, please specify. What are the conditions for these arrangements? Does this apply also to persons who have entered the country illegally without having applied for asylum? What measures do your authorities take to help an alien required to leave the country to acquire travel documents, or are such steps left entirely to the alien? How is voluntary return promoted? Do you have a program of assisted voluntary return? Is there cooperation with NGO's, like IOM?

The aliens, who, for various reasons, cannot be returned/expelled, may be granted tolerance status on Romanian territory. The tolerance status is not equivalent to a right of stay on the Romanian territory and it ceases when the reasons for granting this status are not longer fulfilled.

Applying for asylum before applying for tolerance status is not a prerequisite for granting this status.

Tolerance status may be granted under the following circumstances:

- aliens placed in public custody, against whom the measure of return under escort was ordered, could not be returned within 6 months;
- aliens placed in public custody, against whom the security measure of expulsion was ordered by the court of law, could not be removed from the Romanian territory within 2 years;
- in cases where the alien's presence on the Romanian territory is necessary for important public interests – upon request from Romanian competent bodies;
- in cases where there are serious reasons to believe that the alien concerned is a victim of human trafficking – upon request from the prosecutor or from the court of law;
- when RIO considers that the alien concerned, out of other objective reasons, cannot leave Romania.

Conditions for granting tolerance status:

- tolerance status is granted for a period up to 6 months which may be extended for new periods up to 6 months until the disappearance of the causes;
- tolerance status does not cancel the obligation of the aliens to leave the Romanian territory upon the cease of the reasons for which it was granted.
- the validity of tolerance status ceases upon the alien's leaving the Romanian territory.
- upon cease of reasons which were at the basis of granting the tolerance status, the alien is immediately removed from the Romanian territory without any prior notice. The alien is bound to present himself monthly or whenever he/she is called to RIO's territorial structure, which granted him/her the tolerance status and to notify any change of address.
- tolerance status has territorial validity limited to the competence area of RIO structure, which granted it; any travel outside this area is allowed only with a prior approval.
- in case of non-compliance with the obligations provided in the last two conditions mentioned above, the measure of taking the alien in public custody may be ordered.

During the period which the tolerance status is granted for, RIO carries out all the activities necessary to obtain a travel document for the alien concerned.

Alternatively, the alien concerned has the possibility to benefit from the assisted humanitarian voluntary return programme carried out by IOM and RIO.

A Memorandum of Understanding between the Romanian Government and International Organization for Migration (IOM) on co-operation in the field of assisted humanitarian voluntary was signed. This is actually the basis of the Assisted Voluntary Return Programs (AVR Programs). The project became operational as of January 2005.

AVR Programs have been promoted through posters and booklets at migration offices, police stations, border crossing points, trade register offices and other local authorities, Red Cross offices, airports and train stations.

9. Is instant return a legal possibility in the case of foreigners detected upon entering the country illegally or immediately after crossing the borders?

Yes, in the framework of readmission agreements which regulate the so called "fast-track" procedures.

10. What legal remedies can be applied by the foreigner to prevent his return?

The return decision can be appealed within 10 days from the date the alien concerned has acknowledged the issuance of the return decision. The court of law has to give a decision on the lawfulness of the measure ordered within 30 days from the date the appeal was submitted.

The return under escort decision can be appealed within 3 days and the court of law has to give a decision within 5 days.

In both cases the appeal suspends the execution of the return decision/return under escort decision.

Furthermore, the alien subject of a return decision/return under escort decision may apply for asylum and if his application is accepted and the asylum procedure is launched, all the removal measures ordered against him are suspended until a final decision on the asylum application is taken.

11. What percentage of expulsions ordered are actually carried out? Please provide statistics over the last 3 years.

Figure 32. Number and percentage of the expulsion ordered

2005	618 returns under escort carried out	718 return under escort decisions issued	86%;
2006	682 returns under escort carried out	791 return under escort decisions issued	86,2%;
2007	431 returns under escort carried out	507 return under escort decisions issued	85%.

12. Do you have the possibility to detain illegal migrants awaiting an opportunity to readmit them? For how long?

If the return under escort of an alien cannot be carried out in 24 hours according to the provisions of G.E.O. no. 194/2002, the alien will be taken into public custody, decision which will be taken by a prosecutor (for a period of 30 days) upon RIO's request. The period of public custody can be extended with 5 months upon RIO's request submitted to the Bucharest Court of Appeal.

The aliens against whom the security measure of expulsion was ordered by the court of law, in criminal cases, are taken into public custody only on the basis of a court of law decision and for a period of maximum 2 years.

If failing to return/expel the concerned alien within the specified periods, that alien will be granted tolerance status.

13. Is there any central body responsible for issuing travel documents for readmission or expulsion? What experience does it have in this field? Are any other (i.e. decentralised) authorities involved in acquiring documents for readmission or expulsion?

The procedure consists of contacting the consular representatives of the country of origin which receive a note concerning the legal situation of the alien concerned and all available identification data. In most of the cases, the alien is interviewed by the consular representatives.

A travel document is issued by the consular representation of the country of origin in cases where, following the verifications in the country of origin's records, the identity/nationality of the returnee is confirmed.

If the previous procedures don't have the expected outcome (the travel document is not issued by the supposed country of origin), RIO issues a travel document for the alien concerned.

The identification process is in many cases slow when there is no material proof of aliens' identity/nationality. The invitation of delegation/consular representative of alien's origin country, in order to participate in hearings/interviews, can be envisaged as a useful tool in the identification of the alien.

V. SCHENGEN INFORMATION SYSTEM

Note : The questions included in the following chapter are based on the current SIS, but are equally valid in relation to SIS II.

Description of measures to check that data conform to the requirements of the SIS II legal framework.

A) PREPARATORY MEASURES

1. Please describe the legislative and regulatory provisions adopted or to be adopted to set up the national system.

The following legal acts have been adopted:

- GEO no. 128/2005 on the setting up, organizing and functioning of the National Information System for Alerts, approved and modified by Law no. 345/2005 was published in the Official Journal no. 1086/02.12.2005 ([annex 20](#))
- GD no.1411/2006 for approving the methodological norms of GEO no.128/2005 ([annex 21](#))
- GD no.769/2006 for approving NISA Implementing Plan.

During 2009, these legal acts will be updated in order to ensure the compatibility with SIS II legislation (new categories of data, functionalities, access rights, etc.). Other legislative issues which were not transposed into Romanian legislation, such as article 99 of the Schengen Convention (article 36 of the Decision on SIS II), will also be implemented in the above law.

2. Please describe the legislative and regulatory provisions adopted or to be adopted to set up the SIRENE Bureau, including subsequent legislative measures.

The SIRENE Bureau was set up in 2004, by order of the minister of interior, within the National Focal Point, which is under the authority of the Center for International Police Cooperation.

The legal provisions governing the SIRENE activity are to be adopted by the end of 2008, together with the working procedures between SIRENE and the national authorities.

GEO no. 128/2005 on the setting up, organizing and functioning of the National IT System for Alerts (hereinafter referred to as NISA), approved by Law no. 345/2005, mentions the SIRENE Bureau among the users of NISA, SIS II compliant (chapter III, art. 5, lit. e).

3. Have you already made preparations or created National Information Systems for the purpose of issuing and accessing the following categories of alerts:

The following National Information Systems have been created for the purpose of issuing and accessing the following categories of alerts:

a) alerts on third country nationals who should be refused entry to the Schengen area;

- CONS of the General Inspectorate of the Romanian Border Police (GIRBP)
- SIMS of the Romanian Immigration Office

b) alerts on persons wanted for arrest (in view of surrender or extradition);

- All points bulletin (URMARIT) of the General Inspectorate of the Romanian Police (GIRP)

c) alerts on persons to ensure protection or prevent threats;

- CONS of the General Inspectorate of the Romanian Border Police (GIRBP)
- URMARIT of the General Inspectorate of the Romanian Police (GIRP)

d) alerts on persons wanted for judicial procedure;

- CONS of the General Inspectorate of the Romanian Border Police (GIRBP)
- URMARIT of the General Inspectorate of the Romanian Police (GIRP)
- INTERDIT of the General Inspectorate of the Romanian Police (GIRP)

e) alerts on persons and objects for discreet surveillance or specific checks;

The Romanian legislation does not provide for the following procedures- discreet surveillance or specific checks, as provided for in art. 99 of the Schengen Convention (article 36 of the Decision on SIS II). Thus, there are neither specific procedures nor databases in place. However, in 2009 the national legislation in this field will be modified in order to transpose this article, too.

f) alerts on objects for seizure or use as evidence in criminal proceedings?

- FURTAUTO of the General Inspectorate of the Romanian Police for article 100 a, b, f (art 38 2a, 2b, 2f of Council Decision 2007/533/JHA)
- OBIECTE of the General Inspectorate of the Romanian Police for article 100 c,d,e,f,g (art 38 2c, 2d, 2e, 2f, 2g of Council Decision 2007/533/JHA)
- RNA of the General Inspectorate of the Romanian Police for article 100 c (art 38 2c of Council Decision 2007/533/JHA)
- CONS of the General Inspectorate of the Romanian Border Police for article 100 a, b, d, e (art 38 2a, 2b, 2d, 2e of Council Decision 2007/533/JHA)
- SIMS of the Romanian Immigration Office for article 100 d, e (art 38 2d, 2e of Council Decision 2007/533/JHA)

- f. EVA of the Directorate for Driving Licenses and Vehicles Registration Certificates for article 100 d, e, f (art 38 2d, 2e, 2f of Council Decision 2007/533/JHA)
- g. RNEP of the National Inspectorate for Persons Record for article 100 d, e (art 38 2d, 2e of Council Decision 2007/533/JHA)
- h. INTRAPAS of the General Directorate for Passports for article 100 d, e (art 38 2d, 2e of Council Decision 2007/533/JHA)

Have these systems been set up with the data structure of the SIS in mind?

If yes, what is the level of progress achieved? If not, please describe the relevant projects/plans including dates and/or timescales.

NISA (National IT System for Alerts) was set up by Government Emergency Ordinance (GEO) no. 128/2005. It will allow the Romanian authorities to search automatically the alerts in the system regarding goods and persons for the purpose of border controls, customs controls issuing visas and residence permits, as well as other controls necessary for public order and safety.

Currently, there is no centralized IT system concerning national alerts and thus, all the structures of the MIAR and other institutions with relevant competencies operate their IT systems individually. In order to render NISA operational, all the IT systems are being updated so that they become compatible with SIS II requirements and send Schengen alerts to SIS II.

The information concerning the future structure of data within SIS II and the recommendations for upgrading the existing database for assuring the compatibility with NISA, were forwarded to the IT&C structures from all the institutions mentioned above.

The relevant projects/plans in relation to IT systems are presented bellow:

Romanian Police

Under Schengen Facility, the Romanian Police will improve its IT system for implementing SIS II.

This program is divided into 4 contracts, namely:

- Upgrading hardware and software infrastructure of the Romanian Police IT system
- Drafting a subsystem allowing 24/7 availability for all users
- Updating the Romanian Police IT system as well as creating a portal permitting overall access to SIS, NISA and Romanian Police data bases
- Upgrading the e – learning platform.

The deadline for the implementation of the entire program is the end of 2009.

Border Police

The IT&C systems of the Border Police are under construction, under the EADS contract. The implementation of IT&C systems for Border Police will be in accordance with Schengen requirements. The system is in the design phase. Full compliance with SIS is scheduled to be achieved on 31.12.2009 when the system roll-out ends.

Romanian Immigration Office

The IT system of RIO has been operational since May 2003. At present, the IT system of RIO provides a certain level of compatibility with SIS. Still, in the view of the full harmonization, it is necessary to develop the system, both with regard to the database structure and to the applications.

Currently, the IT system of the Romanian Immigration Office contains alerts on third country nationals for refusal of entry in Romania.

In order to ensure full compatibility with Schengen IT systems, RIO initiated a project-“*Developing RIO IT system correlated with SIS II and VIS*”, under Schengen Facility, which is scheduled for completion on 30.08.2009.

National Inspectorate for Persons Records

Taking into consideration that the data basis of the National Inspectorate for Persons Records is managed by the National Center for Managing the Data Bases for Persons Records, these two structures of the Ministry of Interior and Administrative Reform have a project approved aiming at modernizing the current IT system for person's registration, named the National IT System of Persons Records.

The new system will allow the issuing of electronic identity cards. The project has several steps and the first electronic identity card will be issued on July the 1st, 2010.

General Directorate for Passports

Under GEO 94/2008 the National Company “National Printing House” was appointed responsible for the issuing of electronic passports production as well as for the procuring and making available the necessary equipment and software products. The “Electronic Passport” project involves changes for the harmonization of the national database for passports and the IT system with the SIS requirements. The deadline for the "Electronic Passport" project is, according to GD 571/2008, the 31st of December, 2008.

Directorate for Driving Licenses and Vehicles Registration Certificates

At present, a project aiming at modernizing the IT system in order to issue a new driving license and a new registration certificate to implement the European Directive 126/2006 is ongoing.

Under Schengen Facility and state budget, the Directorate for Driving Licenses and Vehicles Registration Certificates will modernize its current IT systems with relevance for SIS, in order to become compatible with NISA and SIS II.

The project is threefold, namely:

- developing the national IT system for registering the driving licenses and vehicle certificates in Romania, at central level
- acquisition of equipment for accessing NISA data at the local community services issuing driving licenses in Romania
- training the personnel as regards the national SIS procedures.

The project is planned to be carried out between the fourth quarter of 2009 – end of June 2010.

Romanian Gendarmerie

According to the national legislation in force, the Romanian Gendarmerie will only have access to NISA for queries and will not enter alerts. It does not have an IT system but it uses the voice-data network of MIAR.

B) ORGANIZATIONAL ASPECTS

General

4. Please give a general presentation on the organisations that are, or will be, responsible for policing functions in relation to the SIS II.

The Ministry of Interior and Administrative Reform is the authority competent for managing NISA under GEO no. 128/2005.

SIS Unit was created in 2005 under the authority of the IT&C Directorate of the MIAR. Considering the importance of the subject, in 2008 the SIS Unit became part of the Schengen General Directorate in the Schengen Department.

Its organizational chart includes 25 positions and by now, 16 persons have been employed.

SIS Unit is responsible for N.SIS implementation and beginning with 2010, it will function as the SIS National Center.

At present, according to GEO no. 128/2005, the institutions that will have access to NISA are the following (the present legislation is currently under revision and will be approved in 2009 which might have an impact on the rights of access of these institutions):

Structures of MIAR

- National Inspectorate of Romanian Police
- National Inspectorate of Border Police
- Romanian Immigration Office
- SIRENE Bureau (from the date of operation)
- General Inspectorate of Romanian Gendarmerie
- National Inspectorate for Persons Records
- General Directorate for Passports
- Directorate for Driving Licenses and Vehicle Registration Certificates

Other institutions

- National Customs Authority (under the authority of Ministry of Economy and Finance)
- Ministry of Foreign Affairs
- Ministry of Justice.

Romanian Police

The Romanian Police has a National Inspectorate, territorial units under the authority of the National Inspectorate, Bucharest Police General Directorate and county police inspectorates, education institutions for initial and further training of police personnel.

The National Inspectorate of the Romanian Police is the specialized structure of MIAR with competencies in defending the fundamental rights and freedoms of the persons, the private and public property, preventing and finding crimes, ensuring public order and safety, under the law.

The National Inspectorate is headed by a general inspector appointed by the decision of the Romanian prime-minister, at the proposal of the minister of interior and after consultation of the National Body of Police Officers. The National Inspectorate of Romanian Police will enter and access alerts in the future NISA.

Border Police

The Border Police has a National Inspectorate, territorial directorates of Border Police, county inspectorates, sectors of Border Police, ship units, border crossing points and education institutions for initial and further training of the border police personnel.

The National Inspectorate of Border Police is the specialized institution of the Border Police with competencies in surveillance and control at crossing the state border, preventing and combating illegal migration and trans-border crimes committed in its competence area, observing the legal regime of the state border, passports and aliens, assuring the interests of the Romanian state on the lower Danube and Sulina channel which are outside the border area, in the contiguous area and in the exclusive economic area, respecting the public order and safety in its area of competence, under the law. The Border Police will enter and access alerts in the future NISA.

Romanian Immigration Office

The Romanian Immigration Office is the specialized institution under the authority of the Ministry of Interior and Administrative Reform with competencies in managing the migration, asylum and social integration of aliens in Romania.

The Romanian Immigration Office was created in 2007 after the fusion of the former Authority for Aliens and the Romanian Office for Refugees. The Office is headed at central level by a general director and has territorial units in each of the 41 counties of Romania. The Office will enter and access alerts in the future NISA.

SIRENE Bureau

SIRENE Bureau was created in 2004 as a unit within the National Focal Point which is under the authority of the Center for International Police Cooperation, a structure of the Ministry of Interior and Administrative Reform functioning as a national platform for operative communication with international bodies.

SIRENE Bureau is based in Bucharest. SIRENE Bureau will validate alerts for article 95 and access alerts in the future NISA. SIRENE Bureau will also act as a contact point with the other SIRENE bureaus.

General Inspectorate of Romanian Gendarmerie

The General Inspectorate of Romanian Gendarmerie is the institution under the authority of the Ministry of Interior and Administrative Reform, with competence in protecting public order, the fundamental rights and freedoms of the citizens, the public and private property, preventing and combating crimes and other breaches of legislation, fighting terrorism, protection of fundamental institution of the Romanian state and carrying out international missions.

The Romanian Gendarmerie is an institution with military status and it is organized under the leadership of a general inspector, as follows: a general inspectorate, the General Directorate of Gendarmerie of Bucharest, 41 county inspectorates, 5 military education institutions, the Special Brigade of Intervention, 8 Mobile Groups, specialized units and subunits.
The Gendarmerie will have access to the alerts in the future NISA.

National Inspectorate for Persons Records

The National Inspectorate for Persons Records is the specialized institution under the authority of the Ministry of Interior and Administrative Reform with competencies in organizing and co-ordination the referential activities in the field of persons records and civil status.

Identity documents are issued at the public community services for person's records, which are under the authority of the local authorities, beginning with 2005. The Inspectorate supports, coordinates the activity and controls the implementation of legal provisions, in a uniform manner, in all territorial public community services for persons records.
The National Inspectorate will access alerts in the future NISA.

General Directorate for Passports

The General Directorate for Passports is the specialized institution under the authority of the Ministry of Interior and Administrative Reform with competence in issuing passports in Romania.

The passports personalization is made in 43 locations: 42 of them are the Public Community Services for Passports Issuing and Records under the authority of the prefectures in 41 counties of Romania and the city of Bucharest, and the 43rd is the Department for Romanian Citizens having Residence Abroad within the General Directorate for Passports.

As from the 31st of December 2008 the electronic passports will be personalized in a single location, the National Unique Centre for Electronic Passports Personalization subordinated to the General Directorate for Passports and the temporary passports will be personalized by the 42 Public Community Services for Passports Issuing and Records of the counties and of Bucharest.

The General Directorate will have access to alerts in the future NISA.

Directorate for Driving Licenses and Vehicle Registration Certificates

The Directorate for Driving Licenses and Vehicle Registration Certificates is the specialized institution under the authority of the Ministry of Interior and Administrative Reform with competence in managing driving licenses, vehicle registration certificates and license plates. It also deals with organizing exams for driving licenses. It is organized in 41 county local community services responsible for issuing driving licenses, registration certificates and registration plates, which are under the authority of the prefectures.

The Directorate will have access to alerts in the future NISA.

NSIS

5. Please describe the geographical location of the (future) access points or national interfaces that will be used for SIS II (if known).

The future LNI (Local National Interface) will be located in Bucharest in the future N.SIS location (SIS National Centre) at Șoseaua Olteniței Street no. 217B, sector 4, Bucharest. The future access point will be in Bucharest, at the Ministry of Communication and IT Technology. The decision regarding BLNI (Back-up Local National Interface) will be taken in the near future.

6. Please describe the structure, hierarchy and organisation of the (future) N.SIS II Office.

The future N.SIS II Office will be called SIS National Centre and will be operational beginning with June 2010. The current SIS Unit, which was set up as a unit within the DG Schengen at the beginning of 2008, will be the basis for the SIS National Centre. Its organisational chart includes 25 positions and by now, 16 persons have been employed. The hierarchy, structure and organization of the SIS National Centre will be established by the time of its operationalization.

SIRENE bureau

7. Have you already set up your SIRENE bureau? If yes, what level of progress has been achieved? If no, please describe the relevant projects/plans, including dates and/or timescales.

Romania has already set up the national SIRENE Bureau in 2004, within the International Police Cooperation Centre – Ministry of Interior and Administrative Reform.

At present, its organizational chart includes 8 positions, By the end of 2008, other 12 SIRENE officers are expected to be employed. By the end of 2009, SIRENE Bureau is expected to comprise 40 operators,.

SIRENE Bureau was the beneficiary institution in two PHARE Twinning Projects, first one having as partners France and Spain (2004-2005), and the follow up project, namely the “*Schengen Acquis Approximation*” having Germany as partner. The last mentioned project took place during a year (October 2007-October 2008) and had three components:

- I. Legal framework
- II. SIRENE Bureau
- III. Cross border police cooperation.

The main objective of “Schengen Acquis Approximation” was to identify the gaps in the Romanian legislation and in the working procedures related to SIS and Police Cooperation and to propose amendments accordingly. Theoretical and practical training was also tackled.

The SIRENE application and the IT&C endowment will be realized during 2009-2010, under Schengen Facility.

8. Please describe the geographical location of the future SIRENE Bureau.

The geographical location of SIRENE Bureau is: Ministry of Interior and Administrative Reform, the International Police Cooperation Centre, Palace of Parliament, Calea 13 Septembrie 1-5, sector 5, Bucharest, Romania (one single office of aprox.280m2).

9. Please describe the structure, hierarchy, administrative organisation of the future SIRENE Bureau and practical organisation of the work of the SIRENE Bureau (e.g. staff, administrations represented, day and night teams, specialisation of operators).

The present organizational chart of SIRENE Bureau has 8 positions. SIRENE Bureau is led by a head of SIRENE, at the level of chief of unit and 7 subordinated officers.

Approx. 40 positions are foreseen for the future, but this number might be revised taking into account the future SIS II and that the workload is going to grow subsequently.

The SIRENE Bureau Bucharest will provide 24/7 availability for communication with all other SIRENE Bureaus and national authorities through an already in place dispatch. SIRENE officers will perform night duties in the dispatch.

All staff, including those who will be assigned to work out of office hours, will have the competence and experience to provide the necessary assistance to other SIRENE bureaus and deal with any incoming alerts.

The SIRENE Bureau will have IT support in order to ensure the proper operation of its application. Maintenance for hardware and software will be provided to ensure a 24/7 operation.

At present, there are nor plans concerning the organization and hierarchy of the SIRENE Bureau, neighter related to other possible administrations represented.

At the beginning, all SIRENE operators will be involved in handling all kinds of SIS alerts and later on, they will be specialized on different kinds of alerts.

10. Please describe the language skills availability of the SIRENE Bureau. Will they all cover English during night time and on weekends? If not, what procedures will be followed to process urgent information in foreign languages at those times?

Availability 24h/day, 365days/year, the operators on duty will be able to make their own translation for urgent cases.

All personnel will be expected to communicate in English.

Also, during the official programme, the SIRENE operators will be able to communicate in English, French, German, Spanish, Italian.

During weekends, the personnel on duty will be able to translate from and into English.

11. Are you planning to hire/have you hired civilian personnel (i.e. persons not belonging to any national authority)?

If so,

- a) **Will such persons work on your premises?**
- b) **What security measures will apply/will these persons have the necessary clearance or certification?**
- c) **Will non-disclosure/confidentiality agreements be in place?**

At present, all SIRENE operators are police officers. A decision regarding the possibility to hire civilian personnel will be taken by the end of 2009.

12. Please describe the limits of the respective spheres of competence of operators and end users.

The main tasks of the SIRENE operators are:

For alerts pursuant to art. 95 (article 26 of the Decision on SIS II):

Regarding the outgoing alert:

- gathering relevant information (EAW, photographs and fingerprints, aliases, other),
- verification and validation for transmitting the alert to the NISA and SIS of the information,
- check for multiple alerts (compatibility and priority of national Romanian alerts towards foreign alerts),
- supplementary information to be sent to all SIRENE Bureaus (A, M forms),
- adding a flag,
- communication with relevant authorities after receiving the information on HIT (at national level, abroad),
- to organize the surrender of the person.

Regarding the incoming alert:

- checking the incoming A, M forms,
- checking the person in relevant national databases to find out, whether there is any information regarding the person,
- request for the flag, on the basis of the decision of the competent authority (Ministry of Justice)
- communication with relevant authorities after receiving the information on HIT (at national level, abroad),

For alerts pursuant to art. 96 (article 24 of Regulation on SIS II):

- SIRENE serves as a communication channel, in the consultation procedure
- check for multiple alerts (compatibility and priority of national romanian alerts towards foreign alerts)
- exchange of supplementary information, including fingerprints and photos,
- providing fast communication in the cases, where conflict occurs
- Communication on alert on a third country national who is a beneficiary of the Community right of free movement
- to deal with cases of misused identity

For alerts pursuant to art. 97 (article 32 of Decision on SIS II):

- SIRENE serves as a communication channel between the responsible national authorities and the SIRENE offices of the Member States,
- communicate with INTERPOL regarding cases about unidentified corps, persons whose identity is not known,
- check for multiple alerts (compatibility and priority of national alerts towards foreign alerts),
- adding a flag
- exchange of supplementary information, fingerprints and photos,
- communication after a HIT

For alerts pursuant to art. 98 (article 34 of the Decision on SIS II):

- check for multiple alerts (compatibility and priority of national romanian alerts towards foreign alerts),
- exchange of supplementary information,
- communication after a hit,

For alerts pursuant to art. 99 (article 36 of the Decision on SIS II):

- SIRENE serves as a communication channel between the responsible national authorities and the SIRENE offices of the Member States,
- Pre-check in order to guarantee the consultation process,
- check for multiple alerts (compatibility and priority of national romanian alerts towards foreign alerts),
- adding a FLAG at the request of another Member State,
- information exchange after a HIT,
- exchange of supplementary information,
- exchange of fingerprints and photos.

For alerts pursuant art. 100 (article 38 of the Decision on SIS II):

- check for multiple alerts (compatibility and priority of national romanian alerts towards foreign alerts),
- information exchange after a hit,
- SIRENE serves as a communication channel between the responsible national authorities and the SIRENE offices of the Member States
- exchange of supplementary information
- exchange of photos related to objects, documents etc.

The main tasks of end users are:

1. End users authorized for consulting:

- Authorization for queries against the N.SIS II and own databases through the uniform query procedure to the extent it is necessary for fulfilling the purpose of alerts
- Take necessary measures to fulfill the purpose of alert or other requirements according to the procedures to be established and when it is not clear, according to the instructions of the SIRENE Bureau
- Report all hits to the SIRENE Bureau

2. End users authorized for consulting, issuing and updating an alert (at the same time fulfils the role of end user authorized for consulting):

- Authorization to enter alerts into national source databases and to mark them for export to the NISA and SIS
- Ensure that alerts are lawful, accurate, up-to-date and reasonable
- To add all information necessary to the alert, when available, e.g. photo, fingerprints, alias, the category of identity, etc
- Extend the alert if the reason persists
- Carry out a correction or deletion of the alert in SIS, ex officio ,or on the basis of the instruction of the SIRENE Bureau , through NISA
- Delete the alert immediately in case the conditions for maintaining the alert ceased to be met
- Review regularly whether the alert is purposeful

13. Concerning the Sirene Bureau's position and margin for manoeuvre at national level:

- a) **Does/will the Sirene Bureau have the possibility to directly consult and enter data in the national police system when running SIS searches, or initiate procedures for this to be done, (such as on indications concerning an abductor in an alert on a missing minor)? If not, are steps being taken to this end?**

SIRENE will be able to consult the national police systems as a functionality of the SIRENE IT system, but will not be authorised to enter data in such systems.

SIRENE Bureau will have access to all national police databases when searching for supplementary information other than those existing in the National IT System of Alerts (NISA).

SIRENE will only validate art.95 and send it to NISA. In case an amendment or deletion of entry in the national police database is required, SIRENE Bureau will contact the local police unit owner of the alert, in order to perform the deletion or correction.

- b) Does/will the Sirene Bureau be able to access and enter data into other databases (vehicle registration databases, aliens' registers, population register); is there coordinated and effective cooperation with the corresponding departments?**

SIRENE Bureau will only have the right to access and not to enter data into other databases, directly. Secured communication with all relevant authorities will be provided.

SIRENE Bureau will cooperate with all relevant structures of the Ministry of Interior and Administrative Reform which have vehicle registration databases, aliens register and population register.

- c) Does/will the Sirene Bureau have the possibility to give instructions or will it have any other ways of influencing cooperation? Do national authorities' training cover the (future) Sirene Bureau?**

SIRENE Bureau together with all Schengen relevant structures will draft a set of national procedures aimed at regulating co-operation with all the institutions with access to NISA – the structures of the Ministry of Interior and Administrative Reform and other authorities such as the Ministry of Foreign Affairs, the Ministry of Justice and the National Authority for Customs.

Training for SIRENE operators will be ensured in house, through study visits and workshops. Relevant training will also be ensured by the SIRENE office for magistrates of the Ministry of Justice and for the Ministry of Foreign Affairs.

In 2010, the Multifunctional Center for Schengen Training will start its operation and will ensure training for end-users and IT personnel of the national authorities with access to NISA.

Until now, several training sessions took place with the end users from the national authorities . In 2007, at the Police School in Campina and the Police Academy in Bucharest, SIRENE officers lectured in several training courses on SIS and SIRENE issues. In 2008, at the Postgraduate Studies Center of the MIAR, SIRENE officers lectured in a seminar on SIS issues organized for personnel from the Romanian Immigration Office and Intelligence Directorate, both from the MIAR. Also in 2008, at the Romanian Police headquarters, SIRENE officers lectured on police cooperation in SIS framework and SIRENE issues in several training courses for policemen.

- d) Is/will the Sirene Bureau be empowered to conduct investigations or act as coordinators? (such as in Articles 39 and 41).**

4.

5. SIRENE will not perform duties concerning articles 39 and 46. SIRENE will act as central authority for art. 41.

6.

7. SIRENE Bureau will not be empowered to conduct investigations.

14. Concerning the relationship of the **SIRENE** bureau with prosecuting authorities:

a) Which tasks under national law shall necessitate access to SIS II by the judicial authorities?

The Ministry of Justice will be involved in the flagging procedure at national level through the **SIRENE** Bureau.

The tasks under national law which shall necessitate access to SIS II by the judicial authorities refer to :

- a) specific prerogatives of the judicial authorities within extradition or surrender procedures based on the European Arrest Warrant ;
- b) prerogatives of the judicial authorities regarding the requests for cross-border surveillance and prosecution ;
- c) prerogatives of the judicial authorities regarding special techniques of investigation (joint investigation teams, delivery under surveillance, etc.);
- d) other prerogatives in the area of international judicial cooperation in criminal matters.

b) What practical steps have been, or will be taken, to issue alerts on persons wanted for arrest (in view of surrender or extradition)? Do agreements exist with the judicial authorities, particularly with a view to ensuring that SIS alerts take priority over Interpol alerts?

In case of issuing an alert on EAW, the future procedure will be:

The court issues an EAW having as a basis a national arrest warrant which is sent both to the national police and the IPCC (currently, at NCB Interpol). At the same time, the EAW is sent to the Ministry of Justice for information purposes. The alert for wanted person (art. 95/26) is entered in NISA by the national police who attaches the EAW to the respective alert. The **SIRENE** bureau validates the alert in order to be sent from NISA to SIS.

By the end of 2008, IPCC will conclude with the Ministry of Justice and the Superior Council of Magistrates a co-operation protocol.

15. How will the activities related to alerts for the purpose of refusing entry, Articles 5 and 25 of the Schengen Convention be performed?

a) Which authorities in your country will issue the alerts for the purpose of refusing entry?

Currently, according to the Romanian legislation, the two institutions with competencies for entering alerts for article 96 CISA/20 Regulation 1987 are the Romanian Immigration Office and the Romanian Border Police.

- b) Which authority will perform the role of the national SIRENE Bureau with regard to these alerts? Will clearly defined channels of communication be in place between the national authorities involved?**

SIRENE Bureau will perform its own role, according to SIS II legal basis. SIRENE Bureau will communicate with the relevant authorities through specific channels in order to manage alerts for the purpose of refusing entry (see previous answer).

- c) What measures will be taken to ensure the availability of background information for the SIRENE bureau (e.g. a decision on expulsion/ban on entry) which is not recorded in the SIS?**

The background information which is not recorded in SIS will be made available to SIRENE Bureau by the relevant authorities which will have a 24/7 service, in order to obtain further information in case of a decision on expulsion/ban on entry.

The communication will be realized through the relevant form indicated by SIRENE Manual.

- d) Which national authority will liaise with the Schengen partners for the purposes of sending and receiving requests for consultation under Article 25 of the Schengen Convention?**

SIRENE Bureau will be the competent authority for consultation performed under art. 25.

SIRENE Bureau will contact the other SIRENE bureaus involved using the specific forms in case of an alert on entry ban according to article 25 of the Schengen Convention.

16. Please give a list of services or authorities which will be authorized to process SIS II data including access to it and the competences which justify the need for access to the SIS data.

In accordance with article 5 and with the annex of GEO no 128/2005, the institutions authorized to update and/or to consult NISA are:

For issuing, quering, updating, and deleting :

- General Inspectorate of the Romanian Police (GIRP)
- General Inspectorate of the Border Police (GIBP)
- Romanian Immigration Office (RIO)

For quering:

- General Inspectorate of the Romanian Police (GIRP)
- General Inspectorate of the Border Police (GIBP)
- Romanian Immigration Office (RIO)
- General Inspectorate of the Romanian Gendarmerie (GIRG)
- National Inspectorate for Persons Records
- General Directorate for Passports (GDP)
- Directorate for Driving Licenses and Vehicles Registration Certificates (DDLVRC)
- National Customs Authority (NCA)

- Ministry of Foreign Affairs (MoFA)
- the Ministry of Justice (MJ)
- SIRENE Bureau (for quering and setting flags).

Note: Currently, the national legislation is under revision. The new law on SIS II in Romania will be approved during 2009 and will specify new rights of access.

The main competences of the authorities that will consult/update SIS II data are:

The General Inspectorate of the Romanian Police is responsible for defending the fundamental rights and freedoms of the persons, the private and public property, preventing and finding crimes, ensuring public order and safety, under the law.

The General Inspectorate of Border Police has attributions in surveillance and control at crossing the state border, preventing and combating illegal migration and trans-border crimes committed in its competence area, observing the legal regime of the state border, passports and aliens, assuring the interests of the Romanian state on the lower Danube and Sulina channel which are outside the border area, in the contiguous area and in the exclusive economic area, respecting the public order and safety in its area of competence, under the law.

The Romanian Immigration Office is competent in managing migration, asylum and social integration of aliens in Romania.

The SIRENE Bureau will act as the single communication point with the other Schengen states according to the provisions of the Schengen Convention.

The General Inspectorate of the Romanian Gendarmerie is responsible for protecting public order, the fundamental rights and freedoms of the citizens, the public and private property, preventing and combating crimes and other breaches of legislation, fighting terrorism, protection of fundamental institution of the Romanian state and carrying out international missions.

The National Inspectorate for Persons Records - has attributions in keeping persons records and civil status records.

The General Directorate for Passports is the specialized institution with competence in issuing passports in Romania.

The Directorate for Driving Licenses and Vehicles Registration Certificates is responsible for managing driving licenses, vehicle registration certificates and license plates.

The National Authority for Customs has attributions in applying specific measures in the field of customs, supervision of applying the customs regime on the Romanian territory, taking the necessary steps for preventing and combating offences to the customs regime.

The Ministry of Foreign Affairs is responsible for implementing the foreign policy of Romania.

The Ministry of Justice has attributions in ensuring the proper functioning of justice as a public service and supervises the implementation of the law, according to the principles of the state of law.

The Ministry of Justice will cooperate with the SIRENE bureau regarding the validation of foreign alerts according to article 95 CISA/26 Decision 533, as regulated in the upcoming protocol between the two institutions. According to the Romanian legislation (Law no. 302/2004 on international judicial cooperation in criminal matters) ([annex 22](#)) the courts have been designated as competent judicial authorities to issue an European Arrest Warrant, either ex officio or at the prosecutor's request, therefore, the direct access to SIS II data is justified, both for the courts and the public prosecutor's offices attached to these.

The role of the Ministry of Justice consists of :

- exercising the competences bestowed upon it, as a central authority, according to art. 7 of the Council Framework Decision 2002/584/JHA(13 June 2002) on the European Arrest Warrant and the surrender procedures between Member States and
- assisting the judicial authorities as regards transmitting and executing the European arrests warrants, as well as the transit of the persons who are surrendered on the basis of the EAW. Thus, the indirect access of the MoJ to consult SIS II data is justified.

The competences which justify the need for access to SIS data refer to :

- specific prerogatives of the judicial authorities within extradition or surrender procedures based on the European Arrest Warrant ;
- prerogatives of the judicial authorities regarding the requests for cross-border surveillance and prosecution ;
- prerogatives of the judicial authorities regarding special techniques of investigation (joint investigation teams, controlled deliveries, etc.) ;
- other prerogatives in the area of international judicial cooperation in criminal matters.

C) TECHNICAL ASPECTS

General organisation

17. Please give an overview of the computer architecture of national systems which will be connected to the SIS II.

The SIS Unit within the Schengen General Directorate (MIAR) is responsible for the implementation of N.SIS.

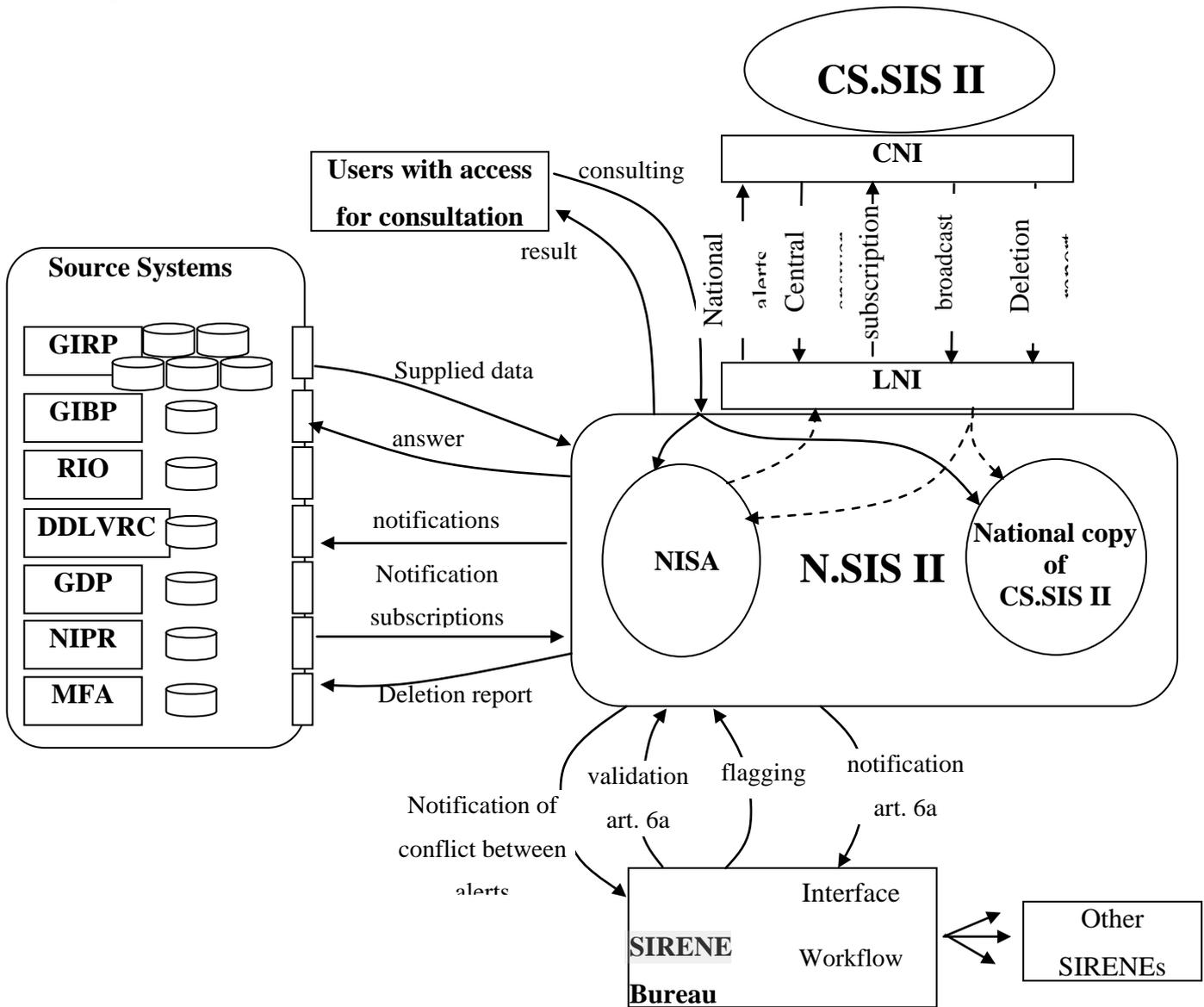
The SIS Unit is responsible with NISA implementation and beginning with 2010, it will be the basis for the SIS National Centre.

The national system N.SIS consists of National IT System for Alerts (NISA) and the national copy of SIS II.

NISA consists of the central system and afferent interfaces. The following interfaces will be developed:

- Web interface addressed to fixed users and SIRENE users for search purpose; WAP interface addressed to mobile users
- Interface with the authorities national IT systems
- Interface with CS.SIS. NISA will connect to CS.SIS via LNI interface and/or BLNI interface

Figure 33. NISA architecture

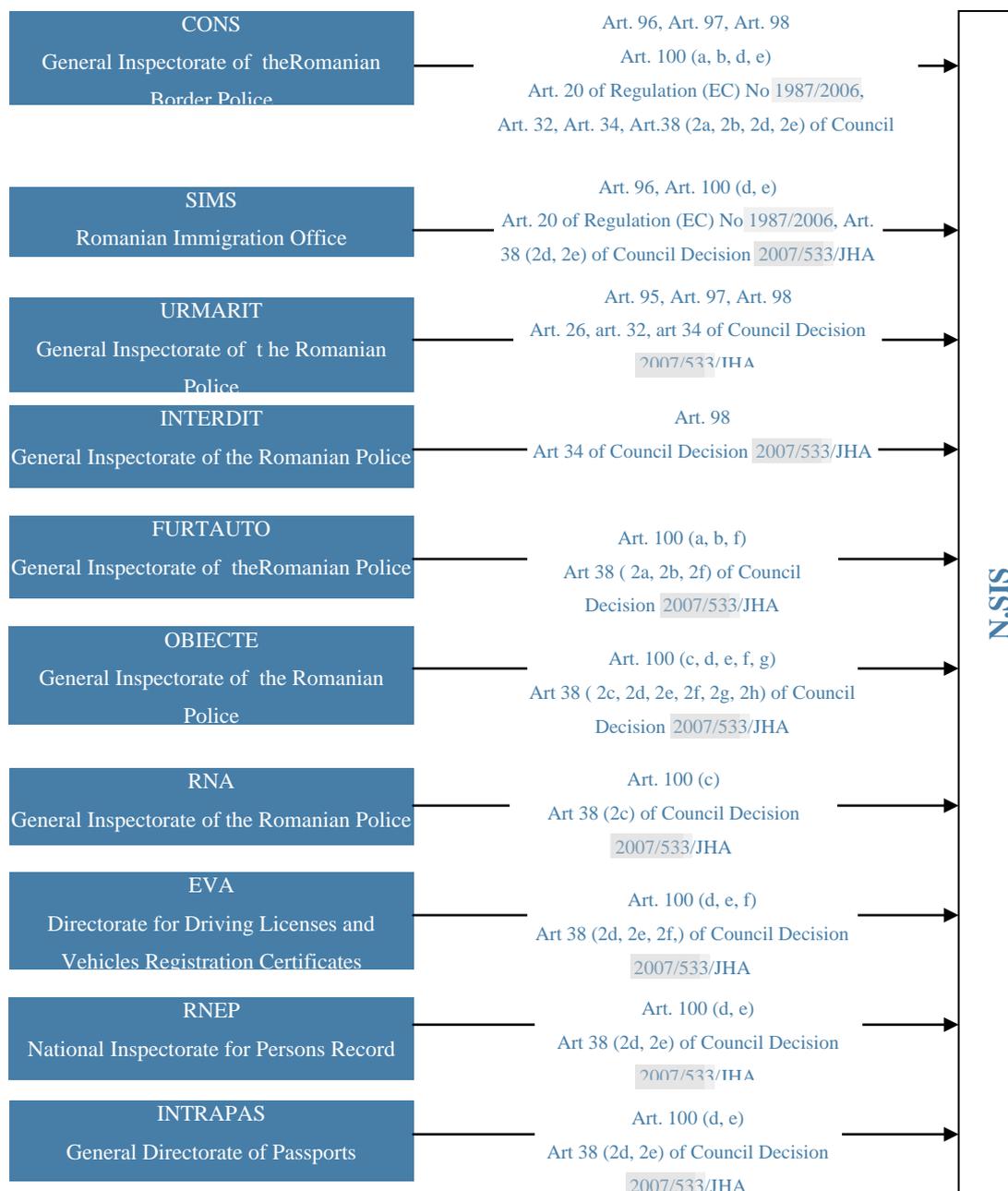


18. Please show the expected data flows between national systems and the SIS II in relation to the input of data according to each category of alert.

The national system N.SIS consists of the National IT System for Alerts (NISA) and the national copy of SIS II. Therefore, a simultaneous query in NISA and SIS II national copy will precede any input of data in SIS II.

The national authorities mentioned in GEO no. 128/2005 will input data in SIS II through NISA.

Figure 34. Data flow to NISA and C.SIS



The data flows between the national systems, NISA and SIS II in connection with input of data according to each of the aforementioned category of alerts will be based on **SIRENE** Manual for SIS II.

This is a future flow of data expected between the NISA and the national authorities with competencies in SIS II, for each category of alert. Please note that the national legislation will be amended during 2009 in order to revise the rights of access to NISA.

19. In relation to the (future) computer processing of SIS II data from a remote workstation by an end user:

The national authorities will update their applications for automated updates from their databases to NISA. Also, the users from these authorities, having their own IT system which will interact with NISA, will be able to interrogate simultaneously their own database, NISA database and the national copy of SIS II, using their own application. A WEB interface of NISA will be made available for the rest of the national authorities involved, in order to ensure a simultaneous search in NISA database and the national copy of SIS II.

The communication infrastructure is ensured by MIAR's own network, by the Special Telecommunication Service and by other public local's operators through secured channels.

Clients abroad (consulates, diplomatic missions, etc.) will open working sessions through INTERNET on a secured channel (encrypted tunnel) and will be served by a WEB Server with Application Server Role. The second encrypting level (software), as well as the authorization for access to the system will be ensured.

The applications will use XML standard for data exchange between the central level and the applications with which they are interacting.

a) Can the national systems in the future provide data in UNICODE format to the SIS II?

Yes, all national IT system which will supply data to NISA and SIS will have to provide data in UNICODE format. NISA will also be able to provide data in UNICODE format.

b) Can the national systems in the future display data provided by SIS II in UNICODE format ?

Yes, all national IT systems will allow receiving, storing, processing and retrieving data containing UNICODE format. NISA will also be able to display data in UNICODE format.

c) Can the national system search on a part of a name (i.e. partial queries)?

NISA will allow partial queries and will be tested accordingly.

- d) **Can the national system search for a name using phonetics? If so, has it been evaluated to test its effectiveness at finding names of foreign nationals, particularly those who have a different base alphabet (e.g. Latin, Cyrillic and Greek)?**

At the time NISA will be operational it will allow phonetic queries and will be tested accordingly.

20. Are you expecting to exchange biometric data via the SISII and/or SIRPIT? If so please explain how this will be achieved in practice.

NISA will be designed and implemented to:

- allow receiving, storing, processing and retrieving alphanumeric data
- allow receiving, storing, processing and retrieving biometric data, such as: photographs, finger prints and scanned images of EAW

Also, NISA will be designed and implemented to be able to allow storing new categories of data, such as: DNA, facial recognition.

SIRENE bureau will exchange information via SIRPIT or similar. This feature will be one of functionalities of the SIRENE IT system.

21. How will the competent authorities in the field have access to end-user terminals (e.g. by radio, only by telephone, via mobile terminals fitted in vehicles, only in person, only in writing etc.)? Are there differences between the various national authorities?

The approach is to implement a nationwide mobile digital radio communications platform in ETSI TETRA standard to be used by all national authorities. The platform will allow data communications – database queries (in particular, also for NISA/VIS systems) for mobile users (on user rights basis).

Depending on the type of TETRA terminals, database queries shall be possible directly from handheld/vehicle/fixed TETRA terminals with a WAP (Wireless Application Protocol) browser, or from handheld/vehicle/fixed TETRA terminals connected to a DTE (Data Terminal Equipment), such as a notebook. There will be no difference between the national authorities in accessing the terminals.

22. Please explain the expected procedure that will be followed by a user in the field to consult the SIS database. Will the SIS and the national system be consulted at one and the same time, or do both systems have to be consulted separately?

The users from the national authorities, having their own IT system which will interact with NISA, will be able to interrogate simultaneously their own database, NISA database and the national copy of SIS II, using their own application and will obtain a unified (aggregated) search result.

A WEB interface of NISA will be available for the rest of the national authorities involved, in order to ensure a simultaneous search in the NISA database and the national copy of SIS II and to obtain a unified (aggregated) search result.

23. How will the consular posts of your country access the SIS? Describe the procedure for updating data in consular posts including frequency.

In the future, the consular posts of Romania will have on line access for consulting through „Visa online” system to the SIS data (the national copy of CS.SIS) and to national data (NISA database). Querying of article 96 data from NISA database and from the national copy of CS.SIS, through Visa online system will be realized simultaneously through an interface offered by NISA, based on WEB services.

Clients abroad (consulates, diplomatic missions, etc.) will open working sessions through INTERNET on a secured channel (encrypted tunnel) and will be served by a WEB Server with Application Server Role, on which it will be assured the second encrypting level (software), as well as authorizing access to the system. Details of the procedure will be established after completion of the technical assistance for NS-VIS system design.

24. How many terminals are, or will be made, available for input and consultation of data by the authorities authorised to process SIS data?

- a) law enforcement services, including those with a control function
- b) the border control authorities;
- c) diplomatic missions and consular posts;
- d) the authorities responsible for aliens and asylum;
- e) customs authorities;
- f) others?

During the consultancy contract for NISA design and implementation audit, the necessary number of terminals was established for each competent authority in order to update and/or consult NISA data.

Figure 35. Number of terminals with SIS access

Unit	Number of terminals with authorization to enter data	Number of terminals for consulting data
General Inspectorate of the Romanian Police	5000	10000
General Inspectorate of the Romanian Border Police	800	1600
Romanian Immigration Office	400	800
Sirene Bureau	40	40
General Inspectorate of the Romanian Gendarmerie	0	2048
National Inspectorate for Persons Records	395	395
General Directorate for Passports	550	550
Directorate for Driving Licenses and Vehicles Registration Certificates	44	44
National Customs Authority	0	77
Ministry for Foreign Affairs	125	125
Total	7154	15079

25. Please provide an estimate of the volume of data to be introduced into the SIS database for each category of alert per annum for the first 2 years of operation.

The estimates for each category of alert to be introduced per annum are the following:

Figure 36. Estimate of data to be introduced into SIS

Article	Total
Art. 26 of Council Decision 2007/533/JHA (Art. 95 of Schengen Convention)	5000
Art. 20 of Regulation (EC) No 1987/2006 (Art. 96 of Schengen Convention)	7500
Art. 32 of Council Decision 2007/533/JHA (Art. 97 of Schengen Convention)	4400
Art. 34 of Council Decision 2007/533/JHA (Art. 98 of Schengen Convention)	22800
Art. 38 (2a) of Council Decision 2007/533/JHA (Art. 100 (a) of Schengen Convention)	4400
Art. 38 (2f) of Council Decision 2007/533/JHA (Art. 100 (f) of Schengen Convention)	20000
Art. 38 (2b) of Council Decision 2007/533/JHA (Art. 100 (b) of Schengen Convention)	1600
Art. 38 (2c) of Council Decision 2007/533/JHA (Art. 100 (c) of Schengen Convention)	500
Art. 38 (2d) of Council Decision 2007/533/JHA (Art. 100 (d) of Schengen Convention)	64200
Art. 38 (2e) of Council Decision 2007/533/JHA (Art. 100 (e) of Schengen Convention)	2052550
Art. 38 (2g) of Council Decision 2007/533/JHA (Art. 100 (g) of Schengen Convention)	1000
Art. 38 (2h) of Council Decision 2007/533/JHA	50

During the first 2 years of functioning, it is estimated that the volume of data will increase with 0.5% monthly.

26. Will some alerts be introduced in batches? If so please detail the alert types, the frequency of the batch execution and the volumes expected in each batch.

No alerts will be introduced in batches, only the volume of data that will be initially loaded into NISA and from NISA to SIS II.

27. Will historical data be loaded into the SIS? If so, please specify the alert categories and volumes expected.

The volume of data to be initially loaded into NISA database from the national IT systems of authorities will be, according to the existing estimates of October 2008:

Figure 37. Historical data to be introduced into SIS

Article	Total
Art. 26 of Council Decision 2007/533/JHA (Art. 95 of Schengen Convention)	5539
Art. 20 of Regulation (EC) No 1987/2006 (Art. 96 of Schengen Convention)	38103
Art. 32 of Council Decision 2007/533/JHA (Art. 97 of Schengen Convention)	2425
Art. 34 of Council Decision 2007/533/JHA (Art. 98 of Schengen Convention)	28661
Art. 38 (2a) of Council Decision 2007/533/JHA (Art. 100 (a) of Schengen Convention)	17185
Art. 38 (2f) of Council Decision 2007/533/JHA (Art. 100 (f) of Schengen Convention)	69570
Art. 38 (2b) of Council Decision 2007/533/JHA (Art. 100 (b) of Schengen Convention)	189
Art. 38 (2c) of Council Decision 2007/533/JHA (Art. 100 (c) of Schengen Convention)	2947
Art. 38 (2d) of Council Decision 2007/533/JHA (Art. 100 (d) of Schengen Convention)	32609
Art. 38 (2e) of Council Decision 2007/533/JHA (Art. 100 (e) of Schengen Convention)	2.025.425
Art. 38 (2g) of Council Decision 2007/533/JHA (Art. 100 (g) of Schengen Convention)	6500
Art. 38 (2h) of Council Decision 2007/533/JHA	1296

During the first 2 years of functioning, it is estimated that the volume of data will increase with 0.5% monthly.

Business Continuity (Schengen Catalogue of Best Practices (BP) - 5.6.1 and 1.1)

28. Have you already created a contingency centre/backup centre? If so please give further details about location, capabilities and functions etc.

The main N.SIS will operate in the SIS National Centre building, in Șoseaua Olteniței Street no. 217B, district 4, Bucharest.

The backup data centre will be located in the same building but in another server room and it will be operated in the same time with the main N.SIS. The back up center will be able to take over all functionalities of the main N.SIS in case of emergency.

29. Will the switchover between the contingency and the operational system be tested (BP 5.6.1)? If yes, how often will this be tested?

The switchover between the backup and the main data centre will be tested regularly and the backup and recovery procedures will be defined within system documentation during N.SIS implementing phase.

30. Please describe the measures you are planning to take to guarantee a 24x7 operation. How will the engineer support be organised?

For the smooth functioning of NISA compatible with SIS II, the following dispatch is planned to be created:

- a technical dispatcher and help-desk support unit that will be part of SIS National Centre.

The engineer support will be available on call at the technical dispatcher. Experts at the technical dispatcher will provide engineer support 24/7. The help desk will also be available 24/7 for users who need assistance with using the NISA.

Therefore, we intend to ensure a communication and infrastructure backup, a backup for processor and source of alimentation, for equipments and continuous alimentation through backup of electrical energy distribution network, with continued power supply.

31. How will the system backups be organised?

a) Will you take daily backups?

There will be daily and monthly backups.

b) On what media will backups be kept?

The backups will be kept on Network Storage and Tape Storage.

c) Describe the location and protection of all backup media.

All backups media will be located in the backup data centre, in the same building with the main N.SIS, but in another server room.

d) Will backup media be transported to other locations?

Yes, the backup media will be transported to other location that will be established according to MIAR internal policy.

e) How will the backup media be labelled and protected during storage and transport?

These procedures will be defined within system documentation during N.SIS implementing phase.

f) Will system backups be regularly checked?

Yes, the system backups will be regularly checked.

g) Will restoration procedures be checked and tested? If so, how often?

Yes, the restoration procedures will be checked and tested, but the frequency will be defined within system documentation during N.SIS implementing phase.

32. Have you already prepared an emergency plan relating to situations where it is impossible for users to search the SIS due a problem with a national system or network inaccessibility? What are its main elements?

The emergency plan procedures will be defined within system documentation during N.SIS implementing phase.

33. What arrangements have been or will be made to enable the continued operation of the (future) SIRENE Bureau without interruption in exceptional situations such as a *force majeure* event, power cuts, disturbance or interruption of traditional telecommunications systems, etc?

SIRENE Bureau Bucharest will provide 24/7 communication services with all other SIRENE Bureaus and national authorities. According to the best practices in the field, the future SIRENE bureau will be provided with technical equipment in order to be operational without interruption.

A back up working station will be placed outside the SIRENE Office, in the SIS National Centre.

Statistics

34. Are there any plans to introduce methods for collecting statistics on system down time?

This possibility has been taken into account and will be defined within Continuity Management Plan during N.SIS implementing phase.

D) MANAGEMENT OF SIS ALERTS & FOLLOW-UP

35. What are, or will be, the procedures following a hit?

After a hit, the end user will get in contact with the SIRENE Bureau and will follow the action to be taken for each article according to the SIRENE Manual.

Detailed procedures will be drafted by the SIRENE Bureau together with the relevant national authorities by the end of 2008.

36. Will hits be recorded manually or automatically? If they are automatically recorded, how this will be done?

The hit will be recorded automatically by the SIRENE application and for safety reasons, the hit will also be recorded manually. The end user must send a specific form (fax, email, etc) to the SIRENE Bureau in case of a hit which will then be automatically recorded in the SIRENE application and a file will be created.

37. Will the actions taken after a hit, e.g. the results of an investigation, be recorded? If so, will this be done centrally or locally? For how long will the results of an investigation be retained?

After the investigations performed by the competent authorities in a case following a hit, the result is communicated to the SIRENE bureau which also records it in a computer file. The result is also transmitted to issuing member state. The file containing the exchange of information related to an alert will be kept for 1 year after the deletion of the alert.

38. At what stage will an alert be deleted (e.g. immediately after notification of an arrest, after notification of a person's whereabouts, after the reported discovery of an object, or after all measures have been taken, e.g. actual extradition, dispatch of documents to the place of residence, retrieval of the object)? Please break this down per alert category.

Generally, an alert will be deleted when the report/incident is closed or the data retention period has expired and has not been extended.

For article 95/26, the alert will be deleted when the taking over/handing over is completed.

For article 96/20, the alert will be deleted automatically (when expired).

For article 97/ 32- minors - when the protective measures have been taken
- adults - when the location is established and communicated
- adults with disabilities - when the protective measures have been taken

For article 98/34 - when the location is established and communicated

For article 99/36 - persons - after 1 year if not prolonged
- objects - after 5 years, if not prolonged

For article 100/38 - lost or stolen cars - after they are brought in the country or after they are secured for being used as evidence.

39. How will the deletion of data be guaranteed if action has been taken in response to an alert?

In the event of a hit when the need for the alert does not exist any more, the authority which issued the alert will delete it in the national source database after prior notification from SIRENE Bureau only in case of article 95/26.

For the other articles, the owner of the alert decides on deleting the alert. Subsequently, the data will be automatically deleted in SIS. In the case of a hit abroad, the authority issuing the alert is informed via SIRENE Bureau.

40. How will the authority responsible for central or local management carry out his duty of ensuring that alerts are deleted when they are no longer required? Who is this authority?

An alert will be deleted by NISA when the report/incident is closed or the data retention period has expired and has not been extended. The NISA is managed at central level by the SIS National Centre. Also, each competent authority will be responsible for ensuring that its own alerts will be deleted after they are no longer required.

8.

41. What kind of checks will be carried out to ensure that alerts no longer required have been deleted? What measures will be taken to manage instances where this has not been done?

All expired alerts will be automatically deleted by NISA and there will be no check after this operation. Also, each competent authority will be responsible for ensuring that its own alerts will be deleted after they are no longer required. SIRENE Bureau will ensure that lawful and updated information is entered in SIS for article 95 and it also validates the deletion of this alert by the competent authorities..

42. Which steps will be taken by the end-user to prove the identity of a subject where there is a case of misused identity?

In the event when the user establishes that there has been a case of misused identity, one of the actions to be taken will be to contact the SIRENE Bureau immediately, in order to be provided with additional information (e.g. identification data if it is immediately accessible). SIRENE will ensure all support in making sure that the identity is lawfully used only by the real owner.

43. Which services and/or authorities will have the competence to follow-up on a hit?

SIRENE Bureau will communicate that a hit was recorded through a form to the other SIRENE bureaus of the member states issuing the alert or other interested parties (in case of linked alerts). The national competent authorities will take the necessary action to be taken depending on the type of alert. Thus, the competent authorities to cooperate with the SIRENE bureau are as following:

- for hits on article 95/26 - the national police, border police, gendarmerie, the Ministry of Justice (as a central coordinating unit) and executing appellate courts;
- for hits on article 96/24 - the national police, the border police, the Romanian Immigration Office;
- for hits on article 97/32 - the national police, the border police, the gendarmerie, the Ministry of Health and the National Authority for Child Protection.
- for hits on article 98/34 - the national police, the border police, the gendarmerie.
- for hits on article 99/36 - the national police, the border police.
- for hits on article 100/38 - the national police, the border police, the gendarmerie, the Vehicle Registration Directorate, the General Directorate for Passports, the National Inspectorate for People's Records.

E) SECURITY & DATA PROTECTION

NSIS

44. Please describe the security measures that will be implemented for the national systems (physical and logical security and security organisation).

The security measures for NISA will be in line with the standard protection level used within MIAR and respecting the terms stipulated in the Schengen Catalogue for Best Practices and Recommendations for SIS/SIRENE.

The following systems are applied: control access system with precisely defined access rights for individual security zones, camera system, fire control system, monitoring video system, controlled air-conditioning system, automatic fire extinguishing system, alarm system for intrusion report, and physical (personal) protection at the entry.

The access control to N.SIS will allow the possibility to restrict the access to services and data, based on the roles assigned to the users. The user's access using fixed stations will be certified and authorized based on digital certificates (Public Key Infrastructure – PKI).

The mobile terminals will communicate with NISA using TETRA Network. This network enforces a limitation of the bandwidth, for this kind of terminals.

The certification and authorization of the users using mobile terminals will not be done by digital certificates, but will be based on the equipment identification number, user name and password.

The organization of security in all other authorities with future access to the SIS is regulated by internal regulations, which ensure an appropriate level of security.

45. Are there or will there be standards used for information security?

The standards used for information security will be: Common Criteria EAL3 – EAL4 (ISO/IEC 15408), ISO 17799 and ITIL.

46. Please describe the level of protection, the protection measures and security organisation that will be applied to computerised national applications that will have access to, or will process SIS II data.

Access to NISA will be protected in line with the standards for access to classified information and respecting the terms stipulated in the Schengen Catalogue for Best Practices and Recommendations for SIS/SIRENE.

NISA will use the MIAR network infrastructure which is a secured network.

The protection measures and security organization that will be applied to all other authorities with future access to the SIS are regulated by internal provisions, which ensure an appropriate level of security with NISA.

47. Please describe the expected methods to be implemented that will control physical access to the premises of the national SIS systems where applicable, including paper archives storage rooms.

The main and backup N.SIS workplace will be situated in the building of SIS National Centre which will be guarded; access will be secured with the use of a monitoring video system and an electronic entrance control, which also will ensure restricted access to individual rooms.

The paper documents of the SIS National Centre will be stored in safes; the issue of a key will be recorded and provided only to designated officers. Access to rooms containing the safes will be controlled by an electronically secured entrance. The archiving and shredding of paper documents will be regulated by internal regulations.

The protection measures that will be applied to all other authorities with future access to SIS in order to control physical access to the premises of the national SIS systems are in line with the Schengen Catalogue for Best Practices and Recommendations for SIS/SIRENE, chapter 5 Security.

48. What security measures will be in place to control access to SIS data? Please describe measures implemented to ensure that each user has access only to the categories of data for which he or she is authorised.

The access control to N.SIS will allow the possibility to restrict the access to services and data, based on the roles assigned to the users.

The users' access using fixed stations will be certified and authorized based on digital certificates (Public Key Infrastructure – PKI). The mobile terminals will communicate with NISA using TETRA Network. This network enforces a limitation of the bandwidth, for these kind of terminals.

Certification and authorization of the users using mobile terminals will not be done by digital certificates, but will be based on the equipment identification number, user name and password.

In order to ensure the users' access to NISA using TETRA terminals, a transcoder device will be assured at the entrance point to NISA, having the role to ensure the protocol conversion from WAP to HTTP.

Every access will be logged and evaluated according to the requirements of the control authorities.

SIRENE

49. Please describe the security measures at the (future) SIRENE Bureau (e.g. logistical and physical security, security organisation).

9. The security measures foreseen for SIRENE Bureau will be implemented in accordance with SIS SIRENE Schengen Catalogue and SIRENE Manual in the following period.

10.

11. Present security measures: SIRENE Bureau is located within the International Police Cooperation Centre, in the building of the Palace of Parliament, which has a system of controlled entries. Also, the whole building is equipped with a central camera system. The access in the premises of the International Police Cooperation Centre is foreseen with personal cards. A double security area will therefore protect actual access to the workplace of SIRENE Bureau. The entrance into the IPPC building is supervised by personnel of a specialized unit. The intervention is assured by an Antiterrorist Unit. Access to the IT system of the SIRENE bureau will be granted depending on the rights of access and competencies of the SIRENE personnel.

50. Please describe the expected methods to be implemented to control physical access to the premises of the (future) SIRENE Bureau, where applicable including paper archives storage rooms.

12.

13. Except for the security measures already in place, future planned endowments for security reason are the following, according to the provisions of SIRENE Manual and SIS SIRENE Schengen Catalogue:

- Security fireproof door
- System for detecting the fire, heat and smoke, fire extinguishers
- Smartcard access system, for different levels of access (level 1-visitors, level 2-operators, level 3-IT, level 4-management) and system for recognising the cards
- Air conditioning systems for SIRENE Bureau and for the Servers room
- Surveillance video cameras in several premises and 1 surveillance station.

14.

15. Some of the security measures mentioned above will be applied to the paper archives storage rooms according to the importance and the level of security for the archived documents, as follows;

16.

- Security fireproof door
- System for detecting the fire, warmth and smoke, fire extinguishers
- Smartcard access system, for different levels of access (level 1-visitors, level 2-operators, level 3-IT, level 4-management) and system for recognising the cards
- Surveillance video cameras in several premises and 1 surveillance station.

51. Please describe the level of protection and protection measures applied to computerized applications related to the SIRENE application.

Access of the computerized application to the SIRENE application will be protected in line with the standards for access to classified information and respecting the terms stipulated in the Schengen Catalogue for Best Practices and Recommendations for SIS/SIRENE.

The SIRENE application will use the MIAR network infrastructure which is a secured network.

The protection measures and security organization that will be applied to the computerized applications related to the SIRENE application are regulated by internal provisions, which ensure an appropriate level of security with the this application.

52. Please describe the measures taken or which will be taken, to ensure that SIRENE files are destroyed after the deletion of the alert to which they relate. Who will be responsible for ensuring this is implemented?

SIRENE files will be deleted 1 year after the deletion of the alert for which supplementary information was exchanged. This functionality will be offered by the SIRENE application. The application notifies the operator that the period of storage has elapsed and that the file should be deleted. The deletion is done by the operator manually.

F) TRAINING AND INFORMATION

53. Please describe the specific training planned for technicians, operators and those responsible for the national systems in the NSIS and SIRENE bureau.

During N.SIS implementation, the contractor will give specific training for administrators, as well as training on the maintenance and administration of the database, servers and operating systems. The contractor will also give specific training for end-users. The training will be dedicated to SIS Unit personnel and to other competent authorities that will have access to N.SIS (train the trainers).

The following stages are planned:

1. Until July 2009: Training the MIAR team (administrators and operators) on NISA testing procedures.
2. July 2009 - November 2009: Training MIAR administrators and operators on NISA maintenance and administration of the database, servers and operating systems
3. July 2009 - November 2009: Training of end-users on using the pilot system
4. July 2009 - March 2010: Training of MIAR administrators and operators on N.SIS maintenance and administration of the database, servers and operating systems
5. July 2009 - March 2010: Training of end-users on using N.SIS.

The training of staff with SIS responsibilities will be realised in four stages:

- a. *The first stage* will be related to theoretical training of technicians, operators and those responsible for the national systems, until NISA pilot is ready for testing.
- b. *In the second stage*, SIRENE officers will provide training (until the Schengen Multifunctional Training Center becomes operational in 2010) for a target group of representatives from the Police Academy, Post Graduate Training Centre, training centers of the MIAR, appointed specialists and operative staff that could later become trainers on the basis of the schedule and organization details provided by the General Directorate for the Management of Human Resources within MIAR.

- c. *In the third stage*, starting with 2010, SIRENE officers will provide training for the operative staff, as well as for the professors from training institutions in relation to using SIS and procedures to be followed on the basis of the schedule and organization details provided by the General Directorate for the Management of Human Resources.
- d. *During the implementation of the SIRENE IT system*, the contractor will provide a specific technical training for the IT staff and SIRENE operators. On the other hand, SIRENE staff will be prepared in house on the basis of study-visits, seminars and working group activities.

When operational, the Schengen Multifunctional Training Center will deliver the necessary training for the staff involved in Schengen issues.

54. Please describe the specific training for SIRENE bureau staff (knowledge on national and international legislation, language skills, in-house training or other training courses etc.).

The staff of SIRENE Bureau is mainly trained in-house and through study-visits, exchange of operators, seminars and working-groups. With the view of ensuring an adequate level of training the SIRENE staff has access to the relevant national and international legislation, information available on the server of the International Police Cooperation Center. The SIRENE staff permanently access the relevant intranet and internet sites available at the level of the Ministry of Interior and Administrative Reform, namely the intranet Schengen site and the internet site www.schengen.mira.gov.ro.

Information is also available on the official SIRENE website www.sirene.europa.eu.

Knowledge of foreign languages is a condition for employment in the SIRENE Bureau.

Schengen Facility funds were earmarked for ensuring a dedicated room where the testing environment of the SIRENE application will be available for training the operators.

The SIRENE operators were involved in study visits, exchange of operator sessions, seminars for SIRENE operators, in-house training courses and seminars during the two PHARE twinning projects in 2004-2005 and 2007-2008. Study visits, exchange of operators and seminars for operators are taking place on a regular basis.

55. Please describe the training and information for end users, in particular:

- a) **How will police officials in the field (end users) be informed about the SIS and the SIRENE Bureau (e.g. by specific training, in the course of ordinary police training, multiplier effect from trainers, articles published in police journals, through specific brochures, through general public relations work)?**

Police officials will be informed on SIS II and SIRENE Bureau within specialized courses at the Police Academy, the Post-graduate Training Center of the Ministry of Interior and Administrative Reform and in the Schengen Multifunctional Training Center. They may acquire information on the Intranet and internet pages of MIAR. Specific brochures concerning SIS and SIRENE were printed and distributed to the police officers in the field in 2008 and they will be supplemented in 2009 and 2010.

SIRENE Bureau published articles in professional periodicals.

b) Will newly-recruited users (e.g. policemen) be given training in the use of SIS? If so, what will the content of this training be and how many hours will it last?

As far as newly recruited users are concerned, we are taking into consideration three main staff categories:

- a) *The graduates from Police Academy and agents schools*, who will be provided with the general knowledge and skills regarding SIS and SIRENE during the training process (**82 hours**) on one hand, and with the specific training, according to the job description, after their appointment in the field units (**66 hours**), on the other hand.
- b) *The staff hired from external source* will be provided with the general knowledge and skills during their basic training (**18 hours**). It is only the case of those who will be appointed as end users in units dealing with SIS and SIRENE issues who will receive an extra specific training (**66 hours**).
- c) *The staff transferred to structures dealing with SIS and Sirene issues* as end users will be trained according to the professional needs resulting from their job description (**66 hours**).

The Police Academy and agents training schools will have the task to complete their curricula with the topics on SIS and Sirene. It is also the case for the territorial units who have to implement such topics in their local training programs.

Currently, teaching materials are being drafted for basic and further continued training. They will be disseminated in hard copies and via intranet.

The content of the training will focus mainly on:

- short introduction in Schengen issues;
- presentation of the Schengen Information System;
- presentation of SIRENE Bureaus and their missions;
- current state of play and perspectives of the process of rendering operational the national SIRENE Bureau;
- main characteristics of the working procedures on each article from 95-100.

The training documents will be targeted at high, medium and low level staff, such as:

- management
- operative staff – officers
- operative staff – agents.

A Schengen Multifunctional Training Center will be developed, under Schengen Facility. It will be located in two facilities of the MIAR (Ploiesti and Buzau) and it will be finalized in September 2010.

The Schengen Multifunctional Training Center will:

- provide proper educational environment to train the staff directly involved in Schengen and related activities.
- facilitate the delivery of necessary training of the staff from the operational structures the implementation of the Schengen Acquis components, the specific legislation in this field and the working standard procedures as well as co-operation on SIS II.
- support with specific training programmes securing of the EU external borders.

- train the operational structures managerial staff in charge with Romanian SIS II to deal with the national responsibilities in the field and to provide co-operation with the relevant Schengen international institutions.
- provide specialized training of the staff directly involved in operating SIS
- develop the capacity and the skills of the staff to perform the functionality maintaining and monitoring of NISA.
- accomplish a multilevel training of the staff working in different structures of Ministry of Interior and Administration Reform connected to Schengen activities.

c) Will continued training take place in the form of courses, seminars, conferences etc? If so, how many hours?

Courses, seminars, conferences and other formal training activities will be organized to provide the appropriate professional capacity of those working in this area.

SIS end users training consists of 3 modules (66 hours) organized in all institutions, as follows:

- i. MODULE 1 *01.01.2009 – 30.06.2009 – SIS/SIRENE – legislation, 3 days series (18 hours);
- ii. MODULE 2 *01.07.2009 – 31.07.2010 – SIS/SIRENE - operational procedures, 5 days series (30 hours);
- iii. MODULE 3 *01.11.2009 – 31.07.2010 – SIS/SIRENE – using N.SIS application, 3 days series (18 hours).

SIS/SIRENE continued training at the level of the territorial units will be provided with 6 hours/trimester conducted by SIS trainers.

Continued training will be mainly ensured through the Schengen Multifunctional Training Centre. The Schengen Multifunctional Training Centre will:

- provide training for all personnel involved in Schengen IT systems;
- provide continued training for those who will be in charge with the exploitation of Schengen IT systems;
- train the staff dealing with laws, rules and regulations governing various aspects of border management related issues, including the EU/Schengen Acquis;
- provide training in terms of procedures for the operative personnel in detecting the aliens with illegal staying, potential immigrants or aliens committing crimes on the Romanian territory;

d) Which authority is responsible for providing training to end users?

The General Directorate for the Management of Human Resources within MIAR coordinates, monitors and evaluates the basic and continued training in the field of Schengen.

The General Inspectorates manage basic and continued training for the subordinated staff according to their specific needs. All levels managers are responsible for organizing and delivering training activities for the subordinated staff.

The authorities responsible for providing training to end users are the training institutions of the MIAR and the territorial units which have the staff acting as end users, technicians, operators and those responsible for national systems in the NSIS and SIRENE bureau.

56. What measures are being taken, or will be taken, to ensure the level of competence of new users?

The Multifunctional Schengen Training Centre will provide the qualified personnel for the units involved in fields like:

- Border management control systems and co-ordination of services to prevent illegal immigration;
- Schengen Information System;
- combating trans-border crime, especially in the field of transiting, producing and selling drugs as well as money laundering.

Regarding the measures taken to ensure the level of competence of new user, please see the answer given at 55.b.

57. In relation to judicial authorities:

- a) How will judges and public prosecutors be informed about the SIS (e.g. by specific training, in the course of ordinary training, multiplier effect from trainers, publications, through specific brochures, through general public relations work)?**

Several legal advisers from the Ministry of Justice have already taken part in the activities related to the twinning project dedicated to the SIRENE bureau and were informed about the future procedures between SIRENE and the Ministry of Justice.

A protocol between the two institutions will be negotiated and signed during 2008. This document will also contain provisions regarding the specific training of magistrates as concerns SIS. Mainly, this task will be achieved by the National Institute of Magistrates through initial and continued training programs.

The National Institute of Magistrates is a public institution with legal personality, placed under the coordination of the Superior Council of the Magistracy, which handles the initial training of judges and prosecutors, the in-service training of active judges and prosecutors, as well as the training of trainers, according to the law.

- b) How will they be made aware of the SIRENE Bureau, the role of the SIRENE Bureau, differences between SIS and Interpol searches (e.g. by specific training, in the course of ordinary training, multiplier effect from trainers, publications, through specific brochures, through general public relations work)?**

The Ministry of Interior and the Ministry of Justice will be responsible for the dissemination of all the relevant information, through seminars organized by these institutions and by specific training, publications and brochures. Also, the SIRENE Bureau will draft and disseminate a brochure containing the presentation of the role of SIRENE Bureau and the relations with other law enforcement agencies in Romania.

So far, several sessions of training were ensured for 2 experts from the Directorate for International Law and Treaties, Ministry of Justice, within the “Schengen Acquis Approximation” PHARE Project.

A two day seminar in Bucharest ensured initial training for a number of 36 magistrates (judges and prosecutors) from the 15 Courts of Appeal and the High Court of Cassation and Justice on the European Arrest Warrant and SIS/SIRENE topics. The trainers came from Interpol and SIRENE.

c) Will they be informed regularly, just once or not at all? Are there regional differences?

The judicial authorities will be informed regularly, there will be no regional differences.

d) Will the SIRENE Bureau have any influence on the information and training of the judiciary?

The SIRENE Bureau will closely cooperate with the Ministry of Justice and the National Institute of Magistrates in this matter and the margins of this cooperation will be settled in the future protocol between the two institutions, in order to ensure the initial and continuous training of the judiciary, aiming to inform the Romanian judicial authorities as regards the access and use of these instruments.

VI. ISSUING OF VISAS

1. Which authority(ies) in your country is/are competent for the decision making and issuing of visas?

According to the provisions of GEO 194/2002 on aliens' regime in Romania:

(1) The Romanian visa is issued by the Romanian diplomatic missions and consular offices of Romania abroad.

(2) The short stay visa is issued by the Romanian diplomatic missions and consular offices abroad, as follows:

a) without the prior approval of the National Visa Centre, within the Romanian Ministry of Foreign Affairs, for the nationals of the states specified in the list provided under paragraph (2), for whom the invitation procedure is not required (upon the condition that Visa On-Line system would not indicate problems with the record of the petitioner);

b) with the prior approval of the National Visa Centre, for nationals of the states specified in the list provided for under article 36 (2).

(3) The long stay visa is granted by the Romanian diplomatic missions and the consular offices abroad, with the prior approval of the National Visa Centre and only after the approval of the endorsement of Romanian Immigration Office within the Romanian Ministry of Interior and Administrative Reform has been obtained.

(4) Short stay and transit visas may also be issued, as an exception (on humanitarian grounds, on the grounds of national interests, as an outcome of international obligations and for other purposes), by the border police, at the state border crossing points, as laid down in Council Regulation (EC) No 415/2003 on the issue of visas at the border, including the issue of such visas to seamen in transit, published in the Official Journal of the European Union series L no. 64 of 7 March 2003, and of Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), published in the Official Journal of the European Union series L no. 105 of 13 April 2006.

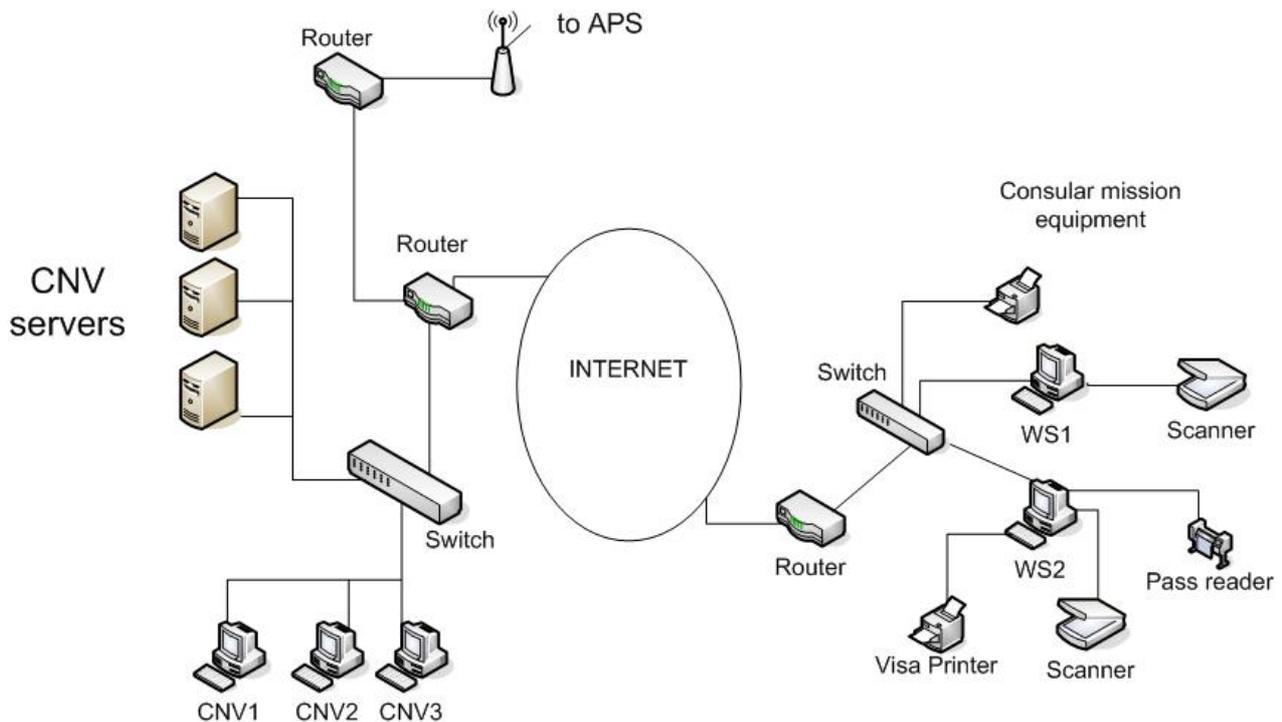
2. To what extent are diplomatic missions and consular posts prepared for issuing Schengen visas in future in terms of:

a) access to SIS (consultation terminals (on-line, CD-ROMs...),

The architecture bellow represents the modality for national consular posts and National Visa Centre to access data of RIO's IT system.

Figure 38. Accessing data of RIO IT System

RIO



„Visa online” web application – part of the *Integrated Information System for the management of migration, asylum and visas*, administrated by RIO - links diplomatic missions of MFA to National Visa Center (where the application server is located) through a VPN connexion.

The Special Telecommunication Service assures the communication between the National Visa Center and RIO headquarters, where the central database is located .

In the future, the Romanian consular offices will have on-line access for consulting through „Visa online” system to SIS data (the national copy of CS.SIS) and to national data (NISA database). Querying article 96 data from NISA database and from the national copy of CS.SIS, through Visa online system will be realized simultaneously through an interface offered by NISA, based on WEB services.

Clients abroad (consulates, diplomatic missions, etc.) will open working sessions through INTERNET on a secured channel (encrypted tunnel) and will be served by a WEB Server with Application Server role, which will assure the second encryption level (software), as well as authorizing the access to the system.

b) access to **VISION** (consultation terminals, etc.)

Romania’s intention to join the Schengen area in March 2011 imply to join the Schengen Consulation Network, by the consultation mechanism provided in article 16 of the VIS Regulation, the current **VISION** exchange for the interim phase, until the current technical functionalities of the Schengen Consultation Network will be replaced by VIS Mail.

Based on a MS Exchange Server MFA's consular mail network connects now each Consular Post via visa-online infrastructure. In the national VISION system the MFA's Exchange Server will route messages from consular posts to a single mailbox through which it will connect Romania's VISION system to each VISION system of other Member State. The Visa National Center's officer will shall reply to VISION messages coming for visa consultation from other Member State using the single mailbox proposed by Romania for VISION consultation. The consultation on short-stay visa will be made using standardized forms. VISION will be accessed by consultation terminals, the same workstation for VIS but using a message exchange application based by SMTP protocol.

c) equipment for the detection of forged/falsified documents

All Romanian consular posts are currently equipped with the required equipment for detection of forged and falsified documents, corresponding to a low risk level (as described in the EU Schengen Catalogue).

As far as equipment for the equipment for the medium risk consular posts is concerned, it must be mentioned that the acquisition of 25 kits of equipment for forged and falsified documents detection is foreseen within PHARE 2006- „*Enhancement of the capability of the Romanian consular offices to apply the Schengen standards and the procedures in the process of issuing visas as currently practiced by the EU Member States*”.

In 2007, in the countries with a high migratory level, nine Romanian consular posts- Ankara, Istanbul, Kiev, Cernăuți, Odessa, Belgrade, Moscow, S. Petersburg, Chișinău - were equipped with detectors for a high risk level.

d) implementation of the Visa Information System

Romania's intention to join the Schengen area in March 2011 imply to prepare de NS-VIS system for testing with CS-VIS in August 2010. Meaning that all internal tests of NS-VIS have been completed at that time.

At present, the Romanian authorities develop a technical assistance project, financed by PHARE Funds, with the objective of drafting the tender dossier containing the technical specifications for launching VIS implementation.

It is foreseen that VIS implementation will start in the middle of 2009. The acquisition, delivery and installation of the equipment in consular posts will be realised simultaneously with the development of VIS application. All the consular posts will be already equipped with necessary technical devices when the functionalities of the national VIS application will be tested.

Have the consulates already been equipped with the necessary soft-/hardware to record biometric data?

The necessary biometric equipment needed to record biometric data is the one to be used for the National Electronic Passports project. The intention is to use the same biometric equipment for both projects VIS and National Electronic Passports.

In the middle of 2009, VIS implementation and the acquisition of biometric equipment will start. By the middle of 2010 all the consulates will be equipped with necessary soft-/hardware to record biometric data.

3. What security measures have been or will be taken with regard to Schengen visa stickers for the transmission of visa stickers from the central authorities to the consular posts as well as within the consulates?

Security measures are already in place at most diplomatic missions and consular posts. These include:

- Visa stickers are transported by diplomatic courier.
- In the occurrence when consular posts are not situated at the same location with the embassies, the diplomat in charge of the consular activity will pick up the visa stickers from the headquarters of the diplomatic mission, in order to transfer them to the consular post in question, by system of the transportation of valuables.
- Visa stickers are stored under secured conditions. Only a limited number of stickers, needed for daily printing, is taken out. Also, within the consulate, visa stickers are handled by a special designated person or by a certain consular officer, under strict control of the head of the Mission.
- Only a limited number of persons at the consular representation have access to visa stickers.
- The stock monitoring is permanent. It is possible at any time to establish which visas are in stock and which visas have been used.

4. How has the staff (consular officers and local staff) at diplomatic posts and consular missions been informed about the common visa policy and trained in the practical application of the Common Consular Instructions (CCI)?

The Romanian diplomatic missions and consular posts abroad have been informed on the application of the Common Consular Instructions

Taking into account the evolution of the visa acquis and of consular activities, as well as the need of guaranteeing a permanent evaluation and training for the consular staff, the Ministry of Foreign Affairs has set up a specialized department, which is bound to ensure a constant and proper training of the entire consular staff.

Upon departure on a temporary or permanent mission abroad, all the representatives of the consular staff concerned undergo a period of practical and theoretical training. The Romanian diplomatic missions and consular posts abroad are informed on any amendments made to the Common Consular Instructions whenever the case, as well as on the due application instructions.

The local staff is trained and coordinated on location by the head of the consular section. The regulation regarding the processing of visa applications was drafted on the basis of CCI. It was sent to all the Romanian diplomatic missions and consular posts abroad during 2006. The regulation is constantly updated on the grounds of the amendments brought to the national legislation, as well as to EU legislation.

5. Do you have a special training programme for consular officers and staff before their posting? If so, describe this programme. Do you provide follow-up training for consular officers and local staff? Is any specialized training given in the detection of false documents?

A training programme has been drafted for the consular staff working at the headquarters of the Ministry of Foreign Affairs, as well as for those posted at the diplomatic missions and consular posts of Romania abroad.

A prior importance is given to the acknowledgement of the Common Consular Instructions and the common visa policy. The programme takes into account the legal regime of third country nationals in the Schengen area.

The detailed programme contains:

- the relevant terminology
- the entry conditions for third country nationals
- the examination of visa applications
- the decision procedure
- the manner of filling-in and issuing visa stickers
- detection of forged and falsified document and the use of specific equipment, as well as the organisation of consular posts.

Similarly, courses are being organized focusing on the training for the proper use of the IT system configured for the processing of visa applications. The training is finalised through theoretical and practical tests.

Also, within the permanent professional training programme ensured by the Romanian Ministry of Foreign Affairs for the consular officers and staff, teams of experts organize regional consular meetings on location, in different countries, with a view to their training in the area of visas.

Once a year, consular officers undergo a period of follow-up training in a department specialized in the training of consular staff.

6. How do you ensure proper feed back from consulates and monitoring of consular work with special regard to the correct application of the relevant community legislation and to the misused visas?

Proper feed back from consulates and monitoring of consular work with special regard to the correct application of the relevant community legislation and to the misused visas is realised through different methods:

1. The “Visa online” IT system offers a clear image of both the activity of consular officers, with highlight on either the correct approaches, or the errors with regard to each individual case, as well as of their level of professional training.

Similarly, the legal frame provided by Romanian law with regard to the activity of solving formal appeals, offers visa applicants who are discontent with the manner in which the corresponding legislation in force is applied, the possibility of addressing themselves directly to the competent Romanian authorities, in order to receive clarifications on the subject of complaint.

The occurrence of intimations and complaints, has led to the institution of missions of observation, counseling, instruction, and surveillance at certain diplomatic missions and consular posts.

For this matter, some relevant situations are specific events arisen in some of the states neighboring Romania – The Republic of Moldova, the Ukraine, Turkey, Serbia, and the Russian Federation after Romania entered the EU and the introduction of the visa requirement regime for these countries.

2. On the basis of the Romanian legislation, visa applicants who are discontent with the manner in which the corresponding legislation in force is applied, have the possibility of addressing themselves directly to the competent Romanian authorities, in order to receive clarifications on the subject of complaint. Following these complaints, missions of observation, counseling, instruction and surveillance are organized at certain diplomatic missions and consular posts.

3. Inspection boards and actions are periodically organised, in order to evaluate the manner in which the provisions of the common European legislation is applied.

4. Also, all the Romanian diplomatic missions and consular posts abroad constantly undergo missions of evaluation, control and inspection.

5. One of the current activities of the Romanian National Visa Center is the permanent training and counseling of the consular staff, with regard to the common European legislation.

6. Taking into account the evolution of the visa acquis and of consular activities, as well as the need of guaranteeing a permanent evaluation and training for the consular staff, the Ministry of Foreign Affairs has set up a specialized department, which is bound to ensure a constant and proper training of the entire consular staff.

7. At their turn, the consular officers from the Romanian consular posts abroad have the obligation of informing the Romanian Ministry of Foreign Affairs with regard to all their current activities.

7. How do you ensure that the legislative acts and relevant information concerning the common visa policy and its practical application are transmitted to the consular officers abroad?

The latest internal regulations concerning visa issues, as well as the amendments brought to the ones already in use, are sent to the Romanian diplomatic missions and consular posts abroad, in 48 hours.

The Romanian diplomatic missions and consular posts abroad constantly receive all the laws and regulations in force, regarding the common visa policy, as well as the necessary instructions for their application.

8. How is the data transmission from your country's diplomatic and consular missions to the respective central authorities carried out (with special reference to consultation)? Will data be transmitted in encrypted form?

Depending on the sensitivity of the information, data is sent in encrypted form via E-mail, via the secured network of the Romanian Ministry of Foreign Affairs, by means of the IT System for Alien Management, or by means of written correspondence, be it classified and/or declassified (including state cipher).

9. Is the present IT infrastructure (hardware) capable of handling Schengen visa issuance? Do you only need to modify your present visa software for Schengen visa issuance purposes or you have to prepare completely new software? When do you intend to update/prepare the new software?

No, the present infrastructure (hardware) is not capable of handling Schengen visa issuance. Also, the current visa IT application is not compatible with VIS. For that reason, the Romanian authorities are preparing a completely new software application. To be sure that the NS-VIS application will be 100% compatible to VIS Regulation and Decision, the Romanian authorities will develop a new visa software for Schengen visa issuance.

Of course, the new software will be compatible with national visa data already stored until now by the Romanian Immigration Office.

VIS implementation will start in the middle of 2009.

10. What procedures are followed for the extension of a short stay visa (decision SCH/Com-ex (93) 21)?

The Romanian legislation does not provide for the possibility of the extension of the short stay visa.

A draft project amending GEO 194/2002, which is bound to be finalized by December 2008, foresees for the possibility of prolongation of the short-stay visa.

11. Does current national legislation require travel medical insurance from visa applicants? Which amendments will be necessary in order to ensure compliance with the CCI (Council Decision 2004/17/EC)? Do you require travel medical insurance also from nationals of third countries listed in Annex II of Council Regulation 539/2001?

Yes. The current national legislation requires travel medical insurance from visa applicants.

The amendment procedure that will ensure the transposition of Council Decision 2004/17/EC in the internal legislation will be realized during 2008.

Citizens of the third countries listed in Annex II from the Council Regulation 539/2001 are not required to be in possession of a medical insurance.

12. Is the harmonised form for visa applications (Council Decision 2002/354) (adapted to current circumstances) already used? If not, when do you intend to introduce it?

The new visa application form, as it has been adopted by Council Decision 2002/354, has already been introduced since 2006. The consular offices were instructed in relation to the new type of visa form to be used.

Similarly, the Schengen visa form is due to be transmitted to the diplomatic missions and consular posts of Romania abroad, by the end of 2008, in order to be used, starting with 2009.

13. Do you apply the handling fees provided for by Community legislation? If not, what are the fees applied, including exemptions? Do you intend to adapt the handling fees to Community rules before full application of the Schengen acquis? Do you issue visas free of charge to citizens of third countries on the basis of nationality?

On October 21st 2008, the Romanian Parliament adopted a new law regarding the consular services requiring handling fees and the amount of consular service fees practiced by the diplomatic missions and consular posts of Romania abroad. The new law was published in the Official Journal of Romania no 728 on October 29th, 2008.

By means of the new law, Romanian legislation will fully comply with the provisions of Community law, in the area of visa handling fees, before the date of the full application of the Schengen acquis.

The visa fees practiced in accordance to the provisions of Law 198/21.10.2008 regarding the establishment of consular services and the handling fees at the diplomatic missions and consular offices of Romania abroad, are as follows:

transit visa	60 E
airport transit visa	60 E
short stay visa	60 E
national long-stay visa	120 E
collective visa (group visa)	60 €+ 1 €for each person on the list

On special cases, as provided by article 8 (3), (4) of Law 198/21.10.2008 the visa fees can be reduced or exempted, either based on an Agreement regarding measures to facilitate procedures for issuing visas concluded between the European Community and a third state or based on the approval of the head of the diplomatic mission or consular posts.

According to the agreements concluded between the EU and third countries, concerning the facilitation of visa issuing, Romania may unilaterally grant tax-free visas to nationals of the Republic of Moldova, Serbia, and FYROM, until the full implementation of the Schengen acquis in matters of visa policy. Based on provisions of the still valid bilateral agreements, concluded between Romania and few other states visas are granted with the exemption from the fee requirement.

Such bilateral agreements on visa facilitation, still in force between Romania and China, India and the Kingdom of Jordan, regarding the exemption from visa fees, are not in line with Community legislation. Therefore, the Romanian Ministry of Foreign Affairs has launched a procedure for their modification or denunciation.

According to the provisions of article 9 from Law 198/21.10.2008, as an exception, in well determined, individual cases, the heads of diplomatic missions or consular posts are authorized to reduce visa fees or fully exempt visa applicants from the requirement of visa fees, based on motivated, written demands.

14. Please provide complete information on the consular presence (i.e. visa issuing consulate or diplomatic mission) of your country in the third countries listed in Annex I to Council Regulation 539/2001/EC.

The complete list of Romanian consulates in the third countries listed in Annex I of the Council Regulation 539/2001/EC is presented in [annex 23](#).

15. Does current legislation allow your country (after full application of the Schengen acquis) to either be represented by another Member State or represent other Member States for the purpose of issuing visas?

In accordance with the provisions of GEO no. 194/ 2002, the Romanian visa is granted exclusively by Romania's consular officers.

On one hand, the possibility that a consulate of Romania exercises consular functions as a receiving state on behalf of a third state is provided by article 8, para. 4 of G.D no. 760/1999 for the approval of the Consular Regulation. On the other hand, in the Romanian legislation, there is no express provision regarding the possibility that another state's consular office may issue visas on behalf of Romania.

Nevertheless, at present, this option exists on the basis of Vienna Convention on Consular Relations, signed in Vienna, on 24th of April 1963, ratified by Romania through the Decree no. 481 of 1971. The Convention provides in article 5 that the issuance of visas is a consular function. Further on, article 8 (Exercise of consular functions on behalf of a third state) provides that "*upon appropriate notification to the receiving State, a consular post of the sending State may, unless the receiving State objects, exercise consular functions in the receiving State on behalf of a third State*".

The full application of the Schengen acquis – making express reference to bilateral agreements between represented and representing states for the purpose of issuing Schengen visas (Common Consular Instructions on visas for the diplomatic missions and consular posts) - would need prior amendment of the internal legislation in order to make possible the representation of Romanian authorities in the process of issuing visas.

16. Does your national legislation provide for the obligation to indicate the grounds for refusal to issue a visa? If so, is this legislation in line with Part V, section 2.4 of the CCI (on information of the refused applicant)? Do you give the grounds for refusal in case of family members of EU citizens?

The obligation of indicating the grounds for refusal to issue a visa is not provided for in the Romanian national legislation. The grounds of refusal of the short stay visa are not presented to the petitioner and cannot be challenged.

The refusal of the long-stay visa can be contested. The ongoing provisions are applicable, regardless of the third state that the visa applicant is a citizen of.

The Romanian legislation does not provide for any special dispositions for the family members of EU citizens to be given the grounds for the visa refusal.

A draft project amending GEO 194/2002, which is bound to be finalized by the end of 2008, foresees the addition of certain provisions that would legally settle a procedure of communicating the reason that determined the visa refusal.

17. Please describe the practice followed when issuing visas to applicants who are non-residents in the country where they lodge their application.

The third-country nationals who require a visa may apply for a Romanian visa in any Romanian diplomatic mission or consular post abroad, as long as they legally reside in the territory of the state where they lodge their application (if they are legal residents, if they are in possession of a valid visa, or in the case in which they are exempt from the visa requirement for the visited country). In order to prevent multiple applications or an application that would succeed a visa issuing refusal, when the visa form is received, the passport will be stamped with the following inscription: *“The designation of the diplomatic mission, or of the consular post. Visa requested at the date of... Visa type”*.

The stamp will be affixed on the first vacant page from the travel document. After the visa approval is received, the visa sticker will also be affixed on the same page, so that it entirely covers the stamp.

18. Have you concluded bilateral visa facilitation agreements with third countries and are the terms of these agreements fully in line with Community legislation? If not, when do you intend to amend/terminate these agreements?

The bilateral agreements concerning the visa regime concluded by Romania before 2007 with Kingdom of Jordan (1983), China (1981), India (1966) included provisions on the exemption from visa fees. Therefore, the ongoing procedures to amend/ denounce these agreements shall be finalized until the end of 2008.

The other bilateral agreements concluded between Romania and third countries fully comply with Community legislation.

19. What is the total number of visas issued over the past three years? What are the most significant developments, if any?

Figure 40. Total number of visa requested in 2005, 2006 and 2007

Total number of visas requested in 2005	146433
• Number of visas approved/issued	141997
• Number of visas refused	4436
Total number of visas requested in 2006	160106
a) Number of visas approved/issued	154442
• Number of visas refused	5664
Total number of visas requested in 2007	274038
b) Number of visas approved/issued	267529
• Number of visas refused	6509

The increase in the number of visas issued from 2006 to 2007 can be explained by the introduction of visa requirement for the citizens of the Republic of Moldova starting with the 1st of January 2007.

Refused visas are those that are rejected after the visa application has been accepted and processed.

The examination of the visa application and the decision making are conducted according to the following procedure:

- The diplomatic mission or the consular post that has accepted the visa application verifies the manner in which the visa form has been filled-in, as well as the annexed documents, in order to determine the compliance of the situation previously declared by the visa applicant, with what has actually been filled in the form;
- In case the above-mentioned elements do not directly and clearly result from the information provided by the applicant, the competent consular officer demands either the addition of the relevant pieces of information in the form, or the input of complementary documents, as well as a personal interview with the visa applicant;
- In this situation, the visa application will be returned to the applicant, without being implemented in the “Visa online” IT system for processing visa applications. The visa application will consequently be accepted once all the required information is clearly furnished. Thus, a large amount of visa application files is rejected at the counter.

20. Have the authorities responsible for the exceptional issuance of visas at the border pursuant to Regulation 415/2003/EC, been informed about the relevant provisions and do they already apply them? Which authorities will be responsible for issuing visas at the border?

The Romanian legislation in force has fully adopted the provisions of Council Regulation 415/2003/EC.

As of EU accession, Romania applies the provisions of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

Also, the Romanian legislation in force has fully adopted the provisions of Council Regulation 415/2003/EC.

According to the provisions of paragraph 29 of the preamble of the Community act, the Romanian authorities are obliged to apply the provisions of the Schengen Borders Code, including article 5 paragraph 4b), which stipulates as an exception from the fulfillment of entry conditions on the Member States territories, the case of third country nationals for whom the visa is granted at the border crossing point.

Also, GEO 194/2002 on aliens' regime in Romania, republished, with amendments and following supplements, approved by Law no. 357/2003, establishes in article 31, which are the exceptional cases in which the visa can be granted at the border crossing points, by the structures of the Border Police.

The visas are granted in the border crossing points by the head of the BCP, with the approval of the head of the Romanian Border Police.

21. Are your diplomatic missions and consular posts empowered to issue residence permits?

No, the diplomatic missions and consular posts are not empowered to issue residence permits. The Romanian Immigration Office is the only institution responsible for issuing residence permits.

22. Which manuals of specimen documents do you use to check that the documents presented are genuine? Is there any technical equipment for detecting false documents (travel documents, supporting documents, etc.)?

The Romanian diplomatic missions and consular posts abroad are in possession of specimens of those travel documents that are frequently submitted by visa applicants.. Also, The Romanian Border Police is in possession of specimens of all types of travel documents.

All Romanian consular posts are currently equipped with the required equipment for detection of forged and falsified documents, corresponding to a low risk level (as described in the EU Schengen Catalogue).

The equipment contains the following items:

- retro viewer
- 30 X microscope pocket w/ light
- color spector / 8X increase precision
- UV lamp

- professional pincers / steel
- non-magnet, 125 mm
- measuring frame.

Please see also question no. 2 (c) for details regarding equipment for detection of forged and falsified documents.

23. Have central authorities drawn up a list of the travel documents issued by the third countries listed in the Annexes I and II to Regulation 539/2001 and recognized by your country?

A list of recognized travel documents issued by third states, as mentioned in Annexes I and II to the Regulation 539/2001, has been compiled by the Ministry of Foreign Affairs of Romania, on the base of the documents hence supplied at request. This list has been transmitted to the European Commission ([annex 54](#)).

The practice of the Romanian authorities is that of requesting each sovereign state, or entity recognized by Romania, as well as intergovernmental organizations for specimens of border-crossing documents which certify the identity and the nationality, or, according to circumstances, the alien or stateless status of the owner. These types of documents have to be issued in compliance with the standards required by international practice.

The Ministry of Foreign Affairs and the Ministry of Interior and Administrative Reform of Romania have transmitted the natural specimens of these requested travel documents to the Border Police, as well as to the Romanian Immigration Office, in order to fulfil the attributions and duties of these institutions.

With a view to update and exhaustively complete the List of travel documents recognized by Romania, the Ministry of Foreign Affairs and the Ministry for Interior and Administrative Reform have jointly started the internal procedures for the official recognition of this list. Detailed information were requested to be provided by the competent foreign authorities, concerning the features and the safety elements incorporated.

Is there a mechanism in place for the recognition of travel documents? Do you have a list of recognized foreign travel documents?

Yes, the Romanian legislation in force lists the general types of travel documents recognized by Romanian authorities, according to article 10 of GEO 194/2002.

Based on the criteria established in article 10 of GEO 194/2002, these documents are recognized and comprised within the list rendered at point 23 of the current questionnaire.

The specimens of the travel documents recognized by the Romanian state are requested by the diplomatic missions and the consular posts of Romania abroad, from the competent authorities from the states of residence.

Has staff from your diplomatic missions and consular posts participated in meetings on local EU, Schengen (or otherwise) consular cooperation? If so, how?

The staff of the Romanian diplomatic missions and consular posts abroad takes part in all the local meetings concerning consular cooperation.

The practice differs from state to state. Generally, the local meetings imply the organizing of regular gatherings of the heads of consular posts. The main object of these meetings is centered on particular problems in the field of visa granting and visa issuing, as well as other consular issues.

In the countries in which visa issues are more complex (such as Turkey, Republic of Moldova, the Russian Federation, Serbia etc.), the Romanian consular officers cooperate with the consuls from the other EU Member States who are interested in the verification of all the supporting documents, related to the visa application. Thus, they reciprocally exchange lists containing either the names of locals who have previously forged documents, or the names of insurance companies that have previously caused problems in the visa field.

How are the activities against illegal immigration taken into account at the consulates?

The activities against illegal immigration are taken into account as follows:

- by means of a constant contact with the International Organization of Migration
- by constantly informing the Romanian Ministry of Foreign Affairs with regard to any illegal immigration facts
- through local information campaigns on admission procedures for the economic migration, opportunities on the labour market, risks of the illegal immigration.

Two consular meetings on regional cooperation on migration remittances took place in December 2007 in Istanbul and Beijing.

Also, in this matter, a permanent line of contact is maintained between the Romanian Ministry of Foreign Affairs and the Romanian Ministry of Interior and Administrative Reform.

What measures (training/supervision etc.) have been taken or will be taken to prevent misuse/corruption in the consulates?

The measures taken to prevent misuse/corruption in the consulates are as follows:

- expanding the practice of payment of consular fees through the banking system;
- monitoring all procedures concerning the registering and the processing of visa applications;
- systematic evaluations and verifications of consular staff;
- Verifications carried out by other specialized departments of the Ministry of Foreign Affairs (auditing, minister's controller etc.);
- the encouragement of decisional transparency by means of the possibility of addressing requirement petitions and memoirs to the concerned authorities and an e-mail address of the Romanian Ministry of Foreign Affairs, available for the public for expressing complaints.

What kind of regulations exists at/for consulates to ensure the security of both staff and applicants who visit the premises (security personnel, security of the building, etc.)?

Security measures are already in place at most diplomatic missions and consular posts. These include:

Security of the building

- Buildings are protected against burglary and other acts of violence
- Lock-type access control systems are installed at the entrance
- Equipment is available to allow for security checks to be carried out on visitors
- Staff can enter/leave the visa section building through a separate entrance/exit

Security measures in relation to the public

- Security checks on visitors and their belongings is carried out at the entrance
- Contacts between visa section staff and visitors take place at counters fitted with glass screens
- Counters are fitted with safety glass screens, allowing documents to be handed over without any danger to staff and permitting easy yet discreet communication
- At the end of opening hours, the waiting rooms are checked by a security officer for any objects that may have been left behind

Staff

- Romanian diplomatic and consular missions do not usually hire local staff
- Members of staff misusing their professional position are subject to disciplinary and judicial procedures

IT

- Access to the IT database is realized through user-ID and a password
- The workstations are located in secured rooms within a controlled area of the post, where the public has no access
- Communication is encrypted

How do consulates participate in local Schengen cooperation?

The staff of the Romanian diplomatic missions and consular posts abroad take part in all the local meetings concerned with consular cooperation.

Please see question no. 25 for details regarding participation of Romanian consuls in local Schengen cooperation.

VISION NETWORK / PRIOR CONSULTATION

How are (will) other States (be) consulted? Have the technical preconditions to participate in VISION been fulfilled? Please describe.

Romania's intention to join the Schengen area in March 2011 imply to join the Schengen Consultation Network by the consultation mechanism provided in article 16 of VIS Regulation, the current VISION exchange for the interim phase, until the current technical functionalities of the Schengen Consultation Network will be replaced by VIS Mail.

The Romanian authorities signed a technical assistance contract for providing the technical project to start the VISION implementation at the very beginning of 2009.

What is/will be the estimated response time for consultation? Will the consular post issue the visa, despite the absence of a reply, after a certain period of time has elapsed?

The VISION network consultation procedure will be carried out by the consul in charge, according to the general practice established within all MS, with regard to the mandatory verifications required in the process of the analysis of a visa application. The VISION consultation process implies the constant, automatic re-sending of the message concerned, throughout a period of 9 consecutive days, with an attempt every 24 hours. Within 10 days time, should the sender (the consul carrying out the implied verifications), still not receive an answer from any of the MS using the VISION consultation network, then verifications will be carried out in line with the provisions of the CCI

Under which circumstances do (will) the consuls of your country consult their central authorities? What criteria are (will be) applied? Under which circumstances do other States consult them?

National Visa Center and the Romanian Immigration Office are consulted by the consuls in those cases when the applicant is subject to previous refusal and immigration risks. Mainly the criteria for establishing the request of the check – up focuses on accumulation of doubts regarding the authenticity of the submitted supporting documents.

When an applicant has a Romanian visa refusal (identified by means of stamp) and wants to get another visa for entering in EU area, the Romanian consuls are consulted by their EU colleagues.

Also during regular consular meetings such topics like using of false/ forged documents or illegal migration are discussed.

Do you intend to include third countries in Annex V B for prior consultation? How many?

Romania has established a common list made up of 48 states with a status similar to the list of third states registered in Annex V B.

The above-mentioned list is subject to constant analysis and adjustment, based on a series of criteria.

At present, 22 states from those comprised in Annex V B are also registered in the list drawn up by Romania.

Taking into consideration the flexibility of the above-mentioned list, it is believed that presently, proposals regarding the inclusion of certain third states in Annex V B, would not be opportune.

Romania intends to align the national list to the one provided for in Annex V B, prior to the accession to the Schengen area.

VII. JUDICIAL COOPERATION

1. Has your country received and/or made requests for mutual assistance on issues relating to the areas covered by Articles 49 and 50 of the Schengen Convention?

Yes, Romania has received requests of mutual assistance in criminal matters submitted on the basis of articles 49 and 50 of the Schengen Convention.

Articles 49 and 50 of the Schengen Convention were transposed in the Romanian legislation under articles 187⁴ and 187⁵ of the Law no. 302/2004 on international judicial cooperation in criminal matters with subsequent amendments ([annex 22](#)).

Mention should be made of the fact that Romania became part to the Convention of 29 May 2000 on mutual assistance in criminal matters between the member states of the European Union. This Convention is in force in Romania as of December, the 1st 2007.

What is the current situation regarding application of the rules on compliance with requests and the granting of authorisations in accordance with Article 50(3) of the Schengen Convention?

Generally speaking, according to article 173 of Law no.302/2004 on international judicial cooperation in criminal matters, “*Romania shall not use the documents and information it receives from the requesting State for any other purpose than that of fulfilling the rogatory letters*”.

On the website of the Ministry there is a general guide for judicial cooperation in criminal matters (http://www.just.ro/Sections/Cooperarejudiciar%C4%83interna%C5%A3ional%C4%83/Cooperarejudiciar%C4%83interna%C5%A3ional%C4%83_penala/tabid/606/Default.aspx), which includes the main fields – surrender, extradition, transfer of convicted persons, mutual legal assistance. This guide indicates the conventions or treaties applicable for each field.

It is also mentioned that in August 2006, the Romanian Ministry of Justice published a guideline on its website, addressed to the judicial authorities, document that can be accessed also at the intranet address (<http://www.just.ro/Portals/0/CooperareJudiciara/JustInfo/Indrumar%20cooperare%20UE%20august%202006.doc>).

This guideline was updated in 2007 and contains the main rules and procedures that are to be followed by Romanian courts when dealing with a European arrest warrant or when a request based on the Convention from 29 May 2000 is received/transmitted.

There is also a guideline posted on the official website of the Ministry in December 2006 that contains the information necessary in order to deal with mutual legal assistance requests (http://www.just.ro/Portals/0/CooperareJudiciara/JustInfo/ghid_Ro2.doc); a specific chapter of this guideline is dedicated to the principle of speciality.

Compliance with the principle of speciality laid out in article 50 para. 3 of the Schengen Convention is very important to Romania.

Article 50 para.(3) of the Schengen Convention was transposed in the Romanian legislation under article 187⁵ para.(2) of Law no. 302/2004 on international judicial cooperation in criminal matters. It states that:

“Where Romania is the requesting State, it shall not forward or use information or evidence obtained from requested State for investigations, prosecutions or proceedings, other than those referred to in its request, without the prior consent of the requested State.”

Has application of Article 52(2) of the Schengen Convention caused problems of any kind?

Article 52 para.(2) of the Schengen Convention was transposed in the Romanian law under article 187⁷ para.(1) of the Law no. 302/2004 with subsequent amendments . It states that:

“In the event of transmission by post of procedural documents, where there is a reason to believe that the addressee does not understand the language in which the document is drafted, the document, or at least the important passages in it, must be translated into(one of) the language(s) of the Member States in the territory of which the addressee is staying. If the authority forwarding the document knows that the addressee speaks only some other language, the document, or at least the important passages thereof, must be translated into that other language.”

There are no indications of any problems encountered by the Romanian judicial authorities in implementing article 52 (2) of the Schengen Convention.

As regards application of Article 53 of the Schengen Convention, are there any guidelines or directives defining the channels to be used for sending requests for mutual assistance, or is this simply left to the discretion of the judicial authorities?

The provisions of the international conventions in the field ratified by Romania and of Law 302/2004 on international judicial cooperation in criminal matters (with subsequent amendments) are implemented in this respect.

On the website of the Romanian Ministry of Justice there is a general guide for judicial cooperation in criminal matters, last amended in June 2008 (http://www.just.ro/Sections/Cooperarejudiciar%C4%83interna%C5%A3ional%C4%83/Cooperarejudiciar%C4%83interna%C5%A3ional%C4%83_penala/tabid/606/Default.aspx).

Also, as mentioned before, the Romanian Ministry of Justice published in 2006 two guidelines on its website, addressed to the judicial authorities. The first guideline, of August 2006, contains, among other things, the main rules and procedures that are to be followed by our courts when a request based on the Convention of 29 May 2000 is received/transmitted. The second guideline, posted on the official website of the Romanian Ministry of Justice in December 2006, contains the information necessary to the Romanian judicial authorities in order to deal with mutual legal assistance requests.

Also, within the PHARE Project 2005 between Romania and Austria, concerning the strengthening of the legislative and institutional framework in the field of international judicial cooperation, a manual on judicial cooperation in criminal matters was drafted (http://www.just.ro/Portals/0/CooperareJudiciara/Doc%202_Manual_Criminal.pdf). A special chapter of this handbook is dedicated to the mutual legal assistance within the European Union.

Please be also informed that since July 2008 an intranet portal was created by the Ministry of Justice, which is available for all judges and prosecutors. This portal was designed in order to provide assistance for the Romanian magistrates and it contains sections dedicated to the European Arrest Warrant, Confiscation orders, rogatory letters, notification of judicial documents.

Beginning with December, the 1st 2007, Romania applies the post summoning procedure according to article 5 para.(1) of the Convention of 29 May 2000 on mutual assistance in criminal matters between the member states of the European Union.

Have the judicial authorities received the Directory of the cities of the other Member States so they can use the possibility of forwarding directly requests for mutual assistance as provided for in the Schengen Convention?

Romanian judicial authorities have not yet access to the directory of the cities of other Schengen States.

Do the judicial authorities have access to the European Judicial Network instruments (in particular the Atlas utility)?

Yes, the Romanian judicial authorities have access to the European Atlas. The Romanian Ministry of Justice organised during 2006 and 2007 numerous seminars aiming to inform the judicial authorities on how to access and use the European Judicial Network instruments, in particular the Atlas web.

If the courts encounter difficulties, they have always the possibility to contact the Directorate for International Law and Treaties within the Ministry of Justice.

Romania already sent, in 2006, all the contact details for all the Romanian judicial authorities, but this data is not yet implemented in the Atlas Web for mutual legal assistance.

It also has to be mentioned that in 2008 the Ministry of Justice sent informative letters to all the courts, aiming to encourage the use of the Atlas web and the European Judicial Network instruments. The intranet portal also contains links to the Atlas website.

Are the contact points of the EJM known to all relevant judicial authorities?

Yes, they are. This contact points are listed on the official website of the Ministry of Justice (<http://www.just.ro/Sections/Cooperarejudiciar%C4%83interna%C5%A3ional%C4%83/Adresecontacte/Punctelena%C5%A3ionaledecontactaleRom%C3%A2niei/tabid/839/Default.aspx>). Also, it must be mentioned that the Romanian Ministry of Justice organised during 2006 and 2007 numerous seminars aiming to inform the judicial authorities on how to access and use the European Judicial Network instruments.

Have any extradition requests been authorised under Article 66 of the Schengen Convention? How many have been authorised to date?

The so-called simplified extradition is allowed by the Romanian legislation, the provisions of article 66 of the Schengen Convention being transposed under articles 49 and 50 of the Law no. 302/2004 on international judicial cooperation in criminal matters with subsequent amendments:

Article 49 - Voluntary extradition

(1) An extraditable person shall have a right to declare before the court that he renounces the benefits of defending himself against the request for extradition that are provided to him by the law, and that he gives his consent to being extradited and surrendered to the competent authorities of the Requesting State. His statement shall be recorded in an official record, signed by the president of the judgement panel, by the court clerk, by the extraditable person, by his lawyer and by the interpreter. If the court finds that the extraditable person is fully aware of the consequences of his option, the court, taking note of the public prosecutor's conclusions also, examines whether there are any impediments for extradition. If it is found that voluntary extradition is admissible, the court shall take act of this through a sentence and ordain upon the measure of preventive arrest to be taken until the extraditable person is surrendered. This sentence is final and shall be drawn up within 24 hours, and an authenticated copy of it shall be sent at once to the Ministry of Justice, which shall proceed according to the law.

(2) Under the conditions mentioned in para.(1), the extraditable person may declare that he renounces the application of the speciality rule provided in Article 11.

Article 50 - Simplified extradition

In the case mentioned in article 49, it is no longer necessary to present a formal request for extradition and the documents provided in Article 38 para. (2) if it is thus provided in the international convention applicable in relation to the Requested State or if the legislation of that State allows such a simplified extradition procedure and it has been applied to requests for extradition uttered by Romania.

The Ministry of Justice has no statistical data on the number of simplified extraditions registered in the last three years, but this procedure was often applied in the relation with Romania by states like Germany, Austria or Hungary, previous to 1 January 2007.

How are the forms for requesting the transmission of extracts from judicial records (SCH/III (97) 41 4 rev) distributed and used?

Practically, Romania applies the form foreseen by the Council Decision 2005/876/JHA of 21 November 2005 on the exchange of information extracted from the criminal record, although this decision is not yet transposed in the internal legislation.

The Romanian Ministry of Justice receives from the foreign authorities the forms and forwards them to the competent Romanian authority, namely the Ministry of Interior and Administrative Reform. The answer is transmitted by the Ministry of Interior and Administrative Reform to the Ministry of Justice, which forwards it to the requesting state.

Are the possibilities for mutual judicial assistance in criminal matters and extradition provided for by the Schengen Convention used satisfactorily?

Yes, the the possibilities for mutual judicial assistance in criminal matters and extradition provided for by the Schengen Convention are used to an increasingly degree by the Romanian courts and public prosecutor's offices.

As mentioned above, the Romanian Ministry of Justice organised during 2006 and 2007 numerous seminars aiming to inform all the judicial authorities on how to access and use the European Union instruments instruments, in order to facilitate and encourage the direct contact between the Romanian judicial authorities and the foreign authorities.

On the website of the Ministry there is a general guide for judicial cooperation in criminal matters (http://www.just.ro/Sections/Cooperarejudiciar%C4%83interna%C5%A3ional%C4%83/Cooperarejudiciar%C4%83interna%C5%A3ional%C4%83_penala/tabid/606/Default.aspx) that can be accessed by all the Romanian judicial authorities.

In August 2006, the Ministry of Justice also published a guideline on its website, addressed to the judicial authorities. A second guideline, posted on the official website of the Ministry in December 2006 that contains the information necessary to the judicial Romanian authorities in order to deal with mutual legal assistance requests.

Also, within PHARE Project 2005 between Romania and Austria, concerning the strengthening of the legislative and institutional framework in the field of international judicial cooperation, a manual on judicial cooperation in criminal matters was drafted (http://www.just.ro/Portals/0/CooperareJudiciara/Doc%202_Manual_Criminal.pdf). A special chapter of this manual is dedicated to the mutual legal assistance within the European Union.

Has the application of Article 51 a) caused problems of any kind?

The Romanian judicial authorities encountered no difficulties in implementing article 51 of the Schengen Convention.

What are the conditions for the application of Article 51 a) and b)?

Article 51 a) and b) of the Schengen Convention is implemented in Romania according to article 187⁶ para.(2) of Law no. 302/2004 on international judicial cooperation in criminal matters with subsequent amendments:

“ In relation with the States-party to the Schengen Convention, the execution of rogatory letters for search or seizure may however be made dependent on the following conditions:

a) the act giving rise to the rogatory letters is punishable under Romanian legislation and that of the requested State by a penalty involving deprivation of liberty or a detention order of a maximum period of at least six month, or is punishable under the law of one of the two Parties by an equivalent penalty and under the law of the other Party by virtue of being an infringement of the rules of law which is prosecuted by the administrative authorities, and where the decision may give rise to proceeding before a court having jurisdiction in particular in criminal matters;

b) the execution of the rogatory letters is consistent with Romanian law.

In the event of a conflict between a European Arrest Warrant and a request for extradition presented under article 66 of the Schengen Convention, how is the decision taken on whether the EAW or the extradition request takes precedence? Did you note some difficulties on conciliation?

The conflict between a request for extradition and a European Arrest Warrant is regulated by article 99 of Law no. 302/2004 on international judicial cooperation in criminal matters with subsequent amendments, as follows :

(1) Where two or more Member States have issued a European Arrest Warrant, regarding the same person, the Romanian judicial authority shall decide upon the priority of execution, taking into account all the circumstances and, in particular, the place of commission and seriousness of the offence, issuing dates of the warrants, as well as whether the warrant was issued in view of criminal prosecution, of trial or in view of service of a penalty or security measure. The executing Romanian judicial authority may request, if necessary, the endorsement of Eurojust regarding this decision.

According to para.(2), in case of concurrence between a European Arrest Warrant and a request for extradition made by a third State, the executing Romanian judicial authority shall decide while taking into account all the circumstances and particularly those in para.(1) and those provided in the convention on extradition applicable in relation to the third State. Should the priority be given to the request for extradition, Title II shall apply.

So far, no cases of difficulties on conciliation were noted in Romania.

VIII. LEGISLATION ON FIREARMS

1. **Have the contents of the EU Directive 91/477 on firearms been transposed without particular difficulty into national legislation? Has the suggested model of common forms, although not requested by the Directive, been adopted for the intra-Community transfers of firearms?**

Yes, Council Directive 91/477/EEC on control of the acquisition and possession of weapons has been transposed by Law no.295/28.06.2004 on the regime of firearms and ammunition with subsequent amendments ([annex 24](#)). Law no. 295/2004 also includes provisions implementing article 91 of the Schengen Convention.

Secondary legislation to Law no. 295/2004 was also adopted:

1. GD no. 130/2005 for the approval of the methodological norms to apply Law no. 295/2004 with subsequent amendments ([annex 25](#))
2. GD no. 1914/22.12.2006 on approving the methodological norms for applying Chapter VI of Law no. 295/2004 on arms and ammunition regime with subsequent amendments ([annex 26](#)).

This normative act includes provisions concerning the transfer forms in/from Romania. These national forms are drafted in accordance with the procedure laid down in the Directive 91/477.

3. Order of the minister of administration and interior no. 389/2004 on the organization and functioning of the National Firearms Register ([annex 27](#)).

What measures have been taken in terms of organisation and personnel in order to ensure the application by the competent authorities of the contents of the EU Directive on arms or the corresponding national legislation?

According to article 3 of Law no. 295/2004 with subsequent amendments, the General Inspectorate of the Romanian Police is the only authority competent to exercise the control on hold, possession, and use of firearms and ammunitions, as well as on the operations with firearms and ammunitions.

In this respect, the Directorate for Firearms, Explosives and Toxic Substances was set up within the General Inspectorate of the Romanian Police. 23 police officers and agents are currently working in this Directorate.

Its main responsibilities:

1. Performing criminal investigation activities in cases falling under its competence as well as in those in the competence of the Prosecutor's Office by the High Court of Cassation and Justice;
2. Acting ex officio in matters concerning natural persons and corporate bodies who committed an offence by misuse of firearms, ammunition, explosives and toxic substances;

3. Gathering data and intelligence and cooperating with other structures within Romanian Police and MIAR with a view to exchange information and carry out investigations on persons who commit offences;
4. Cooperating with other relevant institutions whose tasks refer to authorizing and carrying out firearms, explosives and toxic substances operations;
5. Performing inspections and responding to assistance requests sent by Interpol, Europol and SECI Centre, directly or via the International Police Cooperation Center.

For dealing with all aspects regarding hold, possession, and use of firearms and ammunitions, at territorial level units for firearms, explosives and toxic substances were set up within all the County Police Inspectorates and DG Bucharest Municipal Police.

As far as training is concerned, in relation to implementing Directive 91/477, the following activities took place:

Figure 41. Main training activities in field of firearms

August 2005	5 day course was held and was attended by the heads of the firearms, explosives and toxic substances territorial units	43 police officers
November 2005	5 day <i>train- the- trainer</i> course	43 police officers
November 2006	1 day seminar on “ <i>Clarifying aspects on transposing Directive 91/477/EEC in the national legislation</i> ”	2 police officers
December 2007	1 day traing course on the Methodology for using the National Firearms Register application	150 police officers and agents

National Firearms Register

By Order of the minister of administration and interior no. 389/2004, the National Firearms Register was set up. It is organized at the level of the General Inspectorate of the Romanian Police.

The National Firearms Register is a a complex IT system containing and processing data regarding firearms, legal owners, firearms and ammunition operations administrated by the Directorate of for Firearms, Explosives and Toxic Substances.

It contains the following categories:

- records on lethal firearms;
- records on non lethal firearms;
- records on firearms and ammunition legal owners and of data regarding the authorization documents and documents for holding, using and transferring firearms;
- records on armourers and of data regarding authorization documents and documents for holding, using and transferring firearms;
- records on shooting ranges;

- records on stolen, lost or found firearms and ammunition;
- records on firearms and ammunition wanted at international level and in Romania.

On 28.09.2007, the National Firearms Register became operational at national level.

At present, the Directorate of for Firearms, Explosives and Toxic Substances and several operative GIRP structures and other MIAR structures and their territorial units have direct access to this application.

How is information on firearms purchases (and other information required under the Directive) exchanged between your country's authorities and their counterparts in other EU Member States?

The Directorate for Firearms, Explosives and Toxic Substances is the national contact point for the implementation of the Council Directive 91/477/CEE. The contact details of the Directorate were sent to the European Commission.

The information on firearms purchases are received by fax.

As of 2007 up to September 2008, the Directorate for Firearms, Explosives and Toxic Substances received information from similar authorities in approx. 500 cases concerning the acquisition of firearms by Romanian citizens.

No cases regarding foreign citizens purchasing firearms were registered until September 2008.

**Do you use the informal list on contact points, put on the Internet site of the Commission (DG ENTR); has this been useful as regards exchange of information?
(http://ec.europa.eu/enterprise/regulation/inst_sp/dir91477_en.htm)**

The Directorate for Firearms, Explosives and Toxic Substances is the national contact point on the Internet site of the Commission.

Romania regards this list on contact points very useful and makes use of it on a regular basis. For instance, the Directorate for Firearms, Explosives and Toxic Substances used the list in order to request all Member States for their legislation on firearms in order to improve the Romanian legislation in the field. Also, this channel can be used for best practice exchange.

What firearms may be brought into your country without prior permission, solely using the European firearm pass?

According to the provisions of article 115 (1) of Law no. 295/2004 with subsequent amendments, which regulates the regime applicable to the firearms and ammunition operations, the residents of a Member State that are the owners of the European firearms pass for those firearms that are mentioned in it, can enter the Romanian territory, if the following conditions are established:

- The document must be valid;*
- Mention should not be made on the prohibition of entering with it on Romanian territory;*

- c) Regarding the hunting firearms, the owner must provide at the Romanian border checkpoint an invitation wrote by a Legal Romanian Hunting Association and in case of targets shooting firearms, the owner must provide the evidence that he will participate on a shooting target contest organized by the Romanian shooting target federation or, depending on the case, by the Romanian Federation of Skiing and Biathlon;*
- d) Regarding the hunting, shooting targets and collectors firearms, apart from the exceptions described at (c), mention must be made of the authorization of entering on Romanian territory;*
- e) The person must not represent a danger for public order, national security, other person's life and physical integrity, according to the information held by the competent authorities.*

Holding a firearm by the MS residents when travelling in Romania is allowed only on the condition that the concerned person obtains an authorization from the Directorate for Firearms, Explosives and Toxic Substances or its corresponding territorial structures.

This authorization can be granted for one or more travels, for one year maximum, with the possibility of being renewed. This authorization will be mentioned in the European firearm pass, which the traveler must present at each request of the competent authorities.

By derogation, the hunters, for firearms described under the categories C and D from the Directive 91/477 and the target shooters, for firearms described under the categories B,C and D can hold, when traveling in Romania, without a prior approval, one or more firearm(s) from those already mentioned, on the condition that they should possess the European firearm pass in which these firearms are mentioned and an invitation for participating in the activities.

Which firearms do not require consent within the meaning of Article 11(4) of Directive 91/477/EEC by your competent national authorities in order to be transferred into your country?

All firearm transfers on the Romanian territory are subject to obtaining a prior authorization.

According to Law no. 295/2004 with subsequent amendments, in Romania, firearms are categorized as follows:

1. Prohibited firearms and ammunition (category A)
2. Firearms and ammunition that must be authorized (category B). Air compressed firearms and gas /alarm pistols are also subject to authorization.

IX. POLICE COOPERATION

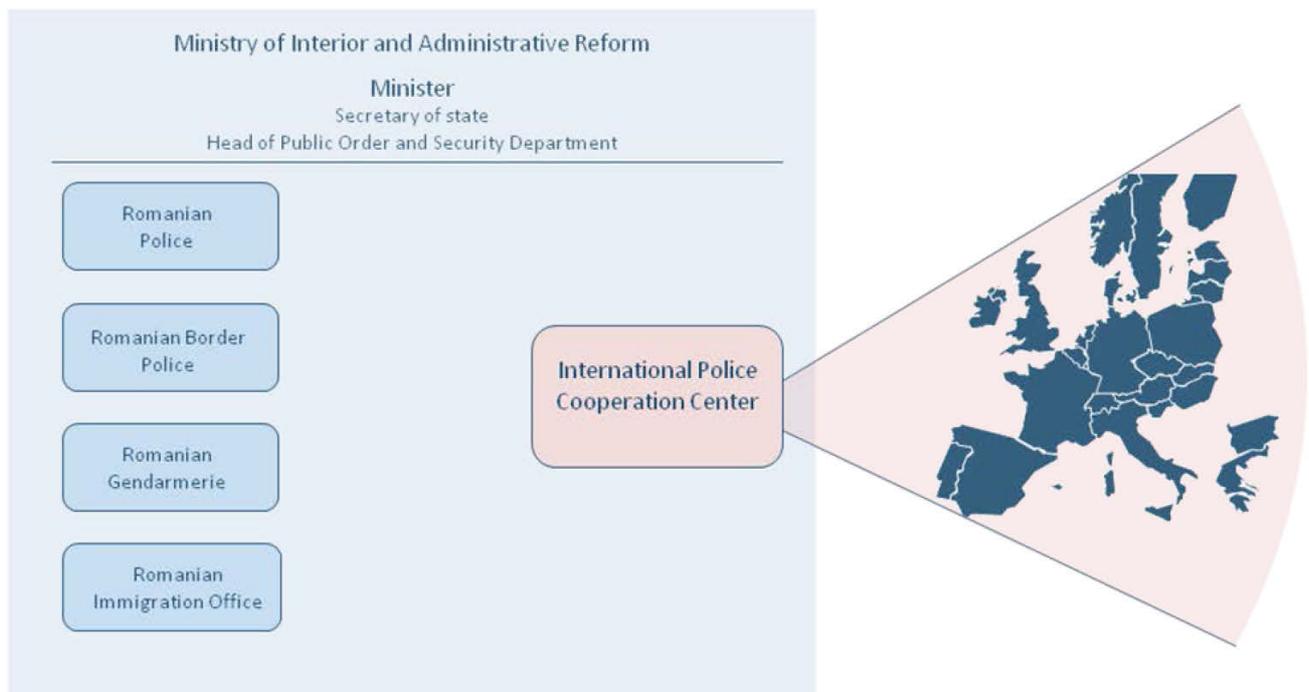
1. Present a general oversight of the forces with police tasks in your country and their most important competences.

According to GEO no. 30/2007 on the organisation and functioning of the Ministry of Interior and Administrative Reform with subsequent amendments ([annex 28](#)), the *Ministry of Interior and Administrative Reform* (MIAR) is the specialised public central administration authority exercising tasks regarding:

- the protection of public order, fundamental rights and liberties, public and private property;
- the prevention and countering of anti-social deeds;
- the respect of state border regime;
- legal regime of aliens, asylum seekers and persons that were granted a form of protection in Romania.

The integrated management in the field of public order and security is ensured by the Department for Public Order and Security, which reunites the MIAR structures with competences in the field.

Figure 42. The most important forces with police tasks



1. Romanian Police (RP)

In accordance with Law no. 218/2002 on the organisation and functioning of the Romanian Police, with subsequent amendments ([annex 29](#)) and Law no. 360/2002 on Police Servants Status, with subsequent amendments ([annex 30](#)), the Romanian Police, as part of MIAR, is the specialized state institution responsible for:

- defending one's fundamental rights and liberties, public and private property;
- preventing and combating crimes
- enforcing public order and security.

The main responsibilities of the Romanian Police are:

- defending life, physical integrity and human liberty, private and public property, other rights and legitimate interests of the citizens and the community;
- maintaining public order, citizen's safety, preventing and fighting criminal phenomenon
- collecting data in order to prevent and fight crimes as well as other illegal deeds;
- preventing and fighting corruption, economical & financial criminality, cross-border crime, cyber-crime and organised crime;
- ensuring the protection and functioning of the retention and preventive detention places in the police units;
- ensuring the protection of witnesses, informers and victims;
- finding wanted persons and missing persons;
- controlling the possession, holding and use of weapons and ammunition, explosive materials;
- overseeing the compliance with the regime of radioactive and nuclear materials, toxic and drug substances, as well as other objects and materials subject to authorisation;
- overseeing and controlling traffic on public roads.

The management of the Romanian Police is realized by the General Inspectorate of Romanian Police (GIRP). GIRP ensures, through its general directorates, the coordination of the activities performed by the 41 County Police Inspectorates and the General Directorate of Bucharest Municipal Police.

The organisational charts of the Romanian Police and of GIRP are presented in [annex 31](#).

The Romanian Police is organized on three main pillars:

- I. Countering organized crime
- II. Crime investigation
- III. Public security

According to the above mentioned fields of responsibility, the main GIRP structures are:

I. General Directorate for Countering Organized Crime - organizes, coordinates and controls activities related to countering trafficking in human beings and migrant smuggling, money counterfeiting, internet and credit card frauds, drug trafficking, money laundering and economic and financial micro-crime.

II.

a) Crime Investigation Directorate –preventing and countering offences against persons, the patrimony, public property, except cases related to organized crime.

b) Fraud Investigation Directorate –preventing and countering crime in the economic and financial field.

c) **Firearms, Explosives and Toxic Substances Directorate** –preventing, discovering and recording offences to the regime of weapons, ammunition and explosives.

III.

a) **Public Order Police Directorate** - prevents and counters offences and other antisocial deeds.

b) **Road Police Directorate** - traffic surveillance, guiding and controlling, investigating and solving road accidents, preventing and countering infringements to the road legislation.

c) **Transport Police Directorate** - ensures and maintains a safety environment for rail, road, aerial and naval transport.

Each GIRP directorate has territorial correspondent services.

Also, it worth mentioned that within GIRP functions the **Forensic Institute**, structure that deals with: crime scene search and forensic expertises, judiciary identifications, physical & chemical expertises, bioforensic expertises.

2. Romanian Border Police (RBP)

The Romanian Border Police, as a part of MIAR, is the specialized state institution with the following main responsibilities, according to GEO no. 104/2001 on the organisation and functioning of the Romanian Border Police, with subsequent amendmendments ([annex 4](#)):

- surveillance and control of state border crossing;
- observance of state border legal regime, of the passports;
- maintenance of public order and security in responsibility area;
- preventing and countering illegal migration.

The management of the Romanian Border Police is realized by the General Inspectorate of Border Police (GIBP). GIBP ensures, through its general directorates, the coordination of the activities performed by the 6 Border Police Directorates with their 21 County Border Police Inspectorates and the Airport Border Crossing Points.

According to the provisions of the Schengen Catalogue (*Chapter 1.4 Organizational structure*), the Romanian Border Police has developed co-ordination structures of the specific activities, as follows:

- a) at central level: **the General Inspectorate of Border Police (GIBP)**;
- b) at regional level: **6 territorial Border Police Directorates** - one for each border with the neighbouring country (Republic of Moldova, Ukraine, Hungary, Serbia, Bulgaria);
- c) at local level: **21 Border Police County Inspectorates** – are subordinated to Border Police Directorates and are organized within the counties which have as limit the state border or the internal Danube.

Thus, the territorial structures within the Border Police have a common organizational scheme with the GIBP (the structures within the GIBP have a counterpart within territorial subordinated structures).

The organisational charts of the Romanian Border Police and GIBP are presented in [annex 9](#).

For details, please refer to section II.5.

3. Romanian Gendarmerie

The Romanian Gendarmerie, as part of MIAR, is the military state institution exercising, in accordance with Law no.550/2004 on organisation and functioning of the Romanian Gendarmerie ([annex 32](#)), tasks in:

- the field of public order and safety
- defending one's fundamental rights and liberties, public and private property
- preventing and uncovering offences
- ensuring physical protection to governmental institutions
- providing support in preventing and countering terrorism.

The management of the Romanian Gendarmerie is realized by the General Inspectorate of Romanian Gendarmerie (GIRG). GIRG ensures the coordination of the activities performed by the 41 County Gendarmerie Inspectorates, the General Directorate of Bucharest Municipal Gendarmerie, the Special Intervention Brigade, Mobile Groups, Mobile Gendarmes Detachments and other specialized gendarmes units.

The organisational chart of the Romanian Gendarmerie is presented in [annex 34](#).

4. Romanian Immigration Office (RIO)

According to GEO no. 55/2007 on setting up the Romanian Immigration Office by reorganising the Authority for Aliens and the National Refugee Office, as well as for amending certain normative acts ([annex 35](#)) and GD no. 639/2007 on the organisation and attributions of the Romanian Immigration Office ([annex 55](#)). RIO is the specialised state institution with responsibilities in the implementation of the Romanian policies in the fields of:

- migration
- asylum
- aliens' social integration.

RIO has territorial units in each of the 41 counties of Romania.

The organisational chart of RIO is presented in [annex 36](#).

5. International Police Cooperation Center (IPCC)

The **International Police Cooperation Centre (IPCC)**, as part of MIAR, is the **single police cooperation platform (central authority)** specialized in data and information exchange in the field of countering cross-border criminality.

The main tasks of **IPCC** are:

- single contact point for international police cooperation activities;
- exchange of information regarding criminal matters;
- assistance of the Romanian liaison officers and of the foreign liaison officers in Romania;
- coordination of information exchange through other channels (joint centers and contact points)

IPCC's activity stands on three main police cooperation means:

- I. international judicial assistance in criminal matters – according to the national legislation: Law no. 302/2004 on international judicial cooperation in criminal matters with subsequent amendments ([annex 22](#))
- II. police operational data and information exchange at international level – according: Interpol Constitution, Europol Convention and SECI Agreement
- III. **SIRENE**

The International Police Cooperation Center (IPCC) has 2 main components: National Focal Point and National Central Bureau Interpol.

The National Focal Point contains 3 sub-units, namely:

- Europol National Unit,
- **SIRENE** Unit and
- Operational Unit.

On the other hand, National Central Bureau Interpol has 3 sub-units:

- Wanted Persons and Extradition Unit,
- Operational Documentation Unit and
- Judicial Identification Unit.

Besides these structures, under the umbrella of IPCC other common units which support the activities of the above mentioned sub-units exist:

- Projects Implementing Unit,
- Translations Unit
- Dispatch
- Classified Documents and Secretariat Unit
- Legal Affairs Unit
- IT Unit
- Data Analysis and Administrative Unit

The organisational chart of IPCC is presented in [annex 37](#).

IPCC facilitates the operational data and information exchange between national law enforcement agencies and the international partners. According to the principle “*one input, one output*”, IPCC reunites 5 cooperation channels:

1. *Interpol* via the National Central Bureau
2. *Europol* via the Europol National Unit
3. *SECI Regional Center* via the Operational Unit
4. *Romanian Home Affairs Attachés* /foreign liaison officers via the Operational Unit
5. *Schengen Member States* via the **SIRENE** Bureau (once Romania becomes a Schengen Member State)

6. According to art. 13, para. 2 of GEO no. 30/2007 on organisation and functioning of the Ministry of Interior and Administrative Reform, tasks related to maintaining public order and security, crime prevention and countering are also performed by other authorities within the Department for Public Order and Security, such as:

➤ **National Antidrug Agency**

Based on a national strategy, the National Antidrug Agency determines the general approach and the unitary co-ordination at national level of the prevention and fight against illicit drug trafficking and abuse developed by the competent authorities, by other state institutions and non-governmental organizations, consolidates and monitors the results of the co-operation between the Romanian qualified institutions and the foreign organizations involved in the field (according to GD no. 1489/2002 on setting up the National Antidrug Agency with subsequent amendments - [annex 38](#)).

➤ **National Agency against Trafficking in Persons**

Based on a national strategy, the National Agency against Trafficking in Persons coordinates evaluates and monitors, at the national level, the implementation of policies in the field of trafficking in persons by the public institutions, as well as those in the field of protection and assistance provided to its victims. The Agency cooperates with governmental and non-governmental organizations within the country and abroad, as well as with inter-governmental organizations with the view of raising the public awareness on the phenomenon and its consequences (according to GD no. 1.584/2005 regarding the establishment, organization and operation of the National Agency Against Trafficking in Persons - [annex 39](#)).

➤ **National Centre for Persons Records Administration**

MIAR structure with attributions in ensuring the interconnection of all databases on persons records: National IT system on persons records, National IT system on passports and National IT system on driving licenses and vehicles certificates records.

17.

Also, according to art. 10 of GEO no. 30/2007, the MIAR specialized structure performing intelligence-related activities in order to ensure public order and prevent and counter threats against national security is the General Directorate for Intelligence and Internal Protection.

With which Schengen and non-Schengen States have agreements been concluded or are agreements being prepared on matters of police cooperation (including arrangements or declarations referred to in Article 40(6), 41(9), 41(10) of the Convention)? Describe the contents of these agreements.

Romania has concluded agreements, arrangements and bilateral protocols on police cooperation – related matters of with EU Schengen states and other states as follows:

In force

a) **Schengen Member States**: Belgium, the Netherlands, France, Germany (Bavaria Land), Italy, Hungary, Spain, Slovenia, Slovakia, Austria, Poland, Czech Republic, Sweden, Malta

b) **Non-Schengen states**: Republic of Moldova, Ukraine, USA, Canada, Switzerland, UK, Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia, India, Bulgaria, Turkey, Croatia, Albania, Russian Federation, Argentina, Morocco, Mexico, Brazil, Cyprus, Indonesia, China, Uruguay, Azerbaidjan, Armenia, Kazahstan, Pakistan, Chile, Georgia, Egypt, Israel, Lebanon, Jordan

Not yet in force

a) Schengen states: Norway

Negotiation approved: Venezuela, Bulgaria, Hungary, Saudi Arabia, Syrian Arab Republic, Ecuador, Paraguay, Colombia, Cuba, Portugal, Iran, Philippines, Azerbaidjan, Russia, Ireland.

A detailed list of the agreements concluded on police cooperation-related matters, including international conventions ratified by Romania is presented in [annex 40](#).

Main provisions of the agreements, understandings and bilateral protocols on matters of police co-operation

Standard provisions of the abovementioned agreements specify mostly the general framework shaping the agreements.

The first articles of these agreements usually specify the agreed fields of cooperation, covering in particular combating most serious categories of crime, including crimes against life, drug-related offences, trafficking in human beings, illicit trafficking in weapons, ammunition and explosives, terrorism related crimes, crimes against property, unauthorized crossing of borders, money laundering, cross-border criminality and countering corruption deeds.

Further provisions of cooperation agreements specify forms and methods of cooperation in relation to the scope of the agreed cooperation, the exchange of information and personal data and the specific conditions for protecting and using them and taking of joint police actions, experience exchange. Some of these agreements provide for cooperation in research and training.

As far as articles 40 and 41 of the Convention Implementing the Schengen Agreement are concerned, mentioned should be made of the fact that they are Category 2 provisions, therefore they are still not applicable in Romania. Romania will be able to apply the provisions of the Schengen Convention relative to the surveillance and cross-border pursuit only upon full Schengen membership.

Steps have been taken in order to conclude Agreements on enhanced police co-operation with the Republic of Bulgaria and Republic of Hungary, containing the relevant articles (39-47) of the Schengen Convention.

The negotiations with Hungary was finalized after two rounds of negotiations 28-29 August 2008 and 24-25 September 2008. The Agreement was signed on 21 October 2008 with the occasion of the 4th Joint Session of Government of Romania and Government of Republic of Hungary. This agreement ([annex 41](#)) goes beyond the Schengen Convention, detailing also provisions on controlled deliveries, covert investigations, collaboration in witness protection programs, joint investigation teams, in accordance with the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union.

The negotiation of the agreement with Bulgaria is ongoing.

Mention must be made that training sessions on articles 40 and 41 of the Schengen Convention were organised in the framework of a twinning project with Germany – *Schengen Aquis Approximation*. After the theoretical sessions, the Romanian police and border police officers participated in practical exercises on cross-border surveillance and pursuit. Each exercise was followed by analysis and assessment meetings.

The surveillance exercise was organised with the support and the participation of the representatives of the Bulgarian authorities – operative police officers and included crossing the Romanian-Bulgarian border.

With which Schengen and non-Schengen States have arrangements been concluded, or are arrangements being prepared or under study on matters of police cooperation in border zones as referred to in the provisions of Article 39(4) of the Convention (see also Executive Committee Decision SCH/Com-ex (98) 51 Rev. 3 of 16.12.1998)?

Describe the contents of these arrangements.

Romania has concluded agreements on matters of police co-operation in border zones with EU Schengen states and other states as follows:

In force

- a) Schengen Member States: Hungary
- b) Non-Schengen States: Ukraine, Bulgaria

Not yet in force

- a) Schengen Member States: Hungary
- b) Non-Schengen states: Bulgaria, Serbia

Negotiation approved – Republic of Moldova

Main provisions of the agreements on matters of police co-operation in border zones

The subject matter of standard agreements on cross-border co-operation between border police authorities contains regulations on countering organized crime and preventing serious crime: terrorism, trafficking in drugs and psychotropic substances, counterfeiting currency, money laundering, trafficking in human beings.

Moreover, these agreements establish the national bodies responsible for putting into practice the provisions, the measures to be taken when breaking the border regime, the law applicable, personal data protection rules, the use of border waters and the forms and methods of co-operation: joint control or investigation teams and improvement of information exchange between the parties involved.

These provisions aim at countering in an effective way cross-border crime and illegal migration in the border area through mutual co-ordination of plans and measures taken in the border areas.

A detailed list of the agreements concluded on matters of police cooperation in border zones is included in [annex 40](#).

With which Schengen and non-Schengen States do agreements exist on the exchange of liaison officers (Articles 7 and 47 of the Convention)? Provide an overview of secondments. Describe how your country keeps or will keep other Schengen States informed of the secondment of liaison officers in third countries (Article 3 of Council Decision 2003/170/JHA).

The Ministry of Interior and Administrative Reform has developed a Home Affairs Attachés Network which is formed of Romanian police officers/experts in the field of combating organised crime, illegal migration or civil emergencies.

Also, the secondment of home affairs attachés and liaison officers is realized on the basis of international agreements ([annex 42](#)) concluded by Romania with the states where they are / will be appointed to.

The Romanian Home Affairs Attaché is the official representative of the Ministry of Interior and Administrative Reform of Romania in a foreign country, working with the competent national and foreign authorities and acting as the liaison officer stipulated in art. 47 of the Convention implementing the Schengen Agreement, with the following derogation:

- the procedure of secondment and the regular report is valid only for the Romanian operative liaison officers executing - within foreign law enforcement authority and for a short period of time - an operative mission, for a specific matter and concerning specialized/technical police assistance.

The main tasks of the home affairs attachés and operative liaison officers are in line with the provisions of article 47 of the Schengen Convention and the Decisions no 170/2003 and 562/2006 (advise, facilitate and assist the international cooperation and the exchange of information).

Also, according to their duties, they respond to the assistance requests of the Member States law enforcement agencies, according to the provisions of Council Decision No. 2003/170/JHA of 27.02.2003 on the common use of liaison officers posted abroad by the Member States law enforcement agencies.

List of the home affairs attachés seconded by the Romanian Ministry of Interior and Administrative Reform to the Romanian Embassies/Permanent Missions until the present is presented below:

COUNTRIES:	home affairs attachés
Austria	2 in Vienna
Belgium+Luxemburg	1 in Brussels
Bulgaria	1 in Sofia
Croatia+Slovenia	1 in Zagreb
Switzerland	1 in Bern
France	2 in Paris
Germany	2 in Berlin
Greece	1 in Athens
Hungary	1 in Budapest
Ireland	1 in Dublin
Italy	2 in Rome and 1 in Milan
UK	2 in London
Moldova	1 in Kishinev
Norway	1 in Oslo
The Netherlands	1 in The Hague
Poland	1 in Warsaw
Russia	1 in Moscow
Serbia	1 in Belgrade
Spain	2 in Madrid
Sweden	1 in Stockholm
Turkey	1 in Ankara and 1 in Istanbul
USA	1 in Washington
Ukraine	1 in Kiev

Permanent Representations/Missions/International Organizations:

- Permanent Representation of Romania to the European Union-Brussels (1)
- Permanent Delegation of Romania to NATO- Brussels (1)
- EUROPOL-Hague (2)
- SECI Regional Center for Combating Trans-Border Crime (1)

By the end of 2008, the Romanian Home Affairs Attaché Network will be extended by supplementing the offices in Belgium (+1) and EUROPOL (+1) and sending new home affairs attachés in the Czech Republic (1), Macedonia (1) and Bosnia-Herzegovina (1).

At present, 15 operative liaison officers are detached in Italy.

Article 15 of GEO no. 103/2006 on certain measures facilitating international police co-operation is in line with article 3 of Council Decision 2003/170/JHA:

“Annually, MIRA sends to the General Secretariat of the Council of the European Union and its member states information referring to:

- a) *sending on mission the home affairs attachés and liaison officers representing Romania in third states or within the international organisations, accredited under the national legislation or based on the international obligations, assumed by the treaties Romania is part of.*

b) *treaties signed by Romania with the UE member states in respect of sending on mission the home affairs attachés and liaison officers.*”

The updated list of the home affairs attachés is sent periodically to the Police Cooperation Working Party, as part of the Addendum 3 to the Schengen police cooperation handbook.

Describe the training curriculum for police officers, especially as regards their training on the application of the provisions of the Schengen acquis. Which instructions, administrative provisions, etc. are in place with regard to the implementation of the Schengen acquis? Describe the mechanism for updating this information?

A. MIAR personnel initial and further training system

1. General aspects

At MIAR central level, the General Directorate for the Management of Human Resources provides the organizational framework for both basic and further training in accordance with the strategy in this field, with the policies and procedures generally applicable at the MoIAR level.

The General Directorate for the Management of Human Resources coordinates, monitors and evaluates both basic and further training.

The General Inspectorates manage basic and further training of the subordinated staff, according to their specific needs. All levels managers are responsible for organizing and delivering training activities for the subordinated staff.

2. Professional basic training

2.1. Officers Basic Training

2.1.1. Basic training within MIAR educational institutions

Starting with 2007 – 2008 university year, the cadets training shall last three – year - regular courses carried out by the Police Academy “Al. I. Cuza” (Bucharest), Police Faculty, higher education accredited institution, within MoIAR. The graduates get a law degree, public order and safety speciality and they also get the professional rank of police assistant inspectors.

2.1.2. Basic training within Ministry of Defence educational institutions

- The Military Technical Academy (Bucharest) – four – year - regular courses. Upon graduation, cadets get a degree in technical fields (IT, Communications, etc.), and also they get the professional rank of being ranked police assistant inspectors.
- “Mircea cel Batran” Navy Academy (Constanta) - four – year regular courses and the graduates get a degree in navy specializations needed for Border Police and they get the rank of police assistant inspectors.

2.2. Police agents

2.2.1. Basic training within MIAR educational institutions

Basic training is delivered by the Police Agents Schools, during two – year - regular courses. The graduates get the professional rank of police agent.

2.2.2. The initial training for some specializations can also be delivered in the following Ministry of Defense educational institutions:

The training of the Police agents for technical specializations such as: navy, weapons, communications, radio-electronic and electro-mechanic commissioning is delivered by two-year regular courses, within “Amiral I. Mungescu” Warrant Officers Military School of the Navy. The graduates get the rank of Police agents.

2.3. External source newly recruited staff basic training

The basic training of the external source newly recruited staff is delivered during 4 - 12 months courses within the Post Graduate Training Centre or in other training institutions of the General Inspectorates.

3. Professional further training

Professional further training includes:

- 3.1. further training delivered at the working place ;
- 3.2. further training delivered in specialized tuition institutions.

3.1. Further training delivered at the working place

It aims at acquiring the necessary knowledge and professional skills for developing professional competences in certain fields of activity and includes:

- specialised training (on monthly basis: 12-18 hours for non-operative staff and at least 18 hours for operational staff).
- range shooting training (six range shooting sessions annually for operative and non-operative staff who do not carry duty arms and for the staff working within the educational institutions, one session monthly for operational personnel who carry duty arms and two sessions per month for rapid reaction squads).
- physical education (normal training - up to 4 hours/week (non-operative staff), intensive training - up to 6 hours/week (operative staff), special training - up to 10 hours/week (rapid reaction squads).
- tutorial programs and professional guidance (it is designed to provide the professional and social integration of police probationers, cadets and students undergoing practical training within MIAR units).

3.2. Further training delivered in specialized training institutions

- mainly delivered through courses, drills, demonstrations, briefings, meetings, other activities, symposiums, seminars, conferences, dissemination of knowledge programs, etc.
- delivered according to annual plans;
- if necessary, police staff may attend further training programs organized by other MIAR, Ministry of Defence, Ministry of Education and Research institutions, and other professional training providers.

4. Miar educational institutions (for Romanian Police, Romanian Border Police and Romanian Gendarmerie)

4.1. Institutions subordinated to MIAR – General Directorate for the Management of Human Resources:

- “Alexandru Ioan Cuza” Police Academy in Bucharest
- Centre for Post University Studies in Bucharest
- “Neagoe Basarab” Military Highschool in Buzau, Buzau County
- “Constantin Brancoveanu” Highschool in Ploiesti, Prahova County

4.2. Institutions subordinated to GIRP:

- “Dinicu Golescu” Police Agents Basic and Further Training Centre in Slatina, Olt County
- “Vasile Lascar” Police Agents School in Campina, Prahova County
- “Septimiu Muresan ” Police Agents School in Cluj-Napoca, Cluj County
- “Aurel Greblea” Canine Training Center in Sibiu, Sibiu County

4.3. Institutions subordinated to GIBP:

- “Avram Iancu” Border Police Agents in Oradea, Bihor County
- Basic and Further Training School in Constanta, Constanta County
- Basic and Further Training School in Iasi, Iasi County
- Perfectioning School in Orsova, Mehedinți County
- Basic and Further Training School in Timisoara, Timis County
- Basic and Further Training Navy School in Giurgiu, Giurgiu County

4.3. Institutions subordinated to GIRG:

- “Mihai Viteazul” Officers Application School in Bucharest
- Training and Perfectioning Center in Ochiuri, Dambovita County
- Mountain Gendarmerie Training and Perfectioning Center in Sinaia, Prahova County
- "A.Ghica" Under officers School in Dragasani, Valcea County
- “Gl. Gheorghe Magheru” Training and Perfectioning Center in Bumbesti Jiu, Gorj County
- Training and Perfectioning Center in It&C and Logistics in Campina, Prahova County
- Training and Perfectioning Center in Gheorgheni, Harghita County

5. E-Learning

Starting with the autumn of 2006, the Romanian Police implemented e-Learning using the AeL Platform, which can be used both as a educational tool with trainers, as well as an informative tool (Library module).

The IT&C architecture of AeL includes a central server at the General Inspectorate of Romanian Police level, with 42 sub-servers at the level of each County Police Inspectorate and Bucharest GD Municipal Police. Each sub-server has 5 to 10 terminals.

The eLearning IT System ensures the training of all the Romanian Police staff at European level. This platform allows individual time management and development of individual / group abilities quicker than using the classical training means.

Another argument for implementing eLearning was to avoid / reduce “migration” towards the tuition institution and related expenses, bearing in mind the Romanian Police structure and number of personnel.

The AeL (Advanced eLearning) solution ensures a flexible, dynamic and training environment, according to the needs, both for initial as well as for further training.

AeL guarantees:

- a standardized training of the Police staff;
- transition from the formal to informal training method, by promoting interactivity, simulating practical cases (“learning by doing” and gradual feedback);
- permanent and quick access to information;
- objective evaluation of the learning process.

6. Training curriculum

6.1. General aspects

- Starting with 2008, Police and Border Police staff basic training curriculum is designed in order to offer a suitable representation of the knowledge and skills related to Schengen issues.
- According to the present approach, basic training curriculum contains new subjects and more classes allotted to Schengen field, both theoretical and practical (mainly). Thus, the students receive the basic information and the specialized training to accomplish their Schengen-related tasks.
- New departments were established within the tuition institutions with the mission to appropriately manage the training on Schengen issues.
- The syllabuses for the practical training sessions within operative units were revised according to Schengen-related training objectives.

6.2. Police officers

- Police officers basic training covers a three year - training period in the field of public order and security. The curriculum provides: law knowledge, general law enforcement knowledge/skills, leadership training, specialized training - police, border police, gendarmerie.
- Training curriculum includes law topics, criminal investigation, organized crime, professional tactics and procedures, range shooting, physical training, criminology, forensic, foreign languages and Schengen related subjects.
- All the above mentioned training sessions are delivered through both theoretical and practical activities.
- The curriculum is developed to provide the students with the knowledge and skills necessary to meet the professional standards and requirements.

6.3. Police agents

Police agents basic training covers a two-year training period. The curriculum is focused on further competences, ensuring the professional training standards as follows:

- *Key competence units* (allow transfer within the labour market): professional communication, professional communication in a foreign language, IT&C, cooperation and teamwork;

- *General competence units* (indicate the common training in the public order&security field): health and security at work, event management, use of service weapons, driving;
- *Specialised competence units* (derived from the specific missions).

The written curriculum is developed on the basis of the modules created according to the above-mentioned standards together with the educational plan.

7. Training on the application of the provisions of the Schengen acquis

The detailed list of training and raising awareness activities in Schengen-related issues that took place until the end of October 2008 is presented in [annex 52](#).

Mention must be made that training sessions on articles 40 and 41 of the Schengen Convention were organised in the framework of a twinning project with Germany – *Schengen Aquis Approximation*. After the theoretical sessions, the Romanian police and border police officers participated in practical exercises on cross-border surveillance and pursuit. Each exercise was followed by analysis and assessment meetings.

The surveillance exercise was organised with the support and the participation of the representatives of the Bulgarian authorities – operative police officers and included crossing the Romanian-Bulgarian border.

7.1.1. Police officers

The Schengen related training for police officers covers 410 hours (80 theory; 330 practical activities) and includes the following topics:

- a) *The European Union and European Institutions* (Setting up the European Communities. Creation of the EU; Member States and Acceding States; Romania's Accession to the EU; European Parliament; Council of the EU; European Commission; Court of Justice; Presidency – role and responsibilities; Legislative and decisional process in EU);
- b) *Police Theory and Tactics. Schengen Issues* (Schengen Accession National Strategy; Police cooperation; Schengen Agreement and Schengen Convention; Schengen Catalogues – recommendations and good practices; Schengen Action Plan; Romanian Police within EU; Schengen Working Procedures);
- c) *International Police Cooperation. Police Cooperation in Schengen context* (International Police Cooperation Center – Role and Missions; Bi and multilateral cooperation agreements concluded by Romania in the field of police cooperation, mainly with EU and Schengen Members States; Judicial cooperation; Free access within Schengen Area; Preventing and countering organized crime – police cooperation in Schengen context; General aspects regarding international police cooperation; Police cooperation in Schengen context; SIS; The fight against drugs, fire arms and ammunition; Migration; Asylum; Extradition; Transfer of convicted persons);
- d) *Public Order* (Specific aspects of police cooperation in enforcing public order within the Schengen Area; Police cooperation and mutual assistance in the field of enforcing public order and security; Information exchange, cross-border surveillance and pursuit; Movement of aliens within the Schengen Area; Data protection; SIS; Measures on citizens security within the Schengen Area);

- e) *Traffic Police* (Cooperation regarding traffic policing within Schengen Area; TISPOL);
- f) *Fraud Investigation* (Police cooperation regarding fraud investigation within Schengen and EU Area; Protection of EU financial interests);
- g) *Judicial Police Cooperation*;
- h) *Criminal Investigations* (European Arrest Warrant).

7.1.2. Border police officers

The Schengen related training for border police officers covers 776 hours (194 theory; 582 practical activities) and includes the following topics:

- a) *Border Police Tactics - The EU border surveillance* (Border surveillance; Police measures applied by border police units; Law enforcement specific tactics used in the border area; The types of border police patrols used for border surveillance; The territorial jurisdiction and the responsibilities of the border police units regarding border surveillance; The principles and the specific aspects for carrying out border surveillance; Law enforcement specific tactics – border operative activities).
- b) *EU Border Surveillance and Technical Control Equipment* (Border Security Integrated System; National and European strategies for border security).
- c) *Border Police Tactics - EU Border Control* (Perspectives regarding documents security and international standards; Security elements of travel documents for state border crossing; Travel documents classification and identification techniques; Border passing control; Rules, methods and conditions to perform border control; Land – road and railway traffic - control, harbour - river and maritime - control, airport border control; Free Area border control; Border control cooperation).
- d) *IT notions and customized IT for Border Police* (Introductory notions regarding border police IT programs; National and Schengen Area IT networks security; In use Border Police IT programs; Cooperation IT programs within Schengen Area; NISA; NISA II implementing; Exploiting SIS II, VIS, EURODAC, FADO, VISA ONLINE, AFIS and NISA, according to European best practices).
- e) *Schengen legislation* (The importance of studying European Law for Border Police; Free access within European Community; EU principles, liberties and legislation relevant for the Border Police; Border judicial rules under the Schengen acquis; Individuals and services judicial status that have the right for free access; Community Code regarding individuals border passing conditions – Schengen Border Code; Community judicial regulations regarding drugs and arms stipulated by the Schengen acquis; Cross-border police cooperation; FRONTEX; European Authorities and Systems involved in external border field – SIS II, EUROPOL, EURODAC, EUROJUST; JHA relevant acquis).

7.2. Police agents

The Schengen-related training for police agents covers 32 h, as follows:

- *Establishment of the European Union (4 h):*
 - Setting up the European Communities. Creation of the European Union
 - Member States and Acceding States.
 - Romania's accession to the EU

- *European Union and its institutions (4 h):*
 - European Parliament
 - Council of the European Union
 - European Commission
 - Court of Justice
 - Presidency - role and responsibilities
- *Legislative and decisional process in EU (4 h):*
 - EU law
 - Legislative and decisional process in EU
- *Schengen Agreement and the Convention implementing the Schengen Agreement (4 h):*
 - Scope of the Schengen Agreement and Member States
 - Definitions
 - Transposition of the Schengen acquis in the community acquis through the Amsterdam Treaty
 - Provisions of the National Strategy for Accession to the Schengen Area.
 - Provisions of the 2007 – 2010 National Strategy of Integrated State Border Management
 - Data that can be accessed in SIS
- *International police cooperation (4 h):*
 - Necessity and significance of international police cooperation
 - International Police Cooperation Center
- *International judicial cooperation (4 h):*
 - International judicial cooperation – general overview
 - Extradition
 - Judicial assistance
 - Transfer of convicted persons
- *Police cooperation in Schengen context (4 h):*
 - Schengen Convention - main provisions
 - Catalogues - recommendations and good practices
- *Evaluation: 4 h*

7.3. Foreign languages

All MIAR tuition institutions organise courses on foreign languages (English, French and German mainly), as part of both initial and further training. Mention must be made that the foreign language examination is an eliminatory part of the test for entering MIAR tuition institutions.

Which instructions, administrative provisions, etc. are in place with regard to the implementation of the Schengen acquis?

a) Integrated concept on training the staff involved in Schengen accession process of Romania

The Integrated Concept was developed with the purpose of establishing the general common framework for the initial and continuous training of the personnel working in the Schengen-related areas.

The objectives of implementing the Integrated concept are the following:

- a) establishing a compatible and inter-operational training system which could ensure the professional training of the personnel which works in Schengen related areas, at national level;
- b) developing the cooperation actions at inter-agency level in the field of professional training;
- c) disseminating the best practices for having an exchange of information during training actions and using in the process of personnel training the conclusions resulted from applying the lessons learned, by mutually sending several analysis, synthetic materials, documents, etc;
- d) mutual support in the field of professional training by exchanging trainers;
- e) sending educational materials, facilitating the use of technical endowments and the spaces of the education institutions for the purpose of training or other locations, in order to commonly organize or for the benefit of one/several institutions/structures, the training activities in the Schengen field;
- f) special assistance and support if there are activities of training organized with international participation, in the country or abroad;
- g) organizing programs of international cooperation and European expertise for training the Romanian personnel in the Schengen field, requesting from the European authorities the covering of the training needs by carrying out common projects, courses, seminars, exchange of documents, etc.

The fields targeted for Schengen training are the following: border control, visa policy, migration, asylum, police cooperation, judicial cooperation, fight against drugs, firearms and ammunitions, Schengen Information System and data protection.

b) Mechanism for Implementing the Integrated Concept

The *Mechanism for Implementing the Integrated Concept* aims at ensuring both a common platform of basic knowledge/skills in the Schengen field and the specific elements required for MIAR staff to fulfill its duties.

This applies to:

- initial training, carried out in MIAR's tuition institutions;
 - further training of the execution staff at all hierarchical levels, including foreign languages;
 - special technical training;
 - officers managerial training, according to their Schengen-related tasks;
 - training the teaching staff and of the trainers involved in providing the above-mentioned educational activities.
- c) Disposition of the Secretary of State - Head of the Schengen Department for organizing, developing and evaluating MIAR staff training in the field of Schengen.*

This Disposition establishes the ways and rules on implementing the Integrated Concept and the Mechanism for Implementing the Integrated Concept.

Describe the mechanism for updating this information?

Updating the information concerning training is realised as follows:

The training plans for each group of students/pupils are drafted annually, between April-June, by the training institutions, in co-operation with the General Inspectorates. Former training plans are analysed and new training fields and topics are introduced. The training plans are checked and approved by the General Inspectors.

The fields and topics can be updated regularly, according to the latest legislative or operative amendments. Lessons are updated before being presented in class.

In order to update the information, the intranet network, materials, press documents are used. The above-mentioned tools are also used for the already trained staff, in order to keep them permanently informed about new developments.

Describe the training curriculum and method to brief police officers on the Handbook on Cross-Border Police Cooperation. Is the Handbook available and in use in all police units? Have you prepared the relevant updates of the Handbook for your country and have they been sent to the General Secretariat of the EU Council? Do other information channels exist to inform Schengen States of the relevant rules for future cross-border cooperation and the exchange of information?

The Police Cooperation Handbook is known by police officers in all police units, as it is part of the compulsory bibliography of the training programme described at point 5.

The Handbook, translated into Romanian was disseminated to all Police and Border Police structures, as well as to other institutions and MIAR structures with competencies in the field.

Moreover, it is available in electronic format (both in Romanian and in English) on the intranet sites of the Schengen Department and Romanian Police.

The relevant updates of the Handbook for Romania have been prepared and sent to the General Secretariat of the EU Council on several occasions. The latest updates were sent at the beginning of September 2008.

At the same time, the Schengen States are kept informed on the relevant rules applying on the Romanian territory for cross-border cooperation or information exchange by the Romanian experts attending the Council Working Groups meetings.

Within the framework of cross-border cooperation pursuant to Article 39(1-3) of the Schengen Convention, does national law authorise your police services to take, without the involvement of the judicial authorities, the measures listed in Decision SCH/Com-ex (99) 18; SCH/I (98) 75 rev. 5 for the prevention and detection of offences? If not, what measures are the police not authorised to take?

Within the framework of cross-border cooperation pursuant to art 39 (1-3) of the Schengen Convention, the police services are authorized to execute, without the involvement of the judicial authority, the following activities listed in Decision SCH/Com-ex (99) 18; and SCH/I (98) 75 rev. 5 for the prevention and detection of offences:

- identifying vehicle owners and drivers;
- enquiring on driver's license;
- identifying whereabouts and residence;
- identifying telecommunications subscribers (telephone, fax and Internet), provided that this is public information;
- identifying persons;
- transferring police intelligence from police databases or files, in compliance with the relevant legal provisions concerning data protection;
- preparing plans and coordinating search measures and initiating emergency searches (independently of SIS searches);
- identifying the origins of goods, particularly weapons and vehicles (tracing goods circuits);
- examining evidence.

What concrete steps are being planned to implement Council Framework Decision 2006/960/JHA of 18 December 2006 (the "Swedish Initiative") on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union in your national law and to organise the practical procedures for handling the future police information exchange?

The steps taken by the Romanian authorities in order to implement Council Framework Decision 2006/960/JHA of 18 December 2006 (the "Swedish Initiative") are the following:

A working group formed of all institutions involved (Justice, Police and also NSA on personal data protection) was set up, in order to identify problems and best ways to implement the Decision.

A draft GEO implementing Council Framework Decision 2006/960 is pending domestic procedures and will be adopted by the Government until end of 2008.

What additional measures, if any, are your police authorities authorised to take without the involvement of the judicial authorities, other than those listed in the abovementioned Decision?

The police authorities perform no actions without the involvement of the judicial authorities, other than those listed in the abovementioned Decision.

18.

According to article 166 of Law no. 302/2004 on international judicial cooperation in criminal matters with subsequent amendments ([annex 22](#)): *“the Romanian judicial authorities can, without a prior request, transmit to the competent authorities of a foreign state information gathered in an investigation, whenever they consider that the information could help the beneficiary state initiate a criminal procedure or that the information could lead to an application for judicial assistance”*.

The Romanian authorities may provide restrictions regarding the use of the transmitted data. The recipient state must comply with these restrictions.

If the police authorities are not competent to deal with requests, describe the procedure used to forward them to the competent judicial authorities pursuant to Article 39(1), sentence 2. Under which conditions, if any, do the judicial authorities accept and execute requests for legal assistance forwarded in this way?

According to art. 10 of GEO 103/2006 on certain measures for facilitating international police cooperation ([annex 43](#)), the International International Police Cooperation Center will forward the request of the foreign authorities to the competent national authorities.

19.

As far as international rogatory letters are concerned, if the judicial authorities' competences do not include solving some requests, these requests are declined to other judicial authorities (e.g. Prosecutor's Offices, Courts) for legal assistance.

In relation to Schengen Member States, according to the provisions of Law 302/2004, in order to execute rogatory letters referring to house searches and/or seizures, the following conditions can be imposed:

- both legislations must stipulate freedom depriving sanctions for a minimum of 6 months, or a legislation incriminates it with an equivalent sanction as long as in the other legislation the action is punishable by an administrative authority and on the condition of the appeal before a criminal court;
- the activities requested by the rogatory letter must be permitted by the Romanian legislation.

Do the judicial authorities accept and execute requests for authorisation according to Article 39(2) of the Schengen Convention sent by fax or e-mail, as provided for in Decision SCH/Com-ex (99) 18?

Yes. Romanian judicial authorities accept applications for authorising some activities within the competence of the police. The data and information mentioned in these applications can not be used in the criminal process, unless the petitioner agreed so.

Do the applicable rules on judicial assistance and/or data protection allow information that is obtained from non-Schengen countries through police channels to be passed on to judicial authorities, and if so, under which conditions? Can it be used as evidence in criminal proceedings or does its use as evidence require the explicit consent of the judicial authorities in your country, similar to Article 39(2) of the Schengen Convention?

According to article 166 of Law no. 302/2004 with subsequent amendments, *“the Romanian judicial authorities can, without a prior request, transmit to the competent authorities of a foreign state information gathered in an investigation, whenever they consider that the information could help the beneficiary state initiate a criminal procedure or that the information could lead to an application for judicial assistance”*.

The Romanian authorities may provide restrictions regarding the use of the transmitted data. The recipient state must comply with these restrictions.

Does your national law provide for restrictions on the use of data if your police authorities exchange data with Schengen/non-Schengen States?

Romania can impose several conditions concerning the way the information transmitted is used, according to art. 165, para.1 of Law no. 302/2004 with subsequent amendments. The beneficiary state must meet the imposed conditions.

As far as transferring personal data abroad, Law no. 677/2001 on the person's protection regarding the processing of personal data and the free circulation of these data ([annex 44](#)), stipulates, in article 29 the conditions for transferring personal data abroad:

- The transfer to another state of personal data which are processed or are destined to be processed after the transfer can take place only under the condition that will not break the Romanian law, and the receiving state ensures an adequate level of protection.
- The protection level will be appreciated by the supervising authority, taking into account all the circumstances that define the data transfer, especially the nature of the data transmitted, the scope of the processing, the length proposed for the processing, the state of origin, the receiving state, as well as the legislation of the requesting state. If the supervising authority considers that the protection level offered by the transmitting state is unsatisfying, it can forbid the transmission of the data.
- In all situations, the personal data transfer to a neighbouring state will be the subject of a prior notification of the supervising authority.
- The supervising authority can authorise the personal data transfer to a state where the level of protection is lower than that of the Romanian state when the operator provides sufficient guarantees on the protection of fundamental human rights. These guarantees must be set by means of contracts signed by the operators and the physical and judicial persons that allow the transfer to take place.
- The provisions of the paragraphs (2), (3) and (4) do not apply if the data transfer is made according to the provisions of special laws or of an international agreement ratified by Romania, especially if the transfer is done in order to prevent, investigate or stop a crime.
- The provisions of the present article do not apply when the processing of the data is done exclusively for journalistic, literary or artistic goals, if the data have been made public as a manifest by the subject person or if the information is very much related to the subject's public person quality or the subject's actions are have a public character.”

Does your national legislation impose an obligation to inform the national central body, if in an urgent case the direct channel pursuant to Article 39(3), sentence 2 of the Schengen Convention is used?

Art. 9(4) of GEO no 103/2006 on certain measures for facilitating international police co-operation foresees such obligation in case of urgent situations, with a maximum delay of 24 hours:

“ in special cases, required by the necessity of providing fast exchange of information or keeping the confidentiality of the undergone activities, the request may be forwarded directly to the competent authority, Romanian or foreign, from case to case; in this particular situation, the Romanian competent authority will inform IPCC within 24 hours, calculated from the time of receiving or sending the request for assistance.”

Which measures is your country planning to take/which provisions must be observed regarding the use of technical means in cross-border surveillance? E.g. what kind of direct links will be used to facilitate cooperation and communication, as meant in article 44?

Communication is realized through international phone lines and fax, as well as through an Internet connection and intranet. These means offer the opportunity to send messages and images with a high level of accuracy. Security of the data used is provided by the encoding through software accepted by both sides and respecting, in the same time, the legislation on personal data protection.

The Ministry of Interior and Administrative Reform will implement TETRA digital mobile communication system – a standard recommended for law enforcement agencies in Europe.

At present, a series of state institutions implemented TETRA at regional level, as follows: Bucharest and Ilfov county, Prahova and Braşov. At the same time, within the state border security programme, MoAI is implementing a TETRA system in 21 counties through a mixed financing (external credit – 18 counties and Phare projects – 3 counties). Thus, the TETRA standard is implemented or currently being implemented on more than 60% of the national territory.

Mention should be made of the fact that all these TETRA implementations are part of a Single National Platform of digital mobile radiocommunications destined to all institutions involved in public order and safety.

Two main principles were respected when implementing this Platform:

1. Ensuring the interoperability;
2. Avoiding the overlaps in the purchase of activities at all levels: both between the institutions and the budgetary/reimbursable and European reimbursable funds.

At the same time, this PMR TETRA Platform is a mobile component of RCVD, which allows IT applications (including the Schengen applications) in mobile conditions.

Finally, the national TETRA Platform will perform all services, IT applications and functionalities specific to Radio Mobile Professional systems.

Which initiatives have been taken or are you planning to take pursuant to article 44 (1) and the options set out in Article 44 (2) to ensure cross-border interoperability of radio telecommunication systems?

Please refer to answer to question 15.

In order to ensure cross-border interoperability of radio communication systems, the bilateral agreements on cross-border police cooperation in criminal matters with Hungary and Bulgaria include provisions regarding the implementation of article 44. The practical specifications shall be included in technical annexes to these agreements.

A first step was already made in 2004 by concluding an agreement between Romania and Hungary for bandwidth frequency usage of 380-385MHz - 390-395MHz. Moreover, the Romanian authorities started the domestic procedures for concluding a similar agreement with Bulgaria.

Does your national law qualify an attempt to commit a crime as sufficient ground to take measures pursuant to Article 40(1) and (2) of the Schengen Convention?

Considering the provisions of article 169, para. 1 and 5 of Law no. 302/2004 on judicial cooperation in criminal matters with subsequent amendments, if the activities for which the law authorises cross-border surveillance are subject to extradition and the attempt on those crimes is punishable, than the attempt is sufficient ground to undertake measures according to article 40 (1) and (2) of the Schengen Convention.

Except in cases of urgency pursuant to Article 40(2) of the Schengen Convention where it is obviously not possible to seek the prior authorisation of the corresponding central authority designated in Article 40(5), will the police officials of Schengen States who conduct cross-border surveillance, be allowed to carry their service weapons in your country for standard surveillance operations pursuant to Article 40(1) as provided for under Article 40(3)(d) of the Schengen Convention?

At present, the provisions related to cross-border surveillance are incorporated in the national legislation under Law no. 302/2004 on international judicial co-operation in criminal matters, with subsequent amendments.

20.

In this respect, article 170 para.4.d) on cross-border surveillance stipulates that “*the surveillance agents may carry their service weapons during the operations, unless the Prosecutor’s Office along the Supreme Court of Justice has provided otherwise; the use of weapons is forbidden, except for self defense*”.

For more specific details please refer to [annex 41](#) (Agreement with Hungary).

In the context of Article 40 of the Schengen Convention, does your legislation require information on the type and number of service weapons? What information should be provided and at which moment? Does your legislation put any restrictions in this connection on observation teams from other Schengen States, and if so, which?

According to Law no. 302/2004 there are no requirements regarding the type and number of service weapons in the context of Article 40 of the Schengen Convention (see answer to question 18).

For more specific details please refer to and [annex 41](#) (Agreement with Hungary).

How often are the registrations forms, mentioned in Article 45 used by the competent authorities to prevent threats, conduct criminal investigations or to clarify the circumstances of missing persons or victims of accidents?

Article 45 of the Convention Implementing the Schengen Agreement (the obligation of filling in the application forms at the accommodation centres) was incorporated in the national legislation regulating the aliens’ regime (art. 12 para (2) of GEO no. 194/2002 on aliens’ regime in Romania, with subsequent amendments ([annex 16](#)).

Registration forms are transmitted on daily basis by the hosting units to the territorial services for population records. These services carry out searches to find out whether the persons accommodated are to be found in the database for wanted/missing persons and if so they inform the competent structures.

Regarding police data, is there one general police database or are there several databases belonging to different police forces? If there is only one, do all police forces have access to this database? If there is more than one who has access to which database?

In Romania, both the Romanian Police and the Romanian Border Police administrates their own databases and allow other structures direct/indirect access, as follows:

Romanian Police

The Romanian Police administrate and have direct access to the following databases:

- WANTED PERSONS (*All Points Bulletin*) - database containing wanted persons at national or international level, avoiding the execution of a warrant or a penal sentence, as well as missing persons.
- AFIS – database for identifying individuals bases on their fingerprints.
- DACTYL - dactyl cards of all fingerprinted persons that are input in AFIS database
- IMAGETRAK - database for identifying individuals based on facial images, digital portrait, description, particular signs and the legal status of a person.
- CDN (System for identification of missing persons and unidentified bodies) - database for identifying missing persons, unidentified bodies, based on description and particular signs.
- IBIS (Ballistic identification integrated system) - database for identifying firearms based on traces created by shells and projectiles.
- SNDGJ (National system of judiciary genetic data) - database for identifying individuals based on their genetic profile.
- INTERDIT - database containing information about individuals with legal interdictions: leaving the city, the country or the interdiction of being in a specific city.
- VEHICLE THEFT - database on vehicles reported as stolen (regardless of the country where the crime was committed)
- Car Accidents Register - database on car accidents in Romania
- Stolen objects - database on stolen objects throughout the country
- P30 – database for realizing an unitary judiciary statistic, regarding the criminal proceedings engaged by the Romanian Police
- INCARCERATED – database that offers information and complete data regarding the incarcerated persons
- FOREIGN NATIONALS - IT management of crimes committed by foreign nationals on the territory of Romania
- Firearms National Registry - database on firearms, legal owners of firearms and ammunition and operation involving firearms and ammunition
- EXPLOSIVE - database on explosive material transfers authorisations as well as transit authorisations
- Database regarding licensed security personnel
- Database regarding security companies and licensed alarm systems

Romanian Police structures can also access databases belonging to other MIAR structures or institutions:

- Entry/Exit Aliens Register - Romanian Border Police;
- Persons' Records – National Administration Centre of Persons Register Databases;
- Passports – National Administration Centre of Persons Register Databases;
- Driving Licence and Registration Certificates - National Administration Centre of Persons Register Databases;
- Integrated Information System for the management of migration, asylum and visas – Romanian Immigration Office;
- eASF Interpol – access administrated by Interpol National Bureau within the International Police Cooperation Center;
- PRADO – administrated by the Romanian Border Police
- Border Checks – National Customs Authority.
- Trade Register – National Trade Register Office

Romanian Border Police

The Romanian Border Police administrates and has direct access to the following:

- database on recorded/wanted persons and means of transportation suspect of being involved in criminal activities. The alerts are issued by GIBP, on the basis of its own information or following the request of competent institutions, according to the legal provisions;
- Returnees Register;
- Alerts Travel Documents Evidence;
- PRADO.

The Romanian Border police structures have access on the above-mentioned databases in the first and second line of control.

The Romanian Border Police has access (mainly in the second line of control) to the following databases administrated by other law enforcement agencies:

- Passports - National Administration Centre of Persons Register Databases
- Persons' Records – National Administration Centre of Persons Register Databases
- Entry/Exit Aliens Register – a database managed by Romanian Border Police, which contains flow records of alien citizens (except citizens from EU, Norway, Switzerland and Iceland) at the border.
- Driving Licences –National Administration Centre of Persons Evidence Databases
- eASF Interpol – access administrated by Interpol National Bureau within the International Police Cooperation Center.
- Integrated Information System for the management of migration, asylum and visas – administrated by the Romanian Immigration Office
- Stolen Vehicles – Romanian Police
- Wanted persons (All Points Bulletin) – Romanian Police

Which police service or force has been or will be appointed as the central Schengen body as mentioned in Article 39 and 46 of the Schengen Convention? Which police forces are/will be represented in the central Schengen authority? Will the central Schengen body have access to all police databases?

According to art.4 of GEO no.103/2006 on certain measures facilitating international police co-operation, the central body for international police cooperation is the International Police Cooperation Center within the Ministry of Interior and Administrative Reform.

The Romanian Police, the Border Police, the National Customs Authority are represented in the International Police Cooperation Center.

The central authority will have direct access to all relevant police databases on a *need to know* basis. After all MIAR units connected to NISA upgrade their IT&C systems, IPCC will conclude Protocols with each structure in order to be granted direct access.

Is article 46 of the Schengen Agreement used to exchange information regarding public order and is this information processed by the central Schengen authority? Do you have at your disposal statistical material on the exchange of information over the 3 previous years? If so, can you provide it?

Art. 7 of GEO no. 103/2006 is in line with the provisions of art. 46 of the Schengen Agreement amended by Council Framework Decision no. 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.

Art. 14 of GEO no. 103/2006 stipulates the possibility of spontaneous information in case of imminent risk. Art. 9, para. 4 of GEO no. 103/2006 set up working procedures allowing for direct contacts in emergency cases, making it mandatory to inform the central authority in 24hours.

At present, there is no statistical data concerning the exchange of information regarding public order. In the future, the present database of IPCC, containing the registration number, subject of request and the officer responsible, will be able to provide the special functionality to elaborate statistics concerning the spontaneous exchange of information according to art. 46.

Is the SIRENE bureau responsible for handling requests for police cooperation according to the SIC?

SIRENE Bureau within the International Police Cooperation Center will deal with the requests for police cooperation according to art. 41 of the Schengen Convention.

Also, there are plans to establish a single contact point for all relevant article of the Schengen Convention (39, 40, 46) at IPCC level, according to the following timetable:

- I. Identifying and filling in the positions and allotting necessary financial resources for the compartment of international police cooperation – deadline: 31.03.2008;
- II. Recruiting and training the personnel of the compartment of international police cooperation – deadline: 31.12.2009.

Are mixed patrols carried out in the border area in the framework of direct cooperation?

Based on national and regional agreements, the Romanian Border Police and Bulgarian Border Guards are performing joint operations at land and maritime border and also on the Danube river.

Based on a common monthly plan, the following types of operations are being implemented:

- Common actions for surveillance of the Danube river with Romanian or Bulgarian surveillance ships;
- Joint teams for checks performed at common border crossing points, according to art. 17 of the Schengen Border Code;
- Joint patrols for the surveillance of the land border. Also a “chess table” system is implemented.

Action plans are concluded by each director of the Border Police Directorates and his Bulgarian counterpart and approved by the General Inspector of Romanian Border Police and his Bulgarian counterpart. These documents establish the details of the common surveillance and checks depending on the operative needs.

The chiefs of the territorial units establish the monthly patrolling chart, according to the operational situation.

Such an action plan includes the following:

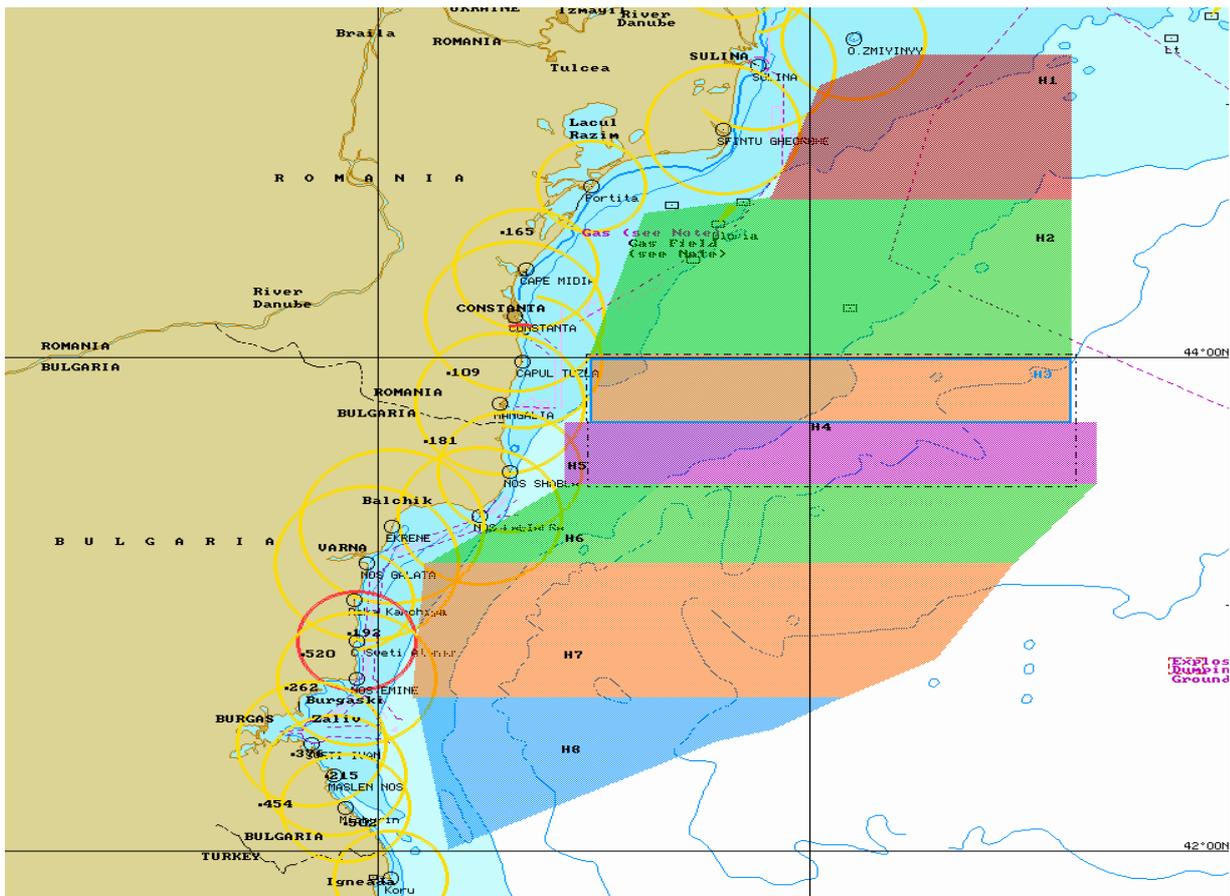
- means of transportation used, for land and river;
- the crossing places for the participants in the joint teams on the neighbouring territory, as well as the docking places for the ships on the neighbouring territory;
- the list with the crews and the participants in joint patrols;
- period and type of patrolling;
- necessary means of communication for the connection in real time with the dispatch offices in the territorial units.

Whenever necessary, due to the operational situation, bad weather conditions, the planned actions can be cancelled or postponed. In this situation, the parties inform each other.

Depending on the operative situation, at the proposal of one of the parties and after the notification and approval of the other party, other patrolling activities can be carried out, besides the ones provided in the chart.

For the participation in joint patrolling teams, the two parties are providing the training and, depending on the possibilities, persons who speak the language of the neighbouring country are deployed to guarantee a good communication between the parties during the common activities. The chief of each territorial structure organizes regular common trainings for the participants in joint teams on laws of the neighbouring countries, related to joint activities.

Figure 43. “Hotel area”



Starting with February 2008, the surveillance of the maritime border in the “Hotel area” (area allotted to Romania and Bulgaria) is performed jointly by Romania and Bulgaria, under the FRONTEX umbrella.

For further details on this issue, please refer to the Chapter on Border management.

Also, detailed provisions on joint patrols are included in the Agreements with Bulgaria and Hungary on cross-border police cooperation ([annex 41](#)).

What rights do foreign officers have on your territory? Can they act independently? Do they have the right to apprehend?

According to art. 20 of GEO no. 103/2006 and Law no. 302/2004 amended by Law 224/2006, foreign police officers can act on the Romanian territory under the following conditions:

- a) The pursuing agents must comply with Romanian legislation and obey the instructions issued by Romanian authorities;
- b) The pursuit is authorized only over land borders;
- c) Home searches, as well as entering into places not accessible to the public shall be prohibited;

(d) The pursuing agents shall be easily identifiable, either by their uniform, by means of clothing inscriptions or by accessories fitted to their vehicles; The use of civilian clothes combined with the use of unmarked vehicles without the aforementioned identification is prohibited; the pursuing officers must at all times be able to prove that they are acting in an official capacity.

e) The pursuing agents may carry their service weapons; their use shall be prohibited except for cases of legitimate self-defence.

f) After each operation, the pursuing agents shall appear before the Romanian competent local authorities and shall report on their mission; at the request of those authorities, they shall remain at their disposal until the circumstances surrounding their action have been sufficiently clarified; this condition shall apply even where the hot pursuit has not resulted in the detaining or arresting of the person pursued.

g) The authorities of state from which the pursuing agents have come shall, when requested by the Romanian competent authority, assist the enquiry subsequent to the operation in which they took part, including judicial proceedings.

i) If the bilateral agreements provide that the foreign pursuing officers may stop the pursued person, for the purpose of being brought before the Romanian competent authorities, that person may be subjected to a security search; handcuffs may be used during the transfer; objects carried by the pursued person may be seized, according to the law.

The agreements with Bulgaria and Hungary on cross-border police cooperation contain provisions accordingly.

Are officers participating in joint missions required to have a basic knowledge of the other relevant language?

Only experienced officers with the necessary language skills are selected for joint missions. Their foreign language ability must be sufficiently high as to permit communication without delay, even in extraordinary situations. It is not a requirement for the agents participating in joint missions to speak the languages spoken by their counterparts, but part of the mandatory criteria for the team members must be foreign language skills (in particular English, French, German etc.)

It must be emphasized that the police and border police staff working in the border areas has knowledge of the neighbouring countries' languages.

Do you have police and customs cooperation centres or joint police stations? If not, are there plans to set them up?

The following cooperation centers are already established and functioning:

1. Oradea Contact Point (Headquarters: BPD Oradea, Romania) with participation of the Romanian Border Police and representatives of the ministries of interior from EU member states Austria, Italy, France, Spain and Germany.

2. Giurgiu Contact Bureau (Headquarters: BCP Giurgiu Road – Railroad, Romania) with participation of Romanian and Bulgarian Border Police.

3. Artand Contact Point (Headquarters: BCP Artand, Hungary) with participation of Romanian Border Police, Romanian National Customs Authority, National Hungarian Police, Hungarian Customs Authority.

4. Galați Trilateral Contact Center Romania – Moldova –Ukraine (Headquarters: BCP Galați, Romania). This centre is not fully functional as only Romanian Border Police, Romanian Customs Authority and Moldovan counterparts are participating.

5. Porubne Contact Point (Headquarters: BCP Porubne, Ukraine) with participation of Romanian Border Police and Ukrainian border guards.

Figure 44. Contact Points



The procedure for the establishment of the Contact Bureau Portile de Fier I at the border with Serbia is in progress. Working areas were allocated and endowed with equipments and the Regulation for the functioning of the Bureau was drafted and sent to Serbian counterparts.

All the contact points and centers are subordinated to the General Inspectorate of Border Police.

The main attributions of the above mentioned cooperation centres:

- taking over, exchange and sending information in two or more states in order to fight against cross-border crime;
- gathering, sending and solving requirements for assistance, as well as answers related to the prevention and fighting against illegal acts; supporting the requests involving other structures;
- evaluation of the exchange of data and information;
- preparing and offering assistance for taking over of strangers on the basis of readmission agreements;
- setting up contacts with authorities involved in fighting cross-border crime.

Steps are being made in order to involve the customs' authorities and Police in all the contact points and centers.

How are (will) relations between such joint centres and the central Schengen body be organised?

Presently, cooperation between joint centers and the International Police Cooperation Center is performed through the General Inspectorate of Romanian Border Police, to which the centers are directly subordinated.

IPCC is informed on regular basis on the information exchange activities performed by the centers via the General Inspectorate of Border Police, to which the centers are directly subordinated.

These contact centers have access to the data – voice communication network of MIAR and to the intranet sites of all the structures. Monthly reports of activity are transmitted by the contact centers to the General Inspectorate of Border Police.

To improve direct communication, the future plans of the Romanian Border Police are to establish a direct connection between centers and IPCC through data – voice communication network of MIAR.

In addition to cooperation on land, are there (will there be) other forms of cooperation (waterways, sea, air, etc)?

According to the provisions of the bilateral agreement signed with Hungary and the one under negotiation with Bulgaria, performing cross-border surveillance will not be restricted to land borders. Romanian agents will be able to perform cross-border surveillance also on air and sea borders.

Air cooperation provisions are also included in the Prüm Treaty (air marshals) to which Romania is party. The Parties of the Treaty may deploy air marshals onboard aircrafts subject to certain conditions. For the implementation of these provisions of the Treaty, Romania will conclude agreements with Germany, Austria and other Parties of the Treaty.

Also, cooperation within FRONTEX involves besides land, also air and sea cooperation. For further details on this issue, please refer to the Chapter on Border management.

Romania is also a central player in the Black Sea Economic Cooperation Organisation set up in 1999. Its main objective is enhancing the development of economic cooperation of the member states through promoting multilateral cooperation especially on countering organised crime, custom services, energy, transportation, emergency situations, science and technology, etc.

X. DRUGS

1. What specific organisational measures have been adopted at the external borders (air, sea and land) to combat drug trafficking?

a) New structures

The activities unfolded by the Romanian authorities in countering drug trafficking focused on an integrated approach, to identify and eliminate the causes, as well as to make joint use of the available means, in order to reduce and stop their effects.

At present, Romania has the necessary legislative and institutional framework for preventing and countering drug trafficking,

I. Based on a national strategy, in line with the European Strategy on Drugs, the National Antidrug Agency (NAA), established in December 2002 within MIAR, determines the general approach and the unitary co-ordination at national level of the prevention and fight against illicit drug trafficking and abuse developed by the competent authorities, by other state institutions and non-governmental organizations, consolidates and monitors the results of the co-operation between the Romanian qualified institutions and the foreign organizations involved in the field (according to GD no. 1489/2002 on setting up the National Antidrug Agency with subsequent amendments - [annex 38](#)).

NAA has 47 evaluation, prevention and anti-drug counselling centers - representing the Agency at local level (41 counties and six districts of Bucharest).

The Romanian Monitoring Centre for Drugs and Drug Addiction (RMCDDA) was established within NAA, as a directorate. RMCDDA functions as the Romanian technical liaison structure with the European Union, in charge with monitoring the Romanian drugs situation and with the exchange of information between source-institutions and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). RMCDDA centralizes all data provided by the institutions that possess drug-related data. The results of the analysis are submitted to policymakers at the level of the ministries involved.

II. At the level of the Romanian Police, within GIRP functions the Anti-drug Directorate, as part of the General Directorate for Countering Organized Criminality ([annex 45](#))

At territorial level, 15 Brigades for Countering Organised Criminality were set up (in each county with a Court of Appeal – according to the territorial competence) Services for Countering Organised Criminality were established in the rest of the counties.

Main tasks of the anti-drug police structures:

- countering trafficking and consumption of synthetic drugs, cocaine and cannabis.
- countering trafficking and consumption of heroine, and opium ;
- preventing precursors misappropriation and uncovering illegal labs and crops;
- receiving, verifying and answering the requests of operators that intend to perform activities with precursors;

- organizing the monitoring of the legal drugs placement, establishing and managing the national data-base for precursors activities;
- organizing and developing controlled deliveries;
- organizing international co-operation on common cases.

At the level of the Romanian Police, 5 laboratory for physical-chemical drug & precursor analyses and profiling are functioning: the Central Laboratory within the DGCOC and 4 within the the BCOs in Constanta, Cluj, Iasi, Timisoara.

21.

III. At the level of the Romanian Border Police

At the level of the General Inspectorate of Romanian Police, the Service for Countering Illicit Classified Substances Trafficking was set up in 01.12.2004 within the Directorate for Countering Cross-border Criminality ([annex 46](#)).

At regional and territorial level, 6 Bureaus for Countering Illicit Classified Substances Trafficking were established within the Border Police Directorates and 21 Units for Countering Illicit Classified Substances Trafficking were set up within the County Border Police Inspectorates.

IV. As of December 2007 the National Customs Authority has the following structure:

At central level:

Directorate of Surveillance Excises and Customs Operation ([annex 47](#)):

- Anti-drug Compartment within the Anti-drug and Special Regime Products Division
- Canine Team Unit within the Mobile Team Coordination Service

At regional level, within the 8 Regional Customs Units functions Anti-drug and Special Regime Products Divisions, within the Departments for Customs Operations and Excisable Merchandises Surveillance.

At local level, Anti-drug and Physical Customs Control Points were established within the Customs Border Units,. Also, customs agents are operating within the County Directorates for Excise Tax and Customs Operations, within the Physical Control Departments.

V. ROMANIA TRIDENT PROJECT is an inter-ministerial intelligence working group fighting against transborder crime (task force), established in 2005 and composed by experts from the National Custom Authority (Ministry of Economy and Finances), Romanian Police, Romanian Border Police and General Directorate for Intelligence and Internal Affairs (Ministry of Interior and Administrative Reform).

TRIDENT Project is headed by the National Coordinator (for operational reason) subordinated to a Coordination Committee, composed by the deputy of each involved law enforcement agencies and three Local Coordinators for each task force.

TRIDENT regional units are located in strategically European gates (3 OPERATIONAL UNITS) such as *Henri Coandă -Otopeni Airport, Constanta Harbor and Giurgiu Border Crossing Point*, composed by specialized officers on fighting against frauds, organized crime, border police, transport, criminal investigation, intelligence and fiscal administration (customs). TRIDENT Units were set up in order to exploit the informational potential/capacity of these locations

Setting up the Iasi Trident Unit (border with the Republic of Moldova) and the Satu Mare Trident Unit (border with Hungary) is in progress.

Main tasks are focused on gathering intelligence and analysis (strategic – risk analysis and operational - tactical analysis, using the benefit of databases managed by those law enforcement agencies mentioned before. Combating drug trafficking is a national priority for all the Trident Units;

Main responsibilities:

- Collecting intelligence and monitoring transit areas of goods and people,
- Building up risk profiles regarding the movements of goods and people,
- Running intelligence analysis in an integrated environment of law enforcement framework,
- Sustaining the gathering of evidence in cases.

Analytical packages and operational intelligence are directly disseminated to prosecutors from the Directorate for Investigation of Organized Crime and Terrorism Offences within the General Prosecutor's Office or to law enforcement units (that has the exclusive competence in investigating cases).

b) Staffing measures

I. National Anti-drug Agency

At central level, the organisational chart of NAA foresees 127 positions, out of which 108 are staffed (85%). At local level, approximately 95% of the evaluation, prevention and anti-drug counselling centers' schemes is staffed.

II. Romanian Police

Out of the 383 positions approved for the anti-drug structures within the Romanian Police, 321 are staffed (84%).

In January 2006, the General Directorate for Countering Organized Criminality has developed and submitted to all the police structures at the central and territorial level the *Plan for countering and preventing the illicit drug trafficking and abuse in Romania*, through which all the operative structures within the Romanian Police are given competences of ascertaining the offences related to the drug trafficking at the street level.

III. Romanian Border Police

At central level, 18 persons work within the Service for Countering Illicit Classified Substances Trafficking (Directorate for Countering Cross-border Criminality).

At regional and territorial level, the staff is as follows:

- 36 persons within the Bureaus for Countering Illicit Classified Substances Trafficking (Border Police Directorates)
- 56 persons within the Units for Countering Illicit Classified Substances Trafficking (County Border Police Inspectorates)

IV. Romanian Customs Authority

The operation of the anti-drug personnel from customs units and county directorates is based on ANAF Vice-president Order nr. 7540/2005 for the approval of the functioning norms on Customs Anti-drug Physical Control ([annex 48](#)). The customs personnel with anti-drug attributions, working at the border customs units and at the county directorates is designated by vice-president order and is trained by the customs personnel from regional directorate and central administrative office.

At central level:

- 3 persons within the Anti-drug Compartment (Anti-drug and Special Regime Products Division);
- within the Mobile Team Coordination Service the Canine Team Unit is functioning. This Unit is coordinating the use of 28 sniffing dogs teams for anti-drug control; these are being distributed within the central administration, regional, county services and Border Customs points).

At regional level (Regional Customs Units): 1-2 persons in each Anti-drug and Special Regime Products Division within the Departments for Customs Operations and Excisable Merchandises Surveillance.

At local level:

- 4-12 persons in each Anti-drug and Physical Customs Control Point within the Customs Border Units;
- 1-2 anti-drug customs agents in each County Directorates for Excise Tax and Customs Operations, within the Physical Control departments.

V. Trident Project staff:

- at central level: 19 officers, 8 analysts and 2 coordinators analysts;
- Henri Coandă Otopeni Airport: 4 officers and 3 analysts;
- Constanța Harbor: 8 officers and 3 analysts;
- Giurgiu Border Crossing Point: 7 officers and 2 analysts.

c) Creation of new customs services specialised in surveillance at the land -, sea - and air borders

In Constanța seaport a team for ships' surveillance and control is operating. This operative intervention team is under the co-ordination of Constanta County Directorate for Excises and Customs. It is responsible for checking ships arriving in Constanta harbor, on the basis of risk analysis, internal sources and intelligence received form other authorities.

Land surveillance is ensured by Customs authorities' mobile teams. These mobile teams have been

created after closing the customs bureaus at the border with Hungary and Bulgaria. Their action range is nation-wide. Their organisational structure contains, at central level, the Service for the Coordination of mobile teams and at regional level, the Mobile Teams Bureau.

d) Do the customs authorities have any aircraft (planes, helicopters) for detecting illegal shipments?

No, the customs authorities don't have such technical equipment. Instead, the surveillance of the border using helicopters is ensured by the Border Police.

Technical aspects

a) What specific measures and tactical methods have been adopted at the external borders to combat drug trafficking?

Joint risk analysis teams are functioning at the border crossing points with a high risk level.

Thus, under TRIDENT project, joint teams formed of Police/ Border Police/Customs Authority officers are working at Bucharest Airport "Henri Coandă", border crossing point Giurgiu and seaport Constanta.

Also, at Albita border crossing point with the Republic of Moldova, a joint risk analysis team (ECAR) consisting of customs agents and border police staff was deployed.

A working procedure on countering illicit drugs trafficking was drafted at the level of the Border Police General Inspectorate. Under this procedure, the specialists who are working in this field have general territorial competences to investigate such crimes at all Romanian border crossing points.

Data and information exchange with central units from the General Inspectorate from the Romanian Police (GIRP), General Directorate for Intelligence and Internal Protection (GDIIP), Romanian Intelligence Service (RIS), National Customs Authority (NCA), as well as with other authorities through the International Police Cooperation Center (National Interpol Bureau, National Focal Point), SECI Centre, liaison officers and foreign affairs attachés seconded in Bucharest is ensured.

b) What special measures have been taken to guarantee that controls are effectively targeted (targeted controls)?

A risk analysis unit responsible with selecting physical controls is operating within the Border Customs Bureaus, separately from the Anti-drug and Physical Customs Control. The activity of this unit is coordinated by the Customs Information Centre/central administrative authority, also including a Directorate for risk management, having both fiscal and non-fiscal responsibilities.

At the Border Police level, the control activities are based on risk analysis, corroborated with data obtained after the implementation of informational-operational activities.

c) What new methods have been introduced to obtain relevant information?

Cooperation between the law enforcement agencies with tasks in fighting illicit drug trafficking – Romanian Police, Romanian Border Police, National Customs Authority is based on signed protocols, under the coordination of the National Anti-drug Agency .

The cooperation includes, besides joint operations, data/information exchange. As part of this cooperation, the information received from the Romanian Border Police or from the GDCOC – Anti-drug Directorate or National Customs Authority is exploited by all the agencies, during some jointly undertaken illicit drugs seizures.

The connection of the National Customs Authority to the database of NDCS (National Drug Control System) software of the Anti-drug Directorate was approved and starting with 01.04.2006 the program was rendered operational.

Also, the anti-drug police staff with attributions in the precursor field was given to access the National Customs Authority database on imports and exports of goods.

The National Customs Authority signed co-operation protocols with courier operators in several Romanian airports, which main objective is the fight against illicit drug trafficking.

The Romanian Police make use of the modern investigation and criminal procedure means:

- undercover investigator
- controlled delivery
- intelligence analysis
- wire tapping
- video surveillance
- GPS use
- buying drugs
- registered informant

For the improvement of performances in the field of obtaining relevant information, the Customs Authority is implementing, within a PHARE project, an IT application on illicit drugs, that will allow data processing using a single information search and selection engine.

The Border Police is cooperating with undercover investigators, as well as with their collaborators. Also, a fund for rewarding the informers who provide data serving as bases for successful operations of criminals and drug dealers arrest has been created.

Art. 224¹ para. (1) from the Criminal Procedure Code (CPC) provides that if there are grounded and concrete indications that an offence was committed or the perpetration of an offence is prepared (an offence against national security provided by the Criminal Code or other special laws, an offence related to drugs and weapons trafficking, trafficking in human beings, terrorism, money laundering, counterfeit, corruption) or if there are grounded and concrete indications that the perpetration of another serious offence that cannot be discovered or if the perpetrators of that offence cannot be identified by other means is prepared, undercover investigators can be used, with a view to collect data on the offence and on the identity of the persons presumed to have committed an offence.

Para. (2) provides that the undercover investigators are operative employees within the judiciary police and can be used only during a limited period of time, as foreseen by art. 224² and art. 224³. The undercover investigator collects data and information on the basis of the authorisation issued according to art. 224² and puts them at the disposal of the prosecutor, as provided by art. 224¹ para. (3).

According to art. 224² from the Criminal Code (CC), the undercover investigators may perform investigations only with the grounded authorisation of the prosecutor who carries out or oversees the criminal investigation. The authorization is issued for a period of at most 60 days and it can be renewed for solid justified reasons. Each extension cannot exceed 30 days and the maximum period of time for an authorisation, on the same case and the same person, cannot exceed 1 year.

According to art. 224³ from CC, the data and the information collected by the undercover investigator can be used only in the criminal case and related to the persons referred to in the authorisation. The data and the information may be used for other cases and related to other persons, if they are useful and conclusive.

According to art. 16 para. (1) from Law no. 508/2004 on setting up, organizing and functioning of the Directorate for Investigation of Organized Crime and Terrorism Offences (DIOCTO) within the Public Ministry, with the subsequent amendments and, when there are solid grounds that an offence under DIOCTO competence (including trafficking in drugs and precursors) was committed, with a view to collect means of evidence or to identify the perpetrator, the following measures can be ordered: putting under surveillance of the banking accounts and of the accounts assimilated to them; putting under surveillance, interception or recording of the phone lines; the access to the informational systems. Para. (2) provides that DIOCTO prosecutors may order to any person holding or issuing from, to communicate them, in original or in copy, any data; information; documents; bank, financial or bookkeeping documents or any other related document.

In addition, art. 33 of the Law no. 218/2002 on the organisation and functioning of the Romanian Police, with the subsequent amendments (annex...), provides that for preventing and combating corruption, transnational crime, trafficking in human beings, terrorism, drug trafficking, money laundering, IT offences and organized crime, the Romanian Police can use informers and undercover police officers for collecting information with a view to use them as means of evidence within a trial, on the basis of an authorisation issued by the prosecutor, for at most 60 days. The authorisation can be extended in the same conditions for other periods of time of 30 days each.

Art. 21 from Law no. 143/2000 on preventing and combating illicit drug trafficking and consumption, with the subsequent amendments ([annex 49](#)), provides the following: the prosecutors can authorize the undercover investigators to be used, for discovering the deeds, identifying the perpetrators and obtaining the means of evidence, in the situations when there are grounded indications an offence provided by the law was committed or the perpetration of an offence is prepared. The authorization is issued for at most 60 days and it can be extended for justified grounded reasons, for periods of time of 30 days each.

d) Have any steps been taken with a view to concluding protocols and agreements with international carriers and to obtaining information on suspect activities, in accordance with the recommendations issued by the World Customs Organisation (WCO)?

During 2004-2006, the Customs Authority signed cooperation protocols with fast courier operators (DHL, FEDEX, UPS etc) acting on Bucharest Airport “Henri Coandă” and Timisoara Airport “Traian Vuia”. On the basis of these protocols, at the request of the Customs Authority, operators shall provide all requested information they detain.

e) Does your country carry out risk assessment or profiling in relation to drug trafficking? If so, please provide brief details of how this is carried out.

Yes, Romania carries out risk assessment or profiling in relation to drug trafficking.

Based on risk assessment and comparison of the risk level with defined standards management priorities are determined, while the practical implementation is undertaken through specific ICIS modules (Integrated Customs Information System): Indicators & Profiles, Selectivity & Risk Assessment, Information Dissemination.

Also, the General Directorate for Countering Organised Criminality within the Romanian Police conducts risk and tactical analysis related to national and foreign organized groups.

f) Could you give more information on the national and international controlled deliveries carried out?

Controlled deliveries are conducted in accordance with the provisions of Law No. 143/2000 on prevention and fighting against trafficking in drugs and illegal use of drugs with subsequent amendments ([annex 49](#)).

The controlled delivery is the method used by the specialized institutions, with the authorization and under the supervision of the prosecutor. It consists in allowing drugs, precursors or substituting substances which are illegally transported to transit Romanian territory in order to discover criminal activities or to identify persons involved in these activities.

22.

The Prosecutor’s Office near the High Court of Justice and Cassation can authorize competent institutions to carry out controlled deliveries. According to art. 17 para. (3) of Law no. 508/2004 with subsequent amendments ([annex 50](#)):

“ the prosecutors within the Directorate for Investigation of Organized Crime and Terrorism Offences can order and authorize controlled deliveries, with or without a total or partial replacement of goods, merchandises or substances object of delivery.”

In addition, art. 32 of Law no. 218/2002 with subsequent amendments ([annex 29](#)) provides that: “for combating organized crime offences or in the interest of the criminal investigation, the police can use the method of controlled delivery”.

According to para. (2): “ *the controlled delivery is the method used by the institutions or bodies legally entitled, with the authorization and under the prosecutor’s control, and consists of allowing the trespassing or the circulation on the country’s territory of drugs or precursors and goods object of an offence or forbidden to be detained or commercialized, with a view to discover the criminal activities and to identify the persons involved.*”

The most recent controlled delivery carried out by the Romanian authorities took place in August 2008 – *ELADA Operation*. The General Directorate for countering Organised Criminality-Anti-drug Directorate took over the investigation based on a suspect luggage check performed jointly by the “Henri Coanda” Airport law enforcement agencies on 11.08.2008.

In collaboration with the Bulgarian authorities (through the SECI Center) and Greek authorities (through the Romanian home affairs attachés in Athens), with the authorization of the Directorate for Investigation of Organized Crime and Terrorism Offences within the Romanian General Prosecutor’s Office, the operation was finalized in Athens, on 13.08.2009.

What technical means have been deployed at the external borders to detect drugs smuggled illegally into the country?

Please distinguish according to each of the following borders:

- *land borders*

Land customs offices are equipped with the following equipment:

- smuggling dens-metric detectors type Buster,
- endoscopes,
- drugs and explosive substances detection equipment of type Vapor Tracer,
- station equipment for X-ray baggage and merchandises scanning.
- narcotest

Two customs offices/points (Albita/RM and Halmeu/Ukraine) are equipped with mobile installations MIS (Mobile Inspection System) for auto scanning with Gamma rays.

Customs Offices Albita/Moldova, Moravita/Serbia and Halmeu/Ukraine are equipped with a portable X-ray device.

Customs Office Albita/Moldova is equipped, also with a special device, type PASS (Portable Acoustic Signature System), for smuggling detection.

The border crossing points are equipped with specific devices for psychotropic substances detection (drugs-testers, kits, with specific devices for cars and trains control). Sniffing dogs are also used.

- *sea borders*

Seaports customs offices are equipped with the following equipment:

- smuggling dens-metric detectors type Buster,
- drugs and explosive substances detection equipment type Vapor Tracer
- endoscopes
- narcotest

The Customs Office South is using a static device with X-ray scanning and a mobile unit for scanning maritime containers, type MIS.

Customs office South Constanța Agigea is using a maritime containers scanning device, belonging to the Ports Administration.

The Customs Office Constanta is equipped with an ecograph type PASS (Portable Acoustic Signature System) for detecting smuggling by using the tanks/wagons.

- *air borders*

The airport Customs offices are equipped with the following equipment:

- anti-smuggling devices,
- endoscopes, drugs and explosive substances detectors,
- devices for baggage and packages scanning with X-rays.
- narcotest
- X-ray Rapiscan 530 (Bucharest - cargo and passengers, Timisoara-passengers, Arad-passengers airports);

Two body scanners for detection of swallowed illicit drugs were installed at Henri Coandă and Aurel Vlaicu airports in Bucharest. Anti-drug dogs are also being used.

Please indicate the type and number of detection means deployed and the frequency with which these are used, drawing a distinction between

a) sniffer dogs

The Romanian Customs Authority has 28 sniffer dogs used by the customs regional units, as well as by the mobile teams.

The canine teams are used daily, during the controls undertaken at the customs offices or missions /operations performed by the mobile teams.

b) X-ray machines

Customs units have 21 X-rays devices. All the installations are used daily for travelers' baggage and goods packages' control.

c) permanent equipment for controlling air freight

The Romanian Customs Authority has 3 X-ray Rapiscan 530 in use in Bucharest – cargo, Timisoara, Arad airports). On the basis of risk analysis and intelligence provided by other authorities, the customs officers select the luggage to be scanned.

d) mobile facilities

3 mobile installations, type MIS for auto transport and containers' scanning.

2 special mobile auto-devices with X-rays.

At the level of the Border Police there are 10 portable spectrographs for drugs and explosive substances detection, type SABRE 4000.

e) endoscopes

41 endoscopes used by National Customs Authority for daily all type means of transport control.

38 endoscopes are used by the Border Police.

f) systems for analysing urine to detect the presence of drugs concealed inside the human body

The Romanian authorities don't have such equipments.

g) any other technical means

The Customs Authority has at its disposal 1 detector type PASS (Portable Acoustic Signature System) for the control of the tanks or other suspect recipients and also, three portable X-ray scanners for the occasional examination of the suspect transportation means or its other parts.

At the level of the Border Police, there are 42 drug detection kits, 24 forensic kits, 5 kits for smuggling detection, 227 sets for the vehicles' inspection, 6 equipments type BUSTER K 910 to measure liquid density.

The Romanian Police units with anti-drug competences are equipped with:

- narco-test cases
- laboratories of drugs analysis with modern equipment, including drug's profiling
- audio-video recording technique
- surveillance technique
- GPS technique
- wire tapping technique
- IT

This equipment is used when the operative situation requires such measures.

What measures have been taken to obtain information within the framework of international external border cooperation:

a) international agreements (specific bilateral agreements, etc.)

The National Customs Authority is part of customs agreements concluded between EU and third countries.

Romania has also concluded bilateral agreements with other states in this field, including neighboring countries Republic of Moldova, Serbia and Ukraine.

On March 14, 2007, the Ministry of Interior and Administrative Reform in Romania and the Federal Service of the Russian Federation for Drug Trafficking Control signed an Agreement on the cooperation in combating illicit trafficking of narcotics, psychotropic substances and precursors.

On July 10, 2007, the Government of Romania and the Government of the Indonesian Republic signed an Agreement on cooperation in the field of preventing and combating transnational organized crime, terrorism and other types of offences (including narcotics, psychotropic substances and precursors).

On October 11, 2004, the Government of Romania and the Government of the Azerbaijan Republic signed a Cooperation Agreement on combating illicit trafficking of narcotics, psychotropic substances and precursors.

On October 11, 2004, the Government of Romania and the Government of the Chile Republic signed a Cooperation Agreement on preventing and combating illicit consumption and illicit trafficking of narcotics and psychotropic substances.

On May 14, 2004, the Government of Romania and the Government of Georgia signed a Cooperation Agreement on combating terrorism, organized crime, illicit trafficking of narcotics, psychotropic substances and precursors and other serious offences.

On March 18, 2002, the Government of Romania and the Government of the Liban Republic signed a Cooperation Agreement on combating organized crime, illicit trafficking of narcotics, psychotropic substances and precursors, terrorism and other serious offences.

On November 14, 1995, the Government of Romania and the Government of the United Kingdom of Great Britain and Northern Ireland signed an Understanding Memorandum on the cooperation in the fight against organized crime and illicit drug and psychotropic substances trafficking.

In addition, cooperation agreements were signed by the Government of Romania with: the Pakistan Islamic Republic, Egypt, the Republic of Macedonia, the Republic of Slovakia, Israel, Croatia, Brasil, the Hashemite Kingdom of Jordan, the United States of Mexico, Austria, Peru, Maroco, Hungary, Germany, and Uruguay ([annex 40](#)).

b) participation in international working groups

Romania is represented in the SECI Drug Task Force and JCO (Joint Customs Operation), in international working groups organized by Pompidou Group, Mini-Dublin Group, in the EU custom cooperation working groups.

c) communication and information systems

In the framework of WCO network, Romania has access to the Customs Enforcement Network (CEN), Balkan Info, Cargo Info nets and, as a EU Member State, at AFIS and RIF networks.

The communication with EU similar structures is realised through Europol and Interpol communications and information systems, and by the liaison officers. Romania has accredited 34 liaison officers in 22 countries and at 3 international organizations (i.e. Europol, OTAN and EU).

Liaison officers from 15 countries are working in Romania.

(a) d) criminal tactics measures

Please refer to answer to question 2.c).

The Romanian Police and Border Police staff undertake jointly with colleagues from the Member States law enforcement agencies or from other countries, specific judicial measures and joint investigations.

Contacts with law enforcement agencies from other Member States are established through liaison officers when an international organization on drug trafficking is involved.

(b) e) others?

The Romanian law enforcement agencies' staff with competences in drug prevention and countering benefited from training in the field by attending a series of courses, seminars, study visits organised by European and international organisation. Moreover, the Romanian authorities, together with similar agencies for other states, were/are part of various projects aiming also at strengthening their capacity in countering cross-border drug trafficking.

Also, the Romanian experts took part in numerous international operations carried out in order to counter illicit trafficking in drugs.

What results have you attained in terms of seizures for the last five year at the land, sea and air borders?

a) nature and volume

In order to avoid doubling the reports on drugs seizures, to increase the efficiency of our actions and to harmonize our reports with the EU standards, a Common Working Methodology concerning the drugs seizures, the submission of the quantities for analysis, the handing over the chamber of material evidence and reporting the statistics was approved. According to the methodology, the quantities of drugs seizures and precursors are to be sent for physic-chemical analyses to the specialized laboratories of GDCOC, immediately after the detection of the deeds. The sum of the quantities of drugs seizures is realised by the Directorate on Criminal Records and Operational Assessment / GIRP.

The quantities of drugs and precursors seized by the Romanian authorities during 2004-2007, are presented in [annex 51](#).

b) country of origin

The origin countries are the following:

- for heroin- Afghanistan
- for cocaine- Colombia, Venezuela, Peru, Costa Rica
- for sintetique drugs(MDMA,MDA,Ecstasy)- Holland
- for cannabis and derivates- Spain, Italy as transit countries(but probably from Morroco)
- for ephedrine- Russia
- drugs precursors- Slovenia

c) destination

Following risk analysis, the following routes have been identified:

- heroin- Turkey-Bulgaria-Romania-Hungary-Austria-Germany-the Netherlands-England
Central Asia or Turkie –Ukraine-Romania-Hungary-Austria-Germany-the Netherlands-
Great Britain
- cocaine- South America-Romania-Hungary-Austria-Germany-the Netherlands
- cannabis and derivates – Spain – Italy – Austria – Hungary - Romania
Hungary - Romania
Moldova - Romania
- sintetique drugs- Holland-Germany-Austria-Hungary-Romania-Bulgaria-Turkey
Hungary-Romania

Customs seizures have been recorded at the border with the Republic of Moldova, Bulgaria, or at delivery by mail, using postal services.

d) means of transport

The majority of the illicit drugs has been seized in the means of transportation for goods and persons, in the postal parcels and in merchandises' containers.

e) means of concealment used by the trafficker

The drugs seized in our country were dissimulated in food or in goods transported by buses, in no accompanied luggage, in spear parts of transportation means, in the personal hand luggage or in the shoes.

Until now, no drugs concealed in human body have been detected.

XI. DATA PROTECTION

1. Has the national legislative process for adopting legislation on personal data as referred to in Article 117 of the Convention been completed? If not, which procedures are still outstanding?

The Romanian legislation in relation to the protection of personal data is the following:

- Law no. 682/2001 on ratifying the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, adopted in Strasbourg on 28 January 1981¹
- Romanian Constitution- article 26
- Law no. 55/2005 on ratifying the Additional Protocol to the Convention for the Protection of Individuals regarding Supervisory Authorities and Transborder Data Flows, adopted in Strasbourg, 18 November 2001, CETS No. 181²
- Law no. 677/2001 on the protection of individuals with regard to personal data processing and the free movement of such data³ implementing the provisions of Directive 95/46/EC ([annex 44](#)). The Romanian law, within the stated limits, also applies to the processing and transfers of personal data, carried out in the context of crime prevention, criminal investigation and repressing activities and maintaining public order, and also to other activities performed in the domain of criminal law, within the limits and restrictions stated by the law (Article 2 paragraph (5)). Also, this law ensures a level of protection for personal data which is aligned to the requirements laid down in Article 117 and Article 126 of the Schengen Convention.
- Law no. 102/2005 which provides the setting up of National Supervisory Authority for Personal Data Processing as a public, autonomous and independent authority from any other public body, as well as from any natural or legal person from the private area, which fulfils the requirements of art. 114 of the Schengen Convention⁴ ([annex 53](#)).
- GEO no. 128/2005 on the setting up, organizing and functioning of the National Information System of Alerts, approved and modified by Law no. 345/2005⁵ ([annex 20](#)). According to article 1 paragraph (3) of GEO no. 128/2005, NISA will provide data to SIS, in line with the European regulations in the field, once Romania will join Schengen area.
- GD no.1411/2006 for approving the methodological norms of GEO no.128/2005⁶ ([annex 21](#)).

¹ OJ no. 830/21 December 2001

² OJ no 244/23 March 2005

³ OJ no. 790/12 December 2001

⁴ OJ no. 391/9 May 2005

⁵ OJ no. 1086/2 December 2005

⁶ OJ no. 856/19 October 2006

During 2009, the current national legislation on NISA will be updated in order to ensure the compatibility with SIS II legislation (new categories of data, functionalities, access rights, etc.). Currently, the national legislation in force on NISA is under revision.

At present, at the suggestion of NSAPDP, Recommendation (87) 15 is in process of being implemented, by the competent authority, through a normative act with a superior legal force.

2. What data protection rules do you apply as regards the protection of SIS data?

The general rules as far as data protection is concerned are stipulated in Law no. 677/2001, as amended. Specific provisions on NISA can be found in GEO no. 128/2005 and also in GD no. 1411/2006.

NISA will provide data to SIS, in line with the European regulations in the field, once Romania will join the Schengen area.

Based on the Accession Treaty to the European Union, all provisions on personal data protection in relation to SIS are binding for Romania.

Data protection rules as regards the protection of SIS data will be:

- Only the competent authority issuing the alert shall be authorized to modify, add, correct or delete data, which it has entered, until the expiry period established by law.
- Competent authorities consult only alerts contained in N.SIS, necessary in respect of fulfilment of own attributions and ensures access to these only to the authorized personnel.
- Alerts contained in N.SIS cannot be transferred, unloaded or copied. Each supply and/or access of data with personal character shall be logged in NISA in order to verify the admissibility of introduction and/or search. The record from the log files can be used only in this purpose and shall be erased the soonest after a period of one year and the latest after a period of three years.
- With purpose of supply and/or access of alerts contained in N.SIS, the competent authorities shall issue a common methodology including technical, operative and procedure measures, correlated with security requests issued by national competent authorities. This methodology is planned to be ready at the beginning of 2010, before NISA is operational.

3. Who are the national supervisory authorities competent for SIS data?

According to the provisions of Law no. 677/2001 and Law no. 102/2005, NSAPDP is the only competent authority to supervise and control the legality of the personal data processing.

NSAPDP is a public, autonomous and independent authority from any other public body, as well as from any natural or legal person from the private area, which exercises its competences established by the legal provisions in the data protection field and the free movement of such data.

The procedure of appointing the NSAPDP's president provides that he/she is appointed by the Romanian Senate.

The NSAPDP's independence is also ensured through the way it is financed, having its own budget, which is part of the state budget.

Specifically, based on the provisions of GEO no. 128/2005, the management and the use of data contained in NISA, on the processing of personal data, are subject to the control of NSAPDP.

4. Which concrete powers are available to the supervisory authority in case there is misuse in the processing of SIS data?

NSAPDP's concrete powers are stipulated in the general provisions of Law no. 677/2001 and Law no. 102/2005. As regard NISA data, the specific provisions are to be found in GEO no. 128/2005, which provide that the management and use of data contained in NISA, regarding the processing of personal data are subject to the control of NSAPDP.

Law no. 102/2005 provides that NSAPDP has the right to carry out inspections ex-officio or upon request.

While exercising its investigative powers, in case NSAPDP notices inconsistencies with the provisions of the law, it may apply sanctions, the legal maximum limit for a fine being up to 50.000 RON (approximately 13.000 EUR). By decision, it may also dispose the temporary suspension or cessation of the personal data processing, the partial or total erasure of the processed data. In case it presumes that the data controller has committed a criminal offence, NSAPDP may also notify the criminal law enforcement authorities. In order to defend the data subject's rights safeguarded by the law, the NSAPDP has the right to address to the court of law.

The state and professional secrecy cannot be invoked in order to prevent the exercise of the powers of NSAPDP as these are set out by law. When protection of the state or professional secrecy is invoked, NSAPDP has the obligation to keep the secret. The entire staff of NSAPDP has the obligation of professional secrecy, except for the cases set out by law, regarding the confidential or classified information they have access to, while carrying out their duties in exercising their powers, even after having ceased their employment legal relations with NSAPDP.

While exercising its supervision powers, NSAPDP can also make recommendations and binding instructions in order to improve the activity of the data controllers.

5. How will the supervisory authority use its right of supervision of the national part of the SIS in future and does it have an (automatic) right of access? Must this right of access be used in situ? Is it being envisaged to organise supervision in parallel, e.g. one person in the SIRENE Bureau and the other with the final user?

NSAPDP will not have direct, automatic access to the data stored in the N.SIS II. According to the general national legislation, in order to carry out an inspection, NSAPDP may request any documents it considers necessary, including those related to the data processed within NISA.

During the inspections, the data controllers are obliged to supply the NSAPDP with any information related to data processed and any documents or records regarding the personal data processing.

If necessary, with respect to the nature of the investigation, NSAPDP may organize supervision in parallel.

5.a. Is there a Schengen supervision policy on national level. Are there periodic checks of the content of the SIS (see recommendation JSA Schengen concerning Art. 99 alerts) and is there a systematic approach of supervision allowing a harmonised supervision approach between different national supervisors? (see recommendation JSA Schengen concerning Art. 96 alerts) .

Upon Schengen accession, NSAPDP will envisage the performance of periodical inspections concerning article 96 and article 99 alerts.

6. When there is access from the data subject on the basis of Article 109 of the Schengen Convention [for SIS II the basis are Art 41 of the SIS II Regulation and Art 58 of the SIS II Decision regarding the access of individuals to their own personal data], can this right be exercised directly or will the national supervisory authority also play a role? In the latter case, what is the scope of the task of the national supervisory authority? What exactly does the national supervisory authority supervision over an alert relate to: the legality of the procedure or also the validity of the grounds for the alert?

According to Law no. 677/2001 correlated with GEO no. 128/2005, data subject have direct access to the data stored in NISA.

Regarding the data contained in NISA, any interested person can request the MIAR information regarding his/her personal data existing in NISA. Under the law, any prejudiced person can request for the legal redress of the prejudice caused by introducing or exploiting his/her personal data in NISA.

NSAPDP could examine the data contained by an alert, ex-officio (periodical investigations) or based on a complaint, as regards the observance of the data protection rules.

6.a. When the right of access is exercised directly, are there legal time limits for the Schengen authorities to comply with? Are these time limits complied with? Has the data subject a legal right of recourse?

In case of exercising the right of direct access by the data subject, the legal time limits for the competent authorities to comply with, are in line with the general provisions in the data protection field (within 15 days from receiving the request). If the competent authorities do not comply with the legal time limits, the data subject has two options: to file a complaint to NSAPDP or to address directly to the court of law.

6.b. When the right of access is exercised indirectly, are there legal time limits for the national supervisory authority and the Schengen authorities to comply with? Are these time limits complied with? Has the data subject a legal right of recourse?

According to the present legal provisions, the data subject has a direct access right. For further details, please, see answers to questions 6 and 6.a.

7. How will cooperation between your national supervisory authority and other authorities, in particular national supervisory authorities, be organised if it transpires that another Schengen country has recorded a person and your national SIRENE Bureau does not have the complete file?

According to the provisions of Law no. 677/2001, NSAPDP shall cooperate with similar authorities from abroad for mutual assistance, in order to guarantee the fundamental rights and freedoms that can be affected through the processing of personal data.

7.a. When cooperation is needed with a national supervisory authority of another Schengen State (Art. 109 (1) and 114(2)) are there special contact persons? Does cooperation take place within specific time limits? Are these time limits complied with in practice? Is there a specific language regime used in contacting each other?

Regarding the cooperation between the supervisory authorities, NSAPDP will act taking into account the basic principles established by the Joint Supervisory Authority, while drawing up harmonized proposals for joint solutions to existing problems.

8. On average, how long does it take the national supervisory authority to handle a case (complaint) related to the processing of data in the national systems?

In defence of the rights set out by the present law, the data subject may file a complaint to the NSAPDP.

The data subject may file a complaint to NSAPDP only after he/she addressed previously to the data controller.

Except for the cases in which a delay would cause imminent and irreparable damage, the petition submitted to the NSAPDP must not be addressed earlier than 15 days since filing in a complaint on that same case to the data controller.

If the complaint is solid (well – founded), NSAPDP may issue a decision disposing the temporary suspension or cessation of the personal data processing, the partial or total erasure of the processed data. The motivated decision will be communicated to the interested parties within no longer than 30 days notice from the registration of the complaint. Within 15 days of communication, the data controller or the data subject may submit an appeal to the competent administrative court of law, under the sanction of decay. The court's decision is permanent and irrevocable. The complaint addressed to the court of law is exempted from stamp tax.

At the same time, in order to protect the rights of the data subjects, guaranteed by Law no. 677/2001, as amended, NSAPDP may apply sanctions or address to the court of justice. In these latter cases, the procedures may take longer.

9. What protection rules are in place to be applied for the processing of SIS data in the national system? What will happen to the paper files relating to the SIS alert? Will they be archived? Will they be destroyed? After how long?

The access and the use of data contained in NISA will be carried out according to the law, by the competent authorities and only for the purpose of fulfilment of attributions established by law and according to the conditions provided therein. The data are being used only for the purposes for which they have been introduced in NISA.

The specific rules concerning the processing of SIS data in the national system and storage of the data are stipulated in GEO no. 128/2005 and its methodological norms.

According to general provisions on data protection, data must be stored in such a manner which allows the identification of the data subjects exclusively for the period of time necessary to achieve the purpose for which the data are collected and further processed.

The competent authorities are responsible for the accuracy, level of emergency, up to date character and legality of data introduced in the NISA. Only the competent authority issuing the alert shall be authorized, until the expiry period established by law, to modify, add, correct or delete data which have been introduced.

The competent authorities consult only the alerts contained in NISA which are necessary for the fulfilment of their attributions and they ensure that only authorized personnel has access to data.

The personal data introduced in NISA are being stored only for the period necessary for achieving the purpose for which they have been entered.

The archive will be kept as long as needed. Final paper file will be kept one year and after this period it will be destroyed.

10. How are you planning to resolve the possible conflict between the transparency of public action and the protection of data entered, in the future, in the SIS?

Law no. 544/2001 concerning the free access to public information, as amended, provides for the right of each person to have access to public information. However, this right has to be interpreted in relation with the general data protection rules which establish certain exceptions (e.g. information related to personal data is exempted from public access).

11. How will access to SIS data be supervised by local staff in the consulates?

In the future, the consular posts of Romania will have on line access for consulting through NS-VIS system the SIS data (the national copy of CS.SIS) and national data (NISA database). Querying of article 96 data from NISA database and from the national copy of CS.SIS, through NS-VIS system will be realized simultaneously through an interface offered by NISA, based on WEB services.

The NS-VIS will be a web based application. Data request by the NS-VIS application to SIS will be done automatically by the application program. Access to SIS data will be made through the application only by the user who implements a visa application.

Clients abroad (consulates, diplomatic missions, etc.) will open working sessions through INTERNET on a secured channel (encrypted tunnel) and will be served by a WEB Server with Application Server role, which will assure the second encryption level (software), as well as authorizing the access to the system. The user's from consulates that are accessing SIS data using fixed stations will be certified and authorized based on digital certificates (Public Key Infrastructure - PKI).

Physical access to the offices will be monitored by control access system with access rights and protection officers.

12. Are you planning to duplicate SIS data? In what context?

According to the data protection rules, the data controller has the obligation to apply adequate technical and organizational measures in order to protect the data against accidental or unlawful destruction, loss, alteration, disclosure or unauthorized access, notably if the respective transmission of data is done within a network, as against any other form of illegal processing.

Specifically, the data controller and the competent authorities are obliged to prevent the loss of the information and to ensure their recovery in case of natural disasters.

Thus, there will be a SIS II national copy only with read access for end-users. Romania does not have plans to duplicate SIS data. The Romanian authorities are planning to implement a Disaster Recovery solution for SIS in other location than Bucharest that will be established at the beginning of this project. The Disaster Recovery solution is going to contain off line identical copies of the data bases of N.SIS including SIS II.

13. How do you ensure that only authorised users access SIS data and then only for the authorised purpose?

According to the provisions of GEO no. 128/2005, the data controller and the competent authorities have the obligation to adopt security measures concerning the use and management of NISA which refer to the control of the access to equipments in order to avoid the access of unauthorized persons.

The users access using fixed stations will be certified and authorized based on digital certificates (Public Key Infrastructure – PKI).

The mobile terminals will communicate with NISA using TETRA Network. This network enforces a limitation of the bandwidth, for this kind of terminals. Thus, the certification and authorization of the users using mobile terminals will not be realised by digital certificates, but will be based on the equipment identification number, user name and password. A policy that will include the obligation to change regularly the access password will be established and implemented.

In order to ensure the users access to NISA using TETRA terminals, a transcoder device will be ensured at the entrance point to NISA, having the role to ensure the protocol conversion from WAP to HTTP.

Only authorised users will be allowed access to SIS data. Each end user will be classified into groups with predetermined rights of access (roles) necessary for the user to perform his/her duty. The access control to N.SIS will allow the possibility to restrict the access to services and data, based on the roles assigned to the users.

Every access will be logged and evaluated according to the requirement of the supervisory authority.

14. What technical and organisational security means are in place to protect SIS data?

The data controller and the competent authorities will take technical, operational and procedural measures according to the following principles: confidentiality, integrity, availability, identification, authentication and authorization.

During N.SIS implementing phase, a Security Plan will be drafted and will cover all the aspects related to organizational security, intrusion detection and protection against viruses. Security measures deriving from this plan, internal regulations and methodology for the use of the IT system and the terms stipulated in the Schengen Catalogue of Best Practices and Recommendations for SIS/SIRENE will apply to all the locations and users within MIAR where SIS data will be accessed in order to ensure the adequate security level.

Outside of MIAR, other locations and users where SIS data will be accessed will apply security measures in accordance with the Schengen Catalogue of Best Practices and Recommendations for SIS/SIRENE.

Staff dedicated to implementing, ensuring and monitoring all the security aspects for the system, will be designated. The service staff and SIS data users will be obliged to secure the workplace where SIS data are accessed and handled, against abuse after they leave the workplace.

The main and backup N.SIS workplace will be situated in the building of SIS National Centre which will be guarded. Access within will be secured by a monitoring video system and an electronic entrance control, which will also ensure restricted access to individual rooms.

The access in different rooms within SIS National Centre will be granted individually and differently for staff working in this location in order to fulfil the necessary tasks established under the job description. All access will be saved and the logs will be kept as long as necessary.

The users access using fixed workstations will be granted and authorized, based on a digital certificate. The communication established for accessing SIS data for fixed workstations will be realised through MIAR's internal secured network.

Also, application security mechanics (for example HTTPS protocols) will be used for sessions opened for accessing SIS data. MIAR's internal Public Key Infrastructure will provide digital certificates for the SIS users.

All SIS users will have a smartcard or token which can not be used without a password and it can not be transmitted to another SIS user. The user which will use mobile terminals for accessing SIS data will be authorized based on user name and password and the access to this kind of data will be possible only for certain mobile terminals based on the equipment identification number.

The communication established for mobile access will be secured based on the security measures implemented on TETRA Network and established through TETRA Standard.

A policy that will also include the obligation to change the access password regularly will be established and implemented.

15. What procedures are in place to ensure the implementation of the decision taken by the authorized body of another Schengen state taken in accordance with Article 111 of the Schengen Convention?

Starting with the accession to the Schengen area, the competent Romanian authorities will enforce the final decisions taken by foreign authorities or courts of another contracting party.

15.a. Are court decisions of another state been executed and in case not, why?

Not being a fully fledged Schengen member state, Romania has not received, in view of enforcement, such court decisions passed by the competent judicial authorities of the other member states – which aim at reviewing, deleting or receiving of information, as well as obtaining damages related to an alert introduced into SIS.

16. Are adequate human, financial and technical resources provided for implementation of data protection guarantees in accordance with the Schengen Convention?

According to the provisions of Law no. 102/2005, NSAPDP staff scheme was established at 50 positions (current figure).

In the Budget Proposal for 2009 the NASPDP has included the necessary funds in order to cover the financial and technical requirements imposed by the implementation of data protection guarantees in accordance with the Schengen Convention.

16. a. Are these resources considered as sufficient for regular supervision of SIS?

At present, there is a proposal of a normative act amending Law no. 102/2005 on setting up, organizing and functioning of the National Supervisory Authority for Personal Data Processing, with a view to increase the number of positions included.

16.b. Is there a training module available for new (staff) members of the national supervisory body who will be responsible for supervising SIS?

The NSAPDP will organise an expert mission, with TAIEX support, with the purpose of “Strengthening the supervisory authority’s attributions of control in the field of Schengen”, which targets the staff of the supervisory authority (present and future staff), with competences in the field of Schengen, supervising SIS included.

17. How will the public be informed of the individual's rights and their execution related to data protection in accordance with the Schengen Convention?

Preparation introduction new SIS: SIS II

In order to increase the level of public awareness and information with regard to the data protection field, NSAPDP has carried out a series of specific activities.

NSAPDP has initiated awareness campaigns in relation to data controllers' obligations as well as data subjects' rights, according to the provisions of Schengen Convention. Thus, in the capital and in the country, seminars and workshops were organized, having as participants the representatives of the authorities involved in Schengen accession. During these meetings, promotional materials (brochures, guides, flyers) were distributed, and press conferences, which are reflected in the media by articles in the press, interviews to the radio and TV, were organized.

The supervisory authority's website: www.dataprotection.ro has been launched in March 2006 and represents an important tool for public information. The site contains information on community and national legislation in the field of personal data protection, notification forms issued in order to standardize the notifications, guide on filling in the forms to support data controllers, draft decisions and procedures, the structure and contact data of the authority, as well as other information of public interest.

On this website, a special section was created, entitled SCHENGEN, which contains the Community legislation in the field, specific domestic legislation, and description of the goal and attributions of the Joint Supervisory Authority on Schengen (JSA).

Moreover, in order to better keep the public informed with regard to NSAPDP activity, its yearly activity report is published on its web site.

Also, a Guide concerning the *Schengen Information System and the personal data protection* was posted on the website, guide which was distributed also among the police bodies.

The establishment of the front office desk and of the phone line represents another way to support data subjects and data controllers, namely in providing prompt information with regard to the specific rights of data subjects and the obligations of data controllers.

In order to continue and improve the actions already taken, NSAPDP has drafted a "Schengen Communication Strategy for 2008-2009".

18. What activities are foreseen for the introduction of SIS II? Is an audit of the new national SIS planned before its introduction?

Considering the Pilot Phase for NISA, NSAPDP envisages performing an inspection before the introduction of SIS II.

ANNEXES

Annex 1. 2008 – 2011 National Strategy for Accession to the Schengen Area

Annex 2. 2008 Schengen Action Plan

Annex 3. 2007 – 2010 National Strategy for the Integrated Management of the Romanian State Border

Annex 4. Government Emergency Ordinance no 104 of 25th of June 2001 on the organization and functioning of the Romanian Border Police

Annex 5. Emergency Ordinance no 105 of 17th of July 2001 on the Romanian state Border

Annex 6. Methodological norms for the application of the Government Emergency Ordinance no. 105/ 2001 on the Romanian state border

Annex 7. Government Decision no. 943 of 2001 on the establishment of the Romanian Inter-ministerial Group for Integrated State Border Management

Annex 8. Statistics showing the criminal phenomenon available at the level of the Romanian Border Police for 2006-2007

Annex 9. Romanian Border Police

Annex 10. National Customs Authority

Annex 11. Cooperation agreements on border security with each of the neighboring countries

Annex 12. Romanian Border Police personnel distribution

Annex 13. Law no. 122 of 4 May 2006 on Asylum in Romania

Annex 14. Statistics from all international airports and aerodromes on the number of passengers from within Schengen and from third countries

Annex 15. Border crossing points

Annex 16. Government Emergency Ordinance no. 194 of 12 December 2002 on the status of aliens in Romania (republished and updated - 05.06.2008)

Annex 17. Visas granted during 2005-2007

Annex 18. Refusal of entry

Annex 19. Situation on the counterfeited travel documents discovered in the BCPs

- Annex 20. Government Emergency Ordinance no. 128/2005 on setting up, organizing and function of the National IT System on Alerts
- Annex 21. Decision no. 1411 of October 11, 2006 on approving the Implementation rules of Government Emergency Ordinance no. 128/2005 on creating, organization and functioning of the National IT System for Alerts
- Annex 22. Law no. 302 of 28 June 2004 on international judicial co-operation in criminal matters as amended and supplemented by Law no. 224/2006
- Annex 23. The complete list of Romanian consulates in the third countries
- Annex 24. Law no. 295/2004 on Weapons and Ammunition Regime
- Annex 25. Decision no. 130/ 2005 for approving the Norms for the implementation of Law no. 295/2004 on the regime of weapons and ammunition
- Annex 26. Government Decision no. 1914 approving the Methodological procedures on implementing Chapter VI of Law 295/2004 on firearms and ammunition regime
- Annex 27. Order no. 389 from 19 October 2004 on setting up and functioning of the National Firearms Register
- Annex 28. Decision no. 30/2007 on the organization and functioning of the Minister of Interior and Administrative Reform
- Annex 29. Law no. 218 from 23rd of April, 2002 on the organizing and functioning of the Romanian Police
- Annex 30. Law no.360/2002 on the Status of the Police Servants
- Annex 31. Romanian Police
- Annex 32. Law 550/2004 on the organisation and functioning of the Romanian Gendarmerie
- Annex 33. Government Ordinance no. 34 of 2006 on the obligation of carriers to communicate passenger data
- Annex 34. Romanian Gendarmerie
- Annex 35. Government Emergency Ordinance no. 55 of 2007 for setting up the Romanian Immigration Office
- Annex 36. Romanian Immigration Office
- Annex 37. International Police Cooperation Center
- Annex 38. Government Decision no. 1.489 / December 18th, 2002 on the establishment of the National Antidrug Agency

- Annex 39. Decision no. 1.584/ 8 December 2005 on the establishment, organization and operation of the National Agency Against Trafficking in Persons
- Annex 40. List of Agreements concluded / ratified in the field of police cooperation – related matters
- Annex 41. Agreement between the Government of Romania and the Government of the Republic of Hungary in the field of preventing and countering cross-border criminality
- Annex 42. State of play of negotiated, signed and concluded bilateral agreements on the exchange of home affairs attachés & liaison officers in the field of police cooperation
- Annex 43. Government Emergency Ordinance no. 103 of 13 December 2006 on the measures for facilitating the international police cooperation
- Annex 44. Law no. 677/2001 for the Protection of Persons concerning the Processing of Personal Data and Free Circulation of Such Data
- Annex 45. Organisational chart of the Anti-drug Directorate General Inspectorate of Romanian Police
- Annex 46. Organisational chart of the Directorate for Countering Cross-border Criminality
- Annex 47. Organisational chart of the Directorate of Surveillance Excises and Customs Operation
- Annex 48. Order no. 7540 of 01.11.2005 of the Vice-President of the National Agency of Fiscal Administration
- Annex 49. Law no. 143 of 2000 on combating illicit drugs trafficking and consumption
- Annex 50. Law no. 508 of 2004 on the Creation, Organization and Operation of the Directorate for Investigating Organized Crime and Terrorism, within the Public Ministry
- Annex 51. Drugs and precursors seized by the Romanian authorities 2004-2007
- Annex 52. Training and raising awareness activities in Schengen-related issues
- Annex 53. Law no. 102/2005 on the setting up, organisation and functioning of the National Supervisory Authority for Personal Data Processing
- Annex 54. Table of travel documents recognised by Romania
- Annex 55. Decision no. 639 of 20 June 2007 organizational structure and attributions of Romanian Office for Immigration