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BETWEEN EUROPOL AND THE MEMBER STATES AND BETWEEN
THE MEMBER STATES RESPECTIVELY"**
REPORT ON ROMANIA

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THIRD ROUND OF MUTUAL EVALUATIONS
"EXCHANGE OF INFORMATION AND INTELLIGENCE BETWEEN EUROPOL AND
THE MEMBER STATES AND BETWEEN THE MEMBER STATES RESPECTIVELY"

REPORT ON ROMANIA

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1. INTRODUCTION

- 1.1. Following the adoption of the Joint Action of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime was established.
- 1.2. Following a proposal originating from the Swedish delegation and taken up by the Presidency to evaluate the supply of information and intelligence to Europol and the exchange of information and intelligence between Member States, the MDG adopted the proposal at its meeting on 3 and 4 June 2002.
- 1.3. At its meeting on 3 December 2002 the MDG approved the questionnaire for the third round of mutual evaluations on the topic "exchange of information and intelligence between Europol and the Member States and among the Member States respectively".
- 1.4. Following discussion at the MDG meeting on 9 January 2003, a list showing the order of Member States to be visited was agreed (the list was extended subsequently). Romania is the twenty-sixth Member State to be evaluated during the third round of evaluations.
- 1.5. The questionnaires and the objectives of this evaluation are contained in document 11679/3/02 REV 3 CRIMORG 71.
- 1.6. The experts in charge of this evaluation were: Mr Matyas Hegyaljai (Hungary), Mr Alexander Maas (Germany) and Mr Lyubomir Gledzharski (Bulgaria). Two observers, Mr Erik Langhoff (EUROPOL) and Ms Eniko Felfoldi (Commission), were also present together with the General Secretariat of the Council.
- 1.7. The evaluation team has prepared the following report with the assistance of the Council Secretariat, on the basis of the observations and conclusions of the experts in the team together with the Romanian authorities' answers to the questionnaire.

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1.8. The report first deals with the general information and structures (2), followed by the internal organisation of the exchange of information (3) and of the external exchange of information (4) and then deals more specifically with Europol (5). In the last chapter, the experts make a global and technical evaluation and then propose some recommendations to enhance cooperation and effectiveness in the exchange of information within Romania and with other Member States and Europol.

2. GENERAL INFORMATION AND STRUCTURES¹

2.1. LEGAL BASIS

2.1.1. The specific legislation, regulations or agreements governing the exchange of information and intelligence between the Member States and Romania are as follows:

- Law No. 302 of 28 June 2004 on international judicial co-operation in criminal matters as amended and supplemented by Law No. 224/2006
- Law No. 508 of 17 November 2004 on setting-up, organising and functioning within the Public Ministry of the Department for Investigating Organised Crime and Terrorism
- Law No. 535 of 25 November 2004 on the prevention and suppression of terrorism.

2.1.2. The specific legislation, regulations or agreements governing the exchange of information and intelligence with Europol and, in particular, the direct exchange of information between police authorities at regional and local level and Europol, are as follows:

- Government Emergency Ordinance No. 103 of 13 December 2006 on the measures for facilitating international police cooperation
- Directives of the Ministry of Administration and Interior No. 200/2004 on the organisation and functioning of operative information exchange through the National Focal Point
- Protocol of 20 April 2005 - Cooperation Agreement between the General Inspectorate of the Romanian Police and the National Focal Point for the enforcement of the agreement regarding the cooperation between Romania and the European Police Office

¹ This part of the report is based largely on the answers to the questions in the questionnaire.

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- Protocol of 11 April 2005 - Cooperation Agreement between the National Authority of the Customs and the National Focal Point for the enforcement of the agreement regarding the cooperation between Romania and the European Police Office
- Protocol of 11 April 2005 - Cooperation Agreement between the General Directorate of Intelligence and Internal Protection and the National Focal Point for the enforcement of the agreement regarding the cooperation between Romania and the European Police Office
- Protocol of 11 April 2005 - Cooperation Agreement between the General Inspectorate of the Romanian Gendarmerie and the National Focal Point for the enforcement of the agreement regarding the cooperation between Romania and the European Police Office
- Protocol of 11 April 2005 - Cooperation Agreement between the General Inspectorate of the Romanian Border Police and the National Focal Point for the enforcement of the agreement regarding the cooperation between Romania and the European Police Office
- Protocol of 11 April 2005 - Cooperation Agreement between the General Inspectorate of the Romanian Intelligence Service and the National Focal Point for the implementation of the agreement regarding the cooperation between Romania and the European Police Office
- Cooperation Agreement between the Prosecutor's Office and the Ministry of Administration and Interior.

It has to be underlined that aforementioned Ordinance No. 103/2006 and Directives of the Ministry of Administration and Interior No. 200/2004 are used for cooperation both with Europol and Member States.

2.1.3. The following treaties and agreements (implemented by national legal instruments) between Romania and the Member States have been concluded and are in force:

Austria

- Government Decision No. 917/1999 on the agreement between Romania and Austria on cooperation in countering organised crime, international illicit drugs trafficking, terrorism as well as for other purposes such as in the area of criminal justice

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Belgium

- Law No. 50/14.03.2001 ratifying the Convention between the Governments of Romania and Belgium regarding police cooperation
- Government Decision No. 1935/18.10.2001 on approving the Cooperation Protocol between Ministry of Interior of Romania and the Ministry of Interior of the Kingdom of Belgium

Bulgaria

- Agreement between the Governments of Romania and Bulgaria Governments on cooperation between border authorities, signed on 22.12.2004
- Law No. 154/1999 ratifying the agreement between Romania, Bulgaria and Turkey on the fight against terrorism, organized crime, illicit drugs trafficking and psychotropic substances, money laundry, weapons illegal traffic, trafficking human beings and other serious crimes
- Government Decision No. 280/1999 ratifying the Enlarged Trilateral Cooperation Protocol between Romania, Bulgaria and Greece on countering criminality and especially trans-border criminality
- Law No. 70/2003 ratifying the agreement between Romania and Bulgaria on cooperation in countering organised crime, drugs trafficking, psychotropic substances and precursors, terrorism and other serious crimes
- Government Decision No. 202/1996 for the approval of the Cooperation Agreement between the Ministries of Interior of Romania and Bulgaria and of the Additional Protocol signed on 21.12.2005

Cyprus

- Law No. 13/2000 ratifying the agreement between Romania and Cyprus on cooperation in the fight against international criminality

Czech Republic

- Law No. 465/2002 ratifying the agreement between Romania and the Czech Republic on cooperation in countering organised crime, drugs trafficking, psychotropic substances, precursors, terrorism and other serious crimes
- Government Decision No. 154/1994 for the approval of the Cooperation Agreement between the Ministries of Interior of Romania and the Czech Republic

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France

- Government Decision No.1295/20.11.2002 on approving the Agreement between the Governments of Romania and France regarding cooperation for protection and repatriation of Romanian minors who have problems in France, and also for countering exploitation networks
- Law No. 147/1997 ratifying the Agreement between the Government of Romania and the Government of France in the area of internal affairs
- Law No. 587/22.12.2003 ratifying the Additional Protocol to the Agreement between Romania and France regarding cooperation in the area of internal affairs

Germany

- Government Decision No. 80/1997 on the Cooperation Agreement between the Romanian Government and the Government of the Federal Republic of Germany on countering organised crime as well as terrorism and other criminal offences of serious gravity and the implementing Protocol thereto
- Joint Declaration by the Ministry of Administration and Interior and the Federal Ministry of Interior of Bavaria regarding general police cooperation and countering criminality, signed on 11.02.2004
- Protocol between Ministry of Interior of Romania and Renania-Palatinat Land signed in 1999

Greece

- Government Decision No. 280/1999 ratifying the Enlarged Trilateral Cooperation Protocol between Romania, Bulgaria and Greece on countering criminality and especially trans-border criminality
- Government Decision No. 404/1992 approving the Agreement between the Government of Romania and the Government of Greece regarding cooperation between the Ministry of Interior of Romania and the Ministry of Public Order of Greece

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Hungary

- Government Decision No. 271/1997 on Cooperation Agreement between the Romanian Government and the Government of Hungary on countering organised crime, terrorism and drugs trafficking
- Protocol on cooperation between the Ministry of Administration and Interior of Romania and Ministry of Interior of Hungary in the area of administration and internal affairs
- Cooperation Protocol on preventing and combating drugs phenomena between the Ministries of Administration and Interior of Romania and Hungary, approved by Government Decision No. 6/05.01.2006

Italy

- Government Decision No. 737/2004 ratifying the Cooperation Protocol between the Romanian Police General Inspectorate within the Romanian Ministry of Administration and Interior and the Public Safety Department within the Italian Ministry of Interior
- Government Decision No. 258/1993 approving the Cooperation Agreement between the Ministries of Interior of Romania and Italy to counter drugs trafficking and organized crime, signed in 1993
- Memorandum Agreement between the Ministry of Administration and Interior of Romania and the Ministry of Economy and Finance of Italy in the area of intelligence for countering economic and financial criminality

Netherlands

- Government Decision No. 1473/2004 approving the Memorandum Agreement between the Ministry of Administration and Interior of Romania and the Ministry of Interior and National Relations and the Ministry of Justice of the Netherlands in the area of internal affairs

Poland

- Law No. 188/2002 ratifying the agreement between Romania and Poland on cooperation in countering organised crime, terrorism and other categories of crime

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Slovenia

- Government Decision No. 597/2001 ratifying the agreement between Romania and Slovenia on cooperation in the fight against organised crime, illicit drugs trafficking, psychotropic substances, precursors, terrorism and other serious crimes

Slovak Republic

- Law No. 202/2004 ratifying the agreement between Romania and Slovakia on cooperation in countering organised crime, drugs trafficking, psychotropic substances and precursors, terrorism and other serious crimes
- Government Decision No. 773/1993 approving the Cooperation Agreement between the Ministries of Interior of Romania and the Slovak Republic

Sweden

- Law No. 68/2005 ratifying the Agreement between the Government of Romania and the Government of the Kingdom of Sweden on cooperation in countering organized crime, trafficking in drugs, trafficking in human beings, terrorism and other serious crimes

United Kingdom

- Law No. 148/1997 ratifying the Memorandum agreement between Romania and the United Kingdom of Great Britain and Northern Ireland on collaboration in the fight against organized crime and illicit drugs trafficking and psychotropic substances.

2.1.4. The following treaties and agreements (implemented by national legal instruments) between Romania and non-Member States have been concluded and are in force:

Albania

- Law No. 610/2002 ratifying the agreement between Romania and Albania on cooperation in countering terrorism, organised crime, drugs trafficking, psychotropic substances as well as illegal activities

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Argentina

- Government Decision No. 568/1994 approving convention for cooperation between the Governments of Romania and Argentina in the fight against drugs trafficking and psychotropic substances and other related crimes

Armenia

- Law No. 455/2002 ratifying the agreement between Romania and Armenia on cooperation in countering organised crime, drugs trafficking and psychotropic substances

Azerbaijan

- Agreement signed on 11.10.2004 between Romania and Azerbaijan on cooperation in countering drugs trafficking, psychotropic substances and precursors

Belarus

- Government Decision No. 270/1997 approving the Agreement between the Ministries of Interior of Romania and Belarus Republic on the fight against criminality

Brazil

- Law No. 64/2001 ratifying the agreement between Romania and Brazil on cooperation to counter the production and trafficking of drugs and psychotropic substances and the improper use of pharmaco-dependence

Canada

- Government Decision No. 185/1992 approving the Agreement between the Governments of Romania and Canada on handling of evidence in criminal prosecutions and the judging of criminal offences

Chile

- Law No. 87/2005 ratifying the agreement between Romania and Chile on cooperation in preventing and countering illegal use of and trafficking in drugs and psychotropic substances

China

- Government Decision No. 440/1993 approving the Protocol between the Ministry of Interior of Romania and the Ministry of Public Health of the People's Republic of China

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Croatia

- Government Decision No. 597/2001 ratifying the agreement between Romania and Croatia on cooperation in countering terrorism, organised crime, illicit drugs trafficking, psychotropic substances and other illegal activities

Egypt

- Law No. 262/2004 ratifying the agreement between Romania and Egypt on cooperation in the area of countering criminality
- Government Decision No. 378/1993 approving the Agreement between the Ministries of Interior of Romania and Egypt on countering drugs trafficking, signed in 1993

Former Yugoslav Republic of Macedonia

- Law No. 258/2004 ratifying the agreement between Romania and the former Yugoslav Republic of Macedonia on cooperation in countering terrorism, organised crime, drugs trafficking, psychotropic substances as well as other illegal activities

Georgia

- Agreement signed on 14 May 2004 between Romania and Georgia on cooperation in countering organised crime, drugs trafficking, psychotropic substances and precursors as well as other serious crimes

India

- Government Decision No. 550/1994 approving the Agreement between the Governments of Romania and India regarding cooperation in countering organized crime, international terrorism, drugs trafficking and psychotropic substances and other illegal activities

Israel

- Law No. 123/2002 ratifying the agreement between Romania and Israel on cooperation in countering drugs trafficking and psychotropic substances and serious crimes

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Jordan

- Law No. 67/2001 ratifying the agreement between Romania and Jordan on cooperation in countering organised crime, psychotropic substances, terrorism as well as other illegal activities

Kazakhstan

- Law No. 61/2004 ratifying the agreement between Romania and Kazakhstan on cooperation in countering organised crime, drugs trafficking and other dangerous crimes

Lebanon

- Law No. 367/2003 ratification of the agreement between Romania and Lebanon on cooperation in countering organised crime, drugs trafficking, psychotropic substances, precursors, terrorism and other serious crimes

Mexico

- Government Decision No. 970/2000 ratifying the agreement between Romania and the United States of Mexico on cooperation in countering illicit drugs trafficking and psychotropic substances and associated crimes

Moldova

- Law No. 70/2001 ratifying the Agreement between the Governments of Romania and Moldova and the Ministerial Cabinet of Ukraine regarding cooperation for countering crime
- Government Decision No. 352/16.03.2006 approving the Protocol between the Romanian Border Police and the Moldovan Border Service regarding the exchange of information in order to fulfil specific tasks
- Law No. 70/2001 ratifying the agreement between Romania, Moldova and the Government of Ukraine on cooperation in countering crime

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Montenegro

- Government Decision No. 1537 of 1 November 2006 approving the Protocol between the Romanian Ministry of Administration and Interior and the Ministry of Internal Affairs of Montenegro regarding police cooperation

Morocco

- Government Decision No. 813/1997 approving the Cooperation Accord between Romania and the Government of the Kingdom of Morocco regarding the fight against drug trafficking, illegal immigration and organized criminality

Pakistan

- Law No. 173/2005 ratifying the agreement between Romania and Pakistan on cooperation in the fight against the trafficking, use and production of drugs, psychotropic substances and precursors

Peru

- Law No. 101/1999 ratifying the agreement between Romania and Peru on averting, controlling, investigating and countering illicit drugs trafficking, psychotropic substances and associated crimes

Russia

- Government Decision No. 826/2003 approving the Agreement between the Romanian Border Police and Border Federal Service of the Russian Federation regarding cooperation on border issues
- Government Decision No. 441/1993 approving the Cooperation Agreement between the Ministries of Interior of Romania and the Russian Federation

Tunisia

- Government Decision no. 1193/1996 approving the Cooperation Agreement between Ministries of Interior of Romania and Tunisia

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Ukraine

- Decree No. 534 submitting for ratification by Parliament of the Treaty between Romania and Ukraine regarding the Romanian-Ukrainian border regime, cooperation and mutual assistance for border issues
- Law No. 70/2001 ratifying the agreement between Romania, Moldova and the Government of Ukraine on cooperation in countering criminality
- Cooperation Agreement between the Ministries of Interior of Romania and Ukraine signed on 18 May 1992

Uruguay

- Government Decision No. 134/1995 approving the Cooperation Accord between the Governments of Romania and Uruguay regarding the fight against organized delinquency, drugs trafficking and psychotropic substances

US

- Ordinance No. 4 of 19 July 2001 ratifying the Agreement Letter between the Governments of Romania and the US regarding drugs control and law enforcement
- Law No. 445/2003 approving Government Ordinance No. 56/2003 to ratify the Additional Protocol to the Agreement Letter on drugs control and law enforcement, signed on 3 July 2001 by the Governments of Romania and the United States
- Law No. 531/2004 approving the Additional Protocol to the Agreement Letter between Romania and the US regarding drugs control and law enforcement.

2.2. STRUCTURES

2.2.1. The competent authorities in Romania responsible under national law for preventing and combating the criminal offences referred to in the Agreement between Romania and the European Police Office are:

- Ministry of Administration and Interior (MAI):
 - General Inspectorate of the Romanian Police
 - General Inspectorate of the Border Police
 - General Directorate for Intelligence and Internal Protection

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- General Inspectorate of the Romanian Gendarmerie

- Ministry of Public Finance: General Customs Directorate
- Romanian Intelligence Service: Department for Prevention and Countering of Terrorism
- Public Ministry: Public Prosecutors.

2.2.2. According to the national law, the General Inspectorate of the Romanian Gendarmerie within the MAI and the Romanian Intelligence Service are military-based organisations. All the other authorities mentioned above are civil services but have a special status.

2.2.3. The Romanian Police, regulated by Law No. 218 of 23 April 2002 on the organisation and functioning of Romanian Police, is the main structure involved in cooperation with Europol. It is a centralised and hierarchical institution within the MAI. It is a specialized State institution with responsibilities in the areas of fundamental human rights and liberties, private and public property, crime prevention and detection, public order and safety observance.

The Romanian Police, headed by the general inspector, is organised as follows:

- The General Inspectorate of the Romanian Police (within the MAI)
- Territorial units under the authority of the General Inspectorate of the Romanian Police, the General Police Directorate of Bucharest and the county police inspectorates
- Educational institutions which provide initial and continuous training to staff
- Other units indispensable for carrying out specific police duties.

2.2.4. The Romanian Judicial Police, regulated by Law No. 364 of 15 September 2004 on the organisation and functioning of the Judicial Police (as amended and supplemented by Law No. 161 of 30 May 2005), is organised and functions within the specialised structure of the MAI. The Judicial Police is staffed with police officers and agents specialised in establishing the commission of offences, gathering data to institute criminal proceedings against the perpetrator and conducting the criminal investigation. Police officers and agents of the Judicial Police constitute the so-called investigative bodies of the Judicial Police which are organised and function within the main structure (central apparatus) of the MAI and within the structures of the General Inspectorate of the Romanian Police and the General Inspectorate of the Romanian Border Police and their territorial organisations.

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The prosecutors of the Prosecutors' Offices attached to law courts lead and supervise the criminal investigation activity of the Judicial Police.

The police officers that do not work within the Judicial Police have the right and the obligation to conduct any act to establish the commission of an offence. They are required to notify immediately the prosecutor or the investigative bodies of the Judicial Police regarding the commission of an offence and to forward to them all the acts that established the commission of an offence.

2.2.5. The Romanian Border Police is an armed and uniformed formation that is established to control and conduct surveillance of the state border, to control and conduct surveillance of the EU external border, to prevent and combat internal and external risk factors having a negative impact on security as well as internal and regional development, to fight against organised cross-border crime and terrorism and to counter illegal migration.

The Romanian Border Police, headed by the general inspector, is based on the following structure:

- The General Inspectorate of the Romanian Border Police (within the MAI), that is divided into two operational divisions: Directorate for Countering the Illegal Migration and Directorate for Countering the Trans-Border Crime
- 6 Border Police Directorates posted on the border with each neighbouring state and for the Black Sea coast,
- 21 county inspectorates (those only in the border area)
- 80 Border Police Sectors
- 2 Navy Units
- 90 border crossing points
- 7 free zones.

2.2.6. The General Directorate for Intelligence and Internal Protection is the specialised organisational structure within the MAI entitled to obtain, verify, process, store, protect and evaluate all necessary intelligence for the fulfilment of the competencies of the MAI. It is an organisational unit of a subordinate character for the activities carried out by the Judicial Police as regards criminal investigation. However, only the General Directorate is competent as regards direct and undercover intelligence gathering, using specific techniques in accordance with national legislation.

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The main fields of the Directorate's operation are protection and countering the risks and threats to public order of terrorism, organised crime and extremism, protection of classified information and monitoring of the fulfilment of Romania's international obligations as regards non-proliferation and trade in dual-use strategic products and technologies.

The General Directorate of Intelligence and Internal Protection operates in the territory of Romania through its central structures in the MAI as well as its territorial structures i.e. Independent Services and Services of Intelligence and Internal Protection. Whilst executing its investigative powers, the Directorate, like the Judicial Police, is under the leadership and supervision of the prosecution service.

2.2.7. The General Customs Directorate of Romania, which is subordinated to the Ministry of Public Finance, is competent *inter alia* to take measures to prevent and combat any major or minor offences in customs matters. It also investigates and exercises surveillance and controls whenever there are indications that customs legislation has been infringed, whether by natural or legal persons, and cooperates with the competent structures of the MAI, as well as with other State agencies or employers' associations responsible for enforcing the law in the area of customs policy. However, the customs administration has no investigative powers of the kind conferred e.g. on the Police but only administrative powers. Therefore, in the event of an offence in customs matters, the information gathered by the General Customs Directorate is then reported to the relevant law enforcement authority.

2.2.8. The Romanian Intelligence Service is also competent for some Europol areas, especially terrorism and some serious forms of organised crime. The Romanian Intelligence Service established a specialised organisational unit to deal with these phenomena, namely the Directorate for Preventing and Combating Terrorism. This Directorate operates both at the central and local level, with representatives in all 41 counties. The Romanian Intelligence Service has a technical coordination role within the National System for Preventing and Combating Terrorism (NSPCT), which is a national system of cooperation against terrorism comprising national authorities and public institutions.

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2.2.9. The Public Ministry in Romania governs the powers and activities of the public prosecutors. Under Law No. 508/2004, a specialised structure was set up within the Public Ministry to combat organised crime and terrorism i.e. the Department for Investigating Organised Crime and Terrorism of the Prosecutor's Office attached to the High Court of Cassation and Justice. This Department is led by a chief prosecutor and is coordinated by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice. There are currently 190 prosecutors dealing with international questions and it is planned to increase the number of posts in this area to 234 in the future. The main competencies of the Department are inter alia carrying out criminal investigations, conducting, supervising and controlling criminal investigation acts and analysing the causes of organised crime offences and terrorism.

The Department for Investigating Organised Crime and Terrorism is divided into the following services led by chief prosecutors:

- service for combating organised crime
- service for combating trafficking in drugs
- service for combating economic and financial macro criminality
- service for combating IT criminality
- service for combating terrorist offences.

The Department carries out its competencies and attributions throughout the whole territory of Romania and executes its powers in all 41 counties via services and bureaus led by chief prosecutors.

3. INTERNAL ORGANISATION OF THE EXCHANGE OF INFORMATION

3.1. STRUCTURES

3.1.1. The exchange of information and intelligence between Europol and the Republic of Romania is currently carried out through the Europol National Unit (ENU) to the extent and in a way laid out in the Agreement on Co-operation between Romania and the European Police Office.

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Once the Convention on the Establishment of the European Police Office has been fully implemented in national law, the formal basis for exchange of information and intelligence will be replaced although the technical and practical arrangements will remain the same. The Romanian ENU is directly connected with Romanian Liaison Bureau at Europol. All the communication between the Police and other competent authorities of Romania must be channelled through the ENU.

3.1.2. Information and intelligence is also exchanged between the competent authorities of Romania and other Member States through the following channels:

- the aforementioned Europol channel
- Interpol channel
- SECI channel
- Romanian internal attachés posted abroad
- foreign liaison officers appointed in Romania.

3.1.3. The International Police Cooperation Center (IPCC), which is a General Directorate in the Public Order and Safety Department within the structure of the MAI, was established in 2005 under Directive No. 306 of 14 April 2005 approving the updated Strategy regarding Institutional Reform of the Ministry of Administration and Interior. The IPCC is headed by a General Director who reports to the Secretary of State in the MAI.

The main tasks of the IPCC, according to Government Ordinance No. 103/2006, are:

- to ensure the information exchange between the bodies of the Ministry of Administration and Interior and international organizations such as INTERPOL, EUROPOL or other national police forces
- to support the Romanian liaison officers accredited with the SECI Center
- to coordinate all the activities carried out by the Romanian police departments and customs authorities, as well as other law enforcement agencies, when verifying data and information through IPCC's cooperation channels
- to improve international cooperation in order to efficiently combat trans-border crime.

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The IPCC is divided into two directorates: National Focal Point (NFP) and National Central Bureau (NCB) of Interpol. Each of them has three units as follows:

- NFP:
 - Operational Unit
 - Europol National Unit
 - SIRENE Unit (non-operational yet)
- NCB Interpol:
 - Wanted Persons at International Level and Extraditions Unit
 - Operational Documentation Unit
 - Judicial Identification Unit.

The IPCC has concluded implementing and working protocols with all the abovementioned competent authorities responsible for preventing and combating the criminal offences referred to in the Europol Agreement, in order to facilitate and enhance mutual exchange of information with the support of the IPCC. Contact points have been established at central level within those authorities. However, the competent authorities also function as coordinating bodies which collect, analyse and disseminate intelligence. The mandate of the central bodies is as follows:

- to coordinate, support and control the local activity structures
- to collect, analyse and disseminate the intelligence and maintain central databases
- to organise assistance activities at local level
- to elaborate the activity plan and establish the objectives in the field of competence
- to inform and suggests measures in order to remove the deficiencies.

3.2. CHOICE OF COMMUNICATION CHANNEL

3.2.1. In general, the channels are employed based on a case-by-case analysis, taking into account the best solution for each request and in accordance with existing international agreements, national legislation and internal rules on the exchange of information established by the MAI. Nevertheless, according to the information provided, the main criteria for the choice of communication channel are as follows:

- number of countries involved
- the type of crime i.e. whether it is within Europol's mandate or not

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- the purpose of the particular information exchange and type of information
- the origin of the request, i.e. which country has requested the information (EU or non-EU Member State)
- the destination of the request, i.e. to which country the information is to be sent (EU or non-EU Member State)
- whether an organised crime element is involved.

3.2.2. The role of the Europol Liaison Officer (ELO) is to support cooperation between Romania and Europol. For the moment Romania has seconded only one LO to the Hague. In particular, the ELO is responsible for supporting contacts between Europol and competent Romanian authorities for facilitating the exchange of information. LO does not have a direct access to national criminal databases.

3.2.3. A distinction is made between bilateral and multilateral cases. The competent authorities use the Romanian/foreign liaison officers for bilateral requests and Europol and Interpol for multilateral cases. However, this is only a general rule since the requests are evaluated, as was already stipulated, on a case-by-case basis and the decision which channel to use is taken based on the aforementioned criteria.

3.2.4. The Romanian law enforcement authorities designated as competent authorities have their own information channels at their disposal but there is also a private "metropolitan network" using specialised services provided by a governmental structure, i.e. the Special Telecommunication Service (STS). The network is protected by STS using specific means of security and also every law enforcement unit has its own firewalls and other specific means of protection in place. The systems are compatible because for communication purposes all the authorities mentioned above use INTRANET technologies.

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4. EXTERNAL EXCHANGE OF INFORMATION

4.1. INTERNAL ATTACHES/LIAISON OFFICERS NETWORK

The Romanian MAI has posted internal affairs attachés to the following countries: Austria, Belgium, Bulgaria, Czech Republic, Croatia, France, Greece, Germany, Hungary, Ireland, Italy, Moldova, Norway, the Netherlands, Poland, Russia, Serbia, Spain, Turkey, Ukraine, UK, as well as in the EU, Europol and NATO. During their secondment, the internal affairs attachés are formally staff members of the Ministry of Foreign Affairs but exercise their tasks in accordance with the relevant Romanian legislation on internal affairs matters. They cooperate mainly on a direct basis with the IPCC but may also maintain direct contacts with particular agencies or services in Romania.

In Romania liaison officers have been posted from the following countries: Austria, Belgium, France, Germany, Greece, Italy, the Netherlands, Poland, Portugal, Slovakia, Spain, Ukraine and UK. They cooperate directly with the competent services of Romania, especially with Europol (ENU) and Interpol (NCB) units within the IPCC. Their position is regulated by the provisions of bilateral agreements with the States concerned.

4.2. DATA EXCHANGE PROCESS

The perception of the quality of information flow between Europol and Romania and with the other Member States is influenced by the fact that at the time of the evaluation mission Romania was not formally a member of Europol and that cooperation was based on the Agreement between Romania and Europol on cooperation. Nevertheless, in the light of the aforementioned fact, Romania may consider the quality of information flows satisfactory, particularly since the ENU became operational in September 2004. The full participation by Romania as a member of Europol is envisaged for the end of the first half of 2007.

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Under the Europol Agreement and national legislation, technically the exchange of operational information and criminal intelligence between Europol and Romania is carried out by the IPCC within the structure of the MAI. The other channels of cooperation are also used, i.e. Interpol, Romanian internal affairs attachés posted abroad and foreign liaison officers in Romania. Additionally, the SECI Centre in Bucharest constitutes an important channel as well. These channels are also concentrated and coordinated by IPCC.

4.3. INFORMATION OWNERSHIP

The relevant Romanian legislation has been harmonised with the EU legislation. The national data protection legislation influences the exchange of information. However, in practice this influence does not create serious impediments. For instance, the limitations such as "handling codes" which generate restrictions on the use of data simultaneously create a tool to protect the data from the dissemination point of view. These practical problems can be solved after consultation with the owner of the data.

Occasionally the Romanian authorities have encountered problems arising from differences between the legal environments in different Member States. However, despite those differences, data can usually be accessed by the Romanian law enforcement authorities upon fulfilment of the conditions required to obtain access to the types of information concerned. For example, in some Member States, a Rogatory Letter is required to identify the subscriber of a phone number or the holder of a bank account. This kind of problem is typically solved by the transmission and receipt of so-called informal Rogatory Letters to speed up the process until the official documents are transmitted via official channels.

According to the information obtained, answers provided as a result of databases searches are always provided in a short time. When there is a need for additional enquiries by competent authorities, delays can be experienced in some cases due to the resources that need to be allocated.

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5. EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND EUROPOL

5.1. INFORMATION EXCHANGE VIA EUROPOL, INTERPOL AND INTERNAL AFFAIRS ATTACHES/LIAISON OFFICERS

The following data provide a statistical overview of the information sent and received by the Romanian law enforcement authorities between 2004 and 2006:

- cases initiated and overall activity with Europol (respectively)
 - 2004** - 5 and 379
 - 2005** - 66 and 2519
 - 2006** - 85 and 3743
- requests sent to and received from Europol (respectively)
 - 2004** - 45 and 194
 - 2005** - 547 and 761
 - 2006** - 868 and 943
- requests sent through the Interpol channel
 - 2005** - 4735 requests with 16689 messages addressed to external partners
 - 2006** - 6115 requests with 17013 messages addressed to external partners
- requests sent through SECI channel
 - 2004** - 571
 - 2005** - 475
 - 2006** - 363
- assistance requests and messages exchanged through Romanian internal affairs attaches/foreign liaison officers posted in Romania
 - 2004** - 6148
 - 2005** - 6771
 - 2006** - 8064.

The aforementioned data concern the following areas of activity as per the breakdown given: other means of payment (21,93%), terrorism (16,56%), fraud and swindling (16,40%), drugs (13,38%), trafficking in human beings (8,58%), forgery of money (5,98%) and others (less than 5%).

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Italy, Spain, Germany, France, Hungary, Austria and United Kingdom are the most important partners among the Member States. It also appears that priority is given to cooperation with countries to which internal affairs attachés have been posted.

5.2. DEFINITION OF INFORMATION AND INTELLIGENCE

According to Romanian legislation, there are following definitions of information or criminal information:

- information – any document, data, objects or activities, regardless of support, form, way of expression or circulation (definition according to Law No. 182/2002 on classified information)
- information – any data, news or communication which present operational interest and can be used during the specific activity of the police (definition according to the Order of the Minister of Administration and Interior approving the methodology on organization and procedures for information activity)
- police information and data – any information, data, registers, activities or reports regardless of support, form, way of expression or circulation, designated for the use of competent authorities in order to prevent and combat criminality (definition according to the Government Ordinance No. 103/2006 on measures for facilitating international police cooperation)

The term "criminal intelligence" is not defined in Romanian legislation on account of linguistic difficulties. Nevertheless, it may be, and in practice is, used on the basis of the definitions provided above.

Regarding the sensitivity levels, according to Law No. 182/2002 on classified information there is one model used by all authorities and it has an equivalence table with Europol classification levels:

- Secret de serviciu - Europol Restricted
- Secret - Europol Confidential
- Strict secret - Europol Secret
- Strict secret de importanta deosebita - Europol Top Secret.

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All the information can be passed to Europol. However, from the operational point of view it is difficult to send Europol Secret and Top Secret information because it cannot be sent through the secure link provided by Europol which is accredited up to Europol Restricted only. Therefore the diplomatic channels (couriers) are applied in these circumstances.

From the practical point of view Romanian competent authorities observed that it is also difficult to send information classified higher than Europol Restricted. This is due to rights of access, which are limited in some Member States in the case of operational officers and only managerial staff can work with this kind of document.

Article 4 of the Europol Convention provides for the obligation placed on the ENU's to supply information and intelligence to Europol with the exception of three cases, namely:

- when there is a risk of "harming essential national interests",
- when there is a risk of "jeopardising the success of a current investigation or the safety of individuals",
- when there is a risk of "involving information pertaining to organisations or specific intelligence activities in the field of State Security".

However, the exceptions mentioned above have not been invoked so far.

5.3. NATIONAL EUROPOL UNIT

The Romanian ENU is situated within the IPCC and became operational in September 2004. The ENU is linked to the Interpol, Operational and SIRENE units by sharing the same location within the IPCC.

The ENU has 11 posts in the internal structure, 10 of which have been filled. It is governed by the head of unit. Activities are carried out by seven operational officers and three secondees from the National Police, Border Police and Intelligence Service. Every officer has a working station equipped with scanner. The ENU network is connected to a dedicated server equipped with firewall and routers. ENU officers have access to the national databases.

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The ENU organises and coordinates the continuous supply of criminal information and intelligence to Europol in relevant cases. The ENU is dependant on the information provided by competent authorities but, being within the MAI and having the position it does, can seek and request information from other competent authorities within the MAI (Police, Border Guard, etc).

5.4. USE OF INFORMATION AND EUROPOL ANALYSIS CAPABILITY

It is very difficult to assess the use of Analytical Working File (AWF) by Romanian law enforcement authorities due to the fact that Romania - at the time of evaluation - was not a member of Europol yet. However, according to the information provided, Romania is willing to transfer information into any AWF, including those in which it has no direct interest, in order to support investigations conducted by Europol and/or other Member States.

As regards participation of Romania in AWFs, the decision was taken to participate only in those AWFs where Romanian law enforcement authorities will be able to provide information and to have an active participation. Therefore the pragmatic approach has been followed: the Law Enforcement Agencies (LEA) did not embrace the idea of being a member of as many AWFs as possible and without providing any information. This is considered not to be in the interest of AWFs and solely indicative of a desire to take information from particular files.

The Romanian authorities are of the position that not all existing AWFs are necessary for law enforcement authorities, mainly due to the wide range of crime area covered by different AWFs. Consequently, the mandate crime areas of some of the AWFs are not present within Romanian criminal phenomena (i.e. Mare Nostrum, Monitor), whilst on the other hand there are some AWFs such as Maritsa whose mandate area is too narrow.

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5.5. PERCEPTION OF THE VALUE OF EUROPOL

The Romanian membership of Europol was not yet achieved at the time of evaluation and therefore one of the most important issues is future full integration of Romania into Europol's cooperation mechanism. However, there are already examples where Europol's involvement has added value to Romanian law enforcement authorities on the basis of the cooperation agreement. This involvement relates to the core business of Europol as well as to support and training activity, especially in relation to analysis work, OCTA reports, the training sessions organised by Europol, the support offered by the Money Forgery Unit for identification of printers using "the bitmap code", bulletins on terrorism, illegal migration and trafficking in human beings, etc.

In the light of practical experiences, Romanian law enforcement authorities consider the Europol Information System (EIS) as a great tool but the Member States should focus more on the input of data into EIS. The compensation model used for forgery of money crimes should be extended to all the crimes within the Europol mandate or at least to those where the impact is high such as drugs and terrorism.

The qualitative perception of information flow, based on the Romanian law enforcement agencies opinion, is good. The level of information exchange increased constantly in terms both of quantity and quality. According to Romanian experience the requested information is provided in a timely fashion.

6. EVALUATION BY THE EXPERT TEAM

6.1. Introduction

6.1.1. The Republic of Romania covers an area of 230,340 sq. km. The country shares a total land border of 2,508 km with the following states: Moldova (450 km), Bulgaria (608 km), Hungary (443 km), Serbia (476 km) and Ukraine (531 km). The coastline of Romania is 225 km long.

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The state capital is Bucharest with approximately 2 million citizens of an estimated total population of 22,3 million¹. Administratively, the country is centrally administered and is divided into 41 counties plus the capital of Bucharest, which has a similar county status. In Romania there are 9 regions², 262 towns, 2, 686 communes and 13,149 villages.

6.1.2. The evaluation of Romania was conducted between 26 and 28 March 2007. The evaluation team met with the officials of the Ministry of Administration and Interior, the Office of the Prosecutor attached to the Highest Court of Cassation and Justice, the Romanian Intelligence Service, the General Inspectorate of Romanian Police Headquarters, the General Inspectorate of the Romanian Border Police and the customs administration. A visit to the Prahova Police County Inspectorate in Ploiesti also provided information about the work of the police at regional level and their cooperation with central authorities.

While focussing on international information and intelligence exchange with Europol and other Member States, the team also took note of national cooperation, administrative and practical developments, exchange and sharing of data and intelligence between various institutions, departments and services involved in the fight against international or organised crimes as well as of terrorism in Romania.

The schedule of visits agreed on by the Romanian authorities made it possible to hold meetings with a large number of key departments and experts in the area of evaluation. Through presentations and discussions on related topics the evaluation team received an overview of the Romanian law enforcement structures and organisations with a specific emphasis on national and international information and intelligence exchange.

During the visit of the evaluation team, Romanian law enforcement authorities and other authorities proved to be very open. In particular a great deal of assistance was offered by various departments of the Romanian Police as well as of the MAI.

¹ As of 2004.

² Banat, Bucovina, Crisana, Dobrogea, Maramures, Muntenia, Moldavia, Oltenia and Transylvania.

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6.2. General comments

Romania joined the European Union on 1st January 2007 and is in the process of acquiring full membership of Europol. All the commitments and undertakings related to the negotiations and accession process have resulted, inter alia, in relatively new legal developments followed by organisational structures and preparations. Nevertheless, Romania continues to enhance the organisational and logistical framework for efficient policing and has established specialised units and agencies to combat serious, international and organised crime. At the same time Romania is putting a lot of effort into establishing modern and efficient structures for international police cooperation and information exchange. The willingness and commitment to safeguard this process as well as to become an effective and reliable partner for Europol and the Member States were confirmed by the managerial level of MAI, the Police and other agencies visited during the evaluation mission.

6.3. Internal organisation of exchange of information

6.3.1. The Romanian law enforcement and administrative structures involved in the fight against serious and organised crime that were visited by the experts included the Romanian Police, the General Directorate of Intelligence and Internal Protection, the Romanian Border Police, the customs administration and the Department for Investigating Organised Crime and Terrorism of the Prosecutor's Office.

6.3.1.1. The Romanian Police and Border Police are two armed and uniformed security forces under the responsibility of the MAI. Within the structures of the Ministry they are subordinated to the State Secretary in charge of Public Order and Safety Department. Both services are headed by the General Inspectors.

The General Inspectorate of Romanian Police is divided into three main divisions:

- Public Safety Police
- Criminal Investigations Police
- General Directorate for Combating Organised Crime and Terrorism Investigation.

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There are also other units subordinated to the General Inspectorate, including the Central Unit of Data Analysis, the Administrative Police, the Management and International Relations Unit, the National Office for Witness Protection, the Forensic Institute and the Institute for Crime Research and Prevention. The structure at central level is mirrored at territorial level, i.e. in all 41 regional divisions of the Romanian Police. There are around 53,000 police officers of which roughly 33,000 are directly involved with public safety and order. As regards international cooperation and exchange of information, the Police follows a case-by-case approach whereby the officer concerned decides which channel to use or leaves the decision to the IPCC. The Romanian Police has been engaged in a number of international cooperation initiatives, some of bilateral character.

The General Inspectorate of Romanian Border Police operates at the central level and through its 21 county inspectorates at the regional level that are in the border area. The service is tasked with preventing, detecting and investigating border crimes and offences also when related to organised crime. The Romanian Border Police directly cooperates with the other structures of the MAI as well as with other administrative units and services of Romania. In the international sphere, the Romanian Border Police uses the following channels of cooperation: border contact centres and contact points, liaison officers and internal attaches posted abroad, ICPP (including Interpol and Europol), similar structures with other states based on agreements and Frontex (with which some joint operations were undertaken). Most of these channels are either through or at least reported to the IPCC, although the possibility of direct contacts also exists.

6.3.1.2. The General Directorate of Intelligence and Internal Protection is another administrative structure within the MAI. It exercises investigative powers and supports investigations carried out by the Judicial Police under the leadership of the public prosecutor. The central structure of the Directorate is divided into following divisions:

- Intelligence division
- Strategic Investigations division
- Counter Intelligence and Security division
- Operative Surveillance division
- Technical Applicative division
- Special division.

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The Directorate also operates within the territory of Romania through its Independent Services and Services at regional and local level. The Directorate exchanges intelligence between its central and territorial structures as well as with Romanian security intelligence structures, law enforcement structures under the competence of MAI and the Public Ministry, control and financial monitoring authorities and international partners. However, the information and intelligence gathered during the investigation is not accessible by other LEAs unless an individual decision is taken by the prosecutor. As regards international cooperation and intelligence exchange mechanisms, the Directorate cooperates with Europol via the National Focal Point/ENU and with Member States via the IPCC and liaison officers. However, the Directorate is also able to cooperate directly with the Member States via liaison officers.

6.3.1.3. The Department for Investigating Organised Crime and Terrorism of the Prosecutor's Office leads and coordinates investigations carried out by LEAs in areas of organised crime and terrorism. The Department has authority in the whole territory of Romania. It cooperates directly with the IPCC/ENU as regards cooperation with Europol and other international partners. The communication channel is chosen on a case-by-case basis: when the time factor is crucial the National Focal Point/ENU is chosen because it is considered to be faster. In other cases, when the case is more extended and time consuming, the Eurojust channel is usually used. There were no serious problems encountered as regards exchange of information or intelligence abroad, except for formal restrictions under the laws on personal data protection or classified information protection.

6.3.1.4. The General Customs Directorate of Romania, which is subordinated to the Ministry of Public Finance, cooperates with Romanian law enforcement authorities in combating crime at the preliminary investigative stage. For this reason, the customs administration does not execute the investigative powers as such and any suspicion of crime is referred to the Police via the public prosecutor. Nevertheless, the Romanian customs administration cooperates with Member States and other international partners e.g. with SECI Center. It has been also involved in a number of joint customs operations.

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6.3.1.5. Financial crimes and money laundering are dealt by the Romanian control and financial monitoring authorities, which are the National Office for Preventing and Combating Money Laundering and the Financial Guard. These are central administration services responsible for combating fraud, financial offences and money laundering. They cooperate with Romanian LEAs and other relevant services when crimes involve a financial element. For instance, the euro counterfeiting contact point is situated within the Operational Department of the Romanian Police Inspectorate (comprising 10 officers) and there is one office per county with 2 officers appointed in some of the county Police stations. Unfortunately, during the evaluation visit and because of the very tight time constraints the experts were unable to gain a deeper insight into this system.

6.3.2. As regards the system for exchange of information, the preliminary remark has to be formulated that in Romania there exist a multitude of databases dispersed throughout the country. The experts identified several different databases, including the Romanian Police and Border Police databases, other databases within the structure of the MAI (passports, personal records, driving licenses and vehicles, aliens and refugees), the customs administration database, etc. Access to those databases is in general based on the "need to know, need to share" principle, both at central and regional level. There is no database for storing data on informers. Access to those databases at different administrative levels and by different entitled authorities is through the STS-protected metropolitan network mentioned earlier.

The expert team was informed that work still has to be done to establish fully operational platforms on strategic and operational analysis, which are due to be introduced at the beginning of 2008 and which would constitute the elements of the General Information System (GIS) for law enforcement purposes. During the evaluation mission it was impossible to assess in detail how far advanced the works actually were.

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The Romanian authorities are in the process of introducing a National Intelligence Model, which will be fully compatible with the OCTA process and the European Criminal Intelligence Model (ECIM). A national risk assessment will be produced by combining the results of analysis focused on three main groups of source, presented in three main categories: harm assessment (information from the society), threat assessment (information from the criminal phenomena) and vulnerability assessment (information from different LEAs). The results of these assessments will be adopted as priorities by the government and will be binding both at national and regional levels. The necessary training of staff was recently completed, resulting in 110 trained managers and 45 trained analysts-trainers. The project is at the final stage of planning and the necessary technical preparations have been made although it was too early for the experts to assess its real and practical implications for the daily work of LEAs.

6.3.3. At the local level, the expert team visited Prahova County Police Station in Ploiesti. The Police have concluded many protocols with other LEAs and bodies represented in Prahova county for direct and mutual exchange of information. Those protocols allow direct meetings between Police officers and representatives of the other agencies and bodies as well. It has to be emphasised that the aforementioned arrangements allow the direct exchange of information and criminal records but not intelligence. The Romanian Police of Prahova county has a single (national) intelligence database at its disposal operating on the "hit-no hit" principle. This database contains classified and non-classified data and the classification of data is always done by the officer responsible. In the case of international cases or requests, they have a preference for using IPCC channels although the officers involved are able to forward their suggestions as to which channel would be the most appropriate. The particular request is sent to IPCC via encrypted line. There are few examples of direct international cooperation by the Romanian Police in Prahova county without using the channel of IPCC. The awareness of the role of Europol and the perception of its value is in general positive. The experts observed nevertheless that there were practical problems in becoming properly acquainted with Europol's products due to limited linguistic capacity of the Police officers.

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6.3.4. As regards the administrative structures, the central role in the exchange of information process is devoted to the IPCC, as regards both national and external coordination of exchange of information. Based on the reports as well as the answers to the questions of the expert team it can be concluded that the organisation set up is working smoothly and the coordination is performed in a proper way. These observations could be supported by the fact that LOs are seconded to the IPCC from the General Inspectorate of the Romanian Police, the customs administration and the Romanian Border Police.

The organisation of access of police officers to all available police and some administrative databases is definitely speeding up the information exchange with Europol and the Member State. However and rather surprisingly, the IPCC has access to all relevant criminal and administrative databases except the customs database.

The concentration of significant information resources within the Romanian Police, besides those in the MAI, is probably a good and certainly a successful approach. The fact that the parameters for collecting data are compatible with those of the EIS can also be considered an advantage for automatic entry of data in the future. There is also a positive interest in tackling certain significant problems through European projects. A good example is the Phare project "Adopting intelligence-led policing in the field of combating organised crime" (€ 3.4 million), as well as the setting up of the IPCC and the ENU in the framework of a twinning project.

6.3.5. However, it has not become completely clear how handling and evaluation codes are implemented fully in practice. Even though the Romanian Police use the evaluation of information on a daily basis, the expert team has observed that sometimes the Romanian law enforcement authorities use the so-called 5x5x5 evaluation system instead of using Europol's 4x4 system. During the visit the expert team was not able to assess the systems and practices used by other LEAs.

The provided questionnaire and the responses of the competent police officers did not make clear if there is an encrypted connection between the police services for transmission of classified information and, if so, the level up to which classification is certified. Therefore it is not clear whether this connection is compatible with Europol connection lines for example.

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6.4. External exchange of information

6.4.1. During the evaluation exercise the experts found that police departments as well as other LEAs had been in some instances engaged directly in international cooperation (see 6.3.1.). Some departments of relevant authorities also maintain bilateral and direct contacts with their foreign counterparts and at different levels. However, it seems evident for the experts that these aforementioned arrangements constitute an additional element to the main and central mechanism of international cooperation carried out by the IPCC.

6.4.2. At national level, the data exchange process is performed mostly through the channels of the IPCC. The process is defined in the organisation of the IPCC. The well developed LO network supports the external exchange of information while the coordination and avoidance of duplication of requests is carried out by the IPCC as a single body for external exchange of police information.

In cases where a specific request covers a larger area of the EU or a country outside the EU, the Interpol information channel is used. The Interpol communication channel is preferred in the framework of legal assistance as well as for sending or answering the requests for information from other Member States, in connection with routine police checks requiring speedy confirmation of people's identity, authenticity of identity documents, whether a person is wanted, missing vehicles, verification of the validity of registration plates of motor vehicles, clarifying other circumstances connected with police checks, etc.

The channels for the exchange of information through Europol and Interpol are physically separated and protected from unauthorized access by respective hardware and software products.

A specific element of the organisation of exchange of information is the role of the SECI Center. The location of the SECI Center and the IPCC in one and the same building is an advantage for their cooperation. Even though the SECI Center is a regional initiative, it has very active connections and cooperation with Romania and in particular with the IPCC. Cooperation through the channels of SECI overlaps to some extent with the bilateral channels of cooperation (especially with the neighbouring countries).

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6.4.3. One problem which obviously has to be overcome is the proper classification of information. There is a tendency to use an unduly high classification level (Confidential) for police intelligence and especially for information originating from the special services (General Directorate for Intelligence and Internal Protection, Romanian Intelligence Service). Furthermore, the level of classification of provided information and intelligence should be in line with the standards of Europol in order to be processed and used efficiently.

6.5. EUROPOL

6.5.1. The well structured IPCC - which includes Europol, Interpol, Sirene and the Operational Unit - coordinates contacts with both Romanian and foreign LOs and facilitates the efficient exchange of information between practically all of the information exchange channels. Simultaneously it avoids overlapping and duplication of requests. This approach increases the chances of choosing the proper channel for exchange of information on a case-by-case base.

Information exchanges via the Europol channels were in general regarded as very valuable and the cooperation as excellent. Information exchange between Europol and IPCC is conducted through a secure electronic connection (thin client), e-mail, fax and telephone, and through the Romanian Liaison Bureau at Europol. This exchange covers operational, sensitive and confidential information; information connected to investigations of crimes included in the Europol mandate; information on AWFs and statistics for drawing up analyses. Most frequently the channel used for information exchange is the secure electronic connection.

The exchange of information between Member States and Europol is apparently increasing owing to the increase in the number of Romanian liaison officers seconded abroad and of course to the cooperation activity with Europol.

6.5.2. As regards Analysis Work Files, the main contributions of Romania so far have been to the following AWFs: Terminal, Mustard, Soya, Twins and Smoke. The necessary steps for carrying out feasibility studies have been undergone for the application of full membership in some of the AWFs.

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The participation in AWFs is based on a pragmatic approach and the decision to become an active member is taken only when a need has been recognised. Even if Romania is not member of a specific work file, it considers that if information concerning that crime area could be of interest to other partners (Member State or Europol), it forwards the information to Europol. Where more than one authority is dealing with a particular crime, the decision to participate in an AWF is up to each of the competent authorities concerned.

6.5.3. The Romanian authorities perceive Europol to be an important institution with an eminent role in the provision of criminal information and intelligence between LEAs in the Member States, but according to them Member States should focus more on the input of data into the Europol IS. The value of Europol analytical support is regarded as fruitful, as are the analytical materials at European level. The analytical reports and other products from Europol are normally distributed to the regional/local level. Contributions to Europol on e.g. the OCTA report are handled from the central level. No involvement by the Prosecutors' Office or by the local level was recognised in that respect.

6.5.4. However, the difference between information and intelligence is not fully understood or defined because there are no clear legal definitions of these terms in Romanian legal instruments. As was said and confirmed by Romanian authorities, this is due to linguistic problems. Nevertheless, clear and detailed interpretations of those concepts are recommended in order to avoid the misunderstandings which were detected at regional levels. It has to be mentioned that these issues have been discussed in the course of the Enlargement Project Europol II within the Critical Area "Operations".

7. GENERAL CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT TEAM

The evaluation team formed the overall impression that Romania is fully aware of the increasing responsibilities resulting from its accession to the EU. The evaluation made clear the efforts of the IPCC within relatively a short time to ensure that effective information exchange systems are up and well running. Romania has incorporated and implemented the necessary legal instruments (although several of them only adopted in recent months), structures, qualified personnel and resources to cooperate with its European partners. The institutions concerned have official contact persons at the ENU, if not a liaison officer, which ensures very good conditions for cooperation between the ENU and Europol.

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The police officers at the middle and higher managerial level are able to communicate in main EU languages (French, English, Italian) which is a positive prerequisite for enhancement of cooperation and active participation in the numerous working groups set up within Europol. However, there are still shortcomings concerning the initial phase of preparations, for instance the level of language skills of lower ranking or local level officers to deal with particular products of Europol. The same applies to a national intelligence model and a criminal intelligence database that are still under development.

Reflecting on the findings outlined in this report, the evaluation team found the following recommendations appropriate:

7.1. FOR ROMANIA

7.1.1. Consider the implementation of a comprehensive model concerning the principles for the choice of channels for exchange of information. (See 3.2.1. and 3.2.3.)

7.1.2. Consider giving the IPCC direct access to the intelligence database in order to allow it to speed up the process of exchange of information, and look into the possibility of giving the customs Liaison Officer at the ENU direct access to the main customs databases. (See 6.3.4.)

7.1.3. Consider whether information and intelligence from on-going operational work and investigations carried out by the Directorate for Intelligence and Internal Protection of the MAI should also be accessible to support both Romanian and international cases during the period prior to the lifting of the embargo laid by the Prosecutor (this way law enforcement does not lose important intelligence on ongoing operational work). (See 6.3.1.2.)

7.1.4. Consider reviewing current information classification practices to facilitate the exchange of intelligence with Europol. (See 6.3.5. and 6.4.3.)

7.1.5. Consider allowing Romanian officers go to Europol on internships in order to become acquainted with the working methods of Europol. (See 6.3.3. and 6.5.3.)

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7.1.6. Consider appointing an additional (second) representative to the Romanian Liaison Bureau at Europol. (See 3.2.2.)

7.1.7. Consider extending the awareness of the role of Europol and its tasks beyond the central level by, inter alia, arranging for dissemination of the main translated Europol products and other annual or corporative analytic reports to the local police authorities. (See 6.3.3.)

7.1.8. Consider the possibility of introducing and implementing the standardized system for handling and evaluation of source and quality of information and intelligence for all law enforcement agencies, given that the 5x5x5 arrangement currently in use is not compatible with Europol systems. (See 6.3.5.)

7.1.9. Consider granting Romanian Europol Liaison Officer(s) direct contact to the national databases in the future. (See 3.2.2.)

7.1.10 Consider adopting clear and detailed interpretations of the terms information and intelligence. (See 5.2 and 6.5.4.)

7.2. FOR EUROPOL

7.2.1. Consider support further training activities for Romanian law enforcement officials as well as provide assistance to activities carried out by other bodies e.g. CEPOL. (See 6.3.3. and 6.3.5.)

7.2.2. Consider to extend the compensation model used for forgery of money crimes to other crimes within the Europol's mandate. (See 5.5.)

7.3 FOR THE OTHER MEMBER STATES

7.3.1. For the Member States having technical and/or scientific centres of excellence, whenever possible and necessary encourage all relevant cooperation measures with the least developed Member States. (See 7)

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ANNEX A

PROGRAMME OF VISITS

Monday 26.03.2007

- 09.00 – 09.15 To go to Ministry of Administration and Interior Headquarter
09.15 – 09.45 Official meeting with the Ministry of Administration and Interior Staff
09.45 – 10.00 Visit to the International Police Cooperation Center Headquarter
10.00 – 11.45 International Police Cooperation Center activity presentation, the legal base, structure, cooperation channels, participation of Romanian National Customs Authority representatives
11.45 – 12.00 Visit to the Prosecutor's Office of the Highest Court of Cassation and Justice
12.00 – 13.00 Official meeting with the Prosecutor's Office of the Highest Court of Cassation and Justice Staff
13.00 – 13.15 To go to the Parliament Palace Restaurant
13.15 – 14.30 Lunch at the Parliament Palace offered by International Police Cooperation Center
14.30 – 14.45 Visit to the General Inspectorate of Romanian Police Headquarter – discussions
14.45 – 17.00 Official meeting with General Inspectorate of Romanian Police Staff
17.00 – 17.15 To go to the hotel
17.15 – 18.30 Time at guest's disposal
18.30 – 19.00 Preparations for dinner
19.00 Dinner offered at Excelsior Club by Mr. Anghel ANDREESCU, state secretary

Tuesday 27.03.2007

- 09.00 – 10.30 Visit to Prahova Police County Inspectorate
10.30 – 12.00 Official meeting with Prahova Police County Inspectorate Staff
12.00 – 13.30 Lunch offered by Prahova Police County Inspectorate Staff
13.30 – 15.00 Visit to the General Directorate for Intelligence and Internal Protection Headquarter
15.00 – 17.00 Meeting with General Directorate for Intelligence and Internal Protection Staff
17.00 – 19.00 Time at guest's disposal
19.00 Official dinner offered by IPCC Staff at "Pescăruș" Restaurant Bucharest

Wednesday 28.03.2007

- 09.00 – 09.15 Visit to the Romanian Intelligence Service Headquarter
09.15 – 11.00 Official meeting with Romanian Intelligence Service Staff
11.00 – 11.15 Visit to the General Inspectorate of the Romanian Border Police Headquarter
11.15 – 12.00 Official meeting with General Inspectorate of the Romanian Border Police Staff
12.00 – 14.00 Lunch offered by the General Inspectorate of the Romanian Border Police Staff
14.00 Departure to the "Henri Coandă" International Airport

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ANNEX B

LIST OF PERSONS MET

Ministry of Administration and Interior Staff:

Mr. Vasile Gabriel Nita, Senior Quaestor, Under Secretary of State

Romanian Police:

Mr. Eugen Corciu, Quaestor, deputy general inspector of General Inspectorate and head of General Directorate for Countering Organized Crime

Mr. Gabriel Sotirescu, chief superintendent, deputy head of General Directorate for Countering Organized Crime

Mr. Florin Raportaru, superintendent, head of directorate for Countering High Financial Crimes within General Directorate for Countering Organized Crime

Mr. Vasile Onea, chief superintendent, deputy inspector of Prahova County Inspectorate

Romanian Border Police:

Mr. Nelu POP, Senior Quaestor, general inspector of General Inspectorate of Border Police

Mr. Vasile Motoc, deputy general inspector of General Inspectorate of Border Police

General Directorate for Intelligence and Internal Protection:

Mr. Constantin Dârna, Senior Quaestor, deputy general director

Mr. Ilie Nicolae, Quaestor, head of intelligence division

Romanian Intelligence Service

Mr. Marin Ioniță, major general, head of Analysis Inspectorate

Mr. Ion Ștefănuț, major general, head of Prevention and Counter Terrorism Inspectorate

Mr. Ion Dunea, brigadier general, head Countering Terrorism Unit

General Prosecutor Office

Mrs. Gabriela Scutea, deputy of general prosecutor

Mrs. Laura Ceh, prosecutor from Directorate for investigation of organized crime and terrorism crimes

Mrs. Narcisa Danes, prosecutor from Directorate for investigation of organized crime and terrorism crimes

International Police Cooperation Center:

Mr. Mihai STOICA, Police Quaestor, general director

Mr. Marcel ISAC, Police Chief Superintendent, deputy general director

Mr. Mihai NASTASE, Police Assistant Superintendent, Head of the Europol National Unit

Ms. Ramona PETRESCU, Police Sub-inspector, translator

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ANNEX C

LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

ACRONYM ABBREVIATION TERM	ENGLISH TRANSLATION OR EXPLANATION
AWF	Analytical Working File
ECIM	European Criminal Intelligence Model
EIS	Europol Information System
ELO	Europol Liaison Officer
ENU	Europol National Unit
GIS	General Information System
IPCC	International Police Cooperation Center
LEA	Law Enforcement Agency
MAI	Ministry of Administration and Interior
NCB	National Central Bureau
NFP	National Focal Point
NSPCT	National System for Preventing and Combating Terrorism
OCTA	Organised Crime Threat Assessment
SECI	Southeast European Cooperative Initiative
STS	Special Telecommunication Service