

**NATIONAL STRATEGY FOR ACCESSION TO THE SCHENGEN  
AREA FOR THE PERIOD 2008 - 2011**

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## LIST OF ABBREVIATIONS

SIS	Schengen Information System
SIS II	Schengen Information System of second generation
SINS	National Information System for Alerts
N.SIS II	National Schengen Information System II / national component of SIS in Romania, composed of SINS and national copy of central data base SIS II
CS.SIS II	Central System SIS II
SIRENE	Supplementary Information Request at the National Entries
TETRA	Terrestrial Trunked Radio
RIGISBM	Romanian Inter-ministerial Group for the Integrated State Border Management

## **I. GENERAL CONSIDERATIONS**

### **1. Introduction**

- (1) Setting up the Schengen Area, expanded to 24 member states, starting on 21 December 2007, represents a step forward for freedom, security, and justice in Europe.
- (2) Removal of controls at internal borders of the EU is one of the greatest achievements of the European integration process. However, an area without internal borders, which was extended from 7 countries in 1995 to 24 countries at the end of 2007, a moment that represents a unique historical achievement, can not work without a sharing of responsibilities and without solidarity in the management of external borders.
- (3) Taking into account that the external borders of the European Union are crossed each year by more than 300 million passengers, both citizens of the European Union and nationals of third countries, their security is a key topic.
- (4) Migration pressure is an obvious challenge for the European Union and, therefore, for its policies on borders and visas. That is why it is necessary an approach which takes into account immigration policy as a whole and analysis from this perspective of horizontal issues that have direct impact on the European Union's capacity to manage its external borders.
- (5) Although Member States still have in responsibility the control of their own borders, their efforts are supported by the common policy of the European Union, which should be developed and consolidated continuously, in response to new threats, variations in migration pressure, as well as to any determined deficiencies.
- (6) There should not be forgotten that Member States that have the task of managing the borders are in the same time responsible for the security of the whole Union. For this reason, the same treatment applied to the main security risks in any point of the external borders represents the concern of European Community, not just of a nation.
- (7) Taking into account this perspective, it should be noted that the northern, southwestern and eastern Romanian borders are the external borders of the European Union and Romania has a huge responsibility in terms of border security, given the fact that it is situated at the confluence of large migration flows from former soviet republics, the Middle East, Asia and Africa.

### **2. Relevant data**

- (8) In recent years, the european integration has represented the main objective of the Romanian Government.
- (9) At 13 April 2005, Romania has received the accession assent from the European Parliament and the signing of the Accession Treaty to the European Union took place on 25 April 2005, in Luxembourg. According to schedule, Romania joined the European Union on 1 January 2007.
- (10) Once achieving the status of full member of the European Union on 1 January 2007, Romania has entered into a new phase, which involves preparation and adoption of measures necessary for lifting of internal border controls in order to further access to the Schengen Area.

(11) Romania has systematically prepared to join Schengen Area together with carrying out of activities that have targeted integration in the European Union. Actions in this area have followed the course set by the Schengen Action Plan, a document annually revised and approved by the Romanian Government.

(12) The term assumed by the Romanian authorities to achieve this desideratum is March 2011.

(13) In this context it is necessary to determine some clear parameters of the objectives and measures envisaged by our country to achieve this major objective.

(14) National Strategy for Accession to the Schengen Area for the period 2008-2011, hereinafter called National Strategy, contains directions for action which the authorities and institutions with responsibilities in the field will follow in order to complete the specific measures and actions taken for accession to the Schengen Area, in proposed calendar, strategic objectives and specific objectives to be followed, financial resources, legal implications, the procedures for monitoring and evaluation, identified risks as well as the consequences of accession to the Schengen Area.

(15) Coordination and monitoring of actions taken to meet the objectives of the National Strategy is done by the Ministry of Interior and Administrative Reform by the Schengen Department as national authority in the field, which ensures the accomplishing of the conditions necessary for Romania's accession to the Schengen Area.

(16) Evaluation and monitoring of the fulfilled measures which were undertaken by authorities and institutions with responsibilities in the field in order to fulfil the target of accession to the Schengen Area, is achieved by the Schengen General Directorate from Schengen Department within the Ministry of Interior and Administrative Reform.

(17) Regarding the implementation of National Strategy, authorities and institutions with responsibilities in the area have deadlines established in the Schengen Action Plan. According to their commitments, implementing of technical, legislative and administrative measures which are necessary for fully implementing the Schengen acquis, will be completed by the end of 2010, except of issuing Schengen visas, use and connection of the National Information System for Alerts, hereinafter called NISA, to the Schengen Information System of the second generation, hereinafter called SIS II and the lifting of the controls at internal Schengen borders, measures which will be achieved only from the date of accession to the Schengen Area.

### **Institutional framework**

(18) Institutions and authorities responsible for ensuring the conditions necessary for Romania to achieve the status of Schengen state with full rights are:

- a) Ministry of Interior and Administrative Reform,
- b) Ministry of Foreign Affairs,
- c) Ministry of Economy and Finance,
- d) Ministry of Transport,
- e) Ministry of Justice,
- f) Ministry of Telecommunications and Information Technology,
- g) Special Telecommunications Service,
- h) The National Supervisory Authority for Personal Data Processing

(19) In order to harmonize with the provisions of the Schengen acquis, institutions and authorities involved in the process of accession to the Schengen Area must initiate the institutional and

operational measures in view to a consistent and uniform implementation of Schengen requirements in the area of responsibility of each institution involved.

## **2.2 Strategic documents**

(20) In the context of negotiations on Chapter 24 - Justice and Home Affairs, the EU Member States requested from the candidate countries, including Romania, to present an action plan for complying with the preliminary criteria for accession to the Schengen Area.

(21) On 30 November 2001, the Romanian Government sent the Position Papers on Chapter 24 - Justice and Home Affairs to the Romania - EU Accession Conference, document which had as Annex the Schengen Action Plan. The position document presented the progress at that date and the measures envisaged to be adopted, as well as Romanian point of view vis-à-vis the communitarian acquis in the following areas: the surveillance and control of external borders, visa policy, police cooperation, narcotics and psychotropic substances, judicial cooperation in criminal matters, extradition, firearms and ammunition, the Schengen Information System, hereinafter referred to as SIS, the protection of personal data.

(22) The aim of the Schengen Action Plan is to identify and prioritize the actions to be taken to meet preconditions for complete implementation of the Schengen acquis, according to the timetable for accession to the Schengen Area. Schengen Action Plan is permanently monitored and annually updated, so that Romania should meet the criteria for full implementation of the Convention implementing the Schengen Agreement of 14 June 1985 between the governments of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at common borders, adopted in Schengen on 19 June 1990, hereinafter referred to as the Schengen Convention, as well as other community acts that represent a development of the Schengen acquis.

(23) Schengen Action Plan marks a clear distinction between the time of Romania's accession to EU and the time of accession to the Schengen Area. Planning the implementation of the Schengen Convention and the other specific elements of the acquis is achieved by a two-stage approach, which covers both pre-accession and post-accession period to the European Union and is the moment before removal controls at internal borders, a moment when Romania will have the status of Schengen state.

(24) Annually, the Government is presented with an input of the progress as regards fulfilling the commitments assumed in the Schengen Action Plan.

(25) Also, in order to improve the capacity of the Romanian to gradually achieve a high level of control at the external border of the European Union, the National Strategy for Integrated State Border Management during 2007-2010 was adopted, hereinafter called National Strategy for Integrated State Border Management, document approved by Government Decision no. 324/2007. It mainly aims to establish policies, principles and objectives for the achievement of a common, consistent and effective management of Romanian borders in line with the Community requirements.

(26) For the purpose of an integrated coordination of the action and measures carried out by authorities and institutions with responsibilities in the area of the National Strategy for Integrated State Border Management to secure the state borders, Romanian Inter-ministerial Group for the Integrated State Border Management was established, hereinafter referred to as RIGISBM, advisory body assigned to determine and coordinate the actions and measures taken to secure the state border. RIGISBM follows the achieving of objectives of the National Strategy for Integrated State Border

Management on the basis of two implementing documents: Action Plan and Unique Plan for multi-annual investments hereinafter referred to as Unique Plan.

(27) The Unique Plan is the document that reflects, on the one hand, the investments which cover the needs of the border management and on the other hand, investments which circumscribe the broader concept of integrated management.

(28) These programming documents are closely related between them and form up the work instruments of the Romanian Government in fulfilling the essential target of joining the Schengen Area.

## **I. PURPOSE OF THE NATIONAL STRATEGY**

(29) The purpose of the present document is to establish the general framework necessary for an integrated and coherent approach for the accession to the Schengen Area, as well as the conjunction of the efforts of all the authorities and institutions responsible in the field.

(30) Preparations for accession to the Schengen area are a complex of measures to be adopted and implemented in a coordinated and scheduled manner by the authorities and institutions with responsibilities in the field, including efficient use of the resources available for this approach.

## **II. GUIDING PRINCIPLES**

(31) National Strategy is based on the following general principles:

a) **Principle of legality** – the activities to achieve strategic objectives are conducted under the law and in accordance with it.

b) **Principle of responsibility** - the responsibility of implementing the national strategy incumbs to each of the authorities and institutions with responsibilities in the Schengen field, according to their specific competences.

c) **Principle of cooperation and consistency** - authorities and institutions with responsibilities in the Schengen field cooperate in terms of maintaining their own identities in accordance with the legal framework, so as to ensure, simultaneously, a status of partnership on all the levels of the activity, a coherent and integrated conception on problematic and measures planned or committed, an appropriate coordination of efforts and activities carried out.

d) **Principle of respecting the rights and fundamental freedoms** – all activities of authorities and institutions with responsibilities in the Schengen area is performed in compliance with the provisions of the international conventions and treaties on the rights and fundamental freedoms, to which Romania is part .

## **IV. GUIDING PRINCIPLES, STRATEGIC OBJECTIVES AND SPECIFIC OBJECTIVES**

(32) The National Strategy's objectives are settled by guiding principles for fulfilling the measures and specific actions of institutions and authorities having certain responsibilities in the process of accession to the Schengen area.

(33) The accession to Schengen area involves not only the obligations concerning legal harmonization but also the organization of the infrastructure, institutions and procedures for an effective implementation of the Schengen acquis. Also, remarkable efforts should be allocated for a suitable guarantee of necessary human resources and for properly training of the staff working in this field, in order to accomplish Schengen requirements. In close connection with these obligations, strengthening cooperation between member states in fighting against cross-border criminality appears to be a necessity with a major impact over European Union's security effect.

(34) In this context, the main guiding principles identified in the process of Romanian's accession to Schengen area are as it follows:

- a. Implementation of the Schengen aquis;
- b. Development of the infrastructure and other necessary procedures for fulfilling the accession criteria to Schengen area;
- c. Training of the personnel.

### **1. Schengen aquis implementation**

(35) Article 8 of The Protocol on comprising Schengen aquis into the EU, further on called Schengen Protocol, foresees that all new member states have to implement the entirely Schengen aquis.

(36) There are two categories of Schengen aquis provisions which should be mentioned:

- a. Provisions indirectly linked to the elimination of border control at internal borders – Category I, pre accession stage;
- b. Provisions directly linked to the elimination of border control at internal borders – Category II, post accession stage;

(37) As part of the accession process to the European Union, Romania accepted entirely Schengen aquis and did not requested transition periods or derogations.

(38) At the same time, through the Treaty of accession of Romania and Bulgaria to the European Union, compulsory provisions were established for Romania considering the two aquis categories. Thus, article 4 of the Instrument (act) on the conditions of accession of Republic of Bulgaria and Romania and the treaties adjustments which European Union is based upon, hereinafter called Accession Instrument, attached to the Treaty of the accession of Romania and Bulgaria to the European Union, provides that:

“1. Schengen aquis provisions integrated in European Union through the protocol attached to the Treaty on European Union and to the Treaty establishing the European Community (hereinafter referred to as “Schengen Protocol”) and the legal instruments based upon or connected to these, listed in Annex 2, as well as any other new similar legal instruments that could be implemented before the accession moment are binding and applies both for Romania and Bulgaria at the accession moment.

2. Schengen aquis provisions integrated in the European Union framework and the legal instruments based upon or connected to these, not stipulated at par.(1), even if binding to Bulgaria and Romania since the accession moment, are applied by each member state only upon a decision adopted by the Council after checking the fulfilment of necessary conditions, in accordance with the Schengen evaluation requirements, by all parts implied in aquis.”

(39) Until March 2011, when it is estimated that the right to apply the entire provisions of the Schengen aquis will be recognized to it, Romania applies only category I of Schengen aquis. This



recognition will become official through the decision of European Union Council, which will be issued three months before the foreseen accession moment.

(40) The basic documents providing Schengen acquis adoption and implementation by the authorities and institutions with certain responsibilities in the field, made permanently a distinction between the moment of Romania's accession to the European Union and the moment of adhesion to Schengen area.

(41) The planning of the implementation process of the provisions of to Schengen acquis was achieved in two stages approach depending on Schengen acquis provisions from category I and II. Further on, the efforts of authorities and institutions responsible in the field, from the perspective of the adoption and implementation of the Schengen acquis, will find themselves in the same dual approach.

***Strategic objective I – LEGAL HARMONISATION AND THE IMPLEMENTATION OF THE BEST PRACTICES AND RECOMMENDATIONS ELABORATED IN THE SCHENGEN FIELD AT EUROPEAN LEVEL***

(42) From the legal point of view, Romania's preparation for ending successfully the accession process to Schengen area aims at the adoption of new national legal instruments and the amendment of those in force, in order to entirely suit to European legal framework on Schengen area, such as borders control, visa, migration, asylum, police cooperation, judicial cooperation, drugs, firearms, SIS and personal data protection. In case of communitarian instruments with direct implementation, namely the regulations, the Romanian authorities have to ensure the necessary legal framework for applying and avoiding the legal doubling. The best practices and recommendations catalogues for applying Schengen procedures should also be taken into account by the authorities and institutions responsible in this field.

(43) European Union policy on crossing the external borders and defining Schengen area as an area without internal borders which grants the free movement of individuals implies the guarantee of the necessary legal framework for fighting against illegal migration and trafficking in human beings as well as preventing any other threat to public order and security of the member states.

(44) Regarding the border field, legal amendments that should be promoted and sustained by the responsible authorities and institutions in this field allow abolition the future internal borders of the European Union on one hand and securing the external borders according to the standards imposed to all Schengen member states, on the other hand.

(45) Within the framework of the common visa policy, the legal measures focus on harmonizing the national provisions with the policies and with Schengen regulations and providing the necessary legal framework in order to implement the national component of Visa Information System.

(46) The free movement of citizens within the Schengen Area implies adopting of such legal provisions with the purpose to provide the observance of the principles and procedures in this matter, established by the Schengen Convention and by other EU legal documents, connected to it or based on it.

(47) Related to the free movement of people, the legal harmonizing aims at promoting an efficient returning policy of aliens, who do not fulfil or can not fulfil anymore the conditions on the legal right of staying on the Romanian territory; this is very important in order to guarantee an efficient immigration management in the context of standard procedures, promoted at EU level in comparison to the citizens' rights to a space of freedom, security and justice.

(48) In the field of asylum, in the Schengen context, Romania must fulfil the commitments undertaken under the **Convention related to the Status of Refugees**, signed in Geneva, on the 28<sup>th</sup> of July 1951, enforced by Law No. 46/1991. Thus, it has to ensure, an adequate legal framework regulating the participation of our country in the Dublin mechanism for the identification of the MS, responsible with analyzing asylum seekers` requests and the use, within this mechanism, of EURODAC System.

(49) Also, regarding the maintenance on the MS territory of a high-level of security and justice, it is necessary that the Romanian authorities ensure the specific legal framework for the setting up and functioning of SINS, compatible to SIS II and for preparing Romania to get connected to the Central System SIS II, hereinafter referred to as the CS.SIS II. Consideration is also given to the modernization of IT systems within the institutions and structures, which have the right to update/search for check data in SINS.

(50) The legal harmonizing must provide also the protection of human rights and fundamental freedoms, especially the right to respect the private and the family life, established both under Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, and general principles of EU regulations. In this sense, the protection of persons relating to the processing of personal data is extremely important taking into account the informational work-flow with regard to different persons category, which is foreseen to be developed under specific IT systems.

(51) The main measure, introduced at the EU level for the compensation of security deficit, as the result of the elimination of the border checks at the internal borders, is the strengthening of police and judicial co-operation. By doing so, the development of the existing legal framework aims at also harmonizing the necessary measures for applying the Schengen relevant procedures in the field of police cooperation and judicial cooperation in judicial matters.

(52) From the same perspective, the standards and the EU best practices in Schengen matters in the field of firearms and ammunition, as well as those in the area of narcotics and psychotropic substances must be implemented into Romanian legislation and applied as well.

(53) Bilateral cooperation with EU/Schengen Member States is a Romania's standing goal by providing the judicial instruments and operative procedures according to Schengen Member States standards. These must include provisions relating to the information/data exchange and experience, to the way of realizing common actions, to the involvement of liaison officers in settling different problems, specific to the countering the criminality, including trans-border criminality, as well as contracting/signing such cooperation protocols between authorities and institutions with competences in this field, in the limits of national jurisdiction.

#### Specific tasks:

- a) settlement of the legal framework in order to remove the control at the future internal borders;
- b) providing the legal framework in order to strengthen the control at the external borders, the surveillance the external border area and the fight against trans-border criminality;
- c) carrying out the measures regarding signing of agreements for minor traffic with the third neighbour- countries;
- d) providing the legal framework in order to complete harmonizing of the national policy in the field of visa to EU policy during the implementation of specific Schengen acquis provisions;
- e) harmonization of the legal framework regarding the regime of aliens in order to fulfil the criteria of accession to the Schengen area;
- f) developing the legal framework and the necessary procedures in order to remove the aliens, including by means of implementing the provisions of the readmission agreements;

- g) providing the legal framework in order to implement the Schengen provisions in the field of asylum;
- h) developing the legal framework and the necessary procedures in order to implement the Schengen provisions in the field of police cooperation;
- i) developing the legal framework and the good practices in the field of judicial cooperation in criminal matter;
- j) providing the legal framework and the necessary procedures in order to implement the Schengen provisions in the field of firearms and ammunition;
- k) providing the legal framework and the necessary procedures in order to implement the Schengen provisions in the field of narcotic drugs and psychotropic substances and their precursors;
- l) developing the legal framework in order to provide the SIS implementation in Romania;
- m) harmonizing the legal framework, the regulations and the national good practices to Schengen acquis in the field of protection of personal data;
- n) developing the judicial instruments, including the means of standard operational procedures in order to strengthen the bilateral cooperation with EU/Schengen Member States, in the specific matter of internal attachés and of liaison officers, such as migration.

### ***Strategic Objective II - ENSURING THE INSTITUTIONAL FRAMEWORK FOR ACCESSION TO THE SCHENGEN AREA***

(54) Within the preparatory phase of Romania for the implementation of the necessary procedures for the elimination of the checks at the future internal borders, it is necessary to be taken appropriate measures on the trends and tendency of the human resources from the designated structures which perform surveillance and checks on the Romanian internal border. At the same time, it is necessary that a secure area on the entire territory of Romania is ensured considering the fact that elimination of the internal borders does not imply the relinquishment of the checks inside the national territory when performing the police duties. As well, it has to be considered also the possibility to temporary reintroduce the internal border checks when there is a serious threat against the public order and security.

(55) Accession to the European Union transformed Romania from a transit country mainly to a destination or transit to other member states of the European Union one, fact which has to be treated with maximum responsibility in order to ensure an efficient immigration management with an impact over the entire EU area.

(56) As an EU member state, located on the EU external border, Romania has competences on securing this border including the issuing of the national visas. Thus, Ministry of Foreign Affairs of Romania, as the main national authority competent in authorizing the right to entry the territory of the member states, has the obligation to ensure an adequate institutional capacity for processing the visa applications in accordance with the Schengen standards.

(57) The specialized directorates of the Ministry of Foreign Affairs must have the capacity to carry out consultations and data exchange activities with similar institutions from other Schengen member states, in accordance with the best Schengen states practices, especially by using the Visa Information System.

(58) The participation of Romania in the police and judicial cooperation mechanisms within Schengen context represents a priority for our country, which, by its accession to the Schengen space, will have an important task in fighting the terrorism, the cross border criminality and the illegal migration on the EU external border.

(59) Of the same importance is the ensurance of the institutional frame to allow an evidence of all operations with narcotic and psychotropic substances carried out by the authorized institutions and, at the same time, to ensure the necessary legal frame for performing the investigation activities in this area for efficiently counter the drug trafficking and other crimes related to it.

(60) In order to improve the cooperation activities, the procedures for countering cross border criminality and illegal migration it is necessary to develop a suitable institutional framework to ensure the implementation of national SIS, including the SIRENE cooperation system. Thus, at the date that Romania becomes a Schengen state with full rights, SINS will provide data to CS.SIS II, in accordance to Schengen requirements. In this sense, the measures aim at creating a structure designated to manage this informatic system at an efficient level capable to fulfil the Schengen aquis activities and in accordance to the EU best practices in the area.

(61) All this steps must be harmonized with an efficient human resources management to ensure the recruitment of the specialized personnel, but at the same time, the training of the existing personnel in order to exploit, monitor and maintain the N SIS II and the functioning of SIRENE mechanism at Schengen standards.

(62) Personal data protection represents a special subject for the activity of the specialized institutions with attributions in the area of the supervising of personal data processing, in the context of the accession to the Schengen space. Granting and protecting the fundamental rights and freedoms of the individuals, especially the right to private and family life represents the aim of the national legal regulations on protection of the individuals concerning the personal data processing.

(63) A special attention has been given to the institutional development of the National Supervisory Authority for Personal Data Processing, further called NSAPDP, as a public authority having judicial personality, autonomous and independent towards the other public administrations' authorities. As well, throughout the adoption of this measure must be ensured the necessary institutional frame for the cooperation, on the national level with the designated structures responsible in the area, and on the international level, with similar structures from abroad.

(64) For establishing resolute mechanisms, which to ensure an unique coordination program at the Ministry of Interior and Administration Reform in the area of protection of personal data which to respond, at the same time, to the evaluation missions imposed exigencies, resulted the necessity to designate a personal data protection responsible at the ministry level, under the ministry's chain of command.

### ***Specific Objectives***

- a. Redeployment of the personnel from the border crossing points located on the future internal border as a consequence of elimination of the border checks on this type of EU border;
- b. Development of the institutional capacity of Ministry of Foreign Affairs in Schengen context;
- c. Development of the institutional capacity of the competent institutions in the area of police and judicial cooperation, in Schengen context;
- d. Establishment and development the institutional capacity of the competent institution with attributions in managing the Central Register of Investigations and Research in the area of drugs and related crimes;
- e. Establishment of the SIS National Center and the recruitment of the qualified personnel to ensure the usage, the monitoring and the maintenance of N.SIS II;
- f. Institutional development of SIRENE Office, in order to facilitate an efficient exchange of data and information with other similar SIRENE offices from the Schengen member states, and as well with the law enforcement agencies, such as the other competent

- authorities from Romania, according to the Schengen aquis standards and the best practices in the field;
- g. Institutional development of the National Supervisory Authority for Personal Data Processing (NSAPDP) in order to achieve the activities of control and supervision in the field of personal data protection according to the Schengen standards.

## ***2. Upgrading the infrastructure and procedures for complying with the criteria of the accession to the Schengen area***

### ***Objective key – Assuring the fulfilment of the conditions of the Schengen aquis from technical and administrative perspective***

(65) Romania's strategic position at the EU external border and the major importance granted by EU to ensure a space of security for its citizens are the premises of a unitary and consistent approach to prepare our country for ensuring a surveillance and control activity at the external border, at Schengen standards.

(66) In order to fulfil this objective there will be established measures for assuring a fluidization of the traffic at the road border crossing points within the context of eliminating them, as well as development/modernization the infrastructure of the ports and airports, at Schengen standards, including for an efficient separation of the passengers' lanes intra and extra Schengen. This measures aim also to increase the naval, fluvial and terrestrial mobility, having a major impact on strengthening the capacity for the border surveillance and control activity, determining an increase of the efficiency in countering the cross-border criminality.

(67) Regarding the travel documents and the entering/staying authorizations there shall be adopted measures necessary to assure the highest standards established at communitarian level. These aim to harmonize the current safety elements of the documents issued by Romanian authorities to those used by the Schengen member states, also by including the biometric identification elements which offer a safer connection between these documents and their owners and, in the same time, a better protection against their illegal use.

(68) In the same time, for all the national authorities with competencies in the field of immigration, there shall be assured the technical and administrative conditions necessary to comply with the Schengen aquis and procedures, including the creation and development of data basis which will contribute to an efficient management of the immigration phenomenon.

(69) Within the context of applying the new procedures in the field of visa, Romania's efforts shall focus on preparing the visa processing system and enhancing the security and communication capacity of its consular offices, in order to comply with the standards of the Visa Information System. The same measures of harmonization and compatibility from the technical point of view with the european IT systems have to be considered for the national components of DubliNet and EURODAC systems in order to ensure the participation of our country at the mechanism of establishing the responsible Member State for analyzing an asylum application submitted by a third country national.

(70) The implementation of SIS in Romania shall become effective by ensuring the optimum technical conditions for inter-connecting and providing the data flow between the national component of SIS - N.SIS II (formed by SINS and the copy of the central data base of SIS II) and SIS II, together with achieving the necessary level for passing the compatibility and operational tests with SIS II. This requires the establishment of a proper location for the National Center SIS (from

where NSIS II shall operate) and to ensure that the arrangement and endowment comply with Schengen standards.

(71) Within the framework of the efforts made for accomplishing the administrative and technical conditions for the implementation of N.SIS II and for the improvement of confidentiality, security and the level of trust of the data exchanged between the competent institutions/users, there shall be considered a unitary approach of all the national IT systems that will provide data for SIS, in order to ensure a system compatibility.

(72) The functioning of N.SIS II compatible with SIS II shall contribute to achieving a higher level of external borders control and internal security and will also ensure an intensified information exchange with Schengen member states (MS) and CS.SIS, activity that implies an efficient countering of cross-border organized crime, terrorism, traffic of stolen vehicles, drugs and fire arms, illegal migration, as well as the risk of issuing visa for aliens with restrictions in entering on the territory of the Member States.

(73) Subsequently to the implementation of N.SIS II, Romania's efforts aim at making operational the SIRENE Bureau – a structure within the Ministry of Interior and Administrative Reform with competencies regarding the exchange of data and additional information related to N.SIS II alerts, persons or goods, the exchange of data and information regarding cross-border police cooperation, as well as to ensure that all the technical and administrative conditions are completed by structures and national institutions that will have access to N.SIS, in order to fulfil the specific tasks according to the European legislation and Schengen Member States best practices, including the ensurance with a proper technical endowment.

(74) Romania's preparation for the accession to Schengen area includes also the modernization of the equipments necessary for performing specific activities of countering the traffic with narcotic drugs and psychotropic substances as well as the modernization of the IT systems for the evidence and management of data regarding the legal owners of firearms and the operations with firearms and ammunition.

(75) As regards the observance of data protection aquis regarding personal data processing, the Romanian authorities shall allow to ensure, from technical and administrative point of view, the necessary conditions for applying the Schengen aquis in the field and the observance of human rights within the framework of specific procedures and activities.

***Specific objectives:***

- a) Preparation for implementing the necessary measures towards eliminating controls at internal borders;
- b) Operating of the activities in ports and airports according to the requirements of the Schengen aquis;
- c) Ensuring the technical-administrative conditions towards introducing to circulation the Schengen visa stickers and visa format;
- d) Introducing biometric features in the travel documents and ensuring the technical-administrative conditions towards introducing to circulation the documents proving residence according to EU standards;
- e) Enhancing administrative capacity and refurbishing the Romanian consular missions abroad, as well as endowing the institutions with competencies in the field of immigration with adequate equipment for performing specific activities, including the creation of adequate data basis, in accordance with the relevant Schengen aquis;
- f) Ensuring the technical-administrative conditions for the implementation of the national component of Visa Information System;
- g) Ensuring the technical-administrative conditions for participating at the mechanisms for determining the Member State responsible for examining an asylum application submitted in

one of the Member States by a third-country national, and also by making the DubliNet and EURODAC systems compatible;

- h) The functioning of the SIRENE Bureau and the structures with Schengen competencies in the field of police cooperation;
- i) Modernization and development of the infrastructure for data management (communications and IT);
- j) Ensuring specific operative equipment for the structures with competencies in the field of countering trafficking with narcotic drugs and psychotropic substances and their precursors;
- k) Putting into operation of the IT system for monitoring and management of data regarding the legal owners of firearms and the operations with firearms and ammunition.
- l) Ensuring the technical-administrative conditions for the implementation of N.SIS II and modernization of the related IT systems, with relevance in the Schengen field, in order to assure their inter-compatibility;
- m) Fulfilling of a national copy of CS.SIS II and the inter-connection of N.SIS II to CS.SIS II;
- n) Ensuring the technical-administrative conditions for personal data processing within the relevant Schengen procedures and activities according to the European legislation in the field of protection of persons regarding personal data processing.

### **3. Professional training**

(76) Within the framework of measures for preparing the accession to the Schengen area, one of the key conditions for a successful implementation of this process is represented by the resolution of different aspects related to ensuring the necessary human resources and an adequate professional training. Moreover, the recommendations and best practices at the European level recommend drafting and adopting a clear and integrated concept for training in the Schengen field.

(77) Considering that different authorities and institutions with competencies in the Schengen field are involved in the accession process at national level, the successful achievement of the proposed general objectives shall be the result of their congregate action. This approach regards also the necessity of professional training of the personnel from the perspective of a unitary assimilation of the Schengen legal and procedural framework.

#### ***Key objective: Professional training for the personnel of the institutions/structures involved in the process of accession to the Schengen area***

(78) Currently, the authorities and institutions with competencies in the field have own professional training systems, but this offers just a partial resolution of the problem related to staff training.

(79) The necessity of a common effort, at national level, regarding staff training and the capacity of the authorities and institutions involved in the activities related to Schengen area accession to operate jointly in order to achieve the assumed objectives imposed the creation of an integrated system for professional training.

(80) In order to achieve this aim and taking in consideration the recommendations and the best practices at European level, the Schengen Self-evaluation National Commission, as an advisory organization, without legal personality, set up by Government Decision no. 882/2006, hereinafter called The National Commission, has approved *The Integrated Concept for training the personnel of the institutions/structures involved in the accession of Romania to the Schengen area*.

(81) The Goal of *The Integrated Concept for training the personnel* is to set up a common framework for the training and further training of the personnel working in Schengen area.

(82) The Integrated Concept for training the personnel of the authorities and institutions involved in the accession of Romania to the Schengen area is based on the following principles:

- a) the conceptual unity;
- b) the decentralization of formative actions;
- c) the complementarity of training actions;
- d) The institutional partnership and mutual support in training and further training area;
- e) The responsibility in training the own personnel;
- f) The continuity of formative activities;
- g) A different specialization of training according to the responsibilities and the missions of the authorities involved in the area;
- h) The functional independent in training the authorities and institutions with liabilities in the field.

(83) The professional training in Schengen domain is evolving on two terms of reference:

- a) *The common training* which aims to set up a vocational education in the Schengen field by communicating at the level of institutions and authorities involved in accession to the Schengen area of the main information in this field;
- b) *The special training* aims at transferring knowledge and training of the staff with the responsibilities in the Schengen field.

(84) The personnel of all the authorities and institutions involved in the process of accession to the Schengen area must have access to a common learning platform, in order have knowlegde about the content of the strategic documents regarding Schengen cooperation, subsequently the expertise in implementing the specific working procedures, assuring the knowledge in the area and formation of the necessary skills, to be offered to the operative personnel.

(85) The accession to the Schengen area also demands, an intermediate level of knowledge in foreign languages, and the staff involved must meet the European standards.

(86) In order to train the personnel of all categories it will be implemented an e-learning system, which permits to reduce the necessary resources in the learning process, as a period of time, expenses, trainers and a periodic updating of the information, integration of the study process into practice and concentration on the specific field of activity.

(87) The main areas for the Schengen training are those within the Schengen Acquis: borders, visas, immigration, asylum, police cooperation, judicial cooperation, narcotic drugs and psychotropic substances, firearms and ammunitions, Schengen Information System and personal data protection.

***Specific objectives:***

- a) Knowing the content of the strategic documents regarding Schengen Cooperation;
- b) Assuring the knowledge and the formation of necessary skills for increasing the capacity of the personnel involved in the Schengen cooperation;
- c) Transferring the information regarding the Schengen Acquis;



- d) The knowledge of the Schengen evaluation process,
- e) Preparing the personnel in order to apply the specific working procedures;
- f) Assuring the necessary linguistic training in order to fulfil the responsibilities in the Schengen field;
- g) Assuring the specialized technical training designed to fulfil the responsibilities and missions in the Schengen field.

(88) In order to fulfil the specific objectives herein, by setting up a compatible training system which will assure professional training for the staff with Schengen competences, at national level, the authorities and institutions having responsibilities in the field will develop formative patterns, adjusted to the own learning necessities or to the necessities of the units subordinated, as components of the training systems.

(89) In this context, the general objective of setting up of the *Schengen Multifunctional Training Centre* within the Ministry of Interior and Administrative Reform is to establish an educational framework in order to train the personnel directly involved in the Schengen issue and in related activities and to facilitate the implementation of the components of Schengen Acquis at national level for operational staff.

(90) The project was designed starting from the necessity of a unitary training of the SIS users, and training the users regarding the management of documents and Schengen regulations.

(91) The purpose of the project is:

- a) Training of the management personnel within the Ministry of Interior and Administrative Reform, related to the cooperation IT systems related to the Schengen Acquis components and regarding cooperation with other international and national institutions involved.
- b) Insurance the specialty training of the personnel directly involved in the operation, administration and maintenance of N.SIS II;
- c) Insurance of multidisciplinary training of personnel from different structures of Ministry of Interior and Administrative Reform involved in the accession process, as well as having knowledge of the procedures assimilated by the Schengen area.

(92) In order to ensure the implementation of a professional training system, for the personnel with consular responsibilities, the Consular Training Center will be established, a structure by which the Ministry of Foreign Affairs will facilitate the access of its employees, before they are appointed at a Romanian consular unit abroad, to a training programme according to the Schengen recommendations, including the procedures related to consular assistance of own citizens and the citizens of the European Union. The general objective is the creation of a professional consular body, capable to respond to the requests imposed by the Schengen standards.

(93) The study curricula of this center will be periodically updated, and the consular officers within the diplomatic missions will benefit annually from training programmes in the country, the goal representing a continuous information and a unitary approach of the procedures in the field.

(94) The beneficiaries of the training that is carried out in the Consular Training Center will be the diplomats with consular responsibilities from the Ministry of Foreign Affairs, in a total number of 250-300 persons annually. Also, there will be trained the relevant personnel of the Romanian Immigration Office within the Ministry of Interior and Administrative Reform, for matters related to

visa issuing, as well as the personnel from the Visa National Center within the Ministry of Foreign Affairs.

## **V. FINANCIAL RESOURCES**

(95) In order to fulfil the National Strategy's objectives, it is necessary that the authorities and institutions with responsibilities in the area plan their financial resources.

(96) Financing sources for implementation of the national Strategy may be:

- a) National budget funds;
- b) Community funds, within the projects of non-reimbursable financial assistance from European Union;
- c) External credits warranted by Romanian Government;
- d) Funds allocated through Schengen Facility.

### **Schengen Facility**

(97) Accession to Schengen area implies elimination of controls at internal borders, on one side, and strengthening the control at external borders, on the other side. For elimination of controls at internal borders, Romania must secure the external border that are within its responsibilities and to exploit as well as possible the resources awarded by the European Union in order to achieve this objective.

(98) The Schengen Facility and cash flow for the period 2007 – 2009, hereinafter referred to as Schengen Facility, is a temporarily instrument for supporting Romania and Bulgaria within the period between the accession to the European Union and the end of the year 2009, for the purpose of financing the actions located at the European Union external borders for implementing the Schengen acquis and strengthening the checks at the external borders.

### **The implementation of Schengen Facility financial instrument**

(99) Article 32 of the Accession Act, as an integrated part of the European Union Accession Treaty, provides the set up of the Schengen Facility financial instrument, for strengthening the participation of these states to the Schengen area.

(100) In this context, the Decision of the European Commission C(2007)1417 of April the 4<sup>th</sup> 2007, on the management and control of the part related to Schengen Acquis within Schengen Facility and for the cash flow for the period 2007 – 2009 was adopted and contains provisions regarding:

- a) Eligible actions and costs;
- b) Coordination and compatibility with communitarian policies;
- c) The necessary documentation to be elaborated and submitted to the European Commission;
- d) Monitoring and controlling framework within reporting, contracting and payments field;
- e) Good practices of administrative and financial management.

(101) The amounts awarded to Romania through Schengen Facility represent non – reimbursable funding from the European Union, while the total amount Romania shall receive through the Ministry of Interior and Administrative Reform is of 559.8 millions of Euro.

(102) The amounts awarded to Romania through Schengen Facility are split on years as follows:

- a) 297.2 millions of Euro in 2007
- b) 131.8 millions of Euro in 2008
- c) 130.8 millions of Euro in 2009

(103) According to the Act of Accession, at least 50% of the above mentioned amounts are designed for financing the actions at the new European Union external borders, for the implementation of the Schengen Acquis and the strengthening of the external border checks.

(104) The 12<sup>th</sup> part of every annual amount is paid to Romania and Bulgaria in the first working day of every month in the respective year. The global amounts are used within 3 years from the moment when the first payment is made. Romania shall present, within maximum of 6 month from the moment these 3 years deadline expire, a comprehensive report on the use of the final global amounts of the Schengen section of Schengen Facility, including a justification report on expenses. Any unused or unjustified spent funds are recovered by the European Commission.

(105) The projects that shall be financed through Schengen Facility concern the technical and institutional upgrade in order for Romania to accede the Schengen Area.

(106) For the proper management of these funds, the Government Decision no. 895/2007 regarding the establishment of the legal framework for financial planning, coordination, implementation and audit of the use of funds awarded to Romania through Schengen Facility was adopted, establishing the necessary institutional framework in this field.

(107) For the implementation of the measures to be realized through Schengen Facility, the Romanian Authorities drafted the programmatic document named “Schengen Facility Indicative Programme 2007-2009”, hereinafter referred to as the Indicative Plan.

(108) An important part of this non-reimbursable funding shall be used to set up the national component of SIS II, an essential aspect for Romania’s accession to the Schengen area.

(109) In order to access SIS II and Visa Information System, the further development of systems designed to prepare the national database specific to Schengen cooperation and of the related communications system is necessary.

(110) Also, through the Indicative Plan the supplementary funding of the sub-systems for the Integrated Border Security System is ensured, being the main instrument for the implementation of the integrated management of Romanian state border. This system is a part of complex systems – system of systems – and is made of several autonomous inter-connected technological, operational, contextual and geographical sub-systems. Its achievement is a priority for Romania for the strengthening of its own borders, as well as the European Union borders.

#### **A. Minimum requests for Schengen Facility management and control**

(111) In order to be eligible, the actions must come entirely or primarily from Schengen acquis, to have as an objective the improvement and strengthening of the external border check and:

- a) to be physically situated at the external border, or
- b) to be linked to the protection of the future external border, in the cases where the actions are not physically situated at the external border.

(112) The eligible actions may include the creation of the IT systems necessary for the implementation of the Schengen acquis.

(113) Also, the following conditions are compulsory:

- a) the submission to the European Commission, by the end of every spring of the Indicative Plan. The national Commission and, later, the European Commission may approve or reject this Indicative Plan, when it has to be re-drafted.

- b) the compliance with the principles of separated responsibilities, in such a way as no risk of conflict of interests exist when procurements and payments are made;
- c) the provision of some internal effective checks, including the independent audit function, as well as an effective accountancy and financial reporting system to respond the international accepted standards;
- d) the compliance with the procurement rules, according to the national procurement provisions;
- e) the compliance with the anti-fraud provisions and financial corrections mechanisms;
- f) the interim report to the European Commission, accompanied by an annual management declaration of the Responsible Officer within the competent authority for coordination of the implementation of the communitarian assistance through Schengen Facility.

### ***B. The system proposed by Romania for management and implementation of Schengen Facility***

(114) According to the management and control system and to the provisions of the Government Decision no. 895/2007, for implementation of financial assistance awarded through Schengen Facility the following institutions are designated:

- a) Ministry of Interior and Administrative Reform, through Schengen Department – the competent authority for coordination of implementation of the community assistance awarded through Schengen Facility
- b) Ministry of Economy and Finances, through:
  - a. Central Payment and Contracting Unit – the contracting and payment authority for the financial assistance awarded through Schengen Facility;
  - b. Authority for Coordination of Structural Instruments – the evaluation authority for Schengen Facility
  - c. Audit authority within the Court of Auditors – the audit authority for funds awarded to Romania through Schengen Facility by European Union in the post accession period.

(115) In order to fulfil their tasks, the authorities involved in the management and implementation of the Schengen Facility may conclude inter-institutional cooperation agreements.

(116) The main beneficiaries of Schengen Facility are the Ministry of Interior and Administrative Reform, Ministry of Foreign Affairs and Special Telecommunications Service.

(117) At level of each beneficiary institution an intermediary body was created in order to coordinate the implementation of measures from Indicative Programme

### **Objectives:**

- a) Strengthening the control and surveillance at external borders and protection against crimes at the border crossing points;
- b) Enhancement of control ability by increasing the capacity for data storage and data access

(118) Projects declared eligible, following the selection and evaluation process, are subsequent to major objectives, important as Romanian priorities, of which fulfilment is meant to ensure the accession of our country to Schengen area according to the proposed calendar. These priorities are:

- a. ensurance of information infrastructure that allows the connection to the systems used by the Schengen member partners – information subsystem;
- b. ensurance of logistic support of institutions and professional training of their members, institutions with important role in the control and surveillance activity at level of Romanian external border, as well as in implementation of the Schengen acquis – logistic support and professional training subsystem.

(119) The total value of the projects that will be financed through Schengen Facility is of 412,691,240 Euro, out of which 82,538,248 Euro represent the national contribution. The Ministry of Interior and Administrative Reform has proposed 13 projects, Special Telecommunications Service – 2 projects and Ministry of Foreign Affairs – 2 projects.

(120) The projects regard the following general fields: extension of the NISA implementation at national level, endowment with TETRA standard terminals for digital radio communications of MIAR's structures, extension of the public key infrastructure at the level of sectorial information systems within the Ministry of Interior and Administrative Reform, extension of the voice data integrated communications network, Schengen multifunctional training center, development of the national system for information regarding visas, strengthening of the naval and terrestrial mobility of the Romanian Border Police teams, modernization and adjustment of the real estate patrimony in order to correspond to the future requests of the surveillance and control at the external borders, modernization of the consular offices at Schengen standards and creation of the training center for the personnel with consular responsibilities.

(121) Considering the Schengen Facility financial instrument, Romania has the following goals:

- a. strengthening of the control at the future external borders, of surveillance and capabilities to fight against cross-border criminality;
- b. enhancement of control ability by increasing the capacity for data provision and data access
- c. integral use of allocated funds through identification of eligible actions.

(122) Regarding the professional training, authorities and institutions with responsibilities in the Schengen area will foreseen in their budgets the financial resources necessary to organize the activities of initial and continuous professional training of the personnel and will ensure the participation of the personnel to the training programmes organized by cooperation, within the country or abroad.

## **VI. LEGAL IMPLICATIONS**

(123) The legislative measures necessary for implementation of the National Strategy are stipulated in the Schengen Action Plan, document which is annually revised and has a structure that follows the example recommended by the European Commission. Each section indicates the relevant Schengen acquis; it describes the current situation, as well as the legislative, institutional, administrative, technical measures mentioned for adopting and implementing the relevant acquis. A calendar with precise deadlines is presented for the measures envisaged. Also, the institutions with responsibilities in implementing these measures are indicated.

(124) Also, there is mandatory the permanent checks and controls, and, if case, the development of the legal framework and the necessary procedures for usage of the financial resources allocated through community financial instruments, through establishment of new systems and mechanisms for specific checks and controls, implementation, audit and financial control.

## **VII. EVALUATING AND MONITORING PROCEDURES**

### **1. The implementation of the National Strategy**

(125) The accession at the Schengen area cannot be finalized successfully without creating appropriate monitoring and evaluating mechanisms.

(126) In supporting this idea, the Schengen Department has been created, to ensure the coordination and monitoring of all activities linked to the Schengen acquis implementation and the accomplishment of the accession criteria at the Schengen area,

(127) Within this Department, the Schengen General Directorate assures the Secretariate of the National Committee, which coordinates all specific activities, fulfilled by the authorities and institutions with responsibilities in the area and, therewith, manages the connection between them. The National Committee also monitors and evaluates the manner in which the objectives and actions included in the programmatic area documents are accomplished, and supervises the effective application of the regulations in the field.

(128) In the same context, the Schengen General Directorate carries out, through the responsible structure, the attributions of Single Contact Point, with data and information transmission role to involved authorities in managing and implementing the Schengen Facility financial instrument, and national and European institutions, as well as the particular attributions of the technical Secretariate of RIGISBM ( The Romanian Interministerial Group for the Integrated State Border Management ).

(129) The Schengen Action Plan is the main instrument which ensures the implementation and monitoring of the National Strategy, a programmatic document in correlation with the National Strategy for State Border Integrated Management, to which all policies and action directions of Romania are subordinated, for the successful adhesion at the deadline.

## **2. The Schengen evaluation process**

### **2.1. The implementation and application of provisions from the first category**

(130) Romania applies in the preadhesion process at the Schengen area the first category of provisions from the date of adhesion at the European Union. The implementation and monitoring of the first category of provisions belong to the preparation process for the European Union adhesion.

### **2.2. The evaluation process previous to implementation and application of the second category provisions**

(131) The implementation and application of the provisions from the second category implies the fulfilling of all legislative, operative and technical prerequisites, particularly the requirements concerning SIS II ( Schengen Informatic System ) access, Schengen visas clearance and the elimination of internal border checks. Romania must make allowance in this context for the references and best practices from the Schengen Catalogues, as well as for the best practices highlighted during Schengen evaluations of Schengen member states.

(132) The Schengen evaluation process consists in controlling all necessary conditions for total implementation of Schengen acquis. This implies Romania to prove its capacity for fulfilling the Schengen acquis requirements in an uniform, accurate, coherent, consistent and effective manner. Schengen Evaluation Work Group within the European Union Council is responsible for the Schengen Evaluation.

(133) For every member state, the evaluation process begins with a Declaration of readiness, by which announces the fields and the moment it is ready to start welcoming the Schengen evaluation visits. As regards Romania, a Declaration of readiness has been presented on 28<sup>th</sup> of June 2007, document which announced the availability for receiving European assessors in the fields of visas, police cooperation and personal data protection, starting with the second half of the year 2008. Regarding border controls and Schengen Informatic System, Romania presented on the 2<sup>nd</sup> of June 2008, a second Declaration of readiness for the planned evaluation visits.

(134) The second stage of the evaluation process implies filling out of an extended questionnaire, remitted to Romania by the Council of the European Union. It contains detailed questions for all relevant aspects for the implementation and application of the second category of provisions of the Schengen acquis. The answers for this questionnaire will be carefully analysed by the European Union Council, European Committee and other Schengen member states, in the view of analyzing Romania's capacity for implementing second category provisions of the Schengen acquis.

(135) The third stage starts when sufficient information have been obtained and consists in performing field evaluation visits to verify all the preparations by experts of the Council of the European Union, European Committee and of Member States.

(136) The areas evaluated during the Schengen evaluation process :

- a) Air, sea and land borders
- b) Police cooperation
- c) Visas
- d) Personal data protection
- e) Schengen Informatic System

(137) After completing these visits, the fourth stage follows with an analyzing report about Romania's preparation stage of implementing the second category provisions of the Schengen acquis. This report may contain recommendations for correcting or improving the less satisfying aspects. After a period of time additional visits can also be made to check the remedy of the possible negative aspects.

(138) The last stage refers to the final report of the Schengen Evaluation Group, which will be presented to the Council of European Union. The Council will adopt the necessary decision to authorize the ending of Romania's internal borders check, fact that will imply the application of the 2<sup>nd</sup> category Schengen acquis provisions at an appropriate date, by Romania.

### **2.3. Autoevaluation**

(139) In order to prepare the evaluation process of Romania and accustom the involved structures in this activity, the Schengen General Department organizes selfevaluation missions. These are organized according to the Schengen evaluation missions that took place in other Schengen member states.

(140) Within these missions, the level of preparation of the institutions involved is analyzed in order to fulfil the standards in this matter.

### **3. The monitoring of professional training**

(141) Regarding the staff's professional formation, within the institutions and authorities with responsibilities in Schengen field, for monitoring the way the requirements of the integrated Conception are accomplished and the assurance of its technical implementing, the Work Group regarding the Conception Implementing has been set up under the subordination of the National Committee.

(142) The Work Group is formed by a representative from each of the authorities and institutions, with responsibilities in the field, normally within the structures with attributions in staff professional training and/or European Schengen affairs. The Presidency and Secretariate of the Work Group is provided by the central structure, competent in human resource management, within The Ministry of Interior of Administrative Reform.

(143) On basis of the authorities and institutions with responsibilities in the field, yearly until the 1<sup>st</sup> of November the Work Group elaborates the National joint preparation Diagram, document which is presented for approval within the first annual meeting of the National Committee. This document will include activities fulfilled in cooperation and those with international participation, which are addressed to the ensemble of authorities and institutions with area responsibilities or to the majority of it.

## **VIII. RISK FACTORS**

(144) Identifying risks for the accomplishment of established measures by the National Strategy, mainly refers to the possible unavailability of funds to finance the investments at the established time limit. A potential risk is also the non-observance of the time limits and the non-synchronization of the ongoing projects, in view of accomplishing the measures included in the Schengen Action Plan.

(145) The insufficiency in cooperation between the participant institutions at the implementing of the National Strategy is another risk that must be taken in consideration by the authorities and institutions with responsibilities in the field.

## **IX. THE CONSEQUENCES OF THE ACCESSION TO THE SCHENGEN AREA**

(146) The Schengen area adhesion requires the control elimination between the internal borders of Schengen member states, which entirely apply the *acquis* Schengen, being created a single external border, where controls are carried out according to a clear set of rules in matter of visas, immigration, asylum, as well as to measures concerning police, judiciary and customs cooperation.

(147) Citizens belonging to member states, may cross internal borders without restrictions. Although, the right of the member states to impose the need of owning a valid identification document is not affected. The crossing of internal borders may be compared with a journey inside the country lines.

(148) From order or national security reasons, the Schengen internal borders controls may be reinstated for a limited period of time with the preliminary notification of the European Committee and of other Schengen member states.

(149) Considering that the elimination of border controls can lead to the increase of internal security risks for the countries involved, a compressed transborder cooperation among all contracting states is required, with the sole purpose to protect their citizens. This cooperation is mainly facilitated by creating inter-institutional cooperation mechanisms among police, customs authority and border police (within Centres, Offices, Joint contact points) and by using SIS.

(150) Mutual operative assistance and direct information trade between police forces, and other qualified authorities belonging to member states, as well as the transborder surveillance and tracking of offenders, represent means of combat terrorism, organized crime, trafficking in human beings and illegal immigration.

(151) Apart from benefits resulted, the elimination of the internal border control may have a negative impact on the member state's security. For preventing such difficulties, Schengen states establish a set of compensatory measures which devolve from the Schengen *acquis* application.

(152) These compensatory measures of the Schengen Convention stand for the European cooperation progress in the fields of police, justice and foreign citizens regime.



(153) The Schengen Convention compensatory measures can be ranked as follows :

- a) Person's traffic ( visas and consular cooperation )
- b) Police cooperation
  - i) mutual police support in judicial assistance area
  - ii) contact officers trade between police authorities
  - iii) transborder cooperation for internal borders, particularly by creating cooperation mechanisms among police authorities, customs, border police of all contacting states
  - iv) transborder police and hot pursuit missions

(154) The most significant compensatory measure is the establishment of an European mutual system for police hot-pursuit, respectively SIS. All member states input data into the system, directly from the national database.

(155) Another compensatory measure refers to personal data protection, which represents the natural person's right of protection of the characteristics which lead to identification and the state's correlative obligation to carry out adequate measures to ensure an effective protection, starting from the fact that numerous personal data information is transferred between member states.

(156) The expansion of the Schengen area will have significant consequences for the outer states of this area, being forced to more restrictive policies regarding visas system. The implementation of these policies may lead to the increase of the number of people who try to transit the national territory without owning a valid visa or using false documents.

(157) As a result of reinforcement of the external European Union borders, the countries neighbouring the E.U. may also become a target for illegal traffic of immigrants from Africa and Asia.