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	- Draft report on land borders

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# RESTREINT UE



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THE EUROPEAN UNION**

**Brussels, 28 May 2010**

**10116/10**

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**SCH-EVAL 57  
FRONT 82  
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## **REPORT**

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from :	Schengen Evaluation Committee
to:	Schengen Evaluation Working Party
Subject :	Schengen evaluation of ROMANIA
	- Draft report on land borders

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The current report is based on the replies of Romania to the questionnaire and includes the results of the visit, following the evaluation and the drafting session of the Evaluation Committee during the visit.

# RESTREINT UE

## Table of Contents

1.	Introduction .....	4
2.	Management summary .....	4
3.	General information.....	- 6 -
3.1.	Strategy .....	- 6 -
3.1.1.	Legislation .....	- 6 -
3.1.2.	General strategy for border management .....	- 6 -
3.1.3.	Analysis of environment and threats .....	- 8 -
3.1.4.	International cooperation (regional, bilateral and readmission agreements).....	- 9 -
3.1.5.	Cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union .....	- 11 -
3.2.	Organizational (functional) structure .....	- 11 -
3.2.1.	Centralized supervision and instructions .....	- 11 -
3.2.2.	Coordination and inter-agency cooperation, division of responsibilities .....	- 12 -
3.2.3.	Specialized services .....	- 13 -
3.3.	Operational effectiveness .....	- 13 -
3.3.1.	Resources .....	- 13 -
3.3.2.	Level of controls at external border .....	- 15 -
3.3.3.	Situational awareness and reaction capability at different parts of the borders .....	- 15 -
3.3.4.	Availability and permanency of human resources.....	- 15 -
3.4.	Risk analysis, intelligence and Data-flow management .....	- 16 -
3.4.1.	Organization .....	- 16 -
3.4.2.	Methods .....	- 17 -
3.4.3.	Responsibilities.....	- 18 -
3.4.4.	Horizontal and vertical data flows .....	- 18 -
3.5.	Investigation and alien policing .....	- 18 -
3.5.1.	Legal background .....	- 18 -
3.5.2.	Organization .....	- 20 -
3.5.3.	Methods .....	- 21 -
3.6.	Staff and training.....	- 21 -
3.6.1.	Adequacy and the level of professionalism .....	- 21 -
3.6.2.	Responsibilities of the Border Police .....	- 21 -
3.6.3.	Selection criteria .....	- 22 -
3.6.4.	Basic training .....	- 22 -
3.6.5.	Further education .....	- 23 -
3.6.6.	Language training .....	- 24 -
3.6.7.	Specialized document checking training .....	- 24 -
3.6.8.	Specialized training for different managerial levels .....	- 24 -
3.7.	Readmission, expulsion and illegal immigration, carriers liability.....	- 24 -
3.7.1.	Administrative structures and coordination.....	- 24 -
3.7.2.	Refusal of entry [check Art. 105 of GEO 194].....	- 25 -
3.7.3.	Asylum applications .....	- 26 -
3.7.4.	Removal and readmission of persons who are not admitted or who are found illegally present (identification, detention, issue of documents, escort, financing).....	- 27 -
3.7.5.	Means deployed to combat illegal immigration networks.....	- 28 -
3.7.6.	Implementation of carriers liability .....	- 29 -

# RESTREINT UE

4.	Reports on individual sites visited.....	30
4.1.	Border Police Sector SIRET .....	30
4.1.1.	General Information.....	30
4.1.2.	Infrastructure and equipment.....	32
4.1.3.	Controls and procedures .....	35
4.1.4.	Border surveillance.....	39
4.1.5.	Staff and training .....	42
4.1.6.	Readmission, expulsion and illegal immigration, carriers liability .....	44
4.2.	Border Police Sector VICOV .....	47
4.2.1.	General Information.....	47
4.2.2.	Border surveillance.....	47
4.3.	Border Police Sector IASI.....	51
4.3.1.	General Information.....	51
4.3.2.	Infrastructure and equipment.....	52
4.3.3.	Controls and procedures .....	56
4.3.4.	Staff and training .....	60
4.3.5.	Readmission, expulsion and illegal immigration, carriers liability .....	62
4.4.	Border Police Sector RADUCANENI .....	65
4.4.1.	General Information.....	65
4.4.2.	Border surveillance.....	65
4.5.	Border Police Sector MORAVITA .....	70
4.5.1.	General Information.....	70
4.5.2.	Infrastructure and equipment.....	71
4.5.3.	Controls and procedures .....	75
4.5.4.	Border surveillance.....	78
4.5.5.	Staff and training .....	81
4.5.6.	Readmission, expulsion and illegal immigration, carriers liability .....	83
4.6.	Border Police Sector ORSOVA .....	86
4.6.1.	General Information.....	86
4.6.2.	Infrastructure and equipment.....	87
4.6.3.	Controls and procedures .....	89
4.6.4.	Border surveillance.....	91
4.6.5.	Staff and training .....	94
4.6.6.	Readmission, expulsion and illegal immigration, carriers liability .....	96
5.	General conclusions including recommendations and follow-up.....	98

## Acknowledgements:

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# RESTREINT UE

## 1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def), the Schengen Evaluation Programme 2008-2013 (6949/3/08 REV3), the Provisional list and indicative calendar of evaluations for 2009 (11602/1/08 REV 1) and the Overview of programmes, participants, technical details for the Schengen evaluations in 2009 (5160/1/09 REV 1 and subsequent REV's), experts carried out a Schengen evaluation of the Romanian land borders

This report was drawn up by the Evaluation Committee and is brought to the attention of the Schengen Evaluation Working Party, which will, after approval submit the report and the follow-up thereto to the Council.

*The Evaluation Committees visited the following sites:*

- Border Crossing Point Vicșani (rail)
- Border Crossing Point Siret
- Border Police Sector Siret
- Border Police Sector Vicov
- Border Crossing Point Sculeni
- Border Crossing Point Iasi-railway
- Border Police Sector Răducăneni
- Border Police Sector Moravița
- Border Crossing Point Moravița
- Border Crossing Point Stamora Moravita
- Border Crossing Point Orșova
- Border Police Sector Orșova

## 2. MANAGEMENT SUMMARY

The evaluation report on the Romanian land border is based on replies to a questionnaire and additional questions from the Member States provided by Romanian authorities both before and during the evaluation. The report also reflects the findings of the EvalCom from the sites visited. The EvalCom was able to carry out visits to all sites in the agreed programme including several ad-hoc-visits decided upon directly on the spot.

Romania has 2.953,2 km of land borders and a coastline of 193,5 km (total length: 3146.7 km). The land-borders are divided as follows: Bulgaria 631.3 km, Hungary 444.8 km, Moldova 681.3 km, Serbia 649.4 km, Ukraine (North and East) 649.4 km. There are currently 80 BCPs (19 ports, 28 road, 16 airports and 17 railway). Out of the total of 80 BCPs, 77 are operational. Out of the 77 BCPs, 53 BCPs (17 ports, 13 road, 16 airport and 7 railway) are located towards NON-EU-countries (or international) and 24 BCPs (14 road, 8 railway) towards EU-countries.

The EvalCom is of the opinion that border control, which includes also risk analysis, intelligence and investigation follows the main recommendations of the Schengen Catalogue and procedure of border checks was found to be in general in line with the Schengen provisions.

# RESTREINT UE

Romania has a "National Strategy for the Integrated Management of the Romanian State Border" for the period of 2007 - 2010 and is currently working on a follow-up strategy for the period 2010 - 2012.

The EvalCom acknowledges the well-founded international cooperation with neighboring Schengen countries, the considerable network of liaison-officers and the active participation in the FRONTEX-cooperation and encourages Romania to undertake steps for further enhancement.

The EvalCom is appreciative of the centralized and clearly structured public authority for the planning, resourcing, supervising and executing of the relevant tasks and the overall tactical and operational approach.

The available number and professionalism of the Border Police personnel was also noticed positively, although concern was raised whether there was sufficient personnel available for peak-times and/or unforeseen circumstances.

The EvalCom is of the opinion that the infrastructure at visited sites used for border checks responds in general to the requirements of the Schengen Borders Code. It was appreciated that modern and satisfactory equipment was available (although in several instances just recently delivered) and a clear strategy and written statement was delivered for the equipment for checks and surveillance yet to come.

The EvalCom finally also took on board that at the major BCP to Serbia major construction-work was still to be completed, while at the corresponding rail BCP nearby considerable improvements were needed to secure control procedures according to Schengen.

The EvalCom took note that training and further improvement in the skills as regards the knowledge of Schengen provisions and the language skills of personnel is an ongoing issue on central, regional and local level.

To conclude EvalCom noted that quality and motivation of the personnel involved largely met Schengen-standard, but that there are ( i.a. in the fields of infrastructure and equipment for control and surveillance) tasks yet to be completed.

The real findings and the results of the evaluation can be found in the "General Conclusions and Recommendations" at the end of the report.

# RESTREINT UE

## 3. GENERAL INFORMATION

### 3.1. Strategy

#### 3.1.1. Legislation

The relevant national legal framework in the field of border management consists of:

- Government Emergency Ordinance (G.E.O.)no 104/2001 on the organization and functioning of the Romanian Border Police, approved with amendments by Law no 81/2002.
- Government Emergency Ordinance (G.E.O.)no. 105/2001 on the Romanian state border approved with amendments by Law no 243/2002.
- Government Emergency Ordinance (G.E.O.) no. 194/2002 on aliens' regime in Romania
- Government Emergency Ordinance (G.E.O.) no. 56/2007 approved with amendments by Law no. 134/2008 on employment and secondment of aliens in Romania
- Government Decision no. 445/2002 approving the methodological norms for the application of Government Emergency Ordinance no. 105/2001 on the Romanian state border.
- Government Decision no.324/2007 for approving the 2007 – 2010 National Strategy for the Integrated Management of the Romanian State Border.
- Government Decision no. 943/2001 establishing the Inter-ministerial Group for the Integrated Management of the Romanian State Border.

#### 3.1.2. General strategy for border management

Border management system implemented in Romania is based on the principles set out in

- the Council Conclusions on Integrated Border Management from December 2006,
- the provisions of the Schengen Borders Code and
- the recommendations of the Schengen Catalogue.

Detailed provisions on the implementation of the four-tier access control model are included in the National Strategy for Integrated Management of the Romanian State Border in 2007-2010 (hereinafter referred to as National Strategy) approved under the Government Decision no. 324/ 28.03. 2007. The National Strategy takes into account results of the analysis of cross-border crime and main tendencies of this phenomenon. The purpose of the Strategy is to accomplish the general framework, necessary to the uniform and coherent approach of the integrated management of the state border as well as to combine efforts of the institutions with responsibilities at the borders. The National Strategy provides also the action guidelines for the fulfillment of the objectives related to Romania's state border security.

In an effort to timely develop a follow-up-strategy for the time after start of full implementation of Schengen in Romania, during 2009, the "2010-2012 National Strategy for the Integrated Border Management" was elaborated already taking into account i.a. the recent modifications of the *External Borders Schengen Catalogue*. Currently, the draft legislative act is under endorsement phase by all the institutions involved and is to be approved by Government Decision until the end of April 2010.

The new Strategy will, besides allowing for the implementation of the necessary policies after the start of full implementation of Schengen accession in 2011, also provide for the update of its provisions depending on the evolutions in the field of the Integrated Border Management at European level.

# RESTREINT UE

The principles taken von board in the follow-up strategy are as follows:

- Extending the time horizon of the Strategy, in terms of full coverage of pre-accession to the Schengen area,
- Providing for the key elements of the Redeployment Plan of Border Police personnel from the internal border after the accession of Romania to the Schengen area,
- Pinpointing the main objectives of the Concept of border controls to be carried out on the Danube river after accession of Romania and Bulgaria to the Schengen area,
- Prioritization of the investments at EU external borders, interlinking the Strategy's provisions with relevant EU documents and the National Strategy for accession to the Schengen area.

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

According to the National Strategy all elements of the four-tier access control model in third countries of source and transit of illegal immigration, widely developed system of bilateral and multilateral cooperation with neighboring countries, border control as set out in the Schengen Borders Code and control measures within the country are adopted.

The main instrument for implementing the system of Integrated Border Management is the Integrated System for Border Security (ISBS) composed of the following autonomous but interconnected subsystems:

- Infrastructure subsystem
- Border surveillance subsystem
  - Green border
  - Blue Border (Black sea and Danube river)
- Control subsystem of border crossing
- IT subsystem
- Voice and Data communication subsystem
- Mobile Radio communication subsystem
- Fixed communication subsystem
- Mobility subsystem
- Integrated Logistic subsystem.

Measures at the external borders consist of border checks and border surveillance based on criminal intelligence and risk analysis and are carried out in cooperation with the competent authorities at central, regional and local level. Resources for border control are deployed along the border on the basis of the identified threats and pursuant of the plans for border control. In case of changes in the operational situation due to the appearance of new threats the relevant relocation is realized.

Detection and investigation of cross border crime is carried out in coordination with all competent law enforcement authorities.

Romanian authorities cooperate actively with FRONTEX and with other Member States to improve the effect and to achieve uniformity of the border control.

As far as additional police measures after abolishing border control on internal borders are concerned, Romania foresees a quite complex system that includes, apart from the development of an Integrated System for Border Security (ISBS) and the necessary redeployment of personnel from the future internal border also the following measures:



# RESTREINT UE

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

Border control in Romania is carried out by special units of the Border Police, subordinated to the Ministry of Administration and Interior (MAI). These units carry out border checks at border crossing points (BCPs) at air, sea and land border and border surveillance between the BCPs. Depending on the type of the border, a different entity of the General Inspectorate is responsible for the border control. Border control is carried out only by professional border guards who have passed specific training.

Military personnel is not engaged in border control activities in Romania. There is no legal basis giving military personnel the competency for carrying out border checks or border surveillance.

In situations where the public order is threatened police forces can demand support of the military (Ministry of Defense) or other public services.

Crossing the Romanian borders is allowed only at border crossing points and all persons crossing the border are subject to border checks. The checks cover also the means of transport is possession of the persons crossing the border. Persons, enjoying the Community right of free movement are subject to minimum checks, third country nationals shall be subject to thorough checks.

Border surveillance between border crossing points is carried out with aim to prevent unauthorized border crossings, to counter cross-border criminality and to take measures against persons who have crossed the border illegally.

### 3.1.3. *Analysis of environment and threats*

Romania has 2.953,2 km of land borders and a coastline of 193,5 km (total length: 3146.7 km). The land-borders are divided as follows: Bulgaria 631.3 km, Hungary 444.8 km, Moldova 681.3 km, Serbia 649.4 km, Ukraine (North and East) 649.4 km

Out of the total of 80 BCPs, 77 are operational. Out of the 77 BCPs, 53 BCPs (17 ports, 13 road, 16 airport and 7 railway) are located towards NON-EU-countries (or international) and 24 BCPs (14 road, 8 railway) towards EU-countries.

The main threats that may affect border security are:

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

# RESTREINT UE

According to the Romanian authorities Romania is a country of transit (with the transit reflected mostly at land borders). The Romanian authorities therefore put particular emphasis on combating illegal migration. In this context the following numbers were provided to EvalCom:

YEAR	Total actions		Illegal Aliens Apprehended	
	By RIO <sup>1</sup> staff	In cooperation	By RIO staff	In cooperation
2007	2483	1764	2484	976
2008	2232	1643	3461	1457
2009	4809	2032	2429	1276

YEAR	Total actions	In cooperation with	
2007	1764	Romanian Police	865
		Border Police	347
		Labor Inspectorate	320
		Gendarmerie	232
2008	1643	Romanian Police	816
		Border Police	343
		Labor Inspectorate	275
		Gendarmerie	209
2009	2032	Romanian Police	939
		Border Police	350
		Labor Inspectorate	539
		Gendarmerie	204

Routes used by illegal migrants

- Routes via the eastern or southern borders: entry with short stay visa or illegally (often in combination with an application for asylum) and then exit either via Hungary or Serbia → Bosnia → Italy into the Schengen area.
- Routes used by people from Republic of Moldova: almost always legal entry and illegal exit hidden in trucks or using forged passports/visas on to Germany via Hungary, Slovakia and Czech Republic or via Hungary and Austria, or to Italy via Serbia, Bosnia and Croatia.

As the statistics for illegal immigrants detected in Romania between 2007 and 2009 show, the main source-countries of illegal immigrants are the Republic of Moldova, Turkey, China, Ukraine and Serbia.

## 3.1.4. International cooperation (regional, bilateral and readmission agreements)

Efficient international police cooperation in the sphere of combating organized crime and illegal migrations is crucial. In view of these considerations Romania has concluded bilateral agreements with the following countries:

*Bulgaria, Canada, Greece, Italy, Argentina, India, Uruguay, Cyprus, UK and Northern Ireland, Germany, Morocco, Turkey, Moldova, Ukraine, Peru, Austria, Belgium, Mexico, Jordan, Brazil, Lithuania, Croatia, Slovenia, USA, Belgium, Poland, Israel, Armenia, Czech Republic, Lebanon, Albania, Bulgaria, Russian Federation, Kazakhstan, Italy, Slovakia, FYROM, Egypt, Bavaria, Pakistan, Sweden, Georgia, Azerbaijan, Chile, Switzerland, Hungary, China, Spain, Montenegro, Moldova, Bosnia and Herzegovina, Malta, Indonesia, Serbia,*

<sup>1</sup> Romanian Immigration Office.

# RESTREINT UE

Cooperation with those countries includes i.a.:

- international cooperation in combating cross-border crime and exchange of information
- cooperation in combating organized crime, terrorism and other serious crimes
- fight against trafficking in narcotic drugs, psychotropic substances and precursors, clandestine immigration and other illegal activities
- participation in initiatives for assisting in developing border police systems in third countries;
- organizing common training activities in border control
- deploying home affairs attaches and liaison officers specialized in migration issues (ILO).

Specific attention has been devoted to cooperation with the neighboring NON-EU-countries Serbia, Republic of Moldova and Ukraine, where cooperation includes:

- cooperation between border delegates which enable mutual assistance in border issues, exchange of information and statistical data, joint evaluation of the cases identified at the common border;
- drafting annual cooperation plans (i.a. with the Republic of Moldova incl. organizing joint patrols at the common border and joint investigations in illegal migration cases)
- information exchange via Common Contact Points
- local border traffic (Agreement with Moldova operative since April 2<sup>nd</sup>; no further agreement concluded)
- providing common training in matters of mutual interest as border control, police cooperation, common investigations etc.

Specific attention has also been given to cooperation with the neighboring EU-member states Hungary and Bulgaria, where cooperation includes:

- signing border treaties to establish the border regime,
- drafting annually cooperation plans,
- implementing police cooperation agreements,
- implementing border agreements to establish common control in the BCPs according to the “one stop control” model,
- setting up Common Contact Points, carrying out common patrols, joint investigation of border incidents in border issues, conducting joint evaluations of the border situation and organizing common training sessions on border issues as well as for improvement of language skills.

Romania is participating in EUROPOL, FRONTEX, INTERPOL, ICE, organizing joint training sessions and carrying out cooperation of internal affairs attachés/liaison officers.,

Romania is also member of and the host of the SECI Centre, an operational regional organization bringing together police and customs authorities from 13 member countries in Southeast Europe and delivering support to national customs and law enforcement agencies by offering an environment for information sharing, knowledge development, joint planning and common action in the field of trans-border crime (current members Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, F.Y.R. of Macedonia, Moldova, Montenegro, Romania, Serbia, Slovenia, Turkey) and part of the EUBAM Mission in the Republic of Moldova and Ukraine.

Romania has signed and ratified the Prüm Treaty on facilitation of police cooperation.

Exchange of information is carried out also through the International Police Cooperation Center (part of the MIA, the central authority and single police cooperation platform specialized in data and information exchange i.a. with foreign partners in the field of countering cross-border criminality). The main tasks of IPCC are:

# RESTREINT UE

- single contact point for international police cooperation activities;
- exchange of information regarding criminal matters;
- assistance of the Romanian liaison officers and of the foreign liaison officers in Romania;
- coordination of information exchange through other channels (joint centers and contact points)

An important instrument of multilateral cooperation is finally also the Black Sea Cooperation Forum, a border guard cooperation between the coastal states of the Black sea countries based on the Cooperation Agreement between the Border Police/Coast Guards-authorities of the Black Sea-countries signed in 2006.

### 3.1.5. *Cooperation with the European Agency for the Management of Operational External Borders of the Member States of the European Union*

Romania takes active part in the cooperation with FRONTEX and in activities carried out by the FRONTEX. The General Inspectorate of Border Police:

- represents Romania in the Management Board of the FRONTEX;
- maintains the FRONTEX National Contact Point;
- provides personnel for numerous FRONTEX operations (in 2009, the Romanian Border Police was involved in 20 Joint Operations at the air-, green- and blue-border and maintained the Focal Points in Iasi and Galati),
- participates actively in training provided by FRONTEX;
- submits regularly information for the FRONTEX risk analysis and participates in the expert group created for modification of the Common Integrated Risk Analysis Model;
- supports development of the Rapid Intervention Teams 25 border police men, 1 exercise DACIA in ROM, participating in all exercises held so far);
- carries out patrol activities in the H zone of the European Patrol Network in Black Sea;
- participates with technical equipment in CRATE (Central Record of Available Technical Equipment).

## 3.2. **Organizational (functional) structure**

### 3.2.1. *Centralized supervision and instructions*

The Romanian Border Police (RBP), subordinated to the Ministry of Administration and Interior, is a single authority responsible for border control at all Romanian borders with centralized organization at national, regional and local level.

At national (central) level border management is carried out by the General Inspectorate of Border Police, (GIBP). It co-ordinates the activity of its subordinated structures and carries out activities of investigation and inquiry of the serious crimes in the field of border related offences such as organized crime, illegal migration and cross-border crime.

The GIBP is managed by a General Inspector, appointed by the Minister of Administration and Interior and three deputies coordinating altogether 12 services directly subordinated to the GIBP.

Two main directorates of the GIBP are the Directorate for Surveillance and Control of Border Crossings (DSCBC) and the Directorate for Countering Illegal Migration and Cross-Border Crime. The other GIBP structures are either support ones or specialized in specific related issues.

Within the structure of the GIBP there is furthermore the NCC for the implementation of the EUROSUR-project (at first only to cover the blue border but later on planned to extend its attributions and become fully operational in 2013 (with RCC's set up for each neighboring country and the Black Sea).

# RESTREINT UE

The DSCBC is the specialized structure in drafting the general conception of the RBP regarding border control, coordinating activities of territorial structures and drafting procedures and regulations in carrying out border control, coordinating the inter-institutional cooperation.

At regional level, there are 6 directorates (one for each border with the neighboring country and one for the Black Sea region). The directorates are: Iasi, Constanta, Giurgiu, Timisoara, Oradea, and Radauti. Subordinated to the General Inspectorate of Border Police, there are 21 Border Police County Inspectorates fulfilling the duties of border police as far as border control and border surveillance is concerned. The county inspectorates are:

- Botoșani, Iași, Vaslui, Galați / Eastern part of Romania
- Maramures, Suceava / Northern part of Romania
- Arad, Bihor, Satu Mare / North-Western part of Romania
- Caras-Severin, Mehedinti, Timis / South-Eastern part of Romania
- Călărași, Giurgiu, Teleorman, Olt, Dolj / Southern part of Romania
- Brăila, Tulcea, Constanța, Ialomița / South-Eastern part of Romania

At local level, there are 83 border police **sectors** directly responsible for a particular part of the border (49 of them are located at the EU external border; average length of their area of responsibility around 50 km each) and 2 naval groups at the Black Sea Coast.

Within the police sectors there are 80 border crossing points (2 of them at the border with Ukraine - Cămpulung la Tisa - rail, Valea Visului - rail - and 1 at the border with Serbia - Portile de Fier II - road - are not operational due to infrastructure problems → 77 operational BCPs).

The National Customs Authority (NCA) is finally subordinated to the Ministry of Public Finances. The National Customs Agency carries out its responsibilities through the head office, the regional customs directorates and the border and inland customs offices. The Customs authorities are entitled to perform checks on personal belongings and goods. As an exception to this rule, when there is a suspicion that the goods constitute a threat against the national security (e.g. drugs, weapons) RBP is entitled to perform checks with immediate notification of Customs. The mobile teams perform their activity on the entire national territory including the special customs surveillance area, which corresponds to the competence area of the border police (30 km inland from the land state border and the territorial sea).

### 3.2.2. *Coordination and inter-agency cooperation, division of responsibilities*

The practical inter-institutional cooperation-framework is empowered by co-operation protocols between the agencies with attributions at the border. The purpose of these protocols is to formalize co-operation between the main agencies operating at the border to prevent and combat cross-border crime. In the margins of this legal framework, joint mobile teams of border guards and customs agents are organized for punctual actions.

The General Inspectorate of Border Police cooperates with the central public administration authorities, judicial institutions, other state central institutions as well as the representatives of the civil society. An important cooperation partner at sea is the Romanian Naval Authority, involved in inspection, control and surveillance of navigation, port state control, and coordination of SAR and oil pollution response activities. As regards immigration control and return activities cooperation is maintained with the Romanian Immigration Office.

At territorial level, the units subordinated to the GIBP cooperate with local public administration authorities, judicial institutions, other state institutions, decentralized services, as well as civil society representatives.

# RESTREINT UE

Coordination of all agencies with responsibilities at the border and in the area of combating of illegal immigration is carried out by the *Inter-ministerial Group for the Integrated Management of the Romanian State Border* (IGIMRSB)

The IGIMRSB is an advisory body within the Ministry of Administration and Interior and consists of state secretaries from the ministries and authorities in the field of defense, public order and national security authorized to fulfill activities for securing the state border, and also of heads of directorates within the MAI. The Group establishes the overall conception and the unitary coordination of the actions and measures put into practice by its members in order to achieve a high degree of security at the state border.

The G.E.O. no.105/ 2001 on the Romanian state border provides that border control should be carried out in joint teams by the representatives of the two institutions (the Romanian Border Police and the National Customs Authority). Thus, at the level of all BCPs, checks on persons and vehicles are performed in joint teams implementing the "one stop control" principle that governs the practical cooperation between RBP and NCA structures. However, both authorities have their own tasks which are not shared.

### 3.2.3. Specialized services

The Special Actions and Intervention Service of the GIBP performs specific security missions as support for operational structures.

## 3.3. Operational effectiveness

### 3.3.1. Resources

#### Human resources

The available human resources of the Romanian Border Police are per February 1<sup>st</sup>, 2010 the following:

	Allotted positions	Employees	Vacant	Percentage of employment
Officers	3.047	2.688	359	88,22 %
Agents (NCOs)	13.718	12.794	924	93,26%
Administrative personnel	1.413	1.142	271	80,82%
<b>Total</b>	18.178	16.624	1.554	91,45%

Out of the total amount of border police staff, 10.905 individuals are directly involved in surveillance and checks activities and less than 12% of the staff carries out management positions.

#### Technical resources:

#### Equipment for border checks:

Workstations at the first line of border checks are equipped with terminals with integrated passport readers for consultation of databases, stationary light sources and magnifiers. The BCPs are also in possession of Schengen-compatible entry and exit stamps (1004 stamps in line with the format set out in SCH/Com-ex (94) 16 rev having been distributed and already in use for entry and exit in the border crossing points).

# RESTREINT UE

For further examination of travel documents at second line modern equipment such as video spectral comparators and docuboxes are in place. Forensic Service within the GIBP and the forensic units in the county inspectorates of the RBP are equipped with 22 video spectrometers in total.

For verification of fingerprints 5 border crossing points in international airports and the BCP in port of Constanta and also 14 Border Police County Inspectorates are equipped with the EURODAC terminals.

The FADO system is fully implemented at the level of Forensic Service within the GIBP.

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

Based on good cooperation with the Romanian Customs Authority (MoU) the RBP is furthermore able to use jointly i.a. 5 ROBOSCAN scanners for vehicles and containers, 3 Mobile imaging systems for vehicles and containers, 46 radiation-gates for pedestrians and vehicles 7 Rapiscan 500 x-ray for pallets and large objects, 18 Rapiscan x-ray 500 for parcels, 3 portable x-ray-scanners for hidden compartments,

## Communication equipment:

Voice communication at the land borders is based on MAI TETRA network, MAI private phone network, public phone network, VHF and HF communications encrypted through mobile radio phones, mobile telephony CDMA 2000/GSM, IRIDIUM satellite phones.

## Further equipment for checks and surveillance:

In addition to the equipment for checks and surveillance already available the Romanian authorities informed EvalCom that the following equipment to further reinforce border control is already contracted and ready for delivery until the end of 2010/mid 2011:

- 213 handheld thermal vision cameras (cooled and uncooled)
- 167 night vision binoculars
- 701 night vision goggles
- 59 optoelectronic surveillance cameras (thermal and day vision)
- 4 radars mounted on towers
- 59 mobile surveillance vehicles
- 411 fixed document readers
- 103 handheld document readers
- 261 fixed devices for document inspections
- 435 handheld devices for document inspections
- 26 heartbeat-detectors
- 19 CO2-probes
- 32 endoscopes
- 6 license plate recognition devices
- 52 tire deflection devices

In addition 2 Mio Euros is reserved for devices for scanning and detection of hidden persons/stowaways

# RESTREINT UE

## 3.3.2. *Level of controls at external border*

Border checks are carried out at the BCPs in compliance with the Schengen Borders Code at all Romanian borders, including future internal borders with Bulgaria and Hungary. All persons crossing the state border of Romania are subject to border checks. Consultations of SIS are not carried out, as the necessary connections have not been established yet; however, relevant national databases are available for consultation (both via OCR-readers and by typing in the names in case of non-machine-readable passports).

## 3.3.3. *Situational awareness and reaction capability at different parts of the borders*

Situational awareness is ensured by the complex of border control, intelligence, risk analysis and investigation activities of the Romanian Border Police, enhanced by the inter-agency and international cooperation.

A detailed system of information management and risk analysis provides all managerial levels with necessary information for decision taking. The implemented system of border surveillance is able to provide situational pictures on the land and sea borders. Close cooperation with national authorities and international partners responsible for combating of illegal immigration provides information about routes of illegal immigration and modi operandi.

The reaction capacity is determined by availability of necessary human and technical resources, their reaction time and capability to react adequately in different situations, availability and capabilities of the command and control units to lead different operations.

Allocation of the human and technical resources in Romania is based on an independent assessment of the operational situation in the respective area of responsibility by a respective border police leader and his/her specific decision for the practical implementation of the protective activities to be taken. The EvalCom is of the opinion that necessary human resources are available.

## 3.3.4. *Availability and permanency of human resources*

Romania has land borders with Republic of Moldova, Ukraine, Serbia (EU-external border) and with Hungary and Bulgaria (future internal Schengen border). Part of the borders with Bulgaria, Ukraine, Serbia, Moldova and Ukraine are blue borders (Danube river and river Prut). Sea border procedures are implemented at the Black Sea and, as regards the border checks of the vessels arriving from third country harbors into Romanian ones, on the Danube River (due to the international regime of the Danube, established by the Belgrade Convention from 1948 that considers the Danube as international waters [no visa on the Danube; different case when wanting to disembark]). Also, 16 airports operate international flights, having border police units.

In addition to the mentioned level of human resources (see 3.3.1., 18.178 positions and 16.624 allotted, therefore per February 1st, 2010 an average-coverage of 91,45%) it can be added that special attention was paid by the Romanian authorities to the future external borders of the EU (Republic of Moldova, Ukraine, Black Sea and Serbia). The current level of employment of the personnel allotted to the EU external border is 91,28% (to be further increased by coming graduates from the Police Academy and RBP schools; 2010 promotion – 163 police officers and 99 police agents). In the last 5 years, also the allocation of technical resources was directed mainly to the external borders.

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



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

There is one exception as regards the allocation of human resources, namely the air border crossing points, who are directly subordinated to the General Inspectorate of the Border Police and have their own personnel and not allocated by the Border Police Sectors as the border crossing points.

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

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

## 3.4. Risk analysis, intelligence and Data-flow management

### 3.4.1. Organization

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

At central level the Risk Analysis Unit is directly subordinated to the Directorate for Combating Illegal Migration and Countering Cross-border Crime within the GIBP. The personnel of the unit consists of 5 officers and 3 border police agents. The Risk Analysis Unit of the GIBP is a member of FRONTEX Risk Analysis Network.

At regional level there are there are Risk Analysis Offices with 2 border police officers in each county inspectorate. Also, in the International airport Bucharest – Henri Coanda there is an office having 3 officers specialized in risk analysis in the field of air borders and carrying out specific tasks in the Centre for Airports Surveillance and Border Checks. In the sea border area, a Risk Analysis Office staffed with 4 officers and 10 agents has been set up in the Operational Directorate for Maritime Ports in Constanta.

At local level, each Border Police Sector has a Risk Analysis Compartment.

Decisions on border control at local level are taken on the basis of the tactical risk analysis carried out by the commanding officers of the police units deployed for border control and shift leaders. Some tactical risk analysis is carried out by the police officers during border checks.

The mentioned offices cooperate and exchange information and data based on co-operation protocols with the following other law enforcement agencies:

- Romanian Immigration Office;
- Romanian Police (Organized Crime and Intelligence Analysis Unit);
- National Customs Authority;
- Foreign Intelligence Service;
- Directorate for Investigation of Organized Criminality and Terrorism Offences.

# RESTREINT UE

Risk analysis on information concerning illegal immigration, cross-border crime and organized crime is finally also carried out in currently five Common Contact Points (or Centers):

1. Oradea Contact Point (Headquarters: BPD Oradea, Romania) with participation of the Romanian Border Police and representatives of the ministries of interior from EU member states Austria, Italy, France, Spain and Germany.
2. Giurgiu Contact Bureau (Headquarters: BCP Giurgiu Road – Railroad, Romania) with participation of Romanian and Bulgarian Border Police.
3. Artand Contact Point (Headquarters: BCP Artand, Hungary) with participation of Romanian Border Police, Romanian National Customs Authority, National Hungarian Police, Hungarian Customs Authority.
4. Galați Trilateral Contact Center Romania – Moldova –Ukraine (Headquarters: BCP Galați, Romania). This centre is not fully functional as only Romanian Border Police, Romanian Customs Authority and Moldovan counterparts are participating.
5. Porubne Contact Point (Headquarters: BCP Porubne, Ukraine) with participation of Romanian Border Police and Ukrainian border guards

## 3.4.2. Methods

Risk Analysis as applied by the Romanian authorities covers the following fields:

- illegal entries between and at border crossing points,
- facilitators,
- illegal stay and exit,
- refusals of entry,
- applications for international protection (asylum applications) at border,
- false and forged documents used for entering the territory illegally.

The procedure of risk analysis is based on the CIRAM-model which provides the methodology for assessment and identification of risks at borders. The risk analyses of the Border Police are then combined into one national risk analysis concerning border control and illegal immigration and fed into a combined risk analysis report produced i.a. on the base of the following:

- Data and information from Romanian Immigration Office, and the *eReporting*- (contains detailed standardized reports on border events and is available for all operative branches of GIBP, BPCI, BPS and Naval Groups and for the Border Crossing points) and the *i2 iBase5*- (integrated system for suspects management and information analysis, aimed at detecting and combating crime and fraud by analyzing information of a very complex set of data )databases;
- Quarterly/ biannual/ annual FRONTEX risk assessments;
- Statistical data from IConet;
- Data supplied by Romanian Immigration Office on asylum applications and on detections of illegal stay of third country nationals found inside the national territory.

Data concerning administrative issues are gathered on a national level and analyzed. This information is sent to the responsible units, working at the borders. Having a national view, the information gives the opportunity to help these units, as well as other local or regional units.

Data concerning judicial issues also are gathered on national level and analyzed and then also forwarded to the units concerned.

### 3.4.3. Responsibilities

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

The Risk Analysis Unit of the GIBP drafts a monthly risk analysis concerning illegal migration and smuggling of cigarettes based on data collected from operational databases of RBP and other MAI structures, criminal files, and monthly reports from risk analysis offices from regional and county BP structures. These documents on risk analysis are monthly distributed to Border Police territorial structures and to the operative structures dealing with surveillance and checks at the border.

The Risk Analysis Unit of the GIBP finally also transmits monthly statistical data about illegal migration via the ICONet system to the FRONTEX risk analysis unit.

### 3.4.4. Horizontal and vertical data flows

As mentioned in the previous chapter there are regular risk analysis reports transmitted between national and regional border police units. Regional units provide border police sectors with risk analysis documents for tactical risk analysis on the local level. Also, data from risk analysis forwarded by the General Inspectorate of the Romanian Border Police and daily bulletins received from other law enforcement agencies are used when carrying out checks on persons and their means of transportation.

Quarterly, biennial and annual FRONTEX risk assessments are disseminated at regional and local level so they could be used as an important tool for border surveillance and border checks.

Monthly risk analysis on illegal migration and on cigarettes smuggling prepared by the GIBP are sent to all border police county inspectorates, border police sectors and BCPs directly subordinate to the GIBP.

## 3.5. Investigation and alien policing

### 3.5.1. Legal background

#### A person entering illegally:

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

According to the provisions of the G.E.O. no. 194/2002 on aliens' regime in Romania, the person who crossed illegally the Romanian state border shall also be removed under escort from the Romanian territory and will get a residence-ban for 5 years (to be decided by the territorial structures of the RIO).

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

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

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

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## A person facilitating illegal entry:

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

## Employment of a person illegally resident:

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

- employment of an alien without a work authorization or work residence permit, sanctioned by fine from 1,500 to 2,000 RON (the fine can not exceed 100,000 RON);
- keeping employed an alien after expiring the work authorization, sanctioned by fine from 1,500 to 2,000 RON (the fine can not exceed 100,000 RON);
- the employer hasn't transmitted a communication the situation of aliens secondment to the territorial labor inspectorate in due time, the deed shall be sanctioned by fine from 3,000 to 6,000 RON;
- the work authorization of the alien has been lost, damaged or destroyed and these facts haven't been brought to the attention of the Romanian Immigration Office (RIO), the deed shall be sanctioned by fine from 1,500 to 3,000 RON.

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

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

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

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

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

## 3.5.2. Organization

The G.E.O. no 194/ 2002 on aliens' regime in Romania regulates also the specific measures for immigration control. Two institutions are involved in combating illegal immigration:

- the Romanian Immigration Office (RIO) and
- the General Inspectorate for Border Police

The Romanian Immigration Office is the specialized structure subordinated to the Ministry of Administration and Interior and Administrative Reform, exercising the attributions given by the law for the implementation of the Romanian policies in the field of migration, asylum and foreigners' integration, as well as of the relevant legislation in these fields.

Within the RIO, there are specialized departments for combating illegal migration with i.a. the following tasks:

- detecting illegally residing aliens in places and areas frequented by aliens, in public and private institutions, premises of private economic enterprises.
- identifying detected illegally residing aliens, carrying out thorough checks on databases after what the legal measures can be imposed on them, within a timeframe of 24 hours from detection;

In their activity, RIO police officers cooperate with other structures within the MAI, as well as with other governmental agencies competent in the field of aliens. There are co-operation protocols between the RIO and other structures within MAI (General Inspectorate of Romanian Police, General Directorate for Combating Organized Crime, the General Inspectorate of Border Police, the General Inspectorate of the Gendarmerie, General Directorate for Passports and General Inspectorate for Persons Records) or other governmental agencies (Work Inspection within the Ministry of Labor, Ministry of Foreign Affairs and the National Office for Preventing and Combating Money Laundering).

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

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

Since 2003, the MAI has developed a Home Affairs Attachés Network which is formed by Romanian police officers/experts in the field of combating organized crime, illegal migration or civil emergencies.

If affecting the immigration policy these attaches are considered by the Romanian authorities as immigration liaison officers (ILO). Home affairs attaches are seconded to following source countries of illegal immigration: *Austria, Belgium, Bulgaria, Czech Republic, Switzerland and Liechtenstein, EUROPOL, France, Germany, Ireland, Italy, Japan, FYROM, United Kingdom, Moldova, NATO, The Netherlands, Poland, Russian Federation, Spain, United States, Serbia, Sweden and Norway, Turkey, Ukraine, Hungary incl. Croatia, Slovenia and Slovakia, EUROPEAN UNION, Greece*

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

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## 3.5.3. *Methods*

Home Affairs Attachés of the MAI posted abroad have a task

- to establish and maintain contacts with the authorities of the host country with a view to contributing to the prevention and combating of illegal immigration, the return of illegal immigrants and the management of legal migration and
- to collect information for use at the operational and strategic level about the flows of illegal immigrants to EU originating from third states or transiting through third/EU is a part of their duties as Home Affairs Attachés Network.

A special task force consisting of 10 border police officers was set up in 2007 within the Romanian consulate in Chisinau. This task force is acting mainly in combating crimes related to illegal migration (illegal border crossing, trafficking and smuggling in human beings and counterfeiting or falsifying: visas, residence clearances, identity and travel documents).

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

After the apprehension of illegal immigrants, the border police carries out:

- search of the area of apprehension;
- checks on the main access roads to the area where the persons were detected, which may be used by the illegal migrants for escaping, by all police forces in the area (national and border police and even community police);
- criminal investigation measures and forensic tasks.

Detained persons are taken to headquarters where the verification of their identity and the investigation of the case is carried out (including interviews, data base inquiries, fingerprinting and verification in the AFIS database and also the use of IMAGETRAK, a photo-database).

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

## 3.6. **Staff and training**

### 3.6.1. *Adequacy and the level of professionalism*

Border control is carried out by specialized and professional border police officers who have passed relevant training courses.

### 3.6.2. *Responsibilities of the Border Police*

The Romanian Border Police has following main tasks:

- carry out border checks and border surveillance
- ensure the legal regime of the state border and surveillance and control of the border signs;
- perform control of the weapons, ammunitions, explosive materials or toxic and radioactive substances at the state border crossing,
- supervise the air space adjacent to the state border and the territorial sea;
- identify and investigating violations of the legal regime at the state border, as well as other legal provisions in its competence, carrying on investigation on criminal offences in these fields;
- ensure public order in the BCPs and, upon request from other state authorities, take part in joint operations organized in localities from border area.

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- observe the compliance of the Romanian state's rights in the territorial waters;
- prevent and countering piracy, terrorist acts and organized crime activities in Romanian territorial waters;
- perform the control of boats and vessels together with environmental territorial units in case of pollution;
- take part at surveillance, control, assuring protection and preserving natural hunting and fishing funds within territorial waters;
- perform search and rescue operations in the territorial or international waters; and
- prevent access of the foreign vessels to certain areas in territorial waters or navigable river channels together with the Navy units.

### 3.6.3. *Selection criteria*

The selection criteria, for both agents and officers of the Romanian Border Police are as follows:

- Romanian citizenship and has the domicile established in Romania;
- graduated the high school;
- maximum age 27 years;
- able, from a physical, psychical and medical point of view following specific examinations;
- no criminal record and not under criminal investigation or in trial for having committed a crime;
- not member of a political party or of any other type of organization with political character.

### 3.6.4. *Basic training*

Basic training to future agents and officers of the Border Police is provided mainly by the training institutions of the MAI. MAI provides the organizational background for both basic and further training in accordance with the strategy in this field, with the policies and procedures generally applicable at the MAI level. The General Directorate for the Management of Human Resources within MAI coordinates, monitors and evaluates both basic and further training and manages basic and further training for the subordinated staff according to their specific needs.

The Border Police officers' basic training comprises three year regular courses carried out by the Police Academy in Bucharest. The graduates get a law degree and the professional rank of police junior inspectors.

The curriculum for the students of the Police Academy includes:

- training in the judicial field;
- special training: the border police theory and tactics, the legal protection of human rights, technical systems of border control, the history of the Romanian borders and of the Border Police, the cross-border cooperation, the border police management, the Schengen legislation and practices, the basis of intelligence activity, investigation of cross-border criminality, public relations;
- shooting and physical training and IT training;
- foreign languages training (English and/or French, German and Russian).

Border police agents' basic training is delivered during two year regular courses. The graduates get a professional rank of a border police agent. The training is delivered in the following sites:

- the Border Police Agents' School (Oradea),
- the Training School in Orsova,
- the Initial and Continuous Training School in Constanta and
- the Initial and Continuous Training School in Iasi

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The professional basic training of the staff is also provided within some schools of the Ministry of Defense for those specializations that are not provided by MAI own training institutions:

- by the Military Technical Academy in Bucharest. After four year regular course the graduates get a degree in technical fields (IT, communications, etc.) a rank of a police junior inspector;
- by the “Mircea cel Batran” Navy Academy in Constanta. After four year regular courses the graduates get a degree in navy specializations needed for Border Police and a rank of a police junior inspector.
- by the Warrant Officers Military School of the Navy. This school provides training to the Border Police agents for technical specializations such as: navy, weapons, communications, radio-electronic and electro-mechanic commissioning is delivered by two-year regular courses, within. The graduates obtain the rank of Border Police agents.

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

EvalCom was informed that the Common Core Curriculum is currently under implementation within all education institutions of Romanian Border Police (Avram Iancu Oradea, Orsova, Iasi and Constanta). The relevant provisions were also included in the continuous training of the staff in the territorial units. The Romanian authorities are of the opinion that approximately 80% of the content of the Common Core Curriculum has been implemented in the RBP training schools curricula and also in the Police Academy. The remaining 20% represent the maritime training, which will be implemented in the study year 2010.

### 3.6.5. *Further education*

Professional further continuous training includes

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

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

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

Further training organized in specialized education institutions of the MAI is mainly delivered according to annual plans through courses, drills, demonstrations, briefings, meetings, symposiums, seminars, conferences, cascade dissemination of knowledge programmes, etc. Training School in Orsova provides continuous training to border police agents in Schengen-related areas, foreign languages, IT and communication and use of databases). Continuous training is provided also by the Constanta and Iasi training schools.

Regular further training courses are provided in:

- foreign languages,
- information technology and
- for the staff to be deployed to peacekeeping missions.



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## 3.6.6. *Language training*

Language training is carried out through courses in the RBP further training schools, at the MAI's Post Graduate Training Centre in Bucharest and through individual training.

Within each structure of RBP (GIBP, BPD, CIBP) a current state of knowledge concerning foreign languages skills was established. In order to cover the discovered lacks, a plan for improving the situation was drafted at the level of the MAI. It contains the number of people who require foreign language knowledge, the priority target groups and the way to provide the training.

## 3.6.7. *Specialized document checking training*

Specialized training related to document checking is provided:

- during the basic border police training. The curricula for border police officers and agents provide for the theoretical knowledge and practical skills necessary for examination of travel documents;
- as a continuous training, organized in the RBP units for the discovery of forgeries in documents and visas. This training is carried out by the trainers from the initial and continuous training schools or by the document experts of the regional and local units of the RBP;
- by trainers with operational attributions in the border crossing points;
- by trainers from the marine structures, which carry out examination on documents and visas.

## 3.6.8. *Specialized training for different managerial levels*

The range of courses consists of career development courses (basic training, courses for getting higher ranks, holding managerial positions, changing the line of work).

## 3.7. **Readmission, expulsion and illegal immigration, carriers liability**

### 3.7.1. *Administrative structures and coordination*

There are the following readmission-agreements in force

- with 23 Schengen States

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

- with 3 EU Member States
  - United Kingdom of Great Britain and Northern Ireland
  - Ireland
  - Bulgaria.

- with 9 third countries

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

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

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

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

## 3.7.2. Refusal of entry [check Art. 105 of GEO 194]

Decisions on refusal of entry at the border are taken by the designated officers in command of the border crossing points (head of the BCP or the team leader). The procedure of refusals of entry is implemented as set out in the Schengen Borders Code and the standard form for refusal of entry at the border has been introduced. Alerts on third country nationals for refusal of entry are being stored in the IT system of the Romanian Immigration Office.

For the BCPs at the EU-external border proposed for the evaluation of the landborders, the Romanian authorities provided EvalCom with the following figures:

REFUSAL OF ENTRY 2009										
	A	B	C	D	E	F	G	H	I	TOTAL REFUSAL OF ENTRY
BCP SIRET	0	0	293	7	12	25	54	5	0	396
BCP VICSANI	0	0	46	0	2	0	0	1	0	49
<b>SUCEAVA TOTAL</b>	<b>0</b>	<b>0</b>	<b>339</b>	<b>7</b>	<b>14</b>	<b>25</b>	<b>54</b>	<b>6</b>	<b>0</b>	<b>445</b>
BCP IASI	0	0	17	0	24	6	24	1	0	72
BCP SCULENI	8	2	200	0	255	27	31	14	13	550
<b>IASI TOTAL</b>	<b>8</b>	<b>2</b>	<b>217</b>	<b>0</b>	<b>279</b>	<b>33</b>	<b>55</b>	<b>15</b>	<b>13</b>	<b>622</b>
BCP ALBITA	2	1	140	1	173	12	60	39	3	431
<b>VASLUI TOTAL</b>	<b>2</b>	<b>1</b>	<b>140</b>	<b>1</b>	<b>173</b>	<b>12</b>	<b>60</b>	<b>39</b>	<b>3</b>	<b>431</b>
BCP MORAVITA	1	0	85	0	2	1	13	1	0	103
BCP STAMORA MORAVITA	0	0	0	0	0	0	0	0	0	0
<b>TIMIS TOTAL</b>	<b>1</b>	<b>0</b>	<b>85</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>13</b>	<b>1</b>	<b>0</b>	<b>103</b>
BCP ORSOVA	0	0	16	0	0	0	0	0	0	16
<b>MEHEDINTI TOTAL</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16</b>
<b>TOTAL</b>	<b>11</b>	<b>3</b>	<b>797</b>	<b>8</b>	<b>468</b>	<b>71</b>	<b>182</b>	<b>61</b>	<b>16</b>	<b>1617</b>

## 3.7.3. Asylum applications

The Romanian legislation on asylum is represented by Law no. 122/2006 on Asylum in Romania which also regulates processing of asylum applications at the border crossing points. The Romanian institution responsible for interviewing, analyzing the grounds invoked and taking the decision regarding the asylum application is the Romanian Immigration Office (RIO). An asylum application lodged to the officials of the Romanian Border Police in a border crossing point is forwarded to the competent structure of the Romanian Immigration Office (RIO), which will analyze it and pronounce on it within 3 days from the date it was received. The Law no. 122/2006 on asylum in Romania provides also the asylum procedure at the border.

The alien who applies for asylum in Romania upon entry shall remain in the transit area of the border crossing point, until receiving either the positive decision for entering Romania or the final decision of rejecting the asylum application, but no more than 20 days after entering the transit area.

If, after the expiring of that period the asylum application is not solved by an irrevocable decision, the alien will be allowed to enter Romania.

The asylum seeker may be accommodated within special accommodation centers placed near the border crossing point, having the legal regime of the transit area. There also are 5 open centers for the reception of asylum seekers. From a moment of submitting of an asylum application, the applicant is entitled to legal and social assistance and to humanitarian aid from the non-governmental organizations competent in refugee matters, as well as from the UNHCR's representation in Romania.

If the asylum application is submitted by an illegal immigrant detained at the border between border crossing points this person will be transported for following asylum procedure to a respective BCP.

After carrying out the interview and analyzing the grounds invoked, correlated with the data on the status in his/her origin country, the officer from RIO will decide to grant a form of protection and access in Romania or to grant access in Romania and to an ordinary procedure of asylum, if the asylum application cannot be rejected as being manifestly unfounded; or reject the asylum application as being manifestly unfounded. If the preliminary decision is refusing the application as obviously manifestly unfounded, the person has to leave Romania immediately.

Against a decision of rejecting the asylum application, the alien can lodge a complaint two days after the communication of this decision. This complaint has to be lodged to the competent court. The court will solve the complaint in 5 days and will deliver a decision, by which it either admits the complaint, grants access in Romania and holds the case for solving in ordinary procedure or maintains the decision of RIO.

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

As the following table finally shows, most of the asylum applications in Romania are placed within the country.

YEAR	Asylum applications	Asylum applications submitted at the land borders BCPs
2007	657	0
2008	1092	3
2009	835	1

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## 3.7.4. *Removal and readmission of persons who are not admitted or who are found illegally present (identification, detention, issue of documents, escort, financing)*

The administrative structures responsible for readmission and expulsion are the Romanian Immigration Office and the Romanian Border Police. The Border Police is usually involved in cases of fast-track readmission procedures when the persons are detected after illegally entering the country or at the moment of crossing the border.

The Return and Escorts Unit within the RIO has the responsibility to organize and implement all the necessary measures to ensure the return of illegally staying third country nationals and the actual implementation of transfers based on Dublin Regulation.

The legal framework which ensures the removal of illegal alien residents is the G.E.O. no. 194/2002 on aliens' regime in Romania.

The return decision is an administrative act of the RIO giving the alien the opportunity to leave the country unaccompanied within particular periods of time (15/30/90 days).

The alien is obliged to take the necessary measures (e.g. to procure himself a travel document, flight ticket, etc.) to insure that he/she will leave the Romanian territory within the time limit provided for in the return decision. Prerequisite for the voluntary return is that the alien's identity is certain.

A decision on return under the escort (the forced removal) is issued in the cases when

- the alien did not follow a decision on unaccompanied return within the given period of time;
- the alien entered Romania illegally;
- the alien has been declared "undesirable person" on the Romanian territory on national security or public order grounds;
- the expulsion is foreseen by the Romanian Criminal Code as a security measure and ordered by the judicial authorities in criminal cases in addition to the penalty prescribed by the criminal law;

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

Over 90% of the return decisions are complied with within the given period of time.

Approximately 85% of the cases, where the measure of return under escort is ordered, are successfully dealt with (in 9 - 9,5% of the cases the measure cannot be implemented due to the fact that the concerned aliens apply for asylum, after the measure of return under escort is ordered).

If the measure cannot be implemented within 24 hours (due to the lack of travel documents), the alien is taken into public custody (administrative detention) for a period of 30 days, based on decision which will be taken by a prosecutor upon RIO's request. The period of public custody can be extended with 5 months upon RIO's request submitted to the Bucharest Court of Appeal. During the detention period, the Return and Escorts Unit takes all the necessary measures to identify the alien and acquire a travel document.

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

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

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In both cases the appeal has suspensive effect.

The aliens who cannot be returned/expelled may be granted tolerated stay on Romanian territory. The tolerated stay status is not equivalent to a right of stay on the Romanian territory and ceases when the reasons for granting this status are not longer fulfilled. Tolerated stay is granted for a period up to 6 months and may be extended for new periods up to 6 months until the cause for granting is gone. Tolerated stay has territorial validity limited to the competence area of the RIO structure, which granted it.

Escorted removal is finally carried out by the specialized staff of RIO for aliens who did not voluntarily leave the territory of Romania on expiry of the term provided by the decision of return, who have illegally crossed the state border, who have been declared undesirable or against whom the measure of expulsion has been ordered.

As regards the total number of the escorted returns, divided into the number of escorted carried on to BCP respectively country of origin the Romanian authorities provided the following table:

YEAR	Persons	Escorted to BCP	Escorted to the country of origin
2007	431	416	15
2008	394	384	10
2009	392	348	44

Each year, approx. 90% of the apprehended aliens were returned under escort to Border Crossing Points, and the rest to their country of origin. For instance, in 2008, 384 aliens were escorted to BCP and 10 to their country of origin.

Questioned about the decrease in escorted persons from 2007 to 2009 the Romanian authorities gave the following reasons:

- A better communication of the officer's with the aliens apprehended and their awareness of the consequences which may result from non-compliance the term provided by the decision of return.
- Increasing number of aliens who benefits from assisted voluntary humanitarian repatriation, actions carried out by the Romanian Immigration Office jointly with international organizations and NGOs in the field.
- Regulating the stay right of some of the aliens apprehended.

### 3.7.5. Means deployed to combat illegal immigration networks

The Romanian Border Police has the competence of investigating the smuggling of migrants, implying a person or a group of persons which address a guide in order to be crossed over the border. RBP has a general competence of a police force to detect deeds, including the trafficking in human beings, after the completing of preliminary investigation having to notify the prosecutor, who will decide upon the competent authority to continue the investigation and the necessary measures to be taken

The Directorate for Countering Illegal Migration and Cross-Border Crime of the GIBP is a specialized structure in coordinating the identification and investigation of illegal migration and cross-border crime, activities related to prevention and countering of illegal migration and countering cross-border crime, coordinates risk analysis activities at the level of the RBP, performs forensic activities as well as the experts specialized in false or falsified documents in the border zone.

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The National Police has the competence over cases of persons determined to cross the border for exploitation purposes at destination (trafficking in human beings) and has received the competence of investigating trafficking of human beings for exploitation purposes (for reasons of efficiency under one single authority) from the Border Police in May 2009.

## 3.7.6. *Implementation of carriers liability*

According to provisions of Article 7 (carriers' obligations) paragraph 1 of the G.E.O. no. 194/2002, carriers are not allowed to bring aliens which do not fulfill the entry conditions into Romania. According to the provisions of Article 7 paragraph 2 and 3 if a carrier doesn't respect the above obligations the carrier shall be bound to ensure and bear the immediate transportation of the respective alien to the place of embarkment or to other place accepted by the alien or where the alien is accepted. If these actions are not possible, the carrier has to bear all the expenses regarding the accommodation, subsistence and all the other expenses related to their return.

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

The provisions of Council Directive 2001/51/EC of 28 June 2001 were implemented in the Romanian legislation by G.E.O. no.194/2002 on the aliens' regime in Romania. The amount of applicable financial penalties is between 5,000 and 15,000 RON (approx. EUR 1879 to 5639).

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# RESTREINT UE

## 4. REPORTS ON INDIVIDUAL SITES VISITED

### 4.1. Border Police Sector SIRET

EvalCom visited the following sites:

- Border Crossing Point Vicsani (railway)
- Border Crossing Point Siret (road)

#### 4.1.1. General Information

##### 4.1.1.1. Environment, structure of border crossing point, organizations, traffic, threats, crime statistics

The Border Police Sector SIRET is located at the northern Romanian – Ukrainian border 42 km from Suceava between landmark 819 and landmark 846 in Suceava County. The neighboring counties are Maramures and Botosani. The BPS SIRET contains the BCP (road) Siret and the BCP (railway) Vicsani.

The BCP (road) Siret (corresponding Ukrainian BCP Porubne) is situated 42 km north of Suceava and 20 km away from Rădăuți, the residence of the BPCI Suceava on the European corridor E85 and was opened in 1965. The current premises were built in 2002.

The BCP contains 4 entry- and 4 exit-lanes for cars (and busses), and 3 entry- and 3 exit-lanes for lorries.

At the BCP there is the Common Contact Point Porubne (run together with Ukraine, premises on both sides of the border).

The amount of daily traffic at this BCP is the following:

Type of vehicle	2007		2008		2009	
	vehicles	persons	vehicles	persons	vehicles	persons
Cars	1351	3720	1642	4898	1775	4530
Lorries	146	146	182	182	141	141
Buses	11	330	13	360	14	420

The BCP (railway) Vicsani (corresponding Ukrainian B.C.P. Vadu Siret) was opened in 1961. The amount of traffic at this BCP is the following:

Year	Number of trains per year	Number of trains per day
2007	3.774	10
2008	3.313	9
2009	2.412	6-7

Year	Number of persons per day/per year	EU-Citizens/Third-country nationals per day/per year	
2008	186/62.721	57/20.952	129/41.769
2009	185/67.572	59/21.538	126/46.034

## 4.1.1.2. Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross border cooperation)

The Suceava Border Police County Inspectorate is responsible for border control in Suceava County area. Operational duties are carried out by the following four border police stations: BPS Izvoarele Sucevei, BPS Brodina, BPS Vicov and BPS Siret. Only the BPS Siret has BCPs (Siret and Vicsani).

Interagency cooperation at regional and local level is based on Memoranda of Understanding between the Border Police and relevant authorities. Cooperation includes e.g. regular meetings, joint checks, joint investigations and exchange of information as regards risk analysis. At the BCP Siret joint checks are in place both in passengers and cargo traffic and EvalCom noticed that cooperation between the Border Police and Customs was at adequate level.

International cooperation with the Ukrainian Border Guard Service is based on an agreement between Romania and the Ukraine. The agreement regulates the bilateral border system. There are border delegates meeting monthly (additional meetings possible, when needed). There are also meetings once during every shift carried out by shift leaders (additional meeting i.a. on possible false documents possible).

The BCP Viscani cooperates with its corresponding Ukrainian BCP and exchanges information concerning e.g. nationalities of passengers, delays in train traffic and unclear cases as regards travel documents.

The BCP Siret is finally also one of the FRONTEX Focal Points. During 2007-2009 totally 27 guest officers have been working at the BCP.

## 4.1.1.3. Risk analysis and intelligence functions

Risk analysis at Suceava County Inspectorate is based on national risk analysis made by General Inspectorate of the Romanian Border Police as well as analysis done by its subordinate border police sectors. The regional risk analysis covers threats and risks in green border surveillance as well as in activities at the BCPs. The given risk-analysis serves as a basis for the planning of border management.

In addition to the two policemen at each County Inspectorate each BPS has a Risk Analysis Compartment. The specialized officers within the Risk Analysis Unit also develop risk indicators, risk profiles and typical modus operandi of cross border crime provides (by using the two databases ENO and eRaportare) and produce:

- daily informative reports,
- monthly operational analysis, and
- when the situation imposes also risk indicators and risk profiles.

These products are used in daily planning and are taken into account when carrying out the 1<sup>st</sup>- and 2<sup>nd</sup>-line checks.

Risk analysis covers the fields of illegal immigration and other cross border crime. At the local level, the risk analysis is based on the following data and information:

- Events at the border: crimes, petty offences etc;
- The volume of traffic at the border;
- The number of checks and controls at BCPs (I-line and II-line);
- False / forged travel documents detected;
- The number and motive of refusal of entry;
- Asylum applications at BCP;
- Information obtained from illegal migrants interview forms;



- The information received from the persons returned by the border authorities of the neighboring countries, in order to establish the *modus operandi* and to identify the declared routes;
- Information obtained from other sources;
- Information collected during prior acts of criminal investigation, in order to determine the *modus operandi* for all types of crimes recorded at the level of the BCP;
- Data and information received from other authorities (Customs, Police, local authorities etc.);
- Intelligence reports;
- Analysis received from the G.I.B.P. and C.I.B.P. Risk Analysis Units;
- Analysis received from FRONTEX Agency.

Data and information are collected, collated and evaluated in the way described above.

#### 4.1.2. *Infrastructure and equipment*

##### 4.1.2.1. Signposting

When approaching the BCP traffic signalization clearly marks the separate lanes intended for lorries, personal vehicles and buses.

All traffic lanes at BCP Siret are also marked with signposting, however the pictograms of the signposts are not fully in line with those set out in the Annex III of the Schengen Borders Code (526/2006). The signposts marking lanes for EU/EEA-/CH-citizens are also fixed and cannot be changed in a way that the same lane could be used for EU/EEA/CH and then for third-country-nationals. However EvalCom was explained that in few months the existing signposts will be replaced by electronic tables making them fully in line with Schengen Borders Code and also flexible (tables will also allow switching between "EU/EEA/CH" and "All Passports").

The traffic lights are installed to indicate, whether a lane is opened for traffic. However at the area for the controls of cars and buses on entry the lights were positioned behind the control-booths and thus not visible. Traffic lights on the exit-side as well as on both sides of the lorry-terminal, were positioned appropriately and visible from the distance. However during the EvalCom visit, none of the traffic lights were operating, except one on the exit of cars, which had a red light on despite the fact that it was open for traffic.

##### 4.1.2.2. Lanes for checks

At the BCP Siret there are separate lanes available for personal vehicles, buses and lorries. There were no physical barriers preventing the mix of passenger flows from all lanes on entry and exit.

The number of lanes seems to be sufficient for the intensity of the traffic, however EvalCom was explained that it is a low season, hence traffic is not so intense.

Due to the position of the control booths, there is no place available for the Border Police Officer to direct a vehicle on the side for the more thorough examinations. This can cause unnecessary congestions during the increased traffic. Nevertheless infrastructure of the BCP allows for Border Police Officer to easily direct vehicle to a special garage for thorough second line inspections.

All lanes are already equipped with Automated Number Plates Recognition System (ANPR), however it was not yet functioning at the time of the EvalCom visit (system to be put to operation in the next weeks).

Lanes for checks are currently not monitored by cameras (planned to be installed).

Each lane is closed by the barrier (operated by the first line officer).

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Border check procedures at BCP Vicsani were carried out on the train, while waiting at the railway station, and no special lanes for checks exists.

## 4.1.2.3. Control facilities

At the BCP Siret the booths for the check of the personal vehicles and lorries are positioned in a way that enables first-line officers to perform face-to-face border checks and to clearly see all passengers in the vehicle. There are no special facilities available for check of buses.

Concerning buses, EvalCom was told that the entry control depends on whether the bus is on a regular line. If so, the passengers have to leave the bus and the documents are checked separately in the booth, whilst the bus is checked. If not, the passengers can stay on the bus for the document check and the border police comes on the bus (EvalCom was told that the procedure was based on risk analysis).

A special room for interrogation and second line checks on persons, as well as another one for second line inspection of documents is available in the administration building.

A garage, which is operated by the Customs and can be also used by the Border Police, is situated between lorries and passenger terminal. The garage can be easily accessed both on entry and exit, since a special road, not intended for other traffic, leads to it. In case a vehicle is set for thorough second line checks, it is always escorted by Border Police Officer to the garage (equipped with forklift and all necessary equipment for dismantling a vehicle; also video scope and endoscope at the disposal of the officials).

First line border check facilities at the BCP Vicsani were under reconstruction at the time of the visit. Room for second line checks of documents and interrogation room are also available in the main railway station building.

## 4.1.2.4. Equipment: first line, second line, mobile

All control booths are equipped with the following first line equipment:

- Computer with access to border police databases and Intranet. Over the Intranet electronic version of the Schengen Handbook and other relevant EU legislation, exit/entry database, eSIF (border police database on vehicles and persons), ENO, eReporting, and specimens of different travel documents,
- Docutest,
- OCR reader with UV light and biometry,
- Set for checking of documents (10x magnifying lens, pocket microscope, portable UV lamp, tweezers, 3M light),
- Entry and exit stamp,
- Fixed telephone line.

Each entry/exit lane was also equipped with cameras for automated number-plates recognition (ANPR), however the system was not yet in function.

Entry/exit stamps were appropriately stored in a safe at shift leader's office at both visited sites and are in line with the format and specifications (metal stamp), set out in the document SCH/Gem-Hand (93) 15.

# RESTREINT UE

The following second line equipment is available in the Administration building of the BCP Siret and in the railway station at BCP Vicsani:

- Computer with access to border police databases and Intranet. Over the Intranet electronic version of the Schengen Handbook and other relevant EU legislation, exit/entry database, eSIF (national police database on vehicles and persons), ENO, eReporting, iFADO, EUVID, visa issuing database, and specimens of different travel documents,
- Docubox Optoelectronica VFR100 connected with computer,
- Microscope with fibre optics lights source, and
- OCR reader with UV light and biometry.

The following second line equipment is additionally available at BCP Siret:

- Contraband detector Buster,
- Explosives and narcotics detector Sabre 4000,
- Device for measuring thickness of the car paint,
- Heartbeat detector on lorries terminal,
- X-ray machine for scanning of lorries, and another one for luggage,
- Endoscope,
- Videoscope,
- Radiation detection gates, and
- CO<sub>2</sub> detectors.

It was noted that some of the second line equipment (Sabre 4000, Buster) looked fairly new, despite it was delivered around four years ago, and was stored in room for second line checks, although it would be more useful at first line border checks (implies rare use).

At the railway BCP there were portable checking devices with OCR and fingerprint readers connected with mobile TETRA radio stations for data transfer in use for mobile border checks.

Border Police Officers were familiar with use of the equipment. There are specially trained officers for use of the second line equipment, who then pass their knowledge to other colleagues (train-the-trainer-system).

## 4.1.2.5. Communication

At the BCP Siret all control booths are equipped with fixed telephone lines, which enable calls to TETRA radio stations. Border police officers who were securing the lanes and performing the check outside the booths were equipped with mobile TETRA radio stations.

The railway BCP Vicsani is equipped with fixed telephone lines as well as TETRA radio stations. A special fixed telephone line used only by dispatcher of the railway BCP Vicsani is used for a daily communication with the dispatcher in the Ukraine to exchange passenger information on arriving train. All border officers were also equipped with mobile TETRA radio stations.

## 4.1.2.6. Transportation and mobility

There is only one personal civilian vehicle available at the BCP Siret and no vehicle available at the railway BCP Vicsani.

## 4.1.2.7. Access control / fencing

There is no fence separating the area of railway BCP Vicsani from the surrounding area. Also No CCTV cameras are installed, however computers for the surveillance system are already installed, and cameras are to be installed shortly.

The entire area of the BCP Siret is fenced in, yet there is no fence between the entry and exit lanes and between the area for controls for cars and buses and the lorry-terminal. Some separation of entry and exit traffic is provided due to the position of the Administration building, nevertheless passengers can mix. Currently no CCTV camera system is operating at the BCP Siret, however the poles for the cameras together with traffic lights are already prepared (it is planned to set up a perimeter control system composed of four 360° CCTV cameras with IR vision at BCP Siret). Also barriers are installed, but not in use yet. There are reflector poles around all BCP area, nevertheless currently populated with public lights. Since it was daylight during the visit, EvalCom could not test whether the light was actually sufficient. Lights under the roof of border check area seems to be sufficient, except of those above the both entry/exit lanes that are closest to the Administration building.

## 4.1.2.8. Detention / readmission premises

At the railway BCP Vicsani there are no detention or readmission premises.

At the BCP Siret there are detention /readmission promises, situated in a main administrative building, close to the shift leaders' office, available. However detention promises are surveyed only physically by the responsible Police Officer, since the facilities are not under video surveillance.

## 4.1.2.9. Storage of blank visa

Visas are appropriately stored in the safe at the shiftleaders office.

## 4.1.3. Controls and procedures

### 4.1.3.1. Traffic handling / traffic modes

At the BCP Vicsani there is daily one passenger-train on entry and on exit (Moscow - Kiev - Bucharest – Sofia).

There is also a daily average of 5 cargo trains.

The traffic is divided in 4 lines: one with normal gauge and one with wide gauge on entry and exit.

At the BCP Siret the number of lanes is 4 on exit and 4 on entry. On entry, there are 3 lanes both for cars and busses and one lane for CD. At exit there is one lane for both CD and cars, 1 lane for car traffic, 1 lane for both buses and cars, and 1 lane for buses only.

For lorries, there are in a separated area 3 lanes for entry and 3 for exit.

## 4.1.3.2. Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)

At the BCP Vicsani entry and exit checks are performed while the persons remain in the train. The train remains about 45 minutes in the train station for entry controls and 25 minutes for exit controls. Information about the nationality of the passengers on board is received in advance. Controls are done by 3 border police officers: one enters the train in the back, one in the front and another one controls the train personnel. The latter is also responsible for surveillance. Beside these additional border policemen perform physical checks on the interior and the exterior of the train together with customs workers. At the time of the visit also a sniffer dog was brought on the train in order to find narcotics, whilst the border police officer was looking for hidden persons. Actual checks in the train are done jointly between the border police and the customs in a way that customs do the checks before the border police.

When EvalCom monitored the controls it was found that the mobile devices to do the document checks did not work. However, the border police officer solved the problem in the way that he performed visual checks and then brought the documents to the first-line-office, where he performed the checks in the databases.

At the BCP Siret, there are two border police officers per lane who dispatch the traffic, both on entry and exit.

On entry and exit, the documents of the persons are checked by a border police officer; meanwhile the customs and another border police officer do the vehicle check.

On exit, the same procedure was followed.

The lorries are controlled in a separate lorry-terminal (on entry and exit, one border police officer and two customs officers check the lorries and the documents). Adequate technical equipment to perform a more thorough control, i.e. the heartbeat-detector, the CO2 meter and X-ray scan was available.

Summing up checks at the BCPs Vicsani and Siret are carried out professionally and mainly in accordance with the Schengen rules.

Persons enjoying Community right of free movement undergo a minimum check. Databases are consulted non-systematically and this is based on profiling.

Third-country nationals are subject to thorough checks which include also the systematic consultation of databases. The technical equipment for document verification was used. EvalCom noticed the checking on the financial means and the purpose of stay. Extra attention was paid on the control of children.

Stamping was mainly done according to the SBC (even the personnel of the train was stamped every time on entry and exit), however the EvalCom noticed that in some passports the stamps were put in the MRZ.

## 4.1.3.3. Utilization of registers

In the first line of border checks third country nationals are checked in the alerts database of the Romanian Border Police. This database includes alerts on travel documents, persons and vehicles inserted by the law enforcement authorities. A special border checks application – e-SIF - is used for access to this database.

In addition to the alerts database e-SIF provides access to:

- an aliens' entry and exit register;
- a national register of specimens of travel documents and of detected false, forged or counterfeit travel documents;

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- a database of Schengen legislation, Schengen Handbook and national instructions for implementing of the Schengen Borders Code;
- a database of risk profiles and
- e-Learning.

The entry- and exit-application allows for the simultaneous interrogation of other databases accessible from the second line. One single response is being provided upon selection the respective fields by a member of the border police (Visa-on-Line, e-ASF Interpol, Stolen vehicles and Wanted persons).

When carrying out thorough second line checks following databases can be utilized by border guards additionally:

- EUVID – information on specimens of registration certificates, chassis serial number, car keys, etc.
- iFado
- all the items comprised at the 1<sup>st</sup> line

#### 4.1.3.4. Utilization of the Schengen Handbook

The Schengen Handbook, including annexes, was easily accessible on the Intranet and border guards could find it without any problems, together with other national and European legislation. It was not available on paper.

#### 4.1.3.5. Processing of refusals and asylum applications

Refusals of entry are carried out in the second line. The corresponding decision is taken by the head of the BCP, and in his absence, by the shift leader. A standard form in compliance with Annex V to the Schengen Borders Code is used.

The following number of refusals of entry were reported:

	<b>BCP Vicsani</b>	<b>BCP Siret</b>
2007	78	491
2008	67	526
2009	49	396

Vicsani: Out of the 49 reported for 2009 46 did not had valid visa or residence permit, two did not have appropriate documentation justifying the purpose and conditions of stay and one had an alert in the national register. In 2009 the top nationalities were Ukraine, Russian, Republic of Moldavia, Guinea and Belarus.

The main threats at the BCP were attempts to illegally cross the Romanian – Ukrainian border by using false or forged documents.

Siret: In 2009, 396 persons were refused to enter Romania mainly because of no valid visa or residence permit (293). Top nationalities in 2009 were Ukraine, Armenia, Russian Federation, Republic of Moldova and Turkey. The main threats of illegal immigration at the BCP were hidden persons in means of transportation and attempts to illegally enter Romania by using false or forged documents. In 2008 one Moldovan citizen was detected using a false Belgian ID-card for foreigners and one Ukrainian citizen using a forged Romanian visa. In 2009 were detected 7 Moldovan citizens using false residence permits (4 Italian and 3 French).

In 2008, 2 citizens of Cuba tried to illegally cross the Romanian – Ukrainian Border using false Spanish residence permits), 1 Moldovan citizen was detected using a false Belgian ID-card for foreigners and 1 Ukrainian citizen was detected using a forged Romanian visa.

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If a person is denied entry at Vicsani BCP, he is immediately sent back to Ukraine and has to wait in the waiting room of the railway station before he is sent back to Ukraine with the next train.

In 2008 there were further 4 asylum-cases (2 citizens from TK, who applied for asylum after having been returned from the UKR, 2 citizens of Cuba ). In 2009 there were two applications for asylum (1 citizen from the Russian Federation and 1 Greek citizen (of former Russian origin) claiming that he was unable to return to the Russian Federation).

There were no formal readmission-cases at the mentioned BCPs.

In 2009 there were 2 asylum applications at the BCP Siret and none at the BCP Vicsani. EvalCom was told that in case of asylum application the proper form is issued. The Romanian Immigration Office comes to the BCP upon short notice to take the person over from the border police and bring him to a reception facility centre for asylum seekers located 24 km from the BCP.

## 4.1.3.6. Issuance of visas

In the years 2007 – 2009 there were in total 13 visas issued at the border (BCP Vicsani: 4/2/0, BCP Siret: 3/4/0)

Stickers are being filled in electronically and registered in Visa-on-line system and by hand in a dedicated register, in accordance with art. 5 (4) b).

The initial decision to grant the visa is taken by the head of the BCP and, in his absence, by the shift leader. For the cases of national interest or international obligations, the General Inspectorate has to be consulted first and in case of approval, the BCP is allowed to grant the visa.

At the BCP Vicsani, the visa, i.e. 5 blank EU Common Visa Stickers and 1 form for Loose Leaf Visa, were kept in a metallic locker, however not in a safe box. In 2008, 2 visas were delivered to Ukrainian citizens, based on humanitarian reasons; in 2009 no visas were delivered. There were also none noted in the visa register.

At the BCP Siret, the visa, i.e. 5 blank EU Common Visa Stickers and 2 forms for Loose Leaf Visa were kept in the dispatch room in a metallic locker in a metallic safe box. In 2008, 4 visas and in 2009 no visas were issued and noted in the visa register. The visas were delivered to Ukrainian citizens and were based on humanitarian circumstances. No collective visas are issued.

## 4.1.3.7. Second line activities

Second-line activities consist of second-line verification of entry conditions of third-country nationals, thorough scrutiny of travel documents, refusal of entry, issue of visas and initial activities in case of asylum applications. For second-line checks, passengers are informed according to article 7.5 of the Schengen Border Code by means of a form. All second-line checks are recorded in a book and in a 2<sup>nd</sup> line application (e-Back-Office).

At the BCP Vicsani, the second line activities took place in the railway station premises, due to reconstruction. However some verification of the documents took place in the premises of the BCP.

At the BCP Siret, the second line activities took place in the room with equipment to detect false or falsified documents and in the dispatch room.

## 4.1.4. Border surveillance

### 4.1.4.1. Tactics applied, including system of border patrolling, command and control

Land border surveillance is performed as a “three-line-model” with tactical measures and patrols implemented in the following three alignments:

- the first alignment referring to a distance of maximum 50-100 meters inwards from the border line,
- the second alignment referring to either the first communication line parallel to the border or, according to the situation, at a distance of up to 5-10 km inwards from the border line and
- the third alignment referring to a distance up to 10-30 km inwards from the border line.

Surveillance of the green border is provided as follows:

- pedestrian patrols
- mobile (car) patrols and
- mobile (car) patrols endowed with thermo-vision equipment
- joint mobile patrols (with National Police)

The BPS Siret is responsible for surveying 16,3 km of the borderline to Ukraine by having on average 12 officers/agents per shift on duty. Along the border line there is a *protective stripe* which helps to detecting the tracks after the illegal border crossing. The EvalCom looked at about 1 kilometer long part of this stripe, and was informed by the local authorities this system is covering mainly every part of the border line. The stripe is checked once in every 24 hours. The area of responsibility is divided into high-risk and low-risk areas. Human and technical resources are concentrated in high-risk areas in order to prevent from illegal activities at/across the borders. One of these high-risk areas also covers the international train track (Moscow – Sofia; see BCP Vicsani) and is especially surveyed by one mobile patrol and one extra patrol with thermo-vision device in times of traffic from the very borderline inwards.

A comprehensive risk analysis model exists on central level and information on profiling and situational description is reported top-down to the operational and tactical level on regular basis. Subsequently this serves as the basis for determining risk areas within the area of responsibility as well as for adjusting/amending already existing situational images. The preparedness of the RBP was found suitable and effective (although the joint approach and the involvement of the Customs Authority could be further strengthened).

The way how border police officers are prepared for duty by providing briefings (electronically, on hard-copy and personally on the situational picture) in combination with the recording for follow-up verification whether officers/agents have been briefed and therefore were made aware of the situation prior to their duty can be considered as good practice.

The overall tactical concept of the BPS Siret was in principle found suitable and in line with Schengen Borders Code and Schengen Handbook. The implemented system of patrolling was found flexible and precise enough to meet the operational requirements. Back-ups, namely the BPS intervention team, are in place and can be further supported by patrols of neighboring sectors as well as by National Police patrols if needed.

As regards airborne border surveillance this is organized on regional level and only available if the aircraft/helicopter is present straight at that time in the very sector.



# RESTREINT UE

## 4.1.4.2. Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border)

The area of operation (AOR) of the BPS Siret is mainly open farmland area with some hills in between. The surveillance strategy is mainly based on mobile units equipped with thermal and night vision capacity. There is no stationary technical surveillance system on the ground outside the BCP. The borderline itself is monitored with one foot-patrol in 24 hours. The AOR is divided in four separate high-risk zone based on risk analysis. The main hotspot is the vicinity area of the Siret BCP. On the border section there are 4 risk areas. The risk areas are observed 24/7 by stationary patrols equipped by daytime with binoculars and night time with portable thermal-vision- or night-vision-equipment.

At the first and second line of the border surveillance system there are also foot-patrols and mobile-patrols. There is no stationary technical surveillance system along the border line. The Romanian Border Police informed the EvalCom that a sensor system will be deployed to the vicinity area of the BCP Siret until the end of 2010.

There are, according a monthly operational plan, daily joint patrols with the national police at the third line of the border surveillance system. The main task of these joint patrols is to combat cross-border crime, to perform follow-up controls, and to detect overstayers.

The possibility for the joint patrolling with the customs is available but there are not any joint patrols. There are joint operations according operational plan average 2 times per year.

The shift leader, taking his decision after a “handover” with the outgoing team that shares all the actual information on the situation in the AOR decides on daily basis, when and where the mobile unit shall execute their surveillance. The Shift leader also receives actual intelligence information and risk analysis from the risk-analysis office. The executive officer on this office prepares daily information that includes a summary of all information needed to carry out the border surveillance.

Tactical management during daily basis or joint actions with other units is also taken care of by the Shift leader. Normally, he put him self on the ground where the actual event takes place or joins in to a mobile patrol carrying out border surveillance.

The main illegal activities related to the land border are illegal border crossing and tobacco smuggling. The border police sector has made risk profiles related to these threats which are revised after every new case. The patrols are briefed about these profiles, and they are well prepared and aware of the current situation of the border. There are no results of human smuggling activities and facilitators in this sector. However information has been collected about 70 Moldavian illegal immigrants who entered legally to Romania through BCP Siret. They were partly detected as hidden persons in cars or with false/falsified Romanian documents at the Romanian-Hungarian border.

Cooperation with the Ukraine border authorities is restricted to information exchange, monthly official meetings and to the investigation of border events. There is no operative cooperation with the Ukraine State Border Guards Except of the Frontex joint operations. The cooperation with the local population is on good level.

The BPS has established good routines and procedures in order to work out assessment, situational awareness and risk analysis on daily basis. These routines also include procedures who oblige the staff to read and update themselves on the current situation (information available on paper and on line via the intra-net). The BPS also has online access to their neighboring BPS risk analysis.

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## 4.1.4.3. Reaction capability (ability to encounter incidents – routine situations and situations posing an intensified threat)

The detection capacity is rather limited due to the fact that there are no technical surveillance systems in place along the borderline. Four mobile units equipped with thermal and night vision cameras together with a stationary border surveillance patrol are in charge of observing the border area.

The BPS has no sniffer dog at the moment, which adds to the limited capability to intercept illegal immigrants (especially relevant in cases of bad visibility due to fog).

Along the borderline, there is a soil-gate prepared to leave behind a footprint by the people who walk over it. At the time of the visit, this soil gate was in place and the earth was plowed. In theory, all footprints will be discovered within 24 hours. This can be considered sufficient for the current situation, but it has to be said that they can hardly take care of more than one case at the time due to the given reaction capability.

Basically the green border surveillance capacity meets the minimum requirements. However, EvalCom encourages the Romanian Border Police to reconsider the operational design in order to further strengthen detection and reaction capabilities.

## 4.1.4.4. Availability and permanency of the above mentioned (human and technical) resources

### a) *human resources*

The BPS Siret has a total staff of 170 border policemen out of which 48 are planned for border surveillance. There are four shifts, each of them has a staff of 12 policemen. The shift system operates 12/24/12/48. Each shift consists of the following staff:

- 1 shift leader
- 1 border policeman as driver for the shift leader
- 6 border policemen for mobile, stationary and foot patrols (3 patrols)
- 1 border policeman for joint patrol with the police
- 2 border policemen as intervention team
- 1 border policeman for protecting the BPS building

For command and communication duties there is one dispatcher, located in the BPS, available at any time, but this officer belongs to a separate unit within the organizational structure. Hence it follows that there is an average number of 4 patrols (including a joint patrol with the police) available in the border area at any time. As the shift leader (with his driver) is also in the field most of the time there is a further patrol available. The mobile intervention team is located in the BPS in order to react in an incident.

Concerning dog handlers the EvalCom was told that there are 8 of them available which are located at the BCPs Siret (5) and Vicsani (3). They are only carrying out border check-duties as they are able to detect drugs (7) and tobacco (1). Currently there is no dog existing for carrying out border surveillance (tracking and protecting). The BPS Siret claimed to EvalCom that there is a need of 16 sniffer dogs. Currently a sniffer dog is called from national police if there is an incident.

### b) *technical resources*

The following vehicles are available for mobile surveillance and intervention:

- 6 off-road vehicles (Nissan Pathfinder and Terrano)
- 2 All-Terrain-Vehicle (Quads)
- 1 VW Transporter (with mobile thermo-vision camera)
- 5 other vehicles.

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Explicitly asked the Romanian authorities confirmed that there is no limitation on fuel or distance for the patrol cars existing. The EvalCom was given information that Romania has just signed a contract about 420 new off-road patrol cars (IVECO Masiff) which will be delivered soon.

For technical border surveillance the following means are available:

- 1 mobile thermo-vision camera (based on VW Transporter)
- 1 portable thermo-vision camera (with TV/IR-camera and laser range finder)
- 6 night-vision devices (goggles and binoculars)

Currently there are no stationary technical means installed for border surveillance. However, according to information EvalCom was given, it is planned to implement a stationary border surveillance system built by EADS at the BCP Siret in order to observe the area of the BCP and the surroundings. This new system will consist of a TV/IR-camera (day and night-vision) and laser range finder. It is said being implemented along several points of the Romanian external border and being finished in 2010. The contract with EADS also contains the delivery of several types of night-vision devices in order to at least double the currently available number.

The patrols of BPS Siret use radios on TETRA-standard. There are enough radios available for each vehicle and each border guard on patrol.

## 4.1.5. *Staff and training*

### 4.1.5.1. Adequacy and the level of professionalism

For the time being the human resources in the shift at the two BCPs are adequate to perform a fair quality of the border controls both in the winter time as well as in the peak season.

However, the head of the BCP Siret admitted that after full implementation of Schengen in Romania an increase in the number of policemen should be foreseen in order to deal with the expected increasing illegal immigration pressure.

The level of professionalism is good for the border checks tasks as well as for the surveillance activities.

At the BCP Siret there has been no turnover of the personnel for the last 5 years which shows that the border police has a high level of satisfaction in their work and are devoted to their tasks.

The border police also work closely with Customs and use very often their equipment in joint checks and common patrols.

There have been no cases of corruption within the border police of this Sector.

### 4.1.5.2. Selection criteria

See general part

### 4.1.5.3. Basic training

The overall training policy (see general part) and the organized courses are good enough and have clearly had a positive impact on the level of professionalism of the officers.

## 4.1.5.4. Further continuing education

The Sector organizes local training courses in the various fields of the border management like document detection, EU- and Schengen rules, language-skills, fight against cross border crime and other activities like shooting and investigation.

For the new recruits, there is an induction training period with a tutorship of 1 year for the officers just come out from the police academy and 6 months for agents, while for the officers/agents transferred from other units or changing the specialty, a 3 months tutorship period is compelling.

All officers receive at least four hours per week of on-the-spot training, which is systematic with 3 or 4 trainees being trained for each shift. All workers undergo centralized training once a month for 6 hours.

For document training, the trainers go daily to the booths and train the junior colleagues i.a. on new specimen, new techniques of falsification of documents and information about stolen cars.

## 4.1.5.5. Linguistic skills and training

The linguistic skills of the staff in the first and second line are overall fair enough and apt for the interviews.

Some of the officers have basic knowledge of Russian and other most common languages of the ordinary travelers.

However with noticeable exceptions, the senior and junior managers do not speak English.

Worse is the fact that there is no local planning of training courses in English language. The officers receive some refreshing language courses at basic level organized by the Sector. The Chief of the BCP Vicsani said that he had attended such type of course to update his basic Russian, however, as he said, the senior management has neither time nor funds for their temporary replacement to attend to improve their English language knowledge as well as other languages.

## 4.1.5.6. Specialized document checking skills and training

The officers attend document training courses at the BPS- and BCP-level. Only a few attend specialized forensic courses provided at the border police training academies (these trained specialists then usually become the 2<sup>nd</sup> line document expert and trainer for their colleagues at the BCP).

The overall document checking skills are good.

## 4.1.5.7. Specialized training for different managerial levels

There is no such kind of training course at the local and Sector level. The Border Police academies provide such specialized training but, as EvalCom was told, not many managers are able to attend because of the costs and the local operative requirements.

## 4.1.5.8. Availability and permanency of staff

Under the Suceava County Border Police Inspectorate, the Border Police Sector has the responsibility of two border crossing points: the rail BCP of Vicsani and the Road BCP of Siret.

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The officers of the sector are 170 available above 174 scheduled posts, which makes an excellent situation for the quantitative adequacy of the staff.

15 are officers, 146 are border guards and 9 are administrative personnel.

There are 4 shifts with 31/32 officers employed.

30 officers are deployed for border checks at the BCP Vicșani. 4 working shifts take care of the border check activities for the 24H/7day. Every shift is composed by 7 border police in normal time and 8 in peak periods.

50 (52 in the peak season) officers work in 4 shifts of 12 officers at the road Siret BCP.

The head of the sector is the central coordinator of border control (surveillance and checks) in the area, with direct competence on staff and structure of the Sector. He has the power to organize the shift of the two BCPs and distribute human resources according to his plan and priorities. The remaining staff is devoted to the management (Director and Deputy of the Sector, Head and Deputy for each BCP) the border surveillance tasks, the fight against cross border crimes and illegal migration, the risk analysis, and administrative tasks. Nevertheless, according to the results of the interviews held with the Heads of the two BCPs, they have no power to immediately change the shift organization in order to cope with unforeseen circumstances. These tasks solely belongs to the Sector management.

## 4.1.6. *Readmission, expulsion and illegal immigration, carriers liability*

### 4.1.6.1. Administrative structures and coordination

In the field of readmission and expulsion, two agencies are involved:

- The General Directorate of the Border Police handles returns of migrants intercepted illegally crossing the border.
- The Romanian Immigration Office handles returns of illegal immigrants detected inside the territory.

### 4.1.6.2. Removal and readmission of persons who are not admitted or who are found illegally present (identification, detention, issue of documents, escort, financing)

Persons who are refused entry at the BCP are send back immediately to the Ukrainian authorities. There was no readmission-case reported at the BCPs visited. They observe the contents of the agreement between the EU and Ukraine.

### 4.1.6.3. Particular cases (UMIs, persons constituting a threat for public security)

No cases reported.

### 4.1.6.4. Means deployed to combat illegal immigration networks

The Suceava Border Police County inspectorate has units for combating trans-border crime and for criminal investigations. Nevertheless, the number of criminal cases is rather low, for example at the BCP Siret only 4 cases were detected between 2007-2009

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## 4.1.6.5. Sanctions imposed on carriers

No cases reported.

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*Comments and recommendations of the Evaluation Committee:*

The EvalCom was appreciative of the following facts:

- The procedure of border checks was found in general to be in line with the Schengen provisions and the number of technical equipment for border checks as regards the checks on first and second line as well as on lorries is sufficient.
- The personnel in the booths showed good knowledge of the Schengen provisions (e.g. Schengen Borders Code, Handbook) on the whole.
- EvalCom appreciates the quality of the overall training policy and the training courses for further education organized at local level.
- EvalCom is appreciative of the model used by the RBP in delivering briefings and preparation of officers/agents prior to duty and considers the overall concept including the measures for follow-up verification and controlling as good practice.

The EvalCom took special note of the following facts:

- At the BCP Siret, blank visas and stamps were stored in the dispatch room and locked in metal lockers. Any handling of visas and stamps was properly recorded. At the BCP Vicsani they were in the metal locker, but not stored in a safe box.
- EvalCom appreciates the overall language skills of the junior officers in English as well as in the foreign languages immediately useful for the checks quality. Considering the weak EN language skills of the senior and junior managers and taking into account the need of intense communication with border police of other Member States, the EvalCom recommends promoting such language courses for the managers and supporting them for attending those courses
- EvalCom found positive that the premises for the Border Police at the BCP Vicsani – as it was seen during the visit – were undergoing major renovation and upgrading. EvalCom invites the Romanian authority to also consider providing adequate premises for inadmissible persons at the BCP.
- EvalCom takes note of the near future replacement of current signposting for the separation of traffic flows at the BCP Siret with new electronic tables which will be in full accordance with Schengen Borders Code Provisions and invites Romanian authorities to report on progress.
- EvalCom proposes using the equipment that would enable basic detection of drugs and contraband already at the first line checks at BCP Siret in order to help Border Police Officers taking quicker and easier decision on directing persons or vehicles for second line checks. At the same time EvalCom proposes that all available equipment is put in use at first line, in order to secure maximum efficiency in detecting unlawful activities during the border checks.
- EvalCom welcomes the forthcoming set up of video surveillance of BCP Vicsani and BCP Siret areas and invites Romanian authorities to introduce also an appropriate video surveillance-system of railway tracks at the BCP Vicsani from the border line to the border check procedures area.
- Risk analysis is carried out in a comprehensive manner and does serve as a good basis especially for the patrolling at the green border. However, all agencies involved in integrated border management should contribute similarly in order to elaborate an overall situational image on threats and challenges. The EvalCom encourages also the Romanian Customs authorities to participate more actively in an integrated risk analysis.

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The EvalCom considers that there is room for improvement in relation to the following points:

- As for the organization model, EvalCom recommends to review the current management organization at the BCPs i.a. for flexible assignment of tasks.
- The EvalCom was informed that managers are rarely able to leave from their positions for the duration of the courses currently offered. Taking into account the need for such courses the EvalCom recommends organizing managerial courses for senior and junior managers at local/regional level.
- EvalCom recommends putting traffic-lights in function at the BCP Siret as soon as possible and placing them in a position that would clearly indicate to incoming passengers which lanes are opened for traffic. It is recommended that traffic lights are placed in the vicinity of the signposts that separate traffic- flows.
- EvalCom invites Romanian authorities to improve the visibility at the BCP Siret during the night, especially at the border check area on the entry and exit lanes for cars that are closest to the Administration building. They are currently lit only by ordinary halogen lamps. Replacing them by more powerful reflector lights would add to the quality of checks and also to the security of the officers involved.
- EvalCom recommends to introduce a fence between the lorries and the passenger terminal at BCP Siret, thus preventing mix of passengers on both terminals and possible bypassing.
- EvalCom invites Romanian authorities to consider putting the detention premises at the BCP Siret under video surveillance in case of detention cases would increase in numbers.
- EvalCom recommends to ensure enough vehicles at the BCP Siret for reaction capability in case of emergencies i.e. “violent” entry with a vehicles, and enough vehicles at BCP Vicsani to ensure at least basic mobility.
- Since airborne surveillance is only occasionally available the EvalCom invites the Romanian Border Police to enhance this tactical approach in due time.
- The EvalCom recommends further enhancing the measures for fighting against human smuggling and the trafficking of human beings especially after full implementation of Schengen for Romania.
- The EvalCom came to the conclusion that the timely implementation of the foreseen stationary surveillance system as well as further increasing the number of night-vision devices will be crucial. Romania is invited to finalize the ongoing project as soon as possible. The EvalCom also came to the conclusion that the implementation of further technical surveillance and detection measures should be considered.
- The EvalCom took special note that currently there is no sniffer dog available within the area of BPS Siret. Because of the fact that dogs for tracking and protection are an indispensable part of an efficient integrated border surveillance system, Romania is invited to change this situation as soon as possible.
- As regards the information received about a foreseen future increase of illegal immigration after the Schengen accession and the need of adapting the number of officers to that challenge, EvalCom recommends to provide in time for the appropriate reallocation of human resources from the future internal border to this border sector.
- EvalCom recommends paying more attention to the issue of affixing stamps correctly.

## 4.2. Border Police Sector VICOV

### 4.2.1. General Information

The Border Police Sector Vicov is situated in the northern part of the country, at the Romanian-Ukrainian border, in Suceava County, 45 km away from Suceava and 28 km away from Rădăuți (the residence of Suceava B.P.C.I.). The terrain the border police sector is responsible for is mainly flat (80%) and partly hilly covered with forests (20%). The Ukrainian side of the border is covered with forests. There is a river and some roads parallel with the border line and four settlements are located 2-4 kilometers from the border.

Along the border line there is a *protective stripe* which helps to detecting the tracks after the illegal border crossing.

The main illegal activities related to the land border are again illegal border crossing and the tobacco smuggling. About the 70% of the illegal activities concerning the land border is tobacco smuggling. On the border section there are 4 risk areas. The main hotspot related to illegal immigration is the area between border stones 771-778. The tobacco smuggling activities were mainly detected between border stones 782-790 and 795-803.

### 4.2.2. Border surveillance

#### 4.2.2.1. Tactics applied, including system of border patrolling, command and control

The BPS Vicov is responsible for surveying 28,7 km of the borderline to Ukraine by having on duty 20 officers/agents on average per shift. The area of responsibility is divided in high-risk and low-risk areas. Human and technical resources are concentrated in high-risk areas in order to prevent from illegal activities at/across the borders.

Land border surveillance is performed based on the same “three-line-model” already mentioned for BPS Siret. Also risk analysis is performed in the same way like seen at the BPS Siret. The given information at this BPS showed high engagement and preparedness of all officers/agents involved. However, other agencies involved in border management, namely the National Customs Authorities, could show a better performance in participating in the process of risk analysis.

The way how border police officers are prepared for their duties by providing respective briefings (electronically, on hard-copy and personally on the situational image) in combination with the way of recording for follow-up verification whether officers/agents have been briefed and therefore are aware of the situation and have received all information needed prior to their duty can be considered as good practice.

The overall tactical concept of BPS Vicov in principle was found suitable and in line with Schengen Borders Code, the Practical Handbook and the Schengen Catalogue. The implemented system of patrolling was found to be flexible and precise but behind the operational needs; staffing is rather limited with a view to the numerous settlements near to the borderline in the eastern part of the area of responsibility of BPS Vicov, especially with respect to the lack of detection devices like e.g. perimeter systems or a proper deployment of suitable duty dogs in order to enhance patrolling capacities.

Back-up-teams, namely the BPS intervention team, are in place and can be supported by patrols of neighboring sectors as well as by National Police patrols if needed.

As regards airborne border surveillance this is organized on regional level and only available if the aircraft/helicopter is present straight at that time in the very sector.



## 4.2.2.2. Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border)

The area of responsibility (AOR) of the BPS Vicov is partly a tenanted area whit farmland and forest in between. The topography offers only reduced visibility for observation and detection. The surveillance strategy is therefore chiefly based on mobile units, equipped with thermal- and night-vision-capacity. There is no stationary technical surveillance system on the ground outside the BCP. The borderline itself is monitored with one foot-patrol every 24 hours.

The AOR is divided in four separate high-risk zone based on risk analysis. The risk areas are observed in 24/7 by stationary and foot patrols at the first line of border surveillance system and with mobile patrols and stationary control posts at the second line. There are no stationary technical surveillance systems along the border line, but the patrols are equipped with mobile and portable night-vision and thermal-vision devices. The Romanian Border Police informed the EvalCom there will be 2 stationary thermal cameras deployed on top of 30m high poles, which - depending on the weather conditions - will be able to monitoring about 70% of the border line.

The border-stripe is checked 2 times in every 24 hours. The EvalCom visited to the border line and looked about 1 kilometer long part from this stripe, and found it in bad condition which makes it inappropriate for its function

There are join patrols with the national police at the third line of the line of the border surveillance system on daily basis according a monthly operational plan. The main tasks of these joint patrols are the fights against the cross-border crimes, the follow-up control, and to detect the overstayers.

The shift leader decides on daily basis, when and where the mobile unit shall execute their surveillance. The shift-leader take his decision after a “handover” from the outgoing team, who shares all the actual information in the AOR. The Shift leader also receives actual intelligence information and risk analysis from the risk-analysis office. The executive officer on this office works out daily information that includes a summary of all information needed to carry out border surveillance.

Management on the tactical level during daily basis or joint actions with other units is also taken care of by the Shift leader. Normally, he put himself on the ground where the actual event takes place or joins in on a mobile patrol carrying out border surveillance.

Despite of the realized tobacco smuggling activities there are lacks in the cooperation with the customs. The customs is working at the border area independently. There is basically no coordination between the customs patrols and the border police - patrols in the sector.

The BPS yet has established good routines and procedures in order to work out assessment, situational awareness and risk analysis on daily basis. The routines also include procedures obliging the staff to read and update themselves on the current situation(information available on paper and on line). The BPS also has online access to their neighboring BPS risk analysis.

## 4.2.2.3. Reaction capability (ability to encounter incidents – routine situations and situations posing an intensified threat)

The detection capacity is poor justified by several factors:

- there are yet no technical surveillance systems, such as seismic sensors or other installations suitable to detect illegal immigrants, in place at the borderline;
- there are no observation towers inside the 1. Perimeter. The entire lookout-points are in the 2. Perimeter.

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- the topography in the AOR in the second perimeter is dominated by a combination of forest, farmland, overgrown riversides and settlements.
- only three mobile units equipped with thermal and night vision cameras attend to the detection capacity in order to cover a 28,7 km distance.

The BPS has no sniffer-dog at the moment, which puts some apparent limitations to the capability to intercept illegal immigrants (especially critical in cases of bad visibility due to fog).

Along the borderline, there is a track field prepared to leave behind a footprint by the people who walk over it (at the time of the visit not in function due to the season). In theory, all footprints should be discovered within 24 hours (which is still quite a long time and can be enough for illegal immigrants to succeed in their effort to hide or even get out of the AOR).

The staffing might be sufficient for the current situation, but can hardly take care of more than one case at the time do to reaction capability. The reaction time on the intervention team was tested during a night inspection, and was found satisfactory and credible.

The situational awareness among the border guards was also - in the whole - found satisfactory. There are credible routines in information-exchange between the shifts, there is quite professional intelligence information and risk analysis as presented by the shift leader. The border guard looks highly motivated for the work.

Basically the green border surveillance capacity meets the minimum requirements. However, EvalCom encourages the Romanian Border Police to reconsider the operational design in order to further strengthen detection and reaction capabilities.

#### 4.2.2.4. Availability and permanency of the above mentioned (human and technical) resources

##### *a) human resources*

The BPS Vicov has a total staff of 120 border police men out of which 80 are planned for border surveillance. There are four shifts, each of them has a staff of 20 policemen. The shift system is planned 12/24/12/48.

Each shift has the following staff:

- 1 shift leader
- 1 border policeman as driver for the shift leader
- 12 border policemen for mobile, stationary and foot patrols (6 patrols)
- 1 border policemen for joint patrol with the police
- 2 border policemen as intervention team
- 2 border policemen for protecting the BPS building (entrance and armament).

For command- and communication-duties there is a dispatcher, located in the BPS, available at any time (but this officer belongs to a separate unit within the organizational structure). Hence it follows that there is an average number of -7- patrols (including joint patrol with the police) available in the border area at any time. As the shift leader (with his driver) is also in the field most of the time there is a further patrol available. There is a mobile intervention team located in the BPS in order to react in cases of an incident or request.

Concerning dog handlers the EvalCom was told that there are 2 available in order to carry out duties for border surveillance (intervention and tracking). The EvalCom was told that one of them will be retired soon, but it is planned to raise the number of sniffer dogs.

# RESTREINT UE

## *b) technical resources*

The following vehicles are available for mobile surveillance and intervention:

- 9 off-road vehicles (Nissan Pathfinder and Terrano)
- 3 All-Terrain-Vehicle (Quads)
- 1 VW Transporter (with mobile thermo-vision camera)
- 4 other vehicles.

For technical border surveillance the following means are available:

- 1 mobile thermo-vision camera (based on VW Transporter)
- 2 portable thermo-vision cameras (with TV/IR-camera and laser range finder)
- 9 night-vision devices (goggles and binoculars)

Currently there are no stationary technical means installed for border surveillance. However EvalCom was informed that it is planned to implement a stationary border surveillance system. This system will be fitted on two poles with a height of 30 meters (one in the western and one in the eastern area of the BPS Vicov). The system will consist - like at BCP Siret - of a TV/IR-camera (day and night-vision) and a laser range finder. With its support the BPS Vicov will be able to cover 70% of its area through technical surveillance.

The patrols of BPS Vicov use radios on TETRA-standard. There are enough radios available for each vehicle and each border guard on patrol.

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## *Comments and recommendations of the Evaluation Committee:*

The EvalCom was appreciative of the following facts:

- The EvalCom is appreciative of the model used by the RBP in delivering briefings and preparation of officers/agents prior to duty and considers the overall concept including the measures for follow-up verification and controlling as good practice.

The EvalCom took special note of the following facts:

- Risk analysis is carried out in a comprehensive manner; however, all agencies involved in integrated border management should contribute similarly in order to elaborate an overall situational image on threats and challenges. The EvalCom encourages also the Romanian Customs authorities to participate more actively in risk analysis

The EvalCom considers that there is room for improvement in relation to the following points:

- Since airborne surveillance is only available occasionally the EvalCom invites the Romanian Border Police to enhance this tactical approach in due time.
- Some doubts remain since staffing was found limited. The EvalCom recommends to review and amend the human resources policy for BPS Vicov in order to enhance operational power and prevent from permanent deficit in personnel
- The EvalCom invites the Romanian authorities to bring the protective stripe in a better condition.
- The EvalCom came to the conclusion that the timely implementation of the foreseen stationary surveillance system as well as further increasing the number of night-vision devices will be crucial. The EvalCom also came to the conclusion that the implementation of further technical surveillance and detection measures should be considered.

# RESTREINT UE

- The EvalCom took special note that currently there are only two sniffer dogs available within the area of BPS Vicov. Since dogs for tracking, detection, interception and apprehension of illegal migrants are an indispensable part of an efficient integrated border surveillance system, Romania is invited to increase this number as soon as possible.
- The main purpose of border surveillance is to prevent unauthorized border crossings, cross border criminality and to take measures against persons who have crossed the border illegally. Romania is invited to develop this concept further especially in the field of operational level inter-agency cooperation.

## 4.3. Border Police Sector IASI

### 4.3.1. General Information

EvalCom visited the following sites:

- Border Crossing Point Sculeni (road)
- Border Crossing Point Iasi (railway)

#### 4.3.1.1. Environment, structure of border crossing point, organizations, traffic, threats, crime statistics

The BPS Iasi HQ is situated in the city of Iasi, 25 km away from the borderline with Republic of Moldavia. It has an area of responsibility of 66,6 km on the river Prut (between border pillars 1038 – 1080) and 30 km inland from the state border. The responsibility area includes Iasi and fourteen villages with a population of about half a million inhabitants.

The BCP Iasi-railway (competence: entry/exit Romania, persons, and merchandise) is situated at the Eastern side of Iasi county at the Romanian-Moldovan border near the village of Ungheni. It was opened in 1946. The station moved into a new location close to the border (approx. 250 m away from the bridge across the border) on March 18<sup>th</sup>, 2010. The corresponding Moldavian B.C.P. is Ungheni.

Type of vehicle	2008		2009	
	Per day	Per year	Per day	Per year
Trains	13	4.734	10	3.644

Out of the mentioned 10 daily trains, 5 are passenger-trains: 4 regional and 1 night train. The regional trains commute between the neighboring towns on both sides of the border and the night-train between Chisinau and Bucharest. The overall-number of carriages per train is decreasing (2 carriages three years ago, 3 double-decker-carriages five years ago, an average of 1 carriage per train today).

In 2008, there were 134.156 (55.514 EU citizens and 78.642 third country nationals)- 367 passengers/day  
In 2009, there were 75.140 (29.695 EU citizens and 45.445 third country nationals)- 205 passengers/day.

The mentioned amount of passenger remains basically even throughout the year (there is no particular rise in the high-season with the exception of minor increases during school- and Easter-holidays).

# RESTREINT UE

The BCP Sculeni (road) is situated at the Eastern side of Iasi county at the Romanian-Moldovan border, approx. 28 km away from Iasi (residence of the BPCI Iasi on the European road E 85). It was opened in 1994 (Government Decision no 205/1994) and is competent for entry- and exit-control of persons, means of transportation and merchandise. It has the relevant customs- and phytosanitary-facilities. The corresponding Moldavian B.C.P. is Sculeni.

Type of vehicle	2008		2009	
	Per day	Per year	Per day	Per year
Cars	347	126.800	336	122.753
Lorries	46	17.059	51	18.762
Busses	16	5.846	25	9.300

In 2008, there were 992.126 (409.061 EU citizens and 583.065 third country nationals)

In 2009, there were 615.644 (149.595 EU citizens and 466.049 third country nationals)

## 4.3.1.2. Risk analysis and intelligence functions

The BPCI Iasi contains the BPS Iasi, Tutora, Raducaneni and Bivolari. Only the BPS Iasi has two BCPs (road and rail, namely Sculeni and Iasi) under its responsibility.

Risk Analysis at the BPCI Iasi is organized in a similar way as in other Romanian Border Police County Inspectorates.

The inter-agency cooperation at regional and local level is based on national bi-lateral MoUs between the Border Police and relevant authorities. Cooperation includes e.g. regular meetings, joint checks, joint investigations and exchange of information as regards risk analysis. At the BCP Sculeni joint checks are in place both in passengers and cargo traffic and the EvalCom noticed that cooperation between the Border Police and Customs was at adequate level.

International cooperation with Moldavian Border Guard Service is based on an agreement between the Romanian and the Moldavian governments. The agreement regulates the Border System. There are Border delegates on each side of the border that have at least one obligatory monthly meeting and even additional meetings when needed. Also at the BCP Iasi (railway) there is good cooperation between Romania and the corresponding Moldavian BCP (i.a. exchange of information concerning nationalities of passengers, delays in train traffic and unclear cases as regards travel documents). In addition at the BCP Sculeni monthly meetings take place also at the level of the heads of border police. There are furthermore meetings during every shift carried out by shift leaders (can also meet whenever considered necessary, i.a. for common examination of a possible false travel document).

## 4.3.2. Infrastructure and equipment

### 4.3.2.1. Signposting

When approaching the BCP Sculeni on exit, traffic signalization clearly marks separate lanes intended for lorries, personal vehicles and buses.

Traffic lanes at BCP Sculeni are also clearly marked with signposting for the separation of passenger flows ("EU/EEA/CH" and "All passports"; signposts currently not fully in line with those set out in the Annex III of the Schengen Borders Code (526/2006)). The mentioned signposts also cannot be changed in a way that the same lane could be used for EU/EEA/CH and – in case of need – altered to be used for "All passports".

# RESTREINT UE

However EvalCom was explained that in few months the existing signs will be replaced by electronic tables making them fully in line with Schengen Borders Code. Tables will also allow switching between “EU/EEA/CH” and “All passports”.

There are traffic lights to indicate, whether a lane is open for traffic or not. The traffic-lights are positioned in front of the booths and are – although not working at the time of the visit - visible from far, however currently vehicles are already required to stop way before they are positioned at the first barrier. It was explained that information on opening or closing separate lanes will in the future be indicated on special LED tables which are already installed above each lane, but were not yet in function.

Signposting on the border check booths at railway BCP Iasi were found to be fully in line with those, set out in the Annex III of the Schengen Borders Code (526/2006).

## 4.3.2.2. Lanes for checks

At the BCP Sculeni there were separate lanes available for personal vehicles, buses and lorries (being again separated for “EU/EEA/CH” and “All passports”. At the railway BCP Iasi, for passengers getting on and off the train, separate booths for “EU/EEA/CH” and “All passports” were available.

Due to the position of the control booths, no place is available for the Border Police Officer, to direct a vehicle on the side for the more thorough examinations. This might cause unnecessary congestions in times of increased traffic. Nevertheless infrastructure of the BCP allows for Border Police Officer to easily direct vehicle to a special garage for thorough second line inspections. EvalCom was also explained that each vehicle must stop and wait until the previous vehicle has been checked at the beginning of the border check area under the roof. Thus only one vehicle at a time is checked. Traffic at the BCP is not very intensive even during high season, and waiting time at peak season was said to be around 20 to 30 minutes.

All lanes are already equipped with Automated Number Plates Recognition System (ANPR), however it was not yet functioning at the time of the EvalCom visit (to be put to operation in the following weeks).

Lanes for checks are currently monitored by only a few CCTV cameras, but additional ones are planned to be installed, comprising a system of 24 CCTV cameras covering all aspects of the BCP area and lanes for checks.

Each lane can be closed by the barrier at the beginning and at the end of the lane for checks. The barriers are operated by the first line officer. However during the EvalCom visit all barriers were lifted no matter whether they were opened or closed for traffic.

Border check procedures at BCP Iasi-railway were carried out on the train, while waiting at the railway station. There are two tracks separated by a fence. Also the entire area of the BCP Iasi-railway is fenced in.

## 4.3.2.3. Control facilities

The booths for the check of the personal vehicles and lorries enable first-line officer to perform face to face border check and clearly see all passengers in the vehicle. Two booths, one for EU/EEA/CH, and the other for third-country-nationals, are inside the Administration building of the BCP Sculeni available for check of passengers from buses. In the same premises the Customs have an x-ray machine for checks of luggage.

A special room for interrogation and second line checks on persons, as well as another one for second line inspection of documents is available in the administration building. However the room for second line inspection of documents is situated in a room that is entirely surrounded by windows. Any passing person (i.e. bus passengers) can therefore easily observe all activities (i.a. queries in databases etc.) inside.

# RESTREINT UE

A small garage for check of personal vehicles, operated by the Customs, and upon request available to the Border Police, is situated in a separate building besides the exit border check lanes. In front of the garage there is a parking area and a trench for inspection of lorries undercarriages, however the trench is not covered by any roof. The garage can be easily accessed both on entry and exit by a special road. In case a vehicle is set for thorough second line checks, it is always escorted by Border Police and Customs Officer accompanying the driver in the car. Necessary tools for dismantling of vehicle are available at the garage and all other necessary inspection equipment is brought from first or second line respectively. It was explained to Eval-Com that construction of new garage is to be finished until the end of May 2010. It will be positioned at the current parking area, near the storage and the phytosanitary buildings. Also in this case, the garage will be easily accessible from entry or exit border check lanes. A separate terminal will also be constructed for entry and exit of lorries in the course of these construction works (will leave all current checking lanes available for passenger vehicles and buses).

Infrastructure at the BCP Iasi-railway consists of containers. There is an operational room facilities for second line checks of documents and interrogation available at the BCP. The operational room receives the signals from the CCTV camera surveillance system, and serves as storage room for visas, stamps and mobile equipment. In the near future a command and control centre, for which computers and all necessary infrastructure is already on the spot, will be set up in these premises. The command and control centre will have digital map of the area, where positions of patrols that are equipped with TETRA terminals with GPS will be visible. It will enable mission planning and their monitoring.

#### 4.3.2.4. Equipment: first line, second line, mobile

At the BCP Sculeni all control booths are equipped with the following first line equipment:

- Computer with access to national police databases and Intranet. Docutest,
- OCR reader with UV light and biometry,
- Set for checking of documents (10x magnifying lens, pocket microscope, portable UV lamp, tweezers, 3M light),
- Entry or exit stamp,
- Mirrors for vehicles check,
- Radiation pager,
- Fixed telephone line.

Except for the mirrors the equipment at the BCP Iasi-railway (first-line-control) was identical.

Each entry/exit lane at the BCP Sculeni was also equipped with cameras for automated number-plates recognition (ANPR), however the system was not yet in function at the time of the EvalCom visit (see above).

Entry/exit stamps were appropriately stored in a safe at the dispatch room at BCP Sculeni and in the Operational centre at the BCP Iasi and are in line with the format and specifications (metal stamp), set out in the document SCH/Gem-Hand (93) 15.

The following second line equipment is available in the Administration building of the BCP Sculeni and in the railway station at BCP Iasi:

- Computer with access to national police databases and Intranet. Over the Intranet electronic version of the Schengen Handbook and other relevant EU legislation, exit/entry database, eSIF (national police database on vehicles and persons), ENO, eReporting, iFADO, EUVID, visa issuing database, and specimens of different travel documents,
- Docubox Optoelectronica VFR100 connected with computer,
- Microscope with fibre optics lights source,
- Explosives and narcotics detector Sabre 4000, and
- OCR reader with UV light and biometry.

# RESTREINT UE

The following second line equipment is additionally available at BCP Sculeni, and is used both for first and second line checks:

- Contraband detector Buster,
- Heartbeat detector on lorries terminal,
- X-ray machine for scanning of lorries, used and operated by the Customs,
- Endoscope,
- Laser distance meter,
- Radiation detection gates, and
- CO<sub>2</sub> detectors.

Two of the border police officers had their own, private, Regula handheld magnifying lens with 10x magnification and different light sources (UV, retroview and oblique), used for inspection of documents,

Portable checking devices with OCR and fingerprint reader, connected with mobile TETRA radio stations for data transfer, were used for mobile border checks at the railway BCP Iasi, however documents could not be checked in the police databases due to the low TETRA radio signal.

Border Police Officers were familiar with use of the equipment. There are specially trained officers for use of the second line equipment, who then pass their knowledge to other colleagues (train the trainers system).

A total of 13 dogs are available at Iasi County Inspectorate, out of which 5 are trained in detection of drugs and 8 in detection of explosives.

## 4.3.2.5. Communication

All control booths at the BCP Sculeni are also equipped with fixed telephone lines, which enable calls to TETRA radio stations. Border police officers securing the lanes and performing the check outside the booths were also equipped with mobile TETRA radio stations.

The BCP Iasi-railway is equipped with fixed telephone lines as well as TETRA radio stations. All border officers performing check outside the booths where also equipped with mobile TETRA radio stations.

## 4.3.2.6. Transportation and mobility

Two personal vehicles are available at the BCP Iasi-railway. The first vehicle belongs to the intervention unit, the second vehicle is used to transport officers from/to shift. Both vehicles belong to Border Police Sector, nevertheless they are available to the BCP Iasi-railway constantly during day and night shift.

The same situation is at the BCP Sculeni. Both vehicles belong to the Border Police Sector, but they are present and available for any use at the BCP Sculeni.

## 4.3.2.7. Access control / fencing

A fence (800 meters) surrounds the entire area of the railway BCP Iasi and another fence (400 meters) divides the railway tracks in two separate lanes. The entire area is under constant CCTV camera surveillance (24 cameras, all of them equipped with IR illumination light). Some of the cameras are operated from dispatcher room. One of the cameras is placed in a special trench between the tracks able to see and monitor hidden persons or goods under the train. The entry line is constantly under physical surveillance of the Border Police Officer. Reflectors have been placed at the poles in order to sufficiently light the entire area of the BCP.



# RESTREINT UE

The entire area of the BCP Sculeni is enclosed by a perimeter fence. The entry and exit point of the BCP is surveyed physically by a Border Police Officer. The area of BCP Sculeni is also under constant CCTV camera system surveillance. Additional cameras are going to be installed soon in order to make better picture of the area of responsibilities (new supporting poles for cameras, traffic lights and other equipment already installed). The entry and exit point of the BCP is equipped with sensors, which will, when operative, rise a metal barrier from the ground in order to stop car from violently cross the border without border checks. There are reflector poles around all BCP area, nevertheless some appear to be plain public lights with low light sufficiency.

## 4.3.2.8. Detention / readmission premises

Detention or readmission premises were available at the railway BCP Iasi. Both were surveyed by CCTV camera system. Separate premises for asylum seekers were also available at the railway BCP Iasi. Both were situated close to the border checks area.

At the administration building of the BCP Sculeni, two detention rooms, two interrogation rooms, equipped with toilets and two rooms for asylum seekers, equipped with beds, wardrobes, fixed telephone line, and fully equipped bathroom were available. None of these rooms were under video surveillance.

## 4.3.2.9. Storage of blank visa

Visa-stickers at railway BCP Iasi-railway were appropriately stored in the safe at the dispatcher's office. At the BCP Sculeni visa-stickers are stored appropriately in the safe at dispatch room.

## 4.3.3. Controls and procedures

### 4.3.3.1. Traffic handling / traffic modes

The BCP Sculeni has on entry 7 lanes, of which 1 is for CD / buses, 1 for buses, 3 for cars and 2 for lorries. On exit, the BCP has 1 lane for CD / buses, 2 lanes for cars and 2 for lorries.

At the BCP Iasi-railway, only one railway is used both for entry and exit. There are 5 passengers' trains on a daily basis, i.e. 2 on entry and 2 on exit with the route Chisinau – Bucharest and one night train; with entry during the night and exit the following night. There is also a daily average of up to 5 cargo trains each day.

### 4.3.3.2. Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)

At the BCP Sculeni, there are two border police officers who dispatch the traffic, both on entry and exit. On entry and exit, the documents of the persons are checked by a border police officer who has to step outside the booth to collect the documents and then do the check of the documents, meanwhile the customs and another border police officer do the vehicle check.

A dog handler was also present, he could either detect drugs or explosives. The shift-leader of the BCP could ask the Inspectorate to have more dogs present.

Concerning buses, EvalCom was told that for the entry and exit control, passengers have to leave the bus and the documents were checked separately in the booths described above (in the administrative building), whilst the bus is checked. Also the passengers have to take out their luggage, since customs control this within the premises of the border check. They can only step off the bus after the documents of the driver are checked.

# RESTREINT UE

The lorries were checked in the same way as the vehicles. Sufficient technical equipment was used to perform a more thorough control (i.a. X-rat-gate, heartbeat-detector, CO<sub>2</sub>-probe).

EvalCom was told that a rotation system is implemented for the border police (decisions on the exchanges of workplaces done by the shift leader; records of movers during the day available).

The entry and exit checks at the BCP Iasi-railway are performed while the persons remain in the train. There is, according to the Romanian authorities, sufficient time for the controls.

There is no advance-information on the passengers on board; it is only given by the railway crew upon entry.

The controls are done jointly between the border police and the customs. The document check is done by 3 border police officers : one enters the train in the back, one in the front and another one controls the train personnel. Two border guards were responsible for surveillance, each of them standing at one side of the train. An extra border guard on the train was performing checks on hidden persons and other illegal objects. Also the dog handler was present, however he did not check into the train, only outside.

The mobile devices to do the document checks worked only partially, there was a connection problem during the time of the visit of EvalCom.

For both the BCP Sculeni and the BCP Iasi-railway, checks are carried out professionally and mainly in accordance with the Schengen rules. Persons enjoying Community right of free movement undergo a minimum check. Databases are consulted non-systematically based on profiling. Third-country nationals are subject to thorough checks which include also the systematic consultation of databases. The technical equipment for document verification was used. The EvalCom noticed the checking on the financial means and the purpose of stay. Stamping was done according to the SBC.

The personnel of the train was not stamped every time on entry and exit, which is, although there are currently discussions ongoing about amending the SBC, against the SBC at least for the time being.

## 4.3.3.3. Utilization of registers

In the first line of border checks third country nationals are verified in the alerts database of the Romanian Border Police. This database includes alerts on travel documents, persons and vehicles inserted by the law enforcement authorities. A special border checks application – e-SIF is used for access to this database. Additionally to the alerts database e-SIF provides access to:

- an aliens' entry and exit register;
- a register of specimens – national register of specimens of travel documents and of detected false, forged or counterfeit travel documents;
- a database of Schengen legislation, Schengen Handbook and national instructions for implementing of the Schengen Borders Code;
- a database of risk profiles and
- e-Learning.

The entry and exit application allows for the simultaneous interrogation of other databases accessible from the second line. One single response is being provided upon selection the respective fields by a border guard (Visa-on-Line, e-ASF Interpol, Stolen vehicles and Wanted persons).

# RESTREINT UE

When carrying out thorough second line checks following databases could be utilized by border guards additionally:

- EUVID – information on specimens of registration certificates, chassis serial number, car keys, etc.
- iFado
- all the items comprised at the 1<sup>st</sup> line

## 4.3.3.4. Utilization of the Common Manual

The Schengen Handbook, including annexes, was easily accessible on the Intranet and border guards could find it without any problems, together with other national and European legislation. It was not available on paper.

## 4.3.3.5. Processing of refusals and asylum applications

Refusals of entry are carried out in the second line. The corresponding decision is taken by the head of the BCP, and in his absence, by the shift leader. A standard form in compliance with Annex V to the Schengen Borders Code is used.

As regards refusals of entry the following data were forwarded to EvalCom:

	BCP Sculeni	BCP Iasi railway
2007	884	437
2008	605	263
2009	550	72

The main reasons for refusals of entry in 2009 were no appropriate documentation justifying the purpose and conditions of stay (255), no valid visa or residence permit (200) or no sufficient means of subsistence in relation to the period and form of stay, or means to return to the country of origin or transit.

Both in 2008 and 2009 the top nationality was Republic of Moldavia.

In 2008 there were also six cases of illegal migration detected involving six citizens of Moldavia and 1 citizen of the Russian Federation (Modus Operandi – they all stated they had intended to reach the Schengen area. They were handed to Moldavian authorities on the basis of refolement procedure)

In 2009 there were 9 cases of illegal migration detected involving 12 citizens of Moldavia, 5 citizens of Afghanistan and one perpetrator (unknown citizenship; (Modus Operandi – 11 of the Moldovan citizens intended to reach the Schengen area. They were handed to Moldovan authorities on the basis of refolement procedure; one Moldovan citizen requested asylum in Romania on the reason of being politically persecuted in his country. He was handed to the Service for Foreigners; five citizens of Afghanistan crossed the Moldovan – Romanian border illegally and applied for asylum in Romania as a reason of political incidents in their country of origin; after being apprehended, there were found their wet cloths and footwear which they had with them on the Romanian territory. Finally, they were handed to the Service for Foreigners)

Except for one citizen from Moldova in 2007, one citizen of Georgia in 2008, five citizens of Afghanistan and 1 citizen from Moldova in 2010 there were no applications for asylum between 2007 and 2010 at the BCP Iasi-railway and at the BCP Sculeni.

In 2008 the Romanian authorities detected two false documents: a Moldavian citizen used false Bulgaria passport and a Moldavian citizen used a false Bulgaria identity card.

# RESTREINT UE

No false documents were found in 2009.

In the mentioned period there were no cases of readmission and 15 issuances of visa at the border (2 at the BCP Iasi-railway in 2007, 12 in 2007 and 1 in 2008 at the BCP Sculeni).

The main migration-problem in the area are Moldovan citizens who legally enter Romania and attempt to reach another member state using false/forged documents.

The first major threat is that at the beginning Moldovan citizens obtain tourist visa for 7-15 days from the Romanian Embassy in Chisinau using false invitations to several hostels and hotels in Romania. When asked during the controls about details regarding the purpose of their travel, they often do not know the person who invited them, declare other destinations different from those provided by voucher and carry work clothes in their luggage and not holiday clothes.

The second threat is a second kind of illegal background behind the quality of tourist, as some citizens from Republic of Moldova who legally enter Romania also use false Romanian identity cards when exiting the country at the western border. These cards are usually obtained while in Romania with the attempt to illegally cross at the green border aiming to reach Schengen area states.

The third threat is the classical illegal migration, where Moldovan citizens or citizens of Afro-Asian origin, illegally enter Romania and attempt then to reach the EU member states. They travel from settlements on the Moldavian territory (e.g. Floresti, Blindesti, Zagarancea) to the localities near the border using public transport or on foot to the border with Republic of Moldova (to Ungheni or Prut river), then cross the river by swimming or using their own improvised means for crossing the river (e.g. wooden rafts, inflatable boats; mostly in small groups of 2-4 persons unguided).

An element that should also be mentioned in this context is that according to Art. 10 of the Romanian Law on Nationality Nr. 21/2001, former Romanian citizens as well as their descendants up to grade III may, under certain conditions, recover or be granted Romanian citizenship.

Under the named provisions Romanian citizenship may be re-acquired or regained by citizens of the Republic of Moldova and Ukraine, countries in the composition of which are today the former territories of Greater Romania (Basarabia and the Northern Bukovina Hertza regions).

AS regards the number of requests for regaining Romanian Citizenship under the provisions of Art. 10 of the Romanian Law on Nationality registered at the Citizenship Directorate (Ministry of Justice) and solved by the Citizenship Commission in the period 1.1.2003 – 31.12.2009 EvalCom was provided the following data:

Year	Cases registered	Cases completed
2003	16.975	6
2004	5.379	263
2005	2.895	1.603
2006	3.438	489
2007	2.077	664
2008	3.883	4.512
2009	21.759	21.999

Out of the number of 29536 completed cases 13.0444 were approved by order of the Minister of Justice in 2009. Out of these approved cases 2.313 had obtained the official papers from the Minister of Justice in 2009

The EvalCom was told that in case of asylum application the proper form is issued. Then he is brought to the room for asylum seekers. These facility consists of 2 rooms and sanitary equipment. The Romanian Immigration Office is informed and comes within maximum 48 hours to the BCP take the person over from the Border police and his is brought to reception facility centre for asylum seekers, located at a distance of 200 km from the BCP.

# RESTREINT UE

At the BCP Iasi-railway 2 rooms for asylum seekers (1 for men and one for women) exist, where they could be accommodated up to 20 days. The last case dated from 2003.

EURODAC is not available in the BCPs, only at the Inspectorate.

## 4.3.3.6. Issuance of visas

Stickers are being filled in electronically and registered in Visa-on-line system and by hand in a dedicated register, in accordance with art. 5 (4) b).

The initial decision to grant the visa is taken by the head of the BCP and, in his absence, by the shift leader. For the cases of national interest or international obligations, the General Inspectorate has to be consulted first and in case it approves, the BCP is allowed to grant the visa.

At the BCP Sculeni, the visa, i.e. 4 blank visa and 1 Loose Leaf Visa, were kept in a metallic safe box in the dispatch room. In 2008 1 visa was delivered for humanitarian reasons, in 2009 no visa were delivered and this visa noted in a visa register.

At the BCP Iasi-railway, the visa, i.e. 1 blank visa and 1 Loose Leaf Visa, was kept in the dispatch room in a metallic closet in a metallic safe box. In 2008 and 2009 no visa were issued.

EvalCom was told that visa for Moldavian citizens are free of charge, and the other nationalities have to pay 60 euro.

## 4.3.3.7. Second line activities

Second-line activities consist of thorough second-line verification of entry conditions of third-country nationals, thorough scrutiny of travel documents, refusal of entry, issue of visas and initial activities in case of asylum applications. For second-line checks, passengers are informed according to article 7.5 of the Schengen Border Code by means of a form. All second-line checks are recorded in a 2<sup>nd</sup> line application (e-Back-Office).

At the BCP Sculeni, the second line activities took place in the room with equipment to detect false or falsified documents and in the dispatch room.

At the BCP Iasi-railway, the second line activities took place in the dispatch room and in another room equipped with special devices for checking the documents against falsification.

## 4.3.4. *Staff and training*

### 4.3.4.1. Adequacy and the level of professionalism

The head of the BPS is the "manager of border control" (green border surveillance and checks at the BCP), with direct competence on the staff and structures of the Sector direction and the two BCPs. He has the power to organize the shift of the two BCPs and distribute the human resources according to his plan and priorities.

For the time being the human resources in the Sector shift are up to the tasks to perform a fair quality of the border controls (also close cooperation with customs in the daily work) both in the winter time as well as in the peak season, at the rail BCP and for the surveillance.

However, as regards the BCP Sculeni, the head declared his BCP as being understaffed and that additional human resources are necessary to upgrade the quality of the checks and face the incoming accession of Romania to the Schengen area with a very probable increase of illegal immigration from the neighboring third countries.

The level of professionalism is good for the border checks tasks as well as for the surveillance activities. The quality of the checks and the satisfaction of the officers are certainly also positively influenced by the new infrastructure already available (or still being built) and the new equipment.

As regards cases of corruption it seems advisable, taking into account the future higher risk of illegal immigration on this part of EU external border, to set up a system of surprise checks of the personnel in order to reduce the danger of excessive acquaintance of the border police and thus the possibility of corruption to happen<sup>2</sup>.

#### 4.3.4.2. Selection criteria

See general part

#### 4.3.4.3. Basic training

See general part

The overall training policy and the offered courses are well organized and have clearly had a positive impact on the level of professionalism of the officers.

#### 4.3.4.4. Further continuing education

As seen at the other sector, also the BPS Iasi organizes local training courses in the various fields of border management. Also the induction training period with a tutorship for the officers is followed by at least four hours per week of on the spot training, which is systematic with 3 or 4 trainees being trained for each shift. This further training covers the entire career of the border police.

As regards documents, the training is nearly permanent with the forensic expert of the second line going to the booths to train the junior colleagues on new specimen, new techniques of falsification of documents and to distribute new information i.a. on stolen cars and EU/Schengen rules.

The training policy of the BPS Iasi is substantially upgraded by the existence of one of the national centers for training of the border police (partner academy of the FRONTEX training Unit) in Iasi. The Sector can use the center's facilities for training courses and set up a mutually profitable interactive cooperation with it. The Sector can thus provide structures and professional experiences for the training courses organized at the national level (future emphasis - as expressed by the head of the BCP - to be put on travel documents with biometric data; to be one of the future priorities for the training activities).

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<sup>2</sup> Comment by RO: Such a system of surprise checks is in place at the level of RBP, on the basis of a written disposition of the general inspector of the Romanian Border Police, providing for:

- stepping up the guidance and control actions to the subordinated units with a view to follow the correct application of the legislation in force and for preventing committing criminal deeds and serious misbehaviors;
- intensification of on the spot controls to the subordinated units, looking for the immediate remediation of deficiencies.

## 4.3.4.5. Linguistic skills and training

Also at the BPS Iasi the linguistic skills were profound enough to make the visits' presentation in English and to reply to the questions of EvalCom also in English.

The linguistic skills of the staff in the first and second line are overall fair enough and apt for the interviews of the travelers. Some of the officers have also basic knowledge of Russian and other most common languages of the ordinary travelers.

However at the Iasi sector also the senior and junior officers do not speak English and need interpretation for communicate with the experts (as EvalCom was informed, the senior management does find neither the time nor the funding for their temporary replacement to attend to improve their skills in English as well as other languages).

## 4.3.4.6. Specialized document checking skills and training

The officers attend document checking skills training courses at the Sector and BCPs level. But only few of them attend the specialized forensic courses provided at the border police training academies. Usually this trained specialist becomes the 2<sup>nd</sup> line document expert and trainer for his colleagues at the BCP.

The overall document checking skills are good.

## 4.3.4.7. Specialized training for different managerial levels

There is no such kind of training course at the local and Sector level.

## 4.3.4.8. Availability and permanency of staff

There are 337 officers, only ten less than the 347 allotted posts to cover the checks at the BCPs, the surveillance tasks, the security missions and the other supporting services like the risk analysis, the dispatch, the fight against the cross border criminality and the illegal immigration.

There are 16 officers in each shift at the BCP Sculeni and 8 at the BCP Iasi-railway. These figures increase in the peak season respectively to 20 and 12 for each BCP.

32/34 officers in each shift are employed for surveillance.

## 4.3.5. *Readmission, expulsion and illegal immigration, carriers liability*

### 4.3.5.1. Administrative structures and coordination

In the field of readmission and expulsion, two agencies are involved:

- The General Inspectorate of the Border Police handles returns of migrants intercepted illegally crossing the border.
- The Romanian Immigration Office handles returns of illegal immigrants detected inside the territory.

# RESTREINT UE

4.3.5.2. Removal and readmission of persons who are not admitted or who are found illegally present (identification, detention, issue of documents, escort, financing)

Persons who are refused entry at the BCP are send back immediately to the Moldavian authorities. No readmission of persons is implemented.

4.3.5.3. Particular cases (UMIs, persons constituting a threat for public security)

No cases reported.

4.3.5.4. Means deployed to combat illegal immigration networks

No facilitators for illegal immigration have been detected within five years in Iasi County area. In the area concerned local inhabitants have friends and relatives both side of the border. The EvalCom was told that 60% of staff has been recruited from the area. At the same time no corruption cases were detected in recent years. The planning and implementing of patrolling is done by the BPS, no surprise inspection or patrolling are carried out by County Inspectorate<sup>3</sup>. Regardless to the fact that border police's salaries are at competitive level there are possibility of corruption.

4.3.5.5. Sanctions imposed on carriers

No cases reported.

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*Comments and recommendations of the Evaluation Committee:*

The EvalCom was appreciative of the following facts:

- Procedure of border checks was found to be in general in line with the Schengen provisions.
- The EvalCom appreciated the knowledge of Schengen provisions of the personnel in the booths (e.g. Schengen Border Code, Handbook) on the whole.
- The EvalCom appreciated the quality of the overall training policy and the training courses for further education organized at local level.

The EvalCom took special note of the following facts:

- EvalCom appreciates the overall language skills of the junior officers in English as well as in the foreign languages immediately useful for the checks quality. Considering the weak EN language skills of the senior and junior managers and taking into account the need of intense communication with border police of other Member States, the EvalCom recommends promoting such language courses for the managers and supporting them for attending those courses.

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<sup>3</sup> Comment RO: See FN 2; also the County Inspectorates are entitled to perform surprise-checks at the subordinated sectors.



# RESTREINT UE

- Taking into account the possibility of a future increase of illegal immigration after full implementation of Schengen for Romania (as anticipated by the head of the BCP and a possible need of adapting the number of officers to that challenge, EvalCom recommends to provide early enough for the appropriate reallocation of human resources from the future internal border to this border sector.
- As for the current organizational model, EvalCom recommends to conduct a review of the current organization of the shift and management with a view to put some power and rigidity off the chain of command at the Sector level.
- The EvalCom took note that the managers are rarely able to leave from their positions for the duration of the courses currently offered. Taking into account the need for such courses the EvalCom recommends organizing managerial courses for senior and junior managers at local/regional level.
- EvalCom takes note of the near future replacement of current signposting for the separation of passenger flows at the BCP Sculeni with new electronic tables which will be in full accordance with Schengen Borders Code Provisions and invites Romanian authorities to report on progress.
- EvalCom welcomes forthcoming set up of video surveillance of BCP Sculeni and invites Romanian authorities to report on the progress of its establishment.
- EvalCom takes note of the forthcoming reconstruction of the lorries terminal at BCP Sculeni, and recommends to introduce a fence between lorries and passenger terminal, thus preventing mix of passengers on both terminals and possible evasions of border checks.

The EvalCom considers that there is room for improvement in relation to the following points:

- EvalCom recommends to close barriers on all lanes at BCP Sculeni that are not opened for traffic or in case there is no traffic at all, thus preventing unnoticed entry or exit.
- EvalCom recommends securing the room for second line checks of documents at the BCP Sculeni in a way that will prevent any observation of second line activities by passing persons.
- EvalCom recommends putting traffic lights at the BCP Sculeni in function as soon as possible and placing them in a position that would clearly indicate to incoming passengers which lanes are opened for traffic. It is recommended that traffic lights are placed in the vicinity of the signposts that separate traffic flows.
- EvalCom recommends to ensure enough vehicles at the railway BCP Iasi for reaction capability, and enough vehicles at BCP Sculeni to ensure at least basic mobility, and reaction capability in case of emergencies i.e. “violent” entry with a vehicles.
- EvalCom invites Romanian authorities to improve lighting at the BCP Sculeni, especially by replacing ordinary public lights with more powerful reflectors, ensuring better visibility by night.

## 4.4. Border Police Sector RADUCANENI

### 4.4.1. General Information

The Border Police Sector Raducaneni is situated in the village of Raducaneni approx, 37 km southeast of Iasi and 8 km away from the border with Moldavia.

The border police sector is responsible for 52,4 kilometers of the Romanian-Moldavian land border. The border line follows the Prut river marking the border between the two countries. The terrain next to the river is flat and mainly open, there are trees only mainly along the riverbank. The area is hilly starting about 1-2 kilometers from the border line. There are four small settlements close to border line.

The defined area of responsibility is between the landmarks 1106 and 1141 and goes 30 km inland from the state border.

The main illegal activities related to the land border are again illegal border crossing and tobacco-smuggling. On the border section there are 3 risk areas mainly on the southern part of the border line.

### 4.4.2. Border surveillance

#### 4.4.2.1. Tactics applied, including system of border patrolling, command and control

Land border surveillance is performed based on the same “three-line-model” already mentioned for BPS Siret and BPS Vicov. There 25 - 26 officers/agents are on duty on average per shift. Human and technical resources are concentrated to survey high-risk areas in order to prevent from illegal activities at/across the borders.

Also risk analysis is performed in the same way like seen at the BPS Siret and BPS Vicov. The given information on this showed again high engagement and preparedness of all officers/agents involved.

In principle the overall tactical concept of BPS Raducaneni was found to be suitable and in line with Schengen Borders Code and Schengen Handbook. The implemented system of patrolling was found flexible and precise but beyond the operational needs; there are no duty dogs available and for patrolling on the river Prut there is only one boat (Type Frassmer) deployed to the BPS which is – according to the length of the river border - not enough for the minimum needs.

Moreover, there are only two officers/agents entitled to drive this boat which is also not acceptable since there is no substitute in case of illness or other reasons (→ means that no river patrol is possible as long one of them is missing).

Back-ups, namely the BPS intervention team, are in place and can be further supported by patrols of neighboring sectors, by the intervention teams stationed at BPCI headquarters as well as by National Police patrols if needed. As regards airborne border surveillance this is organized on regional level and only available if the aircraft/helicopter is present straight at that time in the very sector.

#### 4.4.2.2. Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border)

During daytime they use a patrol boat in the Prut river on the borderline itself. This patrol is dependent daylight due to security for the border police. The mission of this patrol is to look after illegal migrants trying to cross the river and for footsteps on the riverbank.

# RESTREINT UE

In the first perimeters there is the mentioned protective stripe (a gate-line prepared to leave behind footprints behind from everybody needing to cross it). This gate-line is inspected by foot patrols every 24 hours. In the second perimeters there are mainly mobile observation posts, equipped with thermal and night vision cameras and binoculars (placed on strategic point in the terrain picked out in advance) and mobile patrols in the communities and along the road network.

The mentioned risk areas in the southern part of the borderline are also surveyed 24/7 by stationary foot patrols.

At the second line of the border surveillance system there are stationary patrols on the top of the hills equipped by daytime with binoculars and night time with portable thermal vision or night vision equipment for detecting aliens illegally crossing the border. At the second line there are additional mobile patrols to check the main roads, crossroads, and the settlements at the border area. On the rivers there is an additional boat patrol in 8 hours a day but only in daytime.

There is no stationary technical surveillance system along the river. The Romanian Border Police informed EvalCom that there will be two stationary sensor systems equipped with thermal camera, daylight camera and ground radar deployed to the hilltops until the end of the year.

The main illegal activities related to the land border are, as already mentioned, illegal border crossing and the tobacco smuggling. The border police sector has a risk profile concerning illegal migration which is revised after every new case. The patrols are briefed about this profile. The main modus operandi is across the river either by swimming or with improvised rafts in small groups. There are no results of human smuggling activities and facilitators in this sector. The level of the illegal migration is stable (an average of 6 cases per year). Most of the illegal migrants were detected and apprehended in the second line of the border surveillances system by mobile and stationary control patrols. Since 2007 about the 30% of the illegal migrants were detected and reported by local citizens.

The staff of the sector is well prepared, well equipped and aware the current situation of the border. Remarkable is the fact that the patrols have a direct access to the different databases via TETRA system; accordingly they can check the controlled persons, cars or documents in these databases on the spot.

At the second and third line of the border surveillance system there are joint patrols with the national police on daily basis according annual and weekly plans. The main tasks of these joint patrols are to combat cross-border crime, do follow-up control and detect overstayers.

The possibility for the joint patrolling with the customs is available but there are no such joint patrols. The cooperation between the border police and RIO is organized on county level.

There is no direct cooperation with the Moldavian border guard units. Every cooperation – include information exchange – is prepared on county level.

The shift leader decides on daily basis, when and where the mobile unit shall execute their surveillance. He takes the decision after a “handover” with the outgoing team, who share all the actual information on the current situation in the AOR.

The shift-leader also receives actual intelligence information and risk analysis from the risk-analysis office. The executive officer on this office prepares daily information that includes a summary of all information needed to carry out the border surveillance.

Daily tactical management (also during joint actions) with other units is also taken care of by the shift-leader. Normally, he put him self on the ground where the actual events take place or joins in on a mobile patrol carrying out border surveillance.

# RESTREINT UE

The BPS has established good routines and procedures in order to work out assessment, situational awareness and risk analysis on daily basis. This routines also include procedures who obliged all the staff to read and update them self on the current situation. The information is available on paper and on line. The BPS also has online access to their neighboring BPS risk analysis.

## 4.4.2.3. Reaction capability (ability to encounter incidents – routine situations and situations posing an intensified threat)

Border surveillance is carried out in combination of several measures:

There is the intervention team at the BPS as a back up ready to step in where- and whenever needed in the AOR.

The BPS has no sniffer dog available for the moment. Tactics in order to intercept based on interaction with a dog-handler, don't exist for the moment. There are no technical surveillance systems (such as seismic devices or cameras who can be monitored 24/7 on screen indoor) in place at the borderline itself or within the first and second perimeter.

The detection capability is based on observation carried out by the border police (which seems to be appropriate in times of good weather and visibility). However, bad weather and reduced visibility does give some limitations. Under such conditions they turn into mobile patrol on the road network and strategic points closer to the borderline.

The staffing in contrast with the size of AOR is good and allows a sufficient reaction capability. The longest distance inside the AOR can be reached with in 40 minutes. As there is an average of 6 mobile patrol on duty at any time, additionally the shift leader and the intervention team, it can come to a mobility shortage because there are only around -10- vehicles available.

## 4.4.2.4. Availability and permanency of the above mentioned (human and technical) resources

### *a) human resources*

The BPS Raducaneni has a total staffing level of 149 border policemen out of which 106 are planned for border surveillance. There are four shifts, each of them has a staff of 26 border policemen, and one ship crew with 2 members of the border police. The shift system is 12/24/12/48. Each shift has the following staffing:

- 1 shift leader
- 1 border police man as driver for the shift leader
- 18 border police men for mobile, stationary and foot patrols (9 patrols)
- 1 border police man for joint patrol with the police (during night shift)
- 4 border police men as intervention team
- 1 border police man for protecting the BPS building (entrance and armament).

For command and communication duties there is one dispatcher, located in the BPS, available at any time, but this officer belongs to a separate unit within the organizational structure. Hence it follows that there is an average number of 9 patrols (additionally joint patrol with the police during night shifts) available in the border area at any time. As the shift leader (with his driver) is also in the field most of the time there is a further patrol available. The mobile intervention team is located in the BPS in order to react in an incident.

# RESTREINT UE

The ship crew is a separate unit within the organizational structure. It consists of 2 border police men. They are carrying out waterborne border surveillance on the river Prut eight hours every day but not during the night. The shift times are planned in compliance with the head of BPS. If one of the two border guards which are allowed to navigate the patrol boat is absent there are no patrols (see above).

Concerning dog handlers the EvalCom was told that currently there is none of them available in BPS Raducaneni. In case of an incident a sniffer dog is called from BPCI, from neighboring BPS's or from the national police.

## *b) technical resources*

The following vehicles are available for mobile surveillance and intervention:

- 7 off-road vehicles (Nissan Pathfinder and Terrano)
- 4 All-Terrain-Vehicle (Quads)
- 1 VW Transporter (with mobile thermo-vision camera)
- 4 other vehicles.

Expressively asked there is no limitation on fuel or distance for the patrol cars existing.

The boat which is used for waterborne border surveillance is a fast patrol boat (type FASSMER, built in 2005). Usually it is manned by a crew of two with additional space for two border guards. As there is no equipment available for night-vision the boat can only be used during the day.

For technical border surveillance the following means are available:

- 1 mobile thermo-vision camera (based on VW Transporter)
- 2 portable thermo-vision camera (with TV/IR-camera and laser range finder)
- 8 night-vision devices (goggles and binoculars).

Currently there are no stationary technical means installed for border surveillance. However, according to information received by EvalCom it is planned to implement a stationary border surveillance system. This system will be fitted on two poles with a height of 30 meters in the North and in the South of the area of BPS Raducaneni. The system will consist of a TV/IR-camera (day and night-vision), laser range finder and ground radar.

The patrols of BPS Raducaneni use radios on TETRA-standard. There are enough radios available for each vehicle and each border guard on patrol.

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*Comments and recommendations of the Evaluation Committee:*

## Recommendations:

The EvalCom was appreciative of the following facts:

- EvalCom is appreciative of the model used by the RBP in delivering briefings and preparation of officers/agents prior to duty and considers the overall concept including the measures for follow-up verification and controlling as good practice.

The EvalCom took special note of the following facts:

- Risk analysis is carried out in a comprehensive manner; however, all agencies involved in integrated border management should contribute similarly in order to elaborate an overall situational image on threats and challenges. The EvalCom encourages also the Romanian Customs authorities to participate more actively in risk analysis

# RESTREINT UE

The EvalCom considers that there is room for improvement in relation to the following points:

- The main purpose of border surveillance is to prevent unauthorized border crossings, cross border criminality and to take measures against persons who have crossed the border illegally. Romania is invited to develop this concept further especially in the field of operational level cooperation with other national agencies and with the Republic of Moldova.
- Since there is no duty dog available at present the EvalCom recommends to deploy one dog handler with sniffer dog per shift for tracking and protection to the BPS Raducaneni in order to strengthen the operational capacity mainly in the first and second alignment
- Since airborne surveillance is only available occasionally the EvalCom invites the Romanian Border Police to enhance this tactical possibility in due time.
- The EvalCom came to the conclusion that the timely implementation of the foreseen stationary surveillance system as well as further increasing the number of night-vision devices will be crucial. Romania is invited to finalize the ongoing project as soon as possible. The EvalCom also came to the conclusion that the implementation of further technical surveillance and detection measures should be considered.
- In addition to the previous system EvalCom also invites the Romanian authorities to take under consideration to install fixed technical surveillance or/and alarm system in the empty area between border river Prut and villages near the river which have been defined as the most risky areas for illegal border crossings.
- The EvalCom came to the conclusion that the capacity of waterborne border surveillance should be raised. Because of the fact that the whole border line in the area of responsibility of BPS Raducaneni is composed of the river Prut and due to the countryside the following measures should be taken:
  - purchase of a second fast patrol boat
  - provision of -4- crews (two for each boat)
  - installation of night-vision devices at both boats.Therefore Romania is invited to change this situation.
- The EvalCom took special note that currently there is no sufficient mobility available at BPS Raducaneni. Romania is invited to reconsider and adjust the number of patrol vehicles.

## 4.5. Border Police Sector MORAVITA

EvalCom visited the following sites:

- BCP Stamora Moravita (railway)
- BCP Moravita (road)

### 4.5.1. General Information

#### 4.5.1.1. Environment, structure of border crossing point, organizations, traffic, threats, crime statistics

The BCP Stamora Moravița is located in the south-western part of the country, at the Romanian Serbian border, in Timis county 2 km from the BPS Moravița and 60 km from Timisoara city.

It was opened in 1937.

The corresponding Serbian BCP is Vatin.

The total number of passenger trains in 2009 was 593 inbound and 687 outbound (2008 562 inbound and 627 outbound), which means that there is an average of 3,5 passenger trains per day). In 2009, there was a total number of 29.500 passengers (44.340/2008) with almost 65% of third country nationals.

For time being none of illegal immigrants or false travel documents was detected; neither any refusal of entries was done.

The BCP Moravița is also located in the south-western part of the country, at the Romanian – Serbian border, in Timis County, 62 km from Timisoara city on European road Nr. 70. It was opened to international traffic for passengers and goods in 1954. The corresponding BCP in the Serbian side is the BCP Vatin.

In 2009, there were 1.712.674 passengers (2008: 1.273.751) out of which 139.435 were third country nationals. The increase in passengers is mainly due to fact that Romanian citizens do not need visa anymore to enter Serbia.

In July, 2009 Moravita road BCP entered in process of reconstruction (*the Schengen Facility*). EvalCom was told that by the end of October 2010, the reconstruction and modernization of the BCP will be finalized.

#### 4.5.1.2. Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross border cooperation)

The BPCI Timiș has six border police sectors: BPS Moravița, BPS Deta, BPS Cruceni, BPS Jimbolia, BPS Beba Veche and BPS Sânnicolau Mare.

Only the BPS Moravița and the BPS Jimbolia have BCPs for road and railway traffic.

Inter-agency cooperation at regional and local level is based on MoUs between the Border Police and other relevant authorities. Cooperation includes e.g. regular meetings, joint checks, joint investigations and exchange of information as regards risk analysis. At the BCP Moravița joint checks are in place both in passengers and cargo traffic and the EvalCom noticed that cooperation between the Border Police and Customs was at adequate level.

# RESTREINT UE

International cooperation with Serbian Border Police is based on an agreement between the Romanian and Serbian governments. The BCP Moravița cooperates with its corresponding Serbian BCP and exchanges information when needed by phone or by visiting the Serbian side. At the BCP Moravița there are monthly bilateral meetings at the level of the heads of the BCP. During the visit EvalCom could witness a bilateral meeting of crime intelligence experts.

The BCP Moravița was nominated for one of the FRONTEX temporary Focal Points, and the BCP was also part of two FRONTEX JO's in 2009 and one in 2008. There is also one agent at the BCP who was nominated to the FRONTEX Rabbit pool.

## 4.5.1.3. Risk analysis and intelligence functions

The risk analysis at Timiș County Inspectorate is organized similarly to the way at the BPS Suceava and Iasi.

## 4.5.2. *Infrastructure and equipment*

### 4.5.2.1. Signposting

Since the BCP Moravita was under the reconstruction during the visit of EvalCom all traffic was running through the entry lanes. The infrastructure for the first line border checks was still found to be the one of the old BCP, while the administrative building was already newly renovated and enlarged. Provisional traffic signalization clearly marks lanes intended for lorries, personal vehicles and buses. The current signposting is not fully in line with those, set out in the Annex III of the Schengen Borders Code (526/2006). Signposts marking lanes for EU/EEA/CH and "All Passports" could also not be altered in a way that the same lane could be used for EU/EEA/CH-citizens and then for "All Passports" in case of need or traffic congestion. However EvalCom was explained that existing signposting will be replaced by electronic tables making them fully in line with Schengen Borders Code and also allow for switching between EU/EEA/CH and third country nationals..

There are no traffic lights that would indicate, whether a lane is opened for traffic or not.

There is no signposting at the BCP Stamora Moravita.

### 4.5.2.2. Lanes for checks

Due to the construction works only a few lanes were available for border checks at the BCP Moravita during the time of the visit. Separate lanes were signaled for EU/EEA/CH and other third country nationals, yet - due to the ongoing construction-work and the low traffic-volume - the checks were performed together on one lane.

There was also only one entry and one exit lane available for lorry-traffic.

Existing infrastructure at the BCP Moravita - due to the ongoing construction-work - does currently not enable Border Police Officer to direct a vehicle on the side for the more thorough examinations, due to the position of the control booths. This might cause unnecessary congestions during the increased traffic. EvalCom has to admit that - as it could be seen from the available planning and the ongoing work in the new exit-area - sufficient space will be foreseen in the new premises.

Two lanes are already equipped with Automated Number Plates Recognition System (ANPR), which is still in its testing phase and will be put in operation in a few weeks. It is planned that all lanes at newly constructed BCP will be covered by ANPR.



# RESTREINT UE

Lanes for checks are currently monitored by only a few CCTV cameras. A new surveillance system covering the whole area including the surrounding Duty-Free-Shops will be installed when the work on the new BCP is finished.

Currently not all lanes have barriers or could be closed by the barrier due to the ongoing construction works.

It is planned that all lanes of the new BCP will be closed by barriers. At the time of the EvalCom visit, only the lanes for check of lorries were barred on entry and exit.

Border check procedures at the BCP Stamora Moravita were carried out on the train, while waiting at the railway station.

## 4.5.2.3. Control facilities

At the BCP Moravita booths for the checks of the personal vehicles enable first-line officer to perform face to face border check and clearly see all passengers in the vehicle. No special facilities are available for the bus checks, and lanes for lorries does not have control booths, however this will change, when new BCP will be finished.

A special room for interrogation and two rooms (one on entry and the other on exit) for second line checks of documents are already available in the new parts of the administrative building. One second line room is already equipped, while the equipment for the other is still to be delivered. Also the interrogation room has no cover over the windows, so all activities inside could be observed by passing persons.

A small garage for check of personal vehicles, operated by the Customs, and upon request available to the Border Police, is situated in a separate building, where the lanes for checks on lorries are currently situated. The entry lane to the lorry-terminal has a trench, which enables basic checks of lorries undercarriages, however the area is not covered by any roofing. This will however change with the construction of the new BCP, where a special garage for thorough checks of lorries and other vehicles is foreseen.

According to the construction plans available to EvalCom, the garage will be easily accessible from entry or exit border check lanes.

At the BCP Stamora Moravita, Border Police has only insufficient premises available in the main building. The room for second line checks is currently the only one equipped and in use, however equipment for a surveillance centre will be transferred in another room, which also will serve as operational room, when the foreseen CCTV camera surveillance system will be installed. Another room will be used for interrogation, however also here the windows were found uncovered and therefore passing persons could observe any activities inside.

Currently no stamps or visas are available at the BCP. They are being brought from the BCP Moravita, nevertheless appropriate storage cabinets are already assured in the second line room.

## 4.5.2.4. Equipment: first line, second line, mobile

The control booths at the road BCP Moravita are currently equipped with the following first line equipment:

- Computer with access to national police databases and Intranet. Over the Intranet electronic version of the Schengen Handbook and other relevant EU legislation, exit/entry database, eSIF (national police database on vehicles and persons), ENO, eReporting, and specimens of different travel documents,
- Docutest,
- OCR reader with UV light and biometry,

# RESTREINT UE

- Set for checking of documents (10x magnifying lens, pocket microscope, portable UV lamp, tweezers, 3M light),
- Entry or exit stamp,
- Mirrors for vehicles check,
- Fixed telephone line.

Entry/exit stamps were appropriately stored in a safe at shift leader's office at the road BCP Moravita and are in line with the format and specifications (metal stamp), set out in the document SCH/Gem-Hand (93) 15.

Currently no border check stamps are stored at the railway BCP Stamora Moravita, although appropriate storage is already available.

The following second line equipment is available in the administrative building of the BCP Moravita and in the railway station at the BCP Stamora Moravita:

- Computer with access to national police databases and Intranet. Over the Intranet electronic version of the Schengen Handbook and other relevant EU legislation, exit/entry database, eSIF (national police database on vehicles and persons), ENO, eReporting, iFADO, EUVID, Interpol database, visa issuing database, and specimens of different travel documents,
- Docubox connected with computer (Optoelectronica VFR100 at railway BCP and Foster&Freeman VSC4Plus at road),
- Microscope with fibre optics lights source,
- Explosives and narcotics detector Sabre 4000 (only at the road BCP), and
- OCR reader with UV light and biometry.

No CO<sub>2</sub> detectors or endoscopes are permanently available at the BCP Stamora Moravita, however it was explained that they could be brought in from the BCP Moravita in case of need.

The following second line equipment is additionally available at the road BCP Moravita:

- Heartbeat detector,
- X-ray machine for scanning of lorries, used and operated by the Customs,
- Endoscope,
- Radiation detection gates at the lorries terminal, and
- CO<sub>2</sub> detector.

Portable radiation detection gates were set up to monitor radiation on both lanes for lorries traffic.

The Customs have furthermore at their disposal equipment for the analysis of drugs, several endoscopes, a videoscope, a portable radiation device, tools for dismantling a vehicle and a X-Ray machine for checking luggage. However during the time of the EvalCom visit none of this equipment was used for border checks (it also looked new and unused despite it was said to be in use from one to four years).

Border Police Officers were familiar with use of the first line equipment, however the knowledge on use of second line equipment was fairly poor. There are specially trained officers for use of the second line equipment, who should pass their knowledge to other colleagues (train the trainers system).

At the BCP Stamora Moravita portable checking devices with OCR and fingerprint reader connected with mobile TETRA radio stations for data transfer, were used for mobile border checks. However the documents could not be checked in the police databases due to the low TETRA radio signal. One of the portable devices also seemed to have problems with reading the MRZ.

Only one dog is available for both road and railway at the BCP and is trained in detection of drugs.

# RESTREINT UE

## 4.5.2.5. Communication

The dispatcher's office at the railway BCP Moravita is equipped with fixed telephone line, which enable calls to mobile TETRA radio stations used by Border Police Officers performing border checks outside of building, or on the train.

The BCP Moravita is also equipped with fixed telephone lines as well as TETRA radio stations. All border officers performing check outside the booths where also equipped with mobile TETRA radio stations.

## 4.5.2.6. Transportation and mobility

No personal vehicle is available at the BCP Stamora Moravita. When vehicle is needed, they have to call and ask the BPS Moravita to support them with a vehicle. The same situation is at the BCP Moravita. There is also no personal vehicle available and their mobility also depends on the Border Police Sector Moravita.

## 4.5.2.7. Access control / fencing

The entire area of the BCP Stamora Moravita is open without any fence or surveillance at the entry or exit point. There are no CCTV surveillance cameras use to ensure security of the railway BCP border check area. There are several tracks at the railway station which are also neither fenced in nor under the video surveillance. The railway station is situated 2,8 kilometers from the border line with Serbia. EvalCom was explained that CCTV camera system, covering entire BCP area will be installed by the end of the year at the latest. BCP area is currently lit by reflector lights which seem to be very old and are very far apart as the whole station - as regards railway infrastructure (and infrastructure of the railway police) - gave a rather worn-down impression..

The area of the BCP Moravita is currently not entirely fenced in, however a new fence is already under construction. A CCTV surveillance system consisting of two 360 degree perimeter cameras situated at the entry and exit lanes for personal vehicles and buses is in operation. There are no cameras monitoring lanes, or terminal for lorries. There are reflector poles covering the whole BCP area (some appear to be plain public lights with low light efficiency, however EvalCom had no possibility to check sufficiency due to the fact, that visit was carried out during the day).

## 4.5.2.8. Detention / readmission premises

With the exception of an interview-room there were no detention/readmission premises available at the BCP Stamora Moravita.

At the BCP Moravita, only interrogation- and asylum-rooms are currently available. Both have basic equipment (just furniture). Large windows are making it impossible to ensure privacy at these premises, and everything can be observed from the outside. Detention and readmission premises are planed and already positioned in the new administration building, but will also be exposed to observation from the outside. Appropriate measures to ensure privacy and adequate surveillance are therefore recommended by EvalCom.

## 4.5.2.9. Storage of blank visa

Appropriate storage of blank visa is available at the railway BCP Moravita, but currently not used. At the BCP Moravita visa sticker were appropriately stored in the safe at the dispatcher's office.

# RESTREINT UE

## 4.5.3. Controls and procedures

### 4.5.3.1. Traffic handling / traffic modes

At the BCP Stamora-Moravita there is one pair of passenger-trains daily (one on entry and one on exit; direction Belgrade - Bucharest). There is also a daily average of 2 to 8 cargo trains.

The traffic is divided in 8 lines: one with normal gauge for passengers' trains and 7 with wide gauge for cargo trains.

At the BCP Moravita - due to construction works - the traffic handling is done in a very limited way. Currently there are only two entry lanes and two exit lanes for cars and busses (all of them together in the old entry-area; the new exit-area is currently under construction) and one separate entry and exit lane for lorries.

### 4.5.3.2. Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)

At the BCP Stamora Moravita entry and exit checks are performed while the persons remain in the train. The train remains for about 25 minutes in the station for entry/exit controls.

There is no information about the passengers on board received in advance. moreover there are even deficiencies in receiving information on incoming/outgoing cargo/passengers trains, which led to the fact that the surveillance team arrived too late on the spot during EvalCom visit

The EvalCom was told that the irregular schedule of the trains was due to construction works.

The controls are done jointly between the border police and the customs. The control is done by 6 border police officers: two police officers check the documents, two check the bridges and the seats, and two supervise the train, each one of the latter standing on a side of the train. There were no dog handlers available, however EvalCom was told that in case of need, they could be present.

Customs did the control before and after the document checks.

The mobile devices to do the document checks, as already mentioned above, did not work during EvalCom visit due to network-problems.

During the check there was a problem with Serbian seamen holding old passports and only seamen's book, with no visa at all. The border police officer partly solved the problem, since he brought the documents with him in his premises, however the persons were not informed about the procedure. After the checks, the seamen could continue their journey to Serbia. According to the Agreement concluded between the Romanian Government and the Council of Ministers of Serbia and Montenegro regarding the travel conditions of citizens, signed at Bucharest on 14<sup>th</sup> of July 2004, every seamen can travel without visa requirement.

Concerning the cargo train, EvalCom was informed that no passengers could be on the train. However when the EvalCom witnessed the controls on the train, a passenger came off (EvalCom received contradictory information about this person, who might have been working at the railway station).

At the BCP Moravita, there are two border police men who dispatch the traffic, both on entry and exit. Due to the construction works, entry and exit controls for cars and buses are limited to only 2 lanes of entry and exit. A dog handler from the border police and a dog handler from customs were present. The dogs were used for drugs and explosives.

# RESTREINT UE

On entry and exit, the documents of the persons are checked by a border police officer; meanwhile the customs and another border police officer do the vehicle check.

Concerning the buses, the EvalCom was told that on entry control the passengers have to stay on the bus where their documents are checked; at the same time the documents of the driver are checked. It was also told that a extra control is performed by a border police officer, together with customs. On exit, the same procedure was followed.

The lorries are controlled in a separate lane (no separate booth; check of the documents took place in the booths which were standing at the lanes for cars and buses).

EvalCom was told that a rotation system is implemented for the border police (workplace decided and registered by the shift leader).

At the BCP Stamora Moravita and Moravita checks are carried out mainly in accordance with the Schengen rules. Persons enjoying Community right of free movement undergo a minimum check. Databases are consulted non-systematically and this is based on profiling. Third-country nationals are subject to thorough checks which mainly include the systematic consultation of databases. The technical equipment for document verification was used only at the road BCP.

During the visit, the EvalCom noticed that not every person was checked on entry conditions.

Stamping was mainly done according to the SBC. Due to an agreement with Serbia, the crew on trains is not stamped.

## 4.5.3.3. Utilization of registers

In the first line of border checks third country nationals are verified in the alerts database of the Romanian Border Police. This database includes alerts on travel documents, persons and vehicles inserted by the law enforcement authorities. A special border checks application – e-SIF is used for access to this database. Additionally to the alerts database e-SIF provides access to:

- an aliens' entry and exit register;
- a register of specimens – national register of specimens of travel documents and of detected false, forged or counterfeit travel documents;
- a database of Schengen legislation, Schengen Handbook and national instructions for implementing of the Schengen Borders Code;
- a database of risk profiles and
- e-Learning.

The entry and exit application allows for the simultaneous interrogation of other databases accessible from the second line. One single response is being provided upon selection the respective fields by a border guard (Visa-on-Line, e-ASF Interpol, Stolen vehicles and Wanted persons).

When carrying out thorough second line checks following databases could be utilized by border guards additionally:

- EUVID – information on specimens of registration certificates, chassis serial number, car keys, etc.
- iFado
- all the items comprised at the 1<sup>st</sup> line

## 4.5.3.4. Utilization of the Schengen Handbook

The Schengen Handbook, including annexes, was easily accessible on the Intranet and border guards could find it without any problems, together with other national and European legislation. It was also available on paper.

## 4.5.3.5. Processing of refusals and asylum applications

Refusals of entry are carried out in the second line. The corresponding decision is taken by the head of the BCP, and in his absence, by the shift leader. A standard form in compliance with Annex V to the Schengen Borders Code is used.

At the BCP Stamora Moravita, there were no refusals of entry in 2008 nor in 2009.

The EvalCom was told that the decision of refusal of entry would be taken by the head of the BCP Moravita (the person would be brought to the Road BCP (2<sup>nd</sup> line) and would then be handed over to the Serbian authorities with a security car).

At the BCP Moravita, 200 persons were refused entry in 2008 and 103 in 2009. The main reason for refusals was that a person did not have a valid visa or residence-permit (85/2009, 188/2008). The top nationalities were citizens of Serbia and FYROM. The EvalCom was told that this decrease was due to the following reasons:

- Since July 2007 visa waiver for Romania to Serbia;
- Schengen visa to be considered as transit visa to travel through Romania;
- Since 19 December 2009 visa waiver for biometric passports from Serbia FYROM and Montenegro.

If a person is denied entry, he is immediately sent back to the Serbian border (see also above).

In 2007 and 2008 there were no asylum applications in 2009 only one case of asylum (1 Serbian with his 3 children) was introduced at the green border. At both BCPs there were no asylum applications.

The EvalCom was told that in case of asylum application the proper form is issued and sent to the Romanian Immigration Office.

At both BCPs no false documents were found in 2008 and 2009, and no illegal immigrants were detected in 2008. In 2009 there was one case with 14 persons involved; 8 citizens of Turkey, 4 from Greece and 2 from Iraq. These immigrants were tried to smuggle by EU citizens. However, the EvalCom was told the main threats at the level of the BCP are cigarettes smuggling and traffic with stolen cars. No threat for illegal immigration was identified.

## 4.5.3.6. Issuance of visas

Stickers are being filled in electronically and registered in Visa-on-line system and by hand in a dedicated register, in accordance with art. 5 (4) b).

The initial decision to grant the visa is taken by the head of the BCP and, in his absence, by the shift leader.

For the cases of national interest or international obligations, the General Inspectorate has to be consulted first and in case of approval, the BCP is allowed to grant the visa.

EvalCom was told that the fee for visa is according to the age, i.e. 0-6 free of charge, 6-12 35 Euro and above 12, 60 Euro.

## 4.5.3.7. Second line activities

Second-line activities consist of thorough second-line verification of entry conditions of third-country nationals, thorough scrutiny of travel documents, refusal of entry, issue of visas and initial activities in case of asylum applications. For second-line checks, passengers are informed according to article 7.5 of the Schengen Border Code by means of a form. All second-line checks are recorded in a book.

At the BCP Stamora Moravita, second line activities were limited to the document checks, the other 2<sup>nd</sup> line activities took place at the BCP Moravita. At the BCP Moravita all 2<sup>nd</sup> line activities were noted in the adequate registers, including electronically (e-Back-Office application).

## 4.5.4. Border surveillance

### 4.5.4.1. Tactics applied, including system of border patrolling, command and control

Land border surveillance is performed based on the same “three-line-model” already mentioned for all the others BPS visited.

The border police sector is responsible for 38,18 kilometers of the Romanian-Serbian land border. There are two BCPs - the BCP Moravita and the BCP Stamora-Moravita in the area of responsibility of the sector. The terrain in the border area is flat and open. There are some hills about 1-2 kilometers from the border line. With the appropriate observation equipment - depending on the weather conditions - it should be quite easy to detect potential offenders and targets.

There are three small settlements located along the main road is run parallel with the border line.

On average there are 20 - 21 officers/agents are on duty per shift. The area of responsibility is divided in high-risk and low-risk areas. Human and technical resources are concentrated to survey high-risk areas in order to prevent from illegal activities at/across the borders.

Also risk analysis is performed in the same way like seen at the BPS Siret, BPS Vicov and BPS Raducaneni. Despite a well designed and comprehensive risk analysis approach, a special team on duty for combating illegal cross-border activities was found completely uninformed on the up-to-date situational image although the team had six hours time to read the papers and to inform themselves on the subject. Since this is a pre-condition for operations and proper performance this can easily lead to critical misunderstandings and subsequently wrong decisions on how to carry out the given tasks.

In principle the overall tactical concept of BPS Moravița was found suitable and in line with Schengen Borders Code and Schengen Handbook. The implemented system of patrolling was found flexible and precise but the fact that there are no duty dogs available decreases the overall performance at the green borders.

Back-ups, namely the BPS intervention team, are in place and will be supported by patrols of neighboring sectors as well as by National Police patrols if needed. Back-up and support teams are well prepared and the system was found working properly since all additional patrols called in for support were at the spot in time.

The existing international train connection (passenger and freight trains) is surveyed by one patrol of BPS Moravita in the area between the borderline and the train station Moravita while the patrol of the BCP is checking the train.

As regards airborne border surveillance there is no special aircraft or helicopter in place. If needed it has to be organized and granted upon request by the regional level.

# RESTREINT UE

## 4.5.4.2. Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border)

At the border section there are four risk-areas. At the first and second lines of the border surveillance system there are stationary and mobile patrols (on foot or by car), equipped during daytime with binoculars and at night time with portable thermal vision or night vision equipment for detecting illegal border crossers. At the second line there is an additional mobile patrol to check the main roads, crossroads, and the settlements at the border area. The entry point of the rail is observed every time, when a passenger train goes across the border. The information on cargo-trains does not arrive in time in every case, therefore similar surveillance-measures for cargo-trains is not possible every time.

Along the border line there is a protective stripe which helps to detect tracks after illegal border crossing. This system originally was running along the whole border line, but now it is working only the area of the entry point of the railway, about 4 kilometers in length. At this risk-area, the stripe is checked twice in every shift by foot patrols.

There are no stationary technical surveillance systems along the border line, but the Romanian Border Police informed EvalCom that there will be a stationary thermal camera in the area of the BCP Moravita until the end of the year. With this camera, and the portable or mobile equipment the sector will be able to monitoring 99% of the border line.

Currently, the detection capability is based purely on observation carried out by mobile patrols. However, bad weather and reduced visibility does give some limitations and is evidently the weak point in the given detection capability.

The shift leader decides on daily basis, when and where the mobile unit shall execute border surveillance after a “handover” with the outgoing team, who shares all information on the current situation in the AOR.

The Shift leader also receives actual intelligence information and risk analysis from the risk-analysis office. The executive officer on this office works out daily information that includes a summary of all information needed to carry out the border surveillance.

The shift-leader finally also takes care of the management on the tactical level during daily basis or joint actions with other units. Normally, he put him self on the ground where the actual event takes place or joins in on a mobile patrol carrying out border surveillance. The BPS accomplishes one or two joint action exercises with the sector intervention team each month.

The main illegal activity is the tobacco smuggling. The border police sector has a risk profile concerning to cigarette smugglers which is revised after every new case. The patrols are briefed about this profile. There are no results of illegal immigration, human smuggling activities and facilitators in this sector. The level of the illegal migration decreased after 2007 because the route moved to the Hungarian-Serbian border.

There are joint patrols with the national police at the second and third line of the line of the border surveillance system on daily basis according annual and monthly plans, organized by the county level. The main tasks of these joint patrols are combating cross-border crime, perform follow-up controls and detect overstayers. The cooperation between the Border Police and RIO and the Customs is organized not on local but on county level.

There is very good cooperation with the Serbian Border Police in the field of information exchange, border surveillance and joint operations, and the fight against the smuggling activities.

The majority of the Border Police show good situational awareness, as a direct result of established routines within information flow. The staff of the sector is well prepared, well equipped and aware the current situation of the border.



# RESTREINT UE

Remarkable is the fact that the patrols have a direct access to the different databases via TETRA system; accordingly they can check the controlled persons, cars or documents in these databases on the spot.

The BPS has established good routines and procedures in order to work out assessment, situational awareness and risk analysis on daily basis. The information is available on paper and on line (the intra-net). The BPS also has online access to their neighboring BPS risk analysis.

#### 4.5.4.3. Reaction capability (ability to encounter incidents – routine situations and situations posing an intensified threat)

The staffing in contrast with the size of AOR is good and allows a sufficient reaction capability. The number of vehicles is sufficient. The longest distance inside the AOR can be reached with in 45 minutes.

#### 4.5.4.4. Availability and permanency of the above mentioned (human and technical) resources

##### a) human resources

The BPS Moravita has a total staff of 186 border police men out of which 80 are planned for border surveillance. There are four shifts, each of them has an average staff of 20 members of the border police. The shift system is 11/24/13/48. Each shift has the following staffing:

- 1 shift leader
- 1 border police man as driver for the shift leader
- 12 border police men for mobile, stationary and foot patrols (6 patrols)
- 3 border police man as intervention team
- 1 border police man for protecting the BPS building (entrance and armament).

For command and communication duties there is one dispatcher, located in the BPS, available at any time (belongs to a separate unit within the organizational structure). Hence it follows that there is an average number of 6 patrols (minimum 4) available in the border area at any time. As the shift leader (with his driver) is also in the field most of the time there is a further patrol available. Also the mobile intervention team located in the BPS is ready to react in an incident.

Concerning dog handlers the EvalCom was told that currently there are only 2 dogs for protecting but no for tracking available at the BPS Moravita. In case of an incident a sniffer dog is called from BCPI, neighboring BPS's or from the national police.

##### b) technical resources

The following vehicles are available for mobile surveillance and intervention:

- 4 off-road vehicles (Nissan Pathfinder)
- 2 All-Terrain-Vehicle (Quads)
- 2 VW Transporter (with mobile thermo-vision camera)
- 5 other vehicles.

Expressively asked there is no limitation on fuel or distance for the patrol cars existing.

For technical border surveillance the following means are available:

- 2 mobile thermo-vision cameras (based on VW Transporter)
- 2 portable thermo-vision camera (with TV/IR-camera and laser range finder)
- 12 night-vision devices (goggles and binoculars).

Currently there are no stationary technical means installed for border surveillance. However, according to information the EvalCom was given it is planned to implement a stationary border surveillance system. This system will be fitted on a pole with a height of 30 meters at the BPS Moravita. The system will consist of a TV/IR-camera (day and night-vision) and a laser range finder.

The patrols of BPS Moravita use radios on TETRA-standard. There are enough radios available for each vehicle and each border guard on patrol. Additionally in areas with low TETRA-network coverage satellite phones are used.

#### 4.5.5. *Staff and training*

##### 4.5.5.1. Adequacy and the level of professionalism

As at the Iasi Sector, also here the quality of the training courses is enhanced by the presence of a former Border Police national training centre in Timisoara recently assigned to the national Police. Notwithstanding this transfer, the BPCI Timis is still continuing to benefit of those facilities and teachers in order to upgrade the professional capacity of its officers. In that centre, they have organized biometric travel document detection training courses, which do constitute a top priority for the training policy of the Romanian Border Police.

For the document training of the junior officers, the trainer (the forensic document expert of the second line) goes daily to the booths and trains the junior colleagues on the new specimen, the new techniques of falsification of documents and information about stolen cars, EU Schengen rules updating and so on.

It must be underlined that since some border police officers have not received an updated training in the field of the stolen cars' traffic, the actual risk of this smuggling through this stretch of external border may be higher than currently estimated. Therefore, it is necessary integrating the appropriate number of such training courses in the curriculum of the further education organized at this BP Sector as soon as possible.

##### 4.5.5.2. Selection criteria

See general part

##### 4.5.5.3. Basic training

See general part

The overall training policy is good at this Border Police Sector alike the other visited ones. The good capacity of work and reaction to the questions by the officers is a proof of the training's positive impact on the level of professionalism of the officers.

##### 4.5.5.4. Further continuing education

Further to the national training courses, which are organized at the national level and provided at the various Border Police training centers like in Oradea, Bucharest and Iasi, each sector organizes its own curriculum of continuing education courses in the various fields of the border management like document detection, EU and Schengen rules, language-skills, fight against cross border crime, search for stolen cars and other activities like shooting and investigation.

For the new recruits, there is an induction training period with a tutorship.

# RESTREINT UE

Moreover, all the officers receive at least four hours per week of on the spot training, which is systematic with 3 or 4 trainees being trained for each shift.

## 4.5.5.5. Linguistic skills and training

A good sign of fair linguistic skills is the capacity of the local officer to make the visits' presentation in English.

The linguistic skills of the staff in the first and second line are overall fair enough and apt for the interviews. Some of the officers have basic knowledge of necessary (for the local border traffic and the effective relation with the Serbian Border Police) languages like Serbian and other most common languages of the routine travelers and truck drivers.

However with noticeable exceptions, the senior and junior officers do not speak English and there is no local planning of training courses in English language. The officers receive some refreshing language courses at basic level organized by the Sector, but - as EvalCom was told - neither find the time nor the necessary funds for temporary replacement to be able to attend courses to improve their knowledge of languages.

## 4.5.5.6. Specialized document checking skills and training

The officers attend document checking courses at the Sector and BCPs level. But only few of them attend the specialized forensic courses provided at the border police training academies. Usually this trained specialist becomes the 2<sup>nd</sup> line document expert and trainer for his colleagues at the BCP.

The overall document checking skills were good at the BCP Moravita and overall fair at the BCP Stamora Moravita.

## 4.5.5.7. Specialized training for different managerial levels

There is no such kind of training course at the local and Sector level. The Border Police academies provide such specialized training but only a few managers are able to attend because of costs and local operative requirements.

## 4.5.5.8. Availability and permanency of staff

Under the Timis County Border Police Inspectorate, the Border Police Sector has the responsibility of the two BCPs.

The officers of the sector are 186 available above 189 scheduled posts, which makes an excellent situation for the quantitative adequacy of the staff. 14 are officers, 166 are border guards and 6 are administrative personnel.

Under current circumstances (construction work) 12 border police men are deployed in the shift for border checks at the road BCP Moravita and 10 at the BCP Stamora Moravita only for the checking time of the entering and exiting passengers and cargo trains. The latter staff is then redeployed while waiting for the next train. Only one Border police man remains at the rail for security.

The remaining staff is devoted to the management (Director and Deputy of the Sector, Head and Deputy for each BCP) border surveillance tasks, the fight against cross border crimes and illegal migration, risk analysis and administrative tasks.

# RESTREINT UE

From the interviews conducted by EvalCom during the visit it became quite clear that, once the rebuilding of the BCP Moravita is finished, the existing workflow within the BCP Moravita and vis-à-vis the BCP Stomora Moravita will need a close assessment and the available human resources will have to be upgraded in quantity and quality. Only by doing this good quality of border checks both in the winter time as well as in the peak season and a sufficient approach towards a possible increase in illegal immigration after start of full implementation of Schengen for Romania can be assured.

## 4.5.6. *Readmission, expulsion and illegal immigration, carriers liability*

### 4.5.6.1. Administrative structures and coordination

In the field of readmission and expulsion, two agencies are involved:

- The General Directorate of the Border Police handles returns of migrants intercepted illegally crossing the border.
- The Romanian Immigration Office handles returns of illegal immigrants detected inside the territory.

### 4.5.6.2. Removal and readmission of persons who are not admitted or who are found illegally present (identification, detention, issue of documents, escort, financing)

Persons who are refused entry at the BCP are send back immediately to the Serbian authorities. No readmission of persons is implemented. In case of persons found illegally present, the removal procedure is conducted by The RIO. The EvalCom was told that the RIO takes charge of the illegal migrant and transfers him to the nearest detention centre (60 km from the BCP) within two hours. EvalCom was further told that the last case discovered on exit was also immediately send back to Serbia , due to the fact that it was a citizen from Ukraine who didn't need a visa to enter Serbia.

### 4.5.6.3. Particular cases (UMIs, persons constituting a threat for public security)

No cases reported

### 4.5.6.4. Means deployed to combat illegal immigration networks

In the Timiș County Inspectorate no cases of trafficking in human beings were detected in recent years. There is no information concerning illegal immigration networks being active in the area.

Regarding trains there is the Railway Police in the National Police structure specialized for the task of monitoring and checking trains inside the country e.g. in the railway station in order to detect illegal immigrants which were hidden in trains and managed to pass border checks.

Railway Police and Border Police General Inspectorate exchange also information related to illegal immigration.

### 4.5.6.5. Sanctions imposed on carriers

No cases reported.

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# RESTREINT UE

*Comments and recommendations of the Evaluation Committee:*

## Recommendations:

The EvalCom was appreciative of the following facts:

- The EvalCom appreciates the capacity of the Moravita staff in establishing a very effective and permanent cooperation with the Serbian colleagues, which has a positive impact on the efficiency of the fight against the cross border crimes, including the illegal immigration.
- The EvalCom appreciates the quality of the overall training policy and the training courses for further education organized at local level.

The EvalCom took special note of the following facts:

- Procedure of border checks was mostly considered to be in compliance with the Schengen provisions; however some shortcomings were noticed especially concerning the general execution of controls of means of transportation. The EvalCom recommend to improve the level of professionalism of the border guards in charge of that particular task.
- The personnel in the booths showed fairly good knowledge of the Schengen provisions (e.g. Schengen Border Code, Handbook), however more questions in depth concerning entry conditions could be asked.
- EvalCom appreciates the overall language skills of the junior officers in English as well as in the foreign languages immediately useful for the checks quality. Considering the weak EN language skills of the senior and junior managers and taking into account the need of intense communication with border police of other Member States, the EvalCom recommends promoting such language courses for the managers and supporting them for attending those courses.

The EvalCom considers that there is room for improvement in relation to the following points:

- The EvalCom took note that the managers are rarely able to leave from their positions for the duration of the courses currently offered. Taking into account the need for such courses the EvalCom recommends organizing managerial courses for senior and junior managers at local/regional level.
- In view of the ongoing construction-work EvalCom invites the Romanian authorities to ensure the following measures:
  - appropriate functioning of ANPR system at the road BCP Moravita, which could contribute to detection of stolen vehicles and shorten the time of border check procedures.
  - necessary space at newly constructed road BCP Moravita to direct vehicle aside in order to perform thorough check of vehicles, without holding other vehicles in the line.
  - set up of a CCTV surveillance system at the BCP Moravita and the BCP Stamora Moravita , especially since there is free access to the border check area where coaches are occasionally parked. It also recommends that CCTV surveillance system covers entire track from the border line to the border check area at the BCP Stamora Moravita as well as the surrounding area of the BCP Moravita.
- Taking into account a probable future increase of illegal immigration after the Schengen accession and the need of adapting the number of officers to that challenge, EvalCom recommends to provide for the appropriate reallocation of human resources from the future internal border to this border sector.
- EvalCom takes note of the plans for reconstruction of the road BCP Moravita and recommends to take necessary steps in bilateral cooperation with Serbian authorities in order to assure smooth traffic through Serbian BCP where six lanes (currently only four lanes in use) are available for border checks, not to render improved infrastructure of the new BCP useless.
- EvalCom recommends to assure that no passing persons will be able to observe activities in the interrogation, detention and asylum facilities at both road and railway BCP Moravita.

# RESTREINT UE

- EvalCom invites the Romanian authorities in light of the new facilities to be available in October 2010 to review the current staffing as regards quality and quantity and to have already now more police officers trained in use of second line equipment in order to improve the general capability and effectiveness of second line checks.
- EvalCom took note that the current situation (ongoing construction work) at the road BCP Moravita does not allow using the heartbeat detectors, nevertheless it recommends to ensure putting in use all the other available equipment in order to further improve efficiency of the border checks at road and railway traffic.
- EvalCom takes note of the near future replacement of current signposting for the separation of passenger flows at the road BCP Moravita with new electronic tables which will be in full accordance with Schengen Borders Code Provisions and invites Romanian authorities to report on progress. It also recommends to install appropriate signalization that would clearly indicate which lanes are opened or closed for traffic.
- EvalCom invites Romanian authorities to ensure good visibility during the night at the new terminal of the road BCP Moravita.
- EvalCom also invites Romanian authorities to consider fencing in of the railway BCP Moravita border check area. EvalCom welcomes also the forthcoming set up of video surveillance at railway BCP Moravita and invites Romanian authorities to report on the progress of its establishment.
- EvalCom recommends to ensure enough vehicles on both the road and railway BCP Moravita for reaction capability and at least basic mobility.
- Since airborne surveillance is only available occasionally the EvalCom invites the Romanian Border Police to enhance this tactical means in appropriate time
- The EvalCom found the preparedness of some of the officers/agents for the daily work not sufficient and recommends clearly to permanently use the risk analysis model in place by ensuring that any officer/agent on duty is fully aware of the up-to-date situational picture
- There is room of improvement of the communication between the border police and the train companies concerning the time schedule of freight trains and the general cooperation.
- The EvalCom came to the conclusion that the timely implementation of the foreseen stationary surveillance system as well as further increasing the number of night-vision devices will be crucial. The EvalCom also came to the conclusion that the implementation of further technical surveillance and detection measures should be considered.
- The EvalCom took special note that currently there is no sniffer dog available within the area of BPS Moravita. Because of the fact that dogs for tracking and protection are an indispensable part of an efficient integrated border surveillance system, Romania is invited to change this situation as soon as possible.
- The EvalCom invites the Romanian authorities to pay special attention to preparing themselves to tackle probably future increasing human smuggling and trafficking in human beings.

## 4.6. Border Police Sector ORSOVA

EvalCom visited the following sites:

- Border Police Sector Orsova
- Border Crossing Point Orsova

### 4.6.1. General Information

#### 4.6.1.1. Environment, structure of border crossing point, organizations, traffic, threats, crime statistics

The BCP Orșova is situated at the border with Serbia, in the south-west of Romania, at the Mehedinți County, 5 km away from the BPS Orșova. It was opened in 1967.

The BCP Orsova is a port on the Danube river for border crossing of cruise and commercial ships entering and exiting the country. In 2009 63 cruise ships and 1.137 commercial ships were checked with 5.827 passengers out of which 1.200 were third country nationals. In 2008 the number of passengers was 5.270.

During 2007 one Romanian citizen tried to cross the Romanian – Serbian Border at the BCP Orșova, by using a Romanian Seaman Book with an unauthorized validity extension.

In 2009, 16 persons were refused entry into Romania (Serbians). In 2008 one case of illegal traffic with cigarettes was registered. No case of illegal migration was registered at the BCP Orsova in the last 3 years.

#### 4.6.1.2. Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross border cooperation)

The BPCI Mehedinți is the responsible border control authority in Mehedinți County. Operational duties are carried out by the following four border police sectors: BPS Orșova, BPS Drobeta, BPS Tr. Severin and BPS Porțile de Fier II. All these border police sector have a BCP.

The BCP Orsova cooperates with several authorities: the RIO, the Romanian Naval Transportation Police, the altogether five Police Cooperation Centers, the Sanitary and Veterinary National Authority, the Customs and the Harbors Master (the latter two being the main cooperation-partners).

As regards the Principles of Control of Vessels navigating on the Danube river applicable after full implementation of Schengen for Bulgaria and Romania both countries have defined as their common strategic goal rules applicable to the control of vessels navigating on the Danube River.

- According to these rules vessels navigating to ports situated on the territory of Member States applying Schengen in full and coming from ports situated in third countries (external courses) shall be subject to border checks only at entry to the Schengen area.
- Vessels departing from ports situated on the territory of the Schengen area, having as destination ports situated in third countries (external courses) shall be subject to border checks only at exit from the Schengen area.
- Vessels navigating exclusively between Romanian and Bulgarian ports shall not be subject to border checks.
- Vessels navigating between third countries' ports, transiting the Danube section between Calafat/Vidin and the port of Galati or the Danube-Black Sea canal, not having as destination ports on Romanian or Bulgarian territory shall be subject to border checks at entry, respectively at exit from the Schengen area.

- Nevertheless, based on the risk assessment with regard to internal security and illegal migration, the crew and the passengers of the above-mentioned vessels may be subject to executing police powers; a physical check of the vessel may also be performed.
- The aim of carrying out the border check is to fulfill the entry/exit conditions to/from Schengen area both by the crew and the passengers, according to the relevant provisions of the Schengen Borders Code.
- If, out of force majeure, a vessel must move in a port without a border crossing point on the common border section, from the border with Serbia up to the location where the border check at entry to the Schengen area (Calafat/Vidin) is carried out, the commander of the vessel shall inform the port authorities which shall contact the nearest port where there is a border crossing point.

The EvalCom was told that cooperation between Romania and Bulgaria will be organized so that Romanian Authorities conduct border checks for ships going upstream and Bulgarian Authorities for ships navigating downstream.

The Romanian authorities will implement comprehensive surveillance systems in those areas along River Danube before BCPs, namely the stretch of the river between the Romanian and the Bulgarian border from Calafat to the area where the Danube is the border between Serbia and Romania, as well as to Galati (Romanian - Ukrainian border).

The EvalCom is of the opinion that these arrangements are sufficient.

#### 4.6.1.3. Risk analysis and intelligence functions

The risk analysis in Mehedinți Border Police County Inspectorate is organized by the similar way than in the Suceava, Iasi and Timis County Inspectorates.

In addition to that the Border Police of Orsova BCP checks an advance passenger information (crew list) against databases.

#### 4.6.2. *Infrastructure and equipment*

##### 4.6.2.1. Signposting

Construction of the BCP Orsova started in 2007 and Border Police started using it only two months ago. Signposting clearly directs incoming and outgoing passengers towards the border check booths. The booths have appropriate signposting fully in line with those set out in Annex III of the Schengen Borders Code (526/2006). Signposts marking lanes for EU/EEA/CH and third-country-nationals can be changed by simply turning them on, which makes it possible to use the same lane for EU/EEA/CH and then alter it to be used by third-country-nationals (i.a. in times of possible traffic congestion).

##### 4.6.2.2. Lanes for checks

The infrastructure of the BCP Orsova enables full separation of entering and exiting passengers. Due to the sparse traffic, usually only one passenger ship at the time presents itself at the BCP. This allows the separation of passenger flows between Schengen and Non-Schengen to be achieved alone with organizational measures.



# RESTREINT UE

At the BCP Orsova there are four entry lanes and four exit lanes available, which is more than sufficient for the current traffic through this BCP. The border check area has the possibility of video surveillance.

## 4.6.2.3. Control facilities

Booths for border checks are positioned in a way that enable first-line officer to perform face to face border check and clearly see a person in front of him, as well as other passengers in the queue.

A room for second line checks is appropriately situated behind entry booths, allowing quick and easy access to second line border checks.

A special room for interrogation, three rooms for detention and two rooms for asylum seekers are available on the first floor.

## 4.6.2.4. Equipment: first line, second line, mobile

Control booths at the BCP Orsova are equipped with the following first line equipment:

- Computer with access to national police databases and Intranet. Over the Intranet electronic version of the Schengen Handbook and other relevant EU legislation, exit/entry database, eSIF (national police database on vehicles and persons), ENO, eReporting, and specimens of different travel documents,
- Docutest,
- OCR reader with UV light and biometry,
- Entry or exit stamp, and
- Fixed telephone line.

Each police officer in the booth is usually equipped also with mobile TETRA radio station.

Entry/exit stamps were appropriately stored in a safe at shift leader's office on the first floor, and are in line with the format and specifications (metal stamp), set out in the document SCH/Gem-Hand (93) 15.

The following equipment is available in the second line room:

- Computer with access to national police databases and Intranet. Over the Intranet electronic version of the Schengen Handbook and other relevant EU legislation, exit/entry database, eSIF (national police database on vehicles and persons), ENO, eReporting, iFADO, EUVID, Interpol database, visa issuing database, and specimens of different travel documents,
- Docubox Foster&Freeman VSC4Plus connected with computer,
- Microscope with fibre optics lights source,
- Explosives and narcotics detector Sabre 4000,
- OCR reader with UV light and biometry,
- CO<sub>2</sub> detector, and
- Endoscope for check of vessels.

## 4.6.2.5. Communication

The dispatcher's office at the BCP Orsova is equipped with a fixed telephone line, which enables communicating with Border Police Officers performing border checks outside of the building, or at the passengers/commercial ships, which use mobile TETRA radio stations.

## 4.6.2.6. Transportation and mobility

There is no personal vehicle available at the BCP Orsova. In case of a need, the BPS Orsova has to be contacted to make a vehicle available.

## 4.6.2.7. Access control / fencing

Entry and exit area from the pontoon pier to the border checks area is secured with metal barriers. Another fence is separating the BCPs building from the outside area. An external camera is placed at the main entrance from the pontoon pier and secures the surrounding area. Another 16 cameras are placed inside of the building, operated from the dispatchers' room. During the EvalCom visit, only one external camera was operative, while internal cameras were inactive due to the server failure.

## 4.6.2.8. Detention / readmission premises

Three detention/readmission rooms are available at the BCP Orsova, however they are currently completely empty and also without video surveillance. Nevertheless the main corridor, leading to the rooms and bathroom for all three premises is under camera control. Another room for interrogation is available on the first floor, as well as two bedrooms for asylum seekers.

## 4.6.2.9. Storage of blank visa

Blank visas at the BCP Orsova were appropriately stored in the safe.

## 4.6.3. Controls and procedures

### 4.6.3.1. Traffic handling / traffic modes

EvalCom was told that there are cruises, yachts, commercial and cargo ships arriving at this BCP. There is a passenger terminal with an entry on the first floor and exit on the second floor. On entry and exit level there are 2 booths with 2 working station each.

Even though ships have to alert the Harbor Master in advance about the crew and / or passengers, the Harbor master can detect at any time the traffic flow due to a radar system. Also a border police surveillance team can spot the flow.

### 4.6.3.2. Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)

#### Cruises:

The EvalCom was told for cruises that 24 hours before the ship arrives the Harbor Master gets the passengers' and the crew list. They transmit the information to the border police. The border police performs a database check and makes a risk assessment. They can decide whether a control aboard the ship has to be done; this can be together with the Harbor master and customs. The passengers present themselves at the control booth to have the actual document check.

# RESTREINT UE

## Cargo:

The EvalCom was told that the crew list is being sent 24 hours in advance to the Harbor Master. The checks of the crew list are done in the same way, except for that crew stays on board. The captain or his deputy of the cargo ship gives the passports from his crew to the border police. After checking the documents the border police went on board together with the harbor master, customs, sanitary agent and the ship agent.

## Yachts:

EvalCom was told that people on yachts have to report themselves at the BCP.

During the visit of the EvalCom, there were no ships on entry and exit.

### 4.6.3.3. Utilization of registers

In the first line of border checks third country nationals are verified in the alerts database of the Romanian Border Police. This database includes alerts on travel documents, persons and vehicles inserted by the law enforcement authorities. A special border checks application – e-SIF is used for access to this database. Additionally to the alerts database e-SIF provides access to:

- an aliens' entry and exit register;
- a register of specimens – national register of specimens of travel documents and of detected false, forged or counterfeit travel documents;
- a database of Schengen legislation, Schengen Handbook and national instructions for implementing of the Schengen Borders Code;
- a database of risk profiles and
- e-Learning.

The entry and exit application allows for the simultaneous interrogation of other databases accessible from the second line. One single response is being provided upon selection the respective fields by a border guard (Visa-on-Line, e-ASF Interpol, Alerts on ships and Wanted persons).

When carrying out thorough second line checks following databases could be utilized by border guards additionally:

- EUVID – information on specimens of registration certificates, chassis serial number, car keys, etc.
- iFado
- all the items comprised at the 1<sup>st</sup> line

### 4.6.3.4. Utilization of the Schengen Handbook

The Schengen Handbook, including annexes, was easily accessible on the Intranet and border guards could find it without any problems, together with other national and European legislation. It was not available on paper.

### 4.6.3.5. Processing of refusals and asylum applications

Refusals of entry are carried out in the second line. The corresponding decision is taken by the head of the BCP, and in his absence, by the shift leader. A standard form in compliance with Annex V to the Schengen Borders Code is used.

At the BCP Orsova, 16 persons were refused entry in 2009 and in 2007 and 2008 nobody was refused entry. If a person is denied entry, the captain of the ship has the responsibility to keep the person on board. A fine of 1500 euro can be imposed on the captain; however the law implicates that first a warning can be given. Until now no fines have been imposed.

# RESTREINT UE

At the BCP there were no asylum applications. EvalCom was told that in case of asylum application the proper form is issued and sent to the Romanian Immigration Office.

## 4.6.3.6. Issuance of visas

Stickers are being filled in electronically and registered in Visa-on-line system and by hand in a dedicated register, in accordance with art. 5 (4) b).

The initial decision to grant the visa is taken by the head of the BCP and, in his absence, by the shift leader. For the cases of national interest or international obligations, the General Inspectorate has to be consulted first and in case of approval, the BCP is allowed to grant the visa..

At the BCP Orsova, in the visa dispatch room, 1 blank visa-sticker and 2 visa declarations were kept very properly in a sealed metal safe box in a metallic closet, the moreover the visa were then kept in a sealed bag in a extra sealed have been issued yet. In the metal safe box. In case of issuing it will be noticed in the visa register.

EvalCom was told that the fee for visa is according to the age, i.e. 0-6 free of charge, 6-12 35 Euro and above 12, 60 Euro.

## 4.6.3.7. Second line activities

Second-line activities consist of thorough second-line verification of entry conditions of third-country nationals, thorough scrutiny of travel documents, refusal of entry, possible issuance of visa and initial activities in case of asylum applications. For second-line checks, passengers are informed according to article 7.5 of the Schengen Border Code by means of a form..

At the BCP Orsova, the second line activities were performed and noted in the adequate registers.

## 4.6.4. Border surveillance

### 4.6.4.1. Tactics applied, including system of border patrolling, command and control

Land border surveillance is performed based on the same “three-line-model” already mentioned for all the other BPS visited.

Orsova Border Police Station is located on the Romanian - Serbian border. The borderline in the area of responsibility (AOR) is 30 fluvial km on the river Danube. This amount to 52 km along the road-/ riverside of Danube.

The topography along the borderline on the Serbian side are dominated by high mountains and steep hillsides. Only one road gives access to the area. Only a few houses are visible from the Romanian side. The character of the mountains makes a natural barrier towards the borderline.

The river Danube is a natural barrier in order to prevent illegal immigrant to enter Romania.

On the Romanian side of the border, there is a road close to the riverside and there is only a short distance without any road along the border. This area is dominated by farmland and is close to the city of Orsova.

# RESTREINT UE

The area of responsibility (AOR) itself is divided in high-risk and low-risk areas. High-risk areas refer only to the area of the harbor in the bay of Orșova. Human and technical resources are concentrated to survey high-risk areas, both on the river as well as along the shoreline in order to prevent from illegal activities at/across the borders. In addition to the identified risks (poaching) at the fluvial border the BPS Orșova is also affected by illegal activities (smuggling) inland along the international road E 70 connecting the western and southern parts of the country.

Risk analysis is performed in the same way like at the other BPS visited. Since the Danube River is considered international water connecting the Black Sea area with the North Sea area additional approaches need to be taken towards necessary information on illegal activities found in other Danube-countries with a view to e.g. RoRo- and container terminals.

The overall tactical concept of the BPS Orșova basically showed that the implemented system of patrolling – especially on roads along the Danube – is flexible and comprehensive. There are still some doubts left with a view to performing the control on entry and exit on the River Danube (Serbia/Romania – Romania/Ukraine/Moldova) since national legislation in case of full implementation of Schengen should be revised in order to enable the RBP to carry out proper control on international river traffic in any case and not only if based on grounded suspicion.

Back-ups, namely the BPS intervention team, are in place and can be supported by patrols of neighboring sectors as well as by National Police patrols if needed. As regards the reaction capacity on the River Danube the same tactical concept of calling in boat patrols from neighboring sectors was found.

As regards airborne border surveillance there is no special aircraft or helicopter in place. If needed it has to be organized and granted upon request by the regional level.

#### 4.6.4.2. Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border)

At the border section there are two defined risk areas. Border surveillance is carried out in combination of several measures At the first line of the border surveillance system there are stationary patrols mainly the area of the river bay, equipped daytime with binoculars and at night time with night vision equipment for detecting illegal activities. In the first perimeters the Romanian authorities also execute boat patrols. The BPS has five boats and most of the time two or three are on duty/readiness 24/ 7. The boat crew is equipped with binoculars and night vision goggles.

In the second perimeter they execute mobile and stationary observation in order to detect. The border police is equipped with one thermal and several night vision goggles. The second perimeter goes through tenanted areas and farmland, and is highly accessible by mobile units.

The third perimeter is divided into ten sectors. Each of those sectors has different challenges, therefore the BPS has worked out tactical plans in advance for each one of the sectors in order to be able to intercept and apprehend illegal immigrants.

There are no stationary technical surveillance systems along the river. EvalCom was informed that a surveillance system along the Danube river will be implemented until end of 2012 financed by the External Borders Fund.

The main illegal activities are illegal trafficking with tobacco and the poaching. The main route of the traffickers is from Timisoara to the southern parts of Romania. There were no illegal immigrants detected since the sector was established but illegal border crossings were detected in 4 cases in the last three years.

There are no results of human smuggling activities and facilitators in this sector. The representative of the RIO informed EvalCom that on within the County Inspectorate they had detected 75 overstayers mainly from Serbia and Moldavia.

# RESTREINT UE

The staff of the sector is aware the current situation of the border, the cooperation with the local citizens is on good level.

There are joint patrols with the national police at the second and third line of the line of the border surveillance system on daily basis according annual and monthly plans, organized by the county level. There are additional coordinated joint operations based on risk analysis of the different agencies average 3 times a month.

The cooperation with the Serbian border guards is good, but restricted to monthly meetings and exchange of information.

Altogether the BPS management showed a very good situational awareness. The figures and statistics for border related (local) crime and illegal migrant quite clearly indicates that this AOR in general is a low-risk area. There is no fixed thermal cameras capacity on the five patrol boats, therefore there is room for improvement in order to increase the detection capability by boats.

The BPS had only one thermal camera at their disposal. Although the is considered being a low-risk-zone the capability to detect also applies in bad weather with limited visibility. The overall reaction capability was found credible do to staffing and boats.

#### 4.6.4.3. Reaction capability (ability to encounter incidents – routine situations and situations posing an intensified threat)

At the BCP the intervention team can be called as a back up and steps in where ever it is needed in the AOR. There is defined one high-risk area in the AOR. It is the harbor to Orsova and the nearby-inhabited areas.

#### 4.6.4.4. Availability and permanency of the above mentioned (human and technical) resources

##### a) human resources

The BPS Orsova has a total staff of 169 border police men. There are four shifts, each of them has an average staff of 35 border police men. Out of this number around 5 are responsible for the BCP whereas 30 border police men carry out border surveillance. The shift system is 12/24/12/48. Each shift has the following staffing:

- 1 shift leader
- 1 border police man as driver for the shift leader
- 7 border police men for the manning of two boats
- 8 border police men for mobile, stationary and foot patrols (4 patrols)
- 1 border police man for joint patrol with the police
- 3 border police men as intervention team
- 1 border police man for protecting the BPS building (entrance and armament).

For command and communication duties there is, located in the BPS, a dispatcher available at any time (this officer belongs to a separate unit within the organizational structure). Hence it follows that there is an average number of 7 patrols (2 waterborne, 3 stationary, 1 mobile, 1 joint patrol). As the shift leader (with his driver) is also in the field most of the time there is a further patrol available. The mobile intervention team is located in the BPS in order to react in an incident.

The boat crews are part of each shift. Two boats (one patrol boat and one intervention boat) are manned in every shift. Because of the use of portable night-vision devices the boats can also be deployed during night times.

# RESTREINT UE

Concerning dog handlers EvalCom was told that there is only 1 dog available in BPS Orsova. In case of an incident sniffer dogs are called from BCPI, neighboring BPS's or from the National Police.

## *b) technical resources*

The following vehicles are available for mobile surveillance and intervention:

- 4 off-road vehicles (Nissan Pathfinder)
- 1 All-Terrain-Vehicle (Quad)
- 6 other vehicles
- 2 river patrol motorboats
- 2 fast patrol motorboats
- 1 fast intervention craft.

Expressively asked there is no limitation on fuel or distance for the patrol vehicles existing.

For technical border surveillance the following means are available:

- 1 portable thermo-vision camera (with TV/IR-camera and laser range finder)
- 6 night-vision devices (goggles and binoculars).

Currently there are no stationary technical means installed for border surveillance. However, according to information EvalCom was given it is planned to implement a stationary border surveillance system. This system will be built along the Danube river and it will consist of two ground radars and a video surveillance system (day and night-vision). The purchase of this system is planned to be financed by Schengen Facility fund and full implementation of this system is expected for 2012.

The patrols of BPS Orsova use radios on TETRA-standard. There are enough radios available for each vehicle and each border police on patrol. Additionally in areas with low TETRA-network coverage satellite phones are used.

Concerning air support EvalCom was told that there is a new Eurocopter helicopter located in Timisoara. As all of the helicopters used by Romanian law enforcement agencies it belongs to a separate unit within the Ministry of Administration and Interior. The border police can request flights for planned missions in advance by writing a formal request to the Ministry which co-ordinates the flight times between all law enforcement agencies. However, in a case of emergency after a concrete incident, it is currently difficult to get air support. Even in this case the Ministry must decide at first.

### *4.6.5. Staff and training*

#### *4.6.5.1. Adequacy and the level of professionalism*

The BPS Orsova has, under the responsibility of the BPCI Mehedinti, the responsibility of the Danube river port BCP Orsova.

There are 169 border police officers and agents available above 171 scheduled posts, which makes an excellent situation for the quantitative adequacy of the staff.

Most of the staff is employed for the surveillance tasks along the Danube stretch and off shore on which the Sector is competent.

The overall shift of the Sector is covered by 33/35 border police men. These are distributed at the blue border (5/7) and the green border (22/24) for surveillance tasks. Other 4/6 officers are employed at the BCP Orsova engaged in checking incoming and outgoing ships and, while waiting for the next boat/ship, participating in surveillance-tasks, in work at the Sector and/or in further continuous training on the spot.

# RESTREINT UE

In any case again the head of the BPS is the manager of the border control (green border surveillance and checks at the BCP), with direct competence on the staff and structures of the Sector and the BCP. He has the power to organize the shift of the BCP and the surveillance team and distribute the available human resources according to plan and priorities.

## 4.6.5.2. Selection criteria

See general part

## 4.6.5.3. Basic training

See general part

The good capacity of work and the precise replies to the questions by the officers and agents interviewed during the visit showed the training's positive impact on their level of professionalism. The four officers in the booths (2 on entry and 2 on exit) were eager to show the knowledge they have acquired of the EU rules and procedures.

## 4.6.5.4. Further continuing education

The overall training policy follows the same model observed at the other sectors of the Romanian Border Police.

At the Orsova Sector, the officers attend courses on all the border management matters. Furthermore, for document training of the junior officers, the trainer (the forensic document expert of the second line) goes daily to the booths and trains the junior colleagues on new specimen, new techniques of falsification of documents and informs them i.a. about stolen cars and EU- and Schengen-rules.

## 4.6.5.5. Linguistic skills and training

The excellent linguistic skills of the local junior officers could be shown when making the presentations during the visit of the BCP Orsova in English and holding the conversations with EvalCom's experts.

However, the senior and junior managers do not speak English and there is no local planning of training courses in English language. The officers receive some refreshing language courses at basic level organized by the Sector.

## 4.6.5.6. Specialized document checking skills and training

The officers attend document checking courses at the Sector and BCPs level. But only few of them attend the specialized forensic course provided at the border police training academies. The 2<sup>nd</sup> line document expert and at the BCP has attended the specialized forensic document detection course in Bucharest and he is the document trainer for his colleagues.

The overall document checking skills seemed to be adequate but could not be assessed in practice since at this river port there was no traffic at the time of the visit.



## 4.6.5.7. Specialized training for different managerial levels

There is no such kind of training course at the local and Sector level. The Border Police academies provide such specialized training.

## 4.6.5.8. Availability and permanency of staff

The staff is more than adequate and the level of professionalism is good, although EvalCom had no possibility to assess real checks because there was no traffic during the visit.

The border police work closely with Customs and use very often their equipment in joint checks and patrol.

## 4.6.6. *Readmission, expulsion and illegal immigration, carriers liability*

### 4.6.6.1. Administrative structures and coordination

In the field of readmission and expulsion, two agencies are involved:

- The General Directorate of the Border Police handles returns of migrants intercepted illegally crossing the border.
- The Romanian Immigration Office handles returns of illegal immigrants detected inside the territory.

### 4.6.6.2. Removal and readmission of persons who are not admitted or who are found illegally present (identification, detention, issue of documents, escort, financing)

Persons who are refused entry at the BCP are put under the captain's responsibility, whether it would be a cruise ship or a cargo ship. No stowaways were found in the last years.

### 4.6.6.3. Particular cases (UMIs, persons constituting a threat for public security)

No case reported

### 4.6.6.4. Means deployed to combat illegal immigration networks

Currently in the BPS Orsova illegal immigration is obviously not a risk. However, taking into account the situation at Serbian-Hungary border after full implementation for Hungary the risk of illegal immigration might also rise here after beginning of full implementation.

### 4.6.6.5. Sanctions imposed on carriers

The EvalCom was told that persons who are denied entry are kept on board of the ship. A penalty of 1500 euro can be imposed, however the EvalCom were told that until now they only gave warnings to the carriers, and that this warnings were not registered.

# RESTREINT UE

*Comments and recommendations of the Evaluation Committee:*

The EvalCom was appreciative of the following facts:

- EvalCom appreciates the very good quality of the English and other languages skills of the staff tasked with the border checks at the Orsova BCP.
- EvalCom appreciates the adequacy and the excellent ratio of the available staff (98.88) of the allotted posts at this BPS.
- The EvalCom appreciates the quality of the overall training policy and the training courses for further education organized at local level.
- At the BCP Orsova, blank visas and stamps are stored in the room of the dispatch and are locked in a sealed metallic safe box. Any handling of visas, if there should be any delivered, and the usage of stamps is properly recorded.
- The personnel in the booths showed in general good knowledge of the Schengen provisions (e.g. Schengen Border Code, Handbook),
- The EvalCom takes note of the way how risk analysis in general is carried out. The RBP is encouraged to maintain these standards but to include also information focusing on the risk of international water traffic e.g. RoRo, container terminals.

The EvalCom took special note of the following facts:

- Considering the use of giving warnings to carriers, according to the Romanian law, the EvalCom recommends to register them in an accessible database, since these warnings ensure a correct implementation of the carriers' liability.
- Considering the weak EN language skills of the senior and junior managers and taking into account the need of intense communication with border police of other Member States, the EvalCom recommends promoting such language courses for the managers and supporting them for attending those courses.
- The EvalCom is appreciative of the tactical approach of overlapping back-up systems both on the River Danube as well as at the green borders and encourages the RBP to further keep this principle when planning and implementing operational and tactical concepts.
- Though the overall surveillance on the River Danube in general was found in place there is still some room for improvement as regards legislation and additional facilities for controls when passing Romania.

The EvalCom considers that there is room for improvement in relation to the following points:

- Taking into account the nature and level of cargo and passenger traffic (on average two to four cargo- and passenger ships per day and very rare pleasure boats even in the peak season) as well as the results of the local risk analysis, EvalCom recommends to review the allocation of human resources at this BCP in view of optimizing the allocation of the resources and redistribute them to other priority tasks.
- EvalCom recommends and to ensure enough vehicles at BCP Orsova for at least basic mobility.
- The EvalCom recommends increasing the number of thermal cameras, both fixed on cars and boats as well as the mobile devices in order to increase the detection capability.
- The EvalCom came to the conclusion that the timely implementation of the foreseen stationary surveillance system will be crucial. Because of the fact that the new system will not be finished before 2012 the EvalCom recommends increasing the number of night-vision devices (e.g. Nestor devices) in order to enforce the technical surveillance.
- The EvalCom took special note that currently there are no duty dogs available within the area of BPS Orsova. Because of the fact that dogs for tracking and protection are an indispensable part of an efficient integrated border surveillance system, Romania is invited to change this situation as soon as possible.
- The EvalCom took special note that there are already modern police helicopters located near the border area. However, it is crucial to have these technical means available 24/7 even in cases of an incident. Therefore Romania is invited to improve the system of provision of police helicopters.

## 5. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

*Comments and recommendations of the Evaluation Committee:*

### Recommendations:

The EvalCom was appreciative of the following facts:\

- Responsibility for border control lies on a centralized and clearly structured public authority the Romanian Border Police subordinate to the Ministry of Administration and Interior with a direct and clear chain of command between the border police units at national, regional and local level.
- Border control is carried out by specialized and trained professional border police officers and agents. Border control which includes also risk analysis, intelligence and investigation follows the main recommendations of the Schengen Catalogue.
- Border control is managed on the basis of a centralized planning system at all levels, supported by centralized resourcing, supervision and instructions for border control.
- The EvalCom acknowledges active participation of Romania in FRONTEX cooperation.
- EvalCom was informed that a “National Strategy for Integrated Border Management” to be implemented from 2010 – 2012 and following the current IBM-strategy has been elaborated. Romania is invited to report on further details and the progress achieved with the implementation.
- Procedure of border checks was found to be in general in line with the Schengen provisions.
- The EvalCom is appreciative of the overall operational and tactical approach for border surveillance and encourages the RBP to further maintain and adjust if needed in the same flexible style.
- The EvalCom is also appreciative of the professional way in carrying out risk analysis which can be considered to be good practice.
- Remarkable is the fact that the patrols have a direct access to the different databases via TETRA system; accordingly they can check the controlled persons, cars or documents in these databases on the spot.
- The patrols are motivated, well trained and aware of the current situation at the border.
- EvalCom invites the Romanian authorities to keep up the excellent operative cooperation with the Serbian Border Police.
- All officers and agents seem to be highly motivated in their work and are in good relations with the local inhabitants. They carry out their tasks especially to establish good relations in order to receive information from the locals when some strangers emerge.

The EvalCom took special note of the following facts:

- Cooperation and interaction between the Border Police and the Asylum- and Integration-Directorate as well as the Migration-Directorate within the RIO were found to be satisfactory.
- The measures applied in the field of Asylum were found to be quite well in place (EURODAC, Dublin-consultations, procedures in handling the cases). In order to further increase effectiveness of the EURODAC-system it is recommended to make EURODAC available not only at the BPCI but also at the BCP and thus allow for a more flexible (and increased) use.
- In view of the forthcoming changes (possibly increasing migration-pressure at the external border; more pressure on migration-routes throughout the whole country rather than the existing border-zones close to the border and thus more pressure on the interagency-cooperation) the Romanian authorities are invited to periodically review the current implementation of policies and practices in the field of combating illegal migration.
- The staffing-level shown to EvalCom during the visit was appreciated. The table showed that the current staffing-level was sufficient for the time being. Since concern was raised whether the available staffing would also be sufficient in times of peak-traffic at the BCPs as well as under unforeseen circumstances at the green border, the Romanian authorities are invited to periodically review the HR-strategy in order

to provide sufficient staffing at the future external borders also under unforeseen circumstances and also ensure appropriate police-measures after the lifting of controls at the internal border.

- EvalCom recommends the Romanian authorities to consider to further enhance the role of the Border Police in the fight against illegal migration and cross border related crimes. In doing so, the Border Police' professionalism as well as cooperation with prosecutors and other investigators and the Border Police's knowledge regarding modi operandi, illegal immigration routes etc. could be increased.
- Studying best practices in other EU-MS for an optimal use of the EU-EBF and the EU-RF are recommended.
- In general the EvalCom invites the Romanian authorities to increase the number of border police outside the booths to secure the thorough border checks.
- The EvalCom is of the opinion that the implementation of cooperation between the Border Police units and customs makes a positive contribution to increasing security. However the framework of this cooperation should be strengthened.
- EvalCom was very appreciative of the level of technical equipment already available. It was taken on board that there is still a considerable amount of control- and surveillance-equipment to be received. The Romanian authorities are invited to ensure that the delivery is completed in due time and to increase their efforts in training the police-officers in the use of this equipment in order to rapidly provide for its optimal use.
- The personnel in the booths showed good knowledge of the Schengen provisions (e.g. Schengen Border Code, Handbook) in general. However, the EvalCom recommends checks on entry conditions to be carried out more thoroughly.

The EvalCom considers that there is room for improvement in relation to the following points:

- EvalCom noted that mobile devices for border checks on trains have difficulties with remote access to Border Police databases, and recommends to improve the system in order that would allow reliable and constant check of relevant passengers against police databases and future SIS during border check procedures on trains.
- The EvalCom recommends to continue with unannounced inspections from the County Inspectorate and the General Inspectorate level in Border Police sectors, independently of local management, in order to make sure that corruption for facilitating illegal immigrants would not arise.
- The EvalCom invites the Romanian authorities to pay special attention to preparing themselves to tackle a probable future increase in human smuggling and trafficking in human beings.
- The EvalCom notes that the implementation of risk analysis within the structures of the RBP has been carried out successfully. However, there is still some room for improvement with a view to other law enforcement agencies engaged to contribute to the RBP model more intensively in order to reach the necessary overall situational awareness.
- Generally the Romanian Border Police has both the human and technical means to secure a certain level of border surveillance. However, there is still room for improvement in the fields of technical surveillance means and in the provision of duty dogs.
- EvalCom invites the Romanian authorities to review the organizational model of the BP Sector, providing enhanced managerial capacity to the BCP leadership in view of enhancing the overall efficiency of the local border management.
- About the detection capability there is room for improvement. This includes especially installing technical devices that can detect border crossing in all weather condition. This applies in particular to those areas that hardly can be monitored only by (the actual number of) mobile units do to the terrain and topography.

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- The reaction capability in general looks sufficient do to the current situation. However, there is room for improvement. The number of staff and vehicle can hardly handle more than one case at the time. In this matter, the sector level should execute several joint action exercises that also include the national police as well as the custom service.
- EvalCom invites the Romanian authorities to promote the management training for the junior managers of the BCPs in order to enhance their decision making capacity.
- EvalCom invites the Romanian authorities to promote the language training skills, in particular English as vehicular language for Intra Schengen communications for the Senior and Junior Border managers.
- The EvalCom invites the Romanian authorities to assure that the visa fees are completely in line with the Visa Code as from the start of full implementation of the Schengen-acquis.
- The Romanian authorities are finally invited to report regularly on the progress as regards equipment, training and construction work. An additional visit to evaluate the BCPs Moravita and Stamora Moravita and the management of integrated border surveillance with the new equipment might be considered necessary at a later stage.

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