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- SIS/SIRENE Evaluation : draft inspection report

Delegations will find attached the declassified version of the above document.

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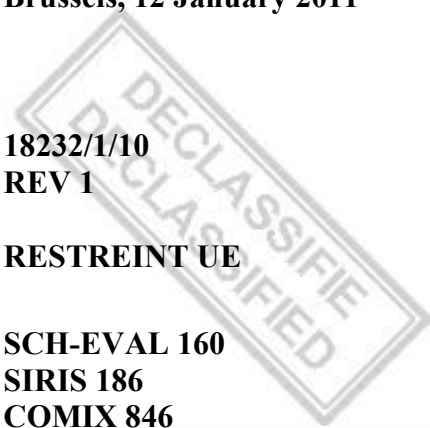
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REPORT

from : the Evaluation Committee
to: the Working Party for Schengen Matters (Schengen Evaluation)
Subject : Schengen evaluation of ROMANIA
- SIS/SIRENE Evaluation : draft inspection report

This report was made by the Evaluation Committee and is brought to the attention of the Working Party for Schengen Matters (Schengen Evaluation) which will ensure that a report and the presentation of the follow-up thereto are made to the Council.

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1. INTRODUCTION

1.1. General

Based on the mandate of the Schengen Evaluation Group (*SCH/Com-ex (98) 26 def*) and the programme of evaluations adopted by the Council (*6949/3/08 REV 3 SCHEVAL 11 COMIX 160*), the Evaluation Committee visited Romania with the aim of verifying whether the criteria constituted by the Schengen acquis are satisfied and comply with the standard required, and to pinpoint shortcomings or weaknesses.

The SIS/SIRENE evaluation took place between 6 and 10 December 2010. The Evaluation Committee comprised experts from Member States as well as representatives of the Council Secretariat and the Commission.

The Romanian authorities demonstrated openness and flexibility in supporting the Evaluation Committee's request to perform several surprise visits. The period of evaluation was well prepared and organized in a highly professional way.

The following report sets out the findings of the Evaluation Committee.

The remarks that the Evaluation Committee considers to be most valuable are printed in bold in the main body of text (chapters 1-4). Remarks from Romania are printed in italics.

1.2. Basic data about Romania, police and administrative organisation

Romania has about 22 million inhabitants. The Country is divided into 40 districts (described in this report as "counties") plus the greater Bucharest area. The capital, Bucharest, has about 2 million inhabitants.

Administrative organisation

The following information on administrative organisation in relation to the SIS has been provided by the Romanian authorities :

The Ministry of Administration and Interior, the Ministry of Public Finance, the Ministry of Foreign Affairs and the Ministry of Justice are part of the Romanian Government.

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THE MINISTRY OF ADMINISTRATION AND INTERIOR (MAI)

The Ministry of Administration and Interior is a special body of the central public administration, with legal status, having its headquarters in Bucharest. Its main responsibilities are: to uphold fundamental rights and freedoms of persons, public and private assets, maintain public order, uphold the state border, maintain the aliens' regime and regime of refugees and asylum seekers, as well as to manage the regime of issuing identity documents, passports and driving licences.

From the organisational point of view, the Ministry of Administration and Interior has the following structures established under the law provisions, which are, as the case may be, in a subordination or co-ordination relation:

- central body;
- units subordinated to the central body;
- territorial units

A. Central body

The Central body is composed of general directorates/directorates that co-ordinate, control and monitor, according to competences in their field, the manner in which the above-mentioned units implement the legal provisions.

B. Units subordinated to the central body

(1) In the field of public administration, the public institutions and specialised bodies of the central public administration, subordinated to the MAI, are the following: General Directorate for Passports, Directorate for Driving Licenses and Vehicle Registration.

(2) In the field of public order, the specialised structures of the Ministry of Administration and Interior, most relevant for this area of expertise, are the following: Romanian Police, Romanian Gendarmerie, Romanian Border Police, Romanian Immigration Office and Directorate for Persons Records and Management of Databases.

C. Territorial units

The units mentioned at point B have in their organisational chart central specialised structures, which, based upon the level of organisation, may have inspectorates, general directorates, directorates, departments, large units and/or operational units, learning and training units, logistic units, all of them being in subordination, at territorial level.

Romanian Police

The Romanian Police represents the state specialized institution which has responsibilities regarding the protection of the fundamental rights and liberties of the individual, the protection of private and public property, prevention and identification of crime cases and observance of public order and safety, pursuant to the law.

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

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

The General Inspectorate is headed by a general inspector appointed by the decision of the Romanian prime minister, at the proposal of the minister of administration and interior and after consultation of the National Body of Police Officers.

There are 41 County Police Inspectorates under subordination of the General Inspectorate of Romanian Police, with territorial jurisdiction in each Romanian county.

Under subordination of each County Police Inspectorate, there are municipal police stations, city police stations, and communal police stations.

The Municipality Police has the territory divided into distinct areas. In each area there is a police station. Activities are coordinated by a police station chief and a deputy. These police stations also have correspondent offices for the Inspectorate's departments.

City police stations have correspondent offices for the Inspectorate's departments such as Crime Investigations, Public Order, Dispatch and Operational Records and Statistics. The management activity is provided by the police station chief and a deputy, except for small city police stations that do not have deputies.

Each city police station coordinates communal police stations. Assignment criterion is based on geographical location and territorial jurisdiction.

Romanian Border Police

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

The Romanian Border Police has developed co-ordination structures of the specific activities, at central (General Inspectorate of Border Police / GIBP) and local levels (county inspectorates of the Border Police).

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

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

Border police sectors - are organized within the border police county inspectorates, representing the execution structure of the Border Police. 47 of them are located at the EU external border and 34 at the borders with Hungary and Bulgaria.

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

Border crossing - points - structures within the border police sectors, fulfilling the attributions related to the control of persons, goods and means of transportation crossing the state border and the surveillance of the border crossing point.

THE MINISTRY OF PUBLIC FINANCES

The Ministry of Public Finances applies the strategy and Government programme in the public finances field.

The National Customs Authority is a specialized institution subordinated to the Ministry of Public Finances, within the National Agency for Fiscal Administration.

The Authority applies the customs policy and the policy in the field of excises. The customs authority carries out within the state's customs policy the attributions granted rules in order to perform customs clearance for goods introduced into or taken out from the country and to secure the external borders in this respect.

The authority is led by a secretary of state, which is the vice-president of the National Agency for Fiscal Administration. The structure of NCA includes headquarters and subordinated structures, namely regional directorates for excises and customs, county directorates for excises and customs, border customs offices and in-land customs offices.

THE MINISTRY OF FOREIGN AFFAIRS

The Ministry of Foreign Affairs is the institution subordinated to the Government of Romania which ensures the foreign policy and cooperates in drafting and accomplishing the economic policy of Romania.

It is led by the minister of foreign affairs, supported by several state secretaries.

MFA has its headquarters in Bucharest and several institutions under coordination. The external service of the MFA includes the Romanian diplomatic missions, consular offices and cultural institutes.

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1.3. Legislative and regulatory provisions regarding the SIS in Romania

The following legal acts amend the former legal framework approved in 2005. They are in full compliance with the existing legal framework at the level of the EU regarding SIS 1+ and SIS II.

- **Law no. 141/2010 on setting up, organizing and functioning of National Information System for Alerts and participation of Romania to the Schengen Information System**

This law stipulates the setting up, organizing and functioning of the National Information System of Alerts and ensures the legal framework necessary to use the second generation Schengen Information System by Romanian authorities.

Thus, general and special rules about the National Information System for Alerts, Romania's participation in the SIS, common dispositions for alerts contained in NISA and sent to the SIS (retention period of the alerts, rules for performing transactions on NISA and SIS alerts, data security and protection of persons as regards personal data processing) are established.

- **Government Decision no. 966 of September 15, 2010 on the access rights for the Romanian public authorities to the National Information System for Alerts, published in the Official Journal of Romania no. 653 of September 21, 2010**

According to Law no. 141/2010, the Government Decision establishes the national competent authorities and their rights of access to NISA.

- **Order of the minister of administration and interior no.212/23.09.2010 on the working procedures for the activities of the national competent authorities within MAI regarding the NISA or SIS alerts**

The Order regulates the activities to be taken by the competent national authorities within the Ministry of Administration and Interior involved in carrying out transactions with alerts from the national component of SIS, as well as accessing the personal data which are processed in this system. The order also regulates the activities to be taken following a hit on an alert from the national component of SIS.

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2. PRESENTATION OF THE SIS

2.1. Presentations

Bodies authorised for SIS data access

Data Entry

Article CISA	95	96	97	98	99 (discreet checks)	100
Police	x		x	x	x	x
Romanian Border police		x		x	x	x
Immigration office		x				x
Courts of Justice and Ministry of Justice				x		
Public Ministry				x		
Directorate for persons, records and management on databases						x
Directorate for Driving Licenses and Vehicles Registration						x
Passports General Directorate						x
Ministry of Foreign Affairs						x

Consultation

Article CISA	95	96	97	98	99 (discreet checks)	100
Romanian Police	x	x	x	x	x	x
Romanian Border police	x	x	x	x	x	x
Immigration office	x	x	x	x	x	x
Courts of Justice and Ministry of Justice	x					
Public Ministry	x					
Directorate for persons, records and management on databases						
Directorate for Driving Licenses and Vehicles Registration						x
Passports General Directorate						
Ministry of Foreign Affairs		x				
Romanian Gendarmerie	x	x	x	x	x	x
Customs authority					x	x

The Evaluation Committee questioned why the Immigration Office has such wide access to SIS data. According to the presentations given the Immigration Office has access to all alerts. The Evaluation Committee asked for clarification on which element of national law places the Immigration Office within the scope of Article 101 (1) a) and b) which sets out that access to data entered in the Schengen Information System and the right to search such data shall be reserved exclusively to the authorities responsible for: a) border checks; b) other police and customs checks carried out within the country, and the coordination of such checks.

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The Romanian authorities provided a comprehensive response which set out that the specific staff of the immigration office in question are police officers with specific competences. Accordingly, within their sphere of operation, the checks carried out by this service are “police checks” within the scope of Article 101 (1) (b). In areas where these officers would not expect to carry out checks, e.g. stolen vehicles, firearms, banknotes, access to such alerts cannot be exercised. Equally, although they can carry out the initial response to an Article 95 hit, the person is rapidly handed over to the competent police body which processes surrender cases for the Court and prosecutors. The Evaluation Committee welcomed this clarification.

At present, alerts on Art. 98 are entered and deleted by the Romanian Border police, at the request of a judicial authority. This is due to the fact that Border police already had in place a national data base for alerts similar to those on Art. 98 and there was no need to create a new one. According to Art. 5 of law 141/2010 regarding the setting up, organising, functioning of NISA and Romania's participation in the SIS, after ECRIS becomes functional, the Ministry of Justice, the courts and the prosecutor's office will be able to enter directly alerts on Art. 98.

For areas where there is no border police a request for insertion is sent to the national border police HQ, see e.g. the visit to Arges county.

The Evaluation Committee highlighted that in some MS a problem exists whereby Art. 98 alerts are not deleted by the judicial authority once a hit has been achieved. The Evaluation Committee suggested that the RO authorities may wish to negotiate with the judicial authorities in order for an automated weeding procedure to be implemented to remove alerts after a hit after a predetermined period.

2.2. Presentation of the N.SIS

Presentations

The presentations were well prepared and professionally presented. They included : the legal and institutional framework, legal background and information on the SIS implementation in Romania.

Installation

The IT installation, financed by the Schengen facility and the Romanian authorities, is brand new and state of the art.

Security aspects of the N.SIS

The Evaluation Committee strongly supports the plans of the Romanian authorities to have a full disaster recovery site at a different location.

Network

Based on the information made available to the Evaluation Committee, the network solution (Integrated voice and data communication network of MAI, VDCN) seems to be reliable and secured. An additional redundancy is established via the TETRA network, which can be accessed through mobile devices and handhelds in case the VDCN is not available.

The Evaluation Committee found that not all police stations were connected to the network through a fixed line. Some stations were connected through GPRS. The Evaluation Committee supports the connection to the fixed network of all sites. At present 3600 sites are connected to the VDCN. It is the plan to connect all 5200 sites before March 2011. [For the limitations of the GPRS network, see the visit of the Evaluation Committee to the Vlad Tepes police station.]

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3. SIRENE BUREAU

3.1. General information

The office was well located and well secured and equipped.

The case management system was introduced. The Evaluation Committee saw interesting features for statistics and e-learning. There is simple access to reference documents.

The Evaluation Committee supports the plans of the Romanian colleagues to further develop the case management system in the coming years along the lines of the operational needs defined by the SIRENE staff (e.g. to introduce an automatic transfer of data from alerts to the forms, in order to improve data quality).

The Evaluation Committee also appreciated plans to provide for cross-checking functionality between SIRENE and NCB Bucharest case management systems. The present application already has an interesting feature that indicates, through the use of a coloured background, which data fields in the SIRENE forms are mandatory.

A query on a FR licence plate in the INTERID user interface for the police resulted in a hit list. When the operator clicked on the alert for more details the system gave an error message. The next day the Evaluation Committee was informed that the reason was bad exception handling in the application. This was corrected. Subsequent testing showed that the correct result was achieved.

The SIRENE operators have very good language skills.

The single query module of the INTERID application allows query of SIS and Interpol ASF simultaneously.

SIRENE has access to databases from the immigration service so that they can check the status of immigrants found on their territory. The Evaluation Committee appreciated this possibility.

The Evaluation Committee was informed that agreements were signed with county authorities for taking into care persons found to be the subject of a hit on an Art. 97 alert (minors and vulnerable adults).

3.2. Security

The SIRENE applied all the recommendations of the Best Practices catalogue. Entry to the archive room and the server room is controlled by an iris scan device.

3.3. Revisit SIRENE 9/12

All in all the SIRENE bureau was very well organised, staffed, secured and trained.

Because there were problems with A and M forms during the initial data loading of Romanian article 95 alerts during the weeks before the evaluation, as well as problems with operational Romanian alerts around the period of the evaluation, the Evaluation Committee decided to do a revisit on the 9th of December 2010. The Evaluation Committee had received a written statement by the Romanian authorities on the subject.

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The following was stated as a result of the visit:

* RO stopped sending historical alerts for Art. 95 as of 18/11/2010.

* operational alerts under Art. 95 continue to be sent. It was found that for one new alert the M form was missing. In that case the M form was only sent to FR. The Evaluation Committee was informed that this was due to a human error. The head of the SIRENE bureau would take organisational measures to ensure quality. This would consist of random checks by a second person. The process of inserting Art. 95 alerts could not be extensively checked due to the limited number of new alerts. Accordingly the Evaluation Committee could not arrive at a final conclusion during the visit. The Evaluation Committee asked the Romanian authorities to provide a written report on the state of the issue regarding missing forms by the 20th of December.

4. VISITS

4.1. Surprise visit day on 08/12/2010

Visits to: Vlad Tepes police station; Calarasi County Police HQ (including Dispatching Centre); Slobozia (local police station and Gendarmerie patrol); Ciulnita police station.

VLAD TEPES

A commune with a population of 2400 inhabitants, mainly engaged in agriculture. Two police officers are stationed in the commune. Questions were asked concerning training. The officers responded that weekly training is provided and the last session took place the previous week. Training materials on SIS/SIRENE were available in the office. The Head of the station displayed a good knowledge of the alerts in the SIS even without referring to the materials.

When sample queries were carried out the required hit was achieved. However, the officer was not able to generate a G form as that functionality had not yet been added to his system due to the nature of the connection of the police station to the network. The national authorities explained that the connection will be updated within the overall project to implement fixed links before March 2011. Meanwhile, the form would be created through a call to the dispatch centre.

CALARASI COUNTY POLICE HQ

A comprehensive outline of the functioning of the County police was provided. The Head of ICT described the TETRA fixed terminals used by dispatchers, the mobile base-stations used in cars; the PDA devices used for queries, the handsets used for queries and the number of locations within the County connected to the network.

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The Head of training described the training made available to staff and the presence of ten Schengen trainers within the County. Weekly training has been provided on SIS/SIRENE matters. In the dispatch centre the duty officer accessed the intranet and easily found the training materials on SIS. Additionally a summary of alerts was displayed on the notice board with the contact details of the SIRENE Bureau. The duty officer had clearly attended training as he had a good knowledge of SIS alerts and the action to be taken, including the completion of G forms. His response on dealing with the subject of an Article 96 alert was excellent.

Although somewhat unfamiliar with the new system he demonstrated accessing and generating a G form.

One hit achieved in the dispatch centre contained a potential misused identity. The officers did not seem to be familiar with this issue, which could be reinforced via training.

It was found that in several cases end-users were not familiar with the procedure relating to the misused identity. In the Catalogue of Best Practices it is stated that "in the case of misused identity, the procedure for dealing with a hit on a misused identity and the subsequent investigations that should be carried out to establish whether the person is the victim or the perpetrator of the misuse should all be clearly displayed on the screen" (section 3.1).

Therefore the explanation should be displayed on the screen and that way accessible to all.

Question for RO : are there any comments on this ?

Another check on a vehicle which contained a warning on the dangerous nature of the occupants only provided this warning on the second screen and was not highlighted. The Evaluation Committee would recommend that such information should be more prominent on the first screen.

The Romanian authorities informed the Evaluation Committee that as a result of the comments made, the INTERID interface was modified to display information about dangerous nature of the occupants on the first screen; that text would be highlighted.

The Evaluation Committee met a member of the Criminal Investigation Department. He carried out a check over the radio. He achieved the required hit and also had an impressive knowledge of the SIS and procedures to be followed.

A check was carried out from a patrol car. A correct hit was achieved.

The Evaluation Committee found that the screens on the PDA devices were congested with information and scrolling was not an easy function. This made it difficult for the officers to see all the available information. Romanian authorities may wish to study this issue to render the devices more user-friendly.

SLOBOZIA

At the local police station dispatch centre a query was requested. A hit was achieved. However, the Evaluation Committee is of the view that more familiarity with the system is desirable. Although it is anticipated that staff will be unfamiliar with the system in the early days, patrol staff rely on their colleagues in the dispatch office and the Romanian authorities may wish to concentrate training in the dispatch offices so that familiarity can be improved rapidly.

The Evaluation Committee met a Gendarmerie patrol using TETRA hand-held set. A first sample check revealed no hit (see the Gendarmerie dispatch center in Iași). A second check on another subject revealed the required hit. The officer was aware of the correct procedures to follow in relation to the hit.

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It appeared to the Evaluation Committee that a date of birth is required to carry out a person check. Such an exact match requirement is not always a user-friendly search method. The Romanian authorities informed the Evaluation Committee that on the WAP interface, the following search criteria are available:

1. Search for person and ID document:
 - a. Surname and first name
 - b. Surname and date of birth
 - c. Surname, first name, date of birth, document number
2. Search for VIN (vehicle identification no.) and registration number:
 - a. VIN
 - b. registration number
3. Multiple interrogation on document, which let you to carry out search the document number

As elsewhere during the evaluation the police and Gendarmerie demonstrated great flexibility in accommodating the requests of the Evaluation Committee, permitting short-notice visits and calling in local patrols to carry out sample checks.

CIULNITA

This is another small, rural police station; however this station has the upgraded fixed network connection (as compared to Vlad Tepes). A check was carried out achieving the required hit. Additionally the generation of a G form was demonstrated. A trainee police officer who was on duty described the training he had received on SIS and SIRENE whilst at the police school.

4.2. Visit to police station no.1 Bucharest

There was a demonstration of sending a G form. The form was filled out manually.

The Evaluation Committee suggests looking for a way of taking over the required data from the reply screen to the form, in order to minimize human error. The system used for filling out and sending the G form was used for all types of national forms, so that other recipients besides SIRENE could be selected. This reflects a general solution implemented by the Romanian authorities that consists in using forms with the same structure for SIRENE as well as for communication of information on national hits between competent Romanian authorities. The Evaluation Committee was told that SIRENE forms are only sent to SIRENE.

e-learning was presented and appeared good ; the Evaluation Committee considers that this a positive feature. From explanations the Evaluation Committee understood that e-learning was available to all staff but not mandatory. The Evaluation Committee recommends that it be used as much as possible.

The intranet allows connection to a public website for Schengen matters.

As a consequence of law 141/2010 on the SIS, citizens can ask, at any police bureau, for a form with a request to get information about data concerning him/her in the SIS. The police bureau is required to send the form to the SIRENE bureau within 5 days. The SIRENE bureau answers the citizen within 60 days.

Dispatch

The officer used the INTERID user interface. This user interface allows queries using certain combinations of fields, that are explained on the screen. The application seemed user-friendly. The INTERID connects to national databases, the SIS, the NISA and Interpol. In case further detail is needed, officers can perform more complicated queries on dedicated interfaces for national databases.

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The Evaluation Committee was told that there are 4 users that can use the SISOne4ALL directly (dispatch officers) as a backup solution in case the Inter-ID fails. The Evaluation Committee was told that this is a back-up solution used at police stations throughout Romania (this was then confirmed in Iași). The dispatch officers can only query SISOne4ALL, they do not have rights to insert/edit/erase alerts in this application. The Evaluation Committee considers this a good practice that gives the officers a back-up SIS access while preventing possible human errors that could lead to inconsistency in data between SIS and Romanian source databases. If the SISOne4ALL is not available, the procedure is to contact other units.

The officer seemed to be well prepared.

Missing persons unit

All missing children are entered into the SIS. Decisions on vulnerable adults are left to the discretion of the magistrate involved. There is only an entry in the SIS when the case is considered Schengen relevant, i.e. there are reasonable grounds for believing that the person left the country.

CID

The Evaluation Committee visited the CID. They explained about the training they were given.

Patrol Car

The officers managed the standard requests in a short time. They used their TETRA equipment. Officers were familiar with the transliteration table. In one case multiple answers were received and the officer had to contact staff at the station, who were able to relay back the answer.

The Evaluation Committee was explained there were 80 TETRA posts for 132 staff; only operational staff have received it. The equipment also allows the forwarding of photographs from the national register.

The PDA seemed to be more sensitive to communication errors.

When a problem showed on the PDA, officers commented that the TETRA never failed. At this moment there seems not to be a big difference in functionality. The aim seems to be to put more applications on the PDA.

The officers were equally well prepared.

In the station there was a well-equipped and secured communication node. The Evaluation Committee was told that there was a helpdesk in case of trouble and an IT staff member was said to be available within 10 minutes.

4.3. Visit to Arges County Police in Pitesti

The Evaluation Committee visited the Arges county police directorate. The Evaluation Committee was given a presentation about the county police. The Evaluation Committee had the impression training was well organised and that there had been a lot of investment in training. The officers seemed confident in their theoretical knowledge.

The officers stated that RO does not enter Romanian registration plates into the SIS.

The Evaluation Committee saw a hit on licence plate. The reply screen in the INTERID gives the same information for a vehicle as for a licence plate. The Evaluation Committee could later verify that the eSIF system used by the border police shows this difference. The Evaluation Committee recommends to adapt the INTERID system so that it shows clearly the difference between a vehicle and licence plate.

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The Romanian authorities informed the Evaluation Committee that the INTERID application was adapted in order to differentiate between vehicle and license plates alerts. This was done by a correction in the code tables in the sense that the code table referring to license plates was modified from 0099 to 0099.01 in order to match the value requested by the web service. Print screens were presented.

In the case of a hit on an Art. 100 alert vehicle, the officers will always hand the case over to the judiciary which decides whether or not to issue a request for a rogatory letter.

The Arges county has no border police. Since it is the border police that enters alerts for Art. 98, a form is sent to the national HQ of the border police for insertion.

4.4. Visit to Bucharest Henri Coanda Airport (Otopeni) 09/12/2010

During this presentation the structure of the border police and training was presented.

The border police system is user friendly and flexible. Officers were able to answer all the questions presented to them. The procedures for Art. 99 were well known.

The response time of the system is a bit slow. Sometimes response times were fast (1-2 secs), sometimes very slow (15 secs or more). Accordingly the authorities should investigate this issue.

The Evaluation Committee encourages the plans of the RO authorities to extend the eAPIS (e-mail system for sending information on passengers before the flight arrives) application to the N.SIS and not to make queries only on the national systems.

Most borderguard officers had good language skills.

In one case the system did not work and the officer switched to the SISone4ALL application.

After confirmation of a hit, the information is sent electronically to the second line.

The passport scanners are an old model and some staff preferred to type in the data. However the equipment shortly to be taken into use in the new terminal is an improvement and will also provide the possibility to forward electronic copies of a passport in case of e.g. an art 99 hit.

Although Romania does not yet apply Article 96, when checks are carried out hits are achieved but they are not actioned. At Henri Coanda airport the Evaluation Committee asked if the Border Police had already experienced the issue of the existence of an Article 96 alert and an apparently valid travel document. The Border Police reported that they had achieved around 200 non-actioned hits on article 96. Already they had identified several cases of the subject of the alert holding a residence permit, from a Member State other than the state issuing the alert. Accordingly the Border Police have to advise the person to transit directly to the state for which they hold a residence permit, but not to attempt to enter another Schengen state.

4.5. Visit to Sculeni BCP (Iasi) 09/12/2010

The Evaluation Committee also saw the eSIF application for border police purposes, including customs.

Also for the eSIF application tokens are needed.

The officers were well prepared and experienced. They could explain the procedures very well.

There was an extended use of automatic number plate recognition linked to the databases of the Customs; there are plans to link up this application to the SIS in the coming months.

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The Evaluation Committee also visited the second line. The officer showed outstanding knowledge of the procedures and the different systems.

The Evaluation Committee received the following information from the Romanian authorities:

At the first line of border control, when a border police officer gets a hit, the relevant information related to the hit is automatically sent to the back office (dispatch). After analysis (if necessary, supplementary checks) the dispatch confirms the hit. When the hit is confirmed, the system automatically:

- records the information at a central level in a hit database. This database is administered at the General Inspectorate of the Border police;

- sends a notification e-mail to the central dispatch. The notification contains: Schengen ID, type of article, date and time of the hit, date and time of the confirmation;

- sends an SMS to both the SIRENE bureau and the central dispatch on the business mobile phones assigned to these structures. The SMS contains the Schengen ID, the article, date and time of the confirmation, and the police officer who achieved the hit;

The SMS are transmitted automatically by using an SMS server administered by the Special Telecommunications Service. The connection between the application server and the SMS server is on a secured line.

There are four main benefits to such a system:

1. Information is acquired in real time.

2. By receiving live feeds from the border crossing points, SIRENE Romania is able to diminish response times especially in the case of article 95 alerts, by sending the A and M forms to the criminal investigation unit that will present the wanted person in front of the prosecutor even if no national G form has been received.

3. When handling article 99.3 alerts at a border crossing point, it allows the specialized services to be quickly notified by SIRENE Romania.

4. It allows an audit on hits recorded at the level of the Border Police, allowing crosschecking with the national forms received in the SIRENE workflow.

4.6. Surprise visit to the Gendarmerie at Iași on 09/12/2010

The Evaluation Committee made a surprise visit to the Gendarmerie at Iași. The staff of the dispatch centre were very well trained. Staff demonstrated a good knowledge of procedures. The application used by the Gendarmerie was directly connected to NISA by using authentication with a token.

The system gave correct answers to control queries by the Evaluation Committee. The Evaluation Committee further investigated the issue recognised in Slobozia where a hit was not achieved. It transpired that the original check failed due to the "exact match" functionality being used and the insertion of two spaces in the name field resulted in the missed hit. The Evaluation Committee was reassured that this was essentially due end-user unfamiliarity, which is to be anticipated at such an early stage of use of a new system, not a system error in itself. The Evaluation Committee recommends that the Romanian authorities highlight this potential issue with exact match searches in their training programme.

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4.7. Surprise visit a Police Station III (Iași) on 10/12/2010

The Evaluation Committee visited Police Station III. There is a staff of 595 policemen, with 170 vacancies.

Terminals available:

127 fixed workstations with access to SIS data

315 mobile stations

69 mobile inbuilt terminals (patrol cars)

The main tasks concern public safety, traffic police, criminal investigation divisions, and coordination of 36 local police stations in Iași county

A few hits have been experienced since 5th of November (1- Art. 95, 2-99, 1-97, 1-98)

Traffic patrol officers displayed excellent knowledge on the use of the TETRA system, checking an art 95 alert with special characters, and also on the procedure in case of a hit. The technical tools (PDA/TETRA) used during the visit worked with short response times and gave correct answers. The answer shown on the TETRA mentioned the existence of aliases, but did not show the number of the aliases nor an alias list.

Dispatch Center

Training activities are performed frequently and materials are available.

Officers were familiar with the application INTERID. The procedure in case of a hit was described comprehensively through a practical hit achieved in recent days where appropriate actions were taken.

Queries were made in the INTERID system with correct results and a short response time.

The SISone4ALL application is available as a backup solution in case of system interruption.

CID officers

The Evaluation Committee was able to visit the Criminal Investigation Department, where 3 officers with between 2 and 5 years experience were interviewed. They explained that staff had received 4 hours per week training for the last 3 months. They had no problem with explaining the steps to be taken in case of different SIS alerts and they could easily find the alerts via INTERID with reasonable response times.

All the officers interviewed by the Evaluation Committee during the surprise visit showed outstanding theoretical and practical knowledge concerning the procedure and the actual use of the system including the definition and the actions to be taken in case of misused identity.

4.8. Visit to Iași County Police Inspectorate

Part of the Evaluation Committee visited the Iași County Police Inspectorate

Presentation

The Evaluation Committee received a presentation about Iași County, the police Inspectorate and the use of the SIS. The Evaluation Committee learned that about 800 tokens for the applications linked to the SIS are available and that some 200 still need to be distributed. From the answer to questions the Evaluation Committee discovered that e-learning is not compulsory but is a supplement to formal training sessions. The subject matter is developed centrally.

The RO authorities explained that crimes in the county are mostly domestic; there seems to be a general decrease in the crime rate. There is a special structure in charge of transborder crime, that cooperates with the prosecutors.

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The Evaluation Committee was informed that network interruptions only happened infrequently. Teams are available for interventions on equipment failures.

Car crime unit

The Evaluation Committee was shown the interface used for inserting car crime information. Car theft rates seem to be low. For the whole of the Iași county area, 100 stolen cars were reported for 2009 and 70 for the first 11 months of 2010. Last year 24 cars were found that were stolen from other countries. Last few months Iași County entered 12 alerts for stolen cars into the SIS. Half of them were stolen, the six others were embezzled after not paying leasing installments. All entered information had to receive a reference number that was noted in a list (this applies also to the missing persons unit) in order to be able to provide a simple audit facility.

Wanted/Missing persons unit

The officers at the unit showed the interface used for entering data concerning mission persons. The officers were familiar with the procedures related to Schengen cooperation. The data entry screen has a tick box that allows to indicate whether a person is considered Schengen wanted. The interface looked user-friendly and was flexible enough to handle different types of situations, national as well as Schengen related.

General remark on the data entry in to the Stolen Cars and Wanted Persons data bases:

A request concerning a car or a missing person is sent from the local police unit to the county police where the police officer in charge of the CID - Stolen Cars /Wanted Persons unit enters it into the national data base and the SIS. This could be a cause for delay but due to the fact that data is double-checked and is entered by an experienced police officer, mistakes can be limited to a minimum.

Police patrol

The Evaluation Committee had the opportunity to talk to patrol officers. The officers demonstrated the TETRA and PDA equipment available in their car. A search on a name and date of birth (for an alert article 96) was performed on a PDA and a TETRA terminal in the car. The alert had an alias with a misused identity. The answer on the PDA showed "no permission to enter the Schengen area" but did not give information on the alias or the misused identity.

The Evaluation Committee asked the Romanian authorities to investigate whether the equipment (TETRA and PDA) has the technical ability to show that information.

As a result of this request the Romanian authorities modified the screen for the PDA/TETRA already during the visit to display the person's category of identity. The Evaluation Committee was shown the result.

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5. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

- The Evaluation Committee appreciated the following :

- The Romanian authorities have made important investments in training and most of the staff were well prepared as far as theoretical knowledge was concerned.
- The staff had the possibility to use e-learning materials on their Intranet. The Intranet also provided documentation materials and a link to the national Schengen website.
- The equipment and installations used for N.SIS and SIRENE were state of the art.
- The patrolling officers have several types of mobile terminals available (TETRA, PDA), with the possibility of querying the SIS. The Evaluation Committee was especially impressed by the handheld TETRA terminals.
- The SIS has been well integrated into the existing applications that the officers are familiar with.
- The transliteration solution based on ICAO standards that is used for queries via INTERID is effective and easy to use by officers. A transliteration table is readily available in case of need. Therefore, few hits are believed to be missed in future due to transliteration of names in different languages.

- The Evaluation Committee has the following remarks :

- Officers encountered were sometimes unfamiliar with the practical functioning of the SIS.

- The Evaluation Committee has the following recommendations :

- For further training the Romanian authorities may wish to concentrate efforts on officers working in the dispatch centres, since they are in contact with the patrols in the street. Further training on the procedures in case of a misused identity is also indicated.
- The Romanian authorities are invited to consider the improvement of the PDA mobile terminals. They seem to be sensitive to network interruptions, sometimes congested with information and scrolling is not an easy function.
- The Evaluation Committee strongly supports efforts by the Romanian authorities in the following areas:
 - further distribution of the tokens used for accessing the database applications;
 - further development of the SIRENE workflow, with due attention to user-friendly functions;
 - extension of the eAPIS (e-mail system for boarding flights) application to the N.SIS;
 - building the planned full disaster recovery site;
 - rolling out the fixed network to all sites; a planning on the subject should be available
- The Evaluation Committee recommends to display the procedure for dealing with a hit on a misused identity on the screen, as described in the catalogue of best practices section 3.1.
- For data quality purposes it is recommended that manual interventions are minimized. This could be achieved by automated transfer of information from SISOne4All and/or from the national systems into the SIRENE workflow system.
- Romania must solve any problem related to the missing A and M-forms for Art. 95 alerts.

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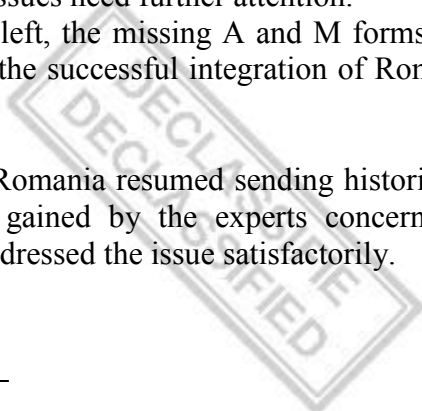
Conclusion of the Evaluation Committee :

The Evaluation Committee appreciates the efforts made by the Romanian authorities to implement the SIS and SIRENE functions and considers this is appropriately done, in compliance with the relevant Schengen acquis.

However, the Evaluation Team wishes to stress that some issues need further attention.

Notwithstanding the mostly positive impression Romania left, the missing A and M forms for the CISA article 95 alerts could have become an obstacle for the successful integration of Romania in the Schengen area.

According to the suggestion of the evaluation committee Romania resumed sending historical Art. 95 alerts as of 03/01/2011. Based on the experiences gained by the experts concerning the aforementioned process the RO authorities seem to have addressed the issue satisfactorily.



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ANNEX 1

Rural MAI connections upgrade – status and planning

I. STS Ethernet Services- deadline 31.12.2010

County code	installed	work in progress	solution redesign	Grand Total
AG	1			1
BC	9	6		15
BN	1			1
BT	6	10		16
BV	4	2		6
BZ	20	8		28
CL	30	4		34
DB	11	5	1	17
DJ	14	5		19
GJ	29		5	34
GL	1			1
GR	5	5		10
IF		1		1
IL	7	13	1	21
NT	28	9		37
OT	34	16	7	57
PH	3	6	2	11
SB	4	1		5
SV	26	1		27
TM	30	6		36
TR	26	15	15	56
VL	15	4		19
VS	6		2	8
Total	310	117	33	460

- **installed** – WiMAX subscriber terminal already installed
- **work in progress** – WiMAX subscriber terminal installation is in progress
- **solution redesign** – due to rejection of WiMAX base station collocation request, an access network architecture redesign is in progress; as soon as the new collocations solutions are approved, the WiMAX subscriber terminals will be immediately installed

II. FIX VPN Services

All the sites connected at this time with mobile VPN services (483 sites) also will be upgraded to the fix VPN Services until 20 March 2011 (backup communication).