

**EMERGENCY ORDINANCE no 105 of 17<sup>th</sup> of July 2001  
on the State Border of Romania**

CHAPTER I

**General Provisions**

Art. 1. In the present emergency ordinance the terms and phrases below shall have the following meanings:

- a) **state border** - the real or imaginary line which passes in a straight line from one sign of the border to the other, where the border is not marked on the ground with border signs, from one co-ordinating point to another; for the Danube and the other streams the state border is set by agreements, conventions and pacts between Romania and the neighbouring countries; it should be taken into account the fact that the general accepted principle in the naval law is the one that the border passes along the middle of the main channel and for non-navigable waters in the middle of the water sheet; for the Black Sea, the state border passes along the exterior and the lateral limits of the territorial waters of Romania;
- b) **border passage** - the land strip situated on one side and the other of the border, set by border agreements and conventions between Romania and the neighbouring states for displaying and protecting the border signs;
- c) **the protection strip of the state border** - the land strip along the state border used to protect the border signs and ensure the control of the access in the vicinity of the border line.
- c1) **contracting parties** – states part of the Agreement among the governments of the states of Economic Union of Belgium, Netherlands and Luxemburg, German Federal Republic and the French Republic regarding the elimination of the controls at their common borders, signed on 14<sup>th</sup> of June 1985, as well as of the Convention for the application of the Schengen Agreement of 14<sup>th</sup> of June 1985 between the governments of the states in the Economic Union of Benelux German Federal Republic and the French Republic regarding the gradual elimination of the controls at their common borders, adopted at Schengen on 19<sup>th</sup> of June 1990;
- d) **inner borders** - the common land borders of the contracting parties, as well as the airports for internal flights and harbours for the regular routes of passengers, which have as departure or exclusive destination other harbours on the territory of the contracting parties, without a stop over in the harbours outside these territories;
- e) **external borders** - the land and water borders, as well as airports and harbours of the contracting parties, if they do not represent inner borders;
- f) *inner flight* - any flight that has as departure or destination point the territory of the contracting parties, without landing on the territory of a third country;
- g) *third country* - any other state besides the contracting parties;
- h) *foreigner declared as inadmissible* – the foreigner who is not allowed to enter Romania, due to the reasons provided in the laws regarding the regime of aliens;
- i) *border crossing point* - any place organized and authorized by the Government of Romania for crossing the state border;
- j) *local traffic point* - any place organized and authorized by the Government of Romania for the persons in the border area to cross the state border, established by conventions and agreements concluded with the neighbouring countries
- k) *border control* - the activity of the competent authorities to ensure the meeting of the regulations set by the law for crossing the state border for persons, means of transport, wares and other goods;
- l) *border crime* - the deed provided by the law as a crime, committed for the purpose of illegal crossing of the border by persons, means of transport, merchandise and other goods;
- m) *the illegal crossing of the border* — the crossing of the state border in other circumstances than those provided by the Romanian law;

- n) *carrier* — any natural or legal person who has as a profession the transport of persons and goods by air, sea or land;
- o) *the control of the border police regime* — all the norms provided by the law regarding the controls of the border policemen on persons, activities or buildings, which are in the competence areas of the border police, for discovering and punishing the breaking of the provisions of the law.

## CHAPTER II

### The Romanian State Border

Art. 2. — (1) The Romanian state border marks the territory of the Romanian state from the territory of each neighbouring country and the territorial sea of Romania from the contiguous area.

In vertical plan, the state border defines the frontier between the airspace and the subsoil of the Romanian state and the airspace and subsoil of each neighbouring state.

(2) The state border is set by law, according to the provisions of the international treaties, conventions or understandings between Romania and the neighbouring states.

(3) The Romanian state border is usually marked on the ground by border signs which have topographical and geodesy data provided by bilateral border designing documents, between Romania and the neighbouring states.

Art. 3. — (1) For the protection of the state border and the border signs, the border passage and the protection strip of the state border shall be established.

(2) The border passage and its width is set by Romania and each neighbouring state, so as to ensure the visibility and the protection of the border signs.

(3) The protection strip of the state border is set from the border line towards the interior and it is 20 metres width. At the blue border or in the places close to the state border, where the ground is marshy or it is cracked or with avalanches, the protection strip is set deeper in the ground. The protection strip of the state border is set and marked by the local public administration in collaboration with the Romanian Border Police.

(4) There is no protection strip of the state border at the inner border, at the Black Sea, at the Danube, along the communication ways and in the areas with hydrotechnical works, placed at the border.

Art. 4. (1) For the guarding and the control of the crossing of the state border the border area is set up.

(2) The border area includes the territory placed at 30 kilometres from the state border and the Black Sea shore toward the interior.

(3) In the inland counties that have airports and harbours open to the international traffic, the surface of the airport or the harbour with platforms, buildings and adjoining equipment represent the area under the control of the border police.

(4) The land strips placed at a depth of 10 kilometres on one part and the other of the inner Danube, open to international navigation, are under the control of the border police.

## CHAPTER III

### **The legal regime of the Border Police**

#### *Section 1*

#### **General Provisions**

Art. 5. (1) All the norms provided by the national legislation regarding the state border and the various activities carried out in the border area, in the airport and harbour areas open for international traffic, represent the legal regime of the border police.

(2) The control of the observing of the legal regime of the state borders is a duty of the authorities which are responsible for the control of the state border and of the local public authorities.

Art. 6. (1) The state border of Romania can have the regime of an internal border or of an external border.

(2) The regime of the internal border can be set for all the activities of crossing the state border or only for a part of it;

(3) If Romania signs an international document regarding the elimination of the border control with a state or a community of states with which it does not have common borders, it is considered, according to each case, that it has internal borders with that state or with the community of states through international airports or harbours.

Art. 7. (1) The border passage and the protection strip of the state border belong to the public domain of the state and are administrated by the local public administration authorities, under the provisions established by Government Decision.

(2) The local public administration is responsible for maintaining and cleaning the border passage, for maintaining and cleaning the border signs or, if necessary, their replacement according to the bilateral provisions of the pacts with the neighbouring states. These activities are carried out at the terms fixed by the border agreements, conventions and pacts with the neighbouring states and under the direct surveillance of the Romanian Border Police.

(3) In the protection strip of the state border, the border policemen have the right to put the signs for signalling the border crossings and for guarding the border line. If the situation requires, for a limited period of time, till the state of necessity disappears, other necessary working operations can be done in the protection strip for the fulfilling of the duties of the border policemen.

(4) The land areas between the protection strip of the state border and the border passage or the banks of the waters, according to each case, are administrated by the natural or legal persons they belong to, with the observance of the regulations of the present emergency ordinance.

(5) The access of the persons in the protection strip of the state border up to the border passage or the banks of the waters, according to the case, is allowed by means of identity cards, with the approval of the local public administrative authority and with the approval of the chief of the local unit of the border police.

(6) The access of the persons for different activities beyond the protection strip of the state border, in the situation when it is placed at a greater depth, as well as placed on islands and isles belonging to the Romanian state, placed in the border waters, is allowed only in the places and under the conditions set by the local public administration and with the approval of the chief of the local border police.

(7) The access of the persons in the islands and isles newly formed in the border waters is allowed only after their belonging to a certain state is determined, according to the agreements between Romania and the neighbouring state.

Art. 8. (1) The crossing of the state border of Romania by persons, means of transport, goods and other merchandise is made through the state border crossing points opened to the international traffic, further called *crossing points*.

(2) The Romanian state border can be crossed through the local traffic points, under the provisions set by mutual agreement in bilateral documents between Romania and the neighbouring states.

(2.1) With exception from the provisions of the paragraph (1), the Romanian state border can be crossed through other places, as well, but, only under the circumstances established by the application norms of these emergency ordinances.

(3) The crossing of the state border by persons is made with the observation of this emergency ordinance.

(4) The crossing of state border for means of transport, goods and other merchandise is made in accordance with the laws that regulate the customs regime.

Art. 9. (1) The opening of new border crossing points or the temporary or final closing of the existent ones is made by Government decision.

- (2) The Government of Romania shall publish the list with crossing points open for international traffic, the points for local traffic and simplified crossing.
- (3) The name of the border crossing point, its surface, the specific of the activity and the functioning hours must be posted in a clearly visible place, at the entrance in the crossing point.
- (4) The occasional opening of a border crossing point for a festive or religious activity and the hours of functioning is made with the approval of the general inspector of border police.
- (5) The border crossing points, the points for local traffic are subordinated to the Ministry of Administration and Interior. The other authorities who carry out their activity in the crossing point, besides the border police are organized and function according to the legal provisions.

Art. 10. (1) The administration of airports and harbours where border crossing points function as well as that of the road crossing points that have two or several flows on a route shall ensure within a year from the entry into force of this emergency ordinance, the separation of the passengers flows by setting separate crossing points individualized as follows:

- a) for Romanian citizens or citizens belonging to the states with which Romania has bilateral agreements for eliminating the border control, the border crossing point shall be individualized with a flag of Romania and the flags of the state/states part to the international agreement, followed by a clear denomination in Romanian and in the internationally used languages;
- b) for the citizens of other states, the crossing point shall be individualized with the inscription "OTHER STATES"., in Romanian and in the internationally used languages.

(2) The buildings where there are crossing points, their adjoining lands, representing state public domain or private domain and are administrated by one of the authorities or institutions provided in Art. 12, par (1) or by other legal persons; they are freely offered to the other authorities with control prerogatives at the crossing of the state border.

(3) In case the crossing of the border is temporarily made through other crossing points that are not open to the international traffic of persons and goods, the petitioner has to ensure, after the approval of the temporary opening of the crossing point, adequate conditions for the control of the border crossing, namely: to offer the necessary working space and the equipment, the transport of the personnel, accommodation places and transport money, according to the law.

Art. 11. (1) In the border crossing points, the control of persons, means of transport, merchandise and other goods are organized both when entering and leaving the country;

(2) The control at the crossing of the state border has the purpose to check and ascertain if the conditions provided by the law are fulfilled for entering and leaving the country for persons, means of transport, merchandise and other goods.

Art. 12. (1) in the border crossing points, the personnel belonging to all the public authorities who have, according to the law, competences for the control of the crossing of the state border carry out their activity.

(2) The tasks of the personnel provided at par. (1) are set by the public authority within which they work, according to the law.

(3) The public authorities provided by par. (1) collaborate and are responsible, within the limits of their legal competence, for the conditions in which the traffic of passengers, means of transport, goods and other merchandise takes place.

Art. 13. — (1) According to the bilateral documents between Romania and the neighbouring states, common border crossing points can be set on the territory of one of the signing parts.

(2) The working regulations for the personnel of each part and the way they cooperate in the common crossing point are mentioned in the document that sets up the border crossing points.

(3) The Romanian personnel working in the common border crossing point apply the provisions of Romanian law regarding the crossing of the state border.

Art. 14. — (1) The chief of the border crossing point is a border policeman and together with the chiefs of all the authorities, who have, according to the law, competences for the control of the state border crossing for merchandise and travellers, cooperate in organizing the control activity.

he co-ordinates all the activity in the border crossing point; together with the chiefs of all the authority units that have, according to the law, responsibilities for the crossing of the state border, he organizes the activity of the control teams.

(2) Repealed

(3) The border policeman who works in the border crossing point is obliged to take actions ex officio against the breaking of the legal provisions regarding the crossing of the state border and the control of the crossing of the state border by the participants in the border traffic and the personnel mentioned in Art. 12, par. (1).

(4) If there are well-grounded suspicions or information regarding the breaking of the legal regulations regarding the crossing of the state border, the chief of the border crossing point can make a request, in writing, to the chiefs of the other authorities in the border crossing point, for an additional control, a more detailed one.

(5) The access at the border crossing point of other persons than the public authorities that have, according to the law, responsibilities of control regarding the crossing of the state border are set by the chief of the border crossing point.

Art. 15. — The regulations for exploiting and maintaining the bridges, the railways and the roads, the communication lines and the waters that cross the line of the state border or have a common axe with it, are set by agreements, conventions and understandings between Romanian state and the neighbouring states.

Art. 16. — (1) to solve the problems resulted out of the bilateral border agreements there are appointed, by Government decision, the border representatives and their deputies, as well as the delegates in the intergovernmental mixed commissions among the personnel of the Romanian Border Police, as well as other representatives of the interested authorities.

(2) The duties and the way the personnel mentioned in par. (1) work are set by border agreements, conventions and understanding between Romania and the neighbouring states.

## **Section 2**

### **The control for crossing the state border**

Art. 17. — (1) The control for crossing the state border, usually, is carried out, by a team made up of the personnel of the authorities mentioned in Art. 12, par. (1), whose members have tasks according to the special legal provisions. The control team is coordinated by the border policeman.

(2) In harbour border crossing points, the representative of the harbour master takes part in the control team as well. On board of merchant ships, together with the control team, representatives of the chartering company, as well as other authorized persons have access.

(3) In the air border crossing points, the control team shall be accompanied by a member of the air company represented at the airport.

(4) When the control cannot be carried out by the team mentioned in par. (1), the personnel of the authority who has to carry out its activity separate from the rest of the team, at the end of the control, shall inform the chief of the shift about the result of the control.

Art. 18. — (1) The control of the passport and the other documents for crossing the Romanian state border, issued by the Romanian authorities, as well as those issued by foreign authorities, recognized or accepted by the Romanian state, according to the law, is carried out by the border policeman.

(2) At the border control, the foreign citizens who enter Romania must prove that they meet the requirements regarding the entry and stay established by the Romanian state.

(3) When it is ascertained that the travel documents, mentioned in par. (1) do not meet the requirements provided by the law, to allow the owner of these documents to enter or leave the country, or if there is any suspicion regarding the authenticity of the documents, the chief of the border crossing point shall order the clarification of the situation and shall take the measures provided by the law.

(4) The chief of the border crossing point can order the cessation of a person's journey if it was ascertained that he/she does not meet the requirements provided by the law, for crossing the Romanian state border.

Art. 19. When crossing the state border, after the control of the documents regarding the identity of the persons is carried out, the customs authority carry out the customs control, according to the customs regulations.

Art. 20. (1) In the border crossing point, the sanitary-human, sanitary-veterinary and phyto-sanitary control and the one for the environment protection are organized and carried out according to the norms set by the legislation in force, under the conditions provided in this emergency ordinance, prior to other types of control.

(2) The control for the sanitary protection of the Romanian territory and the one regarding the environment protection are carried out, according to the law, on persons, means of transport, merchandise and other goods, no matter their origin and destination. The person who does not obey the sanitary control shall not be allowed to cross the border.

(3) The central public authorities responsible for public administration, agriculture, food and forestry, transport and the environment protection, decide through a common order of the ministers, the border crossing points, where the import, export and the transit of animals, and animal products, vegetables and vegetal products, waste and dangerous chemical substances shall take place.

(4) Depending on the volume of the traffic, the epizootic and epiphyte situation and the conventions with other states, in border crossing points only the control of the documents for crossing the state border, the merchandise accompanying documents and the control of the means that transport, animals or animal products, vegetables or vegetal products and waste or dangerous chemical products shall be controlled. The sanitary-veterinary control, the phyto-sanitary control, and the control for the environment protection shall thoroughly be made at the destination point of the transport, according to the law.

(5) When the border crossing point is also open for persons, other means of transport, merchandise and goods, then, a special place within the perimeter is set for the sanitary-veterinary, phyto-sanitary and for environment protection. It shall be situated laterally or separately from the place where there are the persons, means of transport, merchandise and goods, which are not subject to this type of control.

(6) When animals, the animal products, vegetables and the vegetal products, waste and dangerous chemical products do not meet the standards provided for crossing the state border, the specialized personnel of the Sanitary - Veterinary Police, the Phyto-sanitary Police or the authorities for the protection of the environment shall forbid the crossing of the border for these products, informing the chief of the border crossing point and the chief of the border points and the chief of the customs office and clearing at the border.

(7) In the case of diseases that need quarantine, in situations that cannot be postponed, the central public authority responsible for health and/or the central public authority responsible for agriculture, food and forestry take the first steps, according to the law, to prevent and fight against the diseases and report them immediately to the other interested authorities. In these cases, the specialized sanitary control and the preventive sanitary measures are thoroughly applied to all the persons, means of transport, merchandise and goods. The local public administration supports the setting of the places where sanitary prevention, sanitary veterinary and phyto-sanitary measures are applied.

(8) In the place for the sanitary-veterinary control there are taken measures to prevent the spreading of diseases from animals to humans; these measures are set by the sanitary-veterinary inspectors, according to the law. In this place, economic agents authorized to deliver services provided by the sanitary-veterinary law, organize and arrange the necessary equipment.

Art. 21 (1) The activity of bringing hunting weapons, target shooting weapons and their ammunition, weapons with compressed air, as well as collection weapons, by natural persons, across the border, is allowed only if they are mentioned in the documents for crossing the border by the authorities that issued these documents or granted the Romanian visa.

(2) The persons who, by entering Romania have weapons and ammunition, others than the ones provided by par. (1), are under the obligation to deposit them at the border police and they are going to be returned to the owner, according to the law.

(3) The persons who accompany foreign delegations at the level of state leaders or at government level, as well as the military, can possess and can introduce in the country self-defence weapons and their ammunition on reciprocity terms, if they are notified by the Ministry of Foreign Affairs and by the Ministry of National Defence or the Ministry of the Interior, respectively.

(4) When crossing the state border, the Romanian militaries participating in peace keeping operations or for humanitarian purposes, for joint military exercises with units from other states, as well as foreign military forces that involve the entrance, stay and transiting of the Romanian territory according to international pacts and agreements Romania is part of can possess the fighting arms and the necessary ammunition, if they are notified by the Ministry of National Defence or the Ministry of the Interior.

Art. 22

(1) The hunting weapons, target shooting weapons, weapons with compressed air as well as collection weapons belonging to travellers who are in transit and have been declared are sealed when the persons enter the country by the border police personnel.

(2) While in transit in Romania, the travellers are not permitted to estrange the weapons and their ammunition or to break the seals. When leaving the country, the integrity and authenticity of the seals is verified as well as if the identity data of the weapons and ammunition correspond with those registered in the document of crossing the state border. If the seals are not intact or the data do not correspond with the ones registered in the documents for crossing the state border or the weapons and ammunition were registered completely or partially, the respective travellers are not permitted to continue their journey until the situation is clarified by the authorities in charge.

(3) The transit of Romania of the weapons for hunting or target shooting weapons and their ammunition belonging to foreign legal persons is permitted with the prior approval of the chief of the territorial directorate of the responsible border police.

Art. 23

(1) The weapons and the ammunition provided in Art. 21, par. (1) and (2), that have not been declared, as well as other weapons and ammunition discovered during the control for crossing the state border shall be confiscated and handed in to the competent authorities with a written report.

(2) The respective persons are retained and are handed in to the responsible authorities in order to get their situation clarified.

Art. 24.

The provisions of Art. 21 and 23 are valid for explosive substances, biological materials with the potential of mass contamination, of drugs or psychotropic substances and the medicines that contain stupefying substances or psychotropic ones in a greater amount than necessary for personal treatment, as well as for

recipients loaded with toxic or radioactive substances carried by persons or by means of land, railway, naval or air transport that cross the Romanian state border.

**Art. 25**

(1) For cars, buses, coaches, merchandise vehicles, and other means of road transport that enter or leave the country, the control for crossings the state border is carried out in the road border crossing point.

(2) At the border crossing points, for means of transport with several uses, the control mentioned in par. (1) is made before the getting into/out of the naval, air or railway means of transport.

**Art. 26**

The control of the trains crossing the state border is carried out in the border railway station or during the travel between the border station and an inland station.

**Art. 27**

(1) For ships that enter or leave Romanian harbours for/from external routes the control for crossing the state border is made in the harbour crossing points.

(2) For ships that are going to stop in Danube harbours, where there are no crossing points, the control for crossing the border is made in the first harbour situated up or down-stream from that harbour, where there is a border crossing point. When leaving the country the control is made in the harbour where the ship leaves the country for external routes, when there is a crossing point; if not, the ships are obliged to stop for one of the harbours of Galati, Sulina, Tulcea, Constanța-Sud, or Moldova Veche.

(3) For the ships under a foreign flag that navigate in the sector of the Dunarea de Jos, between the harbours of Sulina and Braila, the control for crossing the border is made when entering, in Sulina harbour, and, when leaving, in one of the harbours of Braila, Galati, Tulcea, or Sulina if they leave straight from these harbours for external route. The control of the ships that navigate along the Danube - Black Sea channel is carried out when the ship enters the harbour Constanța-Sud, and when leaving, in the last Romanian harbour from which the ships leave for their routes.

(4) In the harbour of Cernavoda, the control is made only for the ships that leave for external routes from Basarabi, Poarta Alba, Medgidia, or Cernavoda harbour.

(5) The control for crossing the border is made in Sulina harbour for all the ships that leave for the harbours Reni or Ismail; in Sulina harbour control is not made for Romanian or foreign ships that come from these harbours and do not stop in any Romanian harbour, as well as for the merchandise and passenger ships under Romanian flag that navigate between Constanța, Sulina, Galați and Braila harbours, when entering or leaving the sector of Dunarea de Jos.

(6) The ships under foreign flags that navigate downstream on the inner Danube and are going to transit it with one stop, are controlled when entering the country in Calarasi harbour and when leaving the country in the last harbour from where they leave, if there is a crossing point in that harbour, or in Galați harbour. For upstream navigation along this sector of the Danube, the control at entering the country is made in Galați harbour, and when leaving the country, in the last harbour from where the ship leaves, if there is a crossing point, or in Calarasi harbour.

(7) The ships under foreign flags that navigate in transit without stopping on the inner Danube or on the Danube - Black Sea channel, are controlled in Calarasi harbour, or in Galați harbour, respectively.

**Art. 28**

(1) In case a ship was wrecked in the roadstead of the harbour, or in case of fire on a ship board, the rescue ships or those responsible for rescuing activities can leave the roadstead to help without being controlled for border crossing. The chief of the border crossing point must be immediately notified by the harbour master.

(2) When a fire started in the harbour or an imminent danger appeared and could affect or endanger the safety of the ships, they can leave the roadstead, without the control for crossing the border.

**Art. 29**

(1) The activity of search and rescue human lives in the territorial sea is organized and carried out on the basis of bilateral agreements between states riparian to the Black Sea, according to the provisions of international Convention (SAR) from 1979 regarding the search and rescue at sea, adopted at Hamburg on 27 April 1979.

(2) The limiting of the search/rescuing regions between the states riparian to the Black Sea is not connected to the limit of the border line.

(3) The search and rescue operations are carried out according to the principle of the first comer at the place where the search and rescue activity takes place, if in the bilateral agreements of Romania with the states riparian to the Black Sea, it is not mentioned otherwise. The rescuer is obliged to announce his/ her presence and explain the reason for his/ her presence in the territorial waters of Romania or above them through the radio coast line that shall immediately inform the harbour master in whose jurisdiction the rescuer is, and the county inspectorate of the border police.

(4) For fulfilling the provisions of par. (1) and only for searching for the place where the naval accidents have taken place, and for saving the survivors, excepting the cases when the states riparian to the Black Sea agreed otherwise, immediate entrance in/above the territorial waters of Romania is authorized for the rescuing units belonging to the other riparian states.

#### **Art. 30**

(1) The control of the identity documents for the foreigners, crews members of the ships that are on international voyages and for the passengers crossing the border, is made with the observance of the provisions of the Government Decision No. 1335/2000 on the approval of the Methodological norms for the application of the provisions of the Convention regarding the facilitation of the international maritime traffic (FAL), adopted in London on 9<sup>th</sup> of April 1965, with further amendments and completions.

(2) For the Romanian merchandise ships that for justified reasons are obliged to remain in the roadstead of the harbour, the access on land of the crew members is allowed with the permission of the chief of the crossing point. In this case the control of the ships shall be made after they have entered the harbour, whereas the control of the seaman' books shall be made at their landing.

#### **Art. 31**

(1) The crew members who are in the roadstead of the harbour, who have not been controlled at their arrival for crossing the border, can get medical assistance with the doctor coming on board, at the request of the captain of the ship and with the approval of the chief of the border crossing point.

(2) Having the permit of the responsible sanitary bodies, the landing of foreign sailors for being taken to a hospital in the harbour town is approved by the chief of the border crossing point, at the request of the harbour master.

#### **Art. 32**

(1) The sailors remained on the territory of Romania after the leaving of their ship must present themselves at the naval agency the ship belongs to, to have their situation solved. If in the harbour town there is no naval agency, the chief of the crossing point shall allow the sailors to leave the country on another ship.

(2) The foreign sailors, on board of ships, in Romanian harbours, who will go on business to another harbour or to another locality on the territory of Romania, to contact the diplomatic mission or the consular office of the state they are citizens of, are granted the entering visa, upon request. The request for a visa shall be solved through the freight agency or by the naval agency of the state owning the ship or by the chiefs of the crossing points. The sailors shall be granted transit visas if they sail to other states.

(3) The transfer of any crew member from a foreign ship to the crew of another foreign ship that is in a Romanian harbour is made with the corresponding modification of the crew's lists, by the captains of the two ships, with the agreement of the naval agencies.

The lists with the crews are presented to the harbour master, to the chief of the crossing point, at the customs office and at the office of public health directorate in the harbour by the agents of the ships.

**Art. 33**

(1) For the passenger ships under Romanian flag or foreign flags, as well as for passengers on cargo ships who come in or leave Romania, the control of the documents at the crossing of the border is made for persons and goods at landing from and at the boarding on/off the ship.

(2) The access of foreign passengers while on land is allowed after the accomplishing of the legal formalities for crossing the state border.

**Art. 34**

The chiefs of the diplomatic missions, consular offices as well as the representatives of international bodies on the Romanian territories, in the limits of the conventions the Romanian state is part of, have access to the foreign trade ships in Romanian harbours or waters, using their identity cards issued by the Ministry of Foreign Affairs.

**Art. 35**

The access on board of the family members of the foreign sailors embarked on ships that are in Romanian harbours and that navigate between the harbours Constanta, Sulina and Moldova Veche, is made on the basis of passports or with other border crossing documents, at the request of the captain of the ship and by permission of the chief of the crossing point.

**Art. 36**

(1) In airports, the control for crossing the border is made at the departure and arrival of planes for/from international flights. When for major reasons, a plane for international transport cannot continue its flight and the travellers in transit do not have immediate connections, their access in the locality is allowed, on request, until boarding on the first plane or the transit of Romania by other means of transport, with the transit visa granted at the crossing point, according to the law.

(2) When the planes on international flights land out of force majeure causes on airports that are not open to international traffic, placed outside the border zone, the control for crossing the border is made by the nearest police unit and customs authority.

(3) The travellers in transit, calling at Romania, do not have their passports checked if they do not leave the airport, except for the special situations that demand the check.

**Art. 37**

The Romanian and foreign military planes and their crews, when they land or take off from the Romanian airports open to international traffic, must obey the rules provided by Art. 36.

**Section 3*****The access, traffic and other activities in the border area and in the crossing points of the state border*****Art. 38**

(1) The flights of civilian airplanes that carry out operations in the space corresponding to the border area shall be notified to the General Inspectorate of the Border Police by the flight operators who are in charge of the respective flights, at least one hour before taking off, mentioning the type and the registration number of the plane, of the route and the flight hours.

(2) The flights for medical assistance or for urgent humanitarian aid in the space corresponding to the border area are notified to the General Inspectorate of the Border Police by the flight operators who are in charge of the respective flights, before the taking off, mentioning the type and the registration number of the plane, of the route and the flight hours.

(3) The flights mentioned in the above paragraphs, for which, according to the aeronautic regulations in force a cross-country authorization must be obtained are notified to the General Inspectorate of the Border Police by the Romanian Civilian Aeronautic Authority, when the respective authorization is issued.

(4) The provisions of this article do not apply to the flights on air routes for international air traffic.

**Art. 39**

In the border zone, at 500 metres from the border line towards the interior, with the approval of the responsible territorial directorate of border police, there can take place activities like: mining, oil and gas, mineral waters, thermal waters, forest exploitation, depositing or carrying of materials, works for land improvement and irrigation, dams, works or constructions on the water courses, works for improving the navigation conditions, construction and improvement of the tourist and entertainment areas and of other natural places, geological research and prospecting.

**Art. 40**

The industrial and sport fishing in the border waters, in the interior maritime waters and in the territorial sea is made, according to the law, in the places and sectors set by the responsible authorities with the previous approval of the chief of the county inspectorate of the border police.

**Art. 41**

The boats and the ships, registered according to the law, that are in the border waters and the interior maritime waters, are kept in places set by the harbour master or, in other cases, by the local public authorities, with the approval of the chiefs of the border police sectors, measures being taken by their owners that the ships so that they are not used for the illegal crossing of the state border, for smuggling or other illegal activities.

**Art. 42**

(1) The entertainment and sport activities taking place in the border waters can be held with the approval of the harbour master, and in other cases, of the local public authority and the approval of the chief of the ship group of the border police.

(2) In border waters, in the interior and territorial sea, the ships with excursionists, as well as any other ship or boat can dock only in harbours or in other special places prepared for this purpose. In the case of force majeure, the docking can be made at any point of the Romanian bank, the nearest unit of the border police or in its absence, the police being notified. The provisions of this paragraph do not apply to the Romanian citizens who are owners of boats.

(3) The approval of the territorial directorate of the border police is compulsory for foreign ships and boats that navigate on the interior Danube and on Tulcea and Sulina arms.

**Art. 43**

The grazing of animals is allowed during day time up to the protection strip, and during night time up to 500 metres from it, to the inside, in places set by the local public administration authority and with the approval of the chief of the border police sector.

**Art. 44**

(1) Hunting along the state border is forbidden at 500 metres from the protection strip of the state border, to the inside for the land border and from the limit of the flooded land for the water border.

(2) The organized hunt of beasts of prey, at a distance mentioned in par. (1) is admitted only during day time and only from the protection strip of the state border, at the external border, or from the border passage, at the inner border, towards the interior, according to local councils decisions and with the prior approval of the chief of the border police sector.

**Art. 45**

(1) Any activity in the border crossing points of the state border, except for border control, can be carried out only after the prior approval from the chief of the responsible territorial border police directorate of the border police or the chief of the coordinating unit of the air and harbour crossing points of the local public administration authority and other authorities mentioned by the law, as the case may be.

(2) Repealed

**Art. 46**

(1) The persons who travel or have various activities near the state border are forbidden:

a) to fire a gun over the state border;

- b) to deteriorate or destroy the border signs, the equipment and technical guarding means of the border police;
- c) to use open fire without the means to prevent the spreading of fire to other places in the neighbourhood;
- d) to fix on a magnetic band, on paper or other background, images that reflect parts of the territory from the neighbouring states;
- e) to exchange objects or mail over the state border, in other points than those mentioned in the law for this purpose;
- f) to pollute the waters, the sea, the air or the ground in the border area, as well as the sea waters under Romanian jurisdiction;
- g) to have non-authorized talks over the border line;
- h) to commit deeds, gestures or to utter insulting words against the neighbouring state or its citizens.

(2) The restrictions stipulated in par. (1), letters d), e) and g) can be applied only if they are mentioned in the agreements and conventions regarding the border between Romania and the neighbouring states.

**Art. 47**

Under special circumstances, during the activities of the border police, the access and certain activities near the state border, outside localities can be stopped. These measures shall be notified to the local public administration authorities and the population in due time.

CHAPTER IV

**The National Information System regarding the traffic of persons and goods over the border (SIF)**

*Section 1*

***Dispositions regarding the setting up, the purpose and the managing of SIF***

**Art. 48**

The National Information System regarding the traffic of persons and goods over the border, called from now on SIF, is set up as a unitary system at national level, which keeps the record, processes and exploits the information regarding the cross-border criminality and border crimes, persons and goods.

**Art. 49**

(1) The purpose of SIF is to support the activities meant to keep public order and national safety and to apply the legal provisions regarding the traffic of persons and goods on the Romanian territory.

(2) The central public authority that manages and is responsible for SIF is the Ministry of the Interior.

**Art. 50**

(1) SIF contains categories of data referring to natural persons and goods that are provided by the public authorities, named from now on *authorities who issued the alert*, necessary for meeting the legal regime of the state border, as well as other legitimate interests of the state.

(2) The authorities who issued the alert are responsible for the truth of the introduced and transmitted data that are going to be introduced in SIF.

**Art. 51**

The use of SIF is made with the observance of the legal provisions regarding the data protection, as well as the protection of the person against the non-authorized automatic processing of data referring to persons.

*Section 2*

***The functioning of SIF***

**Art. 52**

In SIF data can be introduced, modified, wiped out and processed by the authorities with responsibilities in the field of national defence, public order and national safety, those with responsibilities in the field of observing the legal regime of the state borders, as well as the judicial authority, according to the legal provisions on the basis of the protocols concluded by the Ministry of the Interior with each authority.

Art. 53

(1) With regard to the persons, the following data are introduced:

- a) forename and surname, the previous name, pseudonyms and nicknames possibly registered separately;
- b) particular physical, objective and inalterable signs;
- c) first letter of the second forename;
- d) date and place of birth;
- e) sex;
- f) citizenship;
- g) mention that the respective person is carrying weapons, if the case may be;
- h) mention that the respective person is violent, if the case may be;
- i) the reason for issuing the alert;
- j) the necessary measure to be taken.

(2) Including other data regarding the persons is made according to the law.

**Art. 54**

The data regarding the foreigners mentioned as being inadmissible are introduced in SIF based on a notification made by an administrative or judicial authority, according to the law.

**Art. 55**

(1) The data regarding the searched persons for extradition or expulsion are introduced and are transmitted by the authority that, according to the law, took the respective measure.

(2) In case the reason for the alert is the committing of a crime, the alerting authority shall communicate together with the notification, the documents and the following information on the case:

- a) the authority that issued the request;
- b) the instituting of criminal proceedings, the existence of a bench warrant, an order to appear or an enforceable judicial decision;
- c) the nature and juridical quality of the crime;
- d) the description of the circumstances of committing the crime including the time, place and the degree of involvement in the crime of the alerted person;
- e) the consequences of the crime, if this is possible.

**Art. 56**

(1) The data regarding the missing persons are introduced by the authorized bodies of the Ministry of the Interior and the Ministry of Justice.

(2) In SIF, only the authorized authorities or at the request of the interested authorities, data referring to the persons who require a form of protection, according to the law can be introduced.

**Art. 57**

(1) In order to prevent border crimes and threats to public order, data can be introduced in SIF concerning the persons or goods for pursuing and controlling them at the border, if:

- a) there are reliable clues that the respective person intends to commit or is committing a crime;
- b) the evaluation of the person allows, on the basis on the deeds punished by the law, committed so far, to consider that the respective person will commit such deeds in the future as well;

(2) An alert can be introduced in SIF, by or at the request of the authorities responsible for the national safety, if there exists the supposition that the information in par. (4) is necessary for preventing a real threat from the respective person or other threats for the national or external security of Romania.

(3) In the case of under cover surveillance, the following information can be collected and introduced in SIF, completely or partially, on the occasion of the border control or other police or customs controls made within the country:

- a) the fact that the alerted person or vehicle was found;
- b) the place, moment and reason for the checking;
- c) the route and the destination of the travel;
- d) the persons who accompany the respective person or the people in the vehicle;
- e) the used vehicle;

- f) the transported goods;
  - g) the circumstances in which the person and the vehicle were found.
- (4) When pieces of information are collected, steps are taken not to endanger the discreet character of the surveillance.
- (5) Within the specific control mentioned in par. (1), persons, vehicles and transported goods can be searched for the purpose mentioned in par. (2) and (3); if the specific control is not authorized, it shall automatically turn into surveillance.

**Art. 58**

- (1) The data regarding the goods search to be confiscated or used as proofs in a criminal trial are introduced in SIF.
- (2) If, after a search, it is ascertained that an alert is connected with the discovered goods, the border police contacts the authority who issued the alert to reach an agreement regarding the necessary measures; for this purpose personal data can be transmitted with the observance of the legal provisions regarding the protection of personal data.
- (3) In SIF data are introduced with regard to the following goods:
- a) vehicles with a motor with a cylindric capacity of 50 cm<sup>3</sup> stolen or lost;
  - b) trailers and caravans which have a neto mass of over 750 kg, stolen or lost;
  - c) fire weapons, stolen or lost;
  - d) special regime forms, in white, stolen or lost;
  - e) documents attesting the identity of the person (identity cards, passports, driving licences) that were stolen or lost;
  - f) suspect banknotes or bonds;
  - g) other goods with a special regime, according to the law, stolen or lost.

**Art. 59**

- (1) Beside the authorities provided in Art. 52, par. (1) based on the protocol with the Ministry of the Interior, other public authorities can have access at the data base of SIF.
- (2) The authorities provided by par. (1) and those provided by Art. 52, par. (1) for using the SIF data, shall notify the Ministry of the Interior, for authorization, their own structures responsible for using SIF. The authorization shall contain data that can be searched and the purpose for the search.
- (3) The technical means and the necessary costs for the access are provided by each interested authority, with the observance of the technical requests imposed by the SIF manager.

*Section 3*

**The Control**

**Art. 60**

- (1) Any authority from those mentioned in Art. 52, par. (1) and Art. 59, par. (1) can reproduce the data introduced in SIF by another authority only with its agreement and only for fulfilling the legal provisions.
- (2) The alerts from the authorities of other states that have a similar system of information, to which the Romanian Border Police, the Romanian Police and the Customs General Directorate have access according to a bilateral document, are used in accordance with the provisions of that document.

**Art. 61**

- (1) Any modification of the purpose of using the SIF data is made with the approval of the Romanian or foreign notified authorities and only to prevent a serious and imminent threat for the public interest, the public order and the national security or for other serious deeds.
- (2) The data cannot be used for administrative purposes; except for the data regarding the foreigners for whom an alert has been issued.

**Art. 62**

- (1) The authorities, mentioned in Art. 52, par. (1) and Art. 59, par. (1) are responsible for the exactness, update and legality of introducing data in SIF. Only the respective authority has the right to modify, out of its own initiative, or at the request of the SIF manager, to add or wipe the introduced data.

(2) If another authority, another body of the state administration or another person, different from the signalled one, has proofs that some data introduced in SIF do not correspond to reality, they inform immediately the SIF manager who is under the obligation to request from the signaled authorities to correct or wipe the respective data.

**Art. 63**

Each authority mentioned in Art. 52, par. (1) and in Art. 59, par. (1) appoints a control body to verify the correctness of introducing their own data in SIF or if their processing and use do not infringe the rights of the person they refer to. For this purpose the control body has access only to the section of its own data introduced in SIF.

**Art. 64**

(1) The data introduced in SIF referring to the persons provided by Art. 56, are kept only for the period necessary to solve the situation for which they were provided. The necessity to keep these data is examined periodically, at an interval of at least 3 years from the moment they were introduced by the signalling authority. The data referring to goods and objects are examined periodically, at an interval of at least one year.

(2) The control body can set, if the case may be, shorter terms of examination if the circumstances or the signalled deeds permit that.

(3) The SIF manager notifies the authorities mentioned in Art. 52, par. (1) and Art. 59, par. (1) about data that were wiped out of the system, with a one month warning.

(4) The signalling authority can decide in the examining term to maintain the signalling, if this is still necessary for the purpose it was intended. Any prolongation must be notified to the manager of SIF. The provisions of par. (1) are valid for the signalling that were prolonged as well.

**Art. 65**

(1) The other data, others than the ones mentioned in Art. 64, are kept at least 10 years, the data referring to the identity documents issued and registered banknotes for at least 5 years, and those referring to motor vehicles, trailers and caravans for at least 3 years.

(2) After the period of time provided by par. (1) the respective data are kept for one more year in the records constituted by the SIF manager. The records can be consulted only for further verifying of the exactness and legality of introducing data in SIF. After this interval the data shall be destroyed.

**Art. 66**

Each authority provided in Art. 52, par. (1) and Art. 59, par. (1) takes responsibility for any prejudice caused to a person by using the SIF file.

**Art. 67**

(1) Each authority provided in Art. 52, par. (1) and Art. 59, par. (1) adopts, in its field of responsibility in the SIF, the necessary measures:

a) to prevent access of unauthorized persons to the equipment used for processing personal data;

b) to prevent the reading, copying, modifying and eliminating the data support by unauthorized persons;

c) to prevent the unauthorized introduction of data in the file and any unauthorized consultation, modifying or wiping of personal data introduced in the file;

d) to prevent the use of the system of automatic data processing by unauthorized persons by means of the equipment of transmitting data;

e) to grant that, regarding the use of an automatic system of data processing, the authorized persons have access only to the data they are responsible for;

f) to grant that the authorities that were notified about the personal data through the equipment for transmitting data can be controlled;

g) to grant that one can control what personal data were introduced in the system of automatic processing of data, as well as the moment and the persons who introduced them;

h) to prevent the reading, copying, modifying and wiping of personal data during their transmission or the transport of data support.

(2) For processing the data in its section, each authority can appoint only specially qualified persons, under security control when accessing the working space and the used equipment for processing personal data.

## CHAPTER V

### **Liabilities and sanctions**

#### **Art. 68**

The breaking of the provisions in this present emergency ordinance brings about, as the case may be, the criminal, civil, offence and administrative responsibility of the guilty persons.

#### **Art. 69**

For deeds mentioned in Art. 46, let. f), the border policemen and the specialized bodies of the central and local public administration apply the legal provisions regarding the protection of the environment.

#### **Art. 70**

(1) The entry or exit of the country by illegal crossing of the state border is a crime and it is sanctioned with imprisonment from 3 months up to 2 years.

(2) If the deed provided by par. (1) was committed in order to elude a punishment, it is sanctioned with imprisonment from 6 months to 3 years.

#### **Art. 71**

(1) For the person who picks, advises and guides one or several persons for an illegal crossing of the state border, as well as for those who organize it, this activity is a crime and it is sanctioned with imprisonment from 2 up to 7 years.

(2) If the deed provide at (1) jeopardises the life or the security f the migrants or subjects them to inhumane or degrading treatment, the punishment is prison from 5 to 10 years.

(3) If the deed provided at (2) has as result the death or the suicide of the victim, the punishment is prison from 10 to 20 years.

(4) The attempt to commit the crimes provided at (1) and (2) is punished.

#### **Art. 72**

Repealed

#### **Art. 73**

The goods and values that served or were intended to serve for the deeds provided by Art. 70 and Art. 71 or that were obtained by means of such crimes, if they belong to the guilty person, shall be confiscated.

#### **Art. 74**

Any use of the data in SIF that is not in accordance with the legal provisions constitutes an abuse on duty against the interest of the persons and it is sanctioned according to the Criminal Code.

#### **Art. 75**

The following deeds are considered offences, if they are not considered crimes, according to the criminal law:

- a) to fire a gun over the state border, to deteriorate or destroy the border signs, the equipment or technical means of guarding, surveillance and control belonging to the Romanian Border Police, to use unprotected fire without taking the necessary measures to avoid the spreading of the fire, near the border line;
- b) to bring to Romania by air, sea or land carriers, foreign citizens or stateless persons without documents for crossing the state border, with false or forged documents or hidden in means of transport;
- c) any kind of refusal to permit the border authorities to check the planes, ships, land or railway means of transport, warehouses, barns and other places that are of interest for the border control;
- d) any kind of refusal of a person to offer information about his identity, to present the identity papers or to present the luggage or the means of transport for control at the request of the border police or the police;
- e) the access on land without the approval of the chief of the crossing point for the members of the crews of Romanian cargo ships who out of justified reasons are obliged to stay in the roadstead of the harbour; the fact that the sailors do not go to

the naval agencies the ship belongs to, to have their situation solved, after the ship had left the territory of Romania; the access on board of the family members of foreign sailors embarked on the ships that are in Romania and that navigate between Constanța, Sulina and Moldova Veche, without passports or other documents for crossing the state border or without the approval of the chief of the crossing crossing point; any activity at the crossing points of crossing the state border, except the border control, without the approval of the chief of the territorial unit of the respective border police, of the chief of the co-ordinating unit of the crossing points at airports, of the local public authority or any other authority provided by the law;

f) the access of persons in the protection strip of the state border up to the border passage or, respectively up to the banks of the waters, without identity documents or without the approval of the public administration or the approval of the chief of the local unit of the border police; the access of persons for activities beyond the protection strip of the state border, when this one is deeper, as well as in the islands and isles belonging to the Romanian state, situated in the border waters, through other places or under other circumstances than those set by the local public administration without the approval of the chief of the local unit of the border police; the access of persons in the newly formed islands and isles in the border waters before their belonging status being determined; activities provided by Art. 39, that take place without the approval of the territorial units of the border police; fishing in the border waters in other places or sectors than those set by the responsible authorities; keeping the ships and boats that are in the border waters or in the inner sea waters in other places than the ones mentioned by the authorities or the lack of measures from the part of their owners to protect the stealing of the boats in order to be used in an illegal activity as crossing the state border, or smuggling activities or any illegal activity; entertaining and sport activities in the border waters without the approval of the harbour master or, as the case may be, of the local, public administration or without the approval of the chief of the unit of the border police; the landing without permission of excursionist boats in other places than harbours, or special places arranged for this purpose or without the approval of the territorial unit of the responsible border police for the foreign ships that navigate along the inner Danube or the Tulcea and Sulina arms; the grazing of animals at day time beyond the protection strip of the state border, at the external border or beyond the border passage, at the inner border; the grazing of animals during night time in other places than the ones set by the local public administration authorities or without the approval of the chief of the unit of the border police, hunting along the state border on a distance of 500 metres from the protection strip of the state border, at the external border or from the border passage, at the inner border for the land border and from the limit of the flooding land for the water border; the provisions of Art. 44, par. (2) regarding hunting, without the previous permission of the chief of the unit of the border police; fixing on a magnetic band, on paper or any other support of images that reflect parts from the neighbouring state territory by persons who are moving or who are having various other activities near the state border, having unauthorized talks over the border line, if this fact is mentioned in the agreements and conventions regarding the border between Romania and the neighbouring states; the uttering of injuries, gestures or expressions by persons who move or have activities near the border against the neighbouring state or its citizens, if this fact is mentioned in the agreements and conventions of Romania with the neighbouring states.

**Art. 76**

(1) The contraventions mentioned in Art. 75 are sanctioned as follows:

- a) with a fine between 500 and 5000 lei those from letter a);
- b) with a fine between 3000 and 15000, those from letter b);
- c) with a fine between 500 and 2500 those from letter e);
- d) with a fine between 300 and 1500 for those from letters c) and d);
- e) with a fine between 100 and 1000, those from letter f).

(2) The sanction provided by par. (1), let. b) is applicable to the carrier for each transported person.

(2.1) if the offence of non-compliance with the obligations provided in the approval issued by the chief of the responsible border police directorate or by the chief of the structure coordinating the airport border crossing points, according to art. 45, align (1), is committed repeatedly is sanctioned with a fine from 1000 to 5000 lei and with the withdrawal of the approval.

(3) The provisions of the present emergency ordinance shall be completed by the provisions of Government Emergency Ordinance no 2/ 2001 regarding the legal regime of the offences.

(4) The amount of the fines is brought up-to-date by a Government decision.

#### **Art. 77**

(1) The offences provided by Art. 75 are ascertained and sanctioned, according to the law, as the case may be, by the personnel of the Romanian Border Police, or the Romanian Police or other representatives of the local public administrative authority.

(2) When there are sanctions with a fine, the offender can waive a complaint to the court, according to the law, within 15 days from the moment he received the written notification on the ascertained offence.

(3) in the case of the offences provided by Art. 75, let. a) if the agent who ascertains the offence considers that the sanction with a fine is satisfactory, he fines the person. If not, the written report on the ascertained offence is immediately sent to the court of law with competence for the territory the offence was committed within, for judgement of the cause and the application of the sanctions. The participation of the prosecutor is compulsory. Against the final decision of the court, a petition of re-examining the case can be made within 24 hours from the passing of the sentence, for the present prosecutor and offender, from the notification, if the offender was missing at debates.

(4) The sanction with imprisonment for offences can be applied to minor persons only if they are 16; in this case, the limits of the sanction provided by this emergency ordinance are reduced to a half.

(5) In the case of minor persons who are under 16, the provisions of the law are applied regarding the protection of some categories of minor persons.

#### **Art. 78**

Out of the amounts resulting from the fines applied according to the provisions of Art. 76, 50% quota shall be the revenue of the Romanian Border Police, of the Romanian Police or of the local public authority to which the agent who ascertained the offence belongs to. This amount is retained completely as an extra budget income with a permanent title and it shall be distributed thus: 20% for giving prizes to the persons who discovered the deed and who applied the sanction and 80% for financing the material and capital expenses; the amount that remains unspent at the end of each year is reported for the next year, having the same destination.

#### **Art. 79**

The fines applied to natural or legal foreign persons shall be paid in convertible currency as well, by changing the fines from lei into convertible currency, at the official ratio of exchange at the date the offence is committed.

### CHAPTER VI

#### **Final and transitory provisions**

#### **Art. 80**

The provisions of this emergency ordinance are completed with the provisions of the agreements, conventions and other international understanding in the field between Romania and third countries, ratified according to the law.

#### **Art. 81**

The Ministry of the Interior shall elaborate the norms for the application of this emergency ordinance and it shall be presented to the Government to be adopted within 40 days from the entry into force of this emergency ordinance.

#### **Art. 82**

When this emergency ordinance enters into force, Law no. 56/1992, regarding the state border of Romania, republished in the Official Gazette of Romania, Part I, No. 396 from 24 August 2000, is repealed, as well as other contrary provisions.

The provisions of art. 1, letter d), e), f) and g) of the Government emergency ordinance no 105/ 2001 regarding the Romanian state border, as well as the repeal of the paragraph (2) and (3) of article 6, enter into force, the moment when Romania accedes to the Agreement between the governments of the states of the Economic Union of Belgium, Netherlands and Luxemburg, German Federal Republic and French Republic regarding the gradual elimination of the controls at their common borders, signed on 14<sup>th</sup> of June 1985, as well as to the Conventions for the application of the Schengen Agreement of 14<sup>th</sup> of June 1985 between the governments of the states of the Economic Union of Belgium, Netherlands and Luxemburg, German Federal Republic and French Republic regarding the gradual elimination of the controls at their common borders, adopted at Schengen on 19<sup>th</sup> of June 1990.