

Government Decision no. 943 of 2001
on the establishment of the Romanian Inter-ministerial Group
for Integrated State Border Management

Art. 1

The Romanian Inter-ministerial Group for Integrated State Border Management – hereinafter called *inter-ministerial group* - resided in no. 1A Revolution Square, first area, Bucharest, is settled up to accomplish the accession conditions for Romania to join the EU, and it is an advisory organisation without legal personality, functioning by the side of Ministry of Interior and Administrative Reform and acting under the care of Inter-ministerial Council for Justice and Internal Affairs.

Art. 2

(1) Inter-ministerial group's mission is to improve the communication and cooperation between the Ministry of Interior and Administrative Reform and the other central and local public administration authorities as well as to substantiate through measures and correlated actions the written papers or decisions issued in the field of state border security and its high-performance management.

(2) Based on the National Strategy of the Romanian State Border Integrated Management - further on named National Strategy – the inter-ministerial group establishes the general framework and offers an unitary coordination of the actions and steps which are taken by its members, authorities and public institutions mentioned in art. 3, to secure the state border; the inter-ministerial group cooperates with non-governmental organizations which have prerogatives and/or work in this field.

(3) National Strategy will be tabled for the Government approval by the Ministry of Interior and Administrative Reform within 30 days since the moment this decision comes into force.

(4) Inter-ministerial group identifies the priorities of the state border management and annually brings up to date the implementation documents – the Plan of Action and the Multi-annual Plan of Investments. Implementation documents will be tabled to the Inter-ministerial Council for Justice and Internal Affairs and to the Supreme Council for Country Defence and will be disseminated by the group secretariat to all member authorities and institutions next after approval and will be further published in Part I. of the Romanian Official Journal.

Art. 3

(1) Inter-ministerial group is functioning within Ministry of Interior and Administrative Reform under the authority and direct leadership of the head of the Schengen Department as chairman.

(2) Inter-ministerial group has in its structure state secretaries who are appointed by written orders issued by the central public administration authorities leaders or by the heads of public order, defence and national security structures entitled to take steps in this field as well as the leaders of national control authorities and managers from different structures within Ministry of Interior and Administrative Reform, as representatives of final users, as follows:

A. state secretaries appointed through written order by:

- a) minister of justice;
- b) minister of foreign affairs;
- c) minister of defence;
- d) minister of economy and finance;

- e) minister of public health;
- f) minister of labour, family and equal opportunities;
- g) minister of agriculture and rural development;
- h) minister of transports;
- i) director of foreign intelligence service;
- j) director of Romanian intelligence service;

B. National control authorities` leaders:

- a) Head of National Customs Authority;
- b) President of National Veterinary - Sanitary and for Nutritious Safety Authority;
- c) general commissioner of the National Environment Guard;
- d) president of the National Authority for Consumers Protection;

C. Heads of the component structures within Ministry of Interior and Administrative Reform with prerogatives in this field, as representatives of final users of Border Security Integrated System- further on named BSIS- that are appointed by the minister of interior and administrative reform through written order.

(3) At the inter-ministerial group reunions participate, as representatives of support structures, persons appointed by: the minister of IT&C, the Head of the European Affairs Department, the representative minister for coordination of the Government General Secretariat, the representative minister for supervising the implementation of international financed programs and community acquis, as well as the director of Special Telecommunications Service and the president of National Authority for IT&C Regulations.

(4) Whenever the above mentioned persons cannot attend the meetings, theirs deputies or directors in charge with BSIS will be allowed to participate and will be appointed accordingly.

(5) Other central public authority representatives or non-governmental organisations and independent experts from different areas may attend the inter-ministerial group reunions, as guests.

Art. 4

(1) The inter-ministerial group can convene in ordinary monthly sessions or, whenever is needed, in extraordinary sessions. Generally, the ordinary sessions are organized after the reunion of Inter-ministerial Council for Justice and Internal Affaires.

(2) The inter-ministerial group members are convened in extraordinary sessions by the president following the request of any member or relying on decision of the Inter-ministerial Council for Justice and Internal Affaires.

(3) The inter-ministerial group sessions are prepared by its secretariat, a specialized structure established by the minister of interior`s written disposition in the Central Apparatus of the Ministry of Interior and Administrative Reform. The head of this structure is the secretary of the inter-ministerial group.

(4) The structure and the course of inter-ministerial group meetings are settled in its statutory act adopted through inter-ministerial group`s decision.

Art. 5

(1) The inter-ministerial group has the following prerogatives:

- a) solves the specific issues or, by case, informs the Inter-ministerial Council for Justice and Internal Affaires and proposes the proper steps to be taken for working out these issues;
- b) issues decisions with a view to ensure coherence and efficiency in the process of elaboration and implementation of policies, strategies and programs issued by authorities and institutions which have designated representatives as part of it;
- c) approves the National Strategy bill, brought up to date by Project Management Unit – Border Security Integrated System, framed based on the proposals issued by the authorities and

institutions stipulated in article 3, with a view to present it to be approved by government decision;

d) coordinates the actions taken by its member authorities and institutions which are entitled to assure the state border security, aims and assures the application of the control and surveillance procedures at the border and controls the way Romania is fulfilling its obligations and commitments stated through international conventions;

e) coordinates the actions taken for implementing Border Security Integrated System and its harmonization with the legislation or the international and communitarian regulations;

f) issues, in its adopted decisions, recommendations for its member authorities and institutions, regarding the legislative and institutional framework as well as for implementation of the National Strategy;

g) approves the activity of PMU-BSIS for implementing Border Security Integrated System;

h) supervises the activity of the workshops which are set up under its authority and issues the necessary decisions or, by case, formulates the needed proposals;

(2) The activities stipulated in the paragraph (1) will be carried on without interfering with specific duties and competences of public institutions.

Art. 6

The inter-ministerial group's secretariat has the following primary attributions:

a) organizes the inter-ministerial group's reunions;

b) prepares and delivers to the member authorities and institutions or to the guests of the inter-ministerial group the suitable draft papers of the reunions;

c) supervises the way the rules settled during the inter-ministerial group's reunions are complied and elaborates reports and briefings on the implementation stage, thereupon these are tabled to the president of the inter-ministerial group;

d) keeps track of the decisions adopted by inter-ministerial group and delivers them to all concerned authorities and institutions to be implemented and checks the way these decisions are enforced;

e) ensures the inter-ministerial communication in the field of BSIS management, as well as the harmonization of the points of view within this matter;

f) acts as contact point for Romanian authorities and institutions as well as for the foreign ones which possess, process and deliver, by case, the BSIS implementation data;

g) supervises the implementation of National Strategy therefore elaborates studies, analysis and synthesis to inform the leadership of Ministry of the Interior and Administrative Reform.

Art.7

PMU-BSIS is organized and functions within the General Inspectorate of Border Police and has the following primary attributions:

a) plans and co-ordinates the evaluations regarding possibilities to apply the measures established in the National Strategy and formulates proposals to correlate the strategies which are adopted by member authorities and institutions of the inter-ministerial group;

b) co-operates with the European Union's structures, specialized in border management, or with other similar structures and organizations;

c) formulates, prepares and concurs at decisions' substantiation necessary to assure coherence for accomplishment and bringing up to date of the National Strategy as well as, by case, for the implementation documents;

d) supervises public goods and services procurements necessary for the implementation of BSIS, so as to ensure their integration;

e) drafts legal documents for ensuring the legislative-normative framework for BSIS and it also grants itself with legal advice;

- f) it follows up the evolution of BSIS and suggests proposals for communitarian acquis to be adopted in the national legislation;
- g) it follows up if the system integrator offers the integrated logistics support necessary for achievement and maintenance of BSIS functionality which includes personal training , maintenance, performance bond, users assistance, technical papers and documents;
- h) draws up the planning and reporting documents relating to BSIS project's stage;
- i) for the implementation of National Strategy as the main aim, it co-ordinates the achievement of BSIS together with specialized structures within Ministry of Interior and Administrative Reform.

Art. 8

(1) Heads of the member structures and authorities of inter-ministerial group take the necessary steps to transmit to its secretariat the stage of the committed engagement fulfillment as it has been assumed through the implementation documents, as follows:

- a) monthly, on 1st - the engagement's fulfillment stage, stipulated in the Plan of Actions;
- b) monthly, on 1st – the action's achievement stage, stipulated in the Multi-annual Plan of Investments;

(2) The procedure of data's communication stipulated in paragraph (1) is settled through written order by the minister of interior and administrative reform for MIAR's structures and for the other member structures and authorities through the inter-ministerial group decision.

Art. 9

(1) The inter-ministerial group can have in its structure workshops formed with specialists appointed by the heads of member authorities and institutions.

(2) Whenever necessary, following the convening of the inter-ministerial group's secretariat, workshop debates can be organized in plenum.

(3) The representatives of institutions and authorities members of workshops are appointed by written order / decision issued by their head management which is reported to the inter-ministerial group's secretariat.

(4) Workshops and their field of activity, attributions, organization and function manner are settled through inter-ministerial group decision which will present the statutory regulations of each workshop.

Art. 10

To assure the attainment of the scope mentioned in article 2, the member institutions will have to fulfill the following activities:

- a) putting into practice of the National Strategy, approved by decision of the Government;
- b) harmonization of the national legislation with the communitarian acquis in the field of the state border integrated management;
- c) to assure the proper implementation and application of the control process at the state border, adequate to the requirements of the communitarian acquis;
- d) to implement the adequate information systems, compatible with BSIS;
- e) to update the technical equipments and infrastructure at the state border through the achievement of BSIS;
- f) to cooperate with similar institutions of the member states of EU for combating illegal migration and organized cross border crime;
- g) to cooperate with non-governmental organizations in the field of interests for the state border integrated management;
- h) to adopt efficacious and efficient measures in order to facilitate the mobility of citizens and goods over the state border.

Art. 11

- (1) Persons appointed in the workshops maintain their jobs at the authorities and institutions which have sent them and also add to those the rights that result from this appointment.
- (2) The members of the workshops fulfill their obligations within it as their own job duties.
- (3) The necessary costs of the inter-ministerial group's meetings are endured from the General Inspectorate of Border Police budget.

Art. 12

The decisions of the inter-ministerial group are internalness administrative acts for all members and represent the ground for legal acts proposals and for the steps taken by the leaders of the authorities and institutions which have by law duties in the area of state border security.

Art. 13

The relations between inter-ministerial group and judicial bodies as well as other authorities are established and deployed individually based on the president's approval or can be exerted by the persons mentioned or appointed accordingly with the provisions of paragraphs (1) and (2) of the art. 3.

Art. 14

Any participant at the reunion may present written documents with studies, proposals, inter-ministerial group's decision drafts which will be delivered along with the others documents prepared by the secretariat.

Art. 15

At each inter-ministerial group reunion the secretary will inform the participants about the stage of the previous decisions' implementation.

- (2) Decisions are adopted through open vote, with simple majority, in the presence of at least two thirds (2/3) of all the members of the inter-ministerial group.
- (3) The debates of the inter-ministerial group's plenum and the adopted documents are recorded in one minute or on magnetic support through the meeting secretary's carry, the administration of these information being carried out by the inter-ministerial group's secretariat.