

Decision no. 882 of July 5, 2006 on establishing the National Schengen Auto evaluation Commission

On the basis of article 108 of the Romanian Constitution, republished and article 12 paragraphs 2 and 3 of the Law no. 90/20012 on organization and functioning of the Romanian Government and ministries, with the following modifications and amendments,

The Government of Romania adopts the following decision.

Article 1

(1) the National Schengen Autoevaluation Commission is hereby established, a consulting body without legal status, hereinafter named the Commission, by the Ministry of Administration and Interior for the purpose of coordinating, promoting and representing the policies and actions of analysis, development and innovation in the field of implementing the Schengen acquis in order to fulfill the necessary conditions for Romania's accession to the Schengen Agreement and its implementing Convention.

(2) The Commission is subordinated to the inter-ministerial Council for justice and home affairs, established according to article 1 letter a) of the Government Decision no. 750/2005 on establishing the permanent inter-ministerial councils.

(3) The Commission is composed of one representative at the level of secretary of state, general secretary, president or director, depending on the case, of the following public authorities and institutions:

- a) Ministry of Administration and Interior;
- b) Ministry of Foreign Affairs;
- c) Ministry of European Integration;
- d) Ministry of Public Finance – the National Customs Authority;
- e) Ministry of Justice;
- f) Ministry of Transports, Constructions and Tourism;
- g) Ministry of Communication and Information Technology;
- h) General Secretariat of the Government;
- i) Department for European Affairs;

j) National Authority for Communication Regulations;

k) External Intelligence Service;

l) Romanian Intelligence Service;

m) Special Telecommunication Service.

(4) The nominal composition of the Commission is established by decision of the prime-minister within 15 days from the date of entering into force of the present decision on the basis of the proposals sent to the Ministry of Administration and Interior by the public authorities and institutions mentioned in paragraph 3.

Article 2

(1) The activity of the Commission is coordinated by the minister of administration and interior who acts as the chairman.

(2) The executive president of the Commission is the secretary of state for European integration from the Ministry of Administration and Interior.

(3) The decisions of the Commission are adopted by the vote of the majority of the present members.

Article 3

(1) The Commission harmonizes and coordinates the specific activities carried out by the ministries, authorities and institutions of Romania, which have competencies in this field, as well as the relations among the ministries, authorities, and institutions of the central public administrations and the territorial structures with attributions in this field, according to the law.

(2) The Commission coordinates the activity of all inter-ministerial groups that carry out activities in sectorial fields with relevance for fulfilling Romania's engagements in order to accede to the Schengen Convention.

Article 4

The Commission fulfills the following main attributions:

a) it coordinates the drafting and approves the national policies and sectorial strategies in the relevant fields;

b) it monitors the fulfillment of the requirements and engagements taken for accession to the Schengen Agreement and its implementing Convention;

c) it establishes the priority fields for drafting the general and sectorial policies specific to this field;

- d) it monitors that the unitary and coherent character of the relevant policies and strategies is assured;
- e) it monitors and evaluates the manner in which the objectives and actions mentioned in the relevant documents are achieved;
- f) it coordinates the inter-ministerial communication as regards the drafting of relevant policies;
- g) it targets that the relations among the ministries, public institutions and authorities are rendered more efficient;
- h) it approves the general and sectorial programs and plans in order to ensure the fulfillment of engagements of the Romanian state as future Schengen member state and it monitors the actual manner in which they are implemented;
- i) it monitors the integrated and efficient implementation of the system of norms and regulations in this field;
- j) it proposes to the authorities represented the drafting of normative acts regarding the Schengen field;
- k) it informs regularly and if case be the Government and the Inter-ministerial Council for justice and home affairs, established according to article 1 letter a of the Government Decision no. 750/2005 regarding the activities carried out and the steps that were decided.

Article 5

(1) The Secretariat of the Commission is ensured by the Ministry of Administration and Interior by its specialized structure appointed by order of the minister of administration and interior that coordinates the activities carried out in the field Schengen acquis implementation.

(2) The attributions and responsibilities of the secretariat are established by the regulation for organizing and functioning of the Commission, which is approved by its decision.

(3) The Commission may form working groups and mixed evaluation commissions made up of specialists from the represented authorities and institutions.

(4) The manner in which they are established, organized and the attributions of the working groups and mixed evaluation commissions are set up by the regulation for organizing and functioning of the Commission.

Article 6

The Commission meets on a monthly basis or as necessary, at the request of the chairman or the executive chairman.

Article 7

The ministries and authorities of the public administration present for approval of the Government the measures proposed for fulfilling the decisions of the Commission.

Article 8

Within 5 days from the date of entering into force of this decision, the ministries and the other specialized bodies of the central public administration mentioned in article 1 paragraph 3 shall appoint their representatives and establish the actual competencies in order to participate in the works of the Commission, by order or decision of their leaders.

Article 9

Within 60 days from the date of entering into force of this decision, the Ministry of Administration and Interior shall draft the regulation for organizing and functioning of the Commission, after having obtained the opinion of the represented authorities.