



Romanian Parliament
Senate

Bucharest, 11 April 2016

OPINION

of the SENATE

regarding the *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA COM (2016) 7 final*

The Senate examined the *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA - COM (2016) 7 final* - according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the joint report of April 1, 2016 of the permanent Committee for European Affairs and the permanent Legal Committee for appointments, discipline, immunities and validations, **the Plenum of the Senate**, during its session of April 11, 2016, decided as follows:

I. The proposal complies with the principles of subsidiarity and proportionality, since its objectives cannot be achieved at national level and both the proposed measures and the legislative form are appropriate.

II. The following are noted:

- a. The importance of the proposed directive particularly on fighting against cross-border crime, criminality and terrorism, as mutual European responsibility in an area of freedom, security and justice.
- b. The improvement of the exchange of criminal intelligence regarding third-country nationals.
- c. Ensuring equal treatment of third country nationals and EU nationals as regards the effective exchange of information on criminal records (ECRIS).
- d. The importance of using an easy interface, such as hit / no hit.
- e. The completion since April 2012 of the implementation and operationalization of ECRIS in Romania.
- f. The easy alignment of Romania to the new provisions on the transmission of fingerprints.

III. It is considered necessary:

- a. The protection of
 - i. the fundamental rights of citizens at all levels;
 - ii. the obligations of Member States under their national law;
- b. Respect for the principle of non-returning;
- c. Protection in the event of removal, expulsion or extradition.

IV. Is recommended:

- a. The practical application of concrete measures to prevent terrorist acts.

p. President of the Senate

Ioan CHELARU

