

# PARLIAMENT OF ROMANIA

## CHAMBER OF DEPUTIES

### DECISION

**adopting the Opinion on the proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011 - COM(2016) 194**

**and**

**on the Communication from the Commission to the European Parliament and the Council - Stronger and Smarter Information Systems for Borders and Security - COM(2016) 205**

Pursuant to the provisions of Articles 67 and 148 of the Constitution of Romania, republished, of Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and of Articles 160 to 185 of the Regulations of the Chamber of Deputies, republished,

**The Chamber of Deputies** adopts this Decision.

Sole Article - Having regard to Opinion No 4 c-19/618 adopted by the Committee for European Affairs at its meeting of 14 June 2016, the Chamber of Deputies:

With regard to the proposal for a Regulation to establish an Entry/Exit System (EES)

1. it recognises the importance attached by the institutions of the European Union to the 'Smart Borders' package, as revised, at a time when the EU intends to adopt the legislative acts included in the package by the end of the current year, following which the implementation of the Entry/Exit System (EES) will take place in the period 2017-2020;
2. it recalls the opinion expressed by the Chamber of Deputies on 7 June 2013 on the initial 'Smart Borders' package, presented in 2013, and notes the viability of views included in that opinion;
3. on grounds similar to those expressed in the opinion of 7 June 2013, it acknowledges that the proposal for a Regulation respects the principle of subsidiarity, bearing in mind that the establishment of an entry/exist system, intended to contribute to the management of the external frontiers of the European Union, and hence to the preservation of the Schengen Area, presupposes transnational aspects and effects;
4. it welcomes the fact that the principle of solidarity and fair distribution of responsibilities among the Member States, underpinning the common policies on asylum, migration and the external frontiers, has acquired particular importance in the context of the current migration crisis, but recalls that solidarity cannot be limited to a certain field or action, but should be applied to all European Union policies;

5. it notes and supports the novel elements of the revised proposal on the EES system compared with the 2013 proposal: the establishment of a single system and interoperability between the EES system and the visa information system (VIS); the taking of four fingerprints and a facial image (as against 10 fingerprints in the initial proposal); the reduction to 26 data elements in place of 36 such elements; the extension of the data retention period to five years, compared to 181 days, as in the initial proposal; easier crossing of borders through the introduction of 'self-service' systems and e-gates; access for security and law enforcement authorities (of the Member States and Europol) from when the system becomes operational; definition of a six-month transitional period for the phasing out of stamping;

6. it appreciates that the study carried out in 2014 and the pilot project conducted in 2015 – a project in which Romania also participated (through the border crossing points of Iași (rail) and Sculeni (road)) – have made a key contribution both to establishing an architecture for the new system that is more integrated in the European information system landscape, and to establishing some design elements that are more useful and more functional for the intended purpose;

7. it points out that Romania is one of the Member States that have a national Entry/Exit System through which stays of third country nationals on their territory are calculated, and with a view to joining the Schengen Area, such a system offers many advantages in operational terms and could contribute to expediting flows of passengers;

8. it appreciates in particular the solution found for ensuring that the Member States that do not fully apply the Schengen *acquis* have access to the EES right from when the system become operational, even if the specific restrictions linked to the elimination of controls at the internal frontiers creates a separate status;

9. it requests clarifications regarding the scope of the Regulation (recital 51, Article 2), the method of calculating the duration of the stay of third country nationals (Article 10(4)) and the information mechanism (Article 11) from the point of view of Romania's access to the system, as a Member State that does not fully apply the Schengen *acquis*.

10. on the interoperability of EES and VIS, it particularly appreciates the attention accorded by the European Commission to the proposals to this effect made by the Member States in 2013 and considers it to be a correct solution and consistent with the objectives set by the Communication from the Commission on 'Stronger and Smarter Information Systems for Borders and Security' - COM(2016)205.

With regard to the Communication 'Stronger and Smarter Information Systems for Borders and Security'

11. it takes note of the intention expressed in the Communication to follow various options for maximising the benefits offered by the information systems developed at the European level and for promoting new and complementary actions with a view to remedying certain deficiencies identified in connection with the information systems in question;

12. it also takes note of the long-term objective of improving the interoperability of the information systems, an action intended to make it easier to place the necessary information at the disposal of the border police, custom authorities, police officers and judicial authorities;

13. however, it supports the carrying out of a comprehensive evaluation of the procedural and practical aspects as part of a gradual approach, making the most of the existing instruments before developing new systems; ,

14. it expresses its support in principle for the creation of a single interface at European level for searches in SIS (Schengen Information System) systems, VIS, EURODAC (the European system for comparing the fingerprint data of asylum applications), Interpol's SLTD (database for lost and stolen travel documents), the future EES and ETIAS (travel information and authorisation system), but it points out that it would be necessary first to overcome the obstacles of a legal nature at European level that currently restrict access to some of those systems to a limited number of authorities and to specific fields;

15. it points out that the interface in question should be used sectorially to combat all the threats to the internal security of the EU (illegal migration, terrorism, the fight against crime, etc.);

16. it welcomes the proposal to set up a high-level expert group on information systems and their interoperability, which will be composed of representatives of the Member States, EU agencies in the field and other institutional actors;

17. it maintains that the new advanced approaches in the field of information system interoperability require careful analysis from a technical/operational, legal and financial point of view;

18. recalls its constant calls, in the previous opinions of the Chamber of Deputies, for combating identity document fraud to be set as a priority at EU level.

*This decision was adopted by the Chamber of Deputies at its sitting of 22 June 2016, in accordance with the provisions of Article 26(2) of the Constitution of Romania, republished.*

**THE PRESIDENT  
OF THE CHAMBER OF DEPUTIES**

**Florin IORDACHE**

Bucharest, 22 June 2016

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