Project Number: RO 9806.01

Title: IB project for the Ministry of Interior

Sub-programme: Strengthen the Institutional and Administrative Capacity to manage the *acquis*

Objectives:

The objective is to strengthen the capacity of the Ministry of Interior such that it is in a position to tackle policing, border management and control, immigration and asylum matters. Immigration and asylum are expected to benefit from action in the other two areas; therefore, priority, in terms of scheduling action, should be put on police and border management and control.

There are four aspects to the analysis of these issues: (a) legislation, (b) administrative structures, (c) education and training, and (d) material resources. The analysis therefore of all the above issues should be carried out under these four angles.

The AP highlights that Romania has to make efforts to implement measures to combat corruption and organised crime (money laundering, drugs and trafficking in human beings) and improve border management in the short term (1998); in addition, in the medium term, the country has to develop capacity to handle asylum and migration questions, align visa policy with that of the EU and complete alignment to international conventions, notably in view of the Schengen *acquis*. The same line, in broad terms, is adopted by the NPAA.

Description:

In the framework of the project, legislation, administrative structures, education and training, and material resources should be reviewed for the four areas of police co-operation (in particular in the fields of money laundering, drugs and trafficking in human beings), border management and control, illegal migration and asylum.

The Romanian legislative framework is inadequate particularly as regards the fight against organised crime, money laundering, drugs and trafficking in human beings. These inadequacies are obstacles to the execution of international warrants for arrest. Police tend, thus, to use Articles of the Penal Code which are inappropriate for this purpose. This usually results in the arresting of small offenders only who have little or no access to legal advice.

One of the main issues regarding the Ministry of Interior is the military statute of the various bodies of police. Demilitarisation is expected to result in the inclusion of Police staff under the competence of civil courts. Indeed, the military statute of the police means that their staff are expected to obey, in penal procedures, the orders of their hierarchy rather than those of the Magistracy. Accordingly, police demilitarisation is crucial for the fostering of an independent judiciary.

There is a large number of Police bodies whose remits are not clearly or optimally defined. The reform of the Ministry should entail a rationalisation of its structure, mainly as regards the organisation and demilitarisation of the Police.

The current status on passports and visas should be reviewed; also, arrangements concerning TAROM as regards illegal migration. On asylum, review legislation, reception centres and access thereof of NGOs/lawyers, and military statute of involved services.

The outcome of this project is expected to be, further to an in-depth needs assessment, comprehensive programmes including (a) legislation, (b) administrative structures and (c) human and material resources, to tackle the issues of police co-operation, border management and control, asylum and migration.

Institutional framework
The Ministry of Interior has declared officially that demilitarisation is one of its objectives. It would, however, appear that there is a concern that demilitarisation would bring about a loss of effectiveness. Dialogue with the Ministry has to continue and intensify on this issue.

Existing training institutions of the Ministry of Interior and the Police Services, such as the Police Academy, the NCOS Campina School and others will be checked, deficits in the substance of education and training will be identified and recommendations for improving the operation of these institutions with focus on EU standards will be developed.

### Budget

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<tr>
<th></th>
<th>Investment</th>
<th>Institution</th>
<th>Total (I+IB)</th>
<th>Recipient</th>
<th>IFI</th>
<th>TOTAL</th>
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<td><strong>TOTAL</strong></td>
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* The amount of 2 MECU will be contracted under DIS.

### Implementation arrangements

The project will be implemented through the CFCU as Implementing Agency.

The Ministry of Interior will be the implementation authority. The project will be implemented under the supervision of the Secretary General of the Ministry. The Unit for European Integration is expected to play a catalytic role in the implementation of the project. A Task Force under the Secretary General for Structural Change in the Ministry should be established at the start of the project. A special Working Group should be established on the organisation, co-ordination, monitoring and implementation of police demilitarisation, including participants from the Ministry of Interior, Justice and the Public Ministry. High level involvement of the President’s Office is desirable.

The funds will be contracted and disbursed according to the procedures concerning the twinning arrangements for the long-term secondees.

Four long-term secondees at least are expected to work in the framework of this project under the IB-twinning arrangements. The fields of competence of the first three would be (a) police co-operation, (b) border management and control, and (c) illegal migration and asylum. They are expected to look into administrative structures, education and training needs and material resources necessary. A fourth expert would cover legal matters for all three sectors. This expert will also be responsible for the police demilitarisation. If need be he would be assisted by ad hoc legal expertise.

The work of these experts will build on the outcome/report of the JHA Member States expert’s mission; this work is expected to be completed in June 1998.

### Implementation schedule

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<th>Start of tendering</th>
<th>Start of project activity</th>
<th>Completion</th>
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<tr>
<td></td>
<td>end 1998</td>
<td>January 1999</td>
<td>end 2000</td>
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### Equal opportunity

The dimension of equal opportunity and gender equality will be integrated into the project. Reporting will be carried out in the context of the implementation of the project.

### Conditionality and sequencing

Any reform of the Ministry of Interior and related bodies needs to be based on the Ministry’s firm commitment towards its demilitarisation. As demilitarisation (particularly of the police force) has to be seen in conjunction with the reform of the “Public Ministry” (i.e. Public Prosecutor’s office) entailing possibly the establishment of an “examining magistrate” (juge d’instruction), and the reform of the relation amongst the
Police, the Prosecutor’s Office, the Magistrates and the Ministry of Justice, an effective co-ordination mechanism should be set up including the above-mentioned institutions. The direct involvement of the President’s Office should be highly desirable. Reforms in this field need to be implemented on the basis of an agreed and integrated approach comprising reforms in the Ministry of Interior, police forces, the Ministry of Justice and the Public Prosecutor’s Office.

The working group for the institutional reform of the Ministry of Interior and Justice and the Public Prosecutor’s Office, including the demilitarisation of the police, should be established by July 1998, an action plan should be elaborated by October 1998, and a comprehensive implementation schedule including its funding requirements should be finalised by December 1999.

The Task Force under the Secretary General will also have developed similar draft action plans, including an implementation schedule, by December 1998, for the areas of border management and control as well as the handling of illegal immigration and asylum.