### Identified Gaps or Recommended courses of intervention

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<th>Action for covering the Gap or implement the recommended intervention</th>
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<td>The blue border surveillance should be reorganized and equipped accordingly. Application of modern technology (surveillance systems) would enhance the operational effect radically and save human resources. The border police should have a surveillance system and a sufficient reaction capacity directly at its disposal. <em>(Report of the Advisory Visit under chapter 24 in the fields of Justice &amp; Home Affairs in Romania, in period 29 March – 2 April 2004).</em></td>
<td>- Purchasing the needed equipment for surveillance system to cover the RBP responsibility area between Danube ports and to be integrated with the RNA system. - Supplementing existing RBP surveillance and control capacity at the blue border with two surveillance vessels, maintenance and training, that enable the RBP to operate 24 hours per day, in all types of waters, and in all weather conditions.</td>
<td>Technical project and Tendering Documents for Development of the RBP Integrated Surveillance System of Danube River and Danube Delta (FWC) - Supply of RBP vessel for surveillance and Control of the Blue Border (Supply) - Implementation of the RBP Integrated Surveillance System of Danube River and Danube Delta (Supply)</td>
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<td>Efficient and adequate organization of the training is considered as one of the high priority measures for the future improvement. <em>(Report of the Advisory Visit under chapter 24 in the fields of Justice &amp; Home Affairs in Romania, in period 29 March – 2 April 2004).</em></td>
<td>Providing RBP senior managers and HRD professionals with the knowledge, skills and techniques required to effectively introduce a new HRD system whereby individual RBP managers are primarily responsible for the development of their staff.</td>
<td>- RBP Human Resources Development – Phase 1 - Developing and Implementing an Organisational Development Strategy (Services) - RBP Human Resources development RBP Human Resources development – Phase 2 - Training in Curriculum Design &amp; Development (Services) - RBP Human Resources Development – Phase 3 – Training Managers in Human Resources Development (Services)</td>
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The concept for blue border surveillance is still invalid. According to the EU-standards expressed in the Schengen Catalogue, and given the nature of this area as a future external border, the border police must have a sufficient real time awareness of situation, and it must possess a sufficient reaction capacity. The territorial waters should be covered by a permanent surveillance and the Border Police should have direct access to data, for which a remotely controlled fixed surveillance network should be established. *(Report of the Advisory Visit under chapter 24 in the fields of Justice & Home Affairs in Romania, in period 29)*

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<td>2004: N/A  2005: N/A  2006: - Supply of RBP vessel for surveillance and Control of the Blue Border (Supply)</td>
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<td>It is necessary to make a proper evaluation of the existing training system and – on the basis of the results of the assessment - development of strategies for adequate and efficient border police training. (Report of the Advisory Visit</td>
<td>Providing RBP senior managers and HRD professionals with the knowledge, skills and techniques required to effectively introduce a new HRD system whereby individual RBP managers are primarily responsible for the development of their staff.</td>
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<td>There is a need for some offshore vessels that can stay out for longer periods, conduct observations, escort suspect ships etc. (Report of the Advisory Visit under chapter 24 in the fields of Justice &amp; Home Affairs in Romania, in period 29 March – 2 April 2004).</td>
<td>Supplementing existing RBP surveillance and control capacity at the blue border with two surveillance vessels, maintenance and training, that enable the RBP to operate 24 hours per day, in all types of waters, and in all weather conditions.</td>
<td>N/A</td>
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<tr>
<td>The Danube river will remain as an external border, therefore, further analyzing of the control procedures for transiting vessels in the Danube river is recommended. (Report of the Advisory Visit under chapter 24 in the fields of Justice &amp; Home Affairs in Romania, in period 29 March – 2 April 2004).</td>
<td>Purchasing the needed equipment for surveillance system to cover the RBP responsibility area between Danube ports and to be integrated with the RNA system.</td>
<td>N/A</td>
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<td>- Supply of RBP vessel for surveillance and Control of the Blue Border (Supply) - Implementation of the RBP Integrated Surveillance System of Danube River and Danube Delta (Supply)</td>
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<td>Inter-agency co-operation needs to be further improved, especially between the Border Police, the Financial Guard, the National Customs Authority and the economic</td>
<td>It will enable the RBP to fulfil all of its obligations in relation to the Integrated Border Management Strategy, and to play a leading role in its successful implementation.</td>
<td>- Improving Border Police and Customs Co-operation at the Serbian Border - Operational Training in</td>
</tr>
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branch of the police specialized in tax crimes. *(2004 Regular Report on Romania’s progress towards accession).*

**Selective, Risk-Based Border Control Techniques**

Romania should increase its efforts to develop administrative capacity, particularly in areas such as integrated border management, fighting corruption and preventing the trafficking of human beings, where inter-agency co-operation is essential. *(2004 Regular Report on Romania’s progress towards accession).*

It will enable the RBP to fulfill all of its obligations in relation to the Integrated Border Management Strategy, and to play a leading role in its successful implementation.

**Anti-corruption Measures for Border Police and Customs**

- Improving Border Police and Customs Co-operation at the Serbian Border
- Operational Training in Selective, Risk-Based Border Control Techniques

N/A

While additional staff has been hired and some contractual agents have been transformed into professional border agents, progress must continue to implement the plan to fill all remaining vacancies before the end of 2009. There are, however, still large staff shortages in the Border Police with 4644 vacant posts. When deploying new recruits priority should be given to strengthening the future EU external borders. As regards demilitarisation, conscripts are no longer used in the Border Police but 2540 contractual agents (formerly known as “military under contract”) remain in the Border Police. These contractual agents and the new staff to be recruited all need to be trained as professional border police.

For decreasing of the number of vacancies posts during the 2006 are foreseen the following:
- hiring of the 66 Police Academy graduates;
- hiring form external source of 1532 policemen, out of which 132 officers and 1400 agents;
- hiring form internal source of 1200 policemen, out of which 60 officers (former agents) and 1140 agents (former conscripts).
- Due the natural loss registered during the 2005 and those foreseen during 2006, in order to maintain the hiring percentage it was proposed to hire from external source without any need of financial unblocking.
agents in accordance with the Police Status Law. The current Border Police training facilities should therefore be expanded as a matter of priority to meet this large demand. 

*(Romania, 2005 Comprehensive Monitoring Report)*

The Report of an Advisory Visit under chapter 24 in the fields of Justice & Home Affairs in Romania, carried during the period 29 March – 2 2004, outlines the following:

 [...] “The most striking effort has been to stop more than half a million Romanian citizens from leaving the country without fulfilling the proper conditions. This took place more than half million times during last year. Other indications of illegal migration are quite modest. The experts found the overall concept of border surveillance professional, which contains the necessary tactical components as endorsed by the Schengen Catalogue. Quite a lot of progress has been made and there are visible improvements as regards institutional as well as operational matters. This also applies to new infrastructure or reconstruction of border crossing points, which should be continued. 

 [...] 

| The RBP is currently implementing the Phare 2002 Twinning Covenant “Further strengthening of border control and improved management of migration”, which will improve its administrative capacity (primary and secondary legislation, organisation etc.) in the field of illegal migration and drugs traffic. Through the Phare 2001 programme, 10 videospectral comparators were purchased, and under the Phare 2002 Investment Support components the supply of 25 sets of equipment for detecting forged documents, to be delivered at the needed levels, is foreseen. The procedures for development of the RBP Communication System commenced through a procedure of the Phare 2001 programme. The pilot phase of the Communication System will be in 2004, and will be continued through a Phare 2003 component. The Phare 2004 – 2006 |
| - Implementation of the RBP Integrated Surveillance System at Black Sea, final Phase |
| - Implementation of the RBP Integrated Surveillance System of Danube River and Danube Delta (Supply) |
| - Supply of RBP vessel for surveillance and Control of the Blue Border (Supply) |
Second line equipment is not yet sufficient everywhere and training on complicated equipment needs to be improved. There is also an urgent need to improve the whole communication system, especially the online connection between the Border Police Units as well as the connection to the central information systems.

[...]

The blue border surveillance should be reorganised and equipped accordingly. The current arrangement leaves parts of the coast uncovered in a way that cannot be regarded positively in view of accession. Application of modern technology (surveillance systems) would enhance the operational effect radically and save human resources. The border police should have a surveillance system and a sufficient reaction capacity directly at its disposal.

[...]

Capacity building for border management is a matter of several years. Even if the operational situation would be calming down before and after accession, the development should not be stopped. Sooner or later, Romania will be implementing Multi-annual Fiche propose funds for the finalisation of this system.

Starting with the Phare 2003 programme, the development of the Surveillance System at the Black Sea Coast will be financed. In the Phare 2004 – 2006 Multianual Fiche, funds for the finalisation of this Surveillance System have been proposed.

The Phare 2003 programme fiche includes a Twinning Project “Improvement of the Romanian Border Police readiness for the implementation of a Surveillance and Control System at the Black Sea Coast”, which is mainly focused on the legislative, organisational, and aspects of preparing for the system.
Schengen provisions in full. At that stage, the external borders of Romania will be the sole line of control between third countries and the EU. Then, the pressure will be more severe than the one being witnessed nowadays.

[...] Efficient and adequate organisation of the training is considered as one of the high priority measures for the future improvement.

[...] Operational measures to tackle corruption have been introduced in the Border Police. At the border crossing points staff are required to make a declaration on the amount of local currency on their person before their shift starts, and they are not allowed to have either any foreign currency or a mobile telephone during working hours. Furthermore, random checks (integrity tests) are carried training by the Directorate-level intervention units.

[...] Main conclusions and recommendations

[...] The concept for blue border surveillance is still invalid. The
core of the system consists of a flotilla of offshore crafts that are not seaworthy and that are technically outdated. Save the vicinity of the port of Constanta, the Romanian coasts are not covered by such constant surveillance as they should. According to the EU-standards expressed in the Schengen Catalogue, and given the nature of this area as a future external border, the border police must have a sufficient real time awareness of situation, and it must possess a sufficient reaction capacity. Otherwise the cross border crime remains undetected or non-countered. To this end, the territorial waters should be covered by a permanent surveillance and the Border Police should have direct access to data, for which a remotely controlled fixed surveillance network should be established. This does not exclude that there is also a need for some offshore vessels that can stay for longer periods, conduct observations, escort suspect ships etc.

[...]
As regards **land border/river surveillance** development in resources and tactics has been rapid. The newly introduced 3-layer controls in the 30 km zone at the green border is still in a phase where its full effect has not been reached, especially in mixed land and river border zones. Patrols have little possibility to check persons in the border line or in the area of the green border. Further studying the risks of undermining this system and development of risk analysis should be further studied. The Danube river will remain as an external border, therefore, further analyzing of the control procedures for transiting vessels in the Danube river is recommended.

It is necessary to make a proper evaluation of the existing **training** system and – on the basis of the results of the assessment – development of strategies for adequate and efficient border police.”

<p>| Current efforts must continue to modernise equipment and infrastructure along the green and blue | - Supplementing existing RBP surveillance and control capacity at the blue border with two surveillance | - Supply of RBP vessel for surveillance and Control of the Blue |</p>
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<th>Borders so that a uniform high level of control is reached. (Romanian, 2005 Comprehensive Monitoring Report)</th>
<th>Vessels, maintenance and training, that enable the RBP to operate 24 hours per day, in all types of waters, and in all weather conditions.</th>
<th>Border (Supply)</th>
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<td>The surveillance capacity along the Black Sea coast and the Danube needs to be enhanced, preferably in close coordination with Bulgaria in the latter case as the Danube is an international waterway. (Romanian, 2005 Comprehensive Monitoring Report)</td>
<td>- Purchasing the needed equipment for surveillance system to cover the RBP responsibility area between Danube ports and to be integrated with the RNA system.</td>
<td>- Implementation of the RBP Integrated Surveillance System of Danube River and Danube Delta (Supply)</td>
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<td>The eCustoms multi-annual strategic plan (MASP), sets down the vision, objectives, the strategic framework and the milestones to implement the eCustoms initiative. The MASP contains the following elements: Legal changes and simplification; Operational convergence; Development of computerized customs systems. The Council Resolution of December 5, 2003, which endorsed the Communication by the Commission on a simple and paperless environment for customs and trade, invites the Commission to “draw up, in close cooperation with Member States, a multi-annual strategic plan, aiming at creating a European electronic environment, which is consistent with</td>
<td>Development of following computerized customs components to sustain a paperless environment for both customs administrations and traders: Import Customs System (ICS) Risk Management Framework Registration system for traders Common customs information portal Single electronic access point</td>
<td>Services contracts, related to the: risk management framework, development of the registration system for traders, common customs information portal and single access point, development of the automated Import Control System Supply contract, for acquisitions addressed to the registration system for traders, common customs</td>
</tr>
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</table>
The operational and legislative projects and developments scheduled or underway in the areas of customs and indirect taxation”.

The results of the DGTAXUD monitoring visit held on NCA premises on 10 November 2005, reflect the following milestones:

- Setting up a Help Desk environment
- Optimise the actual infrastructure
- Improvement of IT working procedures and provide the necessary hardware and software equipments
- Participate to the strengthening of CCN network

Monitoring visit on 4-5 October 2005 “Customs and taxation IT interoperability and IT interconnectivity’

The 4th Meeting of the Customs 2007 IT Technical Group joined with the SCAC Information Technology Sub-Committee (SCIT) and the Excise Computerisation Working Party (ECWP) underlined the necessity to raise awareness among the politic environment in order to sustain with staff and equipment for the implementation of e-Customs.

| The “Help-desk for NCTS” compartment was settled up |
| The optimisation of the actual infrastructure is on-going |
| The improvement of IT working procedures is on-going |
| The participation to the strengthening of CCN network is active |

The ECS (export control system) ToRs have been submitted for approval and launching to the CFCU and EC Delegation

The pre-conformance tests and the conformance tests for NCTS 3.2. and TARIC & tariff related systems were fulfilled in direct connection with the EC systems.

| information portal and single access point |
programme.
*(2005 - eCustoms Multi-Annual Strategic Plan)*

**Romania 2005 comprehensive monitoring report**

Romania should complete legislative alignment in the areas of rules of origin. Attention needs to be paid to improving the practical use of risk-analysis criteria, coupled with post-clearance controls. Post-clearance audits need to be improved significantly. Clear and uniform procedures need to be developed and distributed to all post-clearance control departments at regional level.

The draft of the new Romanian Customs Code was drawing up, observing as such the structure of the Community Customs code and changing significantly the Romanian customs legislation. The Customs Code draft was approved by the Government of Romania, adopted by the Senate of Romania and it is at present under consideration at the Deputies Chamber of Romania.

A Commission of analyzing the reorganization of the customs activity after the adhesion of Romania to the European Union was set up at the NCA level.

In 2005 the percentage of using simplified procedures was of 40% as compared to the whole customs operations. Methodological norms of post-clearance control were drawn up, based on the stipulations of the new Romanian Customs Code and Rules of Application of the Romanian Customs Code, norms which are significantly improved as compared to the current methodological
Romania is mainly a drug transit country, as only parts of the transited drug stay in and are destined to local drug use. The Romanian territory has recently started to be used as a storage area for drugs smuggled in across the Southern border. The drugs, stored in for different time intervals are later redistributed towards West European countries with high drug use rates.

The setting up and the implementation of an IT component supporting the anti-drug field (within the National Customs Authority) for data gathering, information processing and dissemination, compatible to the similar one of the agencies from EU Member States

| Information gathering, processing and analyzing | The seizures of drugs increased significantly in 2005 as compared to 2004 (e.g. 6.778 kg cannabis- increase of 4.507 times, 266.210 kg heroine- increase of 17.47 times, cocaine 116.081 kg- increase of 5.213 times etc).

Counteracting risks by institutions qualified in fight against drug traffic, through:

- Data collection in the information system, data monitoring and developing strategic data analysis;
- Developing the risk analysis system;
- Strengthening and improving interagency cooperation. | N/A | N/A | Services contract, related to the IT support for antidrogs specific activities |
| The Customs Laboratories network should be further developed and their staff trained in practical aspects of analysis of goods. | Providing RNCA chemists with practical knowledge, skills and techniques required to effectively controlling goods by chemical methods. |
| Further laboratory equipment has to be purchased for increasing the scope of action of the customs laboratories to other kinds of goods. | Developing and putting into operation of operative procedures for the management of samples sent for analysis from the customs offices to the customs laboratories |
| Computer applications have to be developed for improvement the management of samples and technical data in the customs laboratories | Purchasing of laboratory equipment for increasing the analysis capabilities of the Romanian Customs Laboratories |
| “A strategy on the establishment of a laboratory network within the National Customs Authority and to prepare for | Development of computer applications for the management of samples in the customs laboratories and offices and for storing and accessing chemical and technical information in the laboratories |

| Twinning project | Services contract, related to the development of the IT component to support the customs laboratories network | N/A | Twinning project Services contract, related to the development of the IT component to support the customs laboratories network | Supply contract, for acquisitions addressed to the customs laboratories specific equipment | N/A |
the application of measures that will only be introduced at the time of accession should be set up” (2004 Regular Report on Romania’s progress to accession)

In Romania 2005 Comprehensive Monitoring Report SEC (2005) 1354 presented by the European Commission on 25 October 2005 to Brussels it was recommended: “Preparations for the future participation in the Schengen Information System (SIS II) should be accelerated. Considerable further efforts will be required to put the internal communications infrastructure and managerial and implementation capacity in place that are needed for a successful implementation of SIS II and the Visa Information System (VIS).” “Current efforts must continue to modernise equipment and infrastructure along the green and blue borders so that a uniform high level of control is reached. Official figures indicate that the equipment endowment rate is about 75% of the stated need and fixed and mobile communication systems should be given high priority. Preparations for the future participation in the Schengen Information System (SIS II) should be accelerated.

| Supply contract  
National IT System for  
Alerts (NISA) operational in  
pilot phase (at central level  
and General Inspectorate  
for Border Police, General  
Inspectorate of Romanian  
Police, Authority for Aliens  
and National Focal  
Point). | NA | NA |
Considerable further efforts will be required to put the internal communications infrastructure and managerial and implementation capacity in place that are needed for a successful implementation of SIS II and the Visa Information System (VIS). Serious concerns remain over the financing of Romania’s border management needs as there is as yet no final decision on the size or scope of the contract signed in August 2004 with a company to provide an integrated border security solution. Immediate action is required to clarify this matter so that the preparations to implement the Schengen acquis can be monitored closely. It is important that sufficient funds are available in the medium and long term to meet the border management needs, including maintenance and running costs.”

2005 Comprehensive Monitoring Report

As regards the questions of biometrics and the VIS, Romania seems to be well informed. A continuation of the set-up WG and a proper fulfilment of tasks given to Romania as a future EU-MS is definitely recommended”. (Peer-to-peer review mission 2005, expert Korner

| A VIS Unit has been set up, within the MFA Currently, its staff include the current personnel of the National Visa Center and IT and EU Visa Policy experts. In order to strengthen its administrative capacity, IT and administrative staff | NA | NA |
| Service contract: Technical Project: Elaboration of a document that must contain the description of the functionalities and technical |
“Romania needs to start preparing for the implementation of Visa Information System (VIS) in view of lifting the internal borders upon accession to Schengen ([Romania, 2005 Comprehensive Monitoring Report]).

Additional efforts are required to install more sophisticated equipment to detect forged and falsified documents in diplomatic and consular posts especially in high-risk countries. ([Romania, 2005 Comprehensive Monitoring Report])

“As regards the questions of biometrics and the VIS, Romania seems to be well informed. A continuation of the set-up WG and a proper fulfilment of tasks given to Romania as a future EU-MS is definitely recommended”. Peer-to-peer review mission 2005, expert Korner

| “Up to now the ‘guaranteed results’ have been achieved according to the timetable. Drafts for the legislation is going to be hired, during 2006. MFA representatives attend the European Commission Working Groups on VIS (IT and National Managers WGs). A risk analysis has been started, in with the support of Romanian Border Police, in order to classify the Romanian consular offices according the risk related to false and forged documents (such analysis are planned to be made regularly, taking into account that the EU membership will make Romania more attractive for potential illegal migrants) The MFA budget for 2006 includes financial resources necessary for endowment of high risk consulate, as required in the EU common position on Chapter 24 – JHA. | Supply contract: Enhancement of the capability of the Romanian consular offices to apply the Schengen standards and procedures in the process of issuing visas as currently practiced by EU Member States |
regarding N-SIS and Border and Visa Management have been prepared, while the structure of the SIRENE office and the document regarding police cooperation are in their final form and await the approval of MAI. Under the technical component, the scenario analysis report is under preparation. The sustainability of the achievements is considered "barely satisfactory", as still much has to be done before the system will be in place and operational. To implement the concept elaborated under the current exercise, important financial resources are essential. These resources should be foreseen by the Government and made available at the right moment. Also, human resources should be continuously trained and experts should closely follow the development of SIS2 at EU level. Prospects for sustainability will be much improved if further Phare assistance is made available, supporting the implementation of the system and its “fine-tuning” according to SIS II requirements."

"In general, the SIS/Sirene project seems to be in good hands. One important thing has to be recognized: The project aims at SIS II readiness by year 2012. Without Romania having
any functioning SIS II system, full Schengen implementation cannot possibly be started. If Romania wishes to propose lifting of the internal border controls at any earlier stage, it is necessary soon to speed up the timetable of the SIS-project.”

Peer-to-peer review mission 2005, expert Savolainen

**Peer-to-peer review mission 2006, expert Andre van der Meij**

Recommendations for National IT System on Alerts:

“It is advised to regularly invite colleagues from the different member states, like the Stockholm group, to brainstorm about the different issues relating to the development of a NS.SIS.

It is also advised to visit some of the old and new member states in order to get some ideas and solutions. They are all struggling with the same problems.

For the elaboration of the legal framework and procedures concerning data exchange and data protection some assistance is still needed. Also some assistance should be provided to deal with the implementation of the Task 10 - SIRENE twinning component
system. This could be done by a Twinning project.”

Recommendations for SIRENE:
“SIRENE is well on track. The twinning above mentioned could be delivered to the SIRENE bureau.”

The Romanian Border Police (RBP) acquired substantial experience from the implementation of the Phare programmes financed through Financial Memoranda in the period 1998 – 2003. In particular, the Phare Programme Implementation Unit (PIU) established at the level of the General Inspectorate of the Border Police to supervise all projects, and pursue the achievement of programme objectives and results, learned the importance of preparing programmes and projects that (a) fully reflect strategic national and organisational priorities, (b) are complimentary with one another, (c) build upon, and are compatible with, the results of earlier projects, (d) have well-defined objectives, and (e) take account of independent assessments.

Every Task within this Institution Building Project Fiche meets these criteria, and includes an appropriate description to demonstrate that this is the case.

Furthermore, the Tasks described in this Project Fiche are all entirely consistent with the various Investment projects delineated in the parallel Investment Project Fiche.

**RBP response to Independent Assessment**
The RBP recognises that a prime source of important lessons is the independent assessment, eg by OMAS, of its progress towards achieving the objectives of the various Phare and other EU-funded projects of which it has been a beneficiary.

The most recent and relevant assessments are (i) the Interim Evaluation report performed by the EMS consortium (contracted by the European Commission), and (ii) the ‘Report of an Advisory Visit under chapter 24 in the fields of Justice & Home Affairs in Romania’, carried training during the period 29 March – 2 Training 2004 by the European Commission.

Set below are the key points emerging from each assessment and, following these, a summary of RBP action:

**The EMS Report draws the following conclusions:**
“Most programmes were relevant and reflected the beneficiaries’ needs. Not enough attention was paid to getting good estimates for physical works under Migration, or to the durability and maintenance of equipment for Border Management surveillance and police mobility.
There is concern at the reduced level of project management capacity at the Romanian Border Police to effectively implement the significant level of investments under Phare 2002.

There continues to be positive impacts regarding the general security of the borders.

Sustainability remains a critical issue as the achievements made, and to be made, are very dependent on the continued support of the substantial investment by the Government. This is particularly and urgently the case for project management at the Border Police.