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Subject: Report of the voluntary based fact-finding mission to Bulgaria and Romania on the application of the Schengen *acquis* and its developments since 2011.

Delegations will find attached the report of the voluntary based fact-finding mission to Bulgaria and Romania on the application of the Schengen *acquis* and its developments since 2011.

**REPORT OF THE VOLUNTARY BASED FACT-FINDING MISSION TO ROMANIA AND
BULGARIA ON THE APPLICATION OF THE SCHENGEN ACQUIS AND ITS
DEVELOPMENTS SINCE 2011**

1. INTRODUCTION

Romania and Bulgaria successfully accomplished the Schengen evaluation process pursuant to Article 4(2) of the 2005 Act of Accession¹ in 2011. The Council recognised the completion of the evaluation process of the state of preparedness of Romania and Bulgaria to implement the Schengen *acquis* in full in two separate Council Conclusions of 9 June 2011². The draft Council Decision on the full application of the provisions of the Schengen *acquis* in Romania and the Republic of Bulgaria received a positive opinion from the European Parliament on 8 June 2011³. However, no Council Decision on Romania and Bulgaria's accession to the Schengen area and the lifting of controls at their internal borders has been taken up to date.

Pursuant to recital 43 of the new Schengen evaluation and monitoring mechanism⁴, the verification under Article 1(2), point (b) of this Regulation should not be relaunched in respect of Romania and Bulgaria. However, with a view to strengthening mutual trust and acknowledging that the Schengen *acquis* has developed since 2011, Romania and Bulgaria issued a Joint Declaration at the COREPER meeting of 2 March 2022. They declared their willingness to invite, on a voluntary basis, a team under the coordination of the Commission, to ensure the application among others of the latest developments of the Schengen *acquis* since the 2011 evaluation, focusing on external border management and police cooperation.

¹ OJ L 157, 21.6.2005, p 1-395.

² Council Document 9166/3/11 REV 3, SCH-EVAL 75, COMIX 265 of 9 June 2011(RO) and Council Document 9167/3/11 REV 3, SCH-EVAL 76, COMIX 266 of 9 June 2011 (BG)

³ European Parliament legislative resolution of 8 June 2011 on the draft Council decision on the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania (14142/2010 – C7-0369/2010 – 2010/0820(NLE)).

⁴ Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013, OJ L 160, 15.6.2022, p. 1–27.

Following the Joint Declaration, a first discussion on the scope of the voluntary fact-finding mission was held at the Council's Working Party for Schengen Matters of 8 September 2022. Bulgaria and Romania presented detailed information on the state of application of the Schengen *acquis*, including the developments since 2011. Taking into account the discussion at the Working Party meeting, additional written comments submitted by Member States, and further consultations held by the Czech Presidency with several Member States and the Commission, the scope of the fact-finding mission was finalised. The scope reflects the wish expressed by some Member States that the fact-finding mission should cover all relevant elements of the Schengen *acquis* (i.e., management of the external borders, police cooperation, return, Schengen Information System and visa), including the latest developments since 2011, in order to provide recent and comprehensive information to allow them to make a subsequent decision on the full application of the Schengen *acquis* in these two Member States. Both Member States agreed to this scope of the mission.

In accordance with its coordinating role and following the principles of the Schengen evaluation and monitoring mechanism, the Commission organised a fact-finding mission to Romania and Bulgaria from 9 to 14 October 2022. Given the specific objective and the broad scope of mission, the on-site team consisted of 17 Member State (two experts from Germany, Greece, France, Poland, Sweden, and one expert from Czech Republic, Denmark, Hungary, Norway, Portugal, Slovakia and Slovenia) and five Commission experts. Representatives of Frontex, Europol and the Fundamental Rights Agency participated as observers. These agencies provided risk and vulnerability assessments to ensure the strategic focus of the fact-finding mission.

The team visited the following authorities and sites:

Romania

- General Inspectorate of the Border Police, including National Coordination Centre
- Centre for Surveillance and Control of Border Crossings Bucharest – Otopeni Airport
- Border crossing point “Henri-Coandă” Airport

- Border crossing point Timisoara Airport
- Border with Serbia:
 - Timisoara Territorial Inspectorate of the Border Police, including the Local Coordination Centre;
 - Moravița Border Police Sector; Stamora-Moravița road and rail border crossing points;
- General Inspectorate of the Romanian Police; central level and local police station in Bucharest
- International Police Cooperation Centre - Single Point of Contact within the Romanian Police in Bucharest
- Timiș County Police, including local police station in Timișoara
- Cenad-Kiszombor Common Contact Point with Hungary
- General Inspectorate for Immigration: central level (including Return Unit), regional office in Timis County and Regional Office in Bucharest;
- Representatives from the Public Ministry (Prosecutor's Office), Romanian Customs Authority, Ministry of Justice, National Authority for Personal data Processing etc.
- Arad Detention Centre
- National Romanian Council for Refugees
- International Organization for Migration
- Jesuit Refugee Service

Bulgaria

- Chief Directorate Border Police, including the National Coordination Centre
- Border Police Regional Directorate Airports
- Border crossing point Sofia Airport
- Border with Serbia:
 - Border Police Station Kalotina, including the Local Coordination Centre
 - Border crossing point Kalotina
- Border with Turkey
 - Regional Directorate Border Police Elhovo
 - Border Police Station Slivengrad
 - Border crossing point Capitan Andreevo
 - Trilateral Police Customs Coordination Centre with Turkey and Greece
 - Regional Directorate of the Ministry of Interior Haskovo
- Chief Directorate National Police and Sofia Metropolitan Police Directorate
- International Operational Cooperation Directorate acting as the Single Point of Contact (SIRENE, EUROPOL, INTERPOL, bilateral (liaison officers) and regional cooperation
- Migration Directorate of the Ministry of Interior
- Lyubimets Special Home for Temporary Accommodation of Foreigners
- United Nations High Commissioner for Refugees (UNHCR)

- International Organization for Migration (IOM)
- Centre for the Study of Democracy

This report is drafted by the on-site team based on information received and observed during the fact-finding mission, as well as the information provided by Romania and Bulgaria to the Council's Working Party for Schengen Matters of 8 September 2022. It reflects the state of play of application of the Schengen *acquis*, by Romania and Bulgaria, and includes points of attention where both Member States are invited to progress further as well as points of interest, highlighting good practices, which can be of interest for the Schengen countries. The report also takes due account of the respect for fundamental rights and the functioning of the authorities applying the Schengen *acquis*. The report concludes with an assessment of the team whether Romania and Bulgaria continue to fulfil the conditions necessary to apply the Schengen *acquis* in full. The team received sufficient information before and during the visit to come to a balanced assessment about the continued application of the Schengen *acquis* by Romania and Bulgaria

2. ROMANIA

2.1 Executive Summary

Since the finalisation of the Schengen evaluation of Romania in 2011, the Romanian authorities have made substantial efforts to continue to adequately apply the Schengen *acquis*, while swiftly and efficiently taking measures to address the external and internal challenges the EU has faced during the last years, in view of ensuring the security of the Schengen area. The recent response to the unprecedented consequences of the war in Ukraine, where Romanian authorities efficiently managed the more than 2.5 million arrivals at its borders is a clear example.

Romania has also taken the necessary measures to implement the developments of the Schengen *acquis* since 2011 and continues to work towards full application of new legislation⁵.

Romania strengthened the governance of its external border and return systems based on a **national strategy for integrated border management**. This strategy adequately reflects measures to efficiently manage the crossing of the external borders and address migratory challenges as well as threats at those borders, thereby contributing to addressing serious crime with a cross-border dimension and ensuring a high level of internal security within the Union. In this regard, there is a clear chain of command and control from the national to the regional and local levels. Border control activities are based on risk analysis and are performed in full respect of fundamental rights. With the current number of trained border police officers, border control equipment and state of the art technologies in place, Romania ensures a high-quality border surveillance and border checks, including systematic checks of all passengers in the relevant databases. A comprehensive situational picture and situational awareness as well as a coherent implementation of the European Surveillance System (EUROSUR) further support the border control activities. The international cooperation with neighbouring countries is functioning well, as is the very active cooperation with Frontex, both related to the external borders and return.

Registration of both asylum applicants and irregular migrants is a key priority for Romania. In this context, border crossing points and police stations have been equipped with EURODAC devices and an adequate number of (border) police officers have been trained to use these devices. EURODAC devices are also available at the detention centres.

⁵ According to information reported to the Commission and EU-LISA, Romania has sent the declaration of readiness for the start of operation of the renewed Schengen Information System framework within the deadline, and preparations are well established to ensure the timely implementation of the Entry Exit System and ETIAS.

Given the increase in migratory pressure, Romania has paid particular attention to enhance its **return system** in view of fighting against irregular migration and preventing unauthorised secondary movements. The necessary measures and tools, with sufficient resources in terms of personnel and infrastructure, have been implemented to ensure that third-country nationals without a right to stay are returned. There is a coherent approach for return and readmission, from apprehension to removal. In this regard, the Romanian authorities have an adequate situational awareness and the appropriate operational priorities are in place. To ensure a sustainable management of flows and reduce the number of third-country nationals re-entering the Schengen area from Serbia, returns to the country of origin are prioritised.

Romania manages international **police cooperation** in an effective and active manner and complies with the requirements of the Schengen *acquis* in this field. At strategic level, Romania has an effective structure in place to produce not only its national threat assessment but also tailored threat and risk assessments. The identified priorities are translated into international cooperation, especially through and with Europol. Illegal migration and trafficking in human beings are two priorities where Romania is particularly active.

At operational level, more and more police officers are equipped with cell phones allowing the consultation of national and international databases, rendering the patrols more effective. With its neighbours, Romania has signed operational agreements, which allow for cross border surveillance and hot pursuit. The **Schengen Information System** has been well established in Romania.

Anti-corruption measures have been imposed at all levels within Romanian law enforcement. A risk register, identifying positions with increased risk of corruption, is updated on an annual basis and triggers the necessary (preventive) measures.

Special focus is paid to the respect of **fundamental rights**. Structures are in place to guarantee access to international and observe the principle of *non-refoulement*. Procedural safeguards for third-country nationals pending return are adequately implemented and detention conditions reflect the administrative nature of the deprivation of liberty.

2.2 Horizontal issues

2.2.1 National Strategies related to the application of the Schengen *acquis*

Romania has developed several strategic documents to ensure the continued application of the Schengen *acquis*, as well as to ensure a strengthened EU internal security.

The main national strategic document in this respect is the national **integrated border management strategy**, covering also return. An updated national strategy for integrated border management for the period 2022-2027 has been drafted but is not yet officially adopted. The strategy is aligned with the European integrated border management⁶ and covers all components. It is based on the four-tier access control model. The strategy was drafted by the Ministry of Home Affairs in collaboration with all national actors involved in border management and return (e.g., the Border and National Police, Customs Authority, Ministry of Foreign Affairs, Ministry of Defence etc). The strategy was endorsed by an inter-ministerial group, which is composed of all relevant actors involved. To implement the strategy, there is an action plan, which also includes capability development measures.

⁶ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

With regards to the **return component**, the current national Immigration Strategy (2021-2024) clearly reflects the prioritisation of fighting against irregular migration and returning those with no legal right to stay. The strategy is implemented by biannual plans, the one for the period 2023-2024 being under approval. There is a coordinating structure ensuring an effective situational awareness. The national strategy and implementing action plans, not only take account of the evolving migratory situation but also of the legal and policy developments at European level. The main strategic objectives relate to preventing absconding of third-country nationals subject to return, eliminating internal inefficiencies to better link asylum and return procedures, and enhancing voluntary return and reintegration. A holistic approach of migration management is ensured with actions also implemented in third countries. In this regard, information campaigns including via liaison officers and diplomatic missions, are carried out to raise awareness of the risks irregular migration entails. These priority actions are adequately implemented in the policy and operational activities of the relevant authorities.

Romania also has a **national contingency and operational plan** for extraordinary situations with large-scale migrations flows, which stems from 2016, immediately after the migratory situation of 2015. This plan includes measures to strengthen situational awareness and ensure an adequate response. Activities on testing operational capability plans, simulation of scenarios as well as early warnings on global migration to identify trends are included. The contingency plan that includes all relevant actors at the national, regional and local levels was tested in 2021. Moreover, the plan proved to be successful with Romania reacting immediately and effectively to the Ukrainian crisis at the beginning of 2022 when more than one million people additionally crossed the Romanian borders in the first week after the conflict started. All relevant national forces dealt in a comprehensive and efficient way with the situation, while focusing at the same time on protecting the internal security⁷.

⁷ At the level of the road border crossing points (4 at RO-UA border sector and 6 at RO-MD border sector) the personnel and mobile technique to perform border formalities were supplemented. Around 230 experts were deployed. The possibility to perform the border formalities at entry using the exit lanes was introduced to facilitate the procedure. The Border Police carried out systematic checks on all cross-border traffic.

Romania has a comprehensive national **risk assessment strategy on serious and organised crime**, developed mainly by the Central Unit of Intelligence Analysis (CIUA) within the National Police and the Risk Analysis service within the Romanian Border Police. The Central Unit of Intelligence Analysis includes a network of 15 territorial units and 27 analysis offices at county level ensuring a continuous input of operational findings. Also, the Risk Analysis Service has a central unit, six territorial units and 86 analysts at local level.

The competent services actively participate in European tools such as SOCTA, EMPACT, joint investigation teams and have a liaison officer at Europol. They effectively share the products of risk analysis with the relevant countries, in particular with Croatia, Ukraine, Turkey and Moldova. The risk analysis strategy covers a wide spectrum and includes diversified sources. The products of the risk analysis are displayed and implemented in an effective manner at regional and local level.

Strategic actions also aim at combatting smuggling of migrants by strengthening activities to prevent and combat this phenomenon, intensifying intelligence activities to identify new criminal groups, modus operandi, safe-houses and routes used. This is carried out in close cooperation with the Western Balkans Task Force partners, in line with the timetable established by Europol.

2.2.2 Human resources and training

For the **management of the external borders**, the Romanian Border Police has 16% vacant positions (14 806 planned positions versus 12 426 filled posts). Currently, Romania compensates these vacant positions by allocating officers from the National Police and the Gendarmerie for public order-related missions. In addition, Romania makes active use of Frontex standing corps officers category 1 and 2 (e.g., 270 at the time of the visit and 412 in total in the first 6 months of 2022) and provides, combining these measures, in total an adequate number of staff to perform the duties in border control. While plans are being implemented to fill approximately half of the vacant posts by the end of April 2023, continued efforts are needed to ensure a sufficient staffing level.

Once controls at the internal borders will be lifted, Romanian authorities expect an increase in irregular migration, and as a possible consequence a higher risk of unauthorised secondary movements. To counteract this, the authorities intend to shift around 30% of the personnel from the border police sector at the internal borders to the external borders. The remaining 70% of the Border Police will continue to perform compensatory tasks in the internal border areas, for the purpose of prevention and countering illegal migration and cross-border crime.

The basic training system of the Border Police fully implements the Common Core Curriculum and continuous and specialised training in e.g., detection of document fraud, referral mechanism, language skills and identification of vulnerable persons, is regularly organised at national level for all border police officers. Continuous training is also provided by the border police's e-learning platform, which offers training modules on different topics, including on the new large scale IT systems (Entry Exit System and ETIAS). In addition, training organised by Frontex is largely attended by the border police officers.

The mentioned auxiliary officers undergo basic training on border related topics and they are deployed in mixed teams of experienced border police officers mainly to fulfil border surveillance tasks not directly at the green border, but within a 30km radius.

In the field of **return**, there is a clear division of competences between the authorities responsible for the implementation of the return policy. The General Inspectorate for Immigration is the main authority both at central and regional level. A sufficient number of staff for the current caseload are working in this regard both at central and regional level. Currently the General Inspectorate for Immigration has 1 282 allotted positions, out of which 84.17% are occupied. The 2023-2024 plan is under approval procedure and aims to increase the staff with 240 additional people. The objective is to post some of this staff at exit checks so that return procedures can be initiated in case illegal stay is detected on exit. At the moment, in cases of illegal stay up to 30 days a fine is issued and if the period of illegal stay is over 30 days an entry ban is imposed. The duration of the entry is between six months to one year, with a maximum of five years, following a case-by-case assessment.

There is a sufficient level of training of staff performing return activities. The Return Unit of the General Inspectorate for Immigration has received training on screening. This is noted as a point of interest as it has led to enhanced pre-return activities. Furthermore, 10 escorts have received Frontex training on escort leaders. The General Inspectorate for Immigration is aware of the needs for regular training and this year additional training has been organised. Efforts are needed in this regard to ensure a structured provision of training, including refresher training, for staff carrying out escorts activities as well as for those placed in the detention centres.

The Romanian **law enforcement agencies** are staffed in an adequate manner and international police cooperation is part of the mandatory basic curriculum. Some topics are further elaborated during continuous training sessions, both on a mandatory as well as on a voluntary basis.

All police officers have access to INTRAPOL, an intranet system which includes an e-library where they can consult legislation, manuals etc. on international police cooperation material and SIS. Staff is also stimulated to participate in CEPOL webinars and trainings. A point of interest is the train-the-trainer programme on the Schengen Information System and national applications used for Schengen Information System queries is implemented at local level where Schengen Information System trainers organise SIS-related trainings at police stations. They also have monthly briefings on new legislation, new guidelines, etc. in relation to SPOC and Schengen Information System.

2.2.3 Fight against cross-border crime

The Romanian authorities involved in border control demonstrated capacity to prevent and detect cross-border crime at the external borders. Border control activities aim at tackling cross-border crime, not only for migrant smuggling, but also for other areas such as contraband smuggling, trafficking in human beings, drugs smuggling and terrorism threats.

Upon the detection or suspicion of a threat, at or along the borders - but also inland - procedures are in place to refer the case effectively and rapidly to the relevant law-enforcement authority. In relation to secondary movements of migrants, Romania authorities presented a high number of inland detections.

An information flow is established to ensure continuous situational awareness for border-control activities in the field of cross-border crime. This is reflected in risk indicators, briefings and training. There are up-to-date risk indicators per crime area in place, which are available and easily accessible to be used by the authorities involved at all levels. Romania takes police actions to counter those crimes, i.e., seizures of drugs, cigarettes, firearms, etc. In addition, checks are carried out against the relevant databases, including, but not limited to, the Schengen Information System (SIS), Visa Information System (VIS), Interpol's Stolen and Lost Travel Documents database (SLTD), Interpol's wanted persons list, and relevant national databases. In this respect it is positively noted that Romania shares information in EUROSUR on various crime areas and systematic checks at border crossing points, and that a high number of objects are checked against the Schengen Information System database.

Furthermore, there are a number of training courses on cross-border crime delivered to the border police as part of Romania's continuous effort to fight criminal phenomena.

An agreement signed in 2008 governs police cooperation between Romania and Hungary in the prevention and fight against cross-border crime. The main provisions of the agreement focus on joint actions such as cross-border surveillance and hot pursuit, joint investigation teams and joint patrols.

Foreign requests for judicial assistance in criminal matters are addressed to the General Prosecutor who issues the authorisation requested by the requesting state. Romanian investigation teams can continue cross-border surveillance on Hungarian territory, the authorisation is issued by the competent national authority for fighting crime under certain conditions, without territorial or temporal limitations.

Foreign authorities conducting a cross-border pursuit are allowed to continue it on the national territory without prior information or request, provided that they notify the Romanian authorities after crossing.

An agreement signed in 2009 between Romania and Bulgaria governs police cooperation in criminal matters and contains provisions on cross-border surveillance and hot pursuit, joint investigation teams and joint patrols. In order to improve the efficiency of cross-border surveillance operations, Bulgaria and Romania organise joint trainings. Most of the requests made or received concern the fight against drugs trafficking and cybercrime.

SIRENE is the Romanian Central authority for cross-border surveillance requests and is reachable 24/7 if a request for urgent surveillance is presented. Romania is making use of Article 17 of the Prüm Decision⁸, setting up joint patrols with foreign officers, namely in touristic areas. A point of attention is that the bilateral agreements do not contain provisions for a formal regular review procedure, with a fixed calendar, which means that a timely detection of new operational needs or new crime trends is not assured

Along the borders with the neighbouring countries (Hungary, Bulgaria, Ukraine, Serbia, Moldova), Romania participates in seven Police Cooperation Centres (PCC). Romania is represented by its Border Police. After a cost/benefit assessment, Customs decided not to participate. All PCCs are open 24/7.

The PCCs are not integrated in the SPOC, there is a Common National Coordinator from the DG for EU Affairs, Schengen and International Relations who ensures the common standards and procedures.

PCC internal procedures are foreseen, namely those related to the registration in the Case management System, eCooperare, the use of bilingual forms, the requirements and elements of the request, the time limit for answers in line with the provisions of the Swedish Framework Decision⁹.

⁸ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime.

⁹ Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.

The Case Management System of PCCs, eCooperare, is not connected to the case management systems of SPOC nor to the single search engine of the Border Police. A point of attention is that when exchanging information with the other country in the PCC, the request has to be printed, signed and handed over to be processed; in urgent cases, the requests are processed immediately and paperwork is then submitted in 24 hours deadline.

These PCCs do not play any role on other operational cross-border activities, such as joint operations, joint patrols, border surveillance or investigations. Their main purpose is to facilitate information exchange for which they have access to national databases, Schengen Information System and Interpol databases.

2.2.4 Fundamental rights in the implementation of the Schengen *acquis*

Structures are in place to allow Romanian authorities to duly take into account fundamental rights when implementing the Schengen *acquis*. This includes a referral mechanism ensuring access to international protection (see section 2.3.5) and safeguards guaranteeing that the principle of *non-refoulement* is observed when implementing return procedures (see section 2.5.3). Internal guidelines are available and training is provided.

Furthermore, procedures are in place to ensure that special care is paid to vulnerable groups, in particular unaccompanied minors, both during border and return procedures. In case of unaccompanied minors with no right to stay, the General Inspectorate for Immigration assesses the best interest of the child in line with the existing internal guidelines. Return can only take place if the unaccompanied minor will be received by a member of his or her family, a nominated guardian or adequate reception facilities in the State of return can be guaranteed.

Data protection requirements are sufficiently in place and have been assessed as a pre-requirement for the application of the Schengen Information System¹⁰.

¹⁰ Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Bulgaria and Romania (OJ L 166, 1.7.2010, p. 17).

In addition, the "National quality manual for international police cooperation" covers fundamental rights safeguards as well as data protection elements and is promoted at national, regional and local levels.

2.2.5 Functioning of the authorities

The National Anti-Corruption Directorate within the Public Ministry (Prosecutor's Office) and the General Anti-Corruption Directorate within the Ministry of Home Affairs are the competent authorities to prevent and investigate corruption. Every five years, an updated National Anti-Corruption Strategy is adopted and includes objectives and measures aiming at preventing and countering corruption.

For the implementation of the National Anti-Corruption Strategy, public institutions develop and implement plans with measures tailored for preventing and countering corruption at their level. These plans list the measures of institutional transparency and corruption prevention, as well as evaluation indicators, sets of performance indicators, risks associated with objectives and measures of the strategy and verification sources. This is implemented at operational level by each territorial unit.

The deontological code is established by law. A legislative framework ensures the protection of whistle-blowers and ethics' advisors are deployed within central and territorial units.

The General Anti-Corruption Directorate maintains a corruption risk register which includes for each risk, the actions to be taken with deadlines and the responsible authority or department. This register is deployed in all departments at a central and territorial level and is updated annually. An example of the consequences of the risk register is that traffic and public order police have been equipped with bodycams to reduce the risk of corruption as well as to facilitate judicial procedures against citizens breaking the law or offering bribes.

In the Romanian Border Police, there are several measures in place to prevent corruption, such as annual anti-corruption training activities performed by the officers within Anti-Corruption General Directorate. Staff is rotated within the border crossing point (on a daily basis, which is only known to the staff at the beginning of their shift), and from the border crossing point to border surveillance. Contact details are available in visible places informing the public about the institutions responsible for the prevention of corruption. The booths, lanes and traffic flow within border crossing points are monitored by video and unannounced inspections at the working place. Each police officer has the obligation to write down personal sums of money in an official register available for the police teams that carry out integrity inspections, and every border police officer, while performing the duties wears a badge with the identification number and a body cam.

At local level, officers are aware of the general framework and the code of ethics, and how and to whom they have to report corruption. A free telephone to that end is available and displayed on all workstations. The same number is also available to the public. Some dedicated trainings on the topic have been developed.

2.3 Management of the external borders

Romania is located in the South-East of the European Union. It has a total border length of 3 149.7 km, of which 2 070.6 km are EU external border. The Romanian Border Police, under the Ministry of Home Affairs, is the main responsible body for border management. It is divided into five Territorial Inspectorates and the Coast Guard, and there are 91 operational border crossing points. The main threats are illegal migration, cross-border crime (smuggling of cigarettes) and to some extent (former) terrorist fighters infiltrated in the migration flows. The war in Ukraine posed a significant challenge in recent months, with large number of Ukrainian citizens (including many vulnerable people) arriving at the border.

2.3.1 National and European situational awareness and early warning system

The National Coordination Centre (NCC), located in Bucharest at the General Inspectorate for Border Police operates 24/7, cooperates with the regional and local coordination centres, as well as with other authorities. The NCC maintains a comprehensive **national situational picture**, which includes an events layer, an operational layer and an analytical layer. The situational picture supports strategic and operational tasks of the Border Police.

The events layer of the national situational picture is compiled in the national reporting system called SIRE. This system allows for easy withdrawal of statistics on border related events and is used as a source for Frontex Risk Analysis Network (FRAN) and indicator reporting, as well as for the production of risk analysis. The events layer/reporting system includes a map application similar to the EUROSUR application showing all events in their geographical location.

The operational layer of the national situational picture is maintained through another map application showing all assets in Romania in real-time, and a possibility to track previous movements of a specific patrol. Furthermore, the Coast Guard uses SCOMAR, a surveillance system that also shows assets at sea, visible to the NCC. The NCC also facilitates the use of EUROSUR Fusion Services, including the use of drones, to support border surveillance and operational activities.

The analytical layer is compiled through various risk analysis products.

The well-developed three-layer situational picture provides support for information collection, reporting, coordination, management of patrols, monitoring of all border surveillance and border checks tasks at national level, reporting on the operational outcome of patrolling and designing efficient reaction response in the field and providing coherent **situational awareness**.

Furthermore, the NCC contributes to the European national picture by uploading events in the EUROSUR application in accordance with the EUROSUR Implementing Act¹¹, as well as information on operations, and some analytical products.

¹¹ Commission Implementing Regulation (EU) 2021/581 of 9 April 2021 on the situational pictures of the European Border Surveillance System (EUROSUR).

The NCC has a crisis situational room and has clear command and control powers over the regional and local levels of the Border Police (LCCs and RCCs) which can be used if needed. The NCC has access to view the images from all surveillance systems that are constantly monitored by the LCCs and RCCs. In normal circumstances, the regional and local levels manage their own areas of jurisdiction. The informational flow is clearly defined and there are clear points of contact.

Overall, the situational picture and the implementation of EUROSUR components by Romania were considered to be of high quality.

2.3.2 Risk Analysis system and information exchange

The Romanian **risk analysis system** in the field of border management is based on the **European Common Integrated Risk Analysis Model (CIRAM)**. The system is clearly structured at all levels (national, regional, and local) in the framework of an organisation responsible for border-control activities. In addition, it is sufficiently resourced with trained and competent staff. National training for risk analysts is existing for all three organisational levels and enables the systematic training for the necessary number of analysts to support decision-making.

The risk analysis process follows the intelligence cycle. Regular and tailored risk analysis products are disseminated to the subordinate units. Besides the findings, the products include recommendations for the subordinate units, which also conduct and deliver their own risk analysis products. Risk analysis products support operational and tactical response. They are of satisfactory quality and cover cross-border crime as well. The products include threats, vulnerabilities and impacts, in line with the CIRAM model.

There are elaborated risk indicators and profiles in place to cover the main threats of the external border. The analysts have the tools to indicate to decision-makers which border sections are most vulnerable to specific threats so as to enable a swift response to events. Similarly, the decision-makers and the personnel understand the vocabulary used in risk analysis. The dissemination of the products is done via online tools and applications as well as via debriefings, and there is an effective flow of information back and forth between the analytical units and other entities gathering the data or involved in border control.

2.3.3 Border checks

The infrastructure and the equipment at the visited border crossing points were considered adequate for performing first and second line checks. Border checks were **systematically carried out on all passengers** with searches in the relevant databases as well as with use of equipment for searches in lorries, cars and in the trains. All lorries are systematically checked for possible cases of clandestine entry. The Border Police performed thorough checks of third-country nationals, including the verification of purpose and conditions of the intended stay and means of subsistence. Document examination equipment was used regularly.

In case of second line checks, travellers were informed in an appropriate way about the purpose of the check. Border police officers were able to communicate sufficiently and effectively in English and other foreign languages. The border police officers interviewed were well aware of the national, local and Frontex' risk analysis products available to them and they were familiar with the risk profiles of foreign terrorist fighters, identifying victims of trafficking in human beings and with risk profiling. They were adequately trained, showing good knowledge of the border control procedures, including the checks and treatment of minors and of vulnerable persons, and referral procedures for asylum seekers and apprehended people related to cross-border crime (including clandestine entry).

The planning, allocation and organisation of staff was adequate for the current traffic and passenger flow. A sufficient number of trained documents experts was available during the border checks. The procedures for refusals of entry were adequate.

In addition, Romania's **advance passenger information system** is well functioning with data received from all flights arriving from third countries, which are systematically run through the relevant databases. The results of the advanced checks are easily accessible for the border police officers in the first and second line. The SIS HIT procedure is well known by the border police officers and the action procedure was very well described. Gate-checks are performed based on the results of the advance passenger data checks.

The border-crossing points are properly equipped for the issuing of (national) visa and the border police takes and includes the fingerprints and facial images in the national Visa Information System (VIS). The interviewed border police officers showed a good knowledge of the visa-issuing and revocation/annulment procedures and they take a photo of a visa applicant instead of scanning the existing photo in the passport, which is considered to be good as a prevention measure against morphing and impostors.

Concerning the issuing of uniform **Schengen visa** once Romania gets full access to the Central Visa Information System¹², the Romanian authorities informed the team that the national system already has all the functionalities to be able to comply for the execution of prior consultation, post-information, automated checks in the Schengen Information System and Visa Information System Mail.

2.3.4 Border surveillance system

The operational concept for border surveillance has as main objective to conclude and maintain a coherent **national situational awareness**, as well as a constant readiness and **reaction capability** on the basis of risk analysis. The land border surveillance system consists of a combination of surveillance activities performed by well-trained staff at all levels, the use of fixed and mobile technical equipment and surveillance capacities – information collection, patrolling, allocation of impact levels to the different border segments. Furthermore, there is an established cooperation with the Serbian authorities (including joint patrols), inter-agency and international cooperation with other relevant partners, and an established efficient communication with the local population, who inform the Border Police in case of suspicious incidents.

¹² Romania already has passive access to the Visa Information System in accordance with Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen *acquis* relating to the Visa Information System in the Republic of Bulgaria and Romania (OJ L 269, 19.10.2017, p. 39).

Based on risk analysis, Romania performs surveillance activities along the land and sea borders with a high situational awareness at all levels. Romania implements border surveillance by technical means, such as permanent surveillance towers that cover fifty percent of the border area, mobile technical devices and patrolling the area of responsibility by patrols in three alignments along the border. Aerial support by own helicopters and aircrafts as well as with the support from Frontex is permanently available.

The surveillance activities have a clear chain of command, from the National Coordination Centre (NCC) through the regional coordination centres (RCC) to the local units that have the task of a local coordination centre (LCC). That system allows for a permanent situational awareness and quick response measures in cases of border incidents.

Romania established a good working cooperation with the Border Police of Serbia. Based on the agreement between EU and Serbia, Romania established a consistent exchange of information through the points of contacts and joint activities, such as joint patrols on both sides of the border. The technical surveillance equipment of the Romanian border police cover certain areas at the Serbian side, provides for a quick exchange of information with the Serbian police, and prevents a high number of unauthorised border crossings.

Reaction capability is ensured by a sufficient number of different assets at the disposal of the Border Police. For instance, at the time of the visit, at the border police station Moravița, there were four thermo-vision vehicles deployed, supported by patrols inland in order to immediate react in case of an emergency situation. Additionally, the area of responsibility is constantly monitored by a stationary surveillance tower operated by two officers per shift. The local border police station has access to the position of their own patrols based on GPS localisation. This enables an immediate reaction in order to change the location of the patrols to support. Overall, the provided technical support for border surveillance was of high quality and quantity.

The shift leader, supported by the dispatch officer located at the border police station, provide an efficient reaction response and a coherent situational awareness in the field. Direct communication with the patrols is maintained (via TETRA), as well as with the National Police and Serbian counterparts. Beside patrols from the concerned local border police station, there are patrols available from the neighbouring border police stations and national police stations, dog handlers, special intervention team as well as air support. The Timis Border Police Territorial Service also has a mobile unit at its disposal. This unit is deployed upon request from border police stations or on the decision of the District Commander for reinforcing surveillance activities and in cases of serious incidents. Furthermore, the Timis Border Police Territorial Service established a reinforcement system (alerts) to respond in cases of emergency.

2.3.5 Referral mechanism

The Romanian authorities have established adequate measures for the referral of persons seeking international protection at the border and persons apprehended for illegal border crossing. The border police have sufficient capacity, both in terms of equipment and in terms of personnel, for screening, debriefing, identifying and fingerprinting upon reception and to ensure the registration of this information in the relevant national databases and EURODAC. Where needed, guest officers of Frontex support the screening and debriefing activities. The border police use the relevant information from the debriefing for their risk analysis. Border crossing points and police stations are equipped with EURODAC devices.

The border police can detain an irregular migrant for a maximum of 24 hours at the border crossing point. Upon apprehension, the border police carry out a short interview based on a structure defined in the criminal code, including the person's identity, military service duties and civil status. The person does not receive a detention order at this stage. Information provided on the person's rights and obligations during the 24-hour custody is provided orally with interpretation if necessary. The detention and holding facilities seen by the team during the visit ensured sufficient living conditions.

After registration at the border, asylum applicants and irregular migrants are referred to the General Inspectorate for Immigration. For persons not requesting international protection, the border police launch a request for accelerated readmission to Serbia (see section 2.5.2).

Overall, the border police is well aware of the appropriate referral at the border of asylum applicants, irregular migrants and persons belonging to vulnerable groups.

2.4 Police Cooperation and Schengen Information System

2.4.1 Police organisation and responsibilities

There is a clear division of competences between the different national authorities responsible for the implementation of law enforcement and international police cooperation. The Ministry of Home Affairs includes the National Police - with the International Police Cooperation Centre as SPOC, the Border Police, the Gendarmerie, and the Immigration Inspectorate. There are also 41 counties with a local police inspectorate, and the general management of the municipal police of the capital Bucharest. The customs services are under the authority of the Ministry of Finance and they are divided into regional directorates.

Inter-ministerial and inter-departmental cooperation is effective, notably through the sharing and implementation of common tools (risk analysis, training, national plan for the fight against corruption) and joint operational missions (public order). The division of responsibilities for international cooperation is clear and the Single Point of Contact is well integrated into the national and local architecture.

2.4.2 Single Point of Contact (SPOC)

The International Police Cooperation Centre is the Single Point of Contact of the Romanian law enforcement authorities, covering all international police cooperation channels (SIS/SIRENE, Europol, Interpol and the liaison officers). It is divided in five sections. The Single Point Bureau (Front Desk) works 24/7 and takes over the coverage from the back office outside working hours. The Back Office covers the National Central Bureau of Interpol (International Searches and Extradition Unit, the Identification Documentation Unit), the Europol National Unit, the SIRENE Bureau and the National Focal Point. The latter provides operative support between the Romanian competent authorities and the 24 home affaires attaches/liaison officers of the Ministry of Home Affairs appointed to the European countries/international organizations. The international communication channels are selected according to the respective legal provisions.

The International Police Cooperation Centre is sufficiently staffed (139 positions). In addition, one judge from Ministry of Justice is seconded to the SIRENE bureau and one official from Romanian Customs Authority is seconded to the National Focal Point. All staff members have a good command of English (certified level of English B2) whilst some have knowledge of French, German, Italian and Spanish.

The physical security of the International Police Cooperation Centre is adequate.

The SPOC double checks and validates the legitimacy of incoming and outgoing requests. SPOC is equipped and staffed sufficiently to forward and process request rapidly. The requests are forwarded to the competent authorities.

A point of attention is that the SPOC uses two separate case management systems. One is dedicated to the SIRENE Bureau (SIRENE M-Files) and the other one serves the other international channels (M-Files). The Interpol and Europol workflows are separated from the SIRENE workflow and this separation could delay or even prevent the detection of links between cases, communicated over different international channels. It also stands in the way of an efficient information management since business processes cannot be automated. All incoming messages and forms are checked and distributed by the Front Desk in both case management systems. The Romanian authorities informed about the project to establish one case management system for all units of the SPOC.

A point of attention concerning the SIRENE workflow system “SIRENE M-Files” is the partial automation since only the meta-data is integrated automatically. This means that the operators have to check all data manually which is labour-intensive and might lead to errors. In other words, the SIRENE case management system The SIRENE application is used for the handling of all incoming and out-going forms, all CUD transactions (create, update, delete), for querying, linking, and flagging purposes.

The SIRENE Bureau is the sole responsible for the creation of article 36.3 alerts upon request of the national Intelligence Service. Other alerts are created by the responsible authorities (the SIRENE Bureau validates Schengen Information System alerts on Article 26) which are responsible to attach photographs and fingerprints to the alerts.

Once the cases are closed, the supplementary information is archived for one year and deleted from the system after five years.

Secure Information Exchange Network Application (SIENA) messages (both incoming and outgoing) have to be inserted manually into the case management system “M-Files” which creates additional workload and could lead to errors. The Europol National Unit manually selects the data to be uploaded into the Europol Information System (through a semi-automated data-loader).

Romania also uploads information on ongoing investigations. The Swedish Framework Decision is implemented and the deadlines therein are respected.

SPOC operators can access the case management system of the Police Cooperation Centres (eCooperare) if necessary.

Newly appointed SPOC and SIRENE staff attends an initial training course on Schengen-related topics focusing on police cooperation and the Schengen Information System. They also have monthly briefings on new legislation and new guidelines in relation to SPOC and the Schengen Information System. Moreover, SPOC and SIRENE officers have access to an e-library (INTRAPOL) used for training purposes. They can voluntarily consult Schengen and international police cooperation material (legislation, manuals, guidelines, etc.). Continuous tailored training for SPOC and SIRENE officers rely mostly on CEPOL webinars.

2.4.3 National search applications on desktop and mobile devices

The National Police uses the single search interface INTER ID for data checks at national databases, Schengen Information System and Interpol (Nominals, SLTD (lost and stolen documents), WOA (Work of Arts), and SMV (Stolen Motor Vehicles). The main tool for checks at the first line is Border Police application eSIF, which queries the Schengen Information System, the Visa Information System, Interpol's SLTD and the Nominals. A point of attention is that the desktop application of INTER ID allows partial search, any name but not fuzzy search

The warning markers are displayed and highlighted on the first screen.

The police officers on the field are equipped with mobile devices (old TETRA devices) with access to national databases, Schengen Information System and Interpol (Nominals, SLTD and SMV). Due to the small resolution of the devices, the warnings markers are not highlighted and high-resolution pictures are not displayed, therefore, the information provided by mobile devices does not corresponds with the information provided by desktop computers, linked alerts are not visible, nor is it user friendly. A point of attention is that the mobile search does not provide all necessary information due to the small resolution of the screen and it can be done only on the basis of exact data.

In eSIF, the international databases are checked by default for the first line checks. In the second line, more databases are available to be checked, and this need to be done manually.

The end users are familiar with hit procedure for Schengen Information System; the relevant Schengen Information System hit report forms are sent to the SIRENE Bureau. In case of an Interpol hit, the free text mail/ fax is sent to NCB Interpol.

2.4.4 Europol tools

In 2022, Romania is participating in all 10 Operational Action Plans (OAPs) of the new EMPACT cycle 2022-2025. Romania is Co-Driver in the Operational Action Plans for the crime priorities cyberattacks, trafficking in human beings, online fraud schemes and organised property crime.

Romania is Action Leader in 8 Operational Actions of OAPs cyberattacks, online Fraud schemes, excise fraud, organised property crime and firearms. It is Co-Action Leader in 12 Operational Actions of OAPs cyberattacks, trafficking in human beings, child sexual exploitation, migrant smuggling, cannabis, cocaine and heroin, intellectual property crime, counterfeit goods and currencies, and firearms. The country participated in 142 (out of 296) Operational Actions across the 10 different OAPs. Romania is very active in the EMPACT framework.

Romania participates in 31 of the 32 **analytical projects** at Europol (the only exception being the analysis project on Albanian Speaking Organised Crime). The participation is assessed as very good by 12 of the analytical projects whilst 13 analytical projects would welcome a (slightly) more active participation.

Europol's Secure Information Exchange Network Application (SIENA) is accessible only to central authorities, where 14 SIENA mailboxes are available. Romania has the 13th position (on a total of 51 Member States and Third Parties) for exchanged messages through SIENA. When it comes to the initiation of cases, Romania drops to the 24th position. A point of attention is that SIENA has not been rolled out yet to decentralised investigative units, nor to the Police Cooperation Centres but it is planned to do so.

On 10/08/2022, Europol's Information System (EIS) contained 7 171 objects contributed by Romania, making it the 13th most active data provider amongst the EU Member States. When it comes to searches, Romania drops to the 17th position. Romania has integrated QUEST in its national search engine InterID (limited to criminal investigators) and it is one of the participating Member States in QUEST pilot initiative (this project aims at enabling searches into Europol's Serious and Organised Crime (SOC) database on a hit/no hit basis).

2.4.5 Other Sources of Information

All police forces have access through their respective search engines (InterID and eSif) to relevant non-police databases, such as, car registration, firearms register, ID/Passport registration and national register on criminal registrations.

The procedure to access the Visa Information System (VIS) for law enforcement purposes based on the provisions of the Council Decision 2008/633/JHA¹³ is not finalised yet. To this end, protocols have been concluded between the Romanian Ministry of Foreign Affairs and each national law enforcement authority in order to implement the procedures to consult the Visa Information System for law enforcement purposes. The secured portal (LawE Portal) to receive the requests from the designated authorities has been established but the connections are not in place yet, therefore, the operating units within the designated authorities still cannot consult the Visa Information System for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences and the access is limited to alphanumeric checks. In addition, Romania does not have a list of the operating units within the designated authorities that are authorised to access the Visa Information System through the central access point(s) in accordance with Article 3(5) of Council Decision 2008/633/JHA.

¹³ Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences

Romania has implemented Article 45 of the Convention Implementing the Schengen Agreement. Any person who operates a business for accommodation, of any kind, is obliged to keep a register of non-nationals staying there and provide this information to the competent law enforcement agencies when requested.

The Romanian local police divisions are collecting this information (registration forms) on a regular basis and perform manual checks into SNRI (national event registration system), In-terID, including the Schengen Information System when the need arises. At the metropolitan level, the hotels provide the registration forms to the police authorities on a monthly basis for the further checks into national systems and Schengen Information System, this registration form are kept by the police.

Romania is connected to 25 other Member States for fingerprints and 23 for DNA in accordance with the Prüm Decision.

2.4.6 Liaison Officers

Romania has three Liaison Officers posted to EUROPOL, the EU and NATO. Nineteen more Home Affairs Attachés cover 24 European Countries, Japan and the United States. Those attachés are also responsible for ministerial and strategic issues for the Ministry of Home Affairs.

Candidates need to have at least seven years of working experience and pass internal exams to become part of a pool, which currently contains around 100 persons. Once selected, staff undergoes specific preparations within the Ministry of Home Affairs as well the Ministry of Foreign Affairs before the posting. The posting last for four years with a possible extension of two more years.

The assessment of the countries is determined by the Ministry of Home Affairs on various criteria such as number of exchanged data or migration pressure. Some Home Affairs Attaches responsibilities includes immigration tasks in the Immigration Liaison Officers network (ILO).

A point of attention is that the liaison officers do not have direct access to the (inter)national databases. In order to answer to an operational request, they have to contact the Single Point of Contact which reduces the operational responsiveness to a certain extent.

2.5 Return

2.5.1 National return system

During the last years, an increase in the number of illegally staying third-country nationals has been observed in Romania. This is due to the increased migration flows from Serbia, the intensification of checks performed in the Romanian territory and the increment in the number of third-country nationals entering Romania for work purposes and losing their permit due to the global economic crisis. The main nationalities of third-country nationals apprehended at the Romanian Serbian border are India, Afghanistan and Bangladesh. Moldova, Sri Lanka, Nepal and Bangladesh are the main nationalities of third-country nationals illegally staying in Romania who have entered the territory legally with a work visa. In these cases, the third-country nationals are documented, facilitating the subsequent return procedure.

Although there is a number of authorities involved in return matters, there is a **very good inter-agency cooperation**, in particular between the General Inspectorate for Immigration and law enforcement authorities, which cooperate on a daily basis. Cooperation between the central level of the General Inspectorate for Immigration and the regional branches is considered effective. Timely sharing of information and regular meetings are carried out between the different authorities. There are also joint trainings, cooperation protocols and common internal guidelines to ensure a shared approach as well as an adequate situational awareness.

Romania actively cooperates with Frontex in the field of return. 94% of the returns are carried out by Frontex coordinated scheduled flights, making Romania rank 7th at EU level. Romania also participates in charter flights coordinated by Frontex. Between 2019 and 2022, 76 returnees were returned in 11 charter flights coordinated by Frontex. One operation was organised by Romania as organising Member State. Furthermore, there are 54 experts (forced return escorts, support officers, debriefers and return specialists) from the General Inspectorate for Immigration in the European Border and Coast Guard Pool. Since 2019, Romanian monitors have participated in 20 charter flights in view of supporting other Member States.

Apprehension activities play a primordial role in the return procedure. There is a national action plan on apprehension, requiring all law enforcement authorities to prioritise this task. This is effectively implemented taking into account the internal guidelines on apprehension.

Follow-up actions in case of **discontinuation of legal stay** are also ensured. When a residence permit or visa is rejected/expired, although there are no systematic alerts issued by the IT system the authorities have the obligation to regularly check the database. Furthermore, according to national law, if the third-country national is no longer working, the employer needs to notify the General Inspectorate for Immigration, which will revoke the permit and issue a return decision. This regular monitoring is positively assessed. In case of rejected applications for international protection, in accordance with the Romanian law on asylum, the third-country national receives a period of 15 days to leave, during which the third-country national is not considered to be illegally staying. In case of an accelerated procedure, no period for voluntary departure is granted. The Asylum Section of the General Inspectorate for Immigration regularly informs the Return Unit of the rejected decisions. The law enforcement authorities will check if the third-country national has left the Romanian territory and an arrest search will be issued. According to information provided by the Romanian authorities, the majority leave the territory before a decision is taken on the request for international protection. In such situations, the General Inspectorate for Immigration may close *in absentia* the asylum file, or may reject the asylum application and, when the third country national is transferred to Romania, the return proceedings can start without delay.

Return issues are addressed as a matter of priority by the Public Prosecutor, which needs to issue a decision on detention within 24 hours. There is currently **sufficient capacity in the detention centres** (280 places - 114 at Otopeni and 160 at Arad) to address the current detention needs. There is an ongoing construction of a new detention facility next to the existing centre in Arad. The new facility is expected to be ready by 2024 and will have a capacity of 240 beds. In case necessary, the capacity of the two centres may be increased up to 338 places (18 at Otopeni and 40 at Arad). In 2021, the average occupancy rate was 68,5%; the highest occupancy rate occurred the 10th of June 2021 at 92,3%.

Activities in migration are efficiently supported by a national IT case management system (SIMS), which includes all relevant information and decisions on the third-country national, including fingerprints and photos. It is not limited to data on the return procedure as it also includes information on visa and asylum providing the relevant authority with all necessary information. It can be considered as a point of interest. This database is accessible by the relevant authorities on need-to-know basis.

Removals can take place both to the country of origin or to Serbia as country of transit. To reduce the possibilities of irregularly re-entering the Schengen area, Romanian authorities conduct the majority of the removals to the countries of origin. The European travel document is used.

Considerable efforts are made on **pre-return activities**. Identification procedures are carried out not only during the initial apprehension but also at a later stage once the third-country national has received the return decision, notably at the detention centres. The Returns Unit of the General Inspectorate for Immigration carries out several interviews. In case of a presumed nationality, the case may be sent to different third countries. Even if the third-country national applies for asylum during the return procedures, readmission activities are continued so that in case the application is rejected the removal can be immediately implemented. The proactive approach and regular involvement of the Returns Unit considerably enhances pre-return activities.

The Romanian authorities reported a very good cooperation with Serbia on **readmission**, in particular under the accelerated procedure. In this case, the Serbian authorities send a positive reply in the majority of the cases, including for non-Serbian nationals. Positive results under the normal procedure are lower (around 50-60%) given the challenges to prove the irregular entry from Serbia. However, in a significant number of cases the readmission cannot be immediately carried out since the third-country national apply for asylum. According to the Romanian authorities, abuse of the asylum system is the main challenge hampering return as all asylum applications (including subsequent requests) have suspensive effect.

Romania also makes use of the EU readmission agreements with Pakistan, Moldova and Armenia. No challenges were identified in this regard. Since September 2022, Romania started to use the Readmission Case Management System (RCMS) with Pakistan and positive developments have been observed in this regard. In the case of Bangladesh, Romania does not make use of the RCMS given the very good cooperation with the embassy.

Concerning Iran and Iraq, cooperation is limited to voluntary returns. It should be noted that EU cooperation with these third countries is non-existing/limited for the purpose of forced returns.

In case of non-cooperation by some third countries on readmission, escalation measures are implemented and a joint order from the Ministry of Home Affairs and the Ministry of Foreign Affairs is issued. Romania has sought support of the liaison officers in Vietnam and Congo (DRC) and has also carried out national identification missions (e.g., Ghana, Bangladesh).

Voluntary return is a priority for the Romanian authorities. When the return decision is issued, the third-country national receives a leaflet with information on assisted voluntary return and reintegration. These programmes are funded by Asylum, Migration and Integration Fund (AMIF) and are provided by the International Organization for Migration. In order to avoid gaps between the financing periods a Memorandum of Understanding has been recently signed. Weekly visits are organised in the detention centres by the International Organization for Migration, which has five return counsellors or by implementing partners, which has six return counsellors. These counsellors are also involved in a variety of other tasks. Further efforts on return counselling and outreach will be of added value. On origin, when the third-country national is applying for the work visa, the International Organization for Migration also carries out information provision to these third-country nationals explaining the consequences of overstaying their visas or non-complying with the requirements.

2.5.2 Return procedures¹⁴

If a third-country national is apprehended by the Border Police, while illegally crossing the border, a criminal procedure is opened. According to the authorities, if there are no other grounds, the majority of the cases are closed. The third-country national is taken to police custody, for a maximum of 24 hours, in view of conducting the initial identification interview. Questions on family situation and *non-refoulement* may also be asked. Third-country nationals are fingerprinted and registered in the national database and EURODAC. Checks against national and European databases (SIS, Interpol) are also carried out. There are internal guidelines on apprehension, which were provided to the on-site team.

In case the third-country national has entered via Serbia, the Border Police sends an (accelerated) readmission request, in implementation of the EU-Serbia Readmission Agreement¹⁵. Given the impossibility to keep the third-country national in police custody for more than 24 hours, after this period, the case is transferred to the General Inspectorate for Immigration, who will carry out another interview and issue a return decision. During this interview, the risk of *refoulement* is assessed by checking, inter alia, the database on country-of-origin information. This database is regularly updated, including information from the EU Asylum Agency, significantly supporting the assessment of the principle of *non-refoulement* in the individual case.

¹⁴ Romania applies Articles 2(2)(a) and 2(2)(b) of the Return Directive. Consequently, the Return Directive is not applied to third-country nationals subject to a refusal of entry in accordance with the Schengen Borders Code, or to third-country nationals apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State. Furthermore, the Return Directive is not applied to third-country nationals subject to return as a criminal law sanction or as a consequence of a criminal law sanction, according to national law, or who are the subject of extradition procedures.

¹⁵ Since 2011, Romania has an implementing protocol.

The Romanian authorities can also initiate the return of the third-country national to the country of origin, in particular when it relates to overstayers, third-country nationals in possession of an ID document, or third-country nationals apprehended within the country. Once the Border Police transfers such a case to the General Inspectorate for Immigration, a new interview is carried out and a return decision is issued.

In these cases, the competent authorities will assess the risk of absconding and will request the Public Prosecutor to issue a detention order if it is deemed necessary. According to national legislation and implementing practice, detention is always imposed if the third-country national has crossed the border irregularly. Alternatives to detention can only be imposed if accompanied by a 'tolerated status' (i.e., when there are objective reasons impeding return). Further efforts in this regard are needed to ensure that detention is imposed as a measure of last resort.

Return decisions may include a period for voluntary departure of 15 or 30 days. In case the third-country national crossed the border irregularly, entered within the period of an entry ban, his/her identity could not be established or has already received a rejection of the international protection request, no period for voluntary departure is granted. There are internal guidelines to ensure a harmonised approach by the different regional authorities.

Return decision are issued in writing and includes the obligation to leave, the country of return, an explanation with the factual and legal grounds as well as information about available legal remedies. Decisions are issued in Romanian and English. Upon request, the General Inspectorate for Immigration provides a written or oral translation of the main elements of the return decision including information on the legal remedies. Information on the return procedure in the most commonly used languages is also provided.

Entry bans are also issued. According to national legislation, an entry ban should be imposed if no period for voluntary departure is imposed or in case of non-compliance with the period for voluntary departure. Its duration is determined by national legislation and can be between six months and five years in general, but up to 15 years if there are national security risks.

Removals are carried out in accordance with Frontex standards. There are around 54 escorts, out of which 14 are escort leaders. Before each operation, a risk assessment is performed, where the risk of *refoulement* is assessed, the fit-to-fly is issued and the escorts' needs are identified. There are internal guidelines on how to carry out removals, which refer to the need to comply with fundamental rights standards, in particular when applying coercive measures.

The Romanian National Council for Refugees is responsible for monitoring forced returns. There are currently four monitors, funded by the Asylum, Migration and Integration Fund (AMIF). Since 2011, 500 removals have been monitored, including operations by air, sea and land. Monitoring can involve the whole process, from pre-departure to handover or only specific phases. Cooperation with authorities is reported as good with clear procedures in place.

The Romanian National Council for Refugees is informed of all operations. After each forced return, the Romanian National Council for Refugees writes a report, which is sent to the Ombudsman and the General Inspectorate for Immigration. Based on this report, the Ombudsman can make recommendations to the General Inspectorate for Immigration and also prepares an annual report to be presented at the Parliament, ensuring the transparency of these activities.

Based on the above, return procedures are adequately carried out and in accordance with the requirements of the Return Directive¹⁶.

2.5.3 Procedural safeguards

Once the third-country national is apprehended, during the initial interview he/she is informed of his/her rights, including the possibility to apply for international protection, and can have access to **free legal aid**. In case of difficulties in communication, **interpretation** is provided.

¹⁶ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

Free legal aid can be provided to third-country nationals during the different steps of the return procedure. This is provided by the Romanian National Council for Refugees, both in cases of third-country nationals subject to readmission procedure as well as third-country nationals under the normal return procedure. The on-site team met with representatives of the Romanian National Council for Refugees in the detention centre of Arad, who confirmed that this is also the case for detained third-country nationals. The continuous presence of the organisation in the detention centres further supports the provision of this assistance. Representative from this organisation pointed out to potential challenges to provide this assistance in case removals are carried out within 24 hours, although assistance is always provided. Other non-governmental organisations are also providing free legal assistance.

With regards to interpretation, Romania has a contract with an organization providing this service.

In what concerns **remedies**, return decisions, can be appealed within 10 days, except if a return decision is issued with no period for voluntary departure (the deadline to appeal is reduced to three days). This short deadline (3 days) may create limitations in ensuring access to an effective remedy. The Public Prosecutor usually imposes detention for an initial period of one month, which can be extended by the Court for another 12 months, split into four periods of three months each. The initial decision imposed by the Public Prosecutor is appealable, but decisions on the extension of detention are considered final and cannot be appealed. However, detainees can still challenge the detention in accordance with Article 101 of the Foreigners Law. Detention is reviewed at administrative level every three months. In case of families, the review is carried out every month. According to statistics provided by the General Inspectorate for Immigration, detention was ended in 44 cases in 2022, 127 cases in 2021, 69 in 2020 and 60 in 2019. Judicial supervision only takes place when the detention is to be prolonged or when the third-country national has appealed.

Regarding **safeguards pending return**, the Romanian authorities issue a decision on ‘tolerated status’ when there are objective reasons impeding the return for which the third-country national is not responsible. This could for instance be the case if there are families with minors attending school. The authorities reassess the situation on a monthly basis. In these cases, the Jesuit Refugee Service, provides third-country nationals with accommodation (in case they do not have financial measures), medical assistance, legal aid as well as case resolution. Third-country nationals under tolerated status are required to report themselves on a regular basis. This practice gives further effect to the requirements established in Article 14 of the Return Directive.

2.5.4 Detention

The on-site-team visited the detention centre in Arad, which has a capacity of 160 places. At the time of the visit, 46 foreigners were detained, out of which one was a female detainee. One of the wings with a capacity of 52 beds was undergoing renovations at the time of the visit. The main nationalities of the detainees are Pakistan, Bangladesh, India and Morocco. For the two facilities, the average time of detention is around 51 days.

The compound is surrounded with concrete walls with concertina wire on top. There are CCTV-cameras monitoring outside areas, common areas inside of the facilities and in the isolation cells.

Women (capacity of 24 beds, divided in 6 dormitories) and men (capacity of 64 beds divided in seven dormitories) are accommodated separately. In every room there is a toilet and a shower. Doors are locked from 11 pm until 7.30 am. The centre has a dining room, a common area with a television set as well as board games, puzzles and books. The on-site team also visited a gym that was under construction, expected to be ready by the end of the year. Providing detainees with meaningful activities reflects the administrative nature of detention. There is also an outdoor area with sports equipment, which detainees can access for a minimum of one hour per day. There is also a family section with a capacity of 20 beds, divided in five dormitories.

The detention centre has four isolation rooms, consisting of a bed, a toilet and a shower. The cell is monitored via a CCTV-camera, including the toilet. Measures to ensure privacy, by blurring part of the image, will give full effect to the privacy requirements. Detainees in isolation can have access to the courtyard. Isolation is ordered by the director who issues a written order for maximum 24 hours, which can be prolonged for a maximum of four days. This decision can be appealed by the third-country national.

On arrival, detainees are provided with the house rules, which are translated to the most common languages. If necessary, an interpreter will be called to explain this information to the detainee. The Romanian National Council for Refugees will also provide detainees with this information during the regular meetings they organise. This facilitates that detainees understand their rights and obligations, giving further effect to Article 16(5) of the Return Directive. This organisation also supports detainees providing material assistance.

A medical examination is carried out upon arrival. The detainees have access to nurses at all times. There will be a doctor available in office hours and on call outside of office hours. There is access to an ambulance and if emergency care is needed, the detainee will be taken to a nearby hospital. Medical staff will be present in the living areas every day in order to see if someone needs medical attention.

Concerning contact with the outside world, the detention centre has one visiting room. The space may be limited if the detention centre is full. Detainees can receive visits from families (limited to half an hour), legal representatives and consular authorities on Tuesdays, Fridays and Sundays. According to information from the staff, detainees cannot keep their own phone and will only be able to use it upon request and under surveillance. For this reason, detainees are provided with phone cards and there is access to telephones in each wing. There is no access to Internet.

In the detention centre of Arad, non-governmental organisations are present on a daily basis.

3. BULGARIA

3.1 Executive Summary

Since the finalisation of the Schengen evaluation of Bulgaria in 2011, the Bulgarian authorities have made substantial efforts in the application of the Schengen *acquis*, while swiftly and efficiently taking the necessary measures to address the external and internal challenges the EU has faced during the last years, in view of ensuring the security of the Schengen area. Despite its challenging geographical location, Bulgaria has demonstrated a high level of commitment in ensuring an effective response to the migratory pressure and related challenges.

Bulgaria has also taken the necessary measures to implement the developments of the Schengen *acquis* since 2011 and continues to work towards full application of new legislation¹⁷.

Bulgaria strengthened the governance of its external border and return system based on a national **strategy for integrated border management**. This strategy adequately reflects measures to efficiently manage the crossing of the external borders and address migratory challenges, as well as threats at those borders, especially the border with Turkey, thereby contributing to addressing serious crime with a cross-border dimension and ensuring a high level of internal security within the Union. In this regard, there is a clear chain of command and control from the national to the regional and local levels. Border control activities are performed on the basis of risk analysis by a sufficient number of properly trained border police officers and in full respect of fundamental rights. Bulgaria has an adequate level of border surveillance, situational awareness and border checks, including systematic checks of passengers in the relevant databases and the situational picture and situational awareness as well as the implementation of the European Surveillance System (EUROSUR) are sufficient to support border management. The cooperation with Frontex, both related to the external borders and return is functioning well.

¹⁷ According to information reported to the Commission and EU-LISA, Bulgaria has sent the declaration of readiness for the start of operation of the renewed Schengen Information System framework within the deadline, and preparations are well established to ensure the timely implementation of the Entry Exit System and ETIAS.

Given the high and volatile migratory pressure, Bulgaria addresses **return matters** as a priority also to limit unauthorised secondary movements. There is a coherent approach for return and readmission, from apprehension to removal. In this regard, the Bulgarian authorities have an adequate situational awareness and the appropriate operational priorities are in place. All the necessary efforts are implemented to ensure that third-country nationals with no right to stay are apprehended and immediately channelled to the return procedure. Due to its geographical position, Bulgaria faces external challenges to implement returns, in particular the high migration flows from Turkey, the impossibility to return non-Turkish third-country nationals to Turkey as the country of transit, and the non-existing or limited EU cooperation with the main third countries (Afghanistan, Iran, Iraq and Morocco). Shortcomings in the detention conditions in Bulgaria are also influenced by the high number of illegally staying third-country nationals.

Bulgaria manages international **police cooperation** in an effective and active manner and meets the requirements of the Schengen *acquis* in this field. It bases its crime fighting priorities on an elaborate risk assessment, which sets out operational objectives for the responsible units, accompanied by result indicators. The identified priorities are translated into international cooperation, especially through and with Europol.

At operational level, police officers are equipped with mobile devices, allowing the consultation of national and international databases and rendering the patrols more effective. This also facilitates return procedures as police officers will immediately have all necessary information and will refer the case to the migration authorities. With its neighbours, Bulgaria has signed operational agreements, which allow for cross border surveillance and hot pursuit. In this framework, Bulgaria gives special attention to illegal immigration as demonstrated in the Police and Customs Cooperation Centre with Greece and Turkey (Kapitan Andreevo) where the notifications on illegal border crossings tripled in the past five years.

The Schengen Information System has been well established in Bulgaria and the end-users receive continuous training.

The National Strategy for Preventing and Combating Corruption is effectively implemented at all levels, strengthened by prevention measures and robust disciplinary procedures as demonstrated by the registered reports of corruption and their subsequent pre-litigation proceedings.

Special focus is paid to the respect of **fundamental rights**. Structures are in place to guarantee access to international and observe the principle of *non-refoulement*. Procedural safeguards for third-country nationals pending return are implemented.

3.2 Horizontal issues

3.2.1 National Strategy on the implementation of the Schengen *acquis*

Bulgaria has developed several strategic documents to ensure the continued application of the Schengen *acquis*, as well as to address the challenges faced by the increased migratory pressure at their external borders and to ensure a strengthened EU internal security.

The main national strategic document in this respect is the **national integrated border management strategy**. The current strategy covers the period 2020 – 2025 and covers all the components, including return, of the European integrated border management . It is based on the four-tier access control model. The strategy was developed by the strategic working group for integrated border management within the National Council for Migration, Borders, Asylum and Integration and endorsed by the Council of Ministers in 2020. To implement the strategy, there yearly action plans are being adopted. To implement the strategy, there is a clear action plan endorsed by the Council of Ministers in 2020. Bulgaria has also established a national capability development plan, which is based on different scenarios and contains identified capability development measures.

Bulgaria pays particular focus in stepping up cooperation with Turkey, which is a strategic partner to ensure stability and security in the region. Bulgaria actively contributes to continuing the established good cooperation on migration management and the protection of the common border, while respecting existing legal international and bilateral obligations¹⁸.

¹⁸ Bulgaria is an active member of the South East European Law Enforcement Centre (SELEC).

With regards to the **return component**, both the current national Migration Strategy (2021-2025) and the National Integrated Border Management Strategy (2020-2025) adequately reflect the prioritisation of fighting against irregular migration, with particular focus on preventing irregular entries and returning third-country nationals with no right to stay. The main strategic priorities relate to enhancing cooperation with third countries on readmission by improving current cooperation and concluding the necessary agreements and implementing protocols, enhancing voluntary returns, maintaining a sufficient capacity of well-trained staff and further cooperating with the European Border and Coast Guard Agency. These strategic priorities clearly address the current operational challenges.

National contingency plans are in place for the extraordinary situation of high migratory pressure with a high number of persons illegally crossing the border with Turkey and Greece. Bulgaria also has a contingency plan on temporary protection in place. The contingency plans include all relevant actors at the national, regional and local levels.

Bulgaria has a comprehensive national, regional and local **risk analysis and threat assessment framework**. The central analysis unit under the responsibility of the Secretary General coordinates each operational analysis unit from the relevant directorates (International Operational Cooperation Directorate, National Police and the 28 Regional Directorates of the Ministry of Interior operational, Border Police and Organised Crime). This ensures a consistent application of the methodology. The annual strategic plan of the Ministry of Interior which details operational objectives for each of the prioritised risks, accompanied by result indicators, responsible units as well as related policies, is considered as a point of interest. The results are assessed every six months and reviewed annually, allowing the identification of good practices and highlighting common problems.

The prioritised risks related to human trafficking and smuggling for instance, focus the efforts of the field units, particularly in Sofia, which is a hub, and in the Haskovo district due to its contiguity with the Turkish border.

At the local level, risk analyses are used on a daily basis to guide the deployment of operational units and to conduct regular inspections.

3.2.2 Human resources and training

The Bulgarian Border Police has 7.5% of vacancies (6 883 planned position versus 6 365 filled positions). Bulgaria compensates the vacancies by seconding for the time being a high number of officers from the national police and Gendarmerie, especially to the border with Turkey. Personnel from the Ministry of Defence supports the border police at the border with Turkey in logistical and technical issues, no border policing tasks are given to them.

The basic training system of the border police implements to a greater extent the Common Core Curriculum. Following the basic training there is continuous training to maintain a sufficient level of professional qualification, which takes place during the working hours. Specialised trainings to update the professional knowledge take place during five-day courses and are held in the Ministry of Interior on topics like document examination, use of the Schengen Information System and debriefing interviews.

The reinforcement officers undergo a training on the first day of their 2-weeks deployment and are always deployed in mixed patrols in the surveillance activities. These patrols are led by an officer of the border police.

Once controls at the internal borders will be lifted, the Bulgarian authorities expect an increase in irregular migration, and as a possible consequence a higher risk of unauthorised secondary movements. Taking into account this expected scenario, 102 border police officers are planned to be redeployed from internal to the external borders. The remaining officers will continue to perform compensatory tasks in the internal border areas, for the purpose of prevention and countering illegal migration and cross-border crime. Estimates for a longer period are to be prepared within the first year after the lifting of internal border controls, after an analysis of the operational situation.

In the field of **return**, there is a clear division of competences between the authorities responsible for the implementation of the return policy. Return matters (i.e., counteract of illegal migration, management of the detention centres and enforcement of return decisions) are coordinated at central level by the Migration Directorate of the Ministry of Interior. Sufficient staff (45 officers) for the current caseload are working in this regard. The 28 Regional Directorates of the Ministry of Interior also have a Migration Department, which has similar tasks and which are sufficiently staffed. Based on the current national strategy, the aim is to maintain the same staffing levels. It is, therefore, necessary to ensure a regular monitoring of the expected caseload in order to adjust the staff needs accordingly. In particular, given the importance of the identification procedures, as a key pre-return activity, and the increased migration flows, increased number of staff will need to be dedicated to this task as the current resources are stretched to the limit.

There is a sufficient level of training of staff performing return activities. UNHCR supports the Bulgarian authorities by also providing training on identification of vulnerable groups. Furthermore, 10 escorts have received Frontex training on escort leaders. Continue making efforts to ensure a structured provision of training, including refresher training, for staff carrying out return-related activities is of important added value.

The Bulgarian law enforcement agencies are staffed in a very adequate manner.

International police cooperation is part of the mandatory basic curriculum. Some topics are further elaborated during continuous training sessions, both on a mandatory as well as on a voluntary basis. Sufficient attention is given to the respect of fundamental rights as well as to data protection provisions. A point of interest is the national training academy also provides a PhD programme.

All police officers have access to an e-learning platform where they can consult legislation and manuals on international police cooperation and Schengen Information System material. Staff is also stimulated to participate in CEPOL webinars and trainings. A point of interest is that a special section on the e-learning platform has been dedicated to specific instructions regarding cases of misused identity.

Additionally, the International Operational Cooperation Directorate provides end-user training on SIS-SIRENE matters so that every two years, around 900 Bulgarian (border) police officers receive end-user SIS-SIRENE training. A point of interest is the seminar on the Schengen Information System, which was delivered by the SIRENE Bureau to the Prosecutors of the Supreme Prosecutor's Office in 2021.

3.2.3 Fight against cross-border crime

The Bulgarian Chief Directorate Border Police, the Customs and the General Directorate for Combating Organised Crime are responsible for cross-border crime prevention and detection in Bulgaria. There is a regular exchange of information between the directorates at central level, with working procedures facilitating the information flow.

The Bulgarian legislation provides all relevant authorities with all the possibilities of preventing and detecting border related crime, without limiting it to the border area. Bulgaria has set up a framework and mechanisms to fight cross-border crime. It is based on an analysis of the different types of crime and covers all relevant factors, like personnel, equipment and training as well as cooperation between national and international services. Specialised teams and units are established to fight cross-border crime at different levels.

Staff has knowledge of risk indicators, risk profiles and typical modi operandi of cross-border crime. Several training courses on cross-border crime are delivered as part of Bulgaria's continuous effort to fight criminal phenomena.

Border control activities aim at tackling cross-border crime, not only migrant smuggling, but also other areas such as contraband smuggling, trafficking in human beings and drugs smuggling. Upon the detection or suspicion of a threat, at or along the borders - but also inland - procedures are in place to refer the case to the relevant law-enforcement authority. Checks are carried out against relevant databases, such as the Schengen Information System (SIS), Visa Information System (VIS), Interpol's Stolen and Lost Travel Documents (SLTD), Interpol's wanted persons list, and relevant national databases. In relation to secondary movements of migrants, the Bulgarian authorities presented a high number of inland detections, particularly at their border with Serbia where migrants exit the country in their attempt to reach central Europe.

With regard to joint operations to be carried out at local level, the police and customs have concluded agreements and memoranda that set out the legal and operational rules. In addition, for each joint operation, a shared action plan is drawn up in which the objectives and expected results are defined.

Bulgaria has signed cross-border police cooperation agreements with Romania and Greece. The main provisions of the agreements focus on joint actions such as cross-border surveillance and hot pursuit, joint investigation teams and joint patrols. A point of attention is that the bilateral agreements do not contain provisions for a formal regular review, with a fixed calendar, which means that a timely detection of new operational needs or new crime trends is not assured. The agreement with Greece provides possibility to include new measures by concluding additional protocols.

The central authority competent for cross-border surveillance operations (both incoming and outgoing requests) is the SIRENE Bureau. Requests for urgent cross-border surveillance can be dealt with on a 24/7 basis through the Single Point of Contact which can contact the court magistrate on duty at all times.

A point of interest is that Bulgaria regularly sends police officers to other countries such as Belgium, France, Germany and Czech Republic, to conduct joint patrols in accordance with Article 17 of the Prüm Decision. The opposite is possible as well and for instance Greek officers participate in joint patrols in Bulgarian winter resorts.

Along the borders with the neighbouring countries (Romania, Serbia, the Republic of North Macedonia, Greece and Turkey), Bulgaria participates in five Police and Customs Cooperation Centres (PCCC). Bulgaria is represented by its Border Police whilst Customs participate on a case-by-case basis. Two PCCCs are open 24/7; the other three are open during office hours. A point of attention is that the PCCCs are not equipped with an automated Case Management System, the incoming and outgoing requests are manually processed in a common registration system (AIS) to which the Single Point of Contact has access.

Bulgaria does not have a National Coordinator for PCCC. However, common standards and procedures are ensured and the overall coordination is carried out by the International Department of Chief Directorate Border Police, where a designated employee is responsible for the activities related with PCCC. Furthermore, the functioning of each PCCC is guided by the provisions set in the respective implementation agreements. The annual report for the activity of PCCC is being sent to International Operational Cooperation Directorate (SPOC) and Customs Agency.

A point of attention is that when exchanging information with the other country in the PCCC, the request has to be printed, signed and handed over to be processed.

These cooperation structures do not play any role on other operational cross-border activities, such as joint operations, joint patrols, border surveillance or investigations. Their main purpose is to facilitate information exchange for which they have access to national databases, Schengen Information System and Interpol databases.

A point of interest to mention is that the information exchange through PCCC Kapitan Andreevo has tripled in the past five years, demonstrating that the Centre is an important tool for the information exchange between the three countries, especially when it concerns irregular migration.

Staff of PCCC Kapitan Andreevo organises joint trainings with the other participating countries, as well as with other countries such as Germany and France.

3.2.4 Fundamental rights in the implementation of the Schengen *acquis*

Structures are in place to allow Bulgarian authorities to duly take into account fundamental rights when implementing the Schengen *acquis*. This includes a referral mechanism ensuring access to international protection (see section 3.3.5) and safeguards guaranteeing that the principle of *non-refoulement* is observed when implementing return procedures (see section 3.5.3).

Existing procedures ensure that special care is paid to **vulnerable groups**, both during border and return procedures. During the first interview the border police makes use of the EU Asylum Agency tools for identifying vulnerable persons in view of referring them to child protection or social services.

In addition, training on fundamental rights is part of the basic training of the border police in line with Frontex Common Core Curriculum, for which also cooperation with IOM, UNHCR, UNICEF and Bulgarian Helsinki Committee is established. Training is also provided on identifying vulnerable groups, access to the territory and international protection, identification and protection of stateless persons, needs assessments by age, and the protection of third-country nationals' rights. Furthermore, the Ombudsman of the Republic of Bulgaria monitors the respect of fundamental rights by the border authorities at operational level.

Data protection requirements are sufficiently in place and have been assessed as a pre-requirement for the application of the Schengen Information System¹⁹. Moreover, the Commission for Personal Data Protection ensures compliance with data protection requirements together with a data protection officer at the level of the Ministry of Interior.

3.2.5 Functioning of the authorities

Bulgaria has adopted a National Strategy for Preventing and Combating Corruption (2021-2027) the implementation of which is steered by the National Council for Anti-Corruption Policies. Elements of this strategy and the annual anti-corruption plans include the identification of vulnerable positions for which accelerated rotation is foreseen, video-surveillance of traffic patrols and the restrictive use of databases through the mobile devices in particular (conditioned by the insertion of obligatory information aimed at countering abuse).

Specific anti-corruption activities at border crossing points undertaken by Bulgaria include, amongst others, an email address and a 24/7 telephone number where anyone can report problems when travelling at the border crossing points of Bulgaria or alerts on incorrect treatment by border police officers. Video surveillance has been installed in all control booths for border checks, and areas of the border crossing points to control the organisation of preventing and countering corrupt behaviour of staff. Staff rotation is frequently (every couple of hours, on a random basis) carried out to distribute staff within border crossing points.

¹⁹ Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Bulgaria and Romania (OJ L 166, 1.7.2010, p. 17).

Bulgaria has implemented a reliable internal mechanism to guarantee the moral integrity of public officials based on several prerequisites and continuous evaluations (psychological check, ethical standards). A training system dedicated to the prevention of conflicts of interest and corruption has been set up whilst robust disciplinary procedures are in place. The statistics on registered reports of corruption and the subsequent pre-litigation proceedings, demonstrate that the legal procedures are effectively implemented.

An elaborate reporting system has been implemented concerning illegal actions including corrupt behaviour regarding police officers (hotline, mail, e-form, register of signals, etc.). At operational level, there is sufficient awareness of the procedures whilst the various rules and mechanisms were duly integrated and implemented.

3.3 Management of the external borders

Bulgaria is located in the South-East of the European Union. It has a total border length of 2 368 km, of which 1 225 km are EU external border. The Bulgarian Border Police, under the Ministry of Interior, is the main responsible body for border management. It is divided into seven Regional Directorates, and there are 38 border police stations and 35 operational border crossing points. The main threats are illegal migration and cross-border crime (smuggling of cigarettes and firearms).

3.3.1 National and European situational awareness and early warning system

The National Coordination Centre (NCC), located in Sofia at the headquarters of the Chief Directorate of the Border Police, operates 24/7, and cooperates with the regional and local coordination centres, as well as with other authorities. The NCC maintains a comprehensive national situational picture, which includes an events layer, an analytical layer and an operational layer. The **national situational picture** is used to support strategic tasks and the NCC has tasks related to coordination of information between the Border Police and cooperating authorities. Contribution to the European situational picture is provided by the NCC through the EUROSUR.

The events layer of the national situational picture is compiled at the Chief Directorate. The Chief Directorate receives information on events from the RCCs who receive the information from the LCCs. Information is transmitted by phone and e-mails, not through a commonly shared digital reporting system. The Chief Directorate uploads all events in an application available at the NCC, which includes a map similar to the events layer of the EUROSUR application. The risk analysis unit uses this national application to produce analytical products. The application is not available at the RCCs or LCCs.

The operational layer is established, though to a limited extent. It consists of information on active operations implemented by the national authorities involved in border control. The NCC has access to view images in real-time from technical surveillance systems, which are constantly monitored by the LCCs and RCCs. Furthermore, the NCC can visualise the assets performing border control tasks at sea through the maritime border surveillance system (including a map-application), though no other assets/patrols performing border control.

An analytical layer is produced and maintained by the risk analysis unit.

3.3.2 Risk Analysis system and information exchange

The **risk analysis system** of the Bulgarian Border Police in the field of border management is based directly on the **European Common Integrated Risk Analysis Model**. At the strategical level, the risk analysis function is fulfilled by a dedicated unit, of which one analyst attended specialised training provided by Frontex, whereas the others attended professional training provided by the training institution of the Ministry of Interior. The unit is directly subordinated to the Chief Directorate and produces daily bulletins, as well as monthly, quarterly and annual reports, which are disseminated to relevant parties such as the subordinated Regional Directorates. The products consist of case studies, including trends and statistics, and are based on the Common Integrated Risk Analysis Methodology principles, but include no vulnerabilities or impacts. Common risk analyses between Police and Border Police authorities are prepared annually.

At the regional as well as at the local level, there are appointed officers fulfilling the risk analysis function. For border surveillance purposes, there are monthly and yearly reports prepared by a working group consisting of the head of the Border Police Station, head of the border crossing points as well as heads of the Border Surveillance and Operative and Investigational Activities Groups. Briefings provided at the border crossing points include latest development and main risk profiles as elaborated in the daily bulletins and other relevant information received through official communication channels.

Although the implemented methodology provides support to the situational picture and to planned operational activities, in the areas with the highest risk, the Bulgarian Border Police is encouraged to implement all the elements and functionalities of the Common Integrated Risk Analysis Methodology, in terms of assistance to the decision-making.

3.3.3 Border checks

The infrastructure and the equipment at the visited border crossing points were considered adequate for performing first and second line checks. Border checks were **systematically carried out on all passengers** with searches in the relevant databases as well as with use of equipment for searches in lorries. The searches in cars for cases of possible clandestine entry are performed by border police assistants. Thorough checks, such as verification of purpose and conditions of the intended stay, were performed adequately. In case of need for a second line check, persons are informed in an appropriate way about the purpose of the check. Concerning the refusal of entry procedure, it was noted that the refusal of entry form does not include information on the competent authority and timeframe for appeal according to the national legislation.

Border police officers were able to communicate sufficiently and effectively in English and other foreign languages. They also showed sufficient knowledge of the relevant Union and national legislation related to border check procedures, including the treatment of minors and vulnerable persons, as well as of the existing risk analysis products and indicators. Briefings at the beginning of each shift are in place to share relevant information. Worth mentioning is the use at Sofia airport of a scanning system for triple checking the boarding pass and passport used by passengers, namely before, during and after the border check, to mitigate the use of forged and falsified documents and as a measure to prevent unauthorised secondary movements. Staff was adequately trained, showing good knowledge of the border control procedures, including clandestine entry.

There were appropriate facilities for passengers who were refused entry, who apply for international protection and for detained person at Sofia airport.

The planning, allocation and organisation of staff at the visited border crossing points was adequate for the current traffic and passenger flow. A sufficient number of trained documents experts were available during the border checks.

The **advance passenger information system** in place in Bulgaria is adequately functioning. Data is received from all flights arriving from risk third countries, and the data is systematically run through the relevant databases and there is an adequate procedure for data deletion established. The SIS HIT procedure is known by the border police officers in the second line and the action procedure was very well described.

The border crossing points are properly equipped for the **issuing of (national) visa** and the border police takes and includes the fingerprints in the national Visa Information System (VIS). The interviewed border police officers showed sufficient knowledge of the visa-issuing and revocation/annulment procedures.

Concerning the readiness of Bulgaria of the issuing of **uniform Schengen visa** once full access to the Central Visa Information System²⁰ is granted, the Bulgarian authorities informed that no training of consular personnel on the implementation of the visa code has taken place yet. This will be carried out as soon as possible after adoption of a Council Decision on Bulgaria's full application of the Schengen *acquis*.

3.3.4 Border surveillance system

The land border surveillance system at the border of Bulgaria consists of a combination of 24/7 surveillance activities, use of fixed and mobile technical equipment (thermo-vision vehicles, sensors, detecting cables, cameras) as well as patrolling, information collection, established operational cooperation with neighbouring countries, and inter-agency and international cooperation with other relevant partners. Significant and permanent support of Frontex pools is also relevant for border surveillance and appreciated by Bulgaria (e.g., at the moment of the visit 159 Standing Corps officers were deployed in Bulgaria).

²⁰ Bulgaria already has passive access to the Visa Information System. Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen *acquis* relating to the Visa Information System in the Republic of Bulgaria and Romania (OJ L 269, 19.10.2017, p. 39).

A chain of information based on the situational picture is provided through the National Coordination Centre to the regional coordination centres and local coordination centres. In addition, at the border police stations (tactical level), there is a system implemented that allows to monitor the actual position of patrols deployed at the border. In emergency situations, the responsible operational officer on duty or shift leader can deploys the assets on duty to the area of incidents as well as deploy additional (reserve) patrols to provide support. The written procedures available on the spot provide detailed information on the chain of command in emergency situations, as well as approximate times of arrival of the supporting assets. The procedures available on the spot constitute a chain of command in emergency situations, as well as provides information on the supporting assets. Officers on duty conduct a briefing before each shift, which provides the officers with the latest incidents and outcomes of border surveillance activities. Furthermore, a constant communication with deployed patrols is maintained in order to ensure an efficient reaction response in the field and provide coherent situational awareness. The regional units have mobile units at their disposal that are deployed on decision of the regional directorate or on request of the tactical level. All measures in place ensure that there is adequate situational awareness at all levels and sufficient reaction capability.

The number and varieties of applied border surveillance measures respond to the actual situation at the border, in particular, current trends and directions of irregular migration.

3.3.5 Referral mechanism

The Bulgarian authorities have a functional referral mechanism in place at the external border in case of irregular crossing of the border and asylum applications. Border crossing points and relevant police stations are equipped with EURODAC devices and the Border Police has sufficient equipment and trained personnel for identification and fingerprinting to ensure the registration in the EURODAC system and checks in AFIS and other relevant databases. For the screening and debriefing of irregular migrants, the border police is supported by guest officers of Frontex. Before the registration process starts, a detention order for the irregular migrant and protocol for personal search are drawn up, including a declaration informing the person of his/her rights. The irregular migrants are detained by the police authorities for a maximum period of 24 hours, which detention can be extended for a period of up to 72 hours by the relevant prosecutor's office.

After registration at the border, asylum applicants and irregular migrants are referred to the relevant authorities to respectively process the asylum request or the implementation of a return decision (see section 3.5.2).

3.4 Police Cooperation and Schengen Information System

3.4.1 Police organisation and responsibilities

There is a clear division of competences between the different national authorities responsible for the implementation of law enforcement and international police cooperation. Within the Ministry of Interior at central level there are Directorate for International Operational Cooperation and several specialized chief directorates notably those for fight against organized crime, gendarmerie and counterterrorism and border police. The Interdepartmental cooperation within the Ministry of the Interior is under the supervision of the Secretary General.

The inter-ministerial cooperation between the relevant authorities is effective and based on specific ordinances, codes and agreements depending on the area covered regarding the international police cooperation matters, as required by the Schengen *acquis*.

3.4.2 Single Point of Contact

The International Operational Cooperation Directorate (IOCD) is the Bulgarian Single Point of Contact, serving various police cooperation channels in an integrated manner, including SIRENE, Europol, Interpol and Liaison officers. It operates on a 24/7 basis. The IOCD is divided in seven sections: Joint Operational Centre (24/7 Front desk), National Central Bureau of Interpol, ETIAS National Unit, Europol National Unit, SIRENE Bureau, Information Management Department, Legal Services and Human Resources Department. The SPOC consists of 127 police officers and 27 civilians and is, therefore, more than adequately staffed.

The IOCD main tasks are to exchange information at national and international level, co-ordination of cross-border surveillance and international search of persons and objects, analysis of international information exchange and criminal trends. The IOCD prepares analytical reports submitted to the Central Unit of Analysis on a regular basis. It provides operative support between the Bulgarian law enforcement authorities and liaison officers of the Ministry of Interior appointed abroad.

The Front Office covers all international information exchange channels (SIRENE, Interpol and Europol) in 24/7 regime and handles all urgent requests out of normal working hours. All incoming messages are checked, registered and distributed to the respective units by the Front Desk operators. The Front Desk is in a position to have a complete overview of all international police cooperation information exchange. The SPOC double checks and validates the legitimacy of incoming and outgoing requests such as for instance incoming 'A forms', which are checked on double incrimination.

The SIRENE Bureau is staffed with 25 operators and is responsible for creating, updating and deleting (CUD) alerts, the exchange of supplementary information to Schengen Information System alerts, as well as the creation of Interpol notices/diffusions. SIRENE Bureau creates Schengen Information System alerts on Articles 26, 34, 36(2) and 36(3) of the Schengen Information System Regulation. Schengen Information System alerts issued in accordance with Article 38 are created automatically via the respective national applications. Article 32 alerts are created, updated and deleted by the end- users and Article 24 alerts are created, updated and deleted by the Migration Directorate / Border Police. There is a clear procedure for attaching biometric data (the fingerprints and photos are attached by the authority which creates the alert).

The ability to search with fingerprints by the end-users is still under the development. Currently, the searches with fingerprints in the SIS-AFIS are possible at the first- and second-line border checks.

All SPOC officers have good command of English, and in addition German, French, Spanish, Russian, Arabic, Greek, Serbian and Italian are spoken by SPOC officers. The Interpol on-line translation tool is used in case of need.

The physical security of the International Operational Cooperation Directorate is adequate.

A point of interest is that the staff of the International Operational Cooperation Directorate is continuously trained and has to pass a yearly exam.

Additionally, the International Operational Cooperation Directorate staff participates in CEPOL training activities, study-visits, exchange of operators, seminars and working groups. The “Mind Manager app” contains practical guidelines, instructions on choosing of a channel for cross-border information exchange, templates of SIRENE forms and letters.

The staff of the International Operational Cooperation Directorate are involved in the training of end-users on Schengen Information System and INTERPOL matters. The training is provided on a regular basis (once every six months).

There is a procedure to facilitate operational assistance and exchange of information between the different levels. PCCCs and liaison officers exchange information with SPOC via the Document exchange and registration system. A point of interest is that the workflows stemming from the different international channels at the SPOC are processed in a single case management system (UDP AIS). This system is interconnected with the SIRENE application/workflow system (QUEST AIS) and the Interpol I 24/7 application.

A point of attention concerns the SIENA messages (both incoming and outgoing) since these have to be inserted manually into the case management system, which creates additional workload.

The Schengen Information System application is used for the handling of all incoming and outgoing forms, all CUD transactions (create, update, delete), for querying, linking, and flagging purposes. A point of attention is that the SIRENE workflow system does not check incoming forms automatically; only metadata are integrated automatically into the Schengen Information System forms.

The Schengen Information System application includes data retention/management and deletion functionalities.

There is possibility to search all relevant national and EU/international databases via one integrated query application “Integrated Information System Queries”. The unified query database Quest AIS automatically searches national law enforcement databases, Schengen Information System and Interpol databases, such as Nominals, Stolen and Lost Travel Documents and Stolen Motor Vehicles.

The SPOC has clear written guidelines on the selection of communication channels and applies common business rules and procedures, deadlines, information quality standards, data protection, etc.

3.4.3 National search applications on desktop and mobile devices

Bulgarian law enforcement has a single search application (QUEST AIS) at its disposal. A point of interest is that the single search application is user-friendly and displays all relevant elements of Schengen Information System alerts.

It displays photographs of wanted persons, links, provides reference to the existence of fingerprints and the European Arrest Warrants (end-users are directed to contact the SIRENE Bureau in order to retrieve those). The search interface offers different search possibilities, including any name, fuzzy and partial searches and searches with different combinations (for example only name and date of birth). The warning markers are displayed and highlighted on the first screen. The reporting of Schengen Information System hits is done electronically via QUEST AIS. After the HIT in INTERPOL databases a different unified form is used, this form must be filled manually, and sent to the SPOC by email. Interpol hit reporting forms are available on the police intranet via dashboard “International police cooperation”.

The law enforcement officers on the field are equipped with mobile devices -tablets. The tablets used by the traffic police allow only limited searches on licence plates due to the anticorruption measures introduced in Bulgaria. The Traffic Police uses radio communication in order to contact the control room to check personal data and request a check to be confirmed. The tablets used by the patrol police allow full data check into national, Schengen Information System and Interpol databases. However, the search on tablets can be done only with exact data.

The end-users have good knowledge of the Schengen Information System procedures and are familiar with the search application on all levels from local law enforcement officers to SPOC officers.

A point of attention is that the database where investigative intelligence is stored, does not support automated cross-checks. When information is processed on an already existing entity, the system will not inform the user thereof. To counter this, the user would first have to run a manual search on the entities (s)he wants to insert in the system.

3.4.4 Europol tools

In 2022, Bulgaria is participating in all 15 OAPs of the new EMPACT cycle 2022-2025 covering all 10 EU priorities. In 2022, Bulgaria is Driver of the Operational Action Plans (OAPs) for crime priorities intellectual property crime, counterfeit goods and currencies.

Bulgaria is Action Leader in seven Operational Actions of crime priorities trafficking in human beings, cannabis, cocaine and heroin and intellectual property crime, counterfeit goods and currencies. It is Co-Action Leader in five Operational Actions Plans in the field of Trafficking in human beings, cannabis, cocaine and heroin and firearms. The country participates in 144 (out of 296) Operational Actions across the 15 different OAPs.

Bulgaria participates in 26 of the 32 analytical projects at Europol. Bulgaria is not member of geographically related action plans such as Albanian, Italian or Eastern European Speaking Organised Crimes. After a consultation with all NCA involved in cooperation with Europol, ENU – Bulgaria has implemented a practice for sharing information with Europol by default when it falls into Europol mandate. The national strategy on the threat assessment is focused on crime phenomena-oriented crimes. They address polio criminality to dedicated national joint investigation groups within the police.

The participation is assessed as clearly positive. Bulgaria is overall considered a reliable and an active partner. Some analytical projects would welcome a more pro-active cooperation.

Europol's Secured Information Exchange network Application (SIENA) is accessible to the Europol National Unit (ENU) and Liaison Bureau at Europol. In total Bulgaria counts 40 Sub mailboxes but only the ENU is actively using the system. Only the ENU, the Asset Recovery Office (ARO) and the Passenger Information Unit (PIU) units are receiving messages from other Member States or Third Partners.

Bulgaria implemented project for extension of SIENA to NCA and currently is in very early stage of accreditation of the already set up network to EU Confidential.

Bulgaria has the 24th position (on a total of 51 Member States and Third Parties for exchanged messages through SIENA. When it comes to the initiation of cases, Bulgaria drops to the 32nd position. A point of attention in this respect is that SIENA sub-mailboxes are created but due to the pending accreditation not activated yet. In addition, one mailbox is configured and will be available for the counter terrorism area assigned to the State Agency National Security.

On 15/07/2022, the Europol's Information System (EIS) contained 693 objects contributed by Bulgaria, making it the 21st most active provider of data to the EIS amongst the EU Member States. However, the Bulgarian contributions are increasing in the last months with 1.893 objects as of August 2022, making Bulgaria the 18th provider of data to the EIS at this moment. Thus far in 2022, Bulgaria has made 51 searches in the EIS, making it the 23rd most active Member State using the search functionality this year.

Currently, only the Europol National Unit has direct access to the EIS. On request from the competent national authorities, they carry out searches in EIS. On a monthly basis, the ENU receives contributions for uploading data into EIS which is presently executed manually. They enter data related to both ongoing and closed investigations. By October 2022, Bulgaria has contributed 2 965 linked mainly to illegal migrant smuggling, robbery and drugs trafficking. Bulgaria is finalizing the accreditation for the required Europol security level, so they could provide access also to the front-line officers. The EIS is at present not integrated into the database search platform.

The Swedish Framework Decision is implemented into the national regulation. The form is implemented by Order of the Ministry of Interior. The preferred channel for exchange information under the Swedish Framework Decision is Europol's Secure Information Exchange Network Application (SIENA). There is a possibility to set the deadlines manually into the case management system in order to meet the requirement of the Swedish Framework Decision. A point of interest in this respect is that Europol is systematically included in cases falling under the Europol mandate as required by Article 6(2) of the Swedish Framework Decision.

3.4.5 Other Sources of Information

All police forces have access to relevant non-police databases (such as car registration, firearms register, ID/Passport and address registration).

Council Decision 2008/633/JHA is not fully implemented yet since the procedure to access the Visa Information System (VIS) for law enforcement purposes is not finalised yet. Therefore, investigators cannot request any information from the Visa Information System.

Furthermore, Bulgaria has not fully implemented Article 45 of the Convention Implementing the Schengen Agreement, since EU and EEA citizens are excluded from registration. The procedure to obtain data from accommodation facilities is regulated in the Law on the Foreigners in the Republic of Bulgaria (LFRB). According to that, any person who operates a business for accommodation, of any kind, or maintains a camping site or a similar operation, shall keep a register of those who stay there.

A point of interest in this respect is that the information pursuant to Article 45 is to be provided to competent law enforcement agencies by insertion in the "Single Register for Foreigners" database. A different regime applies to private business, which have three days to respond and do not have to insert the information in the electronic register.

Bulgaria is connected to 21 other Member States for fingerprints and 14 for DNA in accordance with the Prüm Decision.

3.4.6 Liaison Officers

Bulgaria has in total 14 Liaison Officers covering 15 countries in Europe, North America as well EUROPOL, EU, NATO and the South Eastern Law Enforcement Centre (SELEC).

The main tasks are the coordination of the information exchange within the Liaisons Officers Network (ILO), the information exchange with the Bulgarian Embassies abroad.

Candidates need to have at least five years of working experience and pass internal exams and interviews. The final decision of a future posting is finalised by the Minister of Interior signature. The posting last for four years with a possible extension of one more year.

Liaison officers do not have access to the (inter)national databases. In order to answer to an operational request, they have to contact the Single Point of Contact, which reduces their operational responsiveness to a certain extent.

3.5 Return

3.5.1 National return system

Due to its geographical position, neighbouring Turkey, Bulgaria is exposed to high migratory flows, as it is considered by migrants as a transit country. Majority of the apprehensions relate to third-country nationals who have irregularly crossed the Bulgarian-Turkish border. Until last year, Afghanistan was the main nationality of irregular migrants. However, there has been a recent shift with Syrians being the main nationality, followed by third-country national from Afghanistan and Iraq. The Bulgarian authorities have also observed an increased number of third-country nationals from Morocco. It should be noted that the majority of the apprehended third-country nationals are not in possession of identity documents, significantly hampering the subsequent steps. The main countries of return are Iraq, Morocco and Turkey.

There is a **very good inter-agency cooperation**, in particular between the migration directorates and the Border Police, which cooperate on a daily basis. Timely sharing of information and regular meetings are carried out.

Bulgaria cooperates with Frontex in the field of return, participating in charter flights coordinated by the Agency. Since 2019, Bulgaria has participated in 19 chartered flights, returning 49 third-country nationals.

Bulgaria pays particular focus to **apprehension** as a key measure to fight against illegal stay. In this regard, apprehension is proactively carried out, not only following regular operations but also targeted and specialised checks on specific persons and places (including joint special operations). The proactive apprehension is a point of interest to limit potential unauthorised secondary movements.

Unless the third-country national applies for international protection, Bulgarian authorities issue **return decisions** to illegally staying third-country nationals in accordance with Article 6(1) of the Return Directive. In case illegal stay is detected during exit check, no return procedure is launched as the departure of the third-country national is prioritised. Main nationalities receiving a return decision are Turkey, Afghanistan, Morocco, Iran and Iraq.

Follow-up actions in case of **discontinuation of legal stay** are also ensured. This is of particular relevance in the case of rejected asylum applications, as a very high number of third-country nationals subject to return apply for international protection, especially from detention. As a result, these third-country nationals need to be released and transferred to the open asylum centres. If the third-country national's application for international protection is rejected, the asylum authorities immediately inform the migration and border authorities of the outcome of the case. The relevant authorities approach the open centres to initiate the necessary return procedures but in a high number of cases these third-country nationals have already absconded. Consequently, an arrest warrant is issued and return procedures will (re)start when the third-country national is re-apprehended.

Concerning residence permits, the database updates on a weekly basis the list of expired permits, which is accessible, both at central and regional level. After checking if the third-country national has left the country, the regional offices will check the last known address. This significantly facilitates the monitoring of overstayers strengthening apprehension priorities.

Return activities are supported by a national **IT case management system**, which includes all relevant information and decisions on the third-country national. Police officers are able to see if the apprehended third-country national is subject to return following a fingerprint search in the mobile devices. The system is accessible by the relevant authorities on need-to-know basis. Once the renewed Schengen Information System framework is in application, return decisions stored in the national system will be immediately uploaded into the Schengen Information System in line with the requirements of the Schengen Information legal framework. The IT system enhances the timely sharing of information.

In case there is risk of absconding and less coercive measures are deemed ineffective, detention is imposed. The Bulgarian authorities have invested considerable resources to ensure a **sufficient detention capacity** to address current and expected needs. Following the construction of two multifunctional infrastructure sites, there are 4 000 available detention places (Detention centre Sofia: 400 places, Detention centre Lyubimets: 600 places, multifunctional infrastructure site Elhovo: 1 768 places, multifunctional infrastructure site Lyubimets: 1 232 places).

Special focus is paid to **identification procedures**. Interviews are carried out not only during the initial apprehension but also at a later stage once the third-country national has received the return decision. In the visited detention centres, staff of the facility conduct identification interviews supported by Frontex. This proactive approach in pre-return activities, not only relying on the information obtained during the initial apprehension, plays an important role for an effective return procedure. However, given the current migration flows and the high number of weekly arrivals (e.g., only last week 300 new returns were admitted in Lyubimets detention centre), increased number of staff will need to be dedicated to this task as the current resources are stretched to the limit. Regular interviews are also carried out in case of not detained third-country nationals subject to return. Usually, the first interviews are carried out every two weeks and after the meetings are more frequent. In case they do not show up for the meeting, a request for a Police search is made by the Migration Directorate. The Migration Directorate also monitors the employers.

Given the nationalities of the returnees, cooperation with third countries on **readmission** is identified as the main challenge. All key third countries have diplomatic missions in Sofia but in case there is no diplomatic mission, the Ministry of Interior requests assistance to the Minister of Foreign Affairs. Aiming at strengthening the cooperation, the relevant authority is using the Readmission case management systems (Armenia, Pakistan, Bangladesh, Sri Lanka). Bulgarian authorities make use of the EU travel document.

Bulgaria implements the EU Readmission Agreement with Turkey and cooperation is reported as very good. However, it should be noted that Turkey only accepts to readmit its own nationals. With regards to Greece, there is also a very good cooperation. The Hellenic authorities readmit the majority of the third-country nationals apprehended after crossing from Greece.

Until August last year, Bulgaria had a very good cooperation with Afghanistan, which represented one of the main nationalities in terms of irregular migration. Given the current situation in Afghanistan, removals are not carried out.

In what concerns MENA countries (mostly Morocco, Tunisia, Iraq, Iran, Egypt), Bulgaria faces challenges as these countries only accept cases of voluntary returns. It should be noted that EU cooperation with these third countries for the purpose of forced returns is very limited.

According to the National Migration Strategy, Bulgarian authorities are awaiting the reply from Pakistan on the proposal to conclude a bilateral protocol to implement the EU readmission agreement. This will enhance cooperation with Pakistan.

In view of addressing the challenges on readmission cooperation, Bulgaria initiated a project funded under the Asylum, Migration and Integration Fund (AMIF). Based on this project, regular meetings take place with the diplomatic representations of key third countries to enhance cooperation. This led for instance to the recent organisation of two charter flights to Iraq. It is considered a point of interest.

Given the challenges in return, particular focus is paid to **voluntary returns**, which is a key priority of the national strategies on migration and integrated border management. The International Organization for Migration carries out assisted voluntary return, which has 14 people working on return. Although return counselling and outreach is carried out both by the migration authorities and IOM, notably at the detention centre, further efforts are needed in this regard. Current resources and activities are not sufficient to have a qualitative engagement with the third-country nationals subject to return during the different steps of the procedure, in particular given the very high number of returnees in detention, the numerous tasks to be performed by the detention staff and the non-permanent basis of the International Organization for Migration in detention. Furthermore, Bulgarian authorities are encouraged to further increase its participation in the Joint Reintegration Services provided by Frontex.

3.5.2 Return procedures²¹

If a third-country national is apprehended by the Border Police he/she is taken to police custody, for a maximum of 24 hours, in view of conducting the initial identification interview. Questions on family situation and *non-refoulement* may also be asked. However, these issues are more comprehensively assessed at a later stage, in particular during the interviews carried out in the detention centre. During this initial apprehension, authorities also assess the medical situation of the third-country national in case a medical examination is needed. Third-country nationals are fingerprinted and registered in the national database and EURODAC. Checks against national and European databases (Schengen Information System, Interpol) are also carried out. Chief Directorate Border Police has standard templates for conducting these interviews, which are limited to screening.

²¹ Bulgaria applies Articles 2(2)(a) and 2(2)(b) of the Return Directive. Consequently, the Return Directive is not applied to third-country nationals subject to a refusal of entry in accordance with the Schengen Borders Code, or to third-country nationals apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State. Furthermore, the Return Directive is not applied to third-country nationals subject to return as a criminal law sanction or as a consequence of a criminal law sanction, according to national law, or who are the subject of extradition procedures.

Based on the information obtained during this initial interview, the return decision is issued. This may include a period for voluntary return (between 7 and 30 days), which can be prolonged. In case a period for voluntary departure is granted, the authorities assess the risk of absconding in the individual case and may impose measures such as, reporting to the police, bail, or handling of travel documents. In case these less coercive measures would not be effective in the specific case, detention is imposed. This is the case for instance when the third-country national has no identity documents. According to the statistics of the last years, detention is ordered in the majority of the cases. For instance, in 2022, so far only six third-country nationals were subject to alternative measures, 21 in 2021, 26 in 2020 and 53 in 2019.

Return decisions can also be issued without a period for voluntary departure, especially where the person presents a threat to the national security or to the public order.

Return decisions are issued in writing and include the obligation to leave, the country of return, a short explanation with the factual and legal grounds as well as information about available legal remedies. Decisions are issued in Bulgarian but an oral translation in a language the third-country national understands is provided when necessary.

Concerning entry bans, according to national legislation, these should be imposed if no period for voluntary departure is imposed or in case of non-compliance with the period for voluntary departure. Regular training on this matter is required to ensure that entry bans are always issued in these cases.

Given the rejection from the Turkish authorities to readmit third-country nationals who have transited in Turkey, despite the EU-Turkey readmission agreement, returns usually take place to the country of origin.

Removals are carried out in accordance with Frontex standards. There are around 40 escorts (100 officers can be also used for this purpose). Before the operation, a risk assessment is performed, where the risk of *refoulement* is assessed, the fit-to-fly is issued and the escort needs are identified.

In accordance with Article 39(2)(a) of the Foreigners Law, the Ombudsman is the authority responsible for monitoring forced returns. The Helsinki Committee is monitoring removals carried out by Chief Directorate Border Police. Although the national working arrangements only cover the cooperation with the Ombudsman and the Helsinki Committee, representatives of national or international non-governmental organizations could also carry out this task²².

The Ombudsman is informed of all operations and has full access to the file of the returnee. Due to limited funds, the monitoring intensity is low and, in many instances, it only covers the procedure at the airport. After the operation, the Ombudsman writes a report with recommendations and also an annual report is drafted.

Based on the above, return procedures are carried out in accordance with the main requirements of the Return Directive.

3.5.3 Procedural safeguards

Once the third-country national is apprehended, during the initial interview he/she is informed of his/her rights, including the possibility to apply for international protection, and can have access to **free legal aid**. In case of difficulties in communication, **interpretation** is provided.

In accordance with the Legal Aid Act, free legal aid can be provided to third-country nationals during the different steps of the return procedure. This is provided by the National Legal Aid Bureau and the local Bar Councils. Non-governmental organisations such as the Helsinki Committee and UNHCR also provide free legal assistance, especially in detention. Given the increased number of third-country nationals subject to detention, sufficient resources have to be dedicated to ensure that third-country nationals are adequately informed and provided with this assistance in case needed.

²² Between 2015 and 2018, the NGO ‘Centre for Study of Democracy’ monitored forced-return operations with the aim of drafting national standards on forced-return monitoring – funded by the Asylum, Migration and Integration Fund (AMIF). In 2015, 2 operations were monitored and between 2016 and 2018, 15 operations were monitored. Based on this, national standards on forced-return monitoring were drafted.

With regards to interpretation, Bulgaria has a contract with an organisation providing this service based on an AMIF-funded project. The UNHCR representative, pointed out the challenges to provide interpretation at border police stations, especially within the 24-hour timeframe.

In what concerns **remedies**, return-related decisions, including detention, can be appealed within 14 days. Detention can be imposed for a maximum of six months, which could be prolonged for a total of 18 months. Families with small children can only be detained for a maximum of three months and unaccompanied minors are not held in detention. The relevant authority carries out a monthly assessment to determine whether the conditions for detention are still met. Judicial supervision only takes place when the detention is to be prolonged or when the third-country national has appealed.

3.5.4 Detention

The on-site-team visited the detention centre in Lyubimets, including the multifunctional infrastructure, which has a total capacity of 1 832 places. At the time for the visit, 1167 third-country nationals were accommodated in the centre, 1103 males and 64 females. There had been 36 new arrivals in the last 24 hours and 300 since the beginning of the week. There is a significant annual increase in the detention occupancy. According to the statistics provided, in September this year, 1628 new arrivals were registered (compared to 621 in September 2021), in August this year, 1496 new arrivals were registered (compared to 631 in August 2021). On average, the time of detention is 21 days. This is mostly related to the fact that most of the detainees ask for asylum and are immediately transferred to the dedicated centres for asylum seekers.

The centre consists of two compounds with a total area of 50 000 square meters. The compounds are surrounded by concrete walls, topped by fences. On top of the fences there are concertina wires. Attached to the walls there are guard towers for surveillance purposes. The outside area is also monitored by CCTV-cameras.

The centre has a family unit, accommodating families and women. At the time of the visit, there were 111 families detained and 136 minors (49 of them younger than 14 years old). Up to three unrelated families could share the same dormitory. The overall impression was an absence of privacy for the families, especially given the many minors present, which were in constant contact with unrelated adults. As a consequence, the best interest of the child may not be fully guaranteed at all times.

In the other compound, there are 12 container modules with residential areas (1 232 beds). There are no common areas or dining room areas and the outside area is the one that surrounds the container modules. In this compound single males and males accompanied by children are placed. According to information from the management there are in total 140 toilets and 84 showers. Given the number of detainees, this may not be sufficient to address all needs.

The detention centre has no specially designed isolation rooms. In case necessary, the detainee can be placed in a room that it is not furnished.

On arrival, detainees are provided with the house rules, which are translated to the most common languages. The detainees have access to those rules at any time while staying at the centre and they are also posted on the walls, giving further effect to Article 16(5) of the Return Directive.

A medical screening is also conducted on arrival and there is always at least one doctor on duty. There are four doctors, one nurse and two psychologists who are working at the centre. By the time of the visit, there was an additional two doctors working at the centre. Given the number of detainees, this may not be sufficient to address all needs. If necessary, detainees have access to emergency medical care at the nearby hospital. The medical staff considered the communication with the detainees challenging, given the impossibility to have an interpreter all the time.

Concerning contact with the outside world, detainees can receive visits from families (limited to half an hour), legal representatives and consular authorities. There is a visiting room, which could host six visits at a time. If there is need for it there are other rooms that can be used for visits. Given the number of detainees, this may not be sufficient to address all needs. If detainees bring a phone with camera this will be confiscated and the detainee will upon request allowed to use it for half an hour outside of the residential area. In the detention centre, there is access to internet.

Although at the time of the visit, there were no representatives from (national or international) organisations, according to the staff of the detention centre, these are regularly present. The authorities rely to a large extent on these organisations, in particular, in what concerns, legal assistance, return counselling, training and clothing.

The facilities that were visited by the on-site-team, were generally in a reasonable state of repair. However, the very high number of detainees may create security issues (especially given the very high number of minors present) and difficulties in discovering vulnerabilities.

4. CONCLUSION

Taking into account all the above the on-site team did not identify any issues as regards the application of the latest developments of the Schengen *acquis*. This conclusion applies to both Bulgaria and Romania, for the key elements of the Schengen *acquis* i.e., management of the external borders, police cooperation, return, Schengen Information System and visa as well as the respect for fundamental rights and the functioning of the authorities that apply the relevant parts of the Schengen *acquis*. The on-site team therefore considers that Bulgaria and Romania continue to meet the conditions necessary to apply all relevant parts of the Schengen *acquis* in full.