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COVER NOTE

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| from | Secretariat |
| to | The Convention |
| Subject : | Contribution by Mrs. Hildegard Puwak, member of the Convention "Europe as an Area of Freedom, Security and Justice" |

The Secretary-General of the Convention has received the contribution annexed hereto from Mrs. Hildegard Puwak, member of the Convention.

CONTRIBUTION OF MRS. HILDEGARD PUWAK,

Member of the Convention

“Europe as an Area of Freedom, Security and Justice”

Romania strongly supports the strengthening of the area of freedom, security and justice in an enlarged Europe. The measures adopted by the Romanian Government aiming at diminishing the phenomenon of illegal immigration and combating trans-border criminality confirm Romania's commitment towards fully assuming of the responsibilities deriving from its status of future EU Member State.

As a country aspiring to join the EU in 2007 at the latest, Romania attaches a great importance to becoming early involved in the “new policies” of the Union, such as the Lisbon strategy, ESDP and the European area of freedom, security and justice, acting as a *de facto* member of the Union.

The outcome of the debates within the plenary sessions of the European Convention has clearly shown the European citizens concern for a more significant involvement of the EU institutions on the matters related to immigration and asylum. Such an approach asks for common penal procedures for all the Member States and an enhanced cooperation between the national polices.

This trend has plenary been confirmed by the conclusions of the recent European Council in Seville which have reaffirmed the determination of the EU Member States to speed up the implementation of a genuine area of freedom, security and justice and the need to develop an EU common policy on the issues of asylum and immigration.

EU enlargement will result in new challenges for the present and future members. Additionally, the events of September 11, 2001 have clearly demonstrated that maintaining a safe and stable Europe in the years to come calls for developing an integrated and comprehensive strategy on JHA issues. An integrated approach will require an improved inter-pillar coherence, since it became clear that the frontier between external security and internal security has vanished. This should also be reflected in the future structure of the Union, by incorporating the current third pillar into the first one and the second one.

Freedom is also a basic principle governing all JHA activities. The sensitive balance between the need of security and the democratic rights of the European citizens can be ensured by recognizing the basic principles incorporated in the Charter of the Fundamental Rights. For example, the fight against illegal immigration must not hamper neither the freedom of movement of persons within an enlarged EU, especially between the present and the future Member States, nor the individual security of the European citizens.

We have to identify appropriate instruments and institutional arrangements in order to facilitate an effective common JHA policy. Enhanced role for Europol and Eurojust will need to be considered whilst communitarising them, as well as setting up a European Prosecutor's Office.

As a future Member State located at the external frontiers of the Union, Romania strongly supports the full involvement of the candidate countries into the EU programs / action plans aiming to the setting up of an integrated management of its external borders. In this respect, Romania attaches high importance to establishing an European Border Police Force. To this end, we welcome the proposal of the Commission for establishing a European Police College (CEPOL) specialized in border policing training.

Concerning the fight against trans-border organized crime, (including money laundering, trafficking in human beings, drugs and arms) and international terrorism networks, increased competences for Europol and Eurojust and the setting up a European Arrest Warrant can play a significant role. These steps must be accompanied by an enhanced co-operation between national police agencies and Europol. In the meantime, full advantages of the European Arrest Warrant can be enjoyed only by an accurate transposition of the relevant Community acquis into the national legislation.

Increasing mutual trust in the judicial and police systems of the Member States and abolishing the constraints towards mutual recognition of judgments on civil and penal matters are deemed necessary.

Additionally, we envisage an extension of the co-decision procedure in the field of Justice and Home Affairs.

Romania considers the issues of illegal migration, terrorism, traffic with arms and drugs, and other forms of trans-border criminality as relevant aspects for its national security. Our recent efforts in this field have brought very positive results but the cooperation with the EU Member States, on a bilateral basis and within the frame of the EU specific programs, remains - in our view - vital for reaching the appropriate efficiency standards. Last but not the least, regional cooperation arrangements such as the Adriatic and Ionian Initiative or the Southeast European Cooperative Initiative (SECI) could be better integrated in the JHA policy of the Union.

Romania is strongly in favor of the development of a JHA dimension within the EU external action. From this perspective, the JHA dimension should be further integrated in the various common strategies, especially those regarding the current and future EU neighbors: Ukraine, Belarus, R. of Moldova, Black Sea and Mediterranean region.