

DECLARATION

BETWEEN

**THE DEPARTMENT OF HOMELAND SECURITY OF
THE UNITED STATES OF AMERICA
AND**

**THE MINISTRY OF INTERIOR AND ADMINISTRATIVE REFORM OF
ROMANIA**

**REGARDING
PRINCIPLES OF COOPERATION
ON ENHANCED BILATERAL SECURITY MEASURES FOR
INTERNATIONAL TRAVEL AND THE REQUIREMENTS OF THE U.S. VISA
WAIVER PROGRAM**

WHEREAS the U.S. Department of Homeland Security and the Ministry of Interior and Administrative Reform of Romania (hereinafter collectively “the Participants”) wish to facilitate travel by their respective citizens between their two countries by increasing border security cooperation and enhancing international travel security in a manner compatible with the requirements of the U.S. Visa Waiver Program (hereinafter “VWP”);

WHEREAS Section 711 of the “Implementing Recommendations of the 9/11 Commission Act of 2007” (hereinafter “9/11 Act”) reforms the VWP by amending conditions for the designation of countries as participants in the VWP;

WHEREAS the Ministry of Interior and Administrative Reform of Romania acknowledges that VWP privileges may be extended only to those countries that meet the requirements set forth in Section 711 of the 9/11 Act and Section 217 of the U.S. Immigration and Nationality Act (hereinafter “INA”), and wishes to meet those requirements;

WHEREAS, the Department of Homeland Security expresses its intention to consider Romania for VWP designation provided it meets the requirements set forth in Section 711 of the 9/11 Act and Section 217 of the INA.

NOW THEREFORE THE PARTICIPANTS UNDERSTAND AS FOLLOWS:

A. General Commitments

1. The Participants, together with other national competent authorities, intend to closely cooperate to enhance the security of international travel and border security, with the view toward fulfilling the requirements of the Visa Waiver Program.

2. As part of this cooperation, the U.S. Department of Homeland Security and other appropriate U.S. Government agencies intend to assist the Ministry of Interior and Administrative Reform of Romania and other competent authorities of Romania in taking measures to develop travel and border security programs, systems, and procedures that are consistent with Section 711 of the 9/11 Act and Section 217 of the INA; conform to international best practice; and are compatible with the programs, systems, and procedures in use by the U.S. Department of Homeland Security and other relevant U.S. Government agencies.

3. Such measures, programs, systems, and procedures include but are not limited to:

- a) development and issuance of electronic passports;
- b) timely reporting of lost and stolen passports;
- c) sharing information to improve border security and border screening including information on passengers;

- d) enhanced security standards for travel documents;
- e) establishment of and training for air marshals programs;
- f) other mutually beneficial measures to improve border and travel security.

B. Security Commitments

1. Information Sharing

a) The Participants, in cooperation with other national competent authorities, intend to work together closely to enhance capabilities to share information, including but not limited to the exchange of terrorist screening information to identify persons known or suspected of terrorism or terrorist activities. In this regard, the national competent authorities of Romania intend to conclude an arrangement with the United States to exchange screening information about persons known or suspected of being terrorists.

2. Reporting of Lost and Stolen Passports (LASP)

a) The Ministry of Interior and Administrative Reform of Romania, in coordination with other competent authorities of Romania, intends to report passport data for blank passports and issued passports reported as lost or stolen in accordance with Interpol best practices.

3. Air Marshals

a) The national competent authorities of Romania intend to develop and deploy an air marshals program that is in accordance with standards acceptable to the participants.

b) The national competent authorities of Romania intends to conclude an arrangement with the Transportation Security Administration, U.S. Department of Homeland Security to permit United States Federal Air Marshals to operate and carry

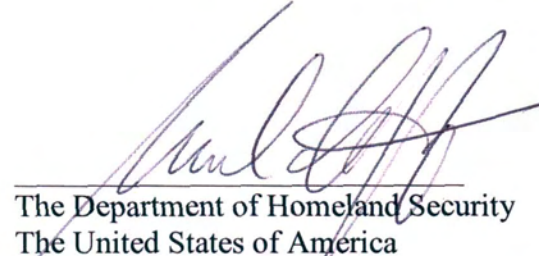
authorized weapons onboard flights by U.S. carriers that proceed to, from, or over the United States.

C. Effect

The foregoing understandings and arrangements reflect the good faith intentions of the Participants. Nothing in this Declaration is intended to be legally binding against the Participants under domestic or international law. This Declaration should not be construed to create any right or benefit, substantive or procedural, enforceable at law or otherwise as between the Participants or by any third party against the Participants, their parent agencies, the United States, Romania or the officers, employees, agents, or other associated personnel thereof.

Nothing in this Declaration is to be interpreted to affect the rights and obligations of the Participants as prescribed in the laws and legal regulations of Romania and the United States of America or by their participation in international treaties and agreements, including obligations arising from the membership of Romania in the European Union.

Signed in duplicate in the English and Romanian languages at Washington on 3 November 2008.



The Department of Homeland Security
The United States of America



The Ministry of Interior and
Administrative Reform
Romania