

**„BABEȘ-BOLYAI” UNIVERSITY
CLUJ-NAPOCA
FACULTY OF HISTORY AND PHILOSOPHY
DOCTORAL SCHOOL OF INTERNATIONAL RELATIONS AND SECURITY
STUDIES**

**CROSS-BORDER POLICE COOPERATION IN
THE FIELD OF ROAD TRANSPORTS
CASE STUDY: ROMANIA**

SUMMARY OF THE PHD THESIS

PhD coordinator:

Prof. univ. dr. HORGA IOAN

PhD. student:

GHERMAN ALIN-CIPRIAN

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SUMMARY

Keywords: *intergovernmentalism, TISPOL, Euro Controle Route, Romanian-Hungarian cross-border cooperation, actions in the mirror, mixed patrols, road accidents, Trivium, Voyager, Alcohol & Drugs, Strider, tachograph.*

In the **LACE Study on the EU Initiative INTERREG and of future prospects** from July 1997, the Association of European Border Regions describes *cross-border cooperation* as a "direct cooperation between neighbouring regions along the border, in all areas between local and regional authorities, involving all actors"¹. The emergence of the practice of *cross-border cooperation* has been possible due to the reduction of mutual prejudice and of animosities between citizens in the border regions, nurtured by the legacy and common historical subconscious, thus contributing to transforming the borders from dividing lines into a space of communication between neighbours and the development of administrative structures capable of operating at regional and local level.²

Legally the institutionalization of cross-border cooperation at European level was achieved at Madrid, on 21 May 1980 by adopting the **European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities**. The Convention perceives as cross-border/transfrontier cooperation "any concerted action designed to reinforce and foster neighbourly relations between territorial communities or authorities within the jurisdiction of two or more Contracting Parties and the conclusion of any agreement and arrangement necessary for this purpose".³ The Convention clearly stipulates that the exercise of

¹Guvernul României [Government of Romania], "Plan de stimulare a cooperării transfrontaliere în regiunea de graniță România-Bulgaria" [Plan to stimulate cross-border cooperation in the border region of Romania-Bulgaria], Proiect "Spiritul Dunării", Finanțat prin Programul Phare CBC Romania-Bulgaria 2006 RO2006/018-445.01.03.01 [Project "Danube spirit", Financed by CBC Romania-Bulgaria Phare Programme], p. 3, <http://www.spirituldunarii.ro/files/Plan-stimulare.pdf>, accessed 5 November 2013.

See Alin Ciprian Gherman, "Cross-border Police Cooperation in the Field of Road Traffic between Romania and Hungary. Case Study: Bihor and Hajdú-Bihar Counties," in course of publication in *Eurolimes* journal, Oradea, Editura Universității din Oradea.

² Ibidem.

³Consiliul Europei [Council of Europe], "Convenția cadru europeană nr. 106/1980 privind cooperarea transfrontalieră a colectivităților sau autorităților teritoriale"[European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities nr. 106/1980], Art. 2,

the practice of cross-border cooperation can only be achieved within the competences of territorial communities or authorities, as defined by internal law, without affecting the scope and nature of these national powers by the provisions of this legal document. Within the document is emphasized the contracting parties' commitment to facilitate and promote cross-border cooperation between territorial communities or authorities under their jurisdiction and territorial communities or authorities which are under the jurisdiction of third parties, materialized by concluding bilateral and multilateral agreements and arrangements.⁴

Government Ordinance no. 120/1998 for ratification by Romania of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities represents the framework for the development of the activities of cross-border cooperation by the authorities in Romania⁵. With the entry into force of the Treaty of Maastricht, police cooperation at EU level was integrated into the third pillar of the EU, Justice and Home Affairs.⁶ Regarding cross-border police cooperation for road traffic, this part of police cooperation is regulated in Articles 39-47 of the Convention implementing the Schengen Agreement from 1990.⁷

If we look at the forms of cross-border cooperation, these can range from cooperation in the field of infrastructure, tourism, recreation, environmental protection, cultural exchange, human resources, regional development and sustainable development to cooperation in law enforcement, security and the fight against organized crime.⁸ This research has not proposed to

<http://lege5.ro/Gratuit/g44dimjw/conventia-cadru-europeana-nr-106-1980-privind-cooperarea-transfrontaliera-a-colectivitatileor-sau-autoritatilor-teritoriale>, accessed 5 November 2013.

⁴ Ibidem., Art. 1

⁵ Guvernul României [Government of Romania], "Ordonanța Guvernului nr. 120/1998 pentru ratificarea de către România a Convenției cadru europene asupra cooperării transfrontaliere a colectivităților sau autorităților teritoriale [Government Ordinance no. 120/1998 for ratification by Romania of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities]", publicat în Monitorul Oficial nr. 329 din 31 August 1998, <http://www.legex.ro/Ordonanta-120-1998-15114.aspx>., accessed 5 November 2013.

⁶ Once with the ratification of the Lisbon treaty the pillar system disappears.

⁷ Jurnalul Oficial al Uniunii Europene [Official Journal of the European Union], "Convenție de punere în aplicare a Acordului Schengen din 14 iunie 1985 între guvernele statelor din Uniunea Economică Benelux, Republicii Federale Germania și Republicii Franceze privind eliminarea treptată a controalelor la frontierele comune"[Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders], Art, 39-47, pp. 192-197, <http://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:42000A0922%2802%29&from=EN>, accessed 13 September 2013.

⁸Süli-Zakar István, "The Role of Euroregions and Eurometropolises in the Etheralisation of the Borders in the Eastern Periphery of the European Union," in *EuroTimes 7, Europe and the Neighbourhood*, ed. Dorin Dolghi et al. Oradea, Oradea University Press, Spring 2009 p. 144; Pavlo Molochko, "Current Trends of Cross-border Cooperation of Ukraine and Romania," in *Evaluarea cooperării transfrontaliere la frontierele României* [Evaluation

undertake a review of all these types of cross-border cooperation, limiting only to cross border police cooperation in road transport in the European Union, given that these represent 44% of total transports at the level of the Union . As the title of the paper shows, this research focuses on the analysis of cross-border police cooperation in the field of road transport, taking as case study Romania, namely the cross border traffic police cooperation between Romania and Hungary (Bihor and Hajdu-Bihar counties) through the so called *actions in the mirror*.

Choosing this theme was influenced by our professional activity performed as an inspector within the Traffic Directorate of the Police Inspectorate of Bihor County, having proper theoretical and practical knowledge required for undertaking such large-scale analyzes.

We want to emphasize that the current thesis does not fit among those researches limited to a simple definition of terms of *CBC cooperation, cross-border police cooperation in the field of road traffic*, enumeration and analysis of specialized institutions, implementation of legislation and a simple case study of cross-border traffic police cooperation, but it proposes an innovative approach through the objectives and the launched assumptions.

Regarding the **research objectives**, we should mention that the work has three dimensions:

- Before talking about concrete forms of police cooperation in the field of road traffic in the EU and in our country, we consider essential the examination of the *acquis communautaire* in the field of road transport and its application in the local environment, since all aspects of road transport and road safety are regulated by the supranational institutions of the European Union. Thus the **first dimension** of the research is to analyze the application of the *acquis communautaire* in road transport in national law and the degree of its implementation;
- **The second dimension** aims to reveal whether the transposition of the *acquis communautaire* and of the European legislation in the field of transport and road safety in the Romanian legislation, as well of the acquired good practices of cross border traffic police cooperation contribute to improving road safety and reducing road deaths and crime in our country;

- **The third dimension** concerns the inspection of some operations coordinated by TISPOL/ Euro Controle Route and the activities developed by the Romanian Traffic Police in accordance with the Operation Plan of TISPOL and of the Euro Controle Route. The thesis has two main hypotheses that we will try to validate throughout the research.

According to the **first hypothesis**, we consider that the training, exchange of experience and the participation of the Romanian traffic policemen in operations coordinated by European law enforcement agencies in the field of road transport, such as TISPOL or Euro Controle Route will help to streamline the working methods of the traffic police agents in the country, and thus implicitly contributes to improving road safety and reducing road accidents and crime in Romania. According to the **second hypothesis** subject to validation, we perceive the Romanian-Hungarian bilateral cooperation, especially cooperation between the police inspectorates of Bihor and Hajdu-Bihar counties in the field of road traffic, analyzed through the prism of the so called *actions in the mirror* and *common police patrols*, an example of good practice of cross-border police cooperation.

Concerning the methodology, throughout the research we pursue combining the theoretical and practical aspects with the empirical studies, so that the thesis to give a clear, logical sequence and appearance of continuity. As research methods, firstly we identify the content analysis of various primary and secondary documents which regulate police cooperation in general and then cross-border cooperation on the field of road transport. Undoubtedly, the secondary sources, such as books, scientific articles and chapters in edited volumes play an important role in developing the current study, but its foundation is built on official documents, reports, national ordinances, directives and Community regulations and not least on the documents from the internal database of the Police Inspectorate of Bihor County.

Secondary sources have given the work a solid theoretical foundation, these being particularly useful in developing the theoretical skeleton of the research and of the analysis of the historical evolution of the cross-border police cooperation in the European Community and later in the European Union. Among the most important secondary sources we mention:

- Andrew Moravcsik's and Frank Schimmelfennig's article, "Liberal Intergovernmentalism" appeared in the collective volume of Antje Wiener and Thomas Diez, *European Integration Theory*, and Moravcsik's reference book, *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*, which were

indispensable in the development of the theoretical skeleton, theoretical pillar of the work based on liberal intergovernmentalism promoted by Moravcsik.

- The volume of Eugen Corciu and Aurel Mihail Băloi, *Institutions of police cooperation. Introductory notes* contributed to the realization of a comprehensive review of the development of police cooperation in the European Community/European Union.
- Valuable information on the *acquis communautaire* in the field of road transport and its implementation in the Romanian legislation were identified in the work of George Caraiani et al. *The acquis communautaire and the sectoral policy in the field of transports in the European Union*.

Most of the secondary sources have been found in the Library of the University of Oradea, County Library of Oradea and the Library of UBB Cuj-Napoca. The gathering of secondary sources for the chosen topic for debate, namely the demystification of police cooperation in the field of road transport, turned out to be a great challenge because of the lack of literature on this field. Most of the domestic sources addressing the phenomenon of cross-border police cooperation, are limited to its overview, or at most to the examination of the existent cooperation between the Romanian border police agencies and third countries. In the field of road transport abound courses of road traffic, volumes that deal with traffic accidents and risk factors and sources describing elements of police tactics and operational procedures concerning the intervention of structures of public order and safety, but none of these addresses explicitly cross-border police cooperation in the field of road transport and traffic. The lack of such sources both nationally and abroad, made impossible to analyze the development of police cooperation in road transport in the European Union in a separate chapter. We have tried to mitigate this weakness through an in-depth inspection of the European Traffic Police Network (TISPOL) and some of its coordinated operations, operations in which also traffic policemen from Romania participate in an active way.

In undertaking an analysis of these operations we could only use official internal documents drawn up by TISPOL and by the Romanian authorities. The case study presented in the last chapter of the study aimed at investigating cross-border cooperation between the traffic police agencies of Romania and Hungary (especially those from Bihar and Hajdu-Bihar counties) was developed almost entirely using documents from the internal database of the Police Inspectorate of Bihor County. Thus, we want to highlight the importance of primary sources and

sources provided by the virtual space, without which we could not undertake an exhaustive and updated research. While elaborating the study we combined qualitative research with quantitative one, because while qualitative research generates overall information in the general context, quantitative research explains the key aspects sighted using qualitative methods. The **method of quantitative analysis** was implemented in the penultimate and last chapter of the research:

- Once by corroborating the national and European statistics regarding the results of the road traffic operations undertaken at European and national level, and the development of deaths and road accidents, and crimes related to traffic;
- Secondly by presenting and interpreting the results of the actions in the mirror undertaken by the traffic police in the counties of Bihor and Hajdu-Bihar and of the statistics concerning the target to reduce the number of accidents and deaths caused by road accidents in the two neighbouring counties.

As we haven't only borrowed the statistics provided by TISPOL, Euro Control Route, and the Romanian and Hungarian National Police, but we also created and interpreted them, thus **graphical analysis** can be enumerated among the used research methods. Wishing to identify the differences and / or similarities with regard to road safety, and the development of road accidents resulting in injury and deaths from Bihor and Hajdu-Bihar, we compared the statistics compiled by the specialized authorities in the two counties, thereby also realizing a **comparative analysis**. To confer our research a more practical character and to have an overall picture on the Romanian-Hungarian bilateral police cooperation, first we identified and later got in touch with people initiated in the field, in order to make an **interview** with them.

Among these persons is Liviu Popa, Police Quaestor head of the Police Inspectorate of Bihor County and Mr Attila Bacsó Lt. Colonel head of the Traffic Police Department of the Hajdú-Bihar Police Captaincy. The full text of these interviews, and contact details of those interviewed can be found in the annexes of the thesis in order to verify the authenticity of the provided information.

To achieve the set objectives we have structured the intercession in several stages, which are found in the **five chapters** of the thesis completed with the conclusions.

The first chapter is devoted entirely to the theoretical framing, where we didn't only choose a theory which represents the theoretical pillar of the research, but through an introductory note we have justified this choice. Regarding the theoretical framing of the paper, it

will consist of an analysis of a theory of international relations and of another from the field of European integration.

Considering the fact that even after the entry into force of the Lisbon Treaty and the changes brought in the field of Justice and Home Affairs, the national authority is primordial in relation to European authorities, a distinctive attention distinctive will be allotted to the *liberal intergovernmentalist theory* promoted by Andrew Moravcsik. Since the aspects of cross-border police cooperation in general, and nowadays even those of road transport (with offenses related to drug trafficking, trafficking with human beings, or smuggling, mobile groups of organized crime) have a securitarian dimension, in the study we will also make reference to the *securitization theory*, paradigm in the field of security studies inspiring from the constructivist approaches of the representatives of the Copenhagen School

However, we should mention that in the core of the analysis is the liberal intergovernmentalism, the securitization treaty being treated only superficially, because the work in question does not investigate the securitarian dimension of the cross-border police cooperation. In outlining the basic assumptions of *liberal intergovernmentalism* the three stage model of Moravcsik or the rational model of international cooperation will be of great help, describing the process of European integration in three steps, emphasizing *national preferences*, *negotiation process* and that of *institutionalization*.

In the **second chapter** we proposed defining the term *police cooperation* and undertaking an exhaustive analysis of the development of the cross-border police cooperation at the level of the European Community and later that of the European Union from a historical perspective, highlighting the first forms of intergovernmental cooperation from the so called Trevi group from 1976 till nowadays. Also in this chapter among our desiderata is the presentation of the institutional framework of police cooperation at European level and the examination of reasons of common interest that justified the initiation of cooperation at Community level in an area that was previously an exclusive competence of the nation-state. Wishing not to transform our work into a simple sequence and registry of policing agencies of the European Union, we have confined the survey only on three police institutions, namely **Europol** (European Police Office), **Frontex** (European Agency for Management of Operational Cooperation at the External Borders of the Member States of the European Union) and **TISPOL** (European Traffic Police Organization), the leading agency in terms of our study.

In this part we can trace the historical evolution of police cooperation and we will also understand how an area which wasn't foreseen by the founding treaties of the European Community, and was born as a reaction to the globalization of crime and cross-border crime, was later incorporated into the third pillar (Justice and Home affairs) of the EU under the auspices of the Maastricht Treaty. The thorough inspection of the basic treaties of the European Community/European Union shows that the main form of decision-making regarding police cooperation is the intergovernmental one, the EU governments having the final say in these matters. Within that part it was proposed the presentation of various forms of interstate and inter-institutional police cooperation, ranging from horizontal to vertical and vertical hybrid cooperation, because the joint cross-border operations in road transport represent not only examples of good practice of inter-state police co-operation, but also inter-institutional ones. Inter-institutional police cooperation will be illustrated through the TISPOL/Europol nexus, respectively TISPOL and Euro Controle Route.

The third chapter begins with an inspection of the progress of the common transport policy in the European Community, but the main objective is to examine the *acquis communautaire* in the field of transport in general and road transport as well as those related to road traffic safety and their implementation in Romanian law. The purpose of the European Union in the field of transport is to harmonize laws aimed at issues ranging from the size of vehicles, standardization of driving, regulating periods of driving and rest periods, liberalization of cabotage, implementation toll for the free movement of goods persons and services, thus contributing to the development of an economically and environmentally efficient transport. The *acquis communautaire* in road transport involves the regulation of social, technical, fiscal, safety and environmental protection, and this will be referred to the regulations on the application of road toll, admission to the occupation of carrier of goods and passengers, regulations regarding dimensions and weight of vehicles, passenger transport, transport within another Member State, etc.

On the other hand, traffic safety regulations and their transposition into national legislation helps to ensure road safety, reduce accidents and deaths on Community roads. Even if the first chapter proved that in the area of justice and home affairs the national authority is paramount in relation to the European authorities, however, the national authorities must apply the European directives and regulations on road traffic safety. Among these we mention the

compulsory equipping of vehicles with safety belt, regular technical inspections, proper verifications of tachographs, alcohol threshold approximation at driving etc. We cannot talk about the duties of the police agents and cross-border cooperation between them without discerning the rules by which they operate. Since sanctions play a key role in the implementation of rules relating to road safety at national level in this part we propose the implementation of Tapani Mäkinen's and David Zaidel's *traffic law compliance model*, revealing two philosophical approaches concerning the motivation of road users to respect and comply with the road traffic rules. The model promoted by Tapani and Zaidel shows that the respect or compliance with traffic rules can be the result of external constraints driven by a desire to avoid sanctions, or an internal motivation or personal beliefs to adopt appropriate behaviour by internalizing traffic rules.

The penultimate chapter is devoted to examining the operations of TISPOL and Euro Control Route agencies, perceived as examples of good practice of cross-border police cooperation in the field of road traffic. We believe that training, exchange of experience and participation of Romanian traffic policemen in operations coordinated by European law enforcement agencies in the field of road transport, such as TISPOL or Euro Control Route, will help to streamline the working methods of the traffic police agents in the country, and thus implicitly contributes to improving road safety and reducing road accidents and crime in Romania. We picked four operations to investigate, coordinated by TISPOL namely, **Operation Trivium, Voyager, Alcohol & Drugs** and **Strider** and a joint activity undertaken by TISPOL and Euro Control Route concerning the detection of traffic offenses and the fraudulent use of tachographs. We have chosen the presentation of these operations due to the fact that also the Romanian traffic agents participate in these actions, thus directly contributing to their success. Operation **Trivium** aims to fight against members of mobile organized crime groups which use the European road networks to travel and to commit illegal acts, and within these lines we have carried out a synthesis of the results of those operations from 2013 to 2015 on detected traffic offences. Regarding operation **Voyager**, it aims at detecting and preventing cross-border crimes committed by passengers travelling long distances by bus throughout Europe. The comparing of the results of operation **Voyager** undertaken in Romania, respectively in Belgium, France, Hungary, Netherlands, United Kingdom, also is among the targets set in this chapter. Besides the description of the operation **Alcohol & Drugs**, in the same time the fourth chapter proposes a

thorough analysis of the phenomenon of driving under the influence of alcohol and narcotic substances in the EU and Romania, undertaking a quantitative analysis of the evolution of accidents and deaths attributed to alcohol in the EU and Romania. In these lines are distinguished the measures proposed by the Community institutions to prevent drunk driving insisting on stricter enforcement of regulations, highlighting the need to implement stronger penalties for drunk driving and taking preventive measures. The most important objective of the **Strider** project is to reduce the number of people killed and seriously injured on Europe's roads, TISPOL pledging to support the target set by the European Commission to reduce by 50% the number of deaths on European roads by 2020. This part contains an exhaustive analysis of statistics from Eurostat and TISPOL concerning road deaths during the period 2001-2015, compared to the data elaborated by the Traffic Directorate of the Romanian Police on the dynamics of road accidents in Romania during 2004-2013.

Since we operate within the Police Inspectorate of Bihor County, we considered suitable to make a comparative analysis on the development of road accidents in Romania versus Bihor county, at the end of the investigation concluding that the phenomenon of deaths from road accidents recorded a positive trend in both the European Union and Romania, the number of casualties in road accidents decreasing significantly compared to previous years. This demonstrates the effectiveness of the European initiatives implemented successfully at national level. The last part of the penultimate chapter provides an overview of traffic offenses detected by Euro Control Route, a distinguished attention being paid to the detection of fraudulent use of tachographs, a phenomenon that constitutes a danger to the safety of both professional drivers and the other road users.

In the **last chapter** we will present the case study that aimed to investigate the road police cooperation between Romania and Hungary through *actions in the mirror* and *joint patrols*. After an analysis at *macro level* of the forms of police cooperation between the law enforcement agencies in Romania and Hungary and of the bilateral agreements between the two countries in the field of road traffic and police cooperation, the research moves at a *micro-level*, targeting exclusively the demystification of the concrete forms of traffic police cooperation used by agencies within the Police Inspectorates of Bihor and Hajdu-Bihar counties. Our position in the Bihor Police Inspectorate allowed us to have access to inside information, thus deciding limiting the research only on Bihor and Hajdu-Bihar counties, not involving the other Romanian

counties (Timis, Arad and Satu-Mare) bordering Hungarian counties (Csongrad, Bekes, Szabolcs-Szatmár). The information found in the internal database of IPJ Bihor have facilitated the process of compiling a chronological compendium of the evolution of meetings and bilateral agreements between representatives at the level of senior officials of IPJ Bihor and Hajdu-Bihar, especially regarding police cooperation in the field of road traffic in the period 2004-2015. In our opinion the added value of this chapter and at the same time of the entire research consists in the examination of the concrete forms of police cooperation in the field of road traffic, namely: *actions in the mirror*, *joint patrols* and *collaboration in reducing accidents and deaths caused by road accidents*.

By *actions in the mirror* we understand simultaneous actions undertaken to ensure the safety of all road users, preventing and addressing the main causes generating accidents, preventing and combating acts of antisocial nature, of street crime, identification of persons and goods tracked by law and, generally, maintaining a climate of order and public safety across the two neighbouring counties. *Joint patrols* are made up of law enforcement agents from the two counties to ensure order and the safety of tourists in the tourist resort of Hajdúszoboszló, Hajdu-Bihar county, Hungary, and Baile Felix, Stana de Vale tourist resorts, Padis tourist area, Șuncuiuș Vadu Crisului, from Bihor County, Romania.

This last chapter is full of quantitative analysis and statistics concerning the summing up of operations undertaken on road safety offenses and imposed penalties. Comparing the statistics realized at the level of the two counties on accidents and deaths caused by road accidents will help us to have an overall picture of the development in this aspect. The comparative analysis shows that in Hajdu-Bihar County there have been more serious accidents in the period 2011-2014 than in Bihar, but at the chapter of road deaths the neighbouring county stays better, registering a smaller number of casualties in road accidents. Reducing road traffic fatalities are among the desiderata of the *actions in the mirror* and of *patrols* jointly conducted by the police inspectorates of Hajdu-Bihar and Bihar. We believe that the statistics presented in the two counties show a significant improvement in terms of reducing the number of accidents with fatalities on the roads of Hajdu-Bihar-Bihor Euroregion. The interviews taken with persons identified in the previous lines would come to fruition in this chapter, helping us to validate the main hypothesis of thesis that considers the Romanian-Hungarian bilateral cooperation,

especially cooperation between the police inspectorate of Bihor and Hajdu-Bihar in the field of road traffic an example of good practice of cross-border police cooperation.

The research results and conclusions include our comments on the proposed topic. The study has its limitations because it does not address at all the cross border police cooperation in the field of road traffic with the other neighbours of Romania in the Schengen area and beyond. The lack of this analysis is explained by the desire to deepen one theme not to superficially treat more. We believe that the research brings something new to the studied field and may contribute to filling that gap in the specialized literature by analyzing the operations coordinated by TISPOL and their implementation at national level, just as the investigation of the road traffic line of the Romanian-Hungarian cross-border police cooperation.

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