# Protocol between the Austrian Federal Government and the Government of the Republic of Moldova for the Implementation of the Agreement between the European Community and the Republic of Moldova on the Readmission of Persons Residing Without Authorisation, signed in Brussels 10 October 2007

The Austrian Federal Government and the Government of the Republic of Moldova, hereinafter referred to as ”the Parties”,

striving to facilitate the implementation of the agreement between the Republic of Moldova and the European Community on readmission of persons residing without authorisation (hereinafter referred to as "Readmission Agreement") on the basis of its Article 19,

have agreed as follows:

## Article 1
## Designation of the competent authorities

Pursuant to Article 1 lit. l, Article 8 paragraph 3 and Article 19 paragraph 1 lit. a of the Readmission Agreement, the parties have designated the following competent authorities for implementation:

a) For the receipt, submission and processing of readmission applications and transit applications:

For the Austrian Federal Government:

Federal Ministry of the Interior
Department II/3
Minoritenplatz 9
1014 Vienna
Phone: +43 (1) 53126/3556
Fax: +43 (1) 53126/3136
E-mail: BMI-II-3@bmi.gv.at

For the Government of the Republic of Moldova:

Ministry for Internal Affairs
Office for Migration and Asylum
Ştefan cel Mare 124 str.
Phone/fax: +373 22 272203
E-mail: migrare@migrare.gov.md

b) For conducting an interview with a person to be readmitted upon request:

For the Austrian Federal Government:

Austrian Embassy in Moldova
A. Mateevici 23B
2009 Chişinău
Phone: (373/2) 27 39 370
Fax: (373/2) 27 21 411
E-mail: chisinau@ada.gv.at

For the Government of the Republic of Moldova:

Embassy of the Republic of Moldova in Austria
Löwengasse 47/10
1030 Vienna
Phone: +43 (1) 96110 30, 96110 27
Fax: +43 (1) 96110 30 34
E-mail: vienna@moldmission.at

Article 2
Border crossing points

Pursuant Article 19 paragraph 1 lit. a of the Readmission Agreement, readmission and transit may take place at the following border crossing points:

For the Austrian Federal Government:

Vienna International Airport
Wien-Schwechat
Stadtpolizeikommando Schwechat
Grenzpolizeiinspektion
1300 Flughafen Objekt 102
Tel. +43 (0) 70166/740
Fax +43 (0) 70166/749
E-mail: GPI-N-Schwechat-Flughafen@polizei.gv.at

For the Republic of Moldova:

International airport Chişinău
Boulevard Dacia 80/3
Mun. Chişinău

If required, the competent authorities of the parties may also agree on readmission or transit by land.

Article 3
Further means of evidence regarding nationality

In accordance with Article 8 paragraph 1 and Article 19 paragraph 1 lit. d of the Readmission Agreement, the competent authorities of the parties may communicate to each other the biometrical data and other data of the person to be readmitted as further means of evidence regarding nationality. If the person to be readmitted needs to be interviewed, the readmission application pursuant to Annex 5 of the Readmission Agreement shall contain the corresponding designation in item F.

Article 4
Technical means for submission and receipt of a readmission application

The competent authorities of the parties shall use fax or official electronic means of correspondence for the submission and receipt of the readmission application.

The transmission report or the electronic receipt, if an official electronic means of correspondence is used, shall serve as proof of submission or receipt of the readmission application.

Article 5
Communication of the transfer data

Pursuant to Article 11 paragraph 1 of the Readmission Agreement, the competent authority of the requesting party shall notify the competent authority of the requested party of the forthcoming transfer at least 48 hours prior to the transfer of the person to be readmitted. Communication shall take place using fax or official electronic means of correspondence and the data contained in the transfer form provided in Annex of this Implementing Protocol.

Article 6
Readmission under the accelerated procedure

The competent authorities of the parties mutually agree to perform readmission under the accelerated procedure subject to the requirements of Article 6 paragraph 3 and Article 10 paragraph 2 of the Readmission Agreement. The parties shall carry out the transfer under the accelerated procedure within the shortest possible time.

Article 7
Conditions for escorted transfer

Pursuant to Article 19 paragraph 1 lit. c of the Readmission Agreement, the parties agree on the following conditions for escorted transfer or transit in their respective territories:

- The escort shall be responsible for escorting and handing over the persons to be readmitted to an authorised person of the competent authority of the state of destination.
- The escort shall fulfil its duties unarmed and in plain clothes; it shall carry documents to prove consent to the return or transit operation and shall be able at any time to prove its identity and official authorisation.
- The requested party shall assure the escort of the same protection and the same support in fulfilling its duties as it offers its own officers authorised to fulfil these duties.
- The escort shall be subject to the legislation of the requested party in all cases. The powers of the escort while escorting the person to be readmitted or during a transit operation shall be limited to self-defence. If no officers of the requested party authorised to take the necessary measures are available in situations of immediate and serious danger, the escort may take reasonable and appropriate measures to prevent the person to be readmitted from escaping, inflicting injuries upon himself or third parties or damaging property.
- The escort shall carry the travel document and other required documents or personal data of the person to be readmitted and hand them over to the representative of the competent authority of the state of destination. The escort must not leave the place agreed on for transport prior to completion of transport of the person to be readmitted.
- The competent authorities of the requesting party shall ensure that, where necessary, the escort has been issued the entry visas for the transit country/transit countries and the state of destination.



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## Article 8
## Transit modalities and support

(1) Pursuant to Articles 13 and 14 of the Readmission Agreement, the parties shall agree on the following practical modalities for transit:

- A transit application (pursuant to Annex 6 of the Readmission Agreement) shall be submitted to the competent authority of the requested party, using fax or official electronic means of correspondence, at least 4 working days prior to the planned transit operation.
- If the requesting party considers it necessary to ask the requested party for support in a specific transit operation, this shall be noted in item C.4 of the transit application form (Annex 6 of the Readmission Agreement). The competent authority of the requested party shall declare in its reply to the transit application if it can comply with this request.
- The competent authority of the requested party shall reply by means of fax or official electronic means of correspondence within 4 working days after receiving the transit application, however, not later than 48 hours prior to the transit operation and shall declare if it agrees to the transit operation and the intended time of transfer, the proposed border crossing point, mode of transport and use of escorts.
- If the person to be readmitted is transported under escort by air, the competent authority of the requested party shall take care of the guarding and boarding measures for the person to be readmitted on its territory and in doing so shall be supported as far as possible by the competent authority of the requesting party.

(2) The requesting party agrees to take back a person to be readmitted pursuant to Article 13 paragraph 4 of the Readmission Agreement without delay if:

- consent to transit pursuant to Article 13 paragraph 3 of the Readmission Agreement has been withdrawn or no consent has been given;
- the person to be readmitted has illegally entered the territory of the requested party during transit;
- the transport of the person to be readmitted to another transit country or another state of destination has failed;
- transit is impossible for other reasons pursuant to Article 13 paragraph 3 lit. c of the Readmission Agreement.

## Article 9
## Readmission in error

The competent authorities of the parties agree that the requesting party shall take back any person upon the duly motivated request by the requested party if it is established subsequently that the readmission requirements were not met. In cases of readmission in error all documents concerning the person shall be returned in the original to the competent authorities of the requesting party.

## Article 10
## Costs

All costs pursuant to Article 15 of the Readmission Agreement shall be borne by the requesting party and if necessary reimbursed to the requested party within 30 (in words: thirty) days after receipt of the documents supporting these costs by means of bank transfer in Euro.



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Article 11
Expert meetings

The competent authorities of both parties shall organise expert meetings, as needed, in particular for the implementation of the Readmission Agreement and this Implementing Protocol. Time and place of these consultations shall be determined by mutual agreement.

Article 12
Language used

The parties shall use the English language in the procedures carried out in accordance with the Readmission Agreement and the Implementing Protocol.

Article 13
Obligation to notify

The parties shall notify each other without delay through diplomatic channels of every change relating to the competent authorities and competent diplomatic representations designated as contact points in Article 1 as well as to the border crossing points designated in Article 2 of this Implementing Protocol.

Article 14
Relation to other agreements

This Implementing Protocol shall not affect the obligations of the parties resulting from other international agreements.

Article 15
Settlement of disputes

(1) Disputes, which might arise from the interpretation or application of this Implementing Protocol, shall be settled by expert meetings pursuant to Article 11 of the Implementing Protocol. The parties shall jointly notify the Joint Readmission Committee of the results of the expert meetings.

(2) If disputes cannot be settled pursuant to paragraph 1 of this Article, they shall be settled by the parties through diplomatic channels.

Article 16
Entry into force, modifications and denouncement

(1) This Protocol is concluded for an unlimited period and shall enter into force on the first day after receipt of the notification by the Joint Readmission Committee pursuant to Article 19 paragraph 2 of the Readmission Agreement.

(2) Both parties may modify and amend this Protocol by mutual agreement. Modifications and amendments shall enter into force pursuant to Article 16 paragraph 1 of this Implementing Protocol.

(3) The Protocol shall cease to apply at the same time as the Readmission Agreement.

(4) Each party may denounce this Implementing Protocol in writing at any time through diplomatic channels. In this case the Implementing Protocol shall cease to apply three months after the date of receipt of such written notification through diplomatic channels.

Done at Chişinău on 25.9.2010 in two originals, each in the German, Moldovan and English languages, each of these texts being equally authentic. In case of diverging interpretations the English text shall prevail.

For the Austrian Federal Government:

Maria Fekter m.p.

For the Government of the Republic of Moldova:

Victor Catan m.p.

***Annex***

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.....

(Designation of requesting authority)

.....

(Place and date)

Reference: .....

To

.....
.....
.....
.....
.....

(Designation of requested authority)

**TRANSFER INFORMATION**

pursuant to Article 5 of the Protocol of ..... between the Austrian Federal Government and the Government of the Republic of Moldova for the Implementation of the Agreement between the European Community and the Republic of Moldova on the Readmission of Persons Residing Without Authorisation

**PERSONAL AND READMISSION DETAILS**

1. Full name (underline surname):

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2. Date of birth:

   .....

3. Type of return (by air or by land):

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4. Date:

   .....

5. Time:

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6. Place of transfer (border crossing point):

   .....

7. State of health:

   .....

8. Escorted return: ☐ yes ☐ no

   If so, details on escorting persons:

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   .....

9. Security measures to be arranged at the place of destination:

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……

.....
(Signature of requesting authority) (Seal/stamp)