

PROTOCOL

On the implementation of the Agreement on the readmission of persons residing without authorization, as published in the Official Journal of the European Union, L 334/1 – L 334/24 on 19.12.2007, concluded between the Government of the Republic of Austria represented by the Federal Minister of the Interior and the Government of the Republic of Macedonia

Pursuant to Article 19 of the Agreement on the readmission of persons residing without authorization, as published in the Official Journal of the European Union, L 334/1 – L 334/24 on 19.12.2007 (hereinafter referred to as “the Readmission Agreement”), the Government of the Republic of Austria represented by the Federal Minister of the Interior and the Government of the Republic of Macedonia have agreed as follows:

Article 1 Competent Authorities

1. Competent authority for delivering and processing readmission and transit requests in accordance with Article 6 and Article 13 of the Readmission Agreement of the Austrian Party is:

Bundesministerium für Inneres
Abteilung II/3
Minoritenplatz 9
10140 Wien
Tel. Nr. + 43 1 53126 3556
Fax Nr. + 43 1 53126 3136

2. Competent authority for delivering and processing readmission and transit requests in accordance with Article 6 and Article 13 of the Readmission Agreement of the Macedonian Party is:

Ministry of Internal Affairs of the Republic of Macedonia
Sector for Border Affairs and Migrations
Section for Foreigners and Readmission
“Dimce Mircev” bb
1000 Skopje
Tel. Nr. +389 2 314 3038
Fax Nr. +389 2 322 3803, +389 2 314 2434

3. The Contracting State Parties shall notify each other of all changes regarding the competent authorities stated under this Article through diplomatic channels without any delay.

Article 2 Border Crossing Points (Ref. Article 11 paragraph 2)

1. Transfer and transit operations of persons residing without authorization shall be made on the following airports:

a) on Austrian territory:

Vienna International Airport
Wien-Schwechat
Stadtpolizeikommando Schwechat
Grenzpolizeiinspektion
1300 Flughafen, Objekt 102
Tel. Nr. + 43 1 70166 745
Fax Nr. + 43 1 70166 749

b) on Macedonian territory:

Police Station for Border Control
Airport "Aleksandar the Great" – Skopje
Tel. Nr. + 389 2 322 2850
Fax Nr. + 389 2 314 3331

2. If it is necessary in individual cases, the transfer or transit operation can also be made at border crossings other than the border crossing points provided for under a) and b).

3. The Contracting State Parties shall notify each other of all changes regarding the border crossing points mentioned under this Article through diplomatic channels without any delay.

Article 3 **Response to Readmission requests** **(Ref. Article 7 paragraph 3)**

1. In accordance with Article 7 paragraph 3 of the Readmission Agreement a readmission request is made in such a way that the Requesting State delivers the common form attached as Annex 6 to the Readmission Agreement to the competent authority of the Requested State by fax. The Requested State delivers its response on the format provided in Annex 1 of this Protocol to the competent authority of the Requesting State mentioned in Article 1 of this Protocol by fax.

2. The deadlines for delivery of responses to readmission requests are set out in Article 10 paragraph 2 of the Readmission Agreement.

Article 4 **Modalities of Transfer and Transport** **(Ref. Article 11)**

1. Upon approval of the Requested State regarding readmission or upon failed elapse of the time limit of 14 (fourteen) days or 2 (two) days in case of accelerated procedure and in accordance with Article 10 paragraph 2 of the Readmission Agreement, the Requesting State shall send a notification to the Requested State containing information such as:

- transfer modality (by air or land)
- date of readmission

- time of readmission
- place of readmission (border crossing point)
- health condition of the person to be readmitted, and
- whether the readmission is escorted (if yes, to indicate the details of the escort members and the security measures to be taken at the place of destination).

Such a notification is made on the transfer format as of Annex 3 (readmission) or Annex 4 (transit) of this Protocol to the authority of the Requested State as mentioned in Article 1 by fax not later than three days prior to the scheduled return operation.

2. In case of extension of the time limit due to legal or factual obstacles the Requesting State shall inform, without any delay, the Requested State about the cessation of such obstacles and shall notify of the place and time of readmission as planned.

Article 5 Readmission in error (Ref. Article 12)

If the Requesting State takes back the person concerned upon grounded request of the Requested State, after coming to conclusion that the readmission conditions have not been fulfilled, all documents concerning such a person must be returned to the Requesting State in their original form.

Article 6 Transit request (Ref. Article 14)

1. If necessary, apart from points under Article 14 paragraph 1 of the Readmission Agreement the transit request also contains the following:

- possible need of special measures for assistance or care of the person in transit due to his/her illness or age;
- possible need of special security or protection measures;
- request for support for effecting security or protection measures.

2. The information mentioned in this Article needs to be entered under point C "Observations" in the common format for transit requests (Annex 7 of the Readmission Agreement).

3. The transit request shall be delivered to the competent authority of the Requested State by fax not later than five days prior to the scheduled transit operation.

4. The competent authority of the Requested State delivers its response without any delay, by fax not later than five days to the competent authority of the Requesting State as mentioned in Article 1 using the readmission format as of Annex 2 of this Protocol. If the transit requests the need for support in effecting special security or protection measures, the Requested State shall inform whether such a request can be fulfilled.

Article 7

Modalities of Escorted Transfer and Transit

1. During the escorted transfer or transit operation the escort arranged by the Requesting State must at any time be able to present their identification and designation documents by providing the transfer or transit approval document issued by the Requested State.
2. The escort shall be unarmed and in civilian clothing.
3. The transfer or transit arrangements shall be made by the Requesting State and in certain cases such an arrangement shall be supported by the Requested State.
4. The escort is obliged to hand over the person to be returned to the representative of the competent authority at the place of destination. The escort may not leave the designated place before the readmission operation is completed.
5. The escort is responsible to carry the travel and other necessary documents of the person to be returned as well as to deliver such documentation to the representative of the competent authority.
6. The powers of the escort during transfer or transit operations shall be limited to necessary defense or providing assistance. Until the arrival of the authorized officials of the Requested State, the escort may undertake moderate and proportional measures in case of a direct and serious risk with a view to preventing the person to be readmitted or in transit from attempting to escape, self-injury, injury of a third party or causing damage.
7. The escort is obliged to obey the legislation of the Requested State.
8. In case of transit the Requesting State shall supply all necessary visas for the person concerned as well as the escort for the countries of transit or destination.

Article 8

Costs

(Ref. Article 15)

1. In case costs arise with the Requested State which it is not obliged to cover in accordance with Article 15 of the Readmission Agreement, such costs shall be borne by the Requesting State by bank transaction in Euro within 30 (thirty) days after receiving a bill.
2. In case of readmission in error in accordance with Article 12 of the Readmission Agreement, the Requesting State shall bear the costs for return of the person concerned provided that the Requested State delivers a detailed explanation in writing to the Requesting State on the reasons for non-fulfillment of the conditions set out in Articles 1 to 5 of the Readmission Agreement, together with all available information on the genuine identity, citizenship or route of the person concerned.
3. The details of the bank account of the Republic of Austria are as follows:

Bundesministerium für Inneres
Abteilung II/3
Minoritenplatz 9

10140 Wien
Account Nb: AT 916000000005020009
SWIFT Code: OPSKATWN
Tax Nb. ATU 37870700

4. The details of the bank account of the Republic of Macedonia are as follows:

Ministry of Internal Affairs
Narodna Banka of the Republic of Macedonia

Account Nb: 1 007 0100 0008 997
SWIFT Code: NBRM MK 2X
IBAN: MK07 1007 0100 0008 997

5. The Contracting State Parties shall notify each other of all changes regarding the bank accounts stated under this Article through diplomatic channels without any delay.

Article 9 Languages

The communication between both Contracting State Parties in the process of implementation of the Readmission Agreement shall be made in Macedonian and German with an obligatory English translation.

Article 10 Contact points and Expert meetings

1. The competent authorities of the Contracting State Parties shall directly exchange the contact details for the contact points. They shall notify each other in writing of any changes concerning the contact details.

2. The competent authorities of the Contracting State Parties shall co-operate during the process of implementation of the Readmission Agreement and this Protocol and related questions.

3. Expert meetings regarding the implementation of the Readmission Agreement and this Protocol shall be organized upon request of one of the competent authorities of the Contracting State Parties.

Article 11 Entry into Force, Termination and Amendments

(1) Each Party shall notify the other Party through diplomatic channels of the completion of the internal legal procedures necessary for the entry into force of this Implementing Protocol. The Party who receives the last notification shall notify the Readmission Committee of the conclusion of the Implementing Protocol. This Implementing Protocol shall enter into force on the date when the Readmission Committee has received the notification.

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

(3) Subject to mutual consent, the Parties may amend this Implementing Protocol in writing through diplomatic channels.

Done at Skopje on this day of 24 June in the year 2010 in duplicate in the Macedonian, German and English languages, each of these texts being equally authentic. In case of dispute in interpretation, the English text shall prevail.

For the Government of the Republic of Austria represented by the Federal Minister of the Interior: Dr. Maria Fekter	For the Government of the Republic of Macedonia: Gordana Jankuloska, LL.M.
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Annex 1

[Competent authority of the Requested State]

Ref. Nr.

To

[Address of the competent authority of the Requesting State]

[Place, date]

Response to readmission request for
- own nationals
- third-country nationals or stateless persons
(non-applicable to be crossed out)

Your Readmission Request Ref. Nr. _____ dated _____
2_____

A) Positive response

1. Reference is made to your readmission request concerning

—

(surname to be underlined, name)

Date of birth: _____ in _____

Please be informed that according to

- Article ____ of the Readmission Agreement – readmission of own nationals
- Article ____ of the Readmission Agreement – readmission of third country nationals or stateless persons

your request is accepted.

2. The following minors shall be issued personal travel documents/visas (if applicable):

—

—

—

3. For the purpose of issuing of travel certificates or visas please address the following authority:

(stamp)

(signature of authorized official of the Requested State)

B) Negative response

1. Reference is made to your readmission request concerning

(surname to be underlined, name)

date of birth: _____ in

Please be informed that your readmission request can not be accepted.

Explanation: _____

—

—

—

2. According to the information available to this authority, the person concerned is a national of

(stamp)

(signature of authorized official of the Requested State)

Annex 2

[Competent authority of the Requested State]

Ref. Nr.

To:

[Address of the competent authority of the Requesting State]

[Place, date]

**Response to transit request for
third country nationals or stateless persons**

Your Transit Request Ref. Nr. _____ dated _____ 2 _____

A) Positive response

1. Reference is made to your transit request concerning the person

—

(surname to be underlined, name)

Date of birth: _____ in

Please be informed that your request is accepted.

Number of escort members (if applicable):

Medical staff needs to accompany the escort: YES NO

Observations:

—

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(stamp)

(signature of authorized official of the Requested State)

B) Negative response

1. Reference is made to your transit request concerning the person

— (surname to be underlined, name)

Date of birth: _____ in

Please be informed that your request can not be accepted.

Explanation: _____

—

—

(stamp)

(signature of authorized official of the Requested State)

Annex 3

[Competent authority of the Requesting State]

Ref. Nr.

To:

[Address of the competent authority of the Requested State]

[Place, date]

**Information on transfer in readmission case
According to Article 11 of the Readmission Agreement**

Your Readmission Approval Ref. Nr. _____ dated _____ 2_____

Details about the person to be readmitted and the transfer operation

1. Full name and surname

—

(surname to be underlined, name)

2. Date of birth:

—

3. Transfer modality (by air or land, flight nr.)

—

4. Date:

—

5. Time:

—

6. Place of transfer (border crossing point)

7. Health condition or special needs:

8. Transfer under escort: YES NO

If "yes", please state details of the escort members:

9. Security measures to be taken at the place of destination or place of flight stopover:

(stamp)

(signature of authorized official of the Requesting State)

Annex 4

[Competent authority of the Requesting State]

Ref. Nr.

To:

[Address of the competent authority of the Requested State]

[Place, date]

**Information on transfer in transit case
According to Article 11 of the Readmission Agreement**

Your Transit Approval, Ref. Nr. _____ dated _____ 2_____

Details about the person and the transfer operation

1. Full name and surname

—

(surname to be underlined, name)

2. Date of birth:

—

3. Transfer modality (by air or land, flight nr.)

—

4. Date:

—

5. Time:

—

6. Place of transfer (border crossing point)

—

7. Details on onward transfer to the country of destination (in case of transfer by air, please state the flight details)

8. Obstacles (unsecured readmission) YES NO

9. Health condition or special needs:
If necessary, please state details on accompanying medical staff

10. Transfer under escort: YES NO

If "yes", please state details of the escort members:

11. Security measures to be taken at the flight stopover:

(stamp)

(signature of authorized official of the
Requesting State)