

PROTOCOL

BETWEEN THE GOVERNMENT OF THE CZECH REPUBLIC AND THE GOVERNMENT OF GEORGIA

ON IMPLEMENTATION OF THE AGREEMENT BETWEEN THE EUROPEAN UNION AND GEORGIA ON THE READMISSION OF PERSONS RESIDING WITHOUT AUTHORISATION

THE GOVERNMENT OF THE CZECH REPUBLIC

AND

THE GOVERNMENT OF GEORGIA

(hereinafter referred to as “the Contracting Parties”),

DESIRING to facilitate the implementation of the Agreement between the European Union and Georgia on the readmission of persons residing without authorization, signed on 22 November 2010, (hereinafter referred to as “the Agreement”) and pursuant to Article 19 thereof,

HAVE AGREED AS FOLLOWS:

Article 1 GENERAL PROVISION

This Protocol provides detailed rules for the implementation of the Agreement in the relations between the Czech Republic and Georgia. The terms and expressions used in this Protocol shall be construed as defined in the Agreement.

Article 2 COMPETENT AUTHORITIES

(1) The following authorities shall be entrusted with the implementation of the Agreement pursuant to Article 19(1) lit. a) thereof (hereinafter referred to as “the competent authorities”):

- for the Czech side:

the Police of the Czech Republic

Directorate of the Alien Police Service

Address: Olsanska 2, P.O. BOX 78, 130 51 Prague 3, Czech Republic,

- for the Georgian side:

Ministry of Internal Affairs of Georgia
Migration Department
Address: M. Gakhokidze St. 16, 0182, Tbilisi, Georgia.

(2) Before the entry into force of this Protocol, the Contracting Parties shall exchange through diplomatic channels contact details of the competent authorities. The competent authorities of the Contracting Parties shall notify each other of any change in these contact details.

(3) The Contracting Parties shall without undue delay notify each other through diplomatic channels of any change in the competent authorities and their addresses.

Article 3 **MEANS OF COMMUNICATION**

(1) Readmission and transit applications shall be generally submitted via the Readmission Case Management Electronic System (hereinafter referred to as "RCMES"). If needed, the applications may be submitted by mail, fax or secured e-mail. In case of submission by mail the requested Contracting Party shall confirm the receipt of the application by return receipt.

(2) Replies to readmission and transit applications and other related communication shall be generally submitted via RCMES. If needed, the replies and other related communication may be submitted by mail, fax or secured e-mail. When such communication does not contain personal data of the person subject to readmission or transit, it may take place also via unsecured electronic means or by using other unsecured technical means of communication, and shall refer to the reference number of the relevant application.

(3) For the purpose of cooperation under the Agreement, readmission and transit applications and replies thereto and other related communication shall be deemed to be received by the Contracting Party they are addressed to upon their entry into RCMES.

Article 4 **ADDITIONAL DOCUMENTS**

(1) Pursuant to Article 19(1) lit. c) of the Agreement, the presentation of the passenger list or written confirmation issued by the air carrier which transported the person concerned is considered as prima facie evidence of nationality additional to those listed in Annex 2 to the Agreement.

(2) Where the competent authority of the requesting Contracting Party considers that other documents than those listed in Annexes 1 to 4 to the Agreement may be relevant to the establishing of nationality or condition for the readmission of third country nationals and stateless persons, these documents may be attached to the readmission application. Nationality or the conditions for the readmission of third country nationals and stateless persons shall be deemed to have been established if in the above cases the requested Contracting Party confirms it.

(3) The competent authorities shall exchange through diplomatic channels specimen of passports and identity cards within 30 calendar days from the date of signature of this Protocol.

Article 5 INTERVIEW

(1) If the requesting Contracting Party cannot present any of the documents mentioned in Annexes 1 and 2 to the Agreement or if the presented documents mentioned in Annex 2 to the Agreement are insufficient, representatives of the competent authority of the requested Contracting Party, at the request of the requesting Contracting Party, shall conduct an interview with the person to be returned.

(2) The request for an interview pursuant to Article 8(3) of the Agreement shall be entered into the appropriate section of the readmission application submitted via RCMES. Where the readmission application is submitted by other means, the request for an interview pursuant to Article 8(3) of the Agreement shall be entered into Section F of the readmission application, a copy of which shall be sent at the same time to the diplomatic mission or consular office of the State of the requested Contracting Party.

(3) The interview shall be conducted at a facility determined by the competent authority of the requesting Contracting Party located in the capital of the State of the requesting Contracting Party. The interview shall take place at a time agreed upon in advance. Where possible and upon agreement of the competent authority of the requesting Contracting Party and the diplomatic mission or consular office of the State of the requested Contracting Party, the interview can also be conducted via appropriate technical means of communication.

Article 6 READMISSION PROCEDURE

(1) The competent authority of the requesting Contracting Party shall enter the proposed transfer date, the point of entry and details concerning possible escorts, if these details are known at the time of submission of the application, into the appropriate section of the readmission application submitted via RCMES or, where the readmission application is submitted by other means, in Section F of the readmission application. The competent authority of the requested Contracting Party shall answer the proposal in the reply to the readmission application.

(2) If information under paragraph (1) is not inserted in the readmission application, the competent authority of the requesting Contracting Party shall notify it to the competent authority of the requested Contracting Party within the time limits set forth in Article 11(1) of the Agreement. The competent authority of the requested Contracting Party shall send a reply to this proposal as promptly as possible, but within a maximum of 2 working days from the date of receipt of the proposal. Where the competent authority of the requesting Contracting Party does not receive a reply within the stated time limit, the proposal shall be considered as accepted.

(3) If the term of transfer was extended due to any legal or practical obstacles, the competent authority of the requesting Contracting Party shall immediately notify the competent authority of the requested Contracting Party of the elimination of obstacles as it occurs and shall indicate the envisaged location and time of transfer.

(4) Details concerning the members of escort pursuant to paragraph (1) include the first names and surnames, ranks and positions of the escorts, and the type, number and date of issue of their travel documents. Any changes concerning these data must be notified without delay.

(5) A written record of the escorted transfer of the person concerned shall be produced in two copies. The competent authorities of each Contracting Party shall keep one of the copies. A model record is contained in the Annex to this Protocol and forms an integral part of the Protocol.

Article 7

TRANSIT PROCEDURE

(1) Transit application must be submitted to the competent authority of the requested Contracting Party at least 10 calendar days prior to the planned transit. The transit application shall contain, if appropriate, information in accordance with Article 7(2) of the Agreement. This information shall be entered into the appropriate section of the transit application submitted via RCMES or, where the transit application is submitted by other means, into section C of the transit application.

(2) In principle, the transit operation shall be effected by air. In that case the person concerned may be accompanied by escorts from the requesting Contracting Party. Details regarding the escorts, as set forth in Article 6(3) of this Protocol, shall be entered into the appropriate section of the transit application submitted via RCMES or, where the transit application is submitted by other means, into Section B of the transit application. Any changes concerning these data must be notified without delay.

(3) Members of escort shall not exercise any authority on the territory of the State of the requested Contracting Party; they shall not be armed; shall be obliged to respect the legal system of the State of the requested Contracting Party and shall carry a copy of the consent to transit granted by the competent authority of the requested Contracting Party.

(4) The competent authority of the requested Contracting Party shall give the members of escort of the requesting Contracting Party the necessary support and assistance. As part of the surveillance of the person concerned in accordance with Article 14(4) of the Agreement, officials of the competent authority of the requested Contracting Party shall, above all, ensure that the person concerned does not leave the transit area of the airport and boards the aircraft.

(5) In case of transit by land, the person concerned, upon consent of the competent authorities of both Contracting Parties, shall be handed over at the state border to officials of the competent authority of the requested Contracting Party, who shall accompany the person to the border of the State of destination, or of another transit State, as the case may be.

Article 8

BORDER CROSSING POINTS

(1) Pursuant to Article 19(1) lit. a) of the Agreement, readmission and transit carried out by air shall take place at the following border crossing points, unless agreed otherwise:

- in the Czech Republic: Václav Havel Airport Prague,
- in Georgia: Tbilisi International Airport.

(2) The Contracting Parties shall notify each other through diplomatic channels of any change in the list of border crossing points mentioned in paragraph (1).

(3) In case of transfer by land, the competent authorities of the Contracting Parties shall agree on a border crossing point on a case-by-case basis.

Article 9 READMISSION IN ERROR

(1) If it is established, on the basis of new evidence, that the requirements for readmission had not been complied with, after the requested Contracting Party has given the positive response to readmission application and before the actual transfer, the requested Contracting Party reserves the right to address the requesting Contracting Party to revoke the consent to the readmission application. In such case, the competent authority of the requested Contracting Party shall provide the competent authority of the requesting Contracting Party with the reasons for the revocation of the previous decision.

(2) Where a readmitted person is to be taken back due to readmission in error pursuant to Article 12 of the Agreement, all original documents relating to the person must be returned to the requesting Contracting Party.

Article 10 COVERAGE OF COSTS

(1) The competent authority of the requesting Contracting Party shall refund the competent authority of the requested Contracting Party for costs pursuant to Article 15 of the Agreement and the reasonable costs incurred in connection with presence of the person subject to transit on the territory of the State of the requested Contracting Party, including costs relating to granting assistance pursuant to Article 14(4) of the Agreement by bank transfer to the account of the competent authority of the requested Contracting Party within 30 calendar days from the date of receipt of the invoice.

(2) The Contracting Parties shall notify each other of their respective bank account numbers through diplomatic channels.

(3) The rate of refund shall be governed by the legislation of the State of the requested Contracting Party and shall be based on documents proving the actual amount of costs.

Article 11 LANGUAGES

(1) Readmission and transit applications and replies thereto shall be submitted in English or, where appropriate, in the language of the Contracting Party to which they are addressed. Other documents shall be submitted if possible in the language of the Contracting Party to which they are addressed, or in English.

(2) The competent authorities of the Contracting Parties shall subsequently communicate in English, unless agreed otherwise on a case-by-case basis.

Article 12
AMENDMENTS TO THE PROTOCOL

This Protocol may be amended and supplemented by mutual consent of the Contracting Parties. Amendments and supplements shall be drawn up in the form of separate documents, which shall form an integral part of this Protocol, and enter into force in accordance with the procedure laid down in Article 13 of this Protocol.

Article 13
ENTRY INTO FORCE AND TERMINATION

(1) The Contracting Parties shall notify each other through diplomatic channels of the completion of their internal legal procedures necessary for the entry into force of this Protocol.

(2) Following the receipt of the last notification of the completion of internal legal procedures required for the entry into force of the Protocol, the Czech Contracting Party shall notify the Joint Readmission Committee referred to in Article 18 of the Agreement. The Czech Contracting Party shall inform the Georgian Contracting Party of the fact that the notification has been effected.

(3) The Protocol shall enter into force on the first day of the second month following the notification to the Joint Readmission Committee.

(4) The Protocol shall terminate on the same day as the Agreement.

Done at Tbilisi on 10 July 2019 in duplicate in the Czech, Georgian and English languages, all texts being equally authentic. In case of divergence in interpretation, the English text shall prevail.

For
the Government of the Czech Republic

Tomáš Petříček
Minister of Foreign Affairs

For
the Government of Georgia

David Zalkaliani
Minister of Foreign Affairs

**ANNEX TO THE PROTOCOL BETWEEN THE GOVERNMENT OF THE CZECH
REPUBLIC AND THE GOVERNMENT OF GEORGIA ON THE
IMPLEMENTATION OF THE AGREEMENT BETWEEN THE EUROPEAN UNION
AND GEORGIA ON THE READMISSION OF PERSONS RESIDING WITHOUT
AUTHORISATION**

Competent authority of the Requesting State:

Reference number:

Competent authority of the Requested State:

**RECORD OF TRANSFER OF READMITTED PERSON
in accordance with Article 6(5) of the Protocol between
the Government of the Czech Republic and the Government of Georgia on the implementation of the
Agreement between the European Union and Georgia on the readmission of persons residing without
authorisation**

A. PERSONAL DETAILS

1. Full name (underline surname):
2. Date and place of birth:
3. Sex:
4. Nationality:
5. State of health of transferred person:

B. PERSONAL DETAILS OF ACCOMPANYING SPOUSE

1. Full name (underline surname):
2. Date and place of birth:
3. Sex:
4. Nationality:
5. State of health:

C. PERSONAL DETAILS OF ACCOMPANYING CHILDREN

1. Full name (underline surname):
2. Date and place of birth:
3. Sex:
4. Nationality:
5. State of health:

D. PERSONAL BELONGINGS AND CASH CARRIED BY THE TRANSFERRED PERSON

1.
2.
3.

E. OBSERVATIONS:.....

(Date)

(Place)

For the competent authority of the Requesting State:

Name:

Surname:

Position:

Signature:

For the competent authority of the Requested State:

Name:

Surname:

Position:

Signature: