

PROTOCOL

BETWEEN THE GOVERNMENT OF THE CZECH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF MACEDONIA

ON THE IMPLEMENTATION OF THE AGREEMENT ON THE READMISSION OF PERSONS RESIDING WITHOUT AUTHORISATION

THE GOVERNMENT OF THE CZECH REPUBLIC

AND

THE GOVERNMENT OF THE REPUBLIC OF MACEDONIA

(hereinafter referred to as “the Contracting Parties”)

DESIRING to facilitate the implementation of the Agreement on the readmission of persons residing without authorisation of 18 September 2007, as published in the Official Journal of the European Union L334/1-L334/24 on 19th December 2007, (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 the Republic of Macedonia. The terms and expressions used in this Protocol shall be interpreted as defined in the Agreement.

Article 2 Competent Authorities

(1) Pursuant to Article 19 paragraph (1) lit. a) of the Agreement, the Contracting Parties have designated the following competent authorities for the implementation thereof (hereinafter referred to as “the competent authorities”):

- for the Czech side:

the Police of the Czech Republic
Directorate of the Alien Police Service
Olsanska 2, P.O. BOX 78
130 51 Prague 3

- for the Macedonian side:

Ministry of Interior
Department for Border Affairs and Migrations
Unit for Foreigners and Readmission
Dimce Mircev, number 9
1000 Skopje.

(2) Before the entry into force of this Protocol, the Contracting Parties shall exchange through diplomatic channels contact details of the competent authorities referred to in paragraph (1) of this Article. The competent authorities shall notify each other of any changes in these contact details.

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

Article 3 Border Crossing Points

(1) Pursuant to Article 19 paragraph (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:

- for the Czech side:
Václav Havel Airport Prague
- for the Macedonian side:
Skopje International Airport.

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

Article 4 Means of communication

When selecting means of communication, the competent authorities shall take into account protection of personal data. For this reason, the readmission and transit applications shall be in principle submitted by using secure electronic means of communication or by fax. Replies to readmission and transit applications and other related communication, not containing personal data, can take place via unsecured means of communication with the reference to the reference number of the relevant application.

Article 5 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 the English language.

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

Article 6 Additional Documents

(1) Where the competent authority of the Requesting State considers that other documents than those listed in Annexes 1 to 5 of the Agreement may be relevant to the establishing of nationality or fulfilment of the conditions for the readmission of third-country nationals and stateless persons, these documents may be attached to the readmission application.

(2) The competent authorities shall exchange specimen of passports and identity cards within 30 calendar days from the signature of this Protocol.

Article 7

Interview

(1) The request for an interview in accordance with Article 8 paragraph (3) and 9 paragraph (5) 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 or consular representations of the Requested State.

(2) The interview shall be conducted at a place specified by the competent authority of the Requesting State.

(3) The competent authority of the Requesting State shall be notified of the result of the interview within a maximum of three working days following the interview.

Article 8

Readmission Procedure

(1) The competent authority of the Requesting State shall enter the proposed transfer date, the point of entry and details concerning possible escort in Section F of the readmission application, if these details are known at the time of submission of the application. The competent authority of the Requested State shall respond to the proposal in the reply to the readmission application.

(2) If information under paragraph (1) of this Article is not inserted in the readmission application, the competent authority of the Requesting State shall notify it to the competent authority of the Requested State no later than 10 calendar days before the envisaged date of transfer. The competent authority of the Requested State shall send a reply to this proposal without delay, but within a maximum of two working days from the date of receipt of the proposal. Where the competent authority of the Requesting State 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 State shall immediately notify the competent authority of the Requested State of the elimination of obstacles as it occurs and shall indicate information under paragraph (1) of this Article.

(4) If the person is to be readmitted under escort, the details pursuant to paragraph (1) of this Article include the first names and surnames, ranks and positions of the members of escort, 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 authority 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 9

Transit Procedure

(1) Transit application must be submitted to the competent authority of the Requested State at least 10 calendar days prior to the planned transit. The transit application shall contain, apart from

information pursuant to Article 14 paragraph (1) of the Agreement and if appropriate, information concerning any type of protection, security measures or information regarding the health of the person to be transited, that may be necessary in the individual case. This information shall be entered into section C of the transit application. The time limit for the answer, stated in Article 14 paragraph (2) of the Agreement, begins to run from the date of receipt 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 escort from the Requesting State. Details regarding the possible escort, as set forth in Article 8 paragraph (4) of this Protocol, shall be entered in Section C 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 Requested State; they shall not be armed and shall be in civilian clothing; they shall be obliged to respect the legal system of the Requested State and shall carry a copy of the consent to transit granted by the competent authority of the Requested State.

(4) The competent authority of the Requested State shall give the necessary support and assistance to the members of escort of the Requesting State. In case of transit by air, officials of the competent authority of the Requested State shall, as part of the surveillance of the person concerned in accordance with Article 14 paragraph (4) of the Agreement, 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 shall be handed over at the border of the Requested State to officials of the competent authority of the Requested State, who shall accompany the person to the border of the State of destination, or of another transit State, as the case may be.

Article 10 Personal Data Protection

The exchange and transfer of personal data, as well as their protection for the purpose of implementing this Protocol shall be conducted in accordance with Article 16 of the Agreement.

Article 11 Coverage of Costs

(1) The competent authority of the Requesting State shall refund the competent authority of the Requested State for costs pursuant to Article 15 of the Agreement, including reasonable costs relating to granting assistance pursuant to Article 14 paragraph (4) of the Agreement, by bank transfer to the account of the competent authority of the Requested State within 30 calendar days from the date of receipt of the invoice. The invoice shall contain the respective bank account number for the refund of the costs. Such costs shall concern in particular the following:

- a) transportation;
- b) board;
- c) accommodation;
- d) urgent medical care;
- e) service of an interpreter if needed;
- f) other fundamental expenses agreed in advance by the competent authorities.

(2) The rate of refund shall be governed by the legislation of the Requested State and shall be based on documents proving the actual amount of costs.

(3) The possible cost of issuing a travel document for the person to be readmitted is borne by the Contracting Party issuing the document.

Article 12 Disputes Resolution

Any disputes which may emerge in connection with the interpretation or application of this Protocol shall be settled by means of consultations between the Contracting Parties or within the Joint Readmission Committee.

Article 13 Entry into Force and Termination

- (1) This Protocol is concluded for an indefinite period of time.
- (2) The Contracting Parties shall notify each other through diplomatic channels of the completion of their internal legal procedures required for the entry into force of this Protocol.
- (3) Following the receipt of the last notification of the completion of internal legal procedures required for the entry into force of this 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 Macedonian Contracting Party of the fact that the notification has been effected.
- (4) The Protocol shall enter into force on the first day of the second month following the notification to the Joint Readmission Committee.
- (5) This Protocol shall cease to be in force on the same day as the Agreement.

Done atPrague..... on30th November 2018.....in two original copies in the Czech, Macedonian and English languages, each of these texts being equally authentic. In case of divergence in interpretation, the English text shall prevail.

For the Government of
the Czech Republic

Jan Hamáček
First Deputy Prime Minister
and Minister of the Interior

For the Government of
the Republic of Macedonia

Oliver Spasovski
Deputy President of the Government
and Minister of Internal Affairs

ANNEX

**TO THE PROTOCOL BETWEEN THE GOVERNMENT OF THE CZECH REPUBLIC
AND THE GOVERNMENT OF THE REPUBLIC OF MACEDONIA
ON THE IMPLEMENTATION OF THE AGREEMENT
ON THE READMISSION OF PERSONS RESIDING WITHOUT AUTHORISATION**

Competent authority of the Requesting State:

Reference number:

Competent authority of the Requested State:

RECORD OF THE TRANSFER OF THE READMITTED PERSON

**in accordance with Article 8 paragraph (5) of the Protocol
between the Government of the Czech Republic and the Government of the Republic of
Macedonia on the implementation of the Agreement 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 the 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 TRANSFEREE

- 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: