

## **IMPLEMENTING PROTOCOL**

### **between the Government of the Czech Republic and the Government of the Russian Federation on the implementation of the Agreement between the European Community and the Russian Federation on readmission of 25 May 2006**

The Government of the Czech Republic and the Government of the Russian Federation, hereinafter referred to as the "Parties",

wishing to ensure necessary conditions for the implementation of the Agreement between the European Community and the Russian Federation on readmission of 25 May 2006, hereinafter referred to as the "Agreement", in accordance with Article 20 thereof,

have agreed as follows:

#### **Article 1 Competent authorities**

1. The competent authorities responsible for the implementation of the provisions of the Agreement are:

for the Czech Party:

- main competent authority - Police of the Czech Republic, Directorate of the Alien Police Service;
- other competent authorities - Ministry of the Interior of the Czech Republic and Ministry of Foreign Affairs of the Czech Republic;

for the Russian Party:

- main competent authority - Federal Migration Service;
- other competent authorities - Ministry of Foreign Affairs of the Russian Federation and Federal Security Service of the Russian Federation.

2. The Parties shall immediately notify each other through diplomatic channels of any changes concerning the competent authorities referred to in paragraph 1 of this Article.

3. For the implementation of the provisions of the Agreement and of this Implementing Protocol the main competent authorities shall directly co-operate with each other.

4. For the implementation of this Implementing Protocol the main competent authorities shall notify each other through diplomatic channels of their contact data within 30 calendar days from the date of the signing of this Implementing Protocol. Further the main competent authorities shall immediately notify each other directly in written form of any changes in their contact data.

## **Article 2**

### **Submission of a readmission application and reply thereto**

1. The readmission application drafted in accordance with Article 7 of the Agreement shall be submitted by the main competent authority of the requesting State to the main competent authority of the requested State by post or courier unless the main competent authorities agree otherwise.

2. The readmission application shall be replied to by the main competent authority of the requested State to the main competent authority of the requesting State by post or courier as well as additionally by technical means of text transmission in time limits foreseen in Article 11 (2) of the Agreement.

3. In accordance with Article 6 (3) of the Agreement, the readmission application under the accelerated procedure is submitted by the main competent authority of the requesting State to the main competent authority of the requested State by post or courier provided that the person was apprehended after he/she had illegally crossed the border and not left the border region of the requesting State.

4. The readmission application under the accelerated procedure shall be replied to by the main competent authority of the requested State to the main competent authority of the requesting State by post or courier as well as additionally by technical means of text transmission, in the time limit foreseen in Article 11 (3) of the Agreement.

## **Article 3**

### **Other documents**

1. If the requesting State considers that other documents not listed in Annexes 2 to 5 to the Agreement may be essential for establishing the nationality of the person to be readmitted or for establishing proof of grounds for readmission of the third country nationals or stateless persons, then such documents may be also attached to the readmission application.

2. The documents referred to in paragraph 1 of this Article shall be listed in Section "D" of the readmission application.

## **Article 4**

### **Interview**

1. The request for an interview in accordance with Article 9 (4) of the Agreement shall be entered into Section "D" of the readmission application.

2. The interview shall be carried out by:

for the Czech Party: officials of the diplomatic mission or consular post of the Czech Republic in the Russian Federation;

for the Russian Party: the representative of the main competent authority at the diplomatic mission or consular post of the Russian Federation in the Czech Republic. In the absence of the above mentioned representative the interview shall be conducted by the officials of the diplomatic mission or consular post of the Russian Federation in the Czech Republic.

3. The main competent authority of the requested State shall notify the main competent authority of the requesting State of the outcome of the interview within the shortest possible time

period, not later than within 10 calendar days from the date of the receipt of the readmission application referred to in paragraph 1 of this Article.

4. The time limits set out in Article 11 (2) of the Agreement for the reply to the readmission application referred to in paragraph 1 of this Article commence on the date on which the main competent authority of the requesting State is notified of the outcome of the interview, not later than within 10 calendar days from the date of the receipt of the readmission application.

#### **Article 5**

##### **Submission of a transit application and reply thereto**

1. The transit application shall be submitted by the main competent authority of the requesting State to the main competent authority of the requested State by post or courier unless the main competent authorities agree otherwise, not later than 10 working days before the planned transit.

2. The transit application shall be replied to by the main competent authority of the requested State to the main competent authority of the requesting State by post or courier as well as additionally by technical means of text transmission, within 5 working days from the date of the receipt of the transit application.

#### **Article 6**

##### **Readmission and transit procedure**

1. For the purposes of readmission or transit the Parties identify the following border crossing points:

for the Czech Party: at the international airport Prague Ruzyne;

for the Russian Party: at all international airports within the territory of the Russian Federation.

2. The Parties shall immediately notify each other through diplomatic channels of any changes of the border crossing points referred to in paragraph 1 of this Article.

3. In case of impossibility of transfer by air of the person subject to readmission or transit the main competent authorities shall agree on a border crossing point of the requested State for the transfer of such person in each particular case.

4. The main competent authority of the requesting State not later than 10 working days before the supposed transfer of the person to be readmitted informs the main competent authority of the requested State on date, time, border crossing point and other transfer modalities of the person. The main competent authority of the requested State within the shortest possible time period but not later than 5 working days from the date of receipt of the information on the transfer of the person to be readmitted, notifies the main competent authority of the requesting State of the acceptability of the transfer modalities. If the transfer modalities of the person to be readmitted proposed by the main competent authority of the requesting State are not acceptable for the main competent authority of the requested State, other transfer modalities of the person referred to above shall be arranged as soon as possible.

5. The modalities for the organization of transit shall be agreed by the main competent authorities in each particular case.

6. In case of transfer of the person subject to readmission under the accelerated procedure in accordance with Article 6 (3) of the Agreement, the main competent authority of the requesting State shall enter the transfer modalities in Section "D" of the readmission application. In the reply to the above mentioned readmission application the main competent authority of the requested State shall identify whether proposed transfer modalities of the person are acceptable. If these transfer modalities are not acceptable for the main competent authority of the requested State, other transfer modalities of the person mentioned above shall be arranged as soon as possible.

### **Article 7**

#### **Escorting of persons subject to readmission or transit**

1. If an escort is needed to transfer a person, the main competent authority of the requesting State shall enter in Section "D" of the readmission application or in Section "D" of the transit application, the first names and surnames of the members of escort, their ranks, official titles, seniority, types, numbers and dates of issue of their passports.

2. In case there are any changes in the data concerning the members of escort referred to in paragraph 1 of this Article, the main competent authority of the requesting State shall immediately notify the main competent authority of the requested State of these changes.

3. The members of escort during their stay in the territory of the requested State shall be obliged to obey the legislation of the requested State.

4. The members of escort shall wear civilian clothes and carry valid passports as well as a copy of positive reply to the readmission or transit application.

5. The members of escort shall not bear weapons and any other items which are not allowed or are restricted in the territory of the requested State.

6. The competent authorities shall co-operate with each other on all the issues related to the stay of the members of escort in the territory of the requested State. Upon request the competent authorities of the requested State shall provide the members of escort during their stay in the territory of the requested State with all possible support in accordance with Article 15 (4) of the Agreement to accomplish the transit operation.

### **Article 8**

#### **Costs**

The readmission or transit costs incurred by the requested State to be borne by the requesting State in accordance with Article 16 of the Agreement shall be reimbursed by the requesting State in euro within 30 calendar days upon the submission of the documents proving the costs.

### **Article 9**

#### **Language**

1. For the implementation of the provisions of this Implementing Protocol the documents provided for in Articles 3 and 7 of this Implementing Protocol as well as in sections III and IV of the Agreement shall be drawn up by:

the Czech Party – in the Czech language with translation into the Russian or English language appended;

the Russian Party – in the Russian language with translation into the Czech or English language appended.

2. Consultations of the competent authorities concerning the implementation of this Implementing Protocol shall be held in English language, unless the Parties agree otherwise on a case-by-case basis.

### **Article 10 Amendments**

The Parties may, upon mutual consent, make amendments to this Implementing Protocol.

### **Article 11 Entry into force and termination**

1. The Parties shall notify each other through diplomatic channels in written form that their internal procedures required for entry into force of this Implementing Protocol have been completed.

2. This Implementing Protocol enters into force on the first day of the second month following the notification by the Czech Party to the Joint Readmission Committee in accordance with Article 20 (2) of the Agreement of this Implementing Protocol and the fact that both Parties have completed their respective internal procedures required for its entry into force.

3. This Implementing Protocol shall be terminated at the same time as the Agreement.

Done at Prague, on 8<sup>th</sup> of December 2011, in duplicate, each in the Czech, Russian and English languages, all texts being equally authentic. In case of divergence in the interpretation of this Implementing Protocol, the English text shall be used.

For the Government  
of the Czech Republic

Jan Kubice  
Minister of the Interior

For the Government  
of the Russian Federation

Konstantin Olegovich Romodanovskiy  
Director of the Federal Migration Service