

**PROTOCOL
BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND THE
GOVERNMENT OF THE REPUBLIC OF SERBIA
IMPLEMENTING THE AGREEMENT BETWEEN THE EUROPEAN
COMMUNITY AND THE REPUBLIC OF SERBIA ON THE READMISSION
OF PERSONS RESIDING WITHOUT AUTHORISATION**

The Austrian Federal Government and the Government of the Republic of Serbia (hereinafter referred to as “the Parties”), pursuant to Article 19 of the Agreement between the European Community and the Republic of Serbia signed on 18 September 2007 in Brussels, on the Readmission of Persons Residing without Authorisation (hereinafter referred to as “the Agreement”), aiming at achieving effective implementation of the Agreement

HAVE AGREED as follows:

**Article 1
Competent Authorities and Means of Communication**

1. The competent authorities of the Parties are:

- a) For the Austrian Federal Government
- For readmission and transit applications, for applying for travel documents and for settlement of costs:

Federal Ministry of the Interior
Department of Aliens Police and Border Control – Department II/3

Address:
Federal Ministry of the Interior
Department II/3
Minoritenplatz 9
1014 Vienna

Telephone: 0043 (1) 53126/3556
Fax: 0043 (1) 53126/3136
E-mail: BMI-II-3@bmi.gv.at

- For interviews to determine nationality of persons to be readmitted and issuance of travel documents, pursuant to Article 8, Paragraph 3 of the Agreement:

Embassy of the Republic of Austria in Belgrade
Kneza Sime Markovića 2
SRB-11000 Belgrade

Postal Address:
pp 839, SRB-11001 Belgrade

Telephone: 00381 (11) 333 65-00 (Ext.)
Fax: 00381 (11) 263 56 06
E-mail: belgrad-ob@bmeia.gv.a

b) For the Republic of Serbia:

- For readmission and transit applications, for applying for travel documents and for the settlement costs:

Ministry of the Interior of the Republic of Serbia
Administrative Affairs Directorate
Travel Documents Department
Section for the Implementation of the Readmission Agreement

Address:

Ministry of the Interior of the Republic of Serbia
- Administrative Affairs Directorate
- Travel Documents Department
- Section for the Implementation of the Readmission Agreement

Bulevar Mihajla Pupina 2
11070 Belgrade
Republic of Serbia
Telephone: 00381 11/3008-170
Fax: 00381 11/3008-203
E-mail: readmission@mup.gov.rs

- For interviews to determine nationality of persons to be readmitted and issuance of travel documents, pursuant to Article 8, Paragraph 3 of the Agreement:

Consular Section of the Embassy of the Republic of Serbia in Vienna
Johannagasse 1-3
1050 Wien
Telephone: 0043 (1) 544 75 85
 0043 (1) 544 75 86
Fax: 0043 (1) 544 75 95
E-mail: embassy.vienna@mfa.rs

General Consulate of the Republic of Serbia in Salzburg
Schallmoser Hauptstrasse 99
5020 Salzburg
Telephone: 0043 (662) 84 52 54
Fax: 0043 (662) 84 52 544
E-mail: gkserbien-salzburg@utanet.at

2. Competent authorities of the Contracting Parties shall, without delay, notify each other on respective amendments directly and through diplomatic channels.

3. Competent authorities of the Contracting Parties shall forward each other the Readmission Application, the Transit Application, a reply to the Application and a notification on readmission, in writing, by email. In exceptional cases, the reply to the Readmission Application or Transit Application and notification on readmission may also be forwarded by fax.

Article 2 Border Crossing Points

Upon previous agreement by the competent authorities of the Parties, readmission or transit may take place at any border crossing point approved for international air, rail or road traffic.

Article 3 Prima facie evidence of nationality

The Parties agree that the competent authority of the Requesting Party may furnish the competent authority of the Requested Party also with finger prints as a prima facie evidence of nationality in accordance with Article 2 Paragraph 1, Article 4 Paragraph 1, Article 8 Paragraph 2 and Annex 2 of the Agreement.

Article 4 Readmission Application

1. Pursuant to Article 7 Paragraph 3 of the Agreement the competent authority of the Requesting Party shall use the common form, enclosed in Annex 6 of the Agreement, when submitting a readmission application. The competent authority of the Requested Party shall without delay electronically, or in exceptional cases by fax, confirm receipt of the readmission application. The competent authority of the Requested Party shall provide a reply to the readmission application in writing following Annex 1 of this Protocol.

2. If it is necessary, when readmitting a national of a Party, to readmit his/her minor children together with their parent to the territory of the Requested Party, the reply to the readmission application shall contain the remark that each child shall be issued a separate travel certificate.

Article 5 Modalities of Return under the Accelerated Procedure

If the conditions for the readmission set under Article 6, Paragraph 3, of the Agreement, have been fulfilled, the Requesting Party shall notify thereof the competent authority of the Requested Party specified in Article 1 of this Protocol in writing, submitting Annex 1 of this Protocol.

Article 6

Travel Documents

When the consent for readmission is granted, the competent authority of the Requesting Party shall submit to the competent diplomatic mission or consular office of the Requested Party the positive reply to the readmission application or the readmission application itself if the reply has not been provided within the set time limit, for the purpose of issuing a visa or travel certificate, if necessary, pursuant to Article 2, Paragraph 4, of the Agreement.

Article 7

Notification of Readmission or Transit

The competent authority of the Requesting Party shall in due time notify the competent authority of the Requested Party of the return or transit of the subject person submitting the form enclosed in Annexes 2 or 4 of this Protocol, at least two (2) working days before the readmission takes place.

Article 8

Transit Application

1. The competent authority of the Requesting Party shall address the competent authority of the Requested Party by submitting the application for transit of third-country nationals and stateless persons over the territory of the Requested Party pursuant to Article 14 of the Agreement, using Annex 7 of the Agreement. The competent authority of the Requested Party shall confirm receipt of the transit application by email and in exceptional cases by fax. The competent authority of the Requested Party shall reply to the transit application in writing, following Annex 3 of this Protocol.

2. In the event of transit by air, the transit application pursuant to Annex 7 of the Agreement shall also include data on flight numbers.

3. In addition to the personal data mentioned in Annex 7 of the Agreement, under the heading C. „Comments" the transit application shall include any information pertaining to his/her health status (with the consent of the person) as well as to any security needs being relevant for the transfer.

4. If transit cannot take place as notified, the competent authority of the Requested Party shall give written notification thereof without delay to the competent authority of the Requesting Party stating the reasons. The competent authority of the Requesting Party shall reply in writing within 24 (twenty-four) hours and shall make a proposal of further action to competent authority of the Requested Party.

Article 9

Conditions for Escorted Readmission and Transit

1. As a rule, transfer of nationals of the Parties, third-country nationals and stateless persons shall be made by air. For security reasons they may be escorted by authorised personnel.

2. The competent authority of the Requesting Party shall communicate any planned escort operation in the readmission or transit application submitted. In the event of an official escort, first names, surnames, types, numbers and dates of issuance of the travel documents of the escorting personnel shall be communicated, if possible.
3. The competent authority of the Requested Party shall furnish the competent authority of the Requesting Party with all information relevant to the escort.
4. Escorting personnel must abide by laws of the Requested Party.
5. Escorts shall be carried out by persons in civilian clothes carrying valid travel documents. Escorting personnel is not allowed to carry weapons or other objects, the use of which is restricted on the territory of the Requested Party.
6. The competent authorities shall cooperate in all issues related to the presence of escorting personnel on the territory of the Requested Party. In this regard, the competent authorities of the Requested Party shall provide the escorting personnel with any support possible.
7. The authority of the escorting personnel shall be limited to self-defence and emergency assistance. The escorting personnel may respond, until arrival of personnel provided by the Requested Party, in a reasonable and proportionate manner, in order to prevent the person escorted escaping, thereby injuring him/herself and others or causing material damage.

Article 10 **Procedure in Case of the Readmission in Error**

In the event of readmission in error the Requesting Party shall take back the subject person, pursuant to the time limits and conditions laid down in Article 12 of the Agreement. All original documents received shall be duly returned to the Requesting Party.

Article 11 **Costs**

Pursuant to Article 15 of the Agreement and upon receipt of an invoice including a detailed statement of costs the competent authority of the Requesting Party specified in Article of this Protocol, shall within 30 (thirty) days reimburse in Euros all costs of transportation incurred by the Requested Party.

Article 12 **Language of Communication**

The competent authorities of the Parties specified in Article 1 of this Protocol shall use German, Serbian or English languages when implementing the Agreement.

Article 13
Amendments

The Contracting Parties may, upon mutual agreement, amend the present Protocol. The text of the amended Protocol shall be exchanged through diplomatic channels. Amendments shall enter into force pursuant to Article 14 Paragraph 1.

Article 14
Entering into Force and Validity

The Agreement Implementing Protocol shall enter into force only after the Readmission Committee referred to in Article 18 of the Agreement has been notified of fulfilment of conditions stipulated by national legislation on enactment.

The Implementing Protocol shall cease to be in force as from the date when the Agreement ceases to be in force.

Done in Belgrade on 25 June 2010 in two original copies, in German, Serbian and English language, each of three texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

FOR THE AUSTRIAN FEDERAL
GOVERNMENT

Maria Fekter m.p.

FOR THE GOVERNMENT OF
THE REPUBLIC OF SERBIA

Ivica Dačić m.p.

Annex 1

Reply to the application for

- readmission of nationals of the Parties
- readmission of a third-country national or stateless person

(Designation and address of the competent authority of the Requesting Party)

Telephone _____ Fax _____ E-mail _____

File number _____

Date _____

Address:

A) In the event of a **positive** reply:

Ref: Your readmission application, file number _____, as of ____ 2 ____

1. With reference to your application for the readmission of

(First name and surname)

born on _____ in _____

(Date of birth)

(Place and municipality of birth)

we would like to inform you that the subject person shall be readmitted pursuant to:

- Article ___ of the Agreement – Readmission of own nationals
- Article ___ of the Agreement – Readmission of third-country nationals and stateless persons.

For that purpose the person shall be issued a travel document/visa (if applicable).

2. For the minor children separate travel documents/visa shall be issued (if applicable), namely for:

First name and surname	Kinship	Date, place and municipality of birth
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3. For issuing the travel document/visa, we kindly ask you to address:

(Designation of the diplomatic mission or consular office of the Requested Party)

SEAL/STAMP

 (Signature of the officer of the competent authority of the Requested Party)

B) In the event of a **negative** reply:

Ref: Your application, file number _____, as of ____2____

1. With reference to your application for the readmission of

(First name and surname)

we would like to inform you that the subject person shall not be readmitted.

Reasons:

(Provide the information confirming that there is no readmission obligation pursuant to Article ___ or ___ of the Agreement.)

2. According to the information held by this authority, the subject person is a national of

(Specify the nationality of the subject person, if data is available)

SEAL/STAMP

(Signature of the officer of the competent authority of the Requested Party)

Annex 2

(Designation and address of the competent authority of the Requesting Party)

Telephone _____ Fax _____ E-mail _____

File number _____

Date _____

Address

Subject: Notification number _____ of escorted return

We would like to inform you that on _____ (day, month, year) from the Airport
in _____, by flight number _____, departure time _____ hrs., arriving at
the Airport in _____ at _____ hrs., the following person(s) shall be returned, on whom
information is provided below:

I

No.	First name and surname	Date and place of birth	Number and date of reply to application, type, number and date of issue of the travel document
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

II

Information on persons in need of other persons' help, care or attendance due to illness or old age

No.	First name and surname	Reason
1		
2		
3		
4		

5		
6		
7		
8		
9		
10		

III

Information on persons requiring official escort to ensure security and order on board of the aircraft

No.	First name and surname	Reason
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

- The Requesting Party shall provide escort.
- The Requested Party shall provide escort. According to the risk analysis done by the Requesting Party _____ escort(s) of the _____ Ministry of the Interior is/are needed.
- The Requesting Party shall provide the doctor needed.
- The Requested Party shall provide the doctor needed for person(s) no. _____.

SEAL/STAMP

 (Signature of the officer of the competent authority of the Requesting Party)

Annex 3

Reply to an application for transit operations
regarding third-country nationals or stateless persons

(Designation and address of the competent authority of the Requesting Party)

Telephone _____ Fax _____ E-mail _____

File number _____

Date _____

Address:

Ref: Your transit application as of ____2__

File number: _____

Transit operation is

authorised

refused for the following reasons _____

Takeover by the official escort can take place at the border crossing point/Airport _____ by

_____ (enter the number of escorts/medical escorting personnel), on _____

at _____ hrs.

SEAL/STAMP

(Signature of the officer of the competent authority of the Requested Party)

Annex 4

Transit notification for third-country nationals or stateless persons

(Designation and address of the competent authority of the Requesting Party)

Telephone _____ Fax _____ E-mail _____

File number _____

Date _____

Address:

We kindly ask you to authorise transit of said person(s) for whom the onward journey to other States of transit and to the State of final destination is assured.

The Requesting Party holds no information about any reasons why transit operations pursuant to Article _____, Paragraph _____ of the Agreement should not be authorised.

Transit by Air

We would like to inform you that on _____ (day, month, year) from the Airport _____, departure time _____ hrs., with transit landing at the Airport _____ at _____ hrs., and onward journey to _____

flight number _____ at _____ hrs., the following person(s) shall be returned, whose personal data are provided below:

No.	Surname	First name	Date and place of birth	Nationality, type and number of travel document
1				
2				
3				
4				
5				

Official escort is:

- needed
- not needed

Medical escort is:

- needed
- not needed

Reason, if applicable _____

The needed official escort shall be provided by: _____

The needed medical escort shall be provided by: _____

Transit by Land

Official escort is:

- needed
- not needed

Medical escort is:

- needed
- not needed

We kindly ask you to take over transit of the following person(s) to _____

on _____ (day, month, year) at _____ hrs.

at the border crossing point _____.

On the basis of available information regarding the needed protection and security measures, we kindly ask you to provide:

official escort by _____ authorised person(s)

medical escort by _____

No.	Surname	First name	Date and place of birth	Nationality, type and number of travel document
1				
2				
3				
4				
5				

SEAL/STAMP

 (Signature of the officer of the competent authority of the Requesting Party)