

**PROTOCOL BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND THE  
GOVERNMENT OF MONTENEGRO FOR THE IMPLEMENTATION OF THE  
AGREEMENT  
BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF  
MONTENEGRO ON  
THE READMISSION (RETURN AND ADMISSION) OF PERSONS RESIDING  
WITHOUT AUTHORISATION**

The Austrian Federal Government and the Government of Montenegro (hereinafter referred to as "Contracting Parties"), pursuant to Article 19 of the Agreement between the European Community and the Republic of Montenegro on the readmission (return and admission) of persons residing without authorisation (hereinafter referred to as "Agreement"), have agreed as follows:

**I. Competent authorities and border crossing points**

**Article 1**

**Competent authorities**

1. The competent authorities for the implementation of the Agreement and the Protocol on the part of Austria shall be:

-- For readmission and transit operations:

Federal Ministry of the Interior

Department for Migration Police and Border Control

-- For conducting an interview to establish the nationality pursuant to Article 8 paragraph 3 of the Agreement:

Austrian Embassy in Montenegro

2. The competent authorities for the implementation of the Agreement and the Protocol on the part of Montenegro shall be:

-- For readmission:

Ministry of Internal Affairs and Public Administration

Section for administrative and internal affairs

-- For transit operations:

Directorate of Police

Department for Foreigners and fight against illegal migration

-- For conducting an interview to establish the nationality pursuant to Article 8 paragraph 3 of the Agreement

Embassy of Montenegro in Austria

3. The Contracting Parties shall communicate to each other through diplomatic channels the contact data (address, telephone, fax and e-mail) and all changes in connection with the competent authorities.

**Article 2**

**Border crossing points**

1. The border crossing points at the airport to be used for return and transit of persons residing without authorisation shall be:

- On Austrian territory:  
Vienna International Airport  
Wien-Schwechat  
Stadtpolizeikommando Schwechat  
Grenzpolizeiinspektion  
1300 Flughafen Objekt 102  
Tel: + 43 (0) 70166/740  
Fax. + 43 (0) 70166/749  
E-mail: GPI-N-Schwechat-Flughafen@polizei.gv.at

- On Montenegrin territory:

International border crossing point Airport Podgorica

Department of Border Police  
Podgorica  
8100  
Tel: + 382 020 225618  
Fax. + 382 020 225618  
E-mail: isp.gp.podgorica@t-com.me

2. If required in an individual case, return and transit of persons can also be carried out via border crossing points not stated in this Article, provided the competent authorities have agreed on this fact with each other in written form.

3. The Contracting Parties shall inform each other directly as well as on diplomatic way about any amendments of the contact details (address, telephone, fax an e-mail).

## **II. Readmission procedure**

### **Article 3**

#### **Readmission application**

1. Pursuant to Article 7 paragraph 3 of the Agreement, the competent authority of the requesting Contracting Party shall send the readmission application directly to the competent authority of the requested Contracting Party by fax or any other secure transmission medium, using the common form contained in Annex 6 to the Agreement. The competent authority of the requested Contracting Party shall send a reply to the readmission application directly to the competent authority of the requesting Party named in Article 1, by fax or any other secure transmission medium, using the common form contained in Annex 1 to this Protocol.

2. The time limits for submitting a reply to the readmission application are contained in Article 10 paragraph 2 and 3 of the Agreement.

3. In addition to the documents listed in Annex 1 to the Agreement, the Montenegrin nationality shall be proved by submission of the following documents:

- Travel documents (passports) issued after 5 May 2008
- Identity cards issued after 5 May 2008.

#### **Article 4**

### **Transfer modalities and modes of transportation**

1. Upon approval by the requested Contracting Party of the readmission of the person to be transferred or after expiry of the 12-day (twelve) period provided in Article 10 paragraph 2 of the Agreement a notice in writing of the competent authority of the requesting Contracting Party shall be sent directly to the competent authority of the requested Contracting Party by fax or any other secure transmission medium, using the form contained in Annex 3 to this Protocol. The notice to the competent authority of the requested Contracting Party shall be given at the latest 2 (two) working days before the person's scheduled date of transfer.

2. If there are legal or factual obstacles which make the transfer impossible at the scheduled time, the requesting Contracting Party shall notify the requested Contracting Party of these circumstances and shall communicate the new time and place for the scheduled transfer.

#### **Article 5**

### **Readmission in error**

If the requesting Contracting Party takes back a person readmitted in error upon a duly motivated request by the requested Contracting Party, all documents concerning the person shall be returned to the requesting Contracting Party in the original.

### **III. Transit operations**

#### **Article 6**

### **Transit application**

1. Pursuant to Article 14 paragraph 1 of the Agreement the competent authority of the requesting Contracting Party shall send the transit application directly to the competent authority of the requested Contracting Party by fax or any other secure transmission medium, using the form contained in Annex 7 to the Agreement.

2. Information about particular needs for help, medical assistance or needs due to illness or old age (with the consent of the person concerned) as well as information about the requirement of special protection or security measures shall be given in item C. "Observations" of the application within the meaning of the above paragraph.

3. The competent authority of the requested Contracting Party shall send a reply to the transit application directly to the competent authority of the requesting Party named in Article 1, by fax or any other secure transmission medium, using the common form contained in Annex 2 to this Protocol.

4. Upon approval by the requested Contracting Party of the transit of the person to be transited a notice in writing of the competent authority of the requesting Contracting Party shall be sent directly to the competent authority of the requested Contracting Party by fax or any other secure transmission medium, using the form contained in Annex 4 to this Protocol. The notice to the competent authority of the requested Contracting Party shall be given at the latest 10 (ten) working days before the person's scheduled date of transit.

## **Article 7**

### **Escort of persons during a transit operation**

1. During transit under escort, members of the escort must be able to prove their identity as well as their authorisation and the kind of its function any time by presenting the transit approval issued by the requested Contracting Party.
2. The powers of the escort during a transit operation shall be limited to self-defence. However, until the arrival of the staff of the requested Contracting Party the escort can respond reasonably and proportionately to evident, serious danger to prevent the person in transit from escaping, thereby inflicting self-injuries or against third parties or damaging property.
3. In any case, the escort shall observe the legal order of the requested party.
4. The escort shall perform its functions in plainclothes and unarmed.
5. The requested Contracting Party shall give the same assistance and the same protection to the escort during fulfilment of its functions as it gives to its own escorts during the fulfilment of the same functions.

## **IV. Costs**

### **Article 8**

#### **Costs**

1. Recovery of the costs associated with readmission or transit is regulated in Article 15 of the Agreement.
2. The requesting Contracting Party shall reimburse the requested Contracting Party for all costs incurred by the requested Contracting Party in granting the required assistance by the requested Contracting Party during transit.
3. The requesting Contracting Party shall reimburse the requested Contracting Party for all transportation costs and costs of escort in connection with readmission in error pursuant to Article 12 of the Agreement, provided the requested Contracting Party communicates to the requesting Contracting Party in detail why the requirements specified in Articles 2 to 5 of the Agreement have not been met, including all available information about the actual identity, nationality of the person to be readmitted.
4. After being requested in writing the requesting Contracting Party shall pay all costs incurred by the requested Contracting Party by means of bank transfer within 30 (thirty) days as from the date of presenting the invoice.
5. The bank details shall be communicated together with this request.

## **V. Final provisions**

### **Article 9**

#### **Language**

The Contracting Parties shall communicate with each other in the German, Montenegrin or English languages.

### **Article 10**

#### **Expert meetings**

The Contracting Parties agree to establish a bilateral expert commission which is composed of representatives of the competent authorities pursuant to Article 1 of this Protocol, which shall hold meetings at the request of one of the Contracting Parties.

### **Article 11**

#### **Entry into force**

1. The Contracting Parties shall provide written information to each other on the fulfilment of all national requirements for the entry into force of the Protocol.
2. This Protocol shall enter into force upon notification of the Joint Readmission Committee pursuant to Article 19 paragraph 2 of the Agreement. After completion of the procedure pursuant to paragraph 1 the Republic of Austria shall notify the Joint Readmission Committee pursuant to Article 18 of the Agreement that all requirements for the conclusion of the Protocol stipulated by the laws of the Contracting Parties have been met and shall provide such information to Montenegro.
3. This Protocol shall cease to apply at the same time as the Agreement.

Done at Podgorica on 23 June 2010 in two originals, each in the German, Montenegrin and English languages. Each of these texts is authentic. In the case of interpretation problems regarding the Protocol the English text shall prevail.

For the Austrian  
Federal Government

Maria Fekter m.p.

For the Government  
of Montenegro

Ivan Brajović m.p.

Annex 1

[competent authority  
of the requested state]

Reference number:

To  
[competent authority  
of the requesting state]

[Place, date]

**Reply to the readmission application concerning**  
**- own nationals**  
**- third-country nationals or stateless persons**  
[delete where inapplicable]

Your readmission application, reference number \_\_\_\_\_, of \_\_\_\_\_ 2 \_\_\_\_\_

**A) In the case of a positive reply**

1. With reference to your readmission application concerning

\_\_\_\_\_  
(underline surname)  
born on \_\_\_\_\_ in

we advise you that the application has been granted and that a readmission obligation exists pursuant to  
- Article \_\_ Paragraph \_\_\_\_ Subparagraph \_\_\_\_ of the Agreement – Readmission of own nationals  
- Article \_\_ Paragraph \_\_\_\_ of the Agreement – Readmission of third-country nationals or stateless persons.

2. For the stated minor children separate return-home certificates/visa will be issued (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. With regard to the issuance of return-home certificates or visa please turn to:

\_\_\_\_\_

[Seal/stamp]

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(Signature)

**B) In the case of a negative reply**

1. With reference to your readmission application concerning

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(underline surname)

born on \_\_\_\_\_ in

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we advise you that readmission cannot be granted.

Reasons:

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

[Seal/stamp]

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(Signature)

Annex 2

[competent authority  
of the requested state]

Reference number:

To  
[competent authority  
of the requesting state]

[Place, date]

**Reply to the transit application concerning  
third-party nationals or stateless persons**

Your transit application, reference number \_\_\_\_\_, of \_\_\_\_\_ 2 \_\_\_\_\_

**A) In the case of a positive reply**

With reference to your transit application concerning

\_\_\_\_\_

(underline surname)

born on \_\_\_\_\_ in

\_\_\_\_\_ we advise you that the application has been granted.

Number of escort persons (if applicable): \_\_\_\_\_

Medical escort is required: YES NO

Notes:

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Seal/stamp]

\_\_\_\_\_ (Signature)

**B) In the case of a negative reply**

With reference to your transit application concerning

\_\_\_\_\_

(underline surname)

born on \_\_\_\_\_ in

\_\_\_\_\_ we advise you that the application cannot be granted.

Reasons:

\_\_\_\_\_



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[Seal/stamp]

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(Signature)

*Annex 3*

[competent authority  
of the requesting state]

Reference number:

To  
[competent authority  
of the requested state]

[Place, date]

**Information on readmission**

Your consent to readmission, reference number \_\_\_\_\_, of \_\_\_\_\_ 2 \_\_\_\_\_

**Personal and return details**

1. Full name

\_\_\_\_\_

(underline surname)

2. Date of birth

\_\_\_\_\_

3. Type of return (by air, by land or by sea, as well as flight number)

\_\_\_\_\_

4. Date

\_\_\_\_\_

5. Time

\_\_\_\_\_

6. Place of transfer (border crossing point)

\_\_\_\_\_

7. State of health or special needs

\_\_\_\_\_

\_\_\_\_\_

8. Escorted return YES NO

If so, details on escorting persons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Text after exploratory talks 10-11.5.2010  
Based on the Austrian draft of June 2009

9. Security measures to be arranged at the place of transfer (border crossing point) (if required)

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[Seal/stamp]

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(Signature)

*Annex 4*

[competent authority  
of the requesting state]

Reference number:

To  
[competent authority  
of the requested state]

[Place, date]

**Transit information**

Your consent to transit, reference number \_\_\_\_\_, of \_\_\_\_\_ 2 \_\_\_\_\_

**Personal and transit details**

1. Full name

\_\_\_\_\_

(underline surname)

2. Date of birth

\_\_\_\_\_

3. Type of transit (by air, by land or by sea, as well as flight number)

\_\_\_\_\_

4. Date

\_\_\_\_\_

5. Time

\_\_\_\_\_

6. Place of transit (border crossing point)

\_\_\_\_\_

7. Details on further transfer to the state of final destination (with transfer by air,  
specify flight  
data)

\_\_\_\_\_

8. Possible obstacles to transit (refusal of admission in further transit states or the  
state of  
final destination)

YES NO

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Text after exploratory talks 10-11.5.2010

Based on the Austrian draft of June 2009

9. State of health or special needs:

If necessary, details on the medical escort

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10. Escorted transit YES NO

If so, details on the escorting persons:

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11. Security measures to be arranged during the transit operation (if required)

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[Seal/stamp]

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(Signature)