

Protocol
between
the Austrian Federal Government
and
the Council of Ministers of Bosnia and Herzegovina
for
the Implementation of the Agreement between the European Community and
Bosnia and Herzegovina on the readmission of persons residing without authorisation
(Implementing Protocol)

The Contracting Parties to this Implementing Protocol

The Austrian Federal Government and the Council of Ministers of Bosnia and Herzegovina hereinafter referred to as "Contracting Parties";

Desiring to facilitate the implementation of the Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation (hereinafter "Readmission Agreement");

On the basis of the provisions of Article 19 of the Readmission Agreement, have agreed as follows:

Article 1
(Competent authorities)

(1) Under Article 19 para. 1 lit. a the competent authorities for receiving, submitting and considering readmission and transit applications pursuant to Articles 7 and 14 of the Readmission Agreement shall be

- for the Republic of Austria:

Federal Ministry of the Interior (*Bundesministerium für Inneres*)
Departement II/3 (*Abteilung II/3*)
Minoritenplatz 9
1014 Wien
Tel.: +43 (1) 53126/3556
Telefax: +43 (1) 53126/3136
E-mail: BMI-II-3@bmi.gv.at

- for Bosnia and Herzegovina:

a) for the citizens of Bosnia and Herzegovina:

Security Ministry of Bosnia and Herzegovina (*Ministarstvo bezbjednosti BiH*)
Department for Immigration (*Sektor za imigraciju*)
Trg Bosne i Hercegovine broj 1
71000 Sarajevo
Tel.: +387 33 492 477
Telefax: +387 33 492 794
E-mail: readmisija@msb.gov.ba

b) for third-country nationals, stateless persons and transit through Bosnia and Herzegovina:

Security Ministry of Bosnia and Herzegovina (*Ministarstvo bezbjednosti BiH*)
Department for Aliens (*Služba za poslove sa strancima*)
Pijačna broj 6
71000 Sarajevo
Tel.: +387 33 772 952
Telefax: +387 33 772 958
E-mail: readmisija@sps.gov.ba

(2) The competent authorities under this Article shall immediately inform each other through diplomatic channels of any changes in connection with the authorities and competent bodies referred to in this Article.

Article 2
(Border crossing points)

(1) Under Article 19 para. 1 lit. a of the Readmission Agreement, the readmission and transit shall be effected at the following border crossing points:

a) on Austrian territory:

Vienna International Airport

Wien-Schwechat

City Police Command Schwechat (*Stadtpolizeikommando Schwechat*)

Border Police Inspectorate (*Grenzpolizeiinspektion*)

1300 Flughafen Objekt 102

Tel.: +43 (0) 70166/740

Telefax: +43 (0) 70166/749

E-mail: GPI-N-Schwechat-Flughafen@polizei.gv.at

b) on the territory of Bosnia and Herzegovina:

Border police of Bosnia and Herzegovina (*Granična policija Bosne i Hercegovine*)

Operation Centre (*Operativni centar*)

Tel. Nr.: +387 33 755 300, 755 301

Telefax Nr: +387 33 755 305, 755 306

E-mail: granpol@granpol.gov.ba

Sarajevo International Airport (*Međunarodni aerodrom Sarajevo*)

Tel. Nr.: +387 33 755 359

Telefax Nr: +387 33 755 360

E-mail: jqpasa@granpol.gov.ba

(2) Insofar as necessary in the individual case, in addition to the border crossing points in para. 1, other international border crossing points may also be used on the territory of Bosnia and Herzegovina or points on the territory of the Republic of Austria for the readmission and transit of persons residing without authorisation, to be agreed in each individual case by the competent authorities under Article 1 of this Implementing Protocol.

(3) The competent authorities shall immediately inform each other through diplomatic channels of any changes in connection with the border crossing points pursuant to para. 1 of this Article.

Article 3
(Readmission application and reply to the application)

(1) The readmission application pursuant to Article 7 of the Readmission Agreement is effected by transmitting the application form attached in Annex 6 of the Readmission Agreement. The application form shall be transmitted by the competent authority of the requesting Contracting Party to the competent authority of the requested Contracting Party via telefax or e-mail. The transmission report regarding the telefax or e-mail is considered as the receipt confirmation of the application.

(2) The requesting Contracting Party shall transmit with the readmission application all available documents referred to in Annexes 1 to 5 of the Readmission Agreement and pursuant to Article 19 para. 1 lit. c in conjunction with Article 16 of the Readmission Agreement a filled in standard form for the transmission of finger prints of the person concerned. The evidence in Annexes 2 to 5 of the Readmission Agreement must be clear and precise in order to permit an examination and to establish whether the requested Contracting Party is required to readmit the person concerned.

(3) The requested Contracting Party shall transmit its reply to the readmission application to the competent authority of the requesting Contracting Party by telefax or e-mail within the period set out in Article 10 para. 2 or 3 of the Readmission Agreement.

Article 4

(Transfer modalities and mode of transportation)

(1) After the requested Contracting Party has agreed to readmit the person concerned, the requesting Contracting Party shall send a written notification to the requested Contracting Party which shall contain the following information:

- a) Mode of transportation for return (by air or land);
- b) Date of transfer;
- c) Time of transfer;
- d) Place of transfer (border crossing point);
- e) Necessary measures to ensure the special needs of the person to be readmitted;
- f) Information about escort and security measures to be taken at the place of transfer.

(2) Notification pursuant to para. 1 of this Article shall take place by transmitting the transfer form attached as Annex I to this Implementing Protocol. The transfer form shall be transmitted to the competent authority of the requested Contracting Party by telefax or e-mail two working days prior to the date of transfer at the latest.

(3) If due to formalities or practical obstacles, the date of transfer has been postponed by the requesting Contracting Party, the competent authority of the requesting Contracting Party shall immediately inform the competent authority of the requested Contracting Party thereof.

(4) In case of a postponement of the transfer date pursuant to para. 3 of this Article, the competent authority of the requesting Contracting Party is obligated pursuant to para. 2 of this Article to renew the transfer form.

(5) If due to formalities or practical obstacles, the agreed date of transfer has been postponed by the requested Contracting Party, the competent authority of the requested Contracting Party shall immediately inform the competent authority of the requesting Contracting Party thereof and propose a new date.

Article 5

(Readmission in error)

If, upon a justified application by the requested Contracting Party, the requesting Contracting Party takes back a person to be readmitted because it was established later on that the requirements for a readmission were not met, all documents concerning that person must be returned to the requesting Contracting Party in the original.

Article 6

(Transit application)

(1) In addition to the items listed in Article 14 para. 1 of the Readmission Agreement, the written transit application shall, if necessary, further contain:

- a) necessary measures to secure the special needs of the person to be transferred;
- b) information about necessary special protection or security measures.

(2) The information listed under this Article shall be listed under item C "Observations" of the common form to be used for the transit application (Annex 7 to the Readmission Agreement).

(3) Under Articles 13 and 14 of the Readmission Agreement the Contracting Parties have agreed on practical modes of transit as follows:

- a) The transit application shall be submitted to the competent authority of the requested Contracting Party under Article 1 of this Protocol by e-mail or telefax, at least 10 calendar days prior to the scheduled transit.
- b) The competent authority of the requested Contracting Party is under an obligation to reply within 5 calendar days after receipt of the transit application by telefax or e-mail, and to state whether it agrees with the transit, scheduled time, designated border crossing, type of transit and use of escorting officers.
- c) If the requesting Contracting Party considers it necessary to ask the competent authority of the requested Contracting Party for assistance regarding a specific transit, this must be indicated on the form for the transit application pursuant to Annex 7 to the Readmission Agreement. The competent authority of the requested Contracting Party shall state in its reply to the transit application whether the requested assistance is possible.
- d) If the person is transported for transit via plane and with escort, the competent authority of the requested Contracting Party shall take over the surveillance, and shall grant assistance as far as possible for embarking on the means of transport.

Article 7

(Modalities for escorted returns and transit)

Under Article 19 para. 1 lit. b of the Readmission Agreement the Contracting Parties have agreed on the practical modalities for escorted returns and transit as follows:

- a) The escorting officers shall be responsible for escorting the person concerned and for his/her transit until the takeover in the State of destination.
- b) The escorting officers shall carry out their work and tasks unarmed and in plain clothes. The escorting officers shall have documents to prove that the return or transit has been permitted by the requested Contracting Party. The escorting officers must be able to prove at any time their identity as well as their authorisation and nature of their mission.
- c) The Contracting Party requested to permit the transit shall grant the same protection and assistance to the escorting officers while performing their duties as they grant to their own officers when taking such action.
- d) The escorting officers shall under all circumstances adhere to the national legislation of the requested Contracting Party. During the implementation of the return or transit, the authority of the escorting officers shall be limited to self-defence and assistance in need. The escorting officers may, however, until the arrival of officers of the requested Contracting Party respond to an evident serious threat in a reasonable and proportionate manner to prevent the person to be readmitted or transited from fleeing, injuring him/herself or injuring third persons or causing damage to property.
- e) The escorting officers shall be responsible for carrying the travel documents and other documents or information about the person to be returned or transited, and for handing them over to a representative of the competent authority of the State of destination.
- f) The escorting officers must not leave the agreed place of transfer before the transfer of the person to be returned or transited is completed.
- g) The competent authorities of the requesting Contracting Party shall see to it that visa are available, if required in further transit States and the State of destination.

Article 8

(Costs)

(1) Should any costs have been incurred by the Contracting Party not required to bear the costs pursuant to Article 15 of the Readmission Agreement, these costs shall be reimbursed

by the obligated Contracting Party in Euro by a bank transfer within 30 days after receipt of the invoice.

(2) Should there be a readmission by mistake pursuant to Article 12 of the Readmission Agreement, the requesting Contracting Party shall reimburse the requested Contracting Party for the costs of returning the person readmitted by mistake. The requested Contracting Party shall transmit to the requesting Contracting Party a written reasoning, setting out why the requirements defined in Articles 2 to 5 of the Readmission Agreement have not been met, and shall transmit all existing information on the actual identity and nationality of the person to be admitted.

(3) The bank details of the Contracting Parties are as follows:

a) for the Republic of Austria:

Bundesministerium für Inneres
Abteilung II/3
Minoritenplatz 9
1014 Vienna
Bank connection: AT 916000000005020009
SWIFT Code: OPSKATWN
Tax number: ATU 37870700

b) for Bosnia and Herzegovina:

Intermediary Bank/ Correspondent Bank
SWIFT-BIC:DEUTDEFF
Name: DEUTSCHE BANK AG
City, Country: FRANKFURT AM MAIN; GERMANY

Account with Institution /Beneficiary s Bank

SWIFT-BIC:CBBSBA22
IBAN/Account Number: DE81 5007 0010 0935 9621 00
Name: CENTRALNA BANKA BOSNE I HERCEGOVINE
Address: MARŠALA TITA 25
City, Country: SARAJEVO; BOSNIA AND HERZEGOVINA
Beneficiary

IBAN/ Account Number: 06411
Name: MINISTARSTVO FINANCIJA I TREZORA BIH
Address: TRG BIH 1
City, Country: SARAJEVO; BOSNIA AND HERZEGOVINA
Reference Number 0923999

(4) The competent authorities under Article 1 shall inform each other immediately through diplomatic channels of any changes regarding the bank details under para. 3 of this Article.

Article 9 (Language)

The communication between the Contracting Parties for the implementation of the Readmission Agreement and this Implementing Protocol shall be in English.

Article 10
(Expert talks)

- (1) The Contracting Parties agree on the establishment of a bilateral expert commission. The members of the bilateral expert commission of the Contracting Parties shall be nominated by the competent authorities pursuant to Article 1 para. 1 of this Implementing Protocol.
- (2) Talks and consultations regarding the implementation of the Readmission Agreement and the Implementing Protocol shall be held whenever necessary.

Article 11
(Final provisions)

- (1) This Implementing Protocol shall enter into force after it has been signed on the first day following the notification to the Joint Readmission Committee pursuant to Article 19 para. 2 of the Readmission Agreement.
- (2) In the event of the termination of the Readmission Agreement, this Implementing Protocol shall be terminated as well.
- (3) This Implementing Protocol may at any time be denounced in writing through diplomatic channels. In such a case, it shall cease to apply three months after the date of receipt of the written notice of termination.

Done at Vienna, on 22.02.2011 in two original copies, each in German, in the official languages of Bosnia and Herzegovina (Bosnian, Croatian, Serbian) and in English, all texts being equally authentic. In case of differences regarding the interpretation, the English text shall prevail.

For the Austrian
Federal Government

Maria Fekter m.p.

For the Council of Ministers
of Bosnia and Herzegovina

Sadik Ahmetović m.p.

Annex I

(Emblem of the Republic of Austria)

(Emblem of Bosnia and Herzegovina)

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.....

(Designation of requesting authority)

Place and date:.....

Reference:.....

To

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.....
.....

(Designation of requested authority)

RETURN FORM

Pursuant to Article 4 of the Implementing Protocol between the Austrian Federal Government and the Council of Ministers of Bosnia and Herzegovina for the Implementation of the Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation

PERSONAL DETAILS AND RETURN

1. Full name (underline surname):

.....

2. Date of birth:

.....

3. Type of travel document:.....

Number.....

Valid from until (day, month, year)

4. Mode of transportation for return (by air or by land) and details (flight number, type and registration number of vehicle, etc.):

.....

5. Date of transfer:

.....

6. Time of transfer:

.....

7. Place of transfer (border crossing point):

.....

8. Necessary arrangements regarding the special needs of the person to be transferred:

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9. Escort: yes no

If yes, details about escorting officers:

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10. Security measures to be taken at the place of transfer:

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Signature of the authorised person of the
competent requesting authority

(Stamp)