**PROTOCOL**

between the Government of the Republic of Latvia and the Government **of GEORGIA on the implementation of the Agreement between the European Union and GEORGIA on the readmission of persons residing without authorization**

The Government of the Republic of Latvia and

The Government of Georgia,

hereinafter, jointly referred to as “the Contracting Parties”,

desiring to facilitate the implementation of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation, signed in Brussels on 22 November 2010 (hereafter referred to as “the Agreement”),

Have agreed as follows:

**Article 1**

**Competent Authorities**

1. Pursuant to Article 19 (1) lit. a) of the Agreement, the Contracting Parties have designated the following competent authorities:

1. for submission, reception and processing of readmission and transit applications:

In the Republic of Latvia: State Border Guard;

In Georgia: Migration Department of the Ministry of Internal Affairs of Georgia.

1. for processing of interviews:

In the Republic of Latvia: Embassy of Georgia in the Republic of Latvia,

In Georgia: Embassy of the Republic of Latvia in Georgia.

2. The Contracting Parties shall provide each other in writing through diplomatic channels with contact data of the competent authorities within 30 (thirty) days from the date of signing of this Protocol.

3. The competent authorities shall promptly inform each other in writing about any changes regarding their contact data.

4. The Contracting Parties shall inform each other in writing through diplomatic channels about any changes regarding the competent authorities.

**Article 2**

**Border Crossing Points**

1. The border crossing points to be used for the purposes of implementing the Agreement are:

In the Republic of Latvia - Riga International Airport,

In Georgia - Tbilisi International Airport.

2. The Contracting Parties shall inform each other in writing through diplomatic channels about any changes in the list of border crossing points referred to in paragraph 1 of this Article.

3. The use of other border crossing points shall be agreed mutually by the competent authorities on a case-by-case basis.

**Article 3**

**Submission and Reply to Readmission Applications**

1. A readmission application shall be submitted to the competent authority of the Requested State using the form attached as Annex 5 to the Agreement by authorized electronic system, official electronic mail or fax.

2. The transmission report or electronic receipt, if official electronic mail or fax is used, shall serve as a proof of submission or receipt of the readmission application.

3. Readmission application shall be submitted with documents listed in Annex 1 to 4 of the Agreement, as well as person’s photograph.

4. A reply to a readmission application shall be sent to the competent authority of the Requesting State by authorized electronic system, official electronic mail or fax within the time limits mentioned in Article 10 (2) of the Agreement. The transmission report or electronic receipt, if official electronic mail or fax is used, shall serve as a proof of submission or receipt of a reply to the readmission application.

5. In accordance with Article 10 (3) of the Agreement, legal and factual reasons shall be given in written form for the refusal of a readmission application.

**Article 4**

**Travel Documents**

Within 30 (thirty) days after signing this Protocol, relevant competent authorities shall exchange with specimen of standard travel documents for exiting the country through the diplomatic channels.

**Article 5**

**Interviews**

1. In cases where, in accordance with Article 8 of the Agreement, the nationality of the person to be readmitted cannot be established by means of the documents listed in the Annexes 1 to 2 to the Agreement, the competent authority of the Requesting State shall submit a readmission application with the request to interview the person to be readmitted, using authorized electronic system, official electronic mail or fax to the competent authority of the Requested State.

2. The competent authority of the Requested State responsible for processing of interviews uses its administrative building to interview the person to be readmitted. According to the consent between the competent authorities the interview may be conducted outside the building. In this case during the interview the Requesting State shall ensure security of interviewing employee and cover transportation costs. Interviews may be conducted through the video call by the authorized electronic system.

3. The competent authority of the Requested State shall make a decision regarding the readmission application after the interview is held taking into account time limits mentioned in Article 10 (2) of the Agreement.

**Article 6**

**Transfer**

1. The competent authority of the Requesting State shall notify the competent authority of the Requested State by authorized electronic system, official electronic mail or fax of its intention to transfer the person concerned at least three (3) working days before the date of transfer.

2. If the competent authority of the Requesting State is unable to transfer the person to be readmitted within the time limit of 3 (three) months referred to in Article 10 (4) of the Agreement or at the date notified to the competent authority of the Requested State in accordance with paragraph 1 of this Article, it shall immediately notify the competent authority of the Requested State accordingly.

3. As soon as the actual transfer can take place, the competent authority of the Requesting State shall notify the competent authority of the Requested State thereof, in accordance with paragraph 1 of this Article.

4. If there is a cancelation of transfer or any changes occur in date, time, place or route of the transfer, the competent authority of the Requesting State immediately informs the competent authority of Requested State in written form by use of authorized electronic system, official electronic mail or fax.

**Article 7**

**Transit Procedure**

1. A transit application shall be submitted to the competent authority of the Requested State by authorized electronic system, official electronic mail or fax at least 8 (eight) calendar days before transit takes place, using the form attached as Annex 6 to the Agreement.

2. The transmission report or electronic receipt, if official electronic mail or fax is used, shall serve as a proof of submission or receipt of the transit application.

3. The competent authority of the Requested State shall reply by authorized electronic system, official electronic mail or fax without delay, within 5 (five) calendar days after the receipt of the transit application as to whether it consents to the transit, time of transfer, envisaged point of entry, type of transit and possible use of escorts.

4. In principle, transit shall take place by air.

5. If there is a cancelation of transit or any changes occur in date, time, place or route of the transit, the competent authority of the Requesting State immediately informs the competent authority of Requested State in written form by authorized electronic system, official electronic mail or fax.

**Article 8**

**Support During Transit**

1. If the competent authority of the Requesting State deems it necessary to have the support of the authorities of the Requested State for a particular transit, the former shall state the nature and substance of the assistance required in the transit application submitted using the form attached as Annex 6 to the Agreement.

2. In the reply to the transit application, the competent authority of the Requested State shall state whether it is able to provide the requested support.

3. In so far as the person concerned is escorted in the territory of the Requested State, he/she shall be guarded and possibly escorted on board under the authority and, as far as possible, with the assistance of this State.

**Article 9**

**Obligations for Escorts**

Persons shall be transferred and transited under escort subject to the following rules:

a) the competent authority of the Requesting State shall include the ranks, names and surnames of the officers escorting the persons subject to readmission or transit, as well as series, numbers and dates of issuance of their travel documents in the notification letter informing on the date and time of the transfer or in item “B4” of Annex 6 of the Agreement, as appropriate;

b) the competent authority of the Requesting State shall promptly inform the competent authority of the Requested State about any changes regarding the escorting officers;

c) the escorting officers shall perform their duties unarmed and in plain clothes. During the performance of their duties they shall hold travel documents and official documents confirming that the Requested State has agreed upon the readmission or transit of the escorted person;

d) the escorting officers shall be responsible for the escorted persons and for transferring them to the destination country;

e) the escorting officers shall be obliged to properly protect the documents which are basis for the escorted person to be transferred and for providing these documents to the state authorities of the country to which the escorted person is to be transferred;

f) the escorting officers shall respect the internal legislation of the Requested State. The authority of the escorting officers during transfer or transit of a person shall be limited to necessary defence;

g) the Requested State shall grant the escorting officers the same level of protection and support as guaranteed under its internal legislation for the officers of the Requested State performing such duties;

h) if there are no officers of the Requested State authorized to provide support, the escorting officers are entitled, in a manner proportional to the existing circumstances and in accordance with the internal legislation of the Requested State, to apply direct coercive measures if there is a direct and serious threat that the escorted person escapes, injures himself/herself or third parties, or damages property;

i) if required, the escorting officers shall hold necessary visas of the country of final destination and transit countries.

**Article 10**

**Costs**

1. The Requesting State shall pay all invoiced costs incurred by the Requested State in connection with readmission and transit operations which Article 15 of the Agreement stipulates to be borne by the Requesting State. The invoice shall contain the bank details of the Requested State.

2. The Requesting State shall pay all costs to the Requested State within 30 (thirty) days after the receipt of the invoice. Costs related to the issuance of the travel document of the person to be readmitted shall not be paid if the document is issued on the basis of application submitted through the authorised electronic system.

**Article 11**

**Meeting of Experts**

1. The Contracting Parties shall co-operate to solve any problems that arise in the context of the implementation of the Agreement and this Protocol.

2. If one of the Contracting Parties so requests, a meeting of experts, consisting of representatives of the competent authorities, shall be convened.

**Article 12**

**Language**

The Contracting Parties shall communicate with one another in English language.

**Article 13**

**Amendments and Supplements**

This Protocol may be amended and supplemented by mutual consent of the Contracting Parties. Such amendments and supplements shall be drawn up in the form of separate documents, which shall form an integral part of this Protocol, and enter into force in accordance with the procedure laid down in paragraph 2 of Article 14 of this Protocol.

**Article 14**

**Entry into force, validity and termination**

1. The Contracting Parties shall notify each other through diplomatic channels on the completion of their internal procedures necessary for the entry into force of this Protocol.

2. This Protocol shall enter into force on the first day of the second month after the Joint Readmission Committee pursuant to Article 19 (2) of the Agreement has been notified by the Republic of Latvia that both Contracting Parties have completed their respective internal procedures necessary for the entry into force of this Protocol. A copy of this notification shall be provided to Georgia.

3. This Protocol is concluded for an indefinite period and shall cease to apply simultaneously with the termination of the Agreement.

### 4. This Protocol may be terminated by initiative of one of the Contracting Parties or by mutual consent in writing through diplomatic channels. In such case the termination shall enter into force after 6 (six) months from the date of the receipt of such written notification. The Contracting Parties shall inform the Joint Readmission Committee on such termination.

DONE at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_, in duplicate, each in Latvian, Georgian and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

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| For the Government of the Republic of Latvia\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | For the Government of Georgia\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |