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DECISIONS

COUNCIL

COUNCIL DECISION

of 8 November 2007

on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation

(2007/817/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point 3(b) of Article 63, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

(1) The Commission has negotiated on behalf of the European Community an Agreement with the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation.

(2) The Agreement was signed, on behalf of the European Community, on 18 September 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 18 September 2007.

(3) The Agreement should be approved.

(4) The Agreement establishes a Joint Readmission Committee which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.

(5) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.

(6) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

⁽¹⁾ Opinion delivered on 24 October 2007 (not yet published in the Official Journal).

Article 2

The President of the Council shall give the notification provided for in Article 22(2) of the Agreement ⁽¹⁾.

as required under Article 18(5) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 3

The Commission shall represent the Community in the Joint Readmission Committee established by Article 18 of the Agreement.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Article 4

The position of the Community within the Joint Readmission Committee with regard to the adoption of its rules of procedure

Done at Brussels, 8 November 2007.

For the Council
The President
R. PEREIRA

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

EXCHANGE OF LETTERS

COUNCIL
OF THE EUROPEAN UNION

Brussels, 18 September 2007

Ms. Gordana Jankulovska,
Minister of Interior of the former
Yugoslav Republic of Macedonia.

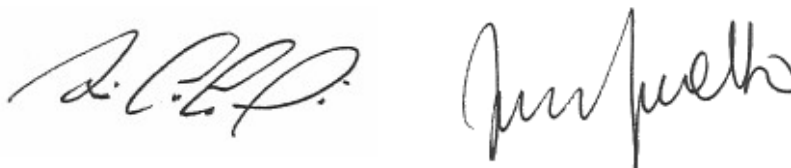
Dear Minister,

We have the honour to propose that, if it is acceptable to your Government, this letter and your confirmation shall together take the place of signature of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on readmission of persons residing without authorisation.

The text of the aforementioned Agreement, herewith annexed, has been approved for signature by a decision of the Council of the European Union of today's date.

Please accept, Minister, the assurance of our highest consideration.

For the European Community



Republic of Macedonia
MINISTRY OF INTERIOR
Minister

Courtesy translation

Brussels, 18 September 2007

Dear Sirs,

On behalf of the Government of the Republic of Macedonia I have the honour to acknowledge receipt of your letter dated 18th September 2007 regarding the signature of the Agreement between the Republic of Macedonia and the European Community on the readmission of persons residing without authorisation, together with the attached text of the Agreement.

I hereby declare that the Government of the Republic of Macedonia agrees with the provisions of the Agreement between the Republic of Macedonia and the European Community on the readmission of persons residing without authorisation and considers the Agreement as being signed with this Exchange of Letters.

However, I declare that the Republic of Macedonia does not accept the denomination used for my country in the above-referred documents, having in view that the constitutional name of my country is the Republic of Macedonia.

Please accept, Sirs, the assurances of my highest consideration.

Gordana Jankuloska

Dr. Rui Carlos Pereira

Minister of Internal Administration of
the Republic of Portugal

Mr. Franco Frattini

Vice-President of the European Commission

BRUSSELS

Република Македонија
МИНИСТЕРСТВО ЗА ВНАТРЕШНИ РАБОТИ
Министер

Брисел, 18 септември 2007 година

Почитувани Господа,

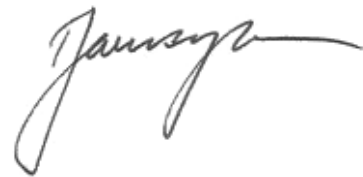
Во името на Владата на Република Македонија имам чест да го потврдам приемот на Вашето писмо датирано на 18 септември 2007 година, кое се однесува на потпишувањето на Спогодбата помеѓу Република Македонија и Европската Заедница за преземање на лица со незаконски престој, заедно со приложениот текст на Спогодбата.

Изјавувам дека Владата на Република Македонија е согласна со одредбите на Спогодбата помеѓу Република Македонија и Европската Заедница за преземање на лица со незаконски престој и смета дека со оваа размена на писма Спогодбата е потпишана.

Сепак, изјавувам дека Република Македонија не ја прифаа деноминацијата употребена за мојата земја во погоре наведените документи, имајќи предвид дека уставното име на мојата земја е Република Македонија.

Примете ги Господа, изразите на моето највисоко почитување.

Гордана Јанкулоска



Г-дин Руи Карлос Переира

Министер за внатрешната администрација на Република
Португалија Совет на Европската унија

Г-дин Франко Фратини

Потпретседател на Европската комисија

БРИСЕЛ

COUNCIL
OF THE EUROPEAN UNION

Brussels, 18 September 2007

Ms. Gordana Jankulovska,
Minister of Interior of the former
Yugoslav Republic of Macedonia.

Dear Minister,

We have the honour to acknowledge receipt of your letter of today's date.

The European Community notes that the Exchange of Letters between the European Community and the Former Yugoslav Republic of Macedonia, which takes the place of signature of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on readmission of persons residing without authorisation, has been accomplished and that this cannot be interpreted as acceptance or recognition by the European Community in whatever form or content of a denomination other than the 'former Yugoslav Republic of Macedonia'.

Please accept, Minister, the assurance of our highest consideration.

For the European Community



AGREEMENT**between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation**

THE HIGH CONTRACTING PARTIES,

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

and

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA,

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the former Yugoslav Republic of Macedonia or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

EMPHASISING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States of the European Union and the former Yugoslav Republic of Macedonia arising from International Law and, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and the Convention of 28 July 1951 on the Status of Refugees,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title IV of the Treaty establishing the European Community, do not apply to the Kingdom of Denmark, in accordance with the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community,

TAKING ACCOUNT of Article 76.2 of the Stabilisation and Association Agreement ⁽¹⁾, which imposes an obligation on the Parties to conclude a readmission agreement upon request,

HAVE AGREED AS FOLLOWS:

*Article 1***Definitions**

For the purpose of this Agreement:

- (a) 'Contracting Parties' shall mean the former Yugoslav Republic of Macedonia and the Community;
- (b) 'Readmission' shall mean the transfer by the Requesting State and admission by the Requested State of persons (own nationals of the Requested State, third country nationals or stateless person) who have been found illegally entering, being present in or residing in the Requesting State, in accordance with the provisions of this Agreement;
- (c) 'National of the former Yugoslav Republic of Macedonia' shall mean any person who holds the nationality of the former Yugoslav Republic of Macedonia in accordance with its national legislation;
- (d) 'National of a Member State' shall mean any person who holds the nationality, as defined for Community purposes, of a Member State;
- (e) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark;
- (f) 'Third-country national' shall mean any person who holds a nationality other than that of the former Yugoslav Republic of Macedonia or one of the Member States;
- (g) 'Stateless person' shall mean any person who does not hold a nationality;
- (h) 'Residence permit' shall mean a permit of any type issued by the former Yugoslav Republic of Macedonia or one of the Member States entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;
- (i) 'Visa' shall mean an authorisation issued or a decision taken by the former Yugoslav Republic of Macedonia or one of the Member States which is required with a view to entry in, or transit through, its territory. This shall not include airport transit visa;

⁽¹⁾ O J L 84, of 20.3.2004.

- (j) 'Requesting State' shall mean the State (the former Yugoslav Republic of Macedonia or one of the Member States) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement;
- (k) 'Requested State' shall mean the State (the former Yugoslav Republic of Macedonia or one of the Member States) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement is addressed;
- (l) 'Competent Authority' shall mean any national authority of the former Yugoslav Republic of Macedonia or one of the Member States entrusted with the implementation of this Agreement in accordance with Article 19 (1) lit. a) thereof;
- (m) 'Border region' shall mean an area which extends up to 30 kilometres from the common land border between a Member State and the former Yugoslav Republic of Macedonia, as well as the territories of International airports of the Member States and the former Yugoslav Republic of Macedonia;
- (n) 'Transit' shall mean the passage of a third country national or a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination.

SECTION I

READMISSION OBLIGATIONS BY THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA*Article 2***Readmission of own nationals**

1. The former Yugoslav Republic of Macedonia shall readmit, upon application by a Member State and without further formalities other than those provided for in this agreement, all persons who do not, or who no longer, fulfil the legal conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of the former Yugoslav Republic of Macedonia.
2. The former Yugoslav Republic of Macedonia shall also readmit, where possible, at the same time:
 - minor unmarried children up to 18 years of age of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence on the territory of the Requesting Member State,
 - spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the former Yugoslav Republic of Macedonia, unless they

have an independent right of residence in the Requesting Member State.

3. The former Yugoslav Republic of Macedonia shall also readmit persons who have renounced the nationality of the former Yugoslav Republic of Macedonia since entering the territory of a Member State, unless such persons have at least been guaranteed naturalisation by that Member State.

4. After the former Yugoslav Republic of Macedonia has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of the former Yugoslav Republic of Macedonia shall immediately and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of 30 days. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of the former Yugoslav Republic of Macedonia shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration. If the former Yugoslav Republic of Macedonia has not, within 14 calendar days, issued the new travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes ⁽¹⁾.

5. In case the person to be readmitted possesses the nationality of a third state in addition to nationality of the Requested State, the Requesting Member State shall take into consideration the will of the person to be readmitted to the State of his/her choice.

*Article 3***Readmission of third-country nationals and stateless persons**

1. The former Yugoslav Republic of Macedonia shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the legal conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a valid visa or residence permit issued by the former Yugoslav Republic of Macedonia; or
- (b) illegally and directly entered the territory of the Member States after having stayed on, or transited through, the territory of the former Yugoslav Republic of Macedonia.

⁽¹⁾ In line with the form set out in EU Council Recommendation of 30 November 1994.

2. The readmission obligation in paragraph 1 shall not apply if:

(a) the third country national or stateless person has only been in airside transit via an International Airport of the former Yugoslav Republic of Macedonia; or

(b) the Requesting Member State has issued to the third country national or stateless person a visa or residence permit before or after entering its territory unless:

— that person is in possession of a visa or residence permit, issued by the former Yugoslav Republic of Macedonia, which expires later, or

— the visa or residence permit issued by the Requesting Member State has been obtained by using forged or falsified documents, or by making false statements, and the person concerned has stayed on, or transited through, the territory of the former Yugoslav Republic of Macedonia, or

— that person fails to observe any condition attached to the visa and that person has stayed on, or transited through, the territory of the former Yugoslav Republic of Macedonia.

3. The former Yugoslav Republic of Macedonia shall also readmit, upon application by a Member State, former nationals of the Socialist Federal Republic of Yugoslavia who have acquired no other nationality and whose place of birth, and place of permanent residence on 8 September 1991, was in the territory of the former Yugoslav Republic of Macedonia.

4. After the former Yugoslav Republic of Macedonia has given a positive reply to the readmission application, the Requesting Member State where necessary issues the person whose readmission has been accepted the EU standard travel document for expulsion purposes ⁽¹⁾.

SECTION II

READMISSION OBLIGATIONS BY THE COMMUNITY

Article 4

Readmission of own nationals

1. A Member State shall readmit, upon application by the former Yugoslav Republic of Macedonia and without further formalities other than those provided for in this agreement, all persons who do not, or who no longer, fulfil the legal conditions in force for entry to, presence in, or residence on, the territory of the former Yugoslav Republic of Macedonia provided that it is proved,

or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of that Member State.

2. A Member State shall also readmit, where possible, at the same time:

— minor unmarried children up to 18 years of age of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence on the territory of the former Yugoslav Republic of Macedonia,

— spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the Requested Member State, unless they have an independent right of residence in the former Yugoslav Republic of Macedonia.

3. A Member State shall also readmit persons who have renounced the nationality of a Member State since entering the territory of the former Yugoslav Republic of Macedonia, unless such persons have at least been guaranteed naturalisation by the former Yugoslav Republic of Macedonia.

4. After the Requested Member State has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of the Requested Member State shall immediately and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of 30 days. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of the Requested Member State shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration.

5. In case the person to be readmitted possesses the nationality of a third state in addition to that of the Requested Member State, the former Yugoslav Republic of Macedonia shall take into consideration the will of the person to be readmitted to the State of his/her choice.

Article 5

Readmission of third-country nationals and stateless persons

1. A Member State shall readmit, upon application by the former Yugoslav Republic of Macedonia and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the legal conditions in force for entry to, presence in, or residence on, the territory of the former Yugoslav Republic of Macedonia provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

(a) hold, or at the time of entry held, a valid visa or residence permit issued by the Requested Member State; or

⁽¹⁾ In line with the form set out in EU Council Recommendation of 30 November 1994.

(b) illegally and directly entered the territory of the former Yugoslav Republic of Macedonia after having stayed on, or transited through, the territory of the Requested Member State.

2. The readmission obligation in paragraph 1 shall not apply if:

(a) the third country national or stateless person has only been in airside transit via an International Airport of the Requested Member State; or

(b) the former Yugoslav Republic of Macedonia has issued to the third country national or stateless person a visa or residence permit before or after entering its territory unless:

— that person is in possession of a visa or residence permit, issued by the Requested Member State, which expires later, or

— the visa or residence permit issued by the former Yugoslav Republic of Macedonia has been obtained by using forged or falsified documents, or by making false statements and the person concerned has stayed on, or transited through, the territory of the Requested Member State, or

— that person fails to observe any condition attached to the visa and that person stayed on, or transited through, the territory of the Requested Member State.

3. The readmission obligation in paragraph 1 is for the Member State that issued a visa or residence permit. If two or more Member States issued a visa or residence permit, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.

4. After the Member State has given a positive reply to the readmission application, the former Yugoslav Republic of Macedonia where necessary issues the person whose readmission has been accepted the travel document required for his or her return.

2. No readmission application shall be needed where the person to be readmitted is in possession of a valid travel document and, where applicable, a valid visa or residence permit of the Requested State.

3. If a person has been apprehended in the border region (including airports) of the Requesting State after illegally crossing the border coming directly from the territory of the Requested State, the Requesting State may submit a readmission application within two working days following this person's apprehension (accelerated procedure).

Article 7

Readmission application

1. To the extent possible, the readmission application is to contain the following information:

(a) the particulars of the person to be readmitted (e.g. given names, surnames, date of birth, and — where possible — place of birth, and the last place of residence and particulars of their parents) and, where appropriate, the particulars of minor unmarried children and/or spouses;

(b) indication of the means with which proof or *prima facie* evidence of nationality, transit, the conditions for the readmission of third-country nationals and stateless persons and unlawful entry and residence will be provided;

(c) photograph of the person concerned.

2. To the extent possible, the readmission application shall also contain the following information:

(a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;

(b) any other protection, security measure or information concerning the health of the person, which may be necessary in the individual transfer case.

3. A common form to be used for readmission applications is attached as Annex 6 to this Agreement.

SECTION III

READMISSION PROCEDURE

Article 6

Principles

1. Subject to paragraph 2 of Article 6, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 to 5 shall require the submission of a readmission application to the competent authority of the Requested State.

Article 8

Means of evidence regarding nationality

1. Without prejudice to respective relevant national legislations, proof of nationality pursuant to Article 2(1) and Article 4(1) can be furnished through the documents listed in Annex 1 to this Agreement. If such documents are presented, the Member States and the former Yugoslav Republic of Macedonia shall mutually recognise the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents.

2. *Prima facie* evidence of nationality pursuant to Article 2(1) and Article 4(1) can be particularly furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and the former Yugoslav Republic of Macedonia shall accept a presumption of nationality to have been established unless they can prove otherwise. *Prima facie* evidence of nationality cannot be furnished through false documents.

3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic and consular representations of the Requested State concerned shall, upon request, make arrangements to interview the person to be readmitted without delay, at the latest within three working days from the requesting day, in order to establish his or her nationality.

Article 9

Means of evidence regarding third-country nationals and stateless persons

1. Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Member States and the former Yugoslav Republic of Macedonia without any further investigation being required.

2. *Prima facie* evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 4 to this Agreement; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, the Member States and the former Yugoslav Republic of Macedonia shall accept a presumption of the conditions to have been established, unless they can prove otherwise.

3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide *prima facie* evidence of the unlawful entry, presence or residence.

4. *Prima facie* evidence of the conditions for the readmission of former nationals of the Socialist Federal Republic of Yugoslavia laid down in Article 3(3) shall be particularly furnished through the means of evidence listed in Annex 5 to this Agreement; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, the former Yugoslav Republic of Macedonia shall deem the conditions to be established, unless they can prove otherwise.

5. If none of the documents listed in Annex 5 can be presented, the competent diplomatic and consular representations of the former Yugoslav Republic of Macedonia shall, upon request, make arrangements to interview the person to be readmitted

without undue delay or at the latest within three working days from the requesting day, in order to establish his or her nationality.

Article 10

Time limits

1. The application for readmission must be submitted to the competent authority of the Requested State within a maximum of one year after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not, or does no longer, fulfil the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request by the Requesting State, be extended but only until the obstacles have ceased to exist.

2. A readmission application must be replied to in writing:

- within two working days, if the application has been made under the accelerated procedure (Article 6(3)),
- within 14 calendar days in all other cases.

These time limits begin to run with the date of receipt of the readmission request. If there was no reply within these time limits, the transfer shall be deemed to have been agreed to.

3. Reasons shall be given for the refusal of a readmission request.

4. After agreement has been given or, where appropriate, after expiry of the time limits laid down in paragraph 2, the person concerned shall be transferred without delay and at the latest within three months. On request of the Requesting State, this time limit shall be extended by the time taken to deal with legal or practical obstacles.

Article 11

Transfer modalities and modes of transportation

1. Before returning a person, the competent authorities of the former Yugoslav Republic of Macedonia and the Member State concerned shall make arrangements in writing in advance regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.

2. Transportation may take place by air or land. Return by air shall not be restricted to the use of the national carriers of the former Yugoslav Republic of Macedonia or the Member States and may take place by using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to authorised persons of the Requesting State, provided that they are authorised persons from the former Yugoslav Republic of Macedonia or any Member State.

Article 12

Readmission in error

The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of three months after the transfer of the person concerned, that the requirements laid down in Articles 2 to 5 of this Agreement are not met.

In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.

SECTION IV

TRANSIT OPERATIONS

Article 13

Principles

1. The Member States and the former Yugoslav Republic of Macedonia should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.

2. The former Yugoslav Republic of Macedonia shall allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall authorise the transit of third-country nationals or stateless persons if the former Yugoslav Republic of Macedonia so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.

3. Transit can be refused by the former Yugoslav Republic of Macedonia or a Member State:

- (a) if the third-country national or the stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit; or
- (b) if the third-country national or the stateless person shall be subject to criminal sanctions in the Requested State or in another State of transit; or
- (c) on grounds of public health, domestic security, public order or other national interests of the Requested State.

4. The former Yugoslav Republic of Macedonia or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In this case, the Requesting State shall take back the third-country national or the stateless person, as necessary and without delay.

Article 14

Transit procedure

1. An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information:

- (a) type of transit (by air or land), possible other States of transit and intended final destination;
- (b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and — where possible — place of birth, nationality, language, type and number of travel document);
- (c) envisaged point of entry, time of transfer and possible use of escorts;
- (d) a declaration that in the view of the Requesting State the conditions pursuant to Article 13(2) are met, and that no reasons for a refusal pursuant to Article 13(3) are known of.

A common form to be used for transit applications is attached as Annex 7 to this Agreement.

2. The Requested State shall, within five calendar days and in writing, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal.

3. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

4. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION V

COSTS

Article 15

Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the Requesting State.

SECTION VI

DATA PROTECTION AND NON-AFFECTION CLAUSE*Article 16***Data Protection**

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of the former Yugoslav Republic of Macedonia or a Member State as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of the former Yugoslav Republic of Macedonia and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC ⁽¹⁾ and to the national legislation of that Member State adopted pursuant to this Directive. Additionally the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
 - the particulars of the person to be transferred (e.g. given names, surnames, any previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality),
 - passport, identity card or driving licence (number, period of validity, date of issue, issuing authority, place of issue),
 - stop-overs and itineraries,
 - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement.
- (d) personal data must be accurate and, where necessary, kept up to date;

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281 of 23.11.1995, p. 31).

- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

*Article 17***Non-affection clause**

1. This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States and the former Yugoslav Republic of Macedonia arising from International Law and, in particular, from:

- the Convention of 28 July 1951 on the Status of Refugees as amended by the Protocol of 31 January 1967 on the Status of Refugees,
- the international conventions determining the State responsible for examining applications for asylum lodged,
- the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms,
- the Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
- international conventions on extradition and transit,
- multilateral international conventions and agreements on the readmission of foreign nationals.

2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VII

IMPLEMENTATION AND APPLICATION*Article 18***Joint readmission committee**

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a joint readmission committee (hereinafter referred to as 'the committee') which will, in particular, have the task:

- (a) to monitor the application of this Agreement;
 - (b) to decide on implementing arrangements necessary for the uniform application of this Agreement;
 - (c) to have regular exchanges of information on the implementing Protocols drawn up by individual Member States and the former Yugoslav Republic of Macedonia pursuant to Article 19;
 - (d) to recommend amendments to this Agreement and its Annexes.
2. The decisions of the committee shall be binding on the Contracting Parties.
3. The committee shall be composed by representatives of the Community and the former Yugoslav Republic of Macedonia; the Community shall be represented by the Commission.
4. The committee shall meet where necessary at the request of one of the Contracting Parties.
5. The committee shall establish its rules of procedures.

*Article 19***Implementing Protocols**

1. Upon request of a Member State or the former Yugoslav Republic of Macedonia, the former Yugoslav Republic of Macedonia and a Member State shall draw up an implementing Protocol which shall cover rules on:
- (a) designation of the competent authorities, border crossing points and exchange of contact points and the language of communication;
 - (b) the modalities for returns under the accelerated procedure;
 - (c) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;
 - (d) means and documents additional to those listed in the Annexes 1 to 5 to this agreement.
2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the readmission committee, referred to in Article 18, has been notified.

3. The former Yugoslav Republic of Macedonia agrees to apply any provision of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter.

*Article 20***Relation to bilateral readmission agreements or arrangements of Member States**

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been, or may under Article 19, be concluded between individual Member States and the former Yugoslav Republic of Macedonia, insofar as the provisions of the latter are incompatible with those of this Agreement.

SECTION VIII

FINAL PROVISIONS*Article 21***Territorial application**

1. Subject to paragraph 2 of Article 21, this Agreement shall apply to the territory in which the Treaty establishing the European Community is applicable and to the territory of the former Yugoslav Republic of Macedonia.
2. This Agreement shall not apply to the territory of the Kingdom of Denmark.

*Article 22***Entry into force, duration and termination**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.
2. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to in the first paragraph have been completed.
3. This Agreement is concluded for an unlimited period.
4. Each Contracting Party may, by officially notifying the other Contracting Party and after prior consultation of the committee referred to in Article 18, completely or partly, temporarily suspend the implementation of this Agreement with regard to third country nationals and stateless persons, for reasons of security, protection of public order or public health. The suspension shall enter into force on the second day following the day of such notification.
5. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

*Article 23***Annexes**

Annexes 1 to 7 shall form an integral part of this Agreement.

ANNEX 1

Common list of documents for proof of nationality (Articles 2(1), 4(1) and 8(1))

- Passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate/emergency passports),
 - identity cards (including temporary and provisional ones),
 - military identity cards,
 - seamen's registration books and skippers' service cards,
 - citizenship certificate accompanied by another identification document containing a photograph of the person concerned.
-

ANNEX 2

Common list of documents the presentation of which is considered as *prima facie* evidence of nationality (Articles 2(1), 4(1) and 8(2))

- Photocopies of any of the documents listed in Annex 1 to this Agreement,
 - service books or photocopies thereof,
 - driving licences or photocopies thereof,
 - birth certificates or photocopies thereof,
 - official statements by credible witnesses,
 - statements made by the person concerned and language spoken by him or her, including by means of an official test result. For the purpose of this Annex, the term 'official test' is defined as a test commissioned or conducted by the authorities of the requesting State and validated by the Requested State,
 - any other document which may help to establish the nationality of the person concerned,
 - documents listed in Annex 1 whose validity has expired.
-

ANNEX 3

Common list of documents which are considered as proof of the conditions for the readmission of third-country nationals and stateless persons (Articles 3(1), 5(1) and 9(1))

- Entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic),
 - valid document, e.g. visa and/or residence permit, issued by the Requested State for permitted stay on the territory of the Requested State,
 - named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the requested State,
 - official statements made by border authority staff who can testify to the person concerned crossing the border.
-

ANNEX 4

Common list of documents which are considered as *prima facie* evidence of the conditions for the readmission of third-country nationals and stateless persons (Articles 3(1), 5(1) and 9(2))

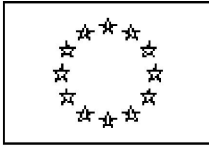
- Statements issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State,
 - information related to the identity and/or stay of a person which has been provided by an International organisation,
 - documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts, etc.) which clearly show that the person concerned stayed on the territory of the Requested State,
 - information showing that the person concerned has used the services of a courier or travel agency,
 - official statement by the person concerned in judicial or administrative proceedings.
-

ANNEX 5

List of documents which are considered as *prima facie* evidence of the conditions for the readmission of former nationals of the Socialist Federal Republic of Yugoslavia (Articles 3(3), 9(4))

- Birth certificates or photocopies thereof issued by the former Socialist Federal Republic of Yugoslavia,
 - public documents or photocopies thereof issued by the former Yugoslav Republic of Macedonia or the former Socialist Federal Republic of Yugoslavia, stating place of birth and/or place of permanent residence as required by Article 3(3),
 - other documents or certificates or photocopies thereof which point to the place of birth and/or place of permanent residence in the territory of the former Yugoslav Republic of Macedonia,
 - official statement by the person concerned in judicial or administrative proceedings.
-

ANNEX 6



[Emblem of former Yugoslav Republic of Macedonia]

.....
.....
.....
.....
.....

.....
(Designation of requesting
authority)

(Place and date)

Reference:

.....

To:

.....
.....
.....

(Designation of requested authority)

☐ **ACCELERATED PROCEDURE**

READMISSION APPLICATION

**pursuant to Article 7 of the Agreement of 18 September 2007 between the European Community
and the former Yugoslav Republic of Macedonia on the readmission of persons residing
without authorisation**

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Civil status: ☐ married ☐ widowed ☐ single ☐ divorced

If married: name of spouse

Names and age of children (if any):

.....

.....

.....

8. Last address in the requesting State:

.....

B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)

1. Full name (underline surname):

2. Maiden name:

3. Date and place of birth:

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

Photograph

C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)

1. Full name (underline surname):
2. Date and place of birth:
3. Sex and physical description (height, colour of eyes, distinguishing marks etc.):
.....
4. Nationality and language:
.....

D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health
(e.g. possible reference to special medical care; Latin name of contagious disease):
.....
2. Indication of particularly dangerous person
(e.g. suspected of serious offence; aggressive behaviour):
.....

E. MEANS OF EVIDENCE ATTACHED

- | | |
|------------------------------|---------------------------|
| 1. .... | ..... |
| (Passport No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 2. .... | ..... |
| (Identity card No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 3. .... | ..... |
| (Driving licence No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 4. .... | ..... |
| (Other official document No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |

F. OBSERVATIONS

.....

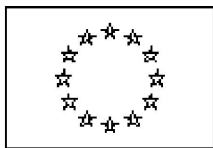
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(Signature) (Seal/stamp)

ANNEX 7



[Emblem of the former Yugoslav Republic of Macedonia]

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.....

(Place and date)

(Designation of requesting
authority)

Reference:

.....

To:

.....

.....

.....

(Designation of requested authority)

TRANSIT APPLICATION

pursuant to Article 14 of the Agreement of 18 September 2007 between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Type and number of travel document:

.....

Photograph

B. TRANSIT OPERATION

1. Type of transit

☐ by air☐ by land

2. State of final destination

3. Possible other States of transit

4. Proposed border crossing point, date, time of transfer and possible escorts

.....

.....

.....

5. Admission guaranteed in any other transit State and in the State of final destination

(Article 13(2))

☐ yes☐ no

6. Knowledge of any reason for a refusal of transit

(Article 13(3))

☐ yes☐ no

C. OBSERVATIONS

.....

.....

.....

.....

(Signature) (Seal/stamp)

JOINT DECLARATION CONCERNING ARTICLES 2(2) AND 4(2)

In application of the provisions in question, the Parties should endeavour to take appropriate measures to maintain as far as possible the family unity and integrity. To this aim the Parties should make the best effort to readmit the family members in a reasonable time frame.

The application of the principle of family unity and integrity should be in particular the subject of monitoring by the Committee referred to in Article 18.

JOINT DECLARATION CONCERNING ARTICLES 2(3) AND 4(3)

The Contracting Parties take note that, according to the nationality laws of the former Yugoslav Republic of Macedonia and the Member States, it is not possible for a citizen of the former Yugoslav Republic of Macedonia or the European Union to be deprived of his or her nationality.

The Parties agree to consult each other in due time, should this legal situation change.

JOINT DECLARATION CONCERNING ARTICLES 3 AND 5

The parties will endeavour to return any third country national who does not, or who no longer, fulfils the legal conditions in force for entry to, presence in or residence on, their respective territories, to his or her country of origin.

JOINT DECLARATION CONCERNING DENMARK

The Contracting Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark, nor to nationals of the Kingdom of Denmark. In such circumstances it is appropriate that the former Yugoslav Republic of Macedonia and Denmark conclude a readmission agreement in the same terms as this Agreement.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Contracting Parties take note of the close relationship between the European Community and Iceland and Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen acquis. In such circumstances it is appropriate that the former Yugoslav Republic of Macedonia concludes a readmission agreement with Iceland and Norway in the same terms as this Agreement.

JOINT DECLARATION CONCERNING SWITZERLAND

The Contracting Parties take note that the European Union, the European Community and Switzerland signed an agreement on Switzerland's association with the implementation, application and development of the Schengen acquis. It is appropriate, once this association agreement enters into force, that the former Yugoslav Republic of Macedonia concludes a readmission agreement with Switzerland in the same terms as this Agreement.

COUNCIL DECISION**of 8 November 2007****on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation**

(2007/818/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point 3(b) of Article 63, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Republic of Montenegro on the readmission of persons residing without authorisation.
- (2) The Agreement was signed, on behalf of the European Community, on 18 September 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 18 September 2007.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Readmission Committee which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.
- (6) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

- (7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 22(2) of the Agreement ⁽²⁾.

Article 3

The Commission shall represent the Community in the Joint Readmission Committee established by Article 18 of the Agreement.

Article 4

The position of the Community within the Joint Readmission Committee with regard to the adoption of its rules of procedure as required under Article 18(5) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 November 2007.

For the Council
The President
R. PEREIRA

⁽¹⁾ Opinion delivered on 24 October 2007 (not yet published in the Official Journal).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation**

THE HIGH CONTRACTING PARTIES,

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

and

THE REPUBLIC OF MONTENEGRO, hereinafter referred to as 'Montenegro',

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of Montenegro or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

EMPHASISING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States of the European Union and Montenegro arising from International Law and, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and the Convention of 28 July 1951 on the Status of Refugees,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title IV of the Treaty establishing the European Community, do not apply to the Kingdom of Denmark, in accordance with the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community,

HAVE AGREED AS FOLLOWS:

Article 1**Definitions**

For the purpose of this Agreement:

- (a) 'Contracting Parties' shall mean Montenegro and the Community;
- (b) 'National of Montenegro' shall mean any person who holds the nationality of the Republic of Montenegro, in accordance with its legislation;
- (c) 'National of a Member State' shall mean any person who holds the nationality, as defined for Community purposes, of a Member State;
- (d) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark;
- (e) 'Third-country national' shall mean any person who holds a nationality other than that of Montenegro or one of the Member States;
- (f) 'Stateless person' shall mean any person who does not hold a nationality;
- (g) 'Residence permit' shall mean a permit of any type issued by Montenegro or one of the Member States entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;
- (h) 'Visa' shall mean an authorisation issued or a decision taken by Montenegro or one of the Member States which is required with a view to entry in, or transit through, its territory. This shall not include airport transit visa;
- (i) 'Requesting State' shall mean the State (Montenegro or one of the Member States) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement;
- (j) 'Requested State' shall mean the State (Montenegro or one of the Member States) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement is addressed;
- (k) 'Competent Authority' shall mean any national authority of Montenegro or one of the Member States entrusted with the implementation of this Agreement in accordance with Article 19(1) lit. a) thereof;
- (l) 'Transit' shall mean the passage of a third country national or a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination;

- (m) 'Readmission' shall mean the transfer by the Requesting State and admission by the Requested State of persons (own nationals of the Requested State, third country nationals or stateless persons) who have been found illegally entering, being present in or residing in the Requesting State, in accordance with the provisions of this Agreement.

SECTION I

READMISSION OBLIGATIONS BY MONTENEGRO

Article 2

Readmission of own nationals

1. Montenegro shall readmit, upon application by a Member State and without further formalities other than those provided for in this agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of Montenegro.

2. Montenegro shall also readmit:

- minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in the Requesting Member State,
- spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of Montenegro, unless they have an independent right of residence in the Requesting Member State.

3. Montenegro shall also readmit persons who have been deprived of, or who have renounced, the nationality of Montenegro since entering the territory of a Member State, unless such persons have at least been promised naturalisation by one of the Member States.

4. After Montenegro has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of Montenegro shall immediately and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of at least three months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of Montenegro shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration. If Montenegro has not, within 14 calendar days, issued the new travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes ⁽¹⁾.

⁽¹⁾ In line with the form set out in EU Council Recommendation of 30 November 1994.

5. In case the person to be readmitted possesses the nationality of a third State in addition to Montenegrin nationality, the Requesting Member State shall take into consideration the will of the person to be readmitted to the State of his/her choice.

Article 3

Readmission of third-country nationals and stateless persons

1. Montenegro shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a valid visa or residence permit issued by Montenegro; or
- (b) illegally and directly entered the territory of the Member States after having stayed on, or transited through, the territory of Montenegro.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third country national or stateless person has only been in airside transit via an International Airport of Montenegro; or
- (b) the Requesting Member State has issued to the third country national or stateless person a visa or residence permit before or after entering its territory unless:

- that person is in possession of a visa or residence permit, issued by Montenegro, which has a longer period of validity than the one issued by the Requesting Member State; or
- the visa or residence permit issued by the Requesting Member State has been obtained by using forged or falsified documents, or by making false statements; or
- that person fails to observe any condition attached to the visa.

3. Montenegro shall also readmit, upon application by a Member State, former nationals of the former Socialist Federal Republic of Yugoslavia who have acquired no other nationality and whose place of birth, and place of permanent residence on 27 April 1992, was in the territory of Montenegro, provided that the latter can be confirmed by the Montenegrin authorities at the date of the submission of the readmission application.

4. After Montenegro has given a positive reply to the readmission application, the Requesting Member State issues the person whose readmission has been accepted the EU standard travel document for expulsion purposes ⁽¹⁾.

SECTION II

READMISSION OBLIGATIONS BY THE COMMUNITY

Article 4

Readmission of own nationals

1. A Member State shall readmit, upon application by Montenegro and without further formalities other than those provided for in this agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of Montenegro provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of that Member State.

2. A Member State shall also readmit:

- minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in Montenegro,
- spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the Requested Member State, unless they have an independent right of residence in Montenegro.

3. A Member State shall also readmit persons who have been deprived of, or who have renounced, the nationality of a Member State since entering the territory of Montenegro, unless such persons have at least been promised naturalisation by Montenegro.

4. After the Requested Member State has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of that Member State shall immediately and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of at least three months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of that Member State shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration.

5. In case the person to be readmitted possesses the nationality of a third State in addition to that of the Requested Member State, Montenegro shall take into consideration the will of the person to be readmitted to the State of his/her choice.

⁽¹⁾ In line with the form set out in EU Council Recommendation of 30 November 1994.

Article 5

Readmission of third-country nationals and stateless persons

1. A Member State shall readmit, upon application by Montenegro and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of Montenegro provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a valid visa or residence permit issued by the Requested Member State; or
- (b) illegally and directly entered the territory of Montenegro after having stayed on, or transited through, the territory of the Requested Member State.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third country national or stateless person has only been in airside transit via an International Airport of the Requested Member State; or
- (b) Montenegro has issued to the third country national or stateless person a visa or residence permit before or after entering its territory unless:
 - that person is in possession of a visa or residence permit, issued by the Requested Member State, which has a longer period of validity than the one issued by Montenegro, or
 - the visa or residence permit issued by Montenegro has been obtained by using forged or falsified documents, or by making false statements, or
 - that person fails to observe any condition attached to the visa.

3. The readmission obligation in paragraph 1 is for the Member State that issued a visa or residence permit. If two or more Member States issued a visa or residence permit, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.

4. After the Member State has given a positive reply to the readmission application, Montenegro issues the person whose readmission has been accepted the travel document required for his or her return.

SECTION III

READMISSION PROCEDURE

Article 6

Principles

1. Subject to paragraph 2, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 to 5 shall require the submission of a readmission application to the competent authority of the Requested State.

2. No readmission application shall be needed where the person to be readmitted is in possession of a valid travel document and, where applicable, a valid visa or residence permit of the Requested State.

Article 7

Readmission application

1. Any readmission application is to contain the following information:

- (a) the particulars of the person concerned (e.g. given names, surnames, date of birth, and — where possible — place of birth and last place of residence and, where appropriate, the particulars of minor unmarried children and/or spouses;
- (b) indication of the means with which proof or *prima facie* evidence of nationality, transit, the conditions for the readmission of third-country nationals and stateless persons and unlawful entry and residence will be provided;
- (c) photograph of the person to be readmitted.

2. To the extent possible, the readmission application shall also contain the following information:

- (a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
- (b) any other protection, security measure or information concerning the health of the person, which may be necessary in the individual transfer case.

3. A common form to be used for readmission applications is attached as Annex 6 to this Agreement.

Article 8

Means of evidence regarding nationality

1. Proof of nationality pursuant to Article 2(1) and Article 4(1) can be particularly furnished through the documents listed in Annex 1 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Montenegro shall mutually recognise the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents.

2. *Prima facie* evidence of nationality pursuant to Article 2(1) and Article 4(1) can be particularly furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Montenegro shall deem the nationality to be established, unless they can prove otherwise. *Prima facie* evidence of nationality cannot be furnished through false documents.

3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic and consular representations of the Requested State concerned shall, upon request, make arrangements to interview the person to be readmitted without undue delay, at the latest within five working days from the requesting day, in order to establish his or her nationality.

Article 9

Means of evidence regarding third-country nationals and stateless persons

1. Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Member States and Montenegro without any further investigation being required.

2. *Prima facie* evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 4 to this Agreement; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, the Member States and Montenegro shall deem the conditions to be established, unless they can prove otherwise.

3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide *prima facie* evidence of the unlawful entry, presence or residence.

4. Proof of the conditions for the readmission of former nationals of the former Socialist Federal Republic of Yugoslavia laid down in Article 3(3) shall be particularly furnished through the means of evidence listed in Annex 5a to this Agreement; it cannot be furnished through false documents. Any such proof shall be recognised by Montenegro without any further investigation being required, provided that the permanent residence on 27 April 1992 can be confirmed by the Montenegrin authorities at the date of the submission of the readmission application.

5. *Prima facie* evidence of the conditions for the readmission of former nationals of the former Socialist Federal Republic of Yugoslavia laid down in Article 3(3) shall be particularly furnished through the means of evidence listed in Annex 5b to this Agreement; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, Montenegro shall deem the conditions to be established, unless they can prove otherwise.

6. If none of the documents listed in Annex 5a and Annex 5b can be presented, the competent diplomatic and consular representations of Montenegro shall, upon request, make arrangements to interview the person to be readmitted without undue delay or at the latest within three working days from the requesting day, in order to establish his or her nationality.

Article 10

Time limits

1. The application for readmission must be submitted to the competent authority of the Requested State within a maximum of one year after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not, or does no longer, fulfil the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request by the Requesting State, be extended but only until the obstacles have ceased to exist.

2. A readmission application must be replied to in writing within 12 calendar days in all cases. This time limit begins to run with the date of receipt of the readmission request. If there was no reply within this time limit, the transfer shall be deemed to have been agreed to.

3. Where there are legal or factual obstacles to the application being replied to within 12 calendar days, this time limit may, upon duly motivated request, be extended with a maximum of six calendar days. If there was no reply within the extended time limit, the transfer shall be deemed to have been approved.

4. Reasons shall be given for the refusal of a readmission request.

5. After agreement has been given or, where appropriate, after expiry of the time limit laid down in paragraph 2, the person concerned shall be transferred within three months. On request of the Requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles.

Article 11

Transfer modalities and modes of transportation

1. Before returning a person, the competent authorities of Montenegro and the Member State concerned shall make arrangements in writing in advance regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.

2. Transportation may take place by air, sea or land. Return by air shall not be restricted to the use of the national carriers of Montenegro or the Member States and may take place by using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to authorised persons of the Requesting State, provided that they are authorised persons from Montenegro or any Member State.

Article 12

Readmission in error

The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of three months after the transfer of the person concerned, that the requirements laid down in Articles 2 to 5 of this Agreement are not met.

In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.

SECTION IV

TRANSIT OPERATIONS

Article 13

Principles

1. The Member States and Montenegro should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.

2. Montenegro shall allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall authorise the transit of third-country nationals or stateless persons if Montenegro so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.

3. Transit can be refused by Montenegro or a Member State:

- (a) if the third-country national or the stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit; or
- (b) if the third-country national or the stateless person shall be subject to criminal sanctions in the Requested State or in another State of transit; or
- (c) on grounds of public health, domestic security, public order or other national interests of the Requested State.

4. Montenegro or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In this case, the Requesting State shall take back the third-country national or the stateless person, as necessary and without delay.

Article 14

Transit procedure

1. An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information:

- (a) type of transit (by air, sea or land), possible other States of transit and intended final destination;
- (b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and — where possible — place of birth, nationality, language, type and number of travel document);
- (c) envisaged point of entry, time of transfer and possible use of escorts;
- (d) a declaration that in the view of the Requesting State the conditions pursuant to Article 13(2) are met, and that no reasons for a refusal pursuant to Article 13(3) are known of.

A common form to be used for transit applications is attached as Annex 7 to this Agreement.

2. The Requested State shall, within five calendar days and in writing, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal.

3. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

4. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION V

COSTS

Article 15

Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred

in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the Requesting State.

SECTION VI

DATA PROTECTION AND NON-AFFECTION CLAUSE

Article 16

Data Protection

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Montenegro or a Member State as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of Montenegro and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC ⁽¹⁾ and of the national legislation of that Member State adopted pursuant to this Directive. Additionally the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
 - the particulars of the person to be transferred (e.g. given names, surnames, any previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality),
 - passport, identity card or driving licence (number, period of validity, date of issue, issuing authority, place of issue),
 - stop-overs and itineraries,
 - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement;

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

- (d) personal data must be accurate and, where necessary, kept up to date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

Article 17

Non-affection clause

1. This agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States and Montenegro arising from International Law and, in particular, from:
 - the Convention of 28 July 1951 on the Status of Refugees as amended by the Protocol of 31 January 1967 on the Status of Refugees,
 - the international conventions determining the State responsible for examining applications for asylum lodged,
 - the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms,
 - the Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
 - international conventions on extradition and transit,
 - multilateral international conventions and agreements on the readmission of foreign nationals.

2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VII

IMPLEMENTATION AND APPLICATION

Article 18

Joint readmission committee

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a joint readmission committee (hereinafter referred to as 'the committee') which will, in particular, have the task:

- (a) to monitor the application of this Agreement;
- (b) to decide on implementing arrangements necessary for the uniform application of this Agreement;
- (c) to have regular exchanges of information on the implementing Protocols drawn up by individual Member States and Montenegro pursuant to Article 19;
- (d) to recommend amendments to this Agreement and its Annexes.

2. The decisions of the committee shall be binding on the Contracting Parties.

3. The committee shall be composed by representatives of the Community and Montenegro; the Community shall be represented by the Commission.

4. The committee shall meet where necessary at the request of one of the Contracting Parties.

5. The committee shall establish its rules of procedures.

Article 19

Implementing Protocols

1. Upon request of a Member State or Montenegro, Montenegro and a Member State shall draw up an implementing Protocol which shall cover rules on:

- (a) designation of the competent authorities, border crossing points and exchange of contact points;
- (b) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;
- (c) means and documents additional to those listed in the Annexes 1 to 5 to this agreement.

2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the readmission committee, referred to in Article 18, has been notified.

3. Montenegro agrees to apply any provision of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter, subject to practical feasibility of its application.

Article 20

Relation to bilateral readmission agreements or arrangements of Member States

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been, or may under Article 19, be concluded between individual Member States and Montenegro, in so far as the provisions of the latter are incompatible with those of this Agreement.

SECTION VIII

FINAL PROVISIONS

Article 21

Territorial application

1. Subject to paragraph 2, this Agreement shall apply to the territory in which the Treaty establishing the European Community is applicable and to the territory of Montenegro.

2. This Agreement shall not apply to the territory of the Kingdom of Denmark.

Done at Brussels on the eighteenth day of September in the year two thousand and seven in duplicate in each of the official languages of the Parties, each of these texts being equally authentic.

Article 22

Entry into force, duration and termination

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.

2. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to in the first paragraph have been completed.

3. This Agreement is concluded for an unlimited period.

4. Each Contracting Party may, by officially notifying the other Contracting Party and after prior consultation of the committee referred to in Article 18, completely or partly, temporarily suspend the implementation of this Agreement with regard to third country nationals and stateless persons, for reasons of security, protection of public order or public health. The suspension shall enter into force on the second day following the day of such notification.

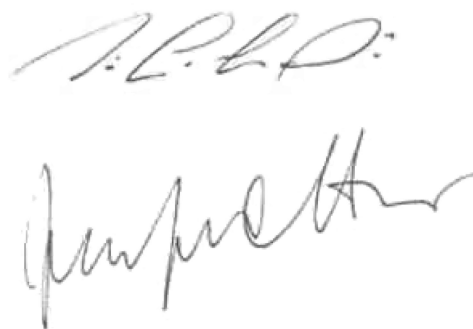
5. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

Article 23

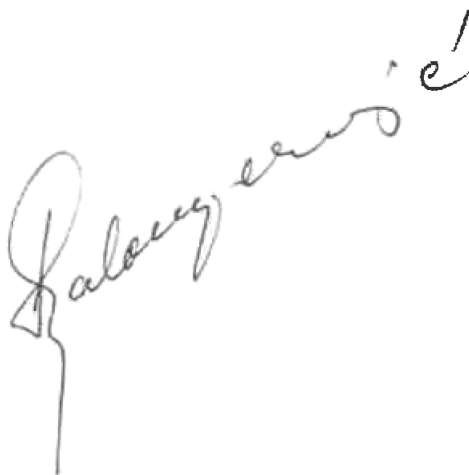
Annexes

Annexes 1 to 7 shall form an integral part of this Agreement.

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen
Za Evropsku Zajednicu



За Република Черна гора
Por la República de Montenegro
Za Republiku Černá Hora
For Republikken Montenegro
Für die Republik Montenegro
Montenegro Vabariigi nimel
Για τη Δημοκρατία του Μαυροβουνίου
For the Republic of Montenegro
Pour la République du Monténégro
Per la Repubblica del Montenegro
Melnkalnes Republikas vārdā
Juodkalnijos Respublikos vardu
A Montenegroi Köztársaság részéről
Għar-Repubblika ta' Montenegro
Voor de Republiek Montenegro
W imieniu Republiki Czarnogóry
Pela República do Montenegro
Pentru Republica Muntenegru
Za Čiernohorskú republiku
Za Republiko Črno goro
Montenegron tasavallan puolesta
För Republiken Montenegro
Za Republiku Crnu Goru



ANNEX 1

**LIST OF DOCUMENTS THE PRESENTATION OF WHICH IS CONSIDERED AS PROOF OF NATIONALITY
(ARTICLES 2 (1), 4 (1) AND 8 (1))**

Where the Requested State is one of the Member States:

- passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports),
- identity cards of any kind (including temporary and provisional ones),
- service books and military identity cards,
- seaman's registration books and skippers' service cards.

Where the Requested State is Montenegro:

- travel documents (national passports and collective passports) issued by the Ministry of Interior of the Republic of Montenegro after 15 June 1997 ('blue passports') and travel documents (diplomatic passports and service passports) issued by the Ministry of Foreign Affairs of the Republic of Montenegro, as well as the travel documents which will be issued in accordance with the new Law on Travel Documents,
- identity cards issued by the Ministry of Interior of the Republic of Montenegro after 1 May 1994, as well as the identity cards which will be issued in accordance with the new Law on Identity Cards,
- service books and military identity cards of the Army of Montenegro,
- seaman's registration books and skippers' service cards.

ANNEX 2

**LIST OF DOCUMENTS THE PRESENTATION OF WHICH IS CONSIDERED
AS PRIMA FACIE EVIDENCE OF NATIONALITY
(ARTICLES 2 (1), 4 (1) AND 8 (2))**

When the Requested State is either one of the Member States or Montenegro:

- photocopies of any of the documents listed in annex 1 to this Agreement,
- driving licenses or photocopies thereof,
- birth certificates or photocopies thereof,
- any other formal document issued by the authorities of the Requested State which may help to establish the nationality of the person concerned,
- citizenship certificates and other official documents that mention or clearly indicate citizenship.

Where the Requested State is Montenegro:

- passports issued by the Ministry of Interior of the Republic of Montenegro before 15 June 1997 ('red passports') and photocopies thereof,
- identity cards issued by the Ministry of Interior of the Republic of Montenegro before 1 May 1994 and photocopies thereof.

ANNEX 3

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PROOF OF THE CONDITIONS FOR THE
READMISSION OF THIRD COUNTRY NATIONALS AND STATELESS PERSONS****(ARTICLES 3 (1), 5 (1) AND 9 (1))**

- entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic),
- named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the requested State,
- official statements made, in particular, by border authority staff and other witnesses who can testify to the person concerned crossing the border,
- official statement by the person concerned in judicial or administrative proceedings which indicates presence or the itinerary of the concerned person on the territory of the Requested State.

ANNEX 4

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PRIMA FACIE EVIDENCE OF THE
CONDITIONS FOR THE READMISSION OF THIRD COUNTRY NATIONALS AND STATELESS PERSONS****(ARTICLES 3 (1), 5 (1) AND 9 (2))**

- description issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State,
- information related to the identity and/or stay of a person which has been provided by an International Organisation (e.g. UNHCR),
- reports/confirmation of information by family members, travelling companions, etc.,
- documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the requested State,
- information showing that the person concerned has used the services of a courier or travel agency.

ANNEX 5

**LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PROOF OR AS PRIMA FACIE EVIDENCE OF THE
CONDITIONS FOR THE READMISSION OF FORMER NATIONALS OF THE FORMER SOCIALIST FEDERAL
REPUBLIC OF YUGOSLAVIA****(ARTICLES 3 (3), 9 (4) AND 9 (5))**

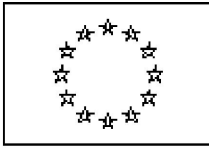
Annex 5a (Documents considered as Proof):

- birth certificates or photocopies thereof issued by the former Socialist Federal Republic of Yugoslavia,
- public documents or photocopies thereof issued by Montenegro, the former Federal Republic of Yugoslavia, the former State Union of Serbia and Montenegro or the former Socialist Federal Republic of Yugoslavia stating place of birth and/or place of permanent residence as required by Article 3(3).

Annex 5b (Documents considered as *prima facie* evidence):

- Other documents or certificates or photocopies thereof which point to the place of birth and/or place of permanent residence in the territory of Montenegro,
 - Official statement by the person concerned in judicial or administrative proceedings.
-

ANNEX 6



[Emblem of Montenegro]

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.....
.....
.....
.....
.....

.....
(Place and date)

.....
(Designation of
requesting authority)

Reference:

.....

To:

.....
.....
.....

.....
(Designation of requested authority)

READMISSION APPLICATION

pursuant to Article 7 of the Agreement of 18 September 2007 between the European Community and Montenegro on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Civil status: ☐ married ☐ single ☐ divorced ☐ widowed

If married: name of spouse

Names and age of children (if any)

.....

.....

.....

8. Last address in the requesting State:

.....

B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)

1. Full name (underline surname):

2. Maiden name:

3. Date and place of birth:

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

Photograph

C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)

1. Full name (underline surname):
2. Date and place of birth:
3. Sex and physical description (height, colour of eyes, distinguishing marks etc.):
.....
4. Nationality and language:
.....

D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health
(e.g. possible reference to special medical care; Latin name of contagious disease):
.....
2. Indication of particularly dangerous person
(e.g. suspected of serious offence; aggressive behaviour):
.....

E. MEANS OF EVIDENCE ATTACHED

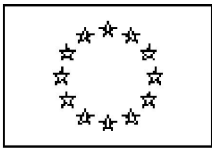
- | | |
|------------------------------|---------------------------|
| 1. .... | ..... |
| (Passport No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 2. .... | ..... |
| (Identity card No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 3. .... | ..... |
| (Driving licence No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 4. .... | ..... |
| (Other official document No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |

F. OBSERVATIONS

.....
.....
.....
.....

(Signature) (Seal/stamp)

ANNEX 7



[Emblem of Montenegro]

.....
.....
.....
.....
.....

.....
(Designation of requesting authority)

(Place and date)

Reference:
.....

To:
.....
.....
.....
(Designation of requested authority)

TRANSIT APPLICATION

pursuant to Article 14 of the Agreement of 18 September 2007 between the European Community and Montenegro on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Type and number of travel document:

.....

Photograph

B. TRANSIT OPERATION

1. Type of transit

☐ by air☐ by sea☐ by land

2. State of final destination

3. Possible other States of transit

4. Proposed border crossing point, date, time of transfer and possible escorts

.....

.....

.....

5. Admission guaranteed in any other transit State and in the State of final destination

(Article 13 paragraph 2)

☐ yes☐ no

6. Knowledge of any reason for a refusal of transit

(Article 13 paragraph 3)

☐ yes☐ no

C. OBSERVATIONS

.....

.....

.....

.....

(Signature) (Seal/stamp)

JOINT DECLARATION CONCERNING ARTICLES 2(4) AND 4(4)

Until the establishment of the Diplomatic Consular Representations of the Republic of Montenegro on the territory of the EU Member States, travel documents from the Article 2(4) will be issued by the Diplomatic Mission or Consular Office of the Republic of Serbia, in accordance with the Article 6 of the Memorandum of Understanding between the Republic of Montenegro and the Republic of Serbia, or Diplomatic Missions or Consular Offices of other States representing Montenegro.

If the Requested Member State has no Diplomatic Mission or Consular Office in the Republic of Montenegro, the travel document to be issued pursuant to Article 4(4) will be issued by the Diplomatic Mission or Consular Office of the Member State representing that Requested Member State. The travel document is issued on behalf of the Requested Member State, subject to its prior authorisation.

JOINT DECLARATION CONCERNING ARTICLES 3 AND 5

The parties will endeavour to return any third country national who does not, or who no longer, fulfils the legal conditions in force for entry to, presence in or residence on, their respective territories, to his or her country of origin.

JOINT DECLARATION CONCERNING ARTICLE 3(1)

The Parties agree that a person is 'entering directly' from the territory of Montenegro within the meaning of these provisions if such person arrived by air, land or sea on the territory of the Member States without having entered a third-country in between. Airside transit stays in a third country shall not be considered as entry.

JOINT DECLARATION CONCERNING DENMARK

The Contracting Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark, nor to nationals of the Kingdom of Denmark. In such circumstances it is appropriate that Montenegro and Denmark conclude a readmission agreement in the same terms as this Agreement.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Contracting Parties take note of the close relationship between the European Community and Iceland and Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that Montenegro concludes a readmission agreement with Iceland and Norway in the same terms as this Agreement.

JOINT DECLARATION CONCERNING SWITZERLAND

The Contracting Parties take note that the European Union, the European Community and Switzerland signed an agreement on Switzerland's association with the implementation, application and development of the Schengen *acquis*. It is appropriate, once this association agreement enters into force, that Montenegro concludes a readmission agreement with Switzerland in the same terms as this Agreement.

COUNCIL DECISION**of 8 November 2007****on the conclusion of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation**

(2007/819/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point 3(b) of Article 63, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Republic of Serbia on the readmission of persons residing without authorisation.
- (2) The Agreement was signed, on behalf of the European Community, on 18 September 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 18 September 2007.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Readmission Committee which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.
- (6) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

- (7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 22(2) of the Agreement ⁽²⁾.

Article 3

The Commission shall represent the Community in the Joint Readmission Committee established by Article 18 of the Agreement.

Article 4

The position of the Community within the Joint Readmission Committee with regard to the adoption of its rules of procedure as required under Article 18(5) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 November 2007.

For the Council
The President
R. PEREIRA

⁽¹⁾ Opinion delivered on 24 October 2007 (not yet published in the Official Journal).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation**

THE HIGH CONTRACTING PARTIES,

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

and

THE REPUBLIC OF SERBIA, hereinafter referred to as 'Serbia',

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of Serbia or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

EMPHASISING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States of the European Union and Serbia arising from International Law and, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and the Convention of 28 July 1951 on the Status of Refugees,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title IV of the Treaty establishing the European Community, do not apply to the Kingdom of Denmark, in accordance with the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community,

HAVE AGREED AS FOLLOWS:

Article 1**Definitions**

For the purpose of this Agreement:

- (a) 'Contracting Parties' shall mean Serbia and the Community;
- (b) 'National of Serbia' shall mean any person who holds the nationality of the Republic of Serbia in accordance with its legislation;
- (c) 'National of a Member State' shall mean any person who holds the nationality, as defined for Community purposes, of a Member State;
- (d) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark;
- (e) 'Third-country national' shall mean any person who holds a nationality other than that of Serbia or one of the Member States;
- (f) 'Stateless person' shall mean any person who does not hold a nationality;
- (g) 'Residence permit' shall mean a permit of any type issued by Serbia or one of the Member States entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;
- (h) 'Visa' shall mean an authorisation issued or a decision taken by Serbia or one of the Member States which is required with a view to entry in, or transit through, its territory. This shall not include airport transit visa;
- (i) 'Requesting State' shall mean the State (Serbia or one of the Member States) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement;
- (j) 'Requested State' shall mean the State (Serbia or one of the Member States) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement is addressed;
- (k) 'Competent Authority' shall mean any national authority of Serbia or one of the Member States entrusted with the implementation of this Agreement in accordance with Article 19(1) lit. (a) thereof;
- (l) 'Border region' shall mean an area which extends up to 30 kilometres from the common land border between a Member State and Serbia, as well as the territories of International airports of the Member States and Serbia;

- (m) 'Transit' shall mean the passage of a third country national or a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination.

SECTION I

READMISSION OBLIGATIONS BY SERBIA

Article 2

Readmission of own nationals

1. Serbia shall readmit, upon application by a Member State and without further formalities other than those provided for in this agreement, any person who does not, or who no longer, fulfils the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such a person is a national of Serbia.

2. Serbia shall also readmit:

- minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in the Requesting Member State,
- spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of Serbia, unless they have an independent right of residence in the Requesting Member State.

3. Serbia shall also readmit persons who have renounced the nationality of Serbia since entering the territory of a Member State, unless such persons have at least been promised naturalisation by that Member State.

4. After Serbia has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of Serbia shall immediately and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of at least three months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of Serbia shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration. If Serbia has not, within 14 calendar days, issued the new travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes ⁽¹⁾.

⁽¹⁾ In line with the form set out in EU Council recommendation of 30 November 1994.

5. In case the person to be readmitted possesses the nationality of a third State in addition to Serbian nationality, the Requesting Member State shall take into consideration the will of the person to be readmitted to the State of his/her choice.

Article 3

Readmission of third-country nationals and stateless persons

1. Serbia shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the legal conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a valid visa or residence permit issued by Serbia; or
- (b) illegally and directly entered the territory of the Member States after having stayed on, or transited through, the territory of Serbia.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third country national or stateless person has only been in airside transit via an International Airport of Serbia; or
- (b) the Requesting Member State has issued to the third country national or stateless person a visa or residence permit before or after entering its territory unless:

- that person is in possession of a visa or residence permit, issued by Serbia, which expires later, or
- the visa or residence permit issued by the Requesting Member State has been obtained by using forged or falsified documents, or by making false statements, and the person concerned has stayed on, or transited through, the territory of Serbia, or
- that person fails to observe any condition attached to the visa and that person has stayed on, or transited through, the territory of Serbia.

3. Serbia shall also readmit, upon application by a Member State, former nationals of the Socialist Federal Republic of Yugoslavia who have acquired no other nationality and whose place of birth and place of permanent residence on 27 April 1992, was in the territory of Serbia.

4. After Serbia has given a positive reply to the readmission application, the Requesting Member State issues the person whose readmission has been accepted the EU standard travel document for expulsion purposes ⁽¹⁾.

SECTION II

READMISSION OBLIGATIONS BY THE COMMUNITY

Article 4

Readmission of own nationals

1. A Member State shall readmit, upon application by Serbia and without further formalities other than those provided for in this agreement, any person who does not, or who no longer, fulfils the conditions in force for entry to, presence in, or residence on, the territory of Serbia provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such a person is a national of that Member State.

2. A Member State shall also readmit:

- minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in Serbia,
- spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the Requested Member State, unless they have an independent right of residence in Serbia.

3. A Member State shall also readmit persons who have renounced the nationality of a Member State since entering the territory of Serbia, unless such persons have at least been promised naturalisation by Serbia.

4. After the Requested Member State has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of that Member State shall immediately and not later than within 3 working days, issue the travel document required for the return of the person to be readmitted, with a validity of at least 3 months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of that Member State shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration.

5. In case the person to be readmitted possesses the nationality of a third state in addition to the nationality of the Requested Member State, Serbia shall take into consideration the will of the person to be readmitted to the state of his/her choice.

⁽¹⁾ In line with the form set out in EU Council Recommendation of 30 November 1994.

Article 5

Readmission of third-country nationals and stateless persons

1. A Member State shall readmit, upon application by Serbia and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the legal conditions in force for entry to, presence in, or residence on, the territory of Serbia provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a valid visa or residence permit issued by the Requested Member State; or
- (b) illegally and directly entered the territory of Serbia after having stayed on, or transited through, the territory of the Requested Member State.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third country national or stateless person has only been in airside transit via an International Airport of the Requested Member State; or
- (b) Serbia has issued to the third country national or stateless person a visa or residence permit before or after entering its territory unless:
 - that person is in possession of a visa or residence permit, issued by the Requested Member State, which expires later, or
 - the visa or residence permit issued by Serbia has been obtained by using forged or falsified documents, or by making false statement, and the person concerned has stayed on, or transited through, the territory of the Requested Member State, or
 - that person fails to observe any condition attached to the visa and the person concerned has stayed on, or transited through, the territory of the Requested Member State.

3. The readmission obligation in paragraph 1 is for the Member State that issued a visa or residence permit. If two or more Member States issued a visa or residence permit, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.

4. After the Member State has given a positive reply to the readmission application, Serbia issues the person whose readmission has been accepted the travel document required for his or her return.

SECTION III

READMISSION PROCEDURE

Article 6

Principles

1. Subject to paragraph 2, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 to 5 shall require the submission of a readmission application to the competent authority of the Requested State.
2. No readmission application shall be needed where the person to be readmitted is in possession of a valid travel document and in case such a person is a third country national or stateless person, also holds a valid visa or residence permit of the Requested State.
3. If a person has been apprehended in the border region (including airports) of the Requesting State after illegally crossing the border coming directly from the territory of the Requested State, the Requesting State may submit a readmission application within two working days following this person's apprehension (accelerated procedure).

Article 7

Readmission application

1. To the extent possible, the readmission application is to contain the following information:
 - (a) the particulars of the person to be readmitted (e.g. given names, surnames, date and place of birth and the last place of residence) and, where appropriate, the particulars of minor unmarried children and/or spouses;
 - (b) documents on the basis of which the nationality shall be proven and the indication of the means with which *prima facie* evidence of nationality, transit, the conditions for the readmission of third-country nationals and stateless persons and unlawful entry and residence will be provided;
 - (c) photograph of the person to be readmitted.
2. To the extent possible, the readmission application shall also contain the following information:
 - (a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
 - (b) any other protection, security measure or information concerning the health of the person, which may be necessary in the individual transfer case.

3. A common form to be used for readmission applications is attached as Annex 6 to this Agreement.

Article 8

Means of evidence regarding nationality

1. Proof of nationality pursuant to Article 2(1) and Article 4(1) can be particularly furnished through the documents listed in Annex 1 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Serbia shall mutually recognise the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents.
2. *Prima facie* evidence of nationality pursuant to Article 2(1) and Article 4(1) can be particularly furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Serbia shall deem the nationality to be established, unless they can prove otherwise. *Prima facie* evidence of nationality cannot be furnished through false documents.
3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic and consular representations of the Requested State concerned shall, upon request, make arrangements to interview the person to be readmitted without undue delay, at the latest within three working days from the requesting day, in order to establish his or her nationality.

Article 9

Means of evidence regarding third-country nationals and stateless persons

1. Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Member States and Serbia without any further investigation being required.
2. *Prima facie* evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 4 to this Agreement; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, the Member States and Serbia shall deem the conditions to be established, unless they can prove otherwise.
3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide *prima facie* evidence of the unlawful entry, presence or residence.

4. Proof of the conditions for the readmission of former nationals of the Socialist Federal Republic of Yugoslavia laid down in Article 3(3) shall be particularly furnished through the means of evidence listed in Annex 5a to this Agreement; it cannot be furnished through false documents. Any such proof shall be recognised by Serbia without any further investigation being required.

5. *Prima facie* evidence of the conditions for the readmission of former nationals of the Socialist Federal Republic of Yugoslavia laid down in Article 3(3) shall be particularly furnished through the means of evidence listed in Annex 5b to this Agreement; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, Serbia shall deem the conditions to be established, unless they can prove otherwise.

6. If none of the documents listed in Annex 5a and Annex 5b can be presented, the competent diplomatic and consular representations of Serbia shall, upon request, make arrangements to interview the person to be readmitted without undue delay or at the latest within 3 working days from the requesting day, in order to establish his or her nationality.

Article 10

Time limits

1. The application for readmission must be submitted to the competent authority of the Requested State within a maximum of one year after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not, or does no longer, fulfil the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request by the Requesting State, be extended but only until the obstacles have ceased to exist.

2. A readmission application must be replied to in writing:

- within two working days if the application has been made under the accelerated procedure (Article 6(3)),
- within 10 calendar days in all other cases.

These time limits begin to run with the date of receipt of the readmission request. If there was no reply within these time limits, the transfer shall be deemed to have been approved.

3. Where there are legal or factual obstacles to the application being replied to within 10 calendar days, this time limit may, upon duly motivated request, be extended with a maximum of six calendar days. If there was no reply within the extended time limit, the transfer shall be deemed to have been approved.

4. Reasons shall be given for the refusal of a readmission request.

5. After agreement has been given or, where appropriate, after expiry of the time limit laid down in paragraph 2, the person concerned shall be transferred within three months. On request of the Requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles.

Article 11

Transfer modalities and modes of transportation

1. Before returning a person, the competent authorities of Serbia and the Member State concerned shall make arrangements in writing in advance regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.

2. Transportation may take place by air or land. Return by air shall not be restricted to the use of the national carriers of Serbia or the Member States and may take place by using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to authorised persons of the Requesting State, provided that they are authorised persons from Serbia or any Member State.

Article 12

Readmission in error

The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of three months after the transfer of the person concerned, that the requirements laid down in Articles 2 to 5 of this Agreement are not met.

In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.

SECTION IV

TRANSIT OPERATIONS

Article 13

Principles

1. The Member States and Serbia should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.

2. Serbia shall allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall authorise the transit of third-country nationals or stateless persons if Serbia so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.

3. Transit can be refused by Serbia or a Member State:
- (a) if the third-country national or the stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit; or
 - (b) if the third-country national or the stateless person shall be subject to criminal sanctions in the Requested State or in another State of transit; or
 - (c) on grounds of public health, domestic security, public order or other national interests of the Requested State.

4. Serbia or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In this case, the Requesting State shall take back the third-country national or the stateless person, as necessary and without delay.

Article 14

Transit procedure

1. An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information:
- (a) type of transit (by air or land), possible other States of transit and intended final destination;
 - (b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and — where possible — place of birth, nationality, language, type and number of travel document);
 - (c) envisaged point of entry, time of transfer and possible use of escorts;
 - (d) a declaration that in the view of the Requesting State the conditions pursuant to Article 13(2) are met, and that no reasons for a refusal pursuant to Article 13(3) are known of.

A common form to be used for transit applications is attached as Annex 7 to this Agreement.

2. The Requested State shall, within five calendar days and in writing, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal.

3. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

4. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION V

COSTS

Article 15

Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the Requesting State.

SECTION VI

DATA PROTECTION AND NON-AFFECTION CLAUSE

Article 16

Data Protection

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Serbia or a Member State as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of Serbia and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC ⁽¹⁾ and of the national legislation of that Member State adopted pursuant to this Directive. Additionally the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
 - the particulars of the person to be transferred (e.g. given names, surnames, any previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality),
 - passport, identity card or driving licence (number, period of validity, date of issue, issuing authority, place of issue),
 - stop-overs and itineraries,
 - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement;
- (d) personal data must be accurate and, where necessary, kept up to date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

Article 17

Non-affection clause

1. This agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States and Serbia arising from International Law and, in particular, from:
 - the Convention of 28 July 1951 on the Status of Refugees as amended by the Protocol of 31 January 1967 on the Status of Refugees,
 - the international conventions determining the State responsible for examining applications for asylum lodged,
 - the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms,
 - the Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
 - international conventions on extradition,
 - multilateral international conventions and agreements on the readmission of foreign nationals.
2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VII

IMPLEMENTATION AND APPLICATION

Article 18

Joint readmission committee

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a joint readmission committee (hereinafter referred to as the committee) which will, in particular, have the task:
 - (a) to monitor the application of this Agreement;
 - (b) to decide on implementing arrangements necessary for the uniform application of this Agreement;
 - (c) to have regular exchanges of information on the implementing Protocols drawn up by individual Member States and Serbia pursuant to Article 19;
 - (d) to recommend amendments to this Agreement and its Annexes.
2. The decisions of the committee shall be binding on the Contracting Parties.

3. The committee shall be composed by representatives of the Community and Serbia; the Community shall be represented by the Commission.

4. The committee shall meet where necessary at the request of one of the Contracting Parties.

5. The committee shall establish its rules of procedures.

Article 19

Implementing Protocols

1. Upon request of a Member State or Serbia, Serbia and a Member State shall draw up an implementing Protocol which shall cover rules on:

- (a) designation of the competent authorities, border crossing points and exchange of contact points;
- (b) the modalities for returns under the accelerated procedure;
- (c) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;
- (d) means and documents additional to those listed in the Annexes 1 to 5 to this Agreement.

2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the readmission committee, referred to in Article 18, has been notified.

3. Serbia agrees to apply any provision of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter.

Article 20

Relation to bilateral readmission agreements or arrangements of Member States

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been or may, under Article 19, be concluded between individual Member States and Serbia, in so far as the provisions of the latter are incompatible with those of this Agreement.

Done at Brussels on the eighteenth day of September in the year two thousand and seven in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Serbian languages, each of these texts being equally authentic.

SECTION VIII

FINAL PROVISIONS

Article 21

Territorial application

1. Subject to paragraph 2, this Agreement shall apply to the territory in which the Treaty establishing the European Community is applicable and to the territory of Serbia ⁽¹⁾.

2. This Agreement shall not apply to the territory of the Kingdom of Denmark.

Article 22

Entry into force, duration and termination

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.

2. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to in the first paragraph have been completed.

3. This Agreement is concluded for an unlimited period.

4. Each Contracting Party may, by officially notifying the other Contracting Party and after prior consultation of the committee referred to in Article 18, completely or partly, temporarily suspend the implementation of this Agreement with regard to third country nationals and stateless persons, for reasons of security, protection of public order or public health. The suspension shall enter into force on the second day following the day of such notification.

5. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

Article 23

Annexes

Annexes 1 to 7 shall form an integral part of this Agreement.

⁽¹⁾ The scope of territorial applicability concerning Serbia will be defined in the negotiations without prejudice to the UN Security Council Resolution 1244 of 10 June 1999.

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen
За Европску зајелницу



За Република Србија
Por la República de Serbia
Za Republiku Srbsko
For Republikken Serbien
Für die Republik Serbien
Serbia Vabariigi nimel
Για τη Δημοκρατία της Σερβίας
For the Republic of Serbia
Pour la République de Serbie
Per la Repubblica di Serbia
Serbijas Republikas vārdā
Serbijos Respublikos vardu
A Szerb Köztársaság részéről
Għar-Repubblika tas-Serbja
Voor de Republiek Servië
W imieniu Republiki Serbii
Pela República da Sérvia
Pentru Republica Serbia
Za Srbskú republiku
Za Republiko Srbijo
Serbian tasavallan puolesta
För Republiken Serbien
За Република Србију



ANNEX 1

**LIST OF DOCUMENTS THE PRESENTATION OF WHICH IS CONSIDERED AS PROOF OF NATIONALITY
(ARTICLES 2(1), 4 (1) AND 8(1))**

Where the Requested State is one of the Member States:

- passports of any kind (national passports, diplomatic passports, service passports, collective passports including children's passports),
- identity cards of any kind (including temporary and provisional ones).

Where the Requested State is Serbia:

- passports of any kind (national passports, diplomatic passports, service passports, collective passports including children's passports) issued after 27 July 1996 according to the Law on Travel Documents of Yugoslav nationals of 1996 as well as the subsequent legislative amendments following adoption of the new Law on Travel Documents of Serbia,
- identity cards issued after 1 January 2000.

ANNEX 2

**LIST OF DOCUMENTS THE PRESENTATION OF WHICH IS CONSIDERED
AS PRIMA FACIE EVIDENCE OF NATIONALITY
(ARTICLES 2(1), 4(1) AND 8(2))**

Where the Requested State is either one of the Member States or Serbia:

- photocopies of any of the documents listed in Annex 1 to this Agreement,
- service books and military identity cards,
- seaman's registration books and skippers' service cards,
- citizenship certificates and other official documents that mention or clearly indicate citizenship,
- driving licenses or photocopies thereof,
- birth certificates or photocopies thereof,
- company identity cards or photocopies thereof,
- statements by witnesses,
- statements made by the person concerned and language spoken by him or her, including by means of an official test result,
- any other document which may help to establish the nationality of the person concerned.

Where the Requested State is Serbia:

- passports of any kind (national passports, diplomatic passports, service passports, collective passports including children's passports) issued between 27 April 1992 and 27 July 1996 and photocopies thereof,
- identity cards of any kind issued between 27 April 1992 and 1 January 2000 and photocopies thereof.

ANNEX 3

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PROOF OF THE CONDITIONS
FOR THE READMISSION OF THIRD COUNTRY NATIONALS AND STATELESS PERSONS****(ARTICLES 3(1), 5(1) AND 9(1))**

- Entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic),
- named documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the requested State,
- named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the requested State,
- information showing that the person concerned has used the services of a courier or travel agency,
- official statements made, in particular, by border authority staff who can testify to the person concerned crossing the border.

ANNEX 4

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PRIMA FACIE EVIDENCE OF THE
CONDITIONS FOR THE READMISSION OF THIRD COUNTRY NATIONALS AND STATELESS PERSONS****(ARTICLES 3(1), 5(1) AND 9(2))**

- Official statement by the person concerned in judicial or administrative proceedings,
- witnesses who can testify to the person concerned crossing the border,
- description issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State,
- information related to the identity and/or stay of a person which has been provided by an international organisation (e.g. UNHCR),
- reports/confirmation of information by family members, travelling companions, etc.,
- statement by the person concerned.

ANNEX 5

**LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PROOF OR AS PRIMA FACIE
EVIDENCE OF THE CONDITIONS FOR THE READMISSION OF FORMER NATIONALS
OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA****(ARTICLES 3(3), 9 (4) AND 9(5))**

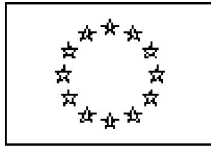
Annex 5a (Documents considered as Proof):

- birth certificates or photocopies thereof issued by the former Socialist Federal Republic of Yugoslavia,
- public documents, including identity cards, or photocopies thereof issued by Serbia, the former Federal Republic of Yugoslavia, the former State Union of Serbia and Montenegro or the former Socialist Federal Republic of Yugoslavia stating place of birth and/or place of permanent residence as required by Article 3(3).

Annex 5b (Documents considered as *prima facie* evidence):

- other documents or certificates or photocopies thereof which point to the place of birth and/or place of permanent residence in the territory of Serbia,
 - official statement by the person concerned in judicial or administrative proceedings.
-

ANNEX 6



[Emblem of Republic of Serbia]

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.....

.....

(Place and date)

(Designation of requesting
authority)

Reference:

.....

To:

.....
.....
.....

☐ **ACCELERATED PROCEDURE**

(Designation of requested authority)

READMISSION APPLICATION

Pursuant to article 7 of the agreement of 18 September 2007 between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Civil status: ☐ married ☐ widowed ☐ single ☐ divorced

If married: name of spouse

Names and age of children (if any):

.....

.....

.....

8. If known, last address in the requesting and the Requested State:

.....

B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)

1. Full name (underline surname):

2. Maiden name:

3. Date and place of birth:

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. If known, last address of residence in the Requested State

.....

Photograph

C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)

1. Full name (underline surname):
2. Date and place of birth:
3. Sex and physical description (height, colour of eyes, distinguishing marks etc.):
.....
4. Nationality and language:
.....
5. Data on parents (date and place of birth), if different from the data supplied under A and B:
.....

D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health
(e.g. possible reference to special medical care; Latin name of contagious disease):
.....
2. Indication of particularly dangerous person
(e.g. suspected of serious offence; aggressive behaviour):
.....

E. MEANS OF EVIDENCE ATTACHED

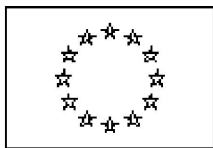
- | | |
|------------------------------|---------------------------|
| 1. .... | ..... |
| (Passport No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 2. .... | ..... |
| (Identity card No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 3. .... | ..... |
| (Driving licence No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 4. .... | ..... |
| (Other official document No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |

F. OBSERVATIONS

.....
.....
.....
.....

(Signature) (Seal/stamp)

ANNEX 7



[Emblem of Republic of Serbia]

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.....

(Place and date)

(Designation of requesting
 authority)

Reference:

.....

To:

.....

(Designation of requested authority)

TRANSIT APPLICATION

pursuant to Article 14 of the Agreement of 18 September 2007 between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Type and number of travel document:

.....

Photograph

B. TRANSIT OPERATION

1. Type of transit

☐ by air☐ by land

2. State of final destination

3. Possible other States of transit

4. Proposed border crossing point, date, time of transfer and possible escorts

.....

.....

.....

5. Admission guaranteed in any other transit State and in the State of final destination

(Article 13 paragraph 2)

☐ yes☐ no

6. Knowledge of any reason for a refusal of transit

(Article 13 paragraph 3)

☐ yes☐ no

C. OBSERVATIONS

.....

.....

.....

.....

(Signature) (Seal/stamp)

JOINT DECLARATION CONCERNING REINTEGRATION

The Contracting Parties acknowledge the necessity of an efficient, effective and sustainable socio-economic reintegration of repatriated citizens of the Republic of Serbia. They confirm their intention to increase their efforts, also financially, to support such reintegration, taking into account Community financial assistance available to that end.

JOINT DECLARATION CONCERNING ARTICLES 2(3) AND 4(3)

The Contracting Parties take note that, according to the nationality laws of the Republic of Serbia and the Member States, it is not possible for a citizen of the Republic of Serbia or the European Union to be deprived of his or her nationality.

The Parties agree to consult each other in due time, should this legal situation change.

JOINT DECLARATION CONCERNING ARTICLES 3 AND 5

The parties will endeavour to return any third country national who does not, or who no longer, fulfils the legal conditions in force for entry to, presence in or residence on, their respective territories, to his or her country of origin.

DECLARATION BY THE REPUBLIC OF SERBIA CONCERNING CITIZENSHIP

The Republic of Serbia states that, in accordance with the Law on Citizenship of the Republic of Serbia (Official Gazette of the Republic of Serbia, No 135/04), the citizenship of the Republic of Serbia held by a citizen of the Republic of Serbia may not be terminated by renunciation, if such a person fails to provide the evidence proving that he/she will be admitted to a foreign citizenship at the moment of submitting the request for renunciation of Republic of Serbia citizenship.

JOINT DECLARATION CONCERNING DENMARK

The Contracting Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark, nor to nationals of the Kingdom of Denmark. In such circumstances it is appropriate that the Republic of Serbia and Denmark conclude a readmission agreement in the same terms as this Agreement.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Contracting Parties take note of the close relationship between the European Community and Iceland and Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that the Republic of Serbia concludes a readmission agreement with Iceland and Norway in the same terms as this Agreement.

JOINT DECLARATION CONCERNING SWITZERLAND

The Contracting Parties take note that the European Union, the European Community and Switzerland signed an agreement on Switzerland's association with the implementation, application and development of the Schengen *acquis*. It is appropriate, once this association agreement enters into force, that the Republic of Serbia concludes a readmission agreement with Switzerland in the same terms as this Agreement.

COUNCIL DECISION**of 8 November 2007****on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina
on the readmission of persons residing without authorisation**

(2007/820/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point 3(b) of Article 63 in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with Bosnia and Herzegovina on the readmission of persons residing without authorisation.
- (2) The Agreement was signed, on behalf of the European Community, on 18 September 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 18 September 2007.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Readmission Committee which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.
- (6) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

- (7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 22(2) of the Agreement ⁽²⁾.

Article 3

The Commission shall represent the Community in the Joint Readmission Committee established by Article 18 of the Agreement.

Article 4

The position of the Community within the Joint Readmission Committee with regard to the adoption of its rules of procedure as required under Article 18(5) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 November 2007.

For the Council
The President
R. PEREIRA

⁽¹⁾ Opinion delivered on 24 October 2007 (not yet published in the Official Journal).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation**

THE HIGH CONTRAGRING PARTIES,

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

and

BOSNIA AND HERZEGOVINA,

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of Bosnia and Herzegovina or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

EMPHASISING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States of the European Union and Bosnia and Herzegovina arising from International Law and, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and the Convention of 28 July 1951 on the Status of Refugees,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title IV of the Treaty establishing the European Community, do not apply to the Kingdom of Denmark, in accordance with the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community,

HAVE AGREED AS FOLLOWS:

Article 1**Definitions**

For the purpose of this Agreement:

- (a) 'Contracting Parties' shall mean Bosnia and Herzegovina and the Community;
- (b) 'National of Bosnia and Herzegovina' shall mean any person who holds the nationality of Bosnia and Herzegovina in accordance with its national legislation;
- (c) 'National of a Member State' shall mean any person who holds the nationality, as defined for Community purposes, of a Member State;
- (d) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark;
- (e) 'Third-country national' shall mean any person who holds a nationality other than that of Bosnia and Herzegovina or one of the Member States;
- (f) 'Stateless person' shall mean any person who does not hold a nationality;
- (g) 'Residence permit' shall mean a permit of any type issued by Bosnia and Herzegovina or one of the Member States entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;
- (h) 'Visa' shall mean an authorisation issued or a decision taken by Bosnia and Herzegovina or one of the Member States which is required with a view to entry in, or transit through, its territory. This shall not include airport transit visa;
- (i) 'Requesting State' shall mean the State (Bosnia and Herzegovina or one of the Member States) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement;
- (j) 'Requested State' shall mean the State (Bosnia and Herzegovina or one of the Member States) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement is addressed;
- (k) 'Competent Authority' shall mean any national authority of Bosnia and Herzegovina or one of the Member States entrusted with the implementation of this Agreement in accordance with Article 19(1) lit. a) thereof;
- (l) 'Transit' shall mean the passage of a third country national or a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination.

SECTION I

READMISSION OBLIGATIONS BY BOSNIA AND HERZEGOVINA*Article 2***Readmission of own nationals**

1. Bosnia and Herzegovina shall readmit, upon application by a Member State and without further formalities other than those provided for in this agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of Bosnia and Herzegovina.

2. Bosnia and Herzegovina shall also readmit:

- minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in the Requesting Member State,
- spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of Bosnia and Herzegovina, unless they have an independent right of residence in the Requesting Member State.

3. Bosnia and Herzegovina shall also readmit persons who have been deprived of, or who have renounced, the nationality of Bosnia and Herzegovina since entering the territory of a Member State, unless such persons have at least been promised naturalisation by that Member State.

4. After Bosnia and Herzegovina has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of Bosnia and Herzegovina shall immediately and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of 20 days. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of Bosnia and Herzegovina shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration. If Bosnia and Herzegovina has not, within 14 calendar days, issued the new travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes ⁽¹⁾.

5. In case the person to be readmitted possesses the nationality of a third state in addition to Bosnian and Herzegovinian nationality, the Requesting Member State shall take into consideration the will of the person to be readmitted to the state of his/her choice.

*Article 3***Readmission of third-country nationals and stateless persons**

1. Bosnia and Herzegovina shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a valid visa or residence permit issued by Bosnia and Herzegovina; or
- (b) illegally and directly entered the territory of the Member States after having stayed on, or transited through, the territory of Bosnia and Herzegovina.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third country national or stateless person has only been in airside transit via an International Airport of Bosnia and Herzegovina; or
- (b) the Requesting Member State has issued to the third country national or stateless person a visa or residence permit before or after entering its territory unless:

- that person is in possession of a visa or residence permit, issued by Bosnia and Herzegovina, which has a longer period of validity, or
- the visa or residence permit issued by the Requesting Member State has been obtained by using forged or falsified documents, or by making false statements, or
- that person fails to observe any condition attached to the visa.

3. Bosnia and Herzegovina shall also readmit, upon application by a Member State, former nationals of the Socialist Federal Republic of Yugoslavia who have acquired no other nationality and whose place of birth, and place of permanent residence on 6 April 1992, was in the territory of Bosnia and Herzegovina.

4. After Bosnia and Herzegovina has given a positive reply to the readmission application, the Requesting Member State issues the person whose readmission has been accepted the EU standard travel document for expulsion purposes ⁽¹⁾.

⁽¹⁾ In line with the form set out in EU Council recommendation of 30 November 1994.

SECTION II.

READMISSION OBLIGATIONS BY THE COMMUNITY*Article 4***Readmission of own nationals**

1. A Member State shall readmit, upon application by Bosnia and Herzegovina and without further formalities other than those provided for in this agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of Bosnia and Herzegovina provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of that Member State.

2. A Member State shall also readmit:

- minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in Bosnia and Herzegovina,
- spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the Requested Member State, unless they have an independent right of residence in Bosnia and Herzegovina.

3. A Member State shall also readmit persons who have been deprived of, or who have renounced, the nationality of a Member State since entering the territory of Bosnia and Herzegovina, unless such persons have at least been promised naturalisation by Bosnia and Herzegovina.

4. After the Requested Member State has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of that Member State shall immediately and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of at least three months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of that Member State shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration.

5. In case the person to be readmitted possesses the nationality of a third State in addition to that of the Requested Member State, Bosnia and Herzegovina shall take into consideration the will of the person to be readmitted to the State of his/her choice.

*Article 5***Readmission of third-country nationals and stateless persons**

1. A Member State shall readmit, upon application by Bosnia and Herzegovina and without further formalities other than those provided for in this Agreement, all third-country nationals or

stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of Bosnia and Herzegovina provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a valid visa or residence permit issued by the Requested Member State; or
- (b) illegally and directly entered the territory of Bosnia and Herzegovina after having stayed on, or transited through, the territory of the Requested Member State.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third country national or stateless person has only been in airside transit via an International Airport of the Requested Member State; or
- (b) Bosnia and Herzegovina has issued to the third country national or stateless person a visa or residence permit before or after entering its territory unless:
 - that person is in possession of a visa or residence permit, issued by the Requested Member State, which has a longer period of validity, or
 - the visa or residence permit issued by Bosnia and Herzegovina has been obtained by using forged or falsified documents, or by making false statements, or
 - that person fails to observe any condition attached to the visa.

3. The readmission obligation in paragraph 1 is for the Member State that issued a visa or residence permit. If two or more Member States issued a visa or residence permit, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.

4. After the Member State has given a positive reply to the readmission application, Bosnia and Herzegovina issues the person whose readmission has been accepted the travel document required for his or her return.

SECTION III
READMISSION PROCEDURE

Article 6

Principles

1. Subject to paragraph 2, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 to 5 shall require the submission of a readmission application to the competent authority of the Requested State.

2. No readmission application shall be needed where the person to be readmitted is in possession of a valid travel document or identity card and, where applicable, a valid visa or residence permit of the Requested State.

Article 7

Readmission application

1. To the extent possible, the readmission application is to contain the following information:

- (a) particulars of the person to be readmitted (e.g. given names, surnames, date of birth, and — where possible — place of birth, and the last place of residence) and, where appropriate, the particulars of minor unmarried children and/or spouses;
- (b) indication of the means with which proof or *prima facie* evidence of nationality, transit, the conditions for the readmission of third-country nationals and stateless persons and unlawful entry and residence will be provided;
- (c) photograph of the person to be readmitted.

2. To the extent possible, the readmission application shall also contain the following information:

- (a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
- (b) any other protection, security measure or information concerning the health of the person, which may be necessary in the individual transfer case.

3. A common form to be used for readmission applications is attached as Annex 6 to this Agreement.

Article 8

Means of evidence regarding nationality

1. Proof of nationality pursuant to Article 2(1) and Article 4(1) can be particularly furnished through the documents listed in Annex 1 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and

Bosnia and Herzegovina shall mutually recognise the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents.

2. *Prima facie* evidence of nationality pursuant to Article 2(1) and Article 4(1) can be particularly furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Bosnia and Herzegovina shall deem the nationality to be established, unless they can prove otherwise. *Prima facie* evidence of nationality cannot be furnished through false documents.

3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic and consular representations of the Requested State concerned shall, upon request, make arrangements to interview the person to be readmitted without undue delay, at the latest within three working days from the requesting day, in order to establish his or her nationality.

Article 9

Means of evidence regarding third-country nationals and stateless persons

1. Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Member States and Bosnia and Herzegovina without any further investigation being required.

2. *Prima facie* evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 4 to this Agreement; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, the Member States and Bosnia and Herzegovina shall deem the conditions to be established, unless they can prove otherwise.

3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide *prima facie* evidence of the unlawful entry, presence or residence.

4. Proof of the conditions for the readmission of former nationals of the Socialist Federal Republic of Yugoslavia laid down in Article 3(3) shall be particularly furnished through the means of evidence listed in Annex 5a to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognised by Bosnia and Herzegovina without any further investigation being required.

5. *Prima facie* evidence of the conditions for the readmission of former nationals of the Socialist Federal Republic of Yugoslavia laid down in Article 3(3) shall be particularly furnished through the means of evidence listed in Annex 5b to this Agreement; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, Bosnia and Herzegovina shall deem the conditions to be established, unless they can prove otherwise.

6. If none of the documents listed in Annex 5a and Annex 5b can be presented, the competent diplomatic and consular representations of Bosnia and Herzegovina shall, upon request, make arrangements to interview the person to be readmitted without undue delay or at the latest within three working days from the requesting day, in order to establish his or her nationality.

Article 10

Time limits

1. The application for readmission must be submitted to the competent authority of the Requested State within a maximum of one year after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not, or does no longer, fulfil the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request by the Requesting State, be extended but only until the obstacles have ceased to exist.

2. A readmission application must be replied to in writing within 10 calendar days in all cases. This time limit begins to run with the date of receipt of the readmission request. If there was no reply within this time limit, the transfer shall be deemed to have been agreed to.

3. Where there are legal or factual obstacles to the application being replied to within 10 calendar days, this time limit may, upon duly motivated request, be extended up to a maximum of six calendar days. If there was no reply within the extended time limit, the transfer shall be deemed to have been approved.

4. Reasons shall be given for the refusal of a readmission request.

5. After agreement has been given or, where appropriate, after expiry of the time limit laid down in paragraph 2, the person concerned shall be transferred within three months. On request of the Requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles.

Article 11

Transfer modalities and modes of transportation

1. Before returning a person, the competent authorities of Bosnia and Herzegovina and the Member State concerned shall make arrangements in writing in advance regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.

2. Transportation may take place by air, sea or land. Return by air shall not be restricted to the use of the national carriers of Bosnia and Herzegovina or the Member States and may take place by using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to authorised persons of the Requesting State, provided that they are authorised persons from Bosnia and Herzegovina or any Member State.

Article 12

Readmission in error

The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of three months after the transfer of the person concerned, that the requirements laid down in Articles 2 to 5 of this Agreement are not met.

In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and the Requested State shall also communicate all available information relating to the actual identity and nationality of the person to be taken back.

SECTION IV

TRANSIT OPERATIONS

Article 13

Principles

1. The Member States and Bosnia and Herzegovina should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.

2. Bosnia and Herzegovina shall allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall authorise the transit of third-country nationals or stateless persons if Bosnia and Herzegovina so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.

3. Transit can be refused by Bosnia and Herzegovina or a Member State:

- (a) if the third-country national or the stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit; or
- (b) if the third-country national or the stateless person shall be subject to criminal sanctions in the Requested State or in another State of transit; or
- (c) on grounds of public health, domestic security, public order or other national interests of the Requested State.

4. Bosnia and Herzegovina or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In this case, the Requesting State shall take back the third-country national or the stateless person, as necessary and without delay.

Article 14

Transit procedure

1. An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information:

- (a) type of transit (by air, sea or land), possible other States of transit and intended final destination;
- (b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and — where possible — place of birth, nationality, language, type and number of travel document);
- (c) envisaged point of entry, time of transfer and possible use of escorts;
- (d) a declaration that in the view of the Requesting State the conditions pursuant to Article 13(2) are met, and that no reasons for a refusal pursuant to Article 13(3) are known of.

A common form to be used for transit applications is attached as Annex 7 to this Agreement.

2. The Requested State shall, within five calendar days and in writing, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal.

3. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

4. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION V

COSTS

Article 15

Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the Requesting State.

SECTION VI

DATA PROTECTION AND NON-AFFECTION CLAUSE

Article 16

Data protection

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Bosnia and Herzegovina or a Member State as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of Bosnia and Herzegovina and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC ⁽¹⁾ and of the national legislation of that Member State adopted pursuant to this Directive. Additionally the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
 - the particulars of the person to be transferred (e.g. given names, surnames, any previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality),
 - passport, identity card or driving licence (number, period of validity, date of issue, issuing authority, place of issue),
 - stop-overs and itineraries,
 - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement.

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

- (d) personal data must be accurate and, where necessary, kept up to date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

Article 17

Non-affection clause

1. This agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States and Bosnia and Herzegovina arising from International Law and, in particular, from:
 - the Convention of 28 July 1951 on the Status of Refugees as amended by the Protocol of 31 January 1967 on the Status of Refugees,
 - the international conventions determining the State responsible for examining applications for asylum lodged,
 - the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms,
 - the Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
 - international conventions on extradition and transit,
 - multilateral international conventions and agreements on the readmission of foreign nationals.

2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VII

IMPLEMENTATION AND APPLICATION

Article 18

Joint readmission committee

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a joint readmission committee (hereinafter referred to as the committee) which will, in particular, have the task:
 - (a) to monitor the application of this Agreement;
 - (b) to decide on implementing arrangements necessary for the uniform application of this Agreement;
 - (c) to have regular exchanges of information on the implementing Protocols drawn up by individual Member States and Bosnia and Herzegovina pursuant to Article 19;
 - (d) to recommend amendments to this Agreement and its Annexes.
2. The decisions of the committee shall be binding on the Contracting Parties.
3. The committee shall be composed by representatives of the Community and Bosnia and Herzegovina; the Community shall be represented by the Commission.
4. The committee shall meet where necessary at the request of one of the Contracting Parties.
5. The committee shall establish its rules of procedures.

Article 19

Implementing Protocols

1. Upon request of a Member State or Bosnia and Herzegovina, Bosnia and Herzegovina and a Member State shall draw up an implementing Protocol which shall cover rules on:
 - (a) designation of the competent authorities, border crossing points and exchange of contact points;
 - (b) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;
 - (c) means and documents additional to those listed in the Annexes 1 to 5 to this agreement.
2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the readmission committee, referred to in Article 18, has been notified.

3. Bosnia and Herzegovina agrees to apply any provision of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter.

Article 20

Relation to bilateral readmission agreements or arrangements of Member States

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been, or may under Article 19, be concluded between individual Member States and Bosnia and Herzegovina, in so far as the provisions of the latter are incompatible with those of this Agreement.

SECTION VIII

FINAL PROVISIONS

Article 21

Territorial application

1. Subject to paragraph 2, this Agreement shall apply to the territory in which the Treaty establishing the European Community is applicable and to the territory of Bosnia and Herzegovina.

2. This Agreement shall not apply to the territory of the Kingdom of Denmark.

Article 22

Entry into force, duration and termination

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.

2. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to in the first paragraph have been completed.

3. This Agreement is concluded for an unlimited period.

4. Each Contracting Party may, by officially notifying the other Contracting Party and after prior consultation of the committee referred to in Article 18, completely or partly, temporarily suspend the implementation of this Agreement with regard to third country nationals and stateless persons, for reasons of security, protection of public order or public health. The suspension shall enter into force on the second day following the day of such notification.

5. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

Article 23

Annexes

Annexes 1 to 7 shall form an integral part of this Agreement.

Done at Brussels on the eighteenth day of September in the year two thousand and seven in duplicate in each of the official languages of the Parties, each of these texts being equally authentic.

Za Европeйската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen
Za Evropsku zajednicu
За Европску заједницу
Za Europsku zajednicu



За Босна и Херцеговина
Por Bosnia y Herzegovina
Za Bosnu a Hercegovinu
For Bosnien-Herzegovina
Für Bosnien und Herzegowina
Bosnia ja Hertsegoviina nimel
Για τη Βοσνία-Ερζεγοβίνη
For Bosnia and Herzegovina
Pour la Bosnie-et-Herzégovine
Per la Bosnia-Erzegovina
Bosnijos ir Hercegovinos vardu
Bosnijas un Hercegovinas vārdā
Bosznia és Hercegovina részéről
Għall-Bożnja u Herzegovina
Voor Bosnië en Herzegovina
W imieniu Bośni i Hercegowiny
Pela Bósnia e Herzegovina
Pentru Bosnia și Herțegovina
Za Bosnu a Hercegovinu
Za Bosno in Hercegovino
Bosnia ja Hertsegovinan puolesta
För Bosnien och Hercegovina
Za Bosnu i Hercegovinu
За Босну и Херцеговину
Za Bosnu i Hercegovinu



ANNEX 1

**COMMON LIST OF DOCUMENTS THE PRESENTATION OF
WHICH IS CONSIDERED AS PROOF OF NATIONALITY****(ARTICLES 2(1), 4(1) AND 8(1))**

- Passports or travel documents of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports),
 - identity cards of any kind (including temporary and provisional ones and military identity cards),
 - seamen's registration books and skippers' service cards,
 - citizenship certificates and other official documents supported by another official document which includes a photograph that mention or clearly indicate citizenship.
-

ANNEX 2

**COMMON LIST OF DOCUMENTS THE PRESENTATION OF WHICH
IS CONSIDERED AS *PRIMA FACIE* EVIDENCE OF NATIONALITY****(ARTICLES 2(1), 4(1) AND 8(2))**

- Photocopies of any of the documents listed in Annex 1 to this Agreement,
 - driving licences or photocopies thereof,
 - birth certificates or photocopies thereof,
 - company identity cards or photocopies thereof,
 - statements by witnesses,
 - statements made by the person concerned and language spoken by him or her, including by means of an official test result,
 - any other document which may help to establish the nationality of the person concerned.
-

ANNEX 3

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PROOF OF THE CONDITIONS
FOR THE READMISSION OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS****(ARTICLES 3(1), 5(1) AND 9(1))**

- Entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic),
 - documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the requested State,
 - named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the requested State,
 - information showing that the person concerned has used the services of a courier or travel agency,
 - official statements made, in particular, by border authority staff and other witnesses who can testify to the person concerned crossing the border,
 - official statement by the person concerned in judicial or administrative proceedings.
-

ANNEX 4

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PRIMA FACIE EVIDENCE OF THE
CONDITIONS FOR THE READMISSION OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS****(ARTICLES 3(1), 5(1) AND 9(2))**

- Description issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State,
 - information related to the identity and/or stay of a person which has been provided by an international organisation (e.g. UNHCR),
 - reports/confirmation of information by family members, travelling companions, etc.,
 - statement by the person concerned.
-

ANNEX 5

**LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PROOF OR AS PRIMA FACIE
EVIDENCE OF THE CONDITIONS FOR THE READMISSION OF FORMER
NATIONALS OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA****(ARTICLES 3(3), 9(4) AND 9(5))**

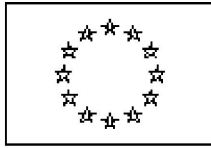
Annex 5a (Documents considered as proof):

- birth certificates or photocopies thereof issued by the former Socialist Federal Republic of Yugoslavia,
- public documents or photocopies thereof issued by Bosnia and Herzegovina or the former Socialist Federal Republic of Yugoslavia stating place of birth and/or place of permanent residence as required by Article 3(3).

Annex 5b (Documents considered as *prima facie* evidence):

- other documents or certificates or photocopies thereof which point to the place of birth in the territory of Bosnia and Herzegovina,
 - Official statement by the person concerned in judicial or administrative proceedings.
-

ANNEX 6



[Emblem of Bosnia and Herzegovina]

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.....
.....

.....
.....
.....
.....
.....

(Place and date)

.....
(Designation of
requesting authority)

Reference:

.....

To:

.....
.....
.....

(Designation of requested authority)

READMISSION APPLICATION

pursuant to Article 7 of the Agreement of 18 September 2007 between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Civil status: ☐ married ☐ widowed ☐ single ☐ divorced

If married: name of spouse

Names and age of children (if any):

.....

.....

.....

8. Last address in the requesting State:

.....

B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)

1. Full name (underline surname):

2. Maiden name:

3. Date and place of birth:

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

Photograph

C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)

1. Full name (underline surname):
2. Date and place of birth:
3. Sex and physical description (height, colour of eyes, distinguishing marks etc.):
.....
4. Nationality and language:
.....

D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health
(e.g. possible reference to special medical care; Latin name of contagious disease):
.....
2. Indication of particularly dangerous person
(e.g. suspected of serious offence; aggressive behaviour):
.....

E. MEANS OF EVIDENCE ATTACHED

- | | |
|------------------------------|---------------------------|
| 1. .... | ..... |
| (Passport No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 2. .... | ..... |
| (Identity card No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 3. .... | ..... |
| (Driving licence No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 4. .... | ..... |
| (Other official document No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |

F. OBSERVATIONS

.....

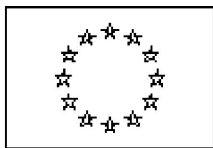
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(Signature) (Seal/stamp)

ANNEX 7



[Emblem of Bosnia and Herzegovina]

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.....
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.....

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(Place and date)

(Designation of requesting
authority)

Reference

.....

To

.....
.....
.....

(Designation of requested authority)

TRANSIT APPLICATION

pursuant to Article 14 of the Agreement of 18 September 2007 between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Type and number of travel document:

.....

Photograph

B. TRANSIT OPERATION

1. Type of transit

☐ by air☐ by sea☐ by land

2. State of final destination

3. Possible other States of transit

4. Proposed border crossing point, date, time of transfer and possible escorts

.....

.....

.....

5. Admission guaranteed in any other transit State and in the State of final destination

(Article 13(2))

☐ yes☐ no

6. Knowledge of any reason for a refusal of transit

(Article 13(3))

☐ yes☐ no

C. OBSERVATIONS

.....

.....

.....

.....

(Signature) (Seal/stamp)

JOINT DECLARATION CONCERNING ARTICLES 3 AND 5

The Parties will endeavour to return any third country national who does not, or who no longer, fulfils the legal conditions in force for entry to, presence in or residence on, their respective territories, to his or her country of origin.

JOINT DECLARATION CONCERNING DENMARK

The Contracting Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark, nor to nationals of the Kingdom of Denmark. In such circumstances it is appropriate that Bosnia and Herzegovina and Denmark conclude a readmission agreement in the same terms as this Agreement.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Contracting Parties take note of the close relationship between the European Community and Iceland and Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that Bosnia and Herzegovina concludes a readmission agreement with Iceland and Norway in the same terms as this Agreement.

JOINT DECLARATION CONCERNING SWITZERLAND

The Contracting Parties take note that the European Union, the European Community and Switzerland signed an agreement on Switzerland's association with the implementation, application and development of the Schengen *acquis*. It is appropriate, once this association agreement enters into force, that Bosnia and Herzegovina concludes a readmission agreement with Switzerland in the same terms as this Agreement.

COUNCIL DECISION**of 8 November 2007****on the conclusion of the Agreement between the European Community and the Republic of Albania
on the facilitation of the issuance of visas**

(2007/821/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(i) and (ii), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Republic of Albania on the facilitation of the issuance of visas.
- (2) The Agreement was signed, on behalf of the European Community, on 18 September 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 18 September 2007.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with the Protocol on the position of the United Kingdom and Ireland, and the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland are not taking part in the adoption of this Decision and are not bound by it or subject to its application.

- (6) In accordance with the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas is hereby approved on behalf of the Community.

The text of the agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 14(1) of the Agreement ⁽²⁾.

Article 3

The Commission, assisted by experts from Member States, shall represent the Community in the Joint Committee of experts established by Article 12 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 12(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 November 2007.

For the Council
The President
R. PEREIRA

⁽¹⁾ Opinion delivered on 24 October 2007 (not yet published in the Official Journal).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Community and the Republic of Albania on the facilitation of the issuance of visas**

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

and

THE REPUBLIC OF ALBANIA,

hereinafter referred to as 'the Parties',

HAVING REGARD to the Stabilisation and Association Agreement (SAA) between the European Community and the Republic of Albania, which was signed on 12 June 2006 and which currently governs the relations with the Republic of Albania,

REAFFIRMING the intention to cooperate closely within the framework of the existing SAA structures for the liberalisation of the visa regime between the Republic of Albania and the European Union, in line with the conclusions of the EU-Western Balkans Summit held in Thessaloniki on 21 June 2003,

DESIRING, as a first concrete step towards the visa-free travel regime, to facilitate people-to-people contacts as an important condition for the steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to citizens of the Republic of Albania,

BEARING IN MIND that, as from 4 August 2000, EU citizens are exempted from the visa requirement when travelling to the Republic of Albania for a period of time not exceeding 90 days per period of 180 days or transiting through the territory of the Republic of Albania,

RECOGNISING that if the Republic of Albania was to reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the citizens of the Republic of Albania would automatically, on the basis of reciprocity, apply to EU citizens,

RECOGNISING that visa facilitation should not lead to illegal migration and paying special attention to security and readmission,

HAVING REGARD to the entry into force of the agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose and scope of application**

1. The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the Republic of Albania.

2. If the Republic of Albania was to reintroduce the visa requirement for EU citizens or certain categories of EU citizens,

the same facilitations granted under this agreement to the citizens of the Republic of Albania would automatically, on the basis of reciprocity, apply to EU citizens concerned.

*Article 2***General clause**

1. The visa facilitations provided in this Agreement shall apply to citizens of the Republic of Albania only insofar as they are not exempted from the visa requirement by the laws and regulations of the Community or the Member States, the present agreement or other international agreements.

2. The national law of the Republic of Albania, or of the Member States or Community law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

Article 3

Definitions

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, the Republic of Ireland and the United Kingdom;
- (b) 'citizen of the European Union' shall mean a national of a Member State as defined in point (a);
- (c) 'citizen of the Republic of Albania' shall mean a person who possesses Albanian citizenship;
- (d) 'visa' shall mean an authorisation issued by a Member State or a decision taken by such State which is required with a view to:
 - entry for an intended stay in that Member State or in several Member States of no more than 90 days in total,
 - entry for transit through the territory of that Member State or several Member States;
- (e) 'legally residing person' shall mean a citizen of the Republic of Albania authorised or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Community or national legislation.

Article 4

Documentary evidence regarding the purpose of the journey

1. For the following categories of citizens of the Republic of Albania the following documents are sufficient for justifying the purpose of the journey to the other Party:

- (a) for members of official delegations who, following an official invitation addressed to the Republic of Albania, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations:
 - a letter issued by an Albanian authority confirming that the applicant is a member of the Albanian delegation travelling to the territory of the Member States to participate in the aforementioned events, accompanied by a copy of the official invitation;

- (b) for business people and representatives of business organisations:
 - a written request from a host legal person or company, organisation, or an office or branch of such legal person or company, State or local authorities of the Member States or organising committees of trade and industrial exhibitions, conferences and symposia held in the territories of the Member States, endorsed by a Chamber of Commerce of the Republic of Albania;

- (c) for journalists:
 - a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work;

- (d) for persons participating in scientific, cultural and artistic activities, including university and other exchange programmes:
 - a written request from the host organisation to participate in those activities;

- (e) for representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:
 - a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant Register issued by a State authority in accordance with the national legislation;

- (f) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school-related activities:
 - a written request or a certificate of enrolment from the host university, academy, institute, college or school or student cards or certificates of the courses to be attended;

- (g) for participants in international sports events and persons accompanying them in a professional capacity:
 - a written request from the host organisation: competent authorities, national sport federations or National Olympic Committees of the Member States;

- (h) for participants in official exchange programmes organised by twin cities:
 - a written request of the Head of Administration/Mayor of these cities;

- (i) for close relatives — spouse, children (including adopted), parents (including custodians), grandparents and grandchildren — visiting Albanian citizens legally residing in the territory of the Member States:
 - a written request from the host person;
 - (j) for visiting military and civil burial grounds:
 - an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried;
 - (k) for persons politically persecuted during the communist regime in the Republic of Albania:
 - the certificate issued by the Institute for the Integration of the Persecuted Persons in accordance with Article 3 of Law no 7748 of 29.07.1993, indicating the status of being a person politically persecuted during the communist regime in the Republic of Albania and a letter of invitation from a competent authority, national or international organisation including NGO of a Member State or by a European institution for participating in activities as appropriate including activities related to their status;
 - (l) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Albania:
 - a written request from the national association (union) of carriers of the Republic of Albania providing for international road transportation, stating the purpose, duration and frequency of the trips;
 - (m) for persons travelling for tourism:
 - a certificate or voucher from a travel agency or a tour operator accredited by Member States in the framework of the local consular cooperation confirming the booking of an organised trip;
 - (n) for persons visiting for medical reasons and necessary accompanying persons:
 - an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied, and proof of sufficient financial means to pay for the medical treatment;
 - (o) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States:
 - a written request from the host organisation confirming that the person concerned is participating in the event;
 - (p) for members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States:
 - a written request from the competent railway company of the Republic of Albania stating the purpose, duration and frequency of the trips;
 - (q) for persons visiting for burial ceremonies:
 - an official document confirming the fact of death as well as confirmation of the family or other relationship between the applicant and the buried;
 - (r) for representatives of the religious communities:
 - a written request from a religious community registered in the Republic of Albania, stating the purpose, duration and frequency of the trips.
2. The written request mentioned in paragraph 1 of this Article shall contain the following items:
- (a) for the invited person — name and surname, date of birth, sex, citizenship, number of the identity document, time and purpose of the journey, number of entries and where relevant the name of the spouse and children accompanying the invited person;
 - (b) for the inviting person — name, surname and address; or
 - (c) for the inviting legal person, company or organisation — full name and address, and:
 - if the request is issued by an organisation, the name and position of the person who signs the request,
 - if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State, the registration number as required by the national law of the Member State concerned.
3. For the categories of persons mentioned in paragraph 1 of this Article, all categories of visa are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Member States.

Article 5

Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to five years to the following categories of persons:
- (a) members of the Council of Ministers, Parliament, Constitutional Court and Supreme Court, if they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties, with a term of validity limited to their term of office if this is less than five years;

- (b) permanent members of official delegations who, following an official invitation addressed to the Republic of Albania, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (c) spouses and children (including adopted), who are under the age of 21 or are dependent, visiting Albanian citizens legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorisation for legal residence.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of up to one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State and that there are reasons for requesting a multiple-entry visa:

- (a) members of official delegations who, following an official invitation addressed to the Republic of Albania, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (b) business people and representatives of business organisations who regularly travel to the Member States;
- (c) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Member States;
- (d) participants in international sports events and persons accompanying them in a professional capacity;
- (e) journalists;
- (f) participants in official exchange programmes organised by twin cities;
- (g) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Albania;
- (h) persons needing to visit regularly for medical reasons and necessary accompanying persons;
- (i) members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;
- (j) students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
- (k) representatives of the religious communities in the Republic of Albania, who regularly travel to the Member States;

- (l) representatives of civil society organisations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
- (m) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States.

3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of a minimum of two years and a maximum of five years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous two years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State and that the reasons for requesting a multiple-entry visa are still valid.

4. The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States.

Article 6

Fees for processing visa applications

1. The fee for processing visa applications of citizens of the Republic of Albania shall amount to EUR 35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

If the Republic of Albania was to reintroduce the visa requirement for EU citizens, the visa fee to be charged by the Republic of Albania shall not be higher than EUR 35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4).

2. Fees for processing the visa application are waived for the following categories of persons:

- (a) close relatives — spouses, children (including adopted), parents (including custodians), grandparents and grandchildren of Albanian citizens legally residing in the territory of the Member States;
- (b) members of official delegations who, following an official invitation addressed to the Republic of Albania, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (c) members of the Council of Ministers, Parliament, Constitutional Court and Supreme Court, if they are not exempted from the visa requirement by the present Agreement;
- (d) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purpose of study or educational training;
- (e) children under six years of age;
- (f) disabled persons and the person accompanying them, if necessary;

- (g) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment, and the person accompanying such person, or to attend a funeral of a close relative, or to visit a seriously ill close relative;
- (h) participants in international sports events and persons accompanying them in a professional capacity;
- (i) persons participating in scientific, cultural and artistic activities including university and other exchange programmes;
- (j) participants in official exchange programmes organised by twin cities;
- (k) politically persecuted persons during the communist regime;
- (l) pensioners;
- (m) representatives of civil society organisations travelling to attend meetings, seminars, exchange programmes or training courses;
- (n) journalists;
- (o) representatives of religious communities registered in the Republic of Albania;
- (p) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Albania;
- (q) members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;
- (r) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States.

Article 7

Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.
2. The period of time for taking a decision on a visa application may be extended to up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.
3. The period of time for taking a decision on a visa application may be reduced to three working days or less in urgent cases.

Article 8

Departure in case of lost or stolen documents

Citizens of the European Union and of the Republic of Albania who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Republic of Albania or the Member States, may leave that territory on the grounds of valid identity documents entitling to cross the border issued by diplomatic missions or consular posts of the Member States or of the Republic of Albania without any visa or other authorisation.

Article 9

Extension of visa in exceptional circumstances

The citizens of the Republic of Albania who do not have the possibility to leave the territory of the Member States by the time stated in their visas for reasons of *force majeure* shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving State for the period required for their return to the State of their residence.

Article 10

Diplomatic passports

1. Citizens of the Republic of Albania, holders of valid diplomatic passports can enter, leave and transit through the territories of the Member States without visas.
2. Persons mentioned in paragraph 1 of this Article may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days.

Article 11

Territorial validity of visas

Subject to the national rules and regulations concerning national security of the Member States and subject to EU rules on visas with limited territorial validity, citizens of the Republic of Albania shall be entitled to travel within the territory of the Member States on an equal basis with European Union citizens.

Article 12

Joint Committee for management of the Agreement

1. The Parties shall set up a Joint Committee of experts (hereinafter referred to as 'the Committee'), composed of representatives of the European Community and of the Republic of Albania. The Community shall be represented by the Commission of the European Communities, assisted by experts from the Member States.
2. The Committee shall, in particular, have the following tasks:
 - (a) monitoring the implementation of the present Agreement;

- (b) suggesting amendments or additions to the present Agreement;
 - (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.
3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.
4. The Committee shall establish its rules of procedure.

Article 13

Relation of this Agreement with bilateral Agreements between Member States and the Republic of Albania

1. As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and the Republic of Albania, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by the present Agreement.
2. The provisions of bilateral Agreements or arrangements between individual Member States and the Republic of Albania signed before 1 January 2007 providing for the exemption of the holders of service passports from the visa requirement, shall continue to apply for a period of five years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or the Republic of Albania to denounce or suspend these bilateral agreements during this period of five years.

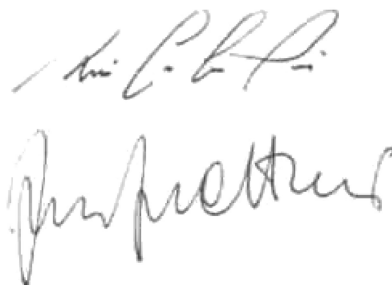
Article 14

Final clauses

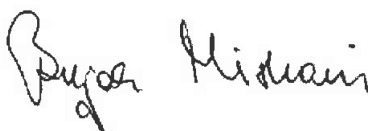
1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.
2. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 5 of this Article.
3. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.
4. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.
5. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

Done at Brussels on the eighteenth day of September in the year two thousand and seven in duplicate in each of the official languages of the Parties, each of these texts being equally authentic.

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Ghall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen
Za Evropsku zajednicu
За Европску заједницу
Për Kommunitetin Europian



За Република Албания
Por la República de Albania
Za Albánskou republiku
For Republikken Albanien
Für die Republik Albanien
Albaania Vabariigi nimel
Για τη Δημοκρατία της Αλβανίας
For the Republic of Albania
Pour la République d'Albanie
Per la Repubblica d'Albania
Albānijas Republikas vārdā
Albanijos Respublikos vardu
az Albán Köztársaság részéről
Ghar-Repubblika ta' l-Albanija
Voor de Republiek Albanië
W imieniu Republiki Albanii
Pela República da Albânia
Pentru Republica Albania
Za Albánsku republiku
Za Republiko Albanijo
Albanian tasavallan puolesta
För Republiken Albanien
Për Republikën e Shqipërisë



ANNEX

**PROTOCOL TO THE AGREEMENT ON THE MEMBER STATES THAT DO NOT FULLY APPLY THE SCHENGEN
ACQUIS**

Those Member States which are bound by the Schengen *acquis* but which do not issue yet Schengen visas, while awaiting the relevant Decision of the Council to that end, shall issue national visas the validity of which is limited to their own territory.

These Member States may unilaterally recognise Schengen visas and residence permits for the transit through their territory, in accordance with European Parliament and Council Decision No 895/2006/EC of 14 June 2006.

As European Parliament and Council Decision No 895/2006/EC of 14 June 2006 does not apply to Romania and Bulgaria, similar provisions will be proposed by the European Commission in order to enable these countries to unilaterally recognise Schengen visas and residence permits and other similar documents issued by other Member States not yet fully integrated into the Schengen area for the purpose of transit through their territory.

JOINT DECLARATION CONCERNING DENMARK

The Parties take note that the present Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular posts of the Kingdom of Denmark.

In such circumstances, it is desirable that the authorities of Denmark and of the Republic of Albania conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the Republic of Albania.

JOINT DECLARATION CONCERNING THE UNITED KINGDOM AND IRELAND

The Parties take note that the present Agreement does not apply to the territory of the United Kingdom and Ireland.

In such circumstances, it is desirable that the authorities of the United Kingdom, Ireland and the Republic of Albania, conclude bilateral agreements on the facilitation of the issuance of visas.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Parties take note of the close relationship between the European Community and Norway and Iceland, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances, it is desirable that the authorities of Norway, Iceland and the Republic of Albania conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the Republic of Albania.

JOINT DECLARATION CONCERNING SWISS CONFEDERATION AND LIECHTENSTEIN

(if needed)

If the Agreement between the EU, the EC and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* and the Protocols to this Agreement concerning Liechtenstein has entered into force by the time negotiations with the Republic of Albania have concluded, a similar declaration will also be made in respect of Switzerland and Liechtenstein.

EUROPEAN COMMUNITY DECLARATION ON ACCESS OF VISA APPLICANTS AND HARMONISATION OF INFORMATION ON PROCEDURES FOR ISSUING SHORT-STAY VISAS AND DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS

Recognising the importance of transparency for visa applicants, the European Community recalls that the legislative proposal on the recast of the Common Consular Instructions on visas for the diplomatic missions and consular posts has been adopted on 19 July 2006 by the European Commission and addresses the issue of conditions of access of visa applicants to diplomatic missions and consular posts of the Member States.

Regarding the information to be provided to visa applicants the European Community considers that appropriate measures should be taken:

- in general, to draw up basic information for applicants on the procedures and conditions for applying for visas and on their validity,
- the European Community will draw up a list of minimum requirements in order to ensure that Albanian applicants are given coherent and uniform basic information and are required to submit, in principle, the same supporting documents.

The information mentioned above including the list of accredited travel agencies and tour operators in the framework of local consular cooperation is to be disseminated widely (on the notice boards of consulates, in leaflets, on websites, etc.).

The diplomatic missions and consular posts of the Member States shall provide information about existing possibilities under the Schengen *acquis* for facilitation of the issuing of short-stay visas on a case-by-case basis, and in particular for *bona fide* applicants.

EUROPEAN COMMUNITY DECLARATION ON REVIEWING THE VISA REQUIREMENT FOR HOLDERS OF SERVICE PASSPORTS

As the exemption of the holders of service passports from the visa requirement provided in bilateral Agreements or arrangements between individual Member States and the Republic of Albania which have been signed before 1 January 2007 shall only continue to apply for a period of five years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or the Republic of Albania to denounce or suspend these bilateral agreements during this period of five years, the European Community will reassess the situation of the holders of service passports at the latest four years after the entry into force of this Agreement, in view of a possible amendment of the Agreement to that end in accordance with the procedure provided in Article 14(3).

**EUROPEAN COMMUNITY DECLARATION ON FACILITATIONS
FOR FAMILY MEMBERS AND BONA FIDE APPLICANTS**

The European Community takes note of the suggestion of the Republic of Albania to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that the Republic of Albania attaches to the simplification of movement of this category of persons.

In order to ease the mobility of an extended number of persons which have family links (in particular sisters and brothers and their children) with citizens of Albania legally residing in the territories of Member States, the European Community invites the Member States' consular offices to make full use of the existing possibilities in the *acquis communautaire* for facilitating the issuance of visas to this category of persons, including in particular, the simplification of documentary evidence requested for the applicants, exemptions from handling fees and where appropriate the issuing of multiple-entry visas.

In addition, the European Community also invites the Member States' consular offices to make full use of these possibilities for the facilitation of the issuance of visas to *bona fide* applicants.

COUNCIL DECISION**of 8 November 2007****on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina
on the facilitation of the issuance of visas**

(2007/822/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(i) and (ii), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with Bosnia and Herzegovina on the facilitation of the issuance of visas.
- (2) The Agreement was signed, on behalf of the European Community, on 18 September 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 18 September 2007.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with the Protocol on the position of the United Kingdom and Ireland, and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland are not taking part in the adoption of this Decision and are not bound by it or subject to its application.

- (6) In accordance with the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 14(1) of the Agreement ⁽²⁾.

Article 3

The Commission, assisted by experts from Member States, shall represent the Community in the Joint Committee of experts established by Article 12 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 12(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 November 2007.

For the Council
The President
R. PEREIRA

⁽¹⁾ Opinion delivered on 24 October 2007 (not yet published in the Official Journal).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas**

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community';

and

BOSNIA AND HERZEGOVINA,

hereinafter referred to as 'the Parties',

DESIRING, as a first concrete step towards the visa free travel regime, to facilitate people-to-people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to nationals of Bosnia and Herzegovina,

BEARING IN MIND that, as from 21 July 2005, all EU citizens are exempted from the visa requirement when travelling to Bosnia and Herzegovina for a period of time not exceeding 90 days or transiting through the territory of Bosnia and Herzegovina,

RECOGNISING that if Bosnia and Herzegovina were to reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the nationals of Bosnia and Herzegovina would automatically, on the basis of reciprocity, apply to EU citizens,

RECOGNISING that visa facilitation should not lead to illegal migration and paying special attention to security and readmission,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose and scope of application**

1. The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the nationals of Bosnia and Herzegovina.

2. If Bosnia and Herzegovina were to reintroduce the visa requirement for EU citizens or certain categories of EU citizens, the same facilitations granted under this agreement to the nationals of Bosnia and Herzegovina would automatically, on the basis of reciprocity, apply to EU citizens concerned.

*Article 2***General clause**

1. The visa facilitations provided in this Agreement shall apply to nationals of Bosnia and Herzegovina only insofar as they are not exempted from the visa requirement by the laws and regulations of the Community or the Member States, the present agreement or other international agreements.

2. The national law of Bosnia and Herzegovina, or of the Member States or Community law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

Article 3

Definitions

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, the Republic of Ireland and the United Kingdom;
- (b) 'citizen of the European Union' shall mean a national of a Member State as defined in point (a);
- (c) 'national of Bosnia and Herzegovina' shall mean a person who holds the nationality of Bosnia and Herzegovina;
- (d) 'visa' shall mean an authorisation issued by a Member State or a decision taken by such State which is required with a view to:
 - entry for an intended stay in that Member State or in several Member States of no more than 90 days in total,
 - entry for transit through the territory of that Member State or several Member States;
- (e) 'legally residing person' shall mean a national of Bosnia and Herzegovina authorised or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Community or national legislation.

Article 4

Documentary evidence regarding the purpose of the journey

1. For the following categories of nationals of Bosnia and Herzegovina the following documents are sufficient for justifying the purpose of the journey to the other Party:

- (a) for members of official delegations who, following an official invitation addressed to Bosnia and Herzegovina, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations:
 - a letter issued by an authority from Bosnia and Herzegovina confirming that the applicant is a member of its delegation travelling to the territory of the Member States to participate in the aforementioned events, accompanied by a copy of the official invitation;
- (b) for business people and representatives of business organisations:
 - a written request from a host legal person or company, organisation, or an office or branch of such legal person or company, State or local authorities of the Member

States or organising committees of trade and industrial exhibitions, conferences and symposia held in the territories of the Member States, endorsed by the Foreign Trade Chamber of Bosnia and Herzegovina;

- (c) for representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:
 - a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant Register issued by a State authority in accordance with the national legislation;
- (d) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Bosnia and Herzegovina:
 - a written request from the Foreign Trade Chamber of Bosnia and Herzegovina, stating the purpose, duration and frequency of the trips;
- (e) for members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States:
 - a written request from the competent railway company of Bosnia and Herzegovina stating the purpose, duration and frequency of the trips;
- (f) for journalists:
 - a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work;
- (g) for persons participating in scientific, cultural and artistic activities, including university and other exchange programmes:
 - a written request from the host organisation to participate in those activities;
- (h) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school-related activities:
 - a written request or a certificate of enrolment from the host university, academy, institute, college or school or student cards or certificates of the courses to be attended;

- (i) for participants in international sports events and persons accompanying them in a professional capacity:
 - a written request from the host organisation: competent authorities, national sport federations or National Olympic Committees of the Member States;
 - (j) for participants in official exchange programmes organised by twin cities:
 - a written request of the head of administration/mayor of these cities;
 - (k) for close relatives — spouse, children (including adopted), parents (including custodians), grandparents and grandchildren — visiting nationals of Bosnia and Herzegovina legally residing in the territory of the Member States:
 - a written request from the host person;
 - (l) for persons visiting for medical reasons and necessary accompanying persons:
 - an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied, and proof of sufficient financial means to pay for the medical treatment;
 - (m) for persons visiting for burial ceremonies:
 - an official document confirming the fact of death as well as confirmation of the family or other relationship between the applicant and the buried;
 - (n) for representatives of the traditional religious communities in Bosnia and Herzegovina visiting diasporas of Bosnia and Herzegovina in the territory of the Member States:
 - a written request by the head of the religious community in Bosnia and Herzegovina, stating the purpose, duration and frequency of trips;
 - (o) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States:
 - a written request from the host organisation confirming that the person concerned is participating in the event;
 - (p) for visiting military and civil burial grounds:
 - an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried;
 - (q) for persons travelling for tourism:
 - a certificate or voucher from a travel agency or a tour operator accredited by Member States in the framework of the local consular cooperation confirming the booking of an organised trip.
2. The written request mentioned in paragraph 1 of this Article shall contain the following items:
- (a) for the invited person — name and surname, date of birth, sex, citizenship, number of the identity document, time and purpose of the journey, number of entries and where relevant the name of the spouse and children accompanying the invited person;
 - (b) for the inviting person — name, surname and address; or
 - (c) for the inviting legal person, company or organisation — full name and address, and:
 - if the request is issued by an organisation, the name and position of the person who signs the request,
 - if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State, the registration number as required by the national law of the Member State concerned.
3. For the categories of persons mentioned in paragraph 1 of this Article, all categories of visa are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Member States.

Article 5

Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to five years to the following categories of persons:

- (a) members of the Court of Bosnia and Herzegovina and the prosecutor office of Bosnia and Herzegovina, if they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties, with a term of validity limited to their term of office if this is less than five years;
- (b) permanent members of official delegations who, following an official invitation addressed to Bosnia and Herzegovina, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;

- (c) close relatives — spouse, children (including adopted), parents (including custodians) — visiting nationals of Bosnia and Herzegovina legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorisation for legal residence.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State and that there are reasons for requesting a multiple-entry visa:

- (a) members of official delegations who, following an official invitation addressed to Bosnia and Herzegovina, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (b) business people and representatives of business organisations who regularly travel to the Member States;
- (c) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Bosnia and Herzegovina;
- (d) members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;
- (e) journalists;
- (f) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Member States;
- (g) students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
- (h) participants in international sports events and persons accompanying them in a professional capacity;
- (i) participants in official exchange programmes organised by twin cities;
- (j) persons needing to visit regularly for medical reasons and necessary accompanying persons;
- (k) representatives of the traditional religious communities in Bosnia and Herzegovina visiting diasporas of Bosnia and Herzegovina in the territory of the Member States, who regularly travel to the Member States;
- (l) representatives of civil society organisations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;

- (m) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States.

3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of a minimum of two years and a maximum of five years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous two years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State and that the reasons for requesting a multiple-entry visa are still valid.

4. The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States.

Article 6

Fees for processing visa applications

1. The fee for processing visa applications of nationals of Bosnia and Herzegovina shall amount to EUR 35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

If Bosnia and Herzegovina were to reintroduce the visa requirement for EU citizens, the visa fee to be charged by Bosnia and Herzegovina shall not be higher than EUR 35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4).

2. Fees for processing the visa application are waived for the following categories of persons:

- (a) close relatives — spouses, children (including adopted), parents (including custodians), grandparents and grandchildren of nationals of Bosnia and Herzegovina legally residing in the territory of the Member States;
- (b) members of official delegations who, following an official invitation addressed to Bosnia and Herzegovina, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (c) members of the Court of Bosnia and Herzegovina and the prosecutor office of Bosnia and Herzegovina, if they are not exempted from the visa requirement by the present Agreement;
- (d) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purpose of study or educational training;
- (e) children under six years of age;

- (f) disabled persons and the person accompanying them, if necessary;
- (g) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment, and the person accompanying such person, or to attend a funeral of a close relative, or to visit a seriously ill close relative;
- (h) participants in international sports events and persons accompanying them in a professional capacity;
- (i) persons participating in scientific, cultural and artistic activities including university and other exchange programmes;
- (j) participants in official exchange programmes organised by twin cities;
- (k) journalists;
- (l) representatives of the traditional religious communities in Bosnia and Herzegovina visiting diasporas of Bosnia in Herzegovina in the territory of the Member States;
- (m) representatives of civil society organisations travelling to attend meetings, seminars, exchange programmes or training courses;
- (n) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Bosnia and Herzegovina;
- (o) members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;
- (p) pensioners;
- (q) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States.

Article 7

Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.
2. The period of time for taking a decision on a visa application may be extended to up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.
3. The period of time for taking a decision on a visa application may be reduced to three working days or less in urgent cases.

Article 8

Departure in case of lost or stolen documents

Citizens of the European Union and of Bosnia and Herzegovina who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of Bosnia and Herzegovina or the Member States, may leave that territory on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of Bosnia and Herzegovina without any visa or other authorisation.

Article 9

Extension of visa in exceptional circumstances

The nationals of Bosnia and Herzegovina who do not have the possibility to leave the territory of the Member States by the time stated in their visas for reasons of *force majeure* shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving State for the period required for their return to the State of their residence.

Article 10

Diplomatic passports

1. Nationals of Bosnia and Herzegovina, holders of valid diplomatic passports can enter, leave and transit through the territories of the Member States without visas.
2. Persons mentioned in paragraph 1 of this Article may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days.

Article 11

Territorial validity of visas

Subject to the national rules and regulations concerning national security of the Member States and subject to EU rules on visas with limited territorial validity, nationals of Bosnia and Herzegovina shall be entitled to travel within the territory of the Member States on an equal basis with European Union citizens.

Article 12

Joint Committee for management of the Agreement

1. The Parties shall set up a Joint Committee of experts (hereinafter referred to as 'the Committee'), composed of representatives of the European Community and of Bosnia and Herzegovina. The Community shall be represented by the Commission of the European Communities, assisted by experts from the Member States.
2. The Committee shall, in particular, have the following tasks:
 - (a) monitoring the implementation of the present Agreement;

- (b) suggesting amendments or additions to the present Agreement;
 - (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.
- 3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.
 - 4. The Committee shall establish its rules of procedure.

Article 13

Relation of this Agreement with bilateral Agreements between Member States and Bosnia and Herzegovina

- 1. As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and Bosnia and Herzegovina, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by the present Agreement.
- 2. The provisions of bilateral Agreements or arrangements between individual Member States and Bosnia and Herzegovina signed before 1 January 2007 providing for the exemption of the holders of service passports from the visa requirement shall continue to apply for a period of five years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or Bosnia and Herzegovina to denounce or suspend these bilateral agreements during this period of five years.

Article 14

Final clauses

- 1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.
- 2. By way of derogation to paragraph 1 of this Article, the present agreement shall only enter into force on the date of the entry into force of the Agreement between the European Community and Bosnia and Herzegovina on readmission of persons if this date is after the date provided for in paragraph 1 of this Article.
- 3. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 6 of this Article.
- 4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.
- 5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.
- 6. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

Done at Brussels on the eighteenth day of September in the year two thousand and seven in duplicate in each of the official languages of the Parties, each of these texts being equally authentic.

Za Evropskú spoločnosť
Por la Comunitat Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen
Za Evropsku zajednicu
За Европску заједницу
Za Europsku zajednicu

Za Bosna i Hercegovina
Por Bosnia y Herzegovina
Za Bosnu a Hercegovinu
For Bosnien-Herzegovina
Für Bosnien und Herzegowina
Bosnia ja Hertsegoviina nimel
Για τη Βοσνία-Ερζεγοβίνη
For Bosnia and Herzegovina
Pour la Bosnie-et-Herzégovine
Per la Bosnia-Erzegovina
Bosnijos ir Hercegovinos vardu
Bosnijas un Hercegovinas vārdā
Bosznia és Hercegovina részéről
Għall-Bożnja u Herzegovina
Voor Bosnië en Herzegovina
W imieniu Bośni i Hercegowiny
Pela Bósnia e Herzegovina
Pentru Bosnia și Herțegovina
Za Bosnu a Hercegovinu
Za Bosno in Hercegovino
Bosnia ja Hertsegovinan puolesta
För Bosnien och Hercegovina
Za Bosnu i Hercegovinu
За Босну и Херцеговину
Za Bosnu i Hercegovinu

ANNEX

**PROTOCOL TO THE AGREEMENT ON THE MEMBER STATES THAT DO NOT FULLY APPLY THE SCHENGEN
ACQUIS**

Those Member States which are bound by the Schengen *acquis* but which do not yet issue Schengen visas, while awaiting the relevant decision of the Council to that end, shall issue national visas the validity of which is limited to their own territory.

These Member States may unilaterally recognise Schengen visas and residence permits for the transit through their territory, in accordance with European Parliament and Council Decision No 895/2006/EC.

As European Parliament and Council Decision No 895/2006/EC does not apply to Romania and Bulgaria, similar provisions will be proposed by the European Commission in order to enable these countries to unilaterally recognise Schengen visas and residence permits and other similar documents issued by other Member States not yet fully integrated into the Schengen area for the purpose of transit through their territory.

JOINT DECLARATION CONCERNING DENMARK

The Parties take note that the present Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular posts of the Kingdom of Denmark.

In such circumstances, it is desirable that the authorities of Denmark and of Bosnia and Herzegovina conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and Bosnia and Herzegovina.

JOINT DECLARATION CONCERNING THE UNITED KINGDOM AND IRELAND

The Parties take note that the present Agreement does not apply to the territory of the United Kingdom and Ireland.

In such circumstances, it is desirable that the authorities of the United Kingdom, Ireland and Bosnia and Herzegovina, conclude bilateral agreements on the facilitation of the issuance of visas.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Parties take note of the close relationship between the European Community and Norway and Iceland, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances, it is desirable that the authorities of Norway, Iceland and Bosnia and Herzegovina conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and Bosnia and Herzegovina.

JOINT DECLARATION CONCERNING SWISS CONFEDERATION AND LIECHTENSTEIN

(if needed)

If the Agreement between the EU, the EC and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* and the Protocols to this Agreement concerning Liechtenstein has entered into force by the time negotiations with Bosnia and Herzegovina have concluded, a similar declaration will also be made in respect of Switzerland and Liechtenstein.

EUROPEAN COMMUNITY DECLARATION ON ACCESS OF VISA APPLICANTS AND HARMONISATION OF INFORMATION ON PROCEDURES FOR ISSUING SHORT-STAY VISAS AND DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS

Recognising the importance of transparency for visa applicants, the European Community recalls that the legislative proposal on the recast of the Common Consular Instructions on visas for the diplomatic missions and consular posts has been adopted on 19 July 2006 by the European Commission and addresses the issue of conditions of access of visa applicants to diplomatic missions and consular posts of the Member States.

Regarding the information to be provided to visa applicants the European Community considers that appropriate measures should be taken:

- in general, to draw up basic information for applicants on the procedures and conditions for applying for visas and on their validity,
- the European Community will draw up a list of minimum requirements in order to ensure that applicants from Bosnia and Herzegovina are given coherent and uniform basic information and are required to submit, in principle, the same supporting documents.

The information mentioned above including the list of accredited travel agencies and tour operators in the framework of local consular cooperation is to be disseminated widely (on the notice boards of consulates, in leaflets, on websites, etc.).

The diplomatic missions and consular posts of the Member States shall provide information about existing possibilities under the Schengen *acquis* for facilitation of the issuing of short-stay visas on a case-by-case basis.

EUROPEAN COMMUNITY DECLARATION ON REVIEWING THE VISA REQUIREMENT FOR HOLDERS OF SERVICE PASSPORTS

As the exemption of the holders of service passports from the visa requirement provided in bilateral Agreements or arrangements between individual Member States and Bosnia and Herzegovina which have been signed before 1 January 2007 shall only continue to apply for a period of five years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or Bosnia and Herzegovina to denounce or suspend these bilateral agreements during this period of five years, the European Community will reassess the situation of the holders of service passports at the latest four years after the entry into force of this Agreement, in view of a possible amendment of the Agreement to that end in accordance with the procedure provided in Article 14(4).

**EUROPEAN COMMUNITY DECLARATION ON FACILITATIONS
FOR FAMILY MEMBERS AND BONA FIDE APPLICANTS**

The European Community takes note of the suggestion of Bosnia and Herzegovina to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that Bosnia and Herzegovina attaches to the simplification of movement of this category of persons.

In order to ease the mobility of an extended number of persons which have family links (in particular sisters and brothers, and their children) with citizens of Bosnia and Herzegovina legally residing in the territories of Member States, the European Community invites the Member States' consular offices to make full use of the existing possibilities in the *acquis communautaire* for facilitating the issuance of visas to this category of persons, including in particular, the simplification of documentary evidence requested for the applicants, exemptions from handling fees and where appropriate the issuing of multiple entry visas.

In addition, the European Community also invites the Member States' consular offices to make full use of these possibilities for the facilitation of the issuance of visas to *bona fide* applicants.

COUNCIL DECISION**of 8 November 2007****on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of visas**

(2007/823/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(i) and (ii), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Republic of Montenegro on the facilitation of the issuance of visas.
- (2) The Agreement was signed, on behalf of the European Community, on 18 September 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 18 September 2007.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with the Protocol on the position of the United Kingdom and Ireland, and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland are not taking part in the adoption of this Decision and are not bound by it or subject to its application.

- (6) In accordance with the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of visas is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 14(1) of the Agreement ⁽²⁾.

Article 3

The Commission, assisted by experts from Member States, shall represent the Community in the Joint Committee of experts established by Article 12 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 12(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 November 2007.

For the Council
The President
R. PEREIRA

⁽¹⁾ Opinion delivered on 24 October 2007.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Community and the Republic of Montenegro on the facilitation of the issuance of visas**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

and

THE REPUBLIC OF MONTENEGRO,

hereinafter referred to as 'the Parties',

HAVING REGARD to the European perspective of the Republic of Montenegro, the Stabilisation and Association Agreement (SAA) negotiations between the European Community and the Republic of Montenegro,

REAFFIRMING, the intention to cooperate closely within the framework of the future SAA structures for the liberalisation of the visa regime between the Republic of Montenegro and the European Union, in line with the conclusions of the EU-Western Balkans Summit held in Thessaloniki on 21 June 2003,

DESIRING, as a first concrete step towards the visa free travel regime, to facilitate people-to-people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to citizens of the Republic of Montenegro,

BEARING IN MIND that, all EU citizens are exempted from the visa requirement when travelling to the Republic of Montenegro for a period of time not exceeding 90 days or transiting through the territory of the Republic of Montenegro,

RECOGNISING that if the Republic of Montenegro was to reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the citizens of the Republic of Montenegro would automatically, on the basis of reciprocity, apply to EU citizens,

RECOGNISING that visa facilitation should not lead to illegal migration and paying special attention to security and readmission,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose and scope of application**

1. The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the Republic of Montenegro.

2. If the Republic of Montenegro was to reintroduce the visa requirement for EU citizens or certain categories of EU citizens, the same facilitations granted under this agreement to the citizens of the Republic of Montenegro would automatically, on the basis of reciprocity, apply to EU citizens concerned.

*Article 2***General clause**

1. The visa facilitations provided in this Agreement shall apply to citizens of the Republic of Montenegro only insofar as they are not exempted from the visa requirement by the laws and regulations of the Community or the Member States, the present agreement or other international agreements.

2. The citizen law of the Republic of Montenegro, or of the Member States or Community law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

Article 3

Definitions

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, the Republic of Ireland and the United Kingdom;
- (b) 'Citizen of the European Union' shall mean a citizen of a Member State as defined in point (a);
- (c) 'Citizen of the Republic of Montenegro': shall mean a person who holds the citizenship of the Republic of Montenegro;
- (d) 'Visa' shall mean an authorisation issued by a Member State or a decision taken by such State which is required with a view to:
 - entry for an intended stay in that Member State or in several Member States of no more than 90 days in total,
 - entry for transit through the territory of that Member State or several Member States.
- (e) 'legally residing person' shall mean a citizen of the Republic of Montenegro authorised or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Community or national legislation.

state or local authorities of the Member States or organising committees of trade and industrial exhibitions, conferences and symposia held in the territories of the Member States, endorsed by a Chamber of Commerce, the Union of Employers of the Republic of Montenegro or the Montenegro Business Alliance;

- (c) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Montenegro:
 - a written request from the national association of carriers of the Republic of Montenegro providing for international road transportation, stating the purpose, duration and frequency of the trips;
- (d) for members of train, refrigerator and locomotive crews travelling to the territories of the Member States:
 - a written request from the competent railway company of the Republic of Montenegro, stating the purpose, duration and frequency of the trips;
- (e) journalists:
 - a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work;

Article 4

Documentary evidence regarding the purpose of the journey

1. For the following categories of citizens of the Republic of Montenegro the following documents are sufficient for justifying the purpose of the journey to the other Party:

- (a) members of official delegations who, following an official invitation addressed to the Republic of Montenegro, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations:
 - a letter issued by an authority from the Republic of Montenegro confirming that the applicant is a member of the its delegation travelling to the territory of the Member States to participate in the aforementioned events, accompanied by a copy of the official invitation;
- (b) business people and representatives of business organisations:
 - a written request from a host legal person or company, or an office or branch of such legal person or company,
- (c) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Montenegro:
 - a written request from the national association of carriers of the Republic of Montenegro providing for international road transportation, stating the purpose, duration and frequency of the trips;
- (d) for members of train, refrigerator and locomotive crews travelling to the territories of the Member States:
 - a written request from the competent railway company of the Republic of Montenegro, stating the purpose, duration and frequency of the trips;
- (e) journalists:
 - a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work;
- (f) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes:
 - a written request from the host organisation to participate in those activities;
- (g) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school-related activities:
 - a written request or a certificate of enrolment from the host university, academy, college or school or student cards or certificates of the courses to be attended;
- (h) participants in international sports events and persons accompanying them in a professional capacity:
 - a written request from the host organisation: competent authorities, National Sports Federations or National Olympic Committees of the Member States;

- (i) participants in official exchange programmes organised by twin cities:
 - a written request of the head of administration/mayor of these cities;
 - (j) close relatives — spouse, children (including adopted), parents (including custodians), grandparents and grandchildren visiting citizens of the Republic of Montenegro legally residing in the territory of the Member States:
 - a written request from the host person;
 - (k) for visiting military and civil burial grounds:
 - an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried;
 - (l) persons visiting for medical reasons and necessary accompanying persons:
 - an official document of the medical institution confirming necessity of medical care in this institution and the necessity of being accompanied, and proof of sufficient financial means to pay for the medical treatment;
 - (m) persons visiting for burial ceremonies:
 - an official document confirming the fact of death, as well as confirmation of the family or other relationship between the applicant and the buried;
 - (n) for representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:
 - a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant Register issued by a state authority in accordance with the national legislation;
 - (o) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States:
 - a written request from the host organisation confirming that the person concerned is participating in the event;
 - (p) judges participating in international exchange programmes, symposia, seminars or similar training events held in the territory of the Member States:
 - a written request from the host organisation to participate in those activities;
 - (q) representatives of the religious communities in the Republic of Montenegro:
 - a written request from a religious community registered in the Republic of Montenegro, stating the purpose, duration and frequency of trips;
 - (r) persons travelling for tourism:
 - a certificate or voucher from a travel agency or a tour operator accredited by Member States in the framework of the local consular cooperation confirming the booking of an organised trip;
2. The written request mentioned in paragraph 1 of this Article shall contain the following items:
- (a) for the invited person — name and surname, date of birth, sex, citizenship, number of the identity document, time and purpose of the journey, number of entries and where relevant the name of the spouse and children accompanying the invited person;
 - (b) for the inviting person — name, surname and address; or
 - (c) for the inviting legal person, company or organisation — full name and address and:
 - if the invitation is issued by an organisation, the name and position of the person who signs the invitation,
 - if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State, the registration number as required by the national law of the Member State concerned.
3. For the categories of persons mentioned in paragraph 1 of this article, all categories of visa are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Member States.

Article 5

Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to five years to the following categories of persons:

- (a) members of the National Government, Parliament, Constitutional Court and Supreme Court, President of the Court of Appeals, President of the Administrative Court in case they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties, with the term of validity limited to their term of office if this is less than five years;

- (b) permanent members of official delegations who, following an official invitation addressed to the Republic of Montenegro, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
 - (c) spouse and children (including adopted), who are under the age of 21 or are dependant, visiting citizens of the Republic of Montenegro legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorisation for legal residence.
2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State and that there are reasons for requesting a multiple-entry visa:
- (a) members of official delegations who, following an official invitation addressed to the Republic of Montenegro, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
 - (b) business people and representatives of business organisations who regularly travel to the Member States;
 - (c) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Montenegro;
 - (d) members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;
 - (e) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States;
 - (f) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Member States;
 - (g) participants in international sports events and persons accompanying them in a professional capacity;
 - (h) journalists;
 - (i) participants in official exchange programmes organised by twin cities;
 - (j) students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
 - (k) persons needing to visit regularly for medical reasons and necessary accompanying persons;
 - (l) representatives of religious communities registered in the Republic of Montenegro, who regularly travel to the Member States.
 - (m) representatives of civil society organisations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
 - (n) judges participating in international exchange programmes, symposia, seminars or similar training events, who regularly travel to the Member States.
3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of a minimum of two years and a maximum of five years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous two years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State and that the reasons for requesting a multiple-entry visa are still valid.
4. The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States.

Article 6

Fees for processing visa applications

1. The fee for processing visa applications of citizens of the Republic of Montenegro shall amount to EUR 35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

If the Republic of Montenegro was to reintroduce the visa requirement for EU citizens, the visa fee to be charged by the Republic of Montenegro shall not be higher than EUR 35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4).

2. Fees for processing the visa application are waived for the following categories of persons:

- (a) members of the National Government, Parliament, Constitutional Court and Supreme Court, president of the Court of Appeals, president of the Administrative Court, persons mentioned in the Article 5(1), point (a) if they are not exempted from the visa requirement by the present Agreement;
- (b) close relatives — spouse, children (including adopted) parents (including custodians), grandparents and grandchildren visiting citizens of the Republic of Montenegro, legally residing in the territory of the Member States;

- (c) members of official delegations who, following an official invitation addressed to the Republic of Montenegro shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (d) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purpose of study or educational training;
- (e) disabled persons and the person accompanying them, if necessary;
- (f) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative or to visit a seriously ill close relative;
- (g) participants in international sports events and persons accompanying them in a professional capacity;
- (h) persons participating in scientific, cultural and artistic activities including university and other exchange programmes;
- (i) participants in official exchange programmes organised by twin cities;
- (j) journalists;
- (k) pensioners;
- (l) judges participating in international exchange programmes, symposia, seminars or similar training events;
- (m) representatives of religious communities registered in the Republic of Montenegro;
- (n) representatives of civil society organisations travelling to attend meetings, seminars, exchange programmes or training courses;
- (o) Members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States;
- (p) Drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Montenegro;
- (q) Members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;
- (r) Children under six years of age.

Article 7

Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.
2. The period of time for taking a decision on a visa application may be extended to up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.
3. The period of time for taking a decision on a visa application may be reduced to three working days or less in urgent cases.

Article 8

Departure in case of lost or stolen documents

Citizens of the European Union and of the Republic of Montenegro who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Republic of Montenegro or the Member States, may leave that territory on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of the Republic of Montenegro without any visa or other authorisation.

Article 9

Extension of visa in exceptional circumstances

Citizens of the Republic of Montenegro who do not have the possibility to leave the territory of the Member States by the time stated in their visas for reasons of *force majeure* shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving State for the period required for their return to the State of their residence.

Article 10

Diplomatic passports

1. Citizens of the Republic of Montenegro, holders of valid diplomatic passports can enter, leave and transit through the territories of the Member States without visas.
2. Persons mentioned in paragraph 1 of this Article may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days.

Article 11

Territorial validity of visas

Subject to the citizen rules and regulations concerning citizen security of the Member States and subject to EU rules on visas with limited territorial validity, citizens of the Republic of Montenegro shall be entitled to travel within the territory of the Member States on an equal basis with European Union citizens.

*Article 12***Joint Committee for management of the Agreement**

1. The Parties shall set up a Joint Committee of experts (hereinafter referred to as 'the Committee'), composed by representatives of the European Community and of the Republic of Montenegro. The Community shall be represented by the Commission of the European Communities, assisted by experts from the Member States.
2. The Committee shall, in particular, have the following tasks:
 - (a) monitoring the implementation of the present Agreement;
 - (b) suggesting amendments or additions to the present Agreement;
 - (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.
3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.
4. The Committee shall establish its rules of procedure.

*Article 13***Relation of this Agreement with bilateral Agreements between Member States and the Republic of Montenegro**

1. As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and the Republic of Montenegro, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by the present Agreement.
2. The provisions of bilateral Agreements or arrangements between individual Member States and the Republic of Montenegro signed before 1 January 2007 providing for the exemption of the holders of service passports from the visa requirement, shall continue to apply for a period of five years from the entry into force of this Agreement without prejudice to the right of the

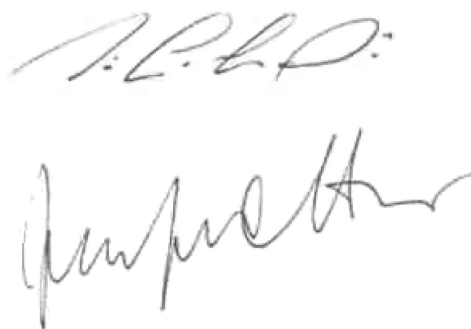
Member States concerned or the Republic of Montenegro to denounce or suspend these bilateral agreements during this period of five years.

*Article 14***Final clauses**

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.
2. By way of derogation to paragraph 1 of this Article, the present agreement shall only enter into force on the date of the entry into force of the Agreement between the European Community and the Republic of Montenegro on readmission of persons if this date is after the date provided for in paragraph 1 of this Article.
3. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 6 of this Article.
4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.
5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of citizen security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.
6. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

Done at Brussels on the eighteenth day of September in the year two thousand and seven in duplicate in each of the official languages of the Parties, each of these texts being equally authentic.

Za Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen
Za Evropsku Zajednicu



Za Република Черна гора
Por la República de Montenegro
Za Republiku Černá Hora
For Republikken Montenegro
Für die Republik Montenegro
Montenegro Vabariigi nimel
Για τη Δημοκρατία του Μαυροβουνίου
For the Republic of Montenegro
Pour la République du Monténégro
Per la Repubblica del Montenegro
Melnkalnes Republikas vārdā
Juodkalnijos Respublikos vardu
A Montenegrói Köztársaság részéről
Għar-Repubblika ta' Montenegro
Voor de Republiek Montenegro
W imieniu Republiki Czarnogóry
Pela República do Montenegro
Pentru Republica Muntenegru
Za Čiernohorskú republiku
Za Republiko Črno goro
Montenegron tasavallan puolesta
För Republiken Montenegro
Za Republiku Crnu Goru



ANNEX

**PROTOCOL TO THE AGREEMENT ON THE MEMBER STATES THAT DO NOT FULLY APPLY THE
SCHENGEN ACQUIS**

Those Member States which are bound by the Schengen *acquis* but which do not issue yet Schengen visas, while awaiting the relevant decision of the Council to that end, shall issue citizen visas the validity of which is limited to their own territory.

These Member States may unilaterally recognise Schengen visas and residence permits for the transit through their territory, in accordance with European Parliament and Council Decision No 895/2006/EC of 14 June 2006.

As European Parliament and Council Decision No 895/2006/EC of 14 June 2006 does not apply to Romania and Bulgaria; similar provisions will be proposed by the European Commission in order to enable these countries to unilaterally recognise Schengen visas and residence permits and other similar documents issued by other Member States not yet fully integrated into the Schengen area for the purpose of transit through their territory.

JOINT DECLARATION CONCERNING DENMARK

The Parties take note that the present Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular posts of the Kingdom of Denmark.

In such circumstances, it is desirable that the authorities of Denmark and of the Republic of Montenegro conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the Republic of Montenegro.

JOINT DECLARATION CONCERNING THE UNITED KINGDOM AND IRELAND

The Parties take note that the present Agreement does not apply to the territory of the United Kingdom and Ireland.

In such circumstances, it is desirable that the authorities of the United Kingdom, Ireland and the Republic of Montenegro, conclude bilateral agreements on the facilitation of the issuance of visas.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Parties take note of the close relationship between the European Community and Norway and Iceland, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances, it is desirable that the authorities of Norway, Iceland and the Republic of Montenegro conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the Republic of Montenegro.

JOINT DECLARATION CONCERNING SWISS CONFEDERATION AND LIECHTENSTEIN

(if needed)

If the Agreement between the EU, the EC and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* and the Protocols to this Agreement concerning Liechtenstein has entered into force by the time negotiations with the Republic of Montenegro have concluded, a similar declaration will also be made in respect of Switzerland and Liechtenstein.

EUROPEAN COMMUNITY DECLARATION ON REVIEWING THE VISA REQUIREMENT FOR HOLDERS OF SERVICE PASSPORTS

As the exemption of the holders of service passports from the visa requirement provided in bilateral Agreements or arrangements between individual Member States and the Republic of Montenegro which have been signed before 1 January 2007 shall only continue to apply for a period of five years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or the Republic of Montenegro to denounce or suspend these bilateral agreements during this period of five years, the European Community will reassess the situation of the holders of service passports at the latest four years after the entry into force of this Agreement, in view of a possible amendment of the Agreement to that end in accordance with the procedure provided in Article 14(4).

EUROPEAN COMMUNITY DECLARATION ON ACCESS OF VISA APPLICANTS AND HARMONISATION OF INFORMATION ON PROCEDURES FOR ISSUING SHORT-STAY VISAS AND DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS

Recognising the importance of transparency for visa applicants, the European Community recalls that the legislative proposal on the recast of the Common Consular Instructions on visas for the diplomatic missions and consular posts has been adopted on 19 July 2006 by the European Commission and addresses the issue of conditions of access of visa applicants to diplomatic missions and consular posts of the Member States.

Regarding the information to be provided to visa applicants the European Community considers that appropriate measures should be taken:

- In general, to draw up basic information for applicants on the procedures and conditions for applying for visas and on their validity.,
- The European Community will draw up a list of minimum requirements in order to ensure that applicants from the Republic of Montenegro are given coherent and uniform basic information and are required to submit, in principle, the same supporting documents.

The information mentioned above including the list of accredited travel agencies and tour operators in the framework of local consular cooperation is to be disseminated widely (on the notice boards of consulates, in leaflets, on websites etc.).

The diplomatic missions and consular posts of the Member States shall provide information about existing possibilities under the Schengen *acquis* for facilitation of the issuing of short-stay visas on a case-by-case basis.

EUROPEAN COMMUNITY DECLARATION ON FACILITATIONS FOR FAMILY MEMBERS AND *BONA FIDE* APPLICANTS

The European Community takes note of the suggestion of the Republic of Montenegro to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that the Republic of Montenegro attaches to the simplification of movement of this category of persons.

In order to ease the mobility of an extended number of persons which have family links (in particular sisters and brothers and their children) with citizens of the Republic of Montenegro legally residing in the territories of Member States, the European Community invites the Member States' consular offices to make full use of the existing possibilities in the *acquis communautaire* for facilitating the issuance of visas to this category of persons, including in particular, the simplification of documentary evidence requested for the applicants, exemptions from handling fees and where appropriate the issuing of multiple entry visas.

In addition, the European Community also invites the Member States' consular offices to make full use of these possibilities for the facilitation of the issuance of visas to *bona fide* applicants.

EUROPEAN COMMUNITY DECLARATION ON SEAMEN

In line with international agreements on the mobility of civilian ships crew members, the European Community invites Member States consular offices to make full use of the existing possibilities in the *acquis communautaire* for facilitating the issuance of transit visas to seamen from Montenegro. This includes in particular, the simplification of documentary evidence requested for the applicants and the issuing of multiple entry transit visas.

COUNCIL DECISION**of 8 November 2007****on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas**

(2007/824/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(i) and (ii), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas.
- (2) The Agreement was signed, on behalf of the European Community, on 18 September 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 18 September 2007.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with the Protocol on the position of the United Kingdom and Ireland, and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland are not taking part in the adoption of this Decision and are not bound by it or subject to its application.

- (6) In accordance with the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 14(1) of the Agreement ⁽²⁾.

Article 3

The Commission, assisted by experts from Member States, shall represent the Community in the Joint Committee of experts established by Article 12 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 12(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 November 2007.

For the Council
The President
R. PEREIRA

⁽¹⁾ Opinion delivered on 24 October 2007 (not yet published in the *Official Journal*).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

EXCHANGE OF LETTERS

COUNCIL
OF THE EUROPEAN UNION

Brussels, 18 September 2007

Ms. Gordana Jankulovska,
Minister of Interior of the former
Yugoslav Republic of Macedonia.

Dear Minister,

We have the honour to propose that, if it is acceptable to your Government, this letter and your confirmation shall together take the place of signature of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas.

The text of the aforementioned Agreement, herewith annexed, has been approved for signature by a decision of the Council of the European Union of today's date.

Please accept, Minister, the assurance of our highest consideration.

For the European Community



Republic of Macedonia
MINISTRY OF INTERIOR
Minister

Courtesy translation

Brussels, 18 September 2007

Dear Sirs,

On behalf of the Government of the Republic of Macedonia I have the honour to acknowledge receipt of your letter dated 18th September 2007 regarding the signature of the Agreement between the Republic of Macedonia and the European Community on the facilitation of the issuance of visas, together with the attached text of the Agreement.

I hereby declare that the Government of the Republic of Macedonia agrees with the provisions of the Agreement between the Republic of Macedonia and the European Community on the facilitation of the issuance of visas and considers the Agreement as being signed with this Exchange of Letters.

However, I declare that the Republic of Macedonia does not accept the denomination used for my country in the above-referred documents, having in view that the constitutional name of my country is the Republic of Macedonia.

Please accept, Sirs, the assurances of my highest consideration.

Gordana Jankuloska

Dr. Rui Carlos Pereira

Minister of Internal Administration of
the Republic of Portugal
Council of the European Union

Mr. Franco Frattini

Vice-president of the European Commission

BRUSSELS

Република Македонија
МИНИСТЕРСТВО ЗА ВНАТРЕШНИ РАБОТИ
Министер

Брисел, 18 септември 2007 година


Почитувани Господа,

Во името на Владата на Република Македонија имам чест да го потврдам приемот на Вашето писмо датирано на 18 септември 2007 година, кое се однесува на потпишувањето на Спогодбата помеу Република Македонија и Европската Заедница за олеснување на издавањето визи, заедно со приложениот текст на Спогодбата.

Изјавувам дека Владата на Република Македонија е согласна со одредбите на Спогодбата помеу Република Македонија и Европската Заедница за олеснување на издавањето визи и смета дека со оваа размена на писма Спогодбата е потпишана.

Сепак, изјавувам дека Република Македонија не ја прифаа деноминацијата употребена за мојата земја во погоре наведените документи, имаји предвид дека уставното име на мојата земја е Република Македонија.

Примете ги Господа, изразите на моето највисоко почитување.



Гордана Јанкуловска

Г-дин Руи Карлос Переира

Министер за внатрешната администрација на Република
Португалија Совет на Европската унија

Г-дин Франко Фратини

Потпретседател на Европската комисија

БРИСЕЛ

COUNCIL
OF THE EUROPEAN UNION

Brussels, 18 September 2007

Ms. Gordana Jankulovska,
Minister of Interior of the former
Yuogoslav Republic of Macedonia.

Dear Minister,

We have the honour to acknowledge receipt of your letter of today's date.

The European Community notes that the Exchange of Letters between the European Community and the Former Yugoslav Republic of Macedonia, which takes the place of signature of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas, has been accomplished and that this cannot be interpreted as acceptance or recognition by the European Community in whatever form or content of a denomination other than the 'former Yugoslav Republic of Macedonia'.

Please accept, Minister, the assurance of our highest consideration.

For the European Community



AGREEMENT**between the European Community and the Former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

and

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, hereinafter referred to as 'the Parties',

HAVING REGARD to the European Council decision of December 2005 to grant the former Yugoslav Republic of Macedonia, candidate country status,

HAVING REGARD to the Stabilisation and Association Agreement (SAA) between the European Community and the former Yugoslav Republic of Macedonia, which was signed in April 2001 and entered into force on 1 April 2004 and which currently governs the relations with the former Yugoslav Republic of Macedonia,

REAFFIRMING, the intention to cooperate closely within the framework of the existing SAA structures for the liberalization of the visa regime between the former Yugoslav Republic of Macedonia and the European Union, in line with the conclusions of the EU-Western Balkans Summit held in Thessaloniki on 21 June 2003,

RECOGNISING the progress made by the former Yugoslav Republic of Macedonia in the area of justice, freedom and security and, in particular, on migration, visa policy, border management and on document security,

DESIRING, as a first concrete step towards the visa free travel regime, to facilitate people to people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to citizens of the former Yugoslav Republic of Macedonia,

BEARING IN MIND that, all EU citizens are exempted from the visa requirement when travelling to the former Yugoslav Republic of Macedonia for a period of time not exceeding 90 days or transiting through the territory of the former Yugoslav Republic of Macedonia,

RECOGNISING that if the former Yugoslav Republic of Macedonia was to reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the citizens of the former Yugoslav Republic of Macedonia would automatically, on the basis of reciprocity, apply to EU citizens,

RECOGNISING that visa facilitation should not lead to illegal migration and paying special attention to security and readmission,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose and scope of application**

1. The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the former Yugoslav Republic of Macedonia.

2. If the former Yugoslav Republic of Macedonia was to reintroduce the visa requirement for EU citizens or certain categories of EU citizens, the same facilitations granted under this agreement

to the citizens of the former Yugoslav Republic of Macedonia would automatically, on the basis of reciprocity, apply to EU citizens concerned.

*Article 2***General clause**

1. The visa facilitations provided in this Agreement shall apply to citizens of the former Yugoslav Republic of Macedonia only insofar as they are not exempted from the visa requirement by the laws and regulations of the Community or the Member States, the present agreement or other international agreements.

2. The national law of the former Yugoslav Republic of Macedonia, or of the Member States or Community law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

Article 3

Definitions

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, the Republic of Ireland and the United Kingdom;
- (b) 'Citizen of the European Union' shall mean a national of a Member State as defined in point (a);
- (c) 'Citizen of the former Yugoslav Republic of Macedonia': shall mean any person who possesses the citizenship of the former Yugoslav Republic of Macedonia;
- (d) 'Visa' shall mean an authorization issued by a Member State or a decision taken by such State which is required with a view to:
 - entry for an intended stay in that Member State or in several Member States of no more than 90 days in total,
 - entry for transit through the territory of that Member State or several Member States;
- (e) 'legally residing person' shall mean a citizen of the former Yugoslav Republic of Macedonia authorized or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Community or national legislation.

Article 4

Documentary evidence regarding the purpose of the journey

1. For the following categories of citizens of the former Yugoslav Republic of Macedonia the following documents are sufficient for justifying the purpose of the journey to the other Party:

- (a) Pupils, high school and university students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes, as well as other educational or school-related activities:
 - a written request or a certificate of enrolment from the host university, college or school or student cards or certificates of the courses to be attended;

- (b) Persons participating in scientific, research, cultural and artistic activities, including university and other exchange programmes:

- a written request from the host organisation to participate in those activities;

- (c) Representatives of civil society organisations, when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:

- a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant Register issued by a state authority in accordance with the national legislation;

- (d) Journalists:

- a certificate or other document issued by a professional organization proving that the person concerned is a qualified journalist and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work;

- (e) Participants in international sports events and persons accompanying them in a professional capacity:

- a written request from the host organization: competent authorities, national sport Federations or National Olympic Committees of the Member States;

- (f) Business people and representatives of business organisations:

- a written request from a host legal person or company, or an office or branch of such legal person or company, or state or local authorities of the Member States or organising committees of trade and industrial exhibitions, conferences and symposia held in the territories of Member States;

- (g) Members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States:

- a written request from the host organisation confirming that the person concerned is participating in the event;

- (h) Participants in official exchange programmes organized by twin cities:

- a written request of the head of administration/mayor of these cities;

- (i) Drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the former Yugoslav Republic of Macedonia:
 - a written request from an association of carriers of the former Yugoslav Republic of Macedonia providing for international road transportation, stating the purpose, duration and frequency of the trips;
 - (j) Members of train, refrigerator and locomotive crews in international trains travelling to the territories of the Member States:
 - written request from the competent railway company of the former Yugoslav Republic of Macedonia stating the purpose, duration and frequency of the trips;
 - (k) Close relatives — spouse, children (including adopted), parents (including custodians), grandparents and grandchildren visiting citizens of the former Yugoslav Republic of Macedonia legally residing in the territory of the Member States:
 - a written request from the host person;
 - (l) Representatives of the religious communities:
 - a written request from a religious community registered in the former Yugoslav Republic of Macedonia, stating the purpose, duration and frequency of the trips;
 - (m) Persons visiting for medical reasons and necessary accompanying persons:
 - an official document of a medical institution confirming the necessity of medical care in this institution, the necessity of being accompanied and proof of sufficient financial means to pay for the medical treatment;
 - (n) Persons visiting for burial ceremonies:
 - an official document confirming the fact of death as well as confirmation of the family or other relationship between the applicant and the buried;
 - (o) Members of official delegations who, following an official invitation addressed to the former Yugoslav Republic of Macedonia shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations:
 - a letter issued by an authority of the former Yugoslav Republic of Macedonia confirming that the applicant is a member of its delegation, travelling to the other party to participate at the aforementioned events, accompanied by a copy of the official invitation;
 - (p) Persons travelling for tourism:
 - a certificate or voucher from a travel agency or a tour operator accredited by Member States in the framework of the local consular cooperation confirming the booking of an organised trip;
 - (q) for visiting military and civil burial grounds:
 - an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried;
2. The written request mentioned in paragraph 1 of this Article shall contain the following items:
- (a) or the invited person: name and surname, date of birth, sex, citizenship, number of identity document, time and purpose of the journey, number of entries and where relevant the name of the spouse and children accompanying the invited person;
 - (b) for the inviting person — name, surname and address; or
 - (c) for the inviting legal person, company or organisation — full name and address and
 - if the request is issued by an organisation, the name and position of the person who signs the request,
 - if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State, the registration number as required by the national law of the Member State concerned.
3. For the categories of persons mentioned in paragraph 1 of this article, all categories of visa are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey.

Article 5

Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to five years to the following categories of persons:

- (a) Members of national government, Parliament, Constitutional Court, Supreme Court, Judiciary Council and Public Prosecutors Council, if they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties, with a term of validity limited to their term of office if this is less than five years;
- (b) Permanent members of official delegations who following an official invitation addressed to the former Yugoslav Republic of Macedonia shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;

- (c) Spouses and children (including adopted), who are under the age of 21 or are dependent and parents (including custodians) visiting citizens of the former Yugoslav Republic of Macedonia legally residing in the territory of the Member States, with the term of validity limited to the duration of the validity of their authorization for legal residence;
- (d) Business people and representatives of business organisations who regularly travel to the Member States;
- (e) Journalists;
- (f) Representatives of religious communities registered in the former Yugoslav Republic of Macedonia, who regularly travel to the Member States.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State and that there are reasons for requesting a multiple-entry visa:

- (a) Students and post-graduate students who regularly undertake trips for the purposes of study or educational training, including in the framework of exchange programmes;
- (b) Persons who participate in scientific, research, cultural and artistic activities, including university and other exchange programs who regularly travel to the Member States;
- (c) Participants in international sports events and persons accompanying them in a professional capacity;
- (d) Members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States;
- (e) Representatives of civil society organisations, travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
- (f) Participants in official exchange programmes organized by twin cities;
- (g) Mayors and members of the municipal councils;
- (h) Drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the former Yugoslav Republic of Macedonia;
- (i) Members of train, refrigerator and locomotive crews, in international trains, travelling to the territories of the Member States;

- (j) Persons needing to visit regularly for medical reasons and necessary accompanying persons;
- (k) Members of official delegations who, following an official invitation addressed to the former Yugoslav Republic of Macedonia, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations.

3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of a minimum of two years and a maximum of five years to the categories of persons referred to in paragraph 2 of this Article, and to other persons provided that during the previous year they have made use of the one multiple-entry visa in accordance with the laws on entry and stay of the visited State and that the reasons for requesting a multiple-entry visa are still valid.

4. The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States.

Article 6

Fees for processing visa applications

1. The fee for processing visa applications of citizens of the former Yugoslav Republic of Macedonia shall amount to EUR 35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

If the former Yugoslav Republic of Macedonia was to reintroduce the visa requirement for EU citizens, the visa fee to be charged by the former Yugoslav Republic of Macedonia shall not be higher than EUR 35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4).

2. Fees for processing the visa application are waived for the following categories of persons:

- (a) close relatives — spouse, children (including adopted) parents (including custodians), grandparents and grandchildren of citizens of the former Yugoslav Republic of Macedonia, legally residing in the territory of the Member States;
- (b) members of official delegations who, following an official invitation addressed to the former Yugoslav Republic of Macedonia shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (c) members of national government, Parliament, Constitutional Court, Supreme Court, Judiciary Council and Public Prosecutors Council, if they are not exempted from the visa requirement by the present Agreement;

- (d) mayors and members of the municipal councils;
- (e) disabled persons and the person accompanying them, if necessary;
- (f) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative or to visit a seriously ill close relative;
- (g) participants in international sports events and persons accompanying them in a professional capacity;
- (h) persons participating in scientific, research, cultural and artistic activities including university and other exchange programmes;
- (i) participants in official exchange programmes organized by twin cities;
- (j) journalists;
- (k) pensioners;
- (l) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the former Yugoslav Republic of Macedonia;
- (m) members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;
- (n) representatives of civil society organisations when undertaking trips to attend meetings, seminars, exchange programmes or trainings courses;
- (o) representatives of religious communities registered in the former Yugoslav Republic of Macedonia;
- (p) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States;
- (q) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes, as well as other educational or school related activities;
- (r) children under six years of age.

3. By way of derogation from paragraph 1 above, Bulgaria and Romania which are bound by the Schengen *acquis* but which do not yet issue Schengen visas, may waive the fees for processing national short stay visa applications for citizens of the former Yugoslav Republic of Macedonia, until the day to be determined by the Council Decision for their full implementation of the Schengen *acquis* on visa policy.

Article 7

Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.
2. The period of time for taking a decision on a visa application may be extended to up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.
3. The period of time for taking a decision on a visa application may be reduced to two working days or less in urgent cases.

Article 8

Departure in case of lost or stolen documents

Citizens of the European Union and of the former Yugoslav Republic of Macedonia who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the former Yugoslav Republic of Macedonia or the Member States, may leave that territory on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of the former Yugoslav Republic of Macedonia without any visa or other authorisation.

Article 9

Extension of visa in exceptional circumstances

The citizens of the former Yugoslav Republic of Macedonia who do not have the possibility to leave the territory of the Member States by the time stated in their visas for reasons of *force majeure*, humanitarian, serious occupational or personal reasons shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving State for the period required for their return to the State of their residence.

Article 10

Diplomatic passports

1. Citizens of the former Yugoslav Republic of Macedonia, holders of valid diplomatic passports can enter, leave and transit through the territories of the Member States without visas.
2. Persons mentioned in paragraph 1 of this Article may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days.

*Article 11***Territorial validity of visas**

Subject to the national rules and regulations concerning national security of the Member States and subject to EU rules on visas with limited territorial validity, citizens of the former Yugoslav Republic of Macedonia shall be entitled to travel within the territory of the Member States on an equal basis with European Union citizens.

*Article 12***Joint Committee for management of the Agreement**

1. The Parties shall set up a Joint Committee of experts (hereinafter referred to as 'the Committee'), composed of representatives of the European Community and of the former Yugoslav Republic of Macedonia. The Community shall be represented by the Commission of the European Communities, assisted by experts from the Member States.

2. The Committee shall, in particular, have the following tasks:

- (a) monitoring the implementation of the present Agreement, (regular exchange of information, including data on number of issued visas, submitted and rejected visa applications);
- (b) suggesting amendments or additions to the present Agreement;
- (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.

3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.

4. The Committee shall establish its rules of procedure.

5. The Committee shall inform the relevant bodies established under the Stabilization and Association Agreement providing periodically data on the implementation of the present Agreement.

*Article 13***Relation of this Agreement with bilateral Agreements between Member States and the former Yugoslav Republic of Macedonia**

1. As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member

States and the former Yugoslav Republic of Macedonia, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by the present Agreement.

2. The provisions of bilateral Agreements or arrangements between individual Member States and the former Yugoslav Republic of Macedonia signed before 1 January 2007 providing for the exemption of the holders of service passports from the visa requirement, shall continue to apply for a period of five years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or the former Yugoslav Republic of Macedonia to denounce or suspend these bilateral agreements during this period of five years.

*Article 14***Final clauses**

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.

2. By way of derogation to paragraph 1 of this Article, the present agreement shall only enter into force on the date of the entry into force of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on readmission of persons if this date is after the date provided for in paragraph 1 of this Article.

3. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 6 of this Article.

4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.

5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.

6. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

ANNEX

PROTOCOL TO THE AGREEMENT ON THE MEMBER STATES THAT DO NOT FULLY APPLY THE SCHENGEN ACQUIS

Those Member States which are bound by the Schengen *acquis* but which do not issue yet Schengen visas, while awaiting the relevant decision of the Council to that end, shall issue national visas the validity of which is limited to their own territory.

These Member States may unilaterally recognise Schengen visas and residence permits for the transit through their territory, in accordance with European parliament and Council Decision No 895/2006/EC of 14 June 2006.

As European Parliament and Council Decision No 895/2006/EC of 14 June 2006 does not apply to Romania and Bulgaria; similar provisions will be proposed by the European Commission in order to enable these countries to unilaterally recognise Schengen visas and residence permits and other similar documents issued by other Member States not yet fully integrated into the Schengen area for the purpose of transit through their territory.

JOINT DECLARATION ON THE PERSPECTIVE ON MUTUAL VISA FREE TRAVEL REGIME

In accordance with the conclusions of the EU-Western Balkans Summit held in Thessaloniki on 21 June 2003 the visa facilitations provided under this Agreement shall represent a transitional phase towards visa free travel regime for the citizens of the former Yugoslav Republic of Macedonia.

The visa free travel regime will be introduced for the citizens of the former Yugoslav Republic of Macedonia, on the basis of positive assessment of the country's achievements in implementing relevant reforms and in accordance with the procedures and criteria provided for in the Council Regulation 539/2001 of 15 March 2001.

JOINT DECLARATION CONCERNING DENMARK

The Parties take note that the present Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular posts of the Kingdom of Denmark.

In such circumstances, it is desirable that the authorities of Denmark and of the former Yugoslav Republic of Macedonia conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the former Yugoslav Republic of Macedonia.

JOINT DECLARATION CONCERNING THE UNITED KINGDOM AND IRELAND

The Parties take note that the present Agreement does not apply to the territory of the United Kingdom and Ireland.

In such circumstances, it is desirable that the authorities of the United Kingdom, Ireland and the former Yugoslav Republic of Macedonia, conclude bilateral agreements on the facilitation of the issuance of visas.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Parties take note of the close relationship between the European Community and Norway and Iceland, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances, it is desirable that the authorities of Norway, Iceland and the former Yugoslav Republic of Macedonia conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the former Yugoslav Republic of Macedonia.

JOINT DECLARATION CONCERNING SWISS CONFEDERATION AND LIECHTENSTEIN

(if needed)

If the Agreement between the EU, the EC and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* and the Protocols to this Agreement concerning Liechtenstein has entered into force by the time negotiations with the former Yugoslav Republic of Macedonia have concluded, a similar declaration will also be made in respect of Switzerland and Liechtenstein.

JOINT DECLARATION ON FEES FOR PROCESSING VISA APPLICATIONS

The European Community takes note of the concerns raised by the former Yugoslav Republic of Macedonia on the fact that the citizens of the latter are issued Schengen visas with territorial validity limited to one or several Member States. The European Community also takes note of the request put forward by the former Yugoslav Republic of Macedonia that its citizens that are holders of Schengen visas with territorial validity limited to one or several Member States and who need to travel, within the period of validity of that visa, to a Member State not included in the territorial validity of that visa, should not be charged for the processing fees for the second visa application.

The Parties consider that this issue should be assessed again, as a matter of priority, by the Committee referred to in Article 12, once the European Parliament and the Council will have adopted the Community Code on Visa, the draft of which deals with this issue.

EUROPEAN COMMUNITY DECLARATION ON REVIEWING THE VISA REQUIREMENT FOR HOLDERS OF SERVICE PASSPORTS

As the exemption of the holders of service passports from the visa requirement provided in bilateral Agreements or arrangements between individual Member States and the former Yugoslav Republic of Macedonia which have been signed before 1 January 2007 shall only continue to apply for a period of five years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or the former Yugoslav Republic of Macedonia to denounce or suspend these bilateral agreements during this period of five years, the European Community will reassess the situation of the holders of service passports at the latest two years after the entry into force of this Agreement, in view of a possible amendment of the Agreement to that end in accordance with the procedure provided in Article 14(4).

EUROPEAN COMMUNITY DECLARATION ON ACCESS OF VISA APPLICANTS AND HARMONISATION OF INFORMATION ON PROCEDURES FOR ISSUING SHORT-STAY VISAS AND DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS

Recognising the importance of transparency for visa applicants, the European Community recalls that the legislative proposal on the recast of the Common Consular Instructions on visas for the diplomatic missions and consular posts has been adopted on 19 July 2006 by the European Commission and currently under discussions between the European Parliament and the Council, addresses the issue of conditions of access of visa applicants to diplomatic missions and consular posts of the Member States.

Regarding the information to be provided to visa applicants the European Community considers that appropriate measures should be taken:

- in general, to draw up basic information for applicants on the procedures and conditions for applying for visas and on their validity,
- the European Community will draw up a list of minimum requirements in order to ensure that applicants from former Yugoslav Republic of Macedonia are given coherent and uniform basic information and are required to submit, in principle, the same supporting documents.

The information mentioned above including the list of accredited travel agencies and tour operators in the framework of local consular cooperation is to be disseminated widely (on the notice boards of consulates, in leaflets, on websites etc.).

Diplomatic missions and consular posts of the Member States shall organise themselves in such a way that an appointment for submitting the visa application and the relevant supporting documents can be ensured within a reasonable period of time.

The diplomatic missions and consular posts of the Member States shall provide information about existing possibilities under the Schengen *acquis* for facilitation of the issuing of short-term visas including on the simplification of document requirements on a case-by-case basis, and in particular for *bona fide* applicants.

POLITICAL DECLARATION FROM BULGARIA ON LOCAL BORDER TRAFFIC

The Republic of Bulgaria declares its willingness to enter into negotiations of bilateral agreement with the former Yugoslav Republic of Macedonia for the purpose of implementing the local border traffic regime established by the EC Regulation No 1931/2006 of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.

EUROPEAN COMMUNITY DECLARATION ON FACILITATIONS FOR FAMILY MEMBERS

The European Community takes note of the suggestion of the former Yugoslav Republic of Macedonia to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that the former Yugoslav Republic of Macedonia attaches to the simplification of movement of this category of persons.

In order to ease the mobility of an extended number of persons which have family links (in particular sisters and brothers and their children) with citizens of the former Yugoslav Republic of Macedonia legally residing in the territories of Member States, the European Community invites the Member States' consular offices to make full use of the existing possibilities in the *acquis communautaire* for facilitating the issuance of visas to this category of persons, including in particular, the simplification of documentary evidence requested for the applicants, exemptions from handling fees and where appropriate the issuing of multiple entry visas.

COUNCIL DECISION**of 8 November 2007****on the conclusion of the Agreement between the European Community and the Republic of Serbia on the facilitation of the issuance of visas**

(2007/825/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(i) and (ii), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Republic of Serbia on the facilitation of the issuance of visas.
- (2) The Agreement was signed, on behalf of the European Community, on 18 September 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 18 September 2007.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with the Protocol on the position of the United Kingdom and Ireland, and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland are not taking part in the adoption of this Decision and are not bound by it or subject to its application.

- (6) In accordance with the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Serbia on the facilitation of the issuance of visas is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 14(1) of the Agreement ⁽²⁾.

Article 3

The Commission, assisted by experts from Member States, shall represent the Community in the Joint Committee of experts established by Article 12 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 12(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 November 2007.

For the Council
The President
R. PEREIRA

⁽¹⁾ Opinion delivered on 24 October 2007 (not yet published in the Official Journal).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Community and the Republic of Serbia on the facilitation of the issuance of visas**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community';

and

THE REPUBLIC OF SERBIA, hereinafter referred to as 'the Parties';

HAVING REGARD to the European perspective of the Republic of Serbia, the opening of the Stabilisation and Association Agreement (SAA) negotiations between the European Community/the EU Member States and the Republic of Serbia and the European Partnership adopted by the Council in January 2006,

REAFFIRMING the intention to cooperate closely within the framework of the future SAA structures for the liberalisation of the visa regime between the Republic of Serbia and the European Union, in line with the conclusions of the EU-Western Balkans Summit held in Thessaloniki on 21 June 2003,

DESIRING, as a first concrete step towards the visa free travel regime, to facilitate people-to-people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to citizens of the Republic of Serbia,

BEARING IN MIND that, all EU citizens are exempted from the visa requirement when travelling to the Republic of Serbia for a period of time not exceeding 90 days or transiting through the territory of the Republic of Serbia,

RECOGNISING that if the Republic of Serbia was to reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the citizens of the Republic of Serbia would automatically, on the basis of reciprocity, apply to EU citizens,

RECOGNISING that visa facilitation should not lead to illegal migration and

PAYING SPECIAL ATTENTION to security and readmission,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen acquis into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose and scope of application**

1. The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the Republic of Serbia.

2. If the Republic of Serbia was to reintroduce the visa requirement for EU citizens or certain categories of EU citizens, the same facilitations granted under this agreement to the citizens of the Republic of Serbia would automatically, on the basis of reciprocity, apply to EU citizens concerned.

*Article 2***General clause**

1. The visa facilitations provided in this Agreement shall apply to citizens of the Republic of Serbia only insofar as they are not exempted from the visa requirement by the laws and regulations of the Community or the Member States, the present agreement or other international agreements.

2. The national law of the Republic of Serbia, or of the Member States or Community law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

Article 3

Definitions

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, the Republic of Ireland and the United Kingdom;
- (b) 'citizen of the European Union' shall mean a national of a Member State as defined in point (a);
- (c) 'citizen of the Republic of Serbia': shall mean any person who holds the nationality of the Republic of Serbia in accordance with its national legislation;
- (d) 'visa' shall mean an authorization issued by a Member State or a decision taken by such State which is required with a view to:
 - entry for an intended stay in that Member State or in several Member States of no more than 90 days in total,
 - entry for transit through the territory of that Member State or several Member States;
- (e) 'legally residing person' shall mean a citizen of the Republic of Serbia authorized or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Community or national legislation.

Article 4

Documentary evidence regarding the purpose of the journey

1. For the following categories of citizens of the Republic of Serbia the following documents are sufficient for justifying the purpose of the journey to the other Party:

- (a) for members of official delegations who, following an official invitation addressed to the Republic of Serbia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations:
 - a letter issued by an authority from the Republic of Serbia confirming that the applicant is a member of its delegation travelling to the other Party to participate in the aforementioned events, accompanied by a copy of the official invitation;
- (b) for business people and representatives of business organisations:
 - a written request from a host legal person or company, organisation or an office or branch of such legal person or company, state or local authorities of the Member States or organising committees of trade and industrial

exhibitions, conferences and symposia held in the territories of the Member States, endorsed by the Chamber of Commerce of the Republic of Serbia;

- (c) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Serbia;
 - a written request from a national company or association of carriers of the Republic of Serbia providing for international road transportation, proving the purpose, duration and frequency of the trips;
- (d) for members of train, refrigerator and locomotive crews travelling to the territories of the Member States:
 - a written request from the competent railway company of the Republic of Serbia, stating the purpose, duration and frequency of the trips;
- (e) for journalists:
 - a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist and document issued by his/her employer, stating that the purpose of the journey is to carry out journalistic work;
- (f) for persons participating in scientific, cultural and artistic activities, including university and other exchange programmes:
 - a written request from the host organisation to participate in those activities;
- (g) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes, as well as other school-related activities:
 - a written request or certificate of enrolment from the host university, college or school, or student cards or certificates of the courses to be attended;
- (h) for participants in international sport events and persons accompanying them in a professional capacity:
 - a written request from the host organisation: competent authorities, national sport Federations or National Olympic Committees of the Member States;
- (i) for participants in official exchange programmes organised by twin municipalities and cities:
 - a written request of the head of administration/mayor of these municipalities and cities;

- (j) for close relatives — spouse, children (including adopted), parents (including custodians), grandparents and grandchildren, visiting citizens of the Republic of Serbia legally residing in the territories of the Member States:
- a written request from the host person;
- (k) for visiting military and civil burial grounds:
- an official document confirming the existence and preservation of the grave, as well as family or other relationship between the applicant and the buried;
- (l) for persons attending burial ceremonies:
- an official document confirming the fact of death, as well as confirmation of the family or other relationship between the applicant and the buried;
- (m) for persons visiting for medical reasons and necessary accompanying persons:
- an official document of the medical institution confirming the necessity of medical care in this institution and the necessity of being accompanied and proof of sufficient financial means to pay for the medical treatment;
- (n) for representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:
- a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant Register issued by a state authority in accordance with the national legislation;
- (o) for representatives of the religious communities in the Republic of Serbia:
- a written request from a religious community registered in the Republic of Serbia, stating the purpose, duration and frequency of trips;
- (p) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States:
- a written request from the host organisation confirming that the person concerned is participating in the event;
- (q) for persons travelling for tourism:
- a certificate or voucher from a travel agency or a tour operator accredited by Member States in the framework of the local consular cooperation confirming the booking of an organised trip.
2. The written request mentioned in paragraph 1 of this Article shall contain the following items:
- (a) for the invited person: name and surname, date of birth, sex, citizenship, number of the identity document, time and purpose of the journey, number of entries and where relevant the name of the spouse and children accompanying the invited person;
 - (b) for the inviting person — name, surname and address; or
 - (c) for the inviting legal person, company or organisation — full name and address and:
 - if the invitation is issued by an organisation, the name and position of the person who signs the invitation,
 - if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State, the registration number as required by the national law of the Member State concerned.
3. For the categories of persons mentioned in paragraph 1 of this article, all categories of visa are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Member States.

Article 5

Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to five years to the following categories of persons:
- (a) for members of national and provincial/regional Governments and Parliaments, the Constitutional Court and the Supreme Court of Cassation in case they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties, with the term of validity limited to their term of office if this is less than five years;
 - (b) for permanent members of official delegations who, following an official invitation addressed to the Republic of Serbia, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
 - (c) for spouses and children (including adopted), who are under the age of 21 or are dependent and parents visiting citizens of the Republic of Serbia legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorisation for legal residence.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State and that there are reasons for requesting a multiple-entry visa:

- (a) for members of official delegations who, following an official invitation addressed to the Republic of Serbia, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (b) for business people and representatives of business organisations who regularly travel to Member States;
- (c) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Serbia;
- (d) for members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;
- (e) for journalists;
- (f) for persons participating in scientific, cultural and artistic activities, including university and other exchange programmes who regularly travel to Member States;
- (g) for students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
- (h) for participants in international sport events and persons accompanying them in a professional capacity;
- (i) for participants in official exchange programmes organised by twin municipalities and cities;
- (j) for persons needing to visit regularly for medical reasons and necessary accompanying persons;
- (k) for representatives of civil society organisations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
- (l) for representatives of religious communities registered in the Republic of Serbia, who regularly travel to the Member States;
- (m) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States.

3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of a minimum of two years and a maximum of five years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous two years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State and that the reasons for requesting a multiple-entry visa are still valid.

4. The total period of stay of persons referred to in paragraphs 1-3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States.

Article 6

Fees for processing visa applications

1. The fee for processing visa applications of citizens of the Republic of Serbia shall amount to € 35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

If the Republic of Serbia was to reintroduce the visa requirement for EU citizens, the visa fee to be charged by the Republic of Serbia shall not be higher than €35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4).

2. Fees for processing the visa application are waived for the following categories of persons:

- (a) for members of official delegations who, following an official invitation addressed to the Republic of Serbia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territories of the Member States by intergovernmental organisations;
- (b) for members of national and provincial/regional Governments and Parliaments, the Constitutional Court and the Supreme Court of Cassation, in case they are not exempted from the visa requirement by the present Agreement;
- (c) for persons participating in scientific, cultural and artistic activities, including university and other exchange programmes;
- (d) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes, as well as other school-related activities;
- (e) for participants in international sport events and persons accompanying them in a professional capacity;
- (f) for participants in official exchange programmes organised by twin municipalities and cities;
- (g) for disabled persons and the person accompanying them, if necessary;

- (h) for representatives of civil society organisations travelling to attend meetings, seminars, exchange programmes or training courses;
- (i) for persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative or to visit a seriously ill close relative;
- (j) for journalists;
- (k) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Serbia;
- (l) for members of train, refrigerator and locomotive crews travelling to the territories of the Member States;
- (m) for close relatives — spouse, children (including adopted), parents (including custodians), grandparents and grandchildren, visiting citizens of the Republic of Serbia legally residing in the territories of the Member States.
- (n) for representatives of religious communities registered in the Republic of Serbia, who regularly travel to the Member States;
- (o) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States;
- (p) for pensioners;
- (q) for children under six years of age.

3. By way of derogation from paragraph 1 above, Bulgaria and Romania which are bound by the Schengen *acquis* but which do not yet issue Schengen visas, may waive the fees for processing national short stay visa applications for citizens of the Republic of Serbia, until the day to be determined by the Council Decision for their full implementation of the Schengen *acquis* on visa policy.

Article 7

Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.
2. The period of time for taking a decision on a visa application may be extended to up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.

3. The period of time for taking a decision on a visa application may be reduced to three working days or less in urgent cases.

Article 8

Departure in case of lost or stolen documents

Citizens of the European Union and of the Republic of Serbia who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Republic of Serbia or the Member States, may leave that territory on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of the Republic of Serbia without any visa or other authorisation.

Article 9

Extension of visa in exceptional circumstances

The citizens of the Republic of Serbia who do not have the possibility to leave the territory of the Member States by the time stated in their visas for reasons of *force majeure* shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving State for the period required for their return to the State of their residence.

Article 10

Diplomatic passports

1. Citizens of the Republic of Serbia, holders of valid diplomatic passports can enter, leave and transit through the territories of the Member States without visas.
2. Persons mentioned in paragraph 1 of this Article may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days.

Article 11

Territorial validity of visas

Subject to the national rules and regulations concerning national security of the Member States and subject to EU rules on visas with limited territorial validity, citizens of the Republic of Serbia shall be entitled to travel within the territory of the Member States on an equal basis with European Union citizens.

Article 12

Joint Committee for management of the Agreement

1. The Parties shall set up a Joint Committee of experts (hereinafter referred to as 'the Committee'), composed of representatives of the European Community and of the Republic of Serbia. The Community shall be represented by the Commission of the European Communities, assisted by experts from the Member States.

2. The Committee shall, in particular, have the following tasks:
- (a) monitoring the implementation of the present Agreement;
 - (b) suggesting amendments or additions to the present Agreement;
 - (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.
3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.
4. The Committee shall establish its rules of procedure.

Article 13

Relation of this Agreement with bilateral Agreements between Member States and the Republic of Serbia

1. As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and the Republic of Serbia, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by the present Agreement.
2. The provisions of bilateral Agreements or arrangements between individual Member States and the Republic of Serbia signed before 1 January 2007 providing for the exemption of the holders of service passports from the visa requirement, shall continue to apply for a period of five years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or the Republic of Serbia to denounce or suspend these bilateral agreements during this period of five years.

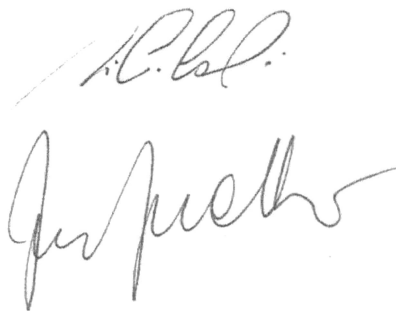
Article 14

Final clauses

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.
2. By way of derogation to paragraph 1 of this Article, the present agreement shall only enter into force on the date of the entry into force of the Agreement between the European Community and the Republic of Serbia on readmission of persons if this date is after the date provided for in paragraph 1 of this Article.
3. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 6 of this Article.
4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.
5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.
6. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

Done at Brussels on the eighteenth day of September in the year two thousand and seven in duplicate in each of the official languages of the Parties, each of these texts being equally authentic.

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen
За Европску зајелницу



За Република Србија
Por la República de Serbia
Za Republiku Srbsko
For Republikken Serbien
Für die Republik Serbien
Serbia Vabariigi nimel
Για τη Δημοκρατία της Σερβίας
For the Republic of Serbia
Pour la République de Serbie
Per la Repubblica di Serbia
Serbijas Republikas vārdā
Serbijos Respublikos vardu
A Szerb Köztársaság részéről
Għar-Repubblika tas-Serbja
Voor de Republiek Servië
W imieniu Republiki Serbii
Pela República da Sérvia
Pentru Republica Serbia
Za Srbskú republiku
Za Republiko Srbijo
Serbian tasavallan puolesta
För Republiken Serbien
За Република Србију



ANNEX

**PROTOCOL TO THE AGREEMENT ON THE MEMBER STATES THAT DO NOT FULLY APPLY THE SCHENGEN
ACQUIS**

Those Member States which are bound by the Schengen *acquis* but which do not issue yet Schengen visas, while awaiting the relevant decision of the Council to that end, shall issue national visas the validity of which is limited to their own territory.

These Member States may unilaterally recognise Schengen visas and residence permits for the transit through their territory, in accordance with European Parliament and Council Decision No 895/2006/EC of 14 June 2006.

As European Parliament and Council Decision No 895/2006/EC of 14 June 2006 does not apply to Romania and Bulgaria; similar provisions will be proposed by the European Commission in order to enable these countries to unilaterally recognise Schengen visas and residence permits and other similar documents issued by other Member States not yet fully integrated into the Schengen area for the purpose of transit through their territory.

JOINT DECLARATION CONCERNING DENMARK

The Parties take note that the present Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular posts of the Kingdom of Denmark.

In such circumstances, it is desirable that the authorities of Denmark and of the Republic of Serbia conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the Republic of Serbia.

JOINT DECLARATION CONCERNING THE UNITED KINGDOM AND IRELAND

The Parties take note that the present Agreement does not apply to the territory of the United Kingdom and Ireland.

In such circumstances, it is desirable that the authorities of the United Kingdom, Ireland and the Republic of Serbia, conclude bilateral agreements on the facilitation of the issuance of visas.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Parties take note of the close relationship between the European Community and Norway and Iceland, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances, it is desirable that the authorities of Norway, Iceland and the Republic of Serbia conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the Republic of Serbia.

JOINT DECLARATION CONCERNING SWISS CONFEDERATION AND LIECHTENSTEIN

(if needed)

If the Agreement between the EU, the EC and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* and the Protocols to this Agreement concerning Liechtenstein has entered into force by the time negotiations with the Republic of Serbia have concluded, a similar declaration will also be made in respect of Switzerland and Liechtenstein.

EUROPEAN COMMUNITY DECLARATION ON REVIEWING THE VISA REQUIREMENT FOR HOLDERS OF SERVICE PASSPORTS

As the exemption of the holders of service passports from the visa requirement provided in bilateral Agreements or arrangements between individual Member States and the Republic of Serbia which have been signed before 1 January 2007 shall only continue to apply for a period of five years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or the Republic of Serbia to denounce or suspend these bilateral agreements during this period of five years, the European Community will reassess the situation of the holders of service passports at the latest four years after the entry into force of this Agreement, in view of a possible amendment of the Agreement to that end in accordance with the procedure provided in Article 14(4).

EUROPEAN COMMUNITY DECLARATION ON ACCESS OF VISA APPLICANTS AND HARMONISATION OF INFORMATION ON PROCEDURES FOR ISSUING SHORT-STAY VISAS AND DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS

Recognizing the importance of transparency for visa applicants, the European Community recalls that the legislative proposal on the recast of the Common Consular Instructions on visas for the diplomatic missions and consular posts has been adopted on 19 July 2006 by the European Commission and currently under discussions between the European Parliament and the Council, addresses the issue of conditions of access of visa applicants to diplomatic missions and consular posts of the Member States.

Regarding the information to be provided to visa applicants the European Community considers that appropriate measures should be taken:

In general, to draw up basic information for applicants on the procedures and conditions for applying for visas and on their validity.

The European Community will draw up a list of minimum requirements in order to ensure that Serbian applicants are given coherent and uniform basic information and are required to submit, in principle, the same supporting documents.

The information mentioned above including the list of accredited travel agencies and tour operators in the framework of local consular cooperation is to be disseminated widely (on the notice boards of consulates, in leaflets, on websites etc.).

The diplomatic missions and consular posts of the Member States shall provide information about existing possibilities under the Schengen *acquis* for facilitation of the issuing of short-stay visas on a case-by-case basis.

The European Community takes note of the readiness expressed by the Serbian authorities to assist in the dissemination of the above mentioned information.

EUROPEAN COMMUNITY DECLARATION ON FACILITATIONS FOR FAMILY MEMBERS AND BONA FIDE APPLICANTS

The European Community takes note of the suggestion of the Republic of Serbia to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that the Republic of Serbia attaches to the simplification of movement of this category of persons.

In order to ease the mobility of an extended number of persons which have family links (in particular sisters and brothers and their children) with citizens of Serbia legally residing in the territories of Member States, the European Community invites the Member States' consular offices to make full use of the existing possibilities in the *acquis communautaire* for facilitating the issuance of visas to this category of persons, including in particular, the simplification of documentary evidence requested for the applicants, exemptions from handling fees and where appropriate the issuing of multiple entry visas.

In addition, the European Community also invites the Member States' consular offices to make full use of these possibilities for the facilitation of the issuance of visas to *bona fide* applicants.

POLITICAL DECLARATION FROM BULGARIA, HUNGARY AND ROMANIA ON LOCAL BORDER TRAFFIC

Bulgaria, Hungary and Romania declare their willingness to enter into negotiations of bilateral agreements with the Republic of Serbia for the purpose of implementing the local border traffic regime established by the EC Regulation No 1931/2006 of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.

COUNCIL DECISION**of 22 November 2007****on the conclusion of the Agreement between the European Community and the Republic of Moldova
on the readmission of persons residing without authorisation**

(2007/826/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(3)(b), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Republic of Moldova on the readmission of persons residing without authorisation.
- (2) The Agreement was signed, on behalf of the European Community, on 10 October 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 9 October 2007.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Readmission Committee which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.
- (6) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

- (7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision ⁽¹⁾.

Article 2

The President of the Council shall give the notification provided for in Article 22(2) of the Agreement ⁽²⁾.

Article 3

The Commission shall represent the Community in the Joint Readmission Committee established by Article 18 of the Agreement.

Article 4

The position of the Community within the Joint Readmission Committee with regard to the adoption of its rules of procedure as required under Article 18(5) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done in Brussels, 22 November 2007.

For the Council
The President
M. PINHO

⁽¹⁾ See page 149 of this Official Journal.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation**

THE HIGH CONTRACTING PARTIES,

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

and

THE REPUBLIC OF MOLDOVA, hereinafter referred to as 'Moldova',

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of Moldova or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

EMPHASISING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States of the European Union and Moldova arising from International Law, and, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms, the Convention of 28 July 1951 on the Status of Refugees and the Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title IV of the Treaty establishing the European Community, do not apply to the Kingdom of Denmark, in accordance with the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community,

HAVE AGREED AS FOLLOWS:

Article 1**Definitions**

For the purpose of this Agreement:

- (a) 'Contracting Parties' shall mean Moldova and the Community;
- (b) 'National of Moldova' shall mean any person who holds the citizenship of the Republic of Moldova;
- (c) 'National of a Member State' shall mean any person who holds the nationality, as defined for Community purposes, of a Member State;
- (d) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark;
- (e) 'Third-country national' shall mean any person who holds a nationality other than that of Moldova or one of the Member States;
- (f) 'Stateless person' shall mean any person who does not hold a nationality;
- (g) 'Residence permit' shall mean a permit of any type issued by Moldova or one of the Member States entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;
- (h) 'Border crossing point' shall mean any crossing point authorised by the competent authorities of the Republic of Moldova or Member States for the purpose of crossing their respective borders, including at International airports;
- (i) 'Visa' shall mean an authorisation issued or a decision taken by Moldova or one of the Member States which is required with a view to entry in, or transit through, its territory. This shall not include airport transit visa;
- (j) 'Requesting State' shall mean the State (Moldova or one of the Member States) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement;
- (k) 'Requested State' shall mean the State (Moldova or one of the Member States) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement is addressed;

- (l) 'Competent Authority' shall mean any national authority of Moldova or one of the Member States entrusted with the implementation of this Agreement in accordance with Article 19(1) lit. a) thereof;
- (m) 'Border region' shall mean an area which extends up to 30 kilometres from the common land border between a Member State and Moldova, as well as the territories of International airports of the Member States and Moldova;
- (n) 'Transit' shall mean the passage of a third country national or a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination.

SECTION I

READMISSION OBLIGATIONS BY MOLDOVA

Article 2

Readmission of own nationals

1. Moldova shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that, in accordance with Article 8, it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of Moldova.

2. Moldova shall also readmit:

- minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in the Requesting Member State,
- spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of Moldova, unless they have an independent right of residence in the Requesting Member State.

3. Moldova shall also readmit persons who have been deprived of, or who have renounced, the nationality of Moldova since entering the territory of a Member State, unless such persons have at least been promised naturalisation by a Member State.

4. After Moldova has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of Moldova shall immediately and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of at least three months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of Moldova shall, within 14 calendar days, issue a new travel document with a period of validity of the same

duration. If Moldova has not, within 14 calendar days, issued the new travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes ⁽¹⁾.

5. In case the person to be readmitted possesses the nationality of a third state in addition to Moldavian nationality, the Requesting Member State shall take into consideration the will of the person to be readmitted to the state of his/her choice.

Article 3

Readmission of third-country nationals and stateless persons

1. Moldova shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that, in accordance with Article 9, it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a valid visa or residence permit issued by Moldova; or
- (b) illegally and directly entered the territory of the Member States from Moldova after having stayed on, or transited through, the territory of latter.

2. The readmission obligation in paragraph 1 shall not apply if

- (a) the third country national or stateless person has only been in airside transit via an International Airport of Moldova; or
- (b) the Requesting Member State has issued to the third country national or stateless person a visa or residence permit before or after entering its territory unless:
 - that person is in possession of a visa or residence permit, issued by Moldova, which has a longer period of validity, or
 - the visa or residence permit issued by the Requesting Member State has been obtained by using forged or falsified documents, or by making false statements, or
 - that person fails to observe any condition attached to the visa.

⁽¹⁾ In line with the form set out in EU Council Recommendation of 30 November 1994.

3. After Moldova has given a positive reply to the readmission application, the Requesting Member State issues the person whose readmission has been accepted the EU standard travel document for expulsion purposes ⁽¹⁾.

SECTION II

READMISSION OBLIGATIONS BY THE COMMUNITY

Article 4

Readmission of own nationals

1. A Member State shall readmit, upon application by Moldova and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of Moldova provided that, in accordance with Article 8, it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of that Member State.

2. A Member State shall also readmit:

- minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in Moldova,
- spouses, holding another nationality, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the Requested Member State, unless they have an independent right of residence in Moldova.

3. A Member State shall also readmit persons who have been deprived of, or who have renounced, the nationality of a Member State since entering the territory of Moldova, unless such persons have at least been promised naturalisation by Moldova.

4. After the Requested Member State has given a positive reply to the readmission application, the competent Diplomatic Mission or Consular Office of that Member State shall immediately and not later than within three working days, issue the travel document required for the return of the person to be readmitted, with a validity of at least three months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent Diplomatic Mission or Consular Office of that Member State shall, within 14 calendar days, issue a new travel document with a period of validity of the same duration.

5. In case the person to be readmitted possesses the nationality of a third state in addition to that of the Requested Member State, Moldova shall take into consideration the will of the person to be readmitted to the state of his/her choice.

⁽¹⁾ In line with the form set out in EU Council Recommendation of 30 November 1994.

Article 5

Readmission of third-country nationals and stateless persons

1. A Member State shall readmit, upon application by Moldova and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of Moldova provided that, in accordance with Article 9, it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a valid visa or residence permit issued by the Requested Member State; or
- (b) illegally and directly entered the territory of Moldova after having stayed on, or transited through, the territory of the Requested Member State.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third country national or stateless person has only been in airside transit via an International Airport of the requested Member State; or
- (b) Moldova has issued to the third country national or stateless person a visa or residence permit before or after entering its territory unless:
 - that person is in possession of a visa or residence permit, issued by the requested Member State, which has a longer period of validity, or
 - the visa or residence permit issued by Moldova has been obtained by using forged or falsified documents or by making false statements, or
 - that person fails to observe any condition attached to the visa.

3. The readmission obligation in paragraph 1 is for the Member State that issued a visa or residence permit. If two or more Member States issued a visa or residence permit, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.

4. After the Member State has given a positive reply to the readmission application, Moldova issues the person whose readmission has been accepted the travel document required for his or her return.

SECTION III

READMISSION PROCEDURE

Article 6

Principles

1. Subject to paragraph 2, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 to 5 shall require the submission of a readmission application to the competent authority of the Requested State.
2. No readmission application shall be needed where the person to be readmitted is in possession of a valid travel document and, in case such a person is a third-country national or stateless person, also holds, where applicable, a valid visa or residence permit of the Requested State.
3. If a person has been apprehended in the border region (including airports) of the Requesting State after illegally crossing the border coming directly from the territory of the Requested State, the Requesting State may submit a readmission application within two days following this persons apprehension (accelerated procedure).

Article 7

Content of the Readmission application

1. To the extent possible, the readmission application is to contain the following information:
 - (a) the particulars of the person to be readmitted (e.g. given names, surnames, date of birth, and — where possible — place of birth, and the last place of residence) and, where appropriate, the particulars of minor unmarried children and/or spouses;
 - (b) indication of the means with which proof or *prima facie* evidence of nationality, transit, the grounds for the readmission of third-country nationals and stateless persons and unlawful entry and residence will be provided.
2. To the extent possible, the readmission application shall also contain the following information:
 - (a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
 - (b) any other protection, security measure or information concerning the health of the person, which may be necessary in the individual transfer case.
3. A common form to be used for readmission applications is attached as Annex 5 to this Agreement.

Article 8

Means of evidence regarding nationality

1. Nationality pursuant to Article 2(1) and Article 4(1) can be proved by means of the documents listed in Annex 1 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Moldova shall mutually recognise the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents.
2. *Prima facie* evidence of nationality pursuant to Article 2(1) and Article 4(1) can be particularly furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Moldova shall deem the nationality to be established, unless they can prove otherwise. *Prima facie* evidence of nationality cannot be furnished through false documents.
3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent Diplomatic Mission or Consular Office of the Requested State concerned shall, upon request, make arrangements with the competent authority of the Requesting State to interview the person to be readmitted without undue delay, at the latest within three working days from the requesting day, in order to establish his or her nationality.

Article 9

Means of evidence regarding third-country nationals and stateless persons

1. Proof of the grounds for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Member States and Moldova without any further investigation being required.
2. *Prima facie* evidence of the grounds for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall be particularly furnished through the means of evidence listed in Annex 4 to this Agreement; it cannot be furnished through false documents. Where such *prima facie* evidence is presented, the Member States and Moldova shall deem the grounds to be established, unless they can prove otherwise.
3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide *prima facie* evidence of the unlawful entry, presence or residence.

Article 10

Time limits

1. The application for readmission must be submitted to the competent authority of the Requested State within a maximum of 6 months after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not, or does no longer, fulfil the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request by the Requesting State, be extended but only until the obstacles have ceased to exist.

2. A readmission application must be replied to in writing:

- within two working days, if the application has been made under the accelerated procedure (Article 6(3)),
- within 11 working days in all other cases.

These time limits begin to run with the date of receipt of the readmission request. If there was no reply within this time limit, the transfer shall be deemed to have been agreed to.

3. Where there are legal or factual obstacles to the application being replied to within 11 working days, this time limit may, upon duly motivated request, be extended with a maximum of two working days. If there was no reply within the extended time limit, the transfer shall be deemed to have been agreed to.

4. Reasons shall be given for the refusal of a readmission request.

5. After agreement has been given or, where appropriate, after expiry of the time limit laid down in paragraph 2, the person concerned shall be transferred within three months. On request of the Requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles.

Article 11

Transfer modalities and modes of transportation

1. Before returning a person, the competent authorities of Moldova and the Member State concerned shall make arrangements in writing in advance regarding the transfer date, the border crossing point, possible escorts and other information relevant to the transfer.

2. Transportation may take place by air or land. Return by air shall not be restricted to the use of the national carriers of Moldova or the Member States and may take place by using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to authorised persons of the Requesting State, provided that they are authorised persons from Moldova or any Member State.

Article 12

Readmission in error

The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of three months after the transfer of the person concerned, that the requirements laid down in Articles 2 to 5 of this Agreement are not met.

In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.

SECTION IV

TRANSIT OPERATIONS

Article 13

Principles

1. The Member States and Moldova should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.

2. Moldova shall allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall authorise the transit of third-country nationals or stateless persons if Moldova so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.

3. Transit can be refused by Moldova or a Member State:

- (a) if the third-country national or the stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit; or
- (b) if the third-country national or the stateless person shall be subject to criminal sanctions in the Requested State or in another State of transit; or
- (c) on grounds of public health, domestic security, public order or other national interests of the Requested State.

4. Moldova or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In this case, the Requesting State shall take back the third-country national or the stateless person, as necessary and without delay.

Article 14

Transit procedure

1. An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information:

- (a) type of transit (by air or land), possible other States of transit and intended final destination;
- (b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and — where possible — place of birth, nationality, language, type and number of travel document);
- (c) envisaged border crossing point, time of transfer and possible use of escorts;
- (d) a declaration that in the view of the Requesting State the conditions pursuant to Article 13(2) are met, and that no reasons for a refusal pursuant to Article 13(3) are known of.

A common form to be used for transit applications is attached as Annex 6 to this Agreement.

2. The Requested State shall, within four working days and in writing, inform the Requesting State of the admission, confirming the border crossing point and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal.

3. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

4. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION V

COSTS

Article 15

Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the Requesting State.

SECTION VI

DATA PROTECTION AND NON-AFFECTION CLAUSE

Article 16

Data Protection

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Moldova or a Member State as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of Moldova and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC ⁽¹⁾ and of the national legislation of that Member State adopted pursuant to this Directive. Additionally the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
 - the particulars of the person to be transferred (e.g. given names, surnames, any previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality),
 - passport, identity card or driving licence (number, period of validity, date of issue, issuing authority, place of issue),
 - stop-overs and itineraries,
 - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement;
- (d) personal data must be accurate and, where necessary, kept up to date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

Article 17

Non-affected clause

1. This agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States and Moldova arising from International Law and, in particular, from:

- the Convention of 28 July 1951 on the Status of Refugees as amended by the Protocol of 31 January 1967 on the Status of Refugees,
- the international conventions determining the State responsible for examining applications for asylum lodged,
- the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms,
- the Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
- international conventions on extradition and transit,
- multilateral international conventions and agreements on the readmission of foreign nationals.

2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VII

IMPLEMENTATION AND APPLICATION

Article 18

Joint readmission committee

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a joint readmission committee (hereinafter referred to as 'the committee') which will, in particular, have the task:

- (a) to monitor the application of this Agreement;
- (b) to decide on implementing arrangements necessary for the uniform application of this Agreement;
- (c) to have regular exchanges of information on the implementing Protocols drawn up by individual Member States and Moldova pursuant to Article 19;
- (d) to recommend amendments to this Agreement and its Annexes.

2. The decisions of the committee shall be binding on the Contracting Parties.

3. The committee shall be composed by representatives of the Community and Moldova; the Community shall be represented by the Commission.

4. The committee shall meet where necessary at the request of one of the Contracting Parties.

5. The committee shall establish its rules of procedures.

Article 19

Implementing Protocols

1. Upon request of a Member State or Moldova, Moldova and a Member State shall draw up an implementing Protocol which shall cover rules on:

- (a) designation of the competent authorities, border crossing points and exchange of contact points;
- (b) the modalities for returns under the accelerated procedure;
- (c) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;
- (d) means and documents additional to those listed in the Annexes 1 to 4 to this Agreement.

2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the readmission committee, referred to in Article 18, has been notified.

3. Moldova agrees to apply any provision of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter.

Article 20

Relation to bilateral readmission agreements or arrangements of Member States

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been or may, under Article 19, be concluded between individual Member States and Moldova, in so far as the provisions of the latter are incompatible with those of this Agreement.

SECTION VIII

FINAL PROVISIONS

Article 21

Territorial application

1. Subject to paragraph 2, this Agreement shall apply to the territory of Moldova and to the territory in which the Treaty establishing the European Community is applicable.

Done at Brussels on the tenth day of October in the year two thousand and seven in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Moldovan languages, each of these texts being equally authentic.

2. This Agreement shall not apply to the territory of the Kingdom of Denmark.

Article 22

Entry into force, duration and termination

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.

2. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to in the first paragraph have been completed.

3. This Agreement is concluded for an unlimited period.

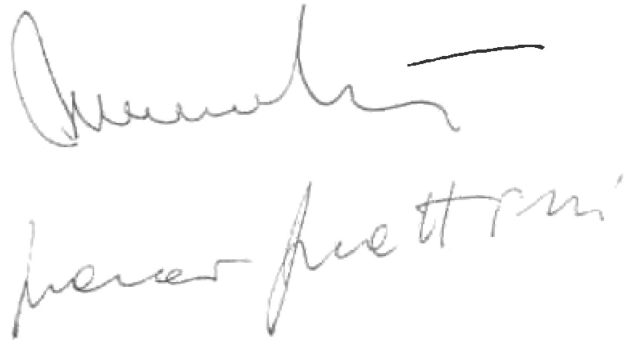
4. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

Article 23

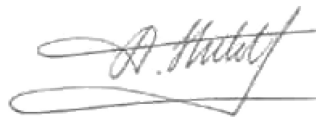
Annexes

Annexes 1 to 6 shall form an integral part of this Agreement.

За Европейската общност
 Por la Comunidad Europea
 Za Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vardu
 Az Európai Közösség részéről
 Għall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Pentru Comunitatea Europeană
 Za Európske spoločenstvo
 Za Evropsko skupnost
 Euroopan yhteisön puolesta
 För Europeiska gemenskapen
 Pentru Comunitatea Europeană
 Pentru Comunitatea Europeană



За Република Молдова
 Por la República de Moldova
 Za Moldavskou republiku
 For Republikken Moldova
 Für die Republik Moldau
 Moldova Vabariigi nimel
 Για τη Δημοκρατία της Μολδαβίας
 For the Republic of Moldova
 Pour la République de Moldova
 Per la Repubblica di Moldova
 Moldovas Republikas vārdā
 Moldovas Respublikos vardu
 A Moldovai Köztársaság részéről
 Għar-Repubblika tal-Moldova
 Voor de Republiek Moldavië
 W imieniu Republiki Mołdowy
 Pela República da Moldávia
 Pentru Republica Moldova
 Za Moldavskú republiku
 Za Republiko Moldavijo
 Moldovan tasavallan puolesta
 För Republiken Moldavien
 Pentru Republica Moldova



ANNEX 1

**COMMON LIST OF DOCUMENTS THE PRESENTATION OF WHICH IS CONSIDERED
AS PROOF OF NATIONALITY (ARTICLES 2(1), 4(1) AND 8(1))**

- passports of any kind (national passports, diplomatic passports, service passports and, where applicable, collective passports and surrogate passports including children's passports),
 - identity cards of any kind,
 - seaman's registration books and skippers' service cards,
 - citizenship certificates and other official documents that mention or clearly indicate citizenship.
-

ANNEX 2

**COMMON LIST OF DOCUMENTS THE PRESENTATION OF WHICH IS CONSIDERED AS PRIMA FACIE
EVIDENCE OF NATIONALITY (ARTICLES 2(1), 4(1) AND 8(2))**

- photocopies of any of the documents listed in Annex 1 to this Agreement,
 - military service books and military identity cards,
 - official statements made for the purpose of the accelerated procedure by border authority staff or witnesses who can testify that the person concerned has crossed the border,
 - driving licenses or photocopies thereof,
 - birth certificates or photocopies thereof,
 - company identity cards or photocopies thereof,
 - written statements by witnesses,
 - written statements made by the person concerned and language spoken by him or her, including by means of an official test result,
 - any other document which may help to establish the nationality of the person concerned.
-

ANNEX 3

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PROOF OF THE GROUNDS FOR THE
READMISSION OF THIRD COUNTRY NATIONALS AND STATELESS PERSONS
(ARTICLES 3(1), 5(1) AND 9(1))**

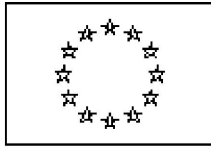
- visa or residence permit issued by the Requested State,
 - entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic),
 - named documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the requested State,
 - named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the Requested State,
 - official statements made by border authority staff who can testify to the person concerned crossing the border.
-

ANNEX 4

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PRIMA FACIE EVIDENCE OF THE
GROUNDS FOR THE READMISSION OF THIRD COUNTRY NATIONALS AND STATELESS PERSONS
(ARTICLES 3(1), 5(1) AND 9(2))**

- information showing that the person concerned has used the services of a courier or travel agency,
 - official statement in judicial or administrative proceedings by the person concerned, family members or travelling companions,
 - official statements made by witnesses who can testify to the person concerned crossing the border,
 - information related to the identity and/or stay of a person which has been provided by an International organisation (e.g. UNHCR).
-

ANNEX 5



[Emblem of Republic of Moldova]

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.....
.....
.....

(Place and date)

.....
(Designation of
requesting authority)

Reference:

.....

To:

.....
.....
.....

(Designation of requested authority)

☐ **ACCELERATED PROCEDURE**

READMISSION APPLICATION

pursuant to Article 7 of the Agreement of 18 September 2007 between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Civil status: ☐ married ☐ widowed ☐ single ☐ divorced

If married: name of spouse

Names and age of children (if any):

.....

.....

.....

8. Last address in the requesting State:

.....

B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)

1. Full name (underline surname):

2. Maiden name:

3. Date and place of birth:

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

Photograph

C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)

1. Full name (underline surname):
2. Date and place of birth:
3. Sex and physical description (height, colour of eyes, distinguishing marks etc.):
.....
4. Nationality and language:
.....

D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health
(e.g. possible reference to special medical care; Latin name of contagious disease):
.....
2. Indication of particularly dangerous person
(e.g. suspected of serious offence; aggressive behaviour):
.....

E. MEANS OF EVIDENCE ATTACHED

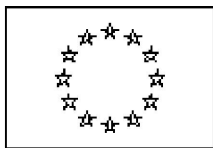
- | | |
|------------------------------|---------------------------|
| 1. .... | ..... |
| (Passport No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 2. .... | ..... |
| (Identity card No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 3. .... | ..... |
| (Driving licence No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |
| 4. .... | ..... |
| (Other official document No) | (date and place of issue) |
| | |
| (issuing authority) | (expiry date) |

F. OBSERVATIONS

.....
.....
.....
.....

(Signature) (Seal/stamp)

ANNEX 6



[Emblem of the Republic of Moldova]

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.....

.....

(Place and date)

(Designation of requesting
 authority)

Reference:

.....

To:

.....

(Designation of requested authority)

TRANSIT APPLICATION

pursuant to Article 14 of the Agreement of 18 September 2007 the European Community and the Republic of Moldova on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Type and number of travel document:

.....

Photograph

B. IF NECESSARY, SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health

(e.g. possible reference to special medical care; Latin name of contagious disease):

.....

2. Indication of particularly dangerous person

(e.g. suspected of serious offence; aggressive behaviour):

.....

C. TRANSIT OPERATION

1. Type of transit

☐ by air ☐ by land

2. State of final destination

3. Possible other States of transit

4. Proposed border crossing point, date, time of transfer and possible escorts

.....

.....

.....

5. Admission guaranteed in any other transit State and in the State of final destination

(Article 13(2))

☐ yes ☐ no

6. Knowledge of any reason for a refusal of transit

(Article 13(3))

☐ yes☐ no

D. OBSERVATIONS

.....

.....

.....

.....

(Signature) (Seal/stamp)

JOINT DECLARATION CONCERNING DENMARK

The Contracting Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark, nor to nationals of the Kingdom of Denmark. In such circumstances it is appropriate that the Republic of Moldova and Denmark conclude a readmission agreement in the same terms as this Agreement.

JOINT DECLARATION CONCERNING ICELAND

The Contracting Parties take note of the close relationship between the European Community and Iceland, particularly by virtue of the Agreement of 18 May 1999 concerning the association of this country with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that the Republic of Moldova concludes a readmission agreement with Iceland in the same terms as this Agreement.

JOINT DECLARATION CONCERNING NORWAY

The Contracting Parties take note of the close relationship between the European Community and Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of this country with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that the Republic of Moldova brings into conformity the readmission agreement with Norway signed on 31 March 2005 with the terms of the present Agreement.

JOINT DECLARATION CONCERNING SWITZERLAND

The Contracting Parties take note that the European Union, the European Community and Switzerland signed an agreement on Switzerland's association with the implementation, application and development of the Schengen *acquis*. It is appropriate, once this association agreement enters into force, that the Republic of Moldova brings into conformity the readmission agreement with Switzerland signed on 6 November 2003 with the terms of the present Agreement.

JOINT DECLARATION CONCERNING ARTICLES 3(1) AND 5(1)

The Parties agree that a person is 'entering directly' from the territory of Moldova within the meaning of these provisions if such person arrived on the territory of the Member States without having entered a third-country in between, or, where the Requested State is one of the Member States, arrived on the territory of Moldova, without having entered a third-country in between. Airside transit stays in a third country shall not be considered as entry.

JOINT DECLARATION ON TECHNICAL AND FINANCIAL SUPPORT

Both Parties agree to implement this Agreement based on the principles of joint responsibility, solidarity and an equal partnership to manage the migratory flows between Moldova and the EU.

In this context, the EC is committed to make available financial resources in order to support Moldova in the implementation of this Agreement. In doing so, special attention will be devoted to capacity building. Such support is to be provided in the context of the overall priorities for assistance in favour of Moldova, as part of the overall funding available for Moldova and in full respect of the relevant implementation rules and procedures of EC external assistance.

COUNCIL DECISION**of 22 November 2007****on the conclusion of the Agreement between the European Community and the Republic of Moldova
on the facilitation of the issuance of visas**

(2007/827/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular points (i) and (ii) of Article 62(2)(b), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Republic of Moldova on the facilitation of the issuance of visas.
- (2) The Agreement was signed, on behalf of the European Community, on 10 October 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 9 October 2007.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with the Protocol on the position of the United Kingdom and Ireland, and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland are not taking part in the adoption of this Decision and are not bound by it or subject to its application.
- (6) In accordance with the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

Article 1

The Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision ⁽¹⁾.

Article 2

The President of the Council shall give the notification provided for in Article 15(1) of the Agreement ⁽²⁾.

Article 3

The Commission, assisted by experts from Member States, shall represent the Community in the Joint Committee of experts established by Article 12 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 12(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done in Brussels, 22 November 2007.

For the Council
The President
M. PINHO

⁽¹⁾ See page 169 of this Official Journal.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

between the European Community and the Republic of Moldova on the facilitation of the issuance of visas

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community';

and

THE REPUBLIC OF MOLDOVA,

hereinafter referred to as 'the Parties',

BEARING IN MIND that, as from 1 January 2007, EU citizens are exempted from the visa requirement when travelling to the Republic of Moldova for a period of time not exceeding 90 days per period of 180 days or transiting through the territory of the Republic of Moldova,

WITH A VIEW to further developing friendly relations between the Parties and desiring to facilitate people-to-people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuance of visas to Moldovan citizens,

HAVING REGARD to the current EU-Moldova ENP Action Plan, which noted that a constructive dialogue on visa cooperation between the EU and Moldova, including an exchange of views on possibilities of visa facilitation in compliance with the *acquis* would be established,

RECOGNISING the introduction of a visa-free travel regime for the citizens of the Republic of Moldova as a long term perspective,

RECOGNISING that if the Republic of Moldova were to reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the citizens of the Republic of Moldova would automatically, on the basis of reciprocity, apply to citizens of the European Union,

RECOGNISING that visa facilitation should not lead to illegal migration and paying special attention to security and readmission,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose and scope of application

The purpose of this Agreement is to facilitate the issuance of visas to the citizens of the Republic of Moldova for an intended stay of no more than 90 days per period of 180 days.

Article 2

General clause

1. The visa facilitations provided in this Agreement shall apply to citizens of the Republic of Moldova only insofar as they are not exempted from the visa requirement by the laws and regulations of the Community or the Member States, this Agreement or other international agreements.

2. The national law of the Republic of Moldova, or of the Member States or Community law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

Article 3

Definitions

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, Ireland and the United Kingdom;
- (b) 'Citizen of the European Union' shall mean a national of a Member State as defined in point (a);

- (c) 'Citizen of the Republic of Moldova' shall mean a person who holds the citizenship of the Republic of Moldova;
- (d) 'Visa' shall mean an authorisation issued by a Member State or a decision taken by such State which is required with a view to:
 - entry for an intended stay in that Member State or in several Member States of no more than 90 days per period of 180 days,
 - entry for transit through the territory of that Member State or several Member States;
- (e) 'legally residing person' shall mean a citizen of the Republic of Moldova authorised or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Community or national legislation.
- (d) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Moldova:
 - a written request from the national association of carriers of the Republic of Moldova providing for international road transportation, stating the purpose, duration and frequency of the trips;
- (e) for members of train, refrigerator and locomotive crews in international trains travelling to the territories of the Member States:
 - a written request from the competent railway company of the Republic of Moldova stating the purpose, duration and frequency of the trips;
- (f) for journalists:
 - a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work;

Article 4

Documentary evidence regarding the purpose of the journey

1. For the following categories of citizens of the Republic of Moldova, the following documents shall suffice for justifying the purpose of the journey to the other Party:

- (a) for members of official delegations who, following an official invitation addressed to the Republic of Moldova, are to participate in meetings, consultations, negotiations or exchange programs, as well as in events held in the territory of the Member States by intergovernmental organisations:
 - a letter issued by a Moldovan authority confirming that the applicant is a member of its delegation travelling to the other Party to participate at the aforementioned events, accompanied by a copy of the official invitation;
- (b) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States:
 - a written request from the host organisation confirming that the person concerned is participating in the event;
- (c) for business people and representatives of business organisations:
 - a written request from a host legal person or company, or an office or a branch of such legal person or company, state or local authorities of the Member States or organising committees of trade and industrial exhibitions, conferences and symposia held in the territories of the Member States, endorsed by the State Chamber of Registration of the Republic of Moldova;
- (g) for persons participating in scientific, cultural and artistic activities, including university and other exchange programmes:
 - a written request from the host organisation to participate in those activities;
- (h) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school-related activities:
 - a written request or a certificate of enrolment from the host university, college or school or student cards or certificates of the courses to be attended;
- (i) for participants in international sports events and persons accompanying them in a professional capacity:
 - a written request from the host organisation, competent authorities, national sport Federations or National Olympic Committees of the Member States;
- (j) for participants in official exchange programmes organised by twin cities and other localities:
 - a written request of the Head of Administration/Mayor of these cities or other localities;
- (k) for close relatives — spouse, children (including adopted), parents (including custodians), grandparents and grandchildren — visiting citizens of the Republic of Moldova legally residing in the territory of the Member States:
 - a written request from the host person;

(l) for representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:

- a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant Register issued by a state authority in accordance with the national legislation;

(m) for persons visiting for burial ceremonies:

- an official document confirming the fact of death as well as confirmation of the family or other relationship between the applicant and the deceased;

(n) for visiting military and civil burial grounds:

- an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried;

(o) for persons visiting for medical reasons and necessary accompanying persons:

- an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied, and proof of sufficient financial means to pay for the medical treatment.

2. The written request mentioned in paragraph 1 shall contain the following items:

(a) for the invited person: name and surname, date of birth, sex, citizenship, number of the passport, time and purpose of the journey, number of entries and where relevant the name of the spouse and children accompanying the invited person;

(b) for the inviting person: name, surname and address;

(c) for the inviting legal person, company or organisation: full name and address and:

- if the request is issued by an organisation or authority, the name and position of the person who signs the request,
- if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State, the registration number as required by the national law of the Member State concerned.

3. For the categories of persons mentioned in paragraph 1, all categories of visas shall be issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Member States.

Article 5

Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to five years to the following categories of persons:

- (a) members of national and regional Governments and Parliaments, Constitutional Court and Supreme Court if they are not exempted from the visa requirement by this Agreement, in the exercise of their duties, with a term of validity limited to their term of office if this is less than five years;
- (b) permanent members of official delegations who, following an official invitation addressed to the Republic of Moldova, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental programmes;
- (c) spouses and children (including adopted), who are under the age of 21 or are dependent, and parents (including custodians) visiting citizens of the Republic of Moldova legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorisation for legal residence;
- (d) business people and representatives of business organisations who regularly travel to the Member States;
- (e) journalists.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State and that there are reasons for requesting a multiple-entry visa:

- (a) members of official delegations who, following an official invitation addressed to the Republic of Moldova, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (b) representatives of civil society organisations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
- (c) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States;
- (d) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Moldova;

- (e) members of train, refrigerator and locomotive crews in international trains travelling to the territories of the Member States;
 - (f) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Member States;
 - (g) students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
 - (h) participants in international sports events and persons accompanying them in a professional capacity;
 - (i) participants in official exchange programmes organised by twin cities or other localities.
3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of a minimum of two years and a maximum of five years to the categories of persons referred to in paragraph 2, provided that during the previous two years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State and that the reasons for requesting a multiple-entry visa are still valid.
4. The total period of stay of persons referred to in paragraphs 1 to 3 shall not exceed 90 days per period of 180 days in the territory of the Member States.
- (d) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school related activities;
 - (e) disabled persons and the person accompanying them, if necessary;
 - (f) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative, or to visit a seriously ill close relative;
 - (g) participants in international sports events and persons accompanying them in a professional capacity;
 - (h) persons participating in scientific, cultural and artistic activities including university and other exchange programmes;
 - (i) participants in official exchange programmes organised by twin cities or other localities;
 - (j) journalists;
 - (k) children under the age of 18 and dependent children under the age of 21;
 - (l) pensioners;
 - (m) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Moldova;
 - (n) members of train, refrigerator and locomotive crews travelling to the territories of the Member States;
 - (o) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States.

Article 6

Fees for processing visa applications

1. The fee for processing visa applications of citizens of the Republic of Moldova shall amount to EUR 35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 15(4).

2. Fees for processing the visa application shall be waived for the following categories of persons:

- (a) close relatives — spouse, children (including adopted) parents (including custodians), grandparents and grandchildren of citizens of the Republic of Moldova legally residing in the territory of the Member States;
- (b) members of national and regional Governments and Parliaments, Constitutional Court and Supreme Court if they are not exempted from the visa requirement by this Agreement;
- (c) members of official delegations who, following an official invitation addressed to the Republic of Moldova, are to participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;

Article 7

Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.

2. The period of time for taking a decision on a visa application may be extended to up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.

3. The period of time for taking a decision on a visa application may be reduced to two working days or less in urgent cases.

Article 8

Departure in the case of lost or stolen documents

Citizens of the European Union and of the Republic of Moldova who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Republic of Moldova or the Member States, may leave that territory on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of the Republic of Moldova without any visa or other authorisation.

Article 9

Extension of visa in exceptional circumstances

Citizens of the Republic of Moldova who are not able to leave the territory of the Member States by the time stated in their visas for reasons of *force majeure* shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving State for the period required for their return to the State of their residence.

Article 10

Diplomatic passports

1. Citizens of the Republic of Moldova who are holders of valid diplomatic passports may enter, leave and transit through the territories of the Member States without visas.

2. Persons mentioned in paragraph 1 may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days.

Article 11

Territorial validity of visas

Subject to the national rules and regulations concerning national security of the Member States and subject to EU rules on visas with limited territorial validity, citizens of the Republic of Moldova shall be entitled to travel within the territory of the Member States on equal basis with citizens of the European Union

Article 12

Joint Committee for management of this Agreement

1. The Parties shall set up a Joint Committee of experts (hereinafter referred to as the Committee), composed of representatives of the European Community and of the Republic of Moldova. The

Community shall be represented by the Commission of the European Communities, assisted by experts from the Member States.

2. The Committee shall, in particular, have the following tasks:

- (a) monitoring the implementation of this Agreement;
- (b) suggesting amendments or additions to this Agreement;
- (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.

3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.

4. The Committee shall establish its rules of procedure.

Article 13

Relation of this Agreement with bilateral Agreements between Member States and the Republic of Moldova

As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and the Republic of Moldova, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by this Agreement.

Article 14

Reciprocity clause

Should the Republic of Moldova reintroduce the visa requirement for citizens of the European Union or certain categories of such citizens, the same facilitations granted under this agreement to the citizens of the Republic of Moldova would automatically, on the basis of reciprocity, apply to the citizens of the European Union concerned.

Article 15

Final clauses

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.

2. By way of derogation from paragraph 1, this Agreement shall only enter into force on the date of the entry into force of the Agreement between the European Community and the Republic of Moldova on readmission of persons if this date falls after the date provided for in paragraph 1.

3. This Agreement shall be concluded for an indefinite period of time, unless terminated in accordance with paragraph 6.

4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.

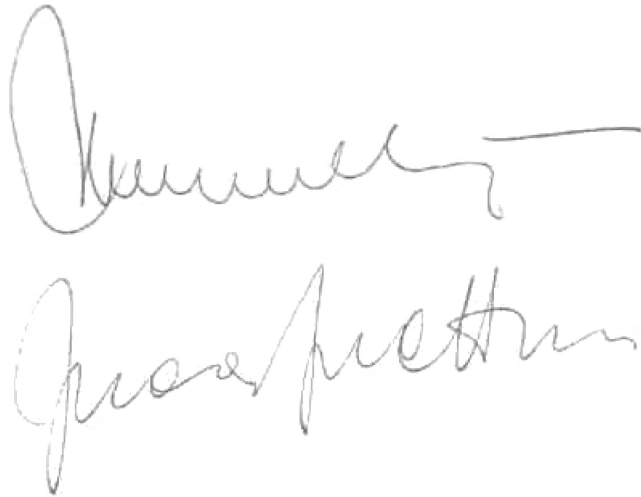
5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into

force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.

6. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

Done at Brussels on the tenth day of October in the year two thousand and seven in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Moldovan languages, each of these texts being equally authentic.

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen
Pentru Comunitatea Europeană
Pentru Comunitatea Europeană



За Република Молдова
Por la República de Moldova
Za Moldavskou republiku
For Republikken Moldova
Für die Republik Moldau
Moldova Vabariigi nimel
Για τη Δημοκρατία της Μολδαβίας
For the Republic of Moldova
Pour la République de Moldova
Per la Repubblica di Moldova
Moldovas Republikas vārdā
Moldovos Respublikos vardu
A Moldovai Köztársaság részéről
Għar-Repubblika tal-Moldova
Voor de Republiek Moldavië
W imieniu Republiki Mołdowy
Pela República da Moldávia
Pentru Republica Moldova
Za Moldavskú republiku
Za Republiko Moldavijo
Moldovan tasavallan puolesta
För Republiken Moldavien
Pentru Republica Moldova



ANNEX

PROTOCOL TO THE AGREEMENT ON THE MEMBER STATES THAT DO NOT FULLY APPLY THE SCHENGEN ACQUIS

Those Member States which are bound by the Schengen *acquis* but which do not yet issue Schengen visas, while awaiting the relevant decision of the Council to that end, shall issue national visas the validity of which is limited to their own territory.

These Member States may unilaterally recognise Schengen visas and residence permits for the transit through their territory, in accordance with Decision No 895/2006/EC of the European Parliament and of the Council of 14 June 2006.

As Decision No 895/2006/EC of 14 June 2006 does not apply to Romania and Bulgaria, similar provisions will be proposed by the European Commission in order to enable these countries to unilaterally recognise Schengen visas and residence permits and other similar documents issued by other Member States not yet fully integrated into the Schengen area for the purpose of transit through their territory.

JOINT DECLARATION CONCERNING DENMARK

The Parties take note that the Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular posts of the Kingdom of Denmark.

In such circumstances, it is desirable that the authorities of Denmark and of the Republic of Moldova conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the Republic of Moldova.

JOINT DECLARATION CONCERNING THE UNITED KINGDOM AND IRELAND

The Parties take note that the Agreement does not apply to the territory of the United Kingdom and Ireland.

In such circumstances, it is desirable that the authorities of the United Kingdom, Ireland and the Republic of Moldova conclude bilateral agreements on the facilitation of the issuance of visas.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Parties take note of the close relationship between the European Community and Norway and Iceland, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances, it is desirable that the authorities of Norway, Iceland and the Republic of Moldova conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the Republic of Moldova.

JOINT DECLARATION CONCERNING THE SWISS CONFEDERATION AND LIECHTENSTEIN

If the Agreement between the EU, the EC and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* and the Protocols to this Agreement concerning Liechtenstein has entered into force by the time negotiations with the Republic of Moldova have been concluded, a similar declaration will also be made in respect of Switzerland and Liechtenstein.

**EUROPEAN COMMUNITY DECLARATION ON ACCESS OF VISA APPLICANTS AND
HARMONISATION OF INFORMATION ON PROCEDURES FOR ISSUING SHORT-STAY VISAS
AND DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS**

Recognising the importance of transparency for visa applicants, the European Community recalls that the legislative proposal on the recast of the Common Consular Instructions on visas for the diplomatic missions and consular posts adopted on 19 July 2006 by the European Commission and currently under discussions between the European Parliament and the Council, addressed the issue of conditions of access of visa applicants to diplomatic missions and consular posts of the Member States.

Regarding the information to be provided to visa applicants, the European Community considers that appropriate measures should be taken, in general, to draw up basic information for applicants on the procedures and conditions for applying for visas and on their validity.

The European Community will draw up a list of minimum requirements in order to ensure that applicants from the Republic of Moldova are given coherent and uniform basic information and are required to submit, in principle, the same supporting documents.

The information mentioned above is to be disseminated widely (on the notice boards of consulates, in leaflets, on websites etc.).

The diplomatic missions and consular posts of the Member States shall provide information about existing possibilities under the Schengen *acquis* for facilitation of the issuing of short-stay visas on a case-by-case basis, and in particular for *bona fide* applicants.

**EUROPEAN COMMISSION DECLARATION ON REPRESENTATION AND THE COMMON
APPLICATION CENTRE IN CHISINAU**

Recognising the difficulties Moldovan citizens face when applying for Schengen visas due to the limited Consular presence of Schengen Member States, the European Commission strongly encourages Member States — and particularly those Member States that issue Schengen visas — to improve their presence in the Republic of Moldova, by making full use of the existing possibilities: setting up an own representation, being represented by another Member State or fully using the several options to be provided through the Common Application Centre in Chisinau.

DECLARATIONS ON LOCAL BORDER TRAFFIC**POLITICAL DECLARATION FROM ROMANIA ON LOCAL BORDER TRAFFIC**

Romania declares its willingness to enter into negotiations of a bilateral agreement with the Republic of Moldova for the purpose of implementing the local border traffic regime established by EC Regulation No 1931/2006 of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.

POLITICAL DECLARATION FROM THE REPUBLIC OF MOLDOVA ON LOCAL BORDER TRAFFIC

The Republic of Moldova declares its willingness to enter into negotiations of a bilateral agreement with Romania for the purpose of implementing such a local border traffic regime.
