

PROTOCOL
BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND
THE GOVERNMENT OF GEORGIA
ON THE IMPLEMENTATION OF THE AGREEMENT BETWEEN THE EUROPEAN
UNION AND GEORGIA ON THE READMISSION OF PERSONS RESIDING WITHOUT
AUTHORISATION

The Austrian Federal Government and the Government of Georgia, hereinafter referred to as "Contracting Parties", pursuant to Article 19 of the Agreement between the European Union and Georgia on the readmission of person residing without authorisation (hereinafter referred to as "Readmission Agreement"), have agreed as follows:

Article 1

Competent Authorities

The competent authority for implementing the Readmission Agreement is:

- For the Austrian Federal Government

The Federal Ministry of the Interior

Aliens Police and Border Control Department

- For the Government of Georgia

Ministry of Internal Affairs of Georgia

Patrol Police Department

International Relations Unit

Article 2

Interviews

1. If the Requesting Contracting Party cannot present any of the documents mentioned in Annexes 1 and 3 of the Readmission Agreement or if the presented documents according to Annexes 2 and 4 are insufficient, representatives of the competent authority of the Requested Contracting Party, by request of the Requesting Contracting Party, shall conduct an interview with the person to be returned within 4 (four) days from submission of the readmission application.

2. The initial obligation for interviewing shall be borne by the representatives of the competent authority of the Requested Contracting Party notified to the State of the Requesting Contracting Party.

3. In the event that the competent authorities do not have representatives referred to in paragraph 2, the interview shall be conducted by the other staff of the diplomatic mission or consular post of the State of the Requested Contracting Party on the territory of the State of the Requesting Contracting Party.

4. The competent authority of the Requested Contracting Party shall notify the competent authority of the Requesting Contracting Party of the results of the interview within the shortest possible time. If due to the practical obstacles the interview was not held within the time limits set by the Readmission Agreement, the Requested Contracting Party shall give a reply to the readmission application after the interview takes place, upon a request from the Requesting Contracting Party.

5. The competent authorities of the Contracting Parties shall specify the time and place for the interview in each particular case. In exceptional cases, interviews can be held at the detention facilities located in the capitals of Contracting Parties.

6. In the event that the representatives referred to in paragraph 2 and 3 conduct the interview outside the building of the diplomatic mission or consular post on the territory of the State of the Requesting Contracting Party, the organizational costs (transportation) related to interview are incurred by the Requesting Contracting Party.

Article 3

Border Crossing Points

1. Readmission and transit shall take place on the following border crossing points:

- on Austrian territory:

Vienna International Airport

- on Georgian territory:

Tbilisi International Airport

2. Should it be necessary in an individual case, locations other than the border crossing points mentioned may be used for the readmission and transit of persons.

Article 4

Form of the Readmission Applications and the Response

1. When submitting a readmission application to the competent authority of the Requested Contracting Party pursuant to Article 7 Paragraph 3 of the Readmission Agreement, the Requesting Contracting Party shall use the common form shown in Annex 5 of the Readmission Agreement to be sent by e-mail or in exceptional cases by fax.

2. If it is established, on the basis of new evidence, that the requirements for readmission had not been complied with, after the Requested Contracting Party has given positive response to the readmission application, the Requested Contracting Party reserves the right to address the Requesting Contracting Party to revoke the consent to the readmission application.

Article 5

Transfer Modalities and Modes of Transportation

1. Upon approval of the readmission by the Requested Contracting Party, or after expiry of the 12 calendar day time limit pursuant to Article 10 paragraph 2 of the Readmission Agreement, the Requesting Contracting Party shall send a written notification to the Requested Contracting Party, containing the following information:

- manner of transfer (by air or land);
- date of transfer;
- time of transfer;
- location of transfer (border crossing point);
- state of health of the person to be transferred; and
- whether the transfer shall be escorted (if positive, personal details of the escort personnel and security measures to be taken at the place of destination, if any, shall be provided).

2. The Notification shall be made by e-mailing, or in exceptional cases, by faxing the transfer form annexed to this Implementing Protocol to the competent authority of Requested Contracting Party no later than within 5 (five) working days prior to the transfer.

3. If the competent authority of the Requested Contracting Party accepts the condition of transfer, it shall notify the competent authority of the Requesting Contracting Party as soon as possible but no later than 4 (four) working days after the date of receipt of the information referred to in paragraph 2.

4. In the event that the conditions of transfer offered by the competent authority of the Requesting Contracting Party are not acceptable to the competent authority of the Requested Contracting Party, other forms of transfer shall be agreed upon as soon as possible.

Article 6

Readmission in Error

If the Requesting Contracting Party, upon justifiable application by the Requested Contracting Party, takes back a person, because it was established after the fact that the requirements for readmission had not been complied with, all original documents relating to the person must be returned to the Requesting Contracting Party.

Article 7

Transit Application

1. In addition to the items mentioned in Article 14 paragraph 1 of the Readmission Agreement, the written application for transit shall contain the following, if necessary:
 - Information on any need for assistance of, care for, or attendance to, the person in transit due to illness or age;
 - Information on any need for special protection or security measures.
2. The information required in this Article shall be listed under item C of the common form for the transit application (Annex 6 of the Readmission Agreement).
3. The Requested Contracting Party shall respond to the Requesting Party by e-mail or in exceptional cases by fax.

Article 8

Modalities of Escorted Readmission and Transit

1. The escorting staff appointed by Requesting Contracting Party must be able at any time during the escorted readmission or transit, to prove their identity and authority, as well as the nature of their task by presenting the documents confirming the conditions of the readmission or transit.
2. The competent authorities of the Requested Contracting Party 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.
3. If readmission or transit is accompanied by police, the escorting staff shall execute readmission or transit without carrying weapons and in plain clothes.
4. The authority of the escorting staff during readmission or transit operations shall be limited to self-defence and emergency assistance.
5. The escorting staff shall be obliged to abide by the national law of Requested Contracting Party.

Article 9

Modes for the Exchange of Information

1. In cases of communication by e-mail or by fax Requesting Contracting Party shall immediately receive the confirmation of the reception of communication in writing. The previous provision shall be without prejudice to the deadlines established by the readmission agreement.

2. Appropriate technical and organizational measures shall be taken by the Contracting Parties to protect the information from access by unauthorized persons and against accidental loss or unauthorized or accidental alteration.

Article 10

Costs

1. If one Contracting Party has incurred costs, it is not obligated to bear pursuant to Article 15 of the Readmission Agreement, the Contracting Party liable to pay shall refund these costs by bank remittance within 30 (thirty) days from receiving the invoice.
2. In case of a readmission in error pursuant to Article 12 of the Readmission Agreement, the Requesting Contracting Party shall bear the costs of the return of the person to be readmitted, provided that the Requested Contracting Party has furnished the Requesting Contracting Party with a comprehensive written justification, why the requirements laid down in Articles 1 to 5 of the Readmission Agreement have not been complied with, including all available information on the true identity, nationality or transit route of the person to be returned.

Article 11

Contact Details

Without delay the Contracting Parties shall exchange through diplomatic channels the contact details and any amendments with respect to the competent authorities and other bodies mentioned.

Article 12

Languages

Communication exchanges between the Contracting Parties relating to the implementation of the Readmission Agreement shall take place in:

- From Austrian side – in Georgian or translated in English;
- From Georgian side – in German or translated in English.

Article 13

Expert Meetings

1. The Contracting Parties agree to form a bilateral expert commission, headed by an officer of the respective competent authority according to Article 1.
2. Discussions about implementing the Readmission Agreement and applying this Implementing Protocol shall be held upon the request of a Contracting Party.

Article 14

Final Provisions

1. The Contracting Parties shall notify each other the finalization of internal procedures necessary for the entry into force of this Implementing Protocol through diplomatic channels. Subsequently, the Austrian Contracting Party shall notify the Joint Readmission Committee the fulfilment of internal procedures pursuant to Article 19, paragraph 2 of the Readmission Agreement.
2. This Implementing Protocol shall enter into force on the first day of the second month following the date of notification. The date will be established pursuant to the Rules of Procedure of the Joint Readmission Committee.
3. Should the Readmission Agreement cease to be in force, this Implementing Protocol shall also cease to apply at the same time.
4. Each Contracting Party may unilaterally terminate this Implementing Protocol by giving to the other Contracting Party a three months' notice in writing.

Done in Vienna on 11 July 2013 in two original copies, each in German, Georgian and English language, each of these texts being equally authentic. In case of dispute in interpretation, the English text shall prevail.

For

The Austrian Federal Government

Johanna Mikl-Leitner

For

The Government of Georgia

Irakli Ghabiraschwili

Annex

[Address of competent authority
of Requesting Contracting Party]
File number:

To
[Address of the competent authority
of Requested Contracting Party]

[Place, date]

Transfer Information**Personal Data and Details of Transfer**

1. Name in full

(underline surname, first name)

2. Date of birth

3. Manner of return (by air, land or sea, including flight number)

4. Date

5. Time

6. Place of transfer (border crossing point)

7. State of health, and special needs, if any

8. Escorted transfer

YES

NO

If yes, personal data of escorting staff:

9. Security measures to be taken at place of destination or stop-over:

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

	Unterzeichner	serialNumber=1026761,CN=Bundeskanzleramt,C=AT
	Datum/Zeit	2017-11-28T01:57:29+01:00
	Prüfinformation	Informationen zur Prüfung des elektronischen Siegels bzw. der elektronischen Signatur finden Sie unter: https://www.signaturpruefung.gv.at Informationen zur Prüfung des Ausdrucks finden Sie unter: https://www.bka.gv.at/verifizierung
	Hinweis	Dieses Dokument wurde amtssigniert.