Protocol
between
the Government of the Republic of Moldova
and
the Government of the Republic of Bulgaria
on the implementation of the Agreement between the Republic of Moldova and the European Community on the readmission of persons residing without authorisation

The Parties to the Protocol,

The Government of the Republic of Moldova and the Government of the Republic of Bulgaria;

Desiring to facilitate the implementation of the Agreement between the Republic of Moldova and the European Community on the readmission of the persons residing without authorization, signed in Brussels on 10 October 2007 (hereinafter referred to as Readmission Agreement);

Based on the provision of Article 19 thereof

Have agreed as follows:

Article 1
Designation of Competent Authorities

Pursuant to Article 1 lit.(1) and Article 19 (1) lit.(a) of the Readmission Agreement, the Parties have designated the following competent authorities for the implementation thereof:

a) Receipt, forwarding and processing of readmission application:

For the Republic of Moldova:
Ministry of Internal Affairs
Bureau for Migration and Asylum
Address: Republic of Moldova
Chisinau, bd. Stefan cel Mare 124
Tel/Fax. + 373 22 272487
Tel/Fax. + 373 22 272203
e-mail: migrare@migrare.gov.md

For the Republic of Bulgaria:
Ministry of Interior
Chief Directorate "Border Police"
Department "Protection of State Border"
Section "Readmission"
Address: Republic of Bulgaria, Sofia 1202

46, Kn. Maria Luiza Blvd.
Tel: +359 2 982 34 38
Fax: +359 2 938 58 67
E-mail: mlumbev.180@mvr.bg

b) Receipt, forwarding and processing of the transit applications:

For the Republic of Moldova:
Ministry of Internal Affairs
Bureau for Migration and Asylum
Address: Republic of Moldova
Chisinau, bd. Stefan cel Mare 124
Tel/Fax. + 373 22 272487
Tel/Fax. + 373 22 272203
e-mail: migrare@migrare.gov.md

For the Republic of Bulgaria;
Ministry of Interior
Chief Directorate "Border Police"
Department "Protection of State Border "
Section "Readmission"
Address: Republic of Bulgaria, Sofia 1202
46, Kn. Maria Luiza Blvd.
Tel: + 359 2 982 34 38
Fax: + 359 2 938 58 67
E-mail: mlumbev.180@mvr.bg

Article 2
Border Crossing Points

Pursuant to Article 19 (1) of the Readmission Agreement, readmission and transit may take place in the following border crossing points:

For the Republic of Moldova *International Airport Chisinau*

For the Republic of Bulgaria *Airport Sofia*

Article 3
Language of Communication

The Parties shall use the English language in the procedures carried out under the Readmission Agreement and the Implementing Protocol.

Article 4
Evidence Regarding Nationality

Pursuant to Article 8 (1) and Article 19 (1) lit. d), the competent authority of the Requesting State may submit an inquiry in writing to the competent authority of the Requested State regarding the issuance of a document for proof of nationality to the person concerned.

Article 5
Transfer of the Person to be Readmitted

(1) Transfer of the person to be readmitted shall take place at the time and location agreed upon in writing by the competent authorities of the Parties.

(2) If the term of transfer was extended due to any legal or practical impediments, the competent authority of the Requesting State shall immediately notify the competent authority of the Requested State of the impediments as it occurs and shall indicate the envisaged location and time of transfer.

(3) Transfer of the person to be readmitted shall be recorded in a protocol.

Article 6
Security requirements – definition of the manner for transportation of the readmitted person

(1) The transport of nationals of the Parties, third-country nationals and stateless persons who have to leave the territory of one of the Parties and who are returning to the territory of the other Party shall be carried out by air as a rule. For security reasons, the return may be escorted by one of the Parties.

(2) The police escort shall be provided by the police officers of the Party whose national carrier is used.

(3) In the event of transit of third-country nationals and stateless persons by land, the Requesting Party shall provide the necessary official escort up to the state border of the Requested Party. Further escort through the territory of the Requested Party shall be taken over by the competent authorities of the Requested Party.

(4) The Requested Party may make its transit consent conditional upon a security escort. The Requested Party shall provide the Requesting Party with information relevant for security escort.

Article 7
Conditions for Escorted Transfers

Pursuant to Article 19 (1) lit. c) of the Readmission Agreement, the Parties agree to the following conditions relating to escorted transfers or transit on their territories:

- The escort shall be responsible for escorting the persons to be readmitted and transferring him or her to a responsible of the competent authority of the State of destination.
- The escort shall perform his or her duties unarmed and in civilian clothing, he or she should carry documents proving that readmission or transit has been approved, and he or she shall be able at all times to prove his or her identity.
- The Requested State shall ensure similar protection and assistance to the escort during the performance of his or her duties as it ensures to its own officials authorised to perform such duties.
- The escort shall in all cases be subject to the legislation of the Requested State. The powers of the escort during escorting a person to be readmitted or during transit shall be limited to self-defence. In the case of unavailability of officials of the Requested State authorised to carry out the necessary activities or in order to support such officials in situations of immediate and serious risk, the escort, may take reasonable and commensurate measures to prevent the person to be readmitted from escaping, injuring himself or herself or any third persons, or causing damage to property.
- The escort shall be responsible for carrying the travel document and other required certificates or personal data of the person to be readmitted, and for handing over such items to the representative of the competent authority of the State of destination. The escort may not leave the agreed location of transfer before the transfer of the person to be readmitted is completed.
- The competent authorities of the Requesting State shall ensure that the escort possesses the entry visas to the State(s) of transit and destination if required.

Article 8
Modalities and Assistance for Transit

(1) In accordance with Article 13 and 14 of the Readmission Agreement, the Parties agree to the following practical modalities for transit operations:

- An application for transit (in accordance with Annex 6 to the Readmission Agreement) must be submitted by fax or in an electronic format to the competent authority of the Requested State at least 4 calendar days prior to the planned transit.
- The competent authority of the Requested State must reply by fax or in an electronic format within 4 calendar days after the receipt of the application for transit, notifying whether it consents to the transit and the envisaged time of

transit, designated border crossing point, method of transport and use of escorts.

- If the Requesting State considers necessary to request assistance from the competent authority of the Requested State for a particular transit operation, this should be indicated on the transit application form (Annex 6 to the Readmission Agreement). In its reply to the transit application, the competent authority of the Requested State should notify whether it is able to provide the requested assistance.
- If the person to be readmitted is transported by air and with escort, the competent authority of the Requested State shall organise guarding and boarding of the person to be readmitted on its territory, and as far as possible with the assistance of that Party.

(2) The Requesting State undertakes to take back a person to be readmitted pursuant to Article 13 (4) of the Readmission Agreement without delay, if:

- Consent to transit was refused or withdrawn pursuant to Article 13 (3) of the Readmission Agreement;
- The person to be readmitted illegally entered the territory of the Requested State during transit;
- Transfer of the person to be readmitted to another State of transit or destination failed, or
- Transit is impossible on some other grounds.

Article 9
Transit application for third-country citizens and stateless persons

(1) The competent authority of the Requesting Party shall address the competent authority of the Requested Party by submitting the application for transit of third-country nationals and stateless persons over the territory of the Requested Party

(2) The transit application shall contain, in addition to personal data a guarantee that the person will be admitted by the State of final destination.

(3) The competent authority of the Requested Party shall reply in written to the application within five calendar days.

(4) In case of a negative reply, the competent authority of the Requested Party must provide reasons for its refusal of transit.

(5) If the Requesting Party has not specified in Annex of the Agreement the exact date, time, border crossing point and other subsequently determined relevant data, it shall submit a transit notice.

Article 10
Data Protection

The protection of personal data processed and exchanged under this Protocol shall be done in accordance with the provisions of the Art. 16 of the Agreement

Article 11
Costs

Transportation costs relating to transit shall be borne in euro by the Requesting State pursuant to Article 15 of the Readmission Agreement.

Article 12
The Procedure and the Possible Particularities when Answering the Readmission Request

(1) The Requesting Party shall use a common form of the readmission application attached as Annex 5 to the Readmission Agreement. The Competent Authority of the Requested Party shall provide a reply to the readmission application to the Requesting Party in written form as laid down in Annex 1 to this Protocol.

(2) If it is necessary, when readmitting a national of a Party, to readmit his/her minor children together with their parent to the territory of the Requested Party, the reply to the readmission application shall contain the remark that for each child shall be issued a separate travel certificate.

(3) The time limits for replying to the readmission application are as defined in the Readmission Agreement.

(4) In the event of a negative reply, the competent authority of the Requested Party must provide the reasons for its refusal of readmission.

Article 13
Issuing of Temporary Travel Documents (Visa or Lasses-passer) when Necessary

When the consent for readmission is granted, the competent authority of the Requesting Party shall submit to a diplomatic mission or consular office of the Requested Party the positive reply to the readmission application or the readmission application itself if the reply has not been provided within the set time limit for the purpose of issuing a visa or travel certificate, if necessary, pursuant the Readmission Agreement.

Article 14
Procedure in Case of Readmission in Error

(1) In case of readmission in error, the Requesting Party shall take back the person readmitted by the Requested Party within the time limit and under conditions defined in Article 12 of the Readmission Agreement.

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

(3) In such cases the procedural provisions of the Readmission 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.

(4) In case of readmission in error as regulated in Art. 12 of the Agreement, the Requesting Party is responsible for the retribution of all the expenses related to the readmission and the return of the person concerned, the expenses for which have been covered by the Requested Party.

Article 15
Meetings of Experts

The competent authorities of both Parties shall arrange meetings of experts as necessary, particularly regarding the implementation of the Readmission Agreement and the Implementing Protocol. The time and location of such consultations shall be decided upon by mutual agreement.

Article 16
Forms

(1) The forms which are used for readmission and applications for transit correspond to Annexes 1, 2, 3 and 4 to this Implementing Protocol.

(2) Each form specified in paragraph 1 shall be filled into English language.

Article 17
Notification

(1) The Parties shall notify each other of any changes in the contact details of the competent authorities referred to in Article 1 and the border crossing points referred to in Article 2.

(2) The Parties shall notify each other for the date and the manner for the realization of the readmission as well as the time limits for this notification.

(3) Notifications under Paragraph (2) of this Article shall be given to the competent authority of the Requested Party at least two working days before the readmission takes place.

(4) Based on the positive reply to the readmission application for a national of the Requested Party, after which the relevant travel document (lasses-passer) is issued, the competent authority of the Requesting Party shall notify the competent authority of the Requested Party of the date and the manner of readmission.

(5) Based on the positive reply to the readmission application for a third-country national or stateless person, the competent authority of the Requesting Party shall notify the competent authority of the Requested Party of the date and the manner of readmission.

Article 18
Relations to Other Treaties

This Implementing Protocol shall not infringe rights and obligations of the Parties arising from other international treaties.

Article 19
Settlement of Disputes

(1) Any disputes which may emerge in connection with the interpretation and/or application of the present Implementing Protocol shall be settled by means of consultations between Parties within the Readmission Committee.

(2) In case when disputes can not be settled in accordance with paragraph 1 of the present Article, those shall be settled by Parties through diplomatic channels.

Article 20
Entry into Force, Termination and Amendments

(1) This Implementing Protocol shall be concluded for an unlimited period of time and shall enter into force on the day following the date of notification to the Joint Readmission Committee according to Art.19 (2) of the Readmission Agreement.

(2) The Party which has received the last written notification on the completion of the internal legal procedure necessary for the entry into force of this Implementing Protocol shall notify the Joint Readmission Committee.

(3) This Implementing Protocol shall cease to apply at the same time as the Readmission Agreement.

(4) Each Party can terminate this Implementing Protocol by notifying through diplomatic channels the other Party and the Joint Readmission Committee. In that case this Implementing Protocol shall cease to be in force six months after the date of notification.

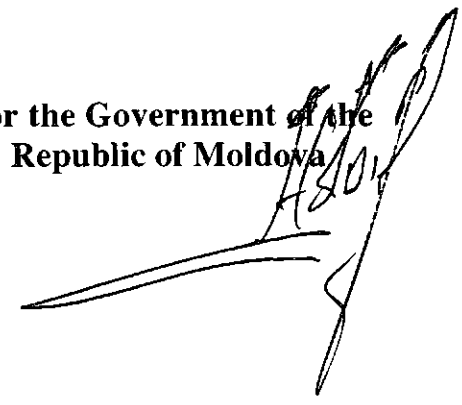
(5) The Parties may amend this Implementing Protocol upon mutual consent. The amendments become an integral part of this Implementing Protocol and shall enter into force in accordance with Paragraph 1 of this Article.

(6) The Parties shall notify the Readmission Committee about the entering into force, termination and the amendments to this Implementing Protocol and other issues related to the implementation of the Readmission Agreement.

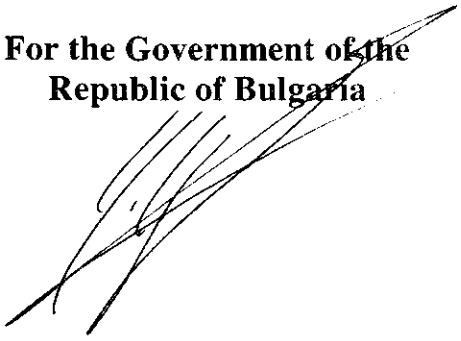
(7) Annexes to this Implementing Protocol shall be an integral part of it.

Done in Pravets on 16 November 2011 in two original copies, in Moldovan, Bulgarian and English language, all the texts being equally authentic. In case of disputes concerning the interpretation of this Implementing Protocol, the English text shall prevail.

For the Government of the Republic of Moldova



For the Government of the Republic of Bulgaria



Annex 1

Reply to the application for
-readmission of nationals of the Parties
-readmission of third-country nationals and stateless persons

_____
_____
_____
(designation and address of the competent authority of the Requested Party)

Telephone _____
Fax _____
File number _____
Date _____

To
_____
_____
_____
(designation and address of the competent authority of the Requesting Party)

- For the Republic of Moldova
Ministry of Internal Affairs
Bureau for Migration and Asylum
Address:
Republic of Moldova
Chisinau, bd. Stefan cel Mare 124
Tel/Fax. + 373 22 272487
Tel/Fax. + 373 22 272203
E-mail: migrare@migrare.gov.md

- For the Republic of Bulgaria
Ministry of Interior
Chief Directorate "Border Police"
Department "Protection of State Border"
Section "Readmission"
Address:
Republic of Bulgaria
Sofia 1202, 46, Kn. Maria Luiza Blvd.
Telephone: +359 2 982 34 38
Fax: +359 2 988 58 67
E-mail: mlumbev.180@mvr.bg

A) In the event of a **positive** reply:

Ref: Your readmission application, file number___as of ___20___

1. with reference to your application for the readmission of

_____
(name and surname)

born on_____in_____
(date of birth) (place and municipality of birth)

we would like to inform you that the person in question shall be readmitted pursuant to:
- Article.....of the Agreement - Readmission of own nationals (Parties)
- Article.....of the Agreement - Readmission of third-country nationals and stateless persons.

To that purpose the person shall be issued the travel document/visa (if applicable).

2. For the below-mentioned minor children separate travel documents/visas shall be issued (if applicable), namely:

Name and surname	Kinship	Date, place and municipality of birth

3. For issuing the travel document/visa, we kindly ask you to address:

_____
(designation of the diplomatic mission or consular office of the Requested Party)

SEAL/STAMP

_____
(Signature of the officer of the competent authority of the Requested Party)

B) In the event of a **negative** reply:

Ref: Your readmission, application, file number___,as of___20___

1.With reference to your application for the readmission of

_____
(name and surname)

we would like to inform you that the person in question shall not be readmitted.

Reason:_____

_____

_____

(provide the information confirming that there is no readmission obligation pursuant to Article...or...of the Agreement)

2. According to the information held by this authority, the person in question is the national of

_____

(specify the nationality of the person in question, if the data is available)

SEAL/STAMP

_____

(Signature of the officer of the competent authority of the Requested Party)

Annex 2

_____
_____
_____
(designation and address of the competent authority of the Requesting Party)

Telephone _____
Fax _____
File number _____
Date _____

To
_____
_____
_____
(designation and address of the competent authority of the Requested Party)

- For the Republic of Moldova
Ministry of Internal Affairs
Bureau for Migration and Asylum
Address:
Republic of Moldova
Chisinau, bd. Stefan cel Mare 124
Tel/Fax. + 373 22 272487
Tel/Fax. + 373 22 272203
E-mail: migrare@migrare.gov.md

- For the Republic of Bulgaria
Ministry of Interior
Chief Directorate "Border Police"
Department "Protection of State Border"
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Address:
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Telephone: +359 2 982 34 38
Fax: +359 2 988 58 67
E-mail: mlumbev.180@mvr.bg

Subject: **Notification number_____of escorted return**

We would like to inform you that on.....(date, month, year) from the Airport in.....by flight number, departure time.....hrs, with arrival at the Airport in.....at.....hrs, the following person(s) shall be returned, on whom the information is provided below:

I

No.	Name and surname	Date and place of birth	Number and date of reply to application, type, number and date of issuing the travel document
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

II

Information on persons requiring assistance, care or service due to illness or advanced age

No.	Name and surname	Reason
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

III

Information on persons requiring official escort to ensure security and order on the aircraft

No.	Name and surname	Reason
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

- The Requesting Party shall provide official escort.
- The Requested Party shall provide official escort. According to the risk analysis done by the Requesting Party, it is necessary the competent authority of the Requested Party to provide _____ escort(s).
- The Requesting Party shall provide medical assistance if needed, for person (persons) No……..
- The Requested Party shall provide medical assistance, if needed, for person (persons) No……

SEAL/STAMP

_____

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

Annex 3

Reply to the application for transit operation
Regarding third-country nationals and stateless persons

_____
_____
_____
(designation and address of the competent authority of the Requested Party)

Telephone_____Fax_____
File number_____
Date_____

To

_____
_____
_____
(designation and address of the competent authority of the Requesting Party)

- For the Republic of Moldova
Ministry of Internal Affairs
Bureau for Migration and Asylum
Address:
Republic of Moldova
Chisinau, bd. Stefan cel Mare 124
Tel/Fax. + 373 22 272487
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- For the Republic of Bulgaria
Ministry of Interior
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Telephone: +359 2 982 34 38
Fax: +359 2 988 58 67
E-mail: mlumbev.180@mvr.bg

Ref: Your transit application as of___20___
File number_____

Transit operation is:
-authorized
-refused, for the following reason:_____
_____
_____

Takeover of the official escort can be performed at the border crossing point/airport_____by_____(number of escorts/medical escort personnel), on_____at_____hrs.

SEAL/STAMP

_____
(Signature of the officer of the competent authority of the Requested Party)

Medical escort YES NO

The number of escorting persons, if applicable:_____

Remarks:_____
_____
_____

SEAL/STAMP

_____
(Signature of the officer of the competent authority of the Requested Party)

Herewith it is confirmed that the notification of the return of the following readmitted person(s) has been received:
_____
_____
_____

SEAL/STAMP

_____
(Signature of the officer of the competent authority of the Requested Party)

Annex 4

Transit notice for third-country nationals and stateless persons

_____

_____

_____

(designation and address of the competent authority of the Requesting Party)

Telephone_____Fax_____

File number_____

Date_____

To

_____

_____

_____

(designation and address of the competent authority of the Requested Party)

- For the Republic of Moldova
Ministry of Internal Affairs
Bureau for Migration and Asylum
Address:
Republic of Moldova
Chisinau, bd. Stefan cel Mare 124
Tel/Fax. + 373 22 272487
Tel/Fax. + 373 22 272203
E-mail: migrare@migrare.gov.md

- For the Republic of Bulgaria
Ministry of Interior
Chief Directorate "Border Police"
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Telephone: +359 2 982 34 38
Fax: +359 2 988 58 67
E-mail: mlumbev.180@mvr.bg

We kindly ask you to authorize the transit of the said person(s) for whom the onward journey in possible other states of transit and the state of final destination is assured. The Requesting Party is not knowledgeable about any reasons to authorize transit operations pursuant to Article……., Paragraph……., of the Agreement.

Transit by air

We would like to inform you that on_____ (day, month, and year) from the Airport_____, departure time_____hrs, with transit landing at the Airport _____ at _____ hrs, and onward journey to _____, flight number _____ at _____ hrs, the following person(s) is/are to be returned, on whom the information is provided below:

No.	Surname	Name	Date and place of birth	Nationality, type and number of travel document
1				
2				
3				
4				
5				

Official escort is:
-needed
-not needed

Medical escort is:
-needed
-not needed

Reason, if applicable:_____
_____

The necessary official escort shall be provided by:_____
The necessary medical escort shall be provided by:_____

Transit by land

Official escort is not needed
Medical escort is not needed

We kindly ask you to take over the transit of the following person(s) to_____ on _____ (date, month, year) at _____ hrs at the _____ border crossing point.

On the basis of the available information regarding the necessary protection and security measures, we kindly ask you:
-to provide official escort by_____authorized person(s)
-to provide medical escort by_____

No.	Surname	Name	Date and place of birth	Nationality, type and number of travel document
1				
2				
3				
4				
5				

SEAL/STAMP

_____

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