



**CRNA GORA
VLADA CRNE GORE
MINISTARSTVO UNUTRAŠNJIH POSLOVA**

I N F O R M A C I J A
o
zaključivanju
Protokola
između Vlade Crne Gore i Vlade Grčke o implementaciji
Sporazuma između Crne Gore i Evropske zajednice
o readmisiji (vraćanje i prihvatanje) lica koja su bez dozvole boravka potpisanog
u Briselu 18. septembra 2007. godine
sa
tekstom Protokola na engleskom i crnogorskom jeziku

Podgorica, februar 2019. godine

Sporazum između Republike Crne Gore i Evropske zajednice o readmisiji (vraćanje i prihvatanje) lica koja su bez dozvole boravka potpisan je u Briselu, 17. septembra 2007. godine, a stupio je na snagu i primjenjuje se od 01. januara 2008. godine.

U članu 19 ovog sporazuma propisan je pravni osnov za potpisivanje implementacionog protokola između države članice i Crne Gore.

Vlada Crne Gore, na sjednici od 3. septembra 2009. godine, usvojila je Informaciju o potrebi zaključivanja protokola između Crne Gore i država članica EU radi efikasnije implementacije Sporazuma između Republike Crne Gore i Evropske zajednice o readmisiji (vraćanje i prihvatanje) lica koja su bez dozvole boravka.

Takođe, **Akcionim planom za Pregovaračko poglavlje 24** - Pravda, sloboda i bezbjednost, kao jedna od obaveza Ministarstva unutrašnjih poslova, predviđeno je iniciranje pregovora s ciljem zaključivanja implementacionih protokola s državama članicama EU sa kojima nemamo potpisane protokole.

U skladu sa naprijed navedenim, Ministarstvo unutrašnjih poslova je u oktobru 2015. godine, iniciralo održavanje pregovora s ciljem usaglašavanja i zaključivanja implementacionog Protokola sa Grčkom.

Nakon toga, aktom broj: 09/9-110/64-2 od 13. aprila 2017. godine, Ministarstvo vanjskih poslova dostavilo je Ministarstvu unutrašnjih poslova, notu Ambasade Grčke u Podgorici, broj: 940.2/39/AS 191 od 11. aprila 2017. godine, uz koju nam je dostavljena engleska verzija implementacionog protokola, radi davanje primjedbi i komentara.

Aktom, 04broj: 050/17-23836/2 od 18.05.2017. godine, Ministarstvo unutrašnjih poslova je dostavilo sugestije, koje su prije svega bile tehničke prirode, i predložilo nadležnim organima Grčke da se konačno usaglašavanje teksta protokola obavi između eksperata dvije države putem diplomatske i elektronske komunikacije.

U toku elektronskog usaglašavanja teksta protokola razjašnjena su i usaglašena brojna pitanja i preciziran je tekst navedenog Protokola.

Tokom usaglašavanja teksta protokola vodilo se računa o principima koji proizilaze iz Preporuke Savjeta od 24. jula 1995. godine o principima izrade protokola o implementaciji sporazuma o readmisiji 204 i Odluke Šengenskog izvršnog odbora od 15. decembra 1997. godine o vodećim principima za način dokazivanja i obezbeđivanje dokaza u okviru sporazuma o readmisiji između zemalja Šengenskog sporazuma.

Dvije strane su se saglasile da je naredni korak, nakon ovih uspješnih pregovora, sprovođenje odgovarajućih internih procedura odobravanja Protokola prije pristupanja njegovom potpisivanju.

**Protokol
između Vlade Crne Gore i Vlade Republike Grčke o implementaciji Sporazuma između
Republike Crne Gore i Evropske zajednice o readmisiji lica koja su bez dozvole
boravka, potpisanom u Briselu 18. septembra 2007**

Vlada Crne Gore i Vlada Republike Grčke, u daljem tekstu „Strane“,

U skladu sa članom 19 Sporazuma Sporazuma između Republike Crne Gore i Evropske zajednice o readmisiji lica koja su bez dozvole boravka, potpisanom u Briselu 18. septembra 2007, u daljem tekstu „Sporazum“,

Saglasile su se o sledećem:

**Član 1
Nadležni organi**

1. U skladu sa članom 19 stav 1 (a) Sporazuma nadležni organi Strana za podnošenje, prijem i obradu prijave za readmisiju i tranzit u skladu sa Sporazumom su:

a) Za Crnu Goru:

Za sprovođenje odredaba Sporazuma i Protokola koje se odnose na readmisiju:

Za readmisiju (vraćanje i prihvatanje):

Ministarstvo unutrašnjih poslova Crne Gore
Direktorat za građanska stanja i lične isprave
Direkcija za strance, migracije i readmisiju
Adresa: Bulevar Svetog Petra Cetinjskog 22
81 000 Podgorica
Tel: +382 20 225 341
Faks: +382 20 203 275
E-mail: mupreadmisija@t-com.me

Za sprovođenje odredaba Sporazuma i Protokola koje se odnose na tranzit:

Ministarstvo unutrašnjih poslova Crne Gore
Uprava policije
Sektor granične policije
Odsjek za strance, vize i suzbijanje nezakonitih migracija
Adresa: Bulevar Svetog Petra Cetinjskog 22
81 000 Podgorica
Tel: +382 20 202 895
Faks: +382 20 202 896 (Sektor granične policije)

Faks: +382 20 246 526 (Operativno komunikacioni centar uprave policije)
E-mail: odsjekkpdg@t-com.me

b) Za Republiku Grčku

Ministarstvo zaštite građana
Sjedište Grčke policije
Odsjek za upravljanje migracijama
Adresa: 4, P. Kanellopoulou ave., GR-101 77-Athens
Tel: +30213 15 20 414
Faks: +30213 15 27 537
+30213-15.20.811
E-mail: readm.office@astynomia.gr

2. U skladu sa članom 8 stav 3 i članom 9 stav 6 Sporazuma, nadležni organi Strane za ugovaranje intervjuisanja lica koja će biti vraćena i prihvaćena, kako bi se utvrdilo njihovo državljanstvo i izdale putne isprave neophodne za njihov povratak, su sljedeći:

Za Crnu Goru:

Ambasada Crne Gore u Atini
5 Loukianou str, Kolonaki
10675 Atina, Grčka
Telefon: 0030 210 7241212
Faks: 0030 210 7241076
E-mail: greece@mfa.gov.me

Za Republiku Grčku

Ambasada Republike Grčke u Podgorici
Adresa: Atinska 4 Gorica „C“, 81000 Podgorica, Crna Gora
Telefon: (00382) 20 655 544, 20 618 170
Faks: (00382) 20 655 543
E-mail: gremb.pod@mfa.gr

3. Strane će bez odlaganja obavijestiti jedna drugu pisanim putem direktno i putem diplomatskih kanala, o svim promjenama vezano za nadležne organe i njihove kontakt detalje.

Član 2 **Granični prelazi**

1. U skladu sa članom 19 stav 1 (a) Sporazuma, readmisija i tranzit će se vršiti na sljedećim graničnim prelazima:

U Crnoj Gori:

Međunarodni granični prelaz Aerodrom Podgorica
Stanica granične policije Aerodrom Podgorica

Fax: +38220225618

U Republici Grčkoj:

El.Venizelos Međunaorni aerodrom, Atina
Makedonia Međunarodni aerodrom, Solun

2. Strane će bez odlaganja obavijestiti jedna drugu pisanim putem direktno i putem diplomatskih kanala o svim promjenama vezano za granične prelaze iz stava 1 ovog člana.

3. Nadležni organi Strana se mogu saglasiti, u zavisnosti od slučaja do slučaja, da koriste druge međunarodne granične prelaze.

Član 3 **Procedura readmisije**

1. Zahtjev za readmisiju će se uputiti nadležnim organima navedenim u članu 1 ovog Protokola pisanim putem, mejlom, faksom ili poštom. Odgovori na zahtjev za readmisiju će se poslati nadležnim organima Strane molilje pisanim putem mejlom, faksom ili poštom, upotrebom forme iz Aneksa 1 ovog Protokola.

2. Nakon davanja saglasnosti za readmisiju ili, gdje je to potrebno, nakon isteka vremenskog ograničenja navedenog u članu 10 st 2 i 3 Sporazuma, Strana molilja će uputiti zamoljenoj Strani pismeno obavještenje o modalitetima transfera lica, upotrebom forme iz Aneksa 2 ovog Protokola.

3. Nadležni organi zamoljene Strane će potvrditi pisanim putem modalitete transfera sadržane u obavještenju iz stava 2 ovog člana u roku od tri (3) radna dana od dana prijema zahtjeva. U slučaju da takva potvrda nije poslata smatraće se da je transfer odobren.

Član 4 **Dodatna sredstva i dokumenta**

1. U slučaju da Strana molilja smatra da druga sredstva i dokumenta u odnosu na ona koja su navedena u Aneksima 1 do 5 Sporazuma mogu da se koriste kao dokaz ili prima facie dokaz državljanstva ili uslova za readmisiju državljana trećih zemalja i lica bez državljanstva, takva sredstva i dokumenta mogu se naći u prilogu zahtjeva za readmisiju.

2. Zamoljena Strana će odlučiti da li se sredstva ili dokumenta navedena u stavu 1 ovog člana mogu razmatrati.

Član 5 **Postupak tranzita**

1. Postupak tranzita će se sprovesti u skladu sa članom 14 Sporazuma.

2. Zahtjev za tranzit mora biti podnešen zamoljenoj Strani ne kasnije od sedam (7) radnih dana prije dana planiranog tranzita mejlom, faksom ili poštom. Odgovori na zahtjev za tranzit će se poslati mejlom, faxom ili poštom, upotrebom forme iz Aneksa 3 ovog Protokola, u roku od pet (5) kalendarskih dana od datuma prijema zahtjeva za tranzit.

3. U slučaju promjena u datumu ili drugih modaliteta tranzita koji su prethodno iskomunicirani sa zamoljenom Stranom i odobreni od njene strane, nadležni organi Strane molilje obavijestitiće zamoljenu Stranu bez odlaganja, i ne kasnije od 24 časa od realizovanja tranzita. Ukoliko su promjene prihvatljive, zamoljena Strana će u skladu sa tim odobriti tranzit.

4. U slučaju da modaliteti tranzita, predloženi od strane nadležnog organa Strane molilje nijesu prihvatljivi za nadležni organ zamoljene Strane, drugi modaliteti tranzita će biti dogovoreni u najkraćim mogućim vremenskim rokovima.

Član 6

Uslovi za povratak pod eskortom

1. U skladu sa članom 19 stav 1 (b) Sporazuma, Strane se slažu o sljedećim uslovima za korišćenje eskorta u postupcima readmisije ili tranzita na svojim teritorijama:

a) Eskort će obavljati svoje zadatke nenaoružan i u civilnoj odjeći. Eskort mora u posjedu imati dokumenta kojim će pokazati da su readmisija ili tranzit odobreni, i mora sve vrijeme biti u mogućnosti da dokaže svoj identitet i službeni status;

b) Organi zamoljene Strane obezbijediće eskortu koji obavlja svoje dužnosti u skladu sa Sporazumom i ovim Protokolom istu zaštitu i pomoć koju obezbjeđuju svojim službenicima koji su ovlašćeni da obavljaju takve dužnosti;

c) Eskort mora biti u skladu sa zakonom zamoljene Strane u svim okolnostima. Njihova ovlašćenja su ograničena na samoodbranu. Pored toga, u odsustvu službenika zamoljene Strane koji su ovlašćeni da preduzmu neophodne radnje ili kako bi podržali te službenike, eskort može da preduzme razumne i proporcionalne radnje kao odgovor na neposredan i ozbiljan rizik da bi spriječili lice da pobjegne, povrijedi sebe ili treće strane ili da nanese štetu imovini.

2. Zamoljena Strana može osigurati, ako je to potrebno, nadzor i ukrcavanje predmetnog lica u dogovoru sa osobljem eskorta.

3. U slučaju da eskort Strane molilje pretrpi štetu u obavljanju dužnosti u skladu sa Sporazumom i ovim Protokolom, Strana molilja preuzeće plaćanje svake odštete i neće zahtijevati nikakvu nadokandu od zamoljene Strane.

Član 7

Troškovi transporta

1. Ne dovodeći u pitanje pravo nadležnih organa Stranada nadoknade troškove povezane sa readmisijom lica u postupku readmisije ili trećih strana, svi transportni troškovi nastali u vezi sa readmisijom i tranzitom u skladu sa Sporazumom i ovim Protokolom, u odnosu na granicu države finalne destinacije, snosiće Strana molilja.

2. Mogući troškovi nastali od strane zamoljene Strane u vezi sa readmisijom ili tranzitom koje snosi Strana molilja, u skladu sa članom 15 Sporazuma, biće nadoknađeni od strane Strane molilje u valuti euro u roku od trideset (30) kalendarskih dana od datuma podnošenja relevantne fakture.

3. U slučaju greške u readmisiji, u skladu sa članom 12 Sporazuma, Strana molilja će pokriti troškove readmisije lica, pod uslovom da zamoljena Strana pošalje Strani molilji pismeno detaljno objašnjenje zašto uslovi definisani u čl. 2 i 5 ovog Sporazuma nijesu ispunjeni, kao i sve raspoložive informacije o identitetu, nacionalnosti ili realnoj tranzitnoj ruti lica.

Član 8 **Sastanak eksperata**

1. Strane će sarađivati u analizi pitanja u vezi sa implementacijom Sporazuma i ovog Protokola.

2. Na zahtjev svake od Strana, eskeprtski sastanak se može sazvati u tu svrhu.

Član 9 **Jezik komunikacije**

Tokom implementacije odredaba ovog Protokola, nadležni organi Strana koristiće engleski jezik, kako za usmenu tako i za pisanu komunikaciju.

Član 10 **Aneksi**

Aneksi od 1 do 3 čine sastavni dio ovog Protokola.

Član 11 **Stupanje na snagu, prestanak važenja i amandmani**

1. Strane će obavijestiti jedna drugu pisanim putem diplomatskim kanalima o završetku svojih nacionalnih procedura neophodnih za stupanje na snagu ovog Protokola.

2. Ovaj Protokol će, u skladu sa članom 19 stav 2 Sporazuma, stupiti na snagu prvog dana drugog mjeseca nakon što Zajednički odbor za readmisiju bude obaviješten od strane Republike Grčke da su obje Strane kompletirale svoje relevantne interne procedure.

3. Ovaj Protokol prestaje da važi u isto vrijeme kad i Sporazum.

4. Ne dovodeći u pitanje odredbe člana 1 stava 3 i člana 2 stava 2 ovog Protokola, sve izmjene ovog Protokola usaglasice se pisanim putem i stupice na snagu u skladu sa procedurama iz st. 1 i 2 ovog člana.

Potpisano u..... dana.....u dva originalna primjerka, svaki na crnogorskom, grčkom i engleskom jeziku, pri čemu su svi tekstovi jednako vjerodostojni. U slučaju razlika u tumačenju, tekst na engleskom jeziku je mjerodavan.

Za Vladu Crne Gore

Za Vladu Republike Grčke

ODGOVOR NA ZAHTEJEV ZA READMISIJU

Odgovor na zahtjev za:

- readmisiju državljana Strana
- readmisiju državljana trećih zemalja ili lica bez državljanstva

(Naziv i adresa nadležnog organa zamoljene Strane)

Broj telefona: _____
 Fax: _____
 Broj predmeta: _____
 Datum: _____

A) U SLUČAJU DA JE ODGOVOR POZITIVAN:

Veza: Vaš zahtjev za readmisiju, broj dokumenta _____, od _____ 20__

1. U vezi sa vašim zahtjevom za readmisiju

(ime i prezime, podvući prezime)

rođen/a _____ u _____
 (datum rođenja) (mjesto i opština rođenja)

Želimo da vas obavijestimo da će predmetno lice biti ponovo prihvaćeno u skladu sa:

- članom _____ Sporazuma- readmisija sopstvenih državljana (Ugovorne strane)
- članom _____ Sporazuma- readmisija državljana trećih zemalja i lica bez državljanstva.

Gore pomenutom licu se u tu svrhu izdaje putna isprava/viza (ukoliko je primjenjivo).

2. Dolje navedenoj maloljetnoj djeci se izdaju posebne putne isprave/viza (ukoliko je primjenjivo), i to za:

Ime i prezime- podvući prezime Srodstvo Datum, mjesto i opština rođenja

-
-
3. Kada je u pitanju izdavanje putne isprave/vize, molimo vas da se obratite :

(Naziv diplomatske misije ili konzularnog predstavništva zamoljene Strane)

ŽIG /PEČAT

.....

(potpis službenika nadležnog organa zamoljene Strane)

B) U SLUČAJU DA JE ODGOVOR NEGATIVAN:

Veza: Vaš zahtjev za readmisiju, broj dokumenta _____, od _____ 20__

1. U vezi sa Vašim zahtjevom za readmisiju

(ime i prezime, podvući prezime)

Želimo da vas obavijestimo da predmetno lice neće biti ponovo prihvaćeno.

Razlozi:

(Navesti informacije kojima se potvrđuje da ne postoji obaveza readmisije u skladu sa članom ____ ili ____ Sporazuma)

2. Na osnovu informacija koje posjeduje ovaj organ, predmetno lice je državljanin/ka

(Navesti državljanstvo predmetnog lica, ukoliko je ta informacija dostupna)

ŽIG /PEČAT

.....

(potpis službenika nadležnog organa zamoljene Strane)

Br.	Ime i prezime- podvući prezime	Razlog
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1.		
2.		
3.		
4.		
5.		

Strana molilja obezbjeđuje pratnju.

Zamoljena Strana obezbjeđuje pratnju. Na osnovu analize rizika koju je izradila Strana molilja, neophodna/e je/su pratnja/e nadležnog organa zamoljene Strane.

Ukoliko je neophodno, Strana molilja obezbjeđuje medicinsku pomoć predmetnom/im licu/ima, br.

Ukoliko je neophodno, zamoljena Strana obezbjeđuje medicinsku pomoć predmetnom/im licu/ima, br.

ŽIG /PEČAT

.....

(Potpis službenika nadležnog organa Strane molilje)

ODGOVOR NA ZAHTJEV ZA TRANZIT

Broj telefona: _____

Fax: _____

Broj predmeta: _____

Datum: _____

Predmet: Vaš zahtjev za tranzit od _____ 20 _____

Veza, broj vašeg dokumenta: _____

Operacija tranzita je

- odobrena
- odbijena iz sljedećih razloga:

Preuzimanje od strane službene pratnje se može izvršiti na graničnom prelazu/Aerodromu _____ od strane _____ (broj lica u pratnji ili medicinskog osoblja za pratnju), dana _____ u _____ časova.

ŽIG /PEČAT

.....

(Potpis službenika nadležnog organa zamoljene Strane)

Medicinska pratnja NEOPHODNA

NIJE NEOPHODNA

Ukoliko je neophodna, broj lica u pratnji: _____

Napomene:

ŽIG /PEČAT

.....

(Potpis službenika nadležnog organa zamoljene Strane)

Ovim potvrđujemo prijem obavještenja o vraćanju sljedećeg/ih lica:

ŽIG /PEČAT

.....
(Potpis službenika nadležnog organa zamoljene Strane)

Protocol

between the Government of Montenegro and the Government of the Hellenic Republic implementing the Agreement between the Republic of Montenegro and the European Community on the readmission of persons residing without authorisation signed in Brussels on 18 September 2007

The Government of Montenegro and the Government of the Hellenic Republic, hereinafter referred to as the "Parties",

Pursuant to Article 19 of the Agreement between the Republic of Montenegro and the European Community on the readmission of persons residing without authorisation signed in Brussels on 18 September 2007, hereinafter referred to as the "Agreement",

Have agreed as follows:

Article 1

Competent Authorities

1. In accordance with Article 19 paragraph 1 (a) of the Agreement, the Parties' authorities competent for the submission, reception and processing of readmission and transit applications under the Agreement shall be the following:

a) For Montenegro:

For the implementation of the provisions of the Agreement and the Protocol relating to readmission:

Ministry of Interior of Montenegro

Directorate for Administrative Internal Affairs

Direction for Foreign Nationals, Migration and Readmission

Address: Bulevar Svetog Petra Cetinjskog, 22

81000 Podgorica (Montenegro)

Tel.: + 382 20 225 341

Fax: + 382 20 203 275

E-mail: mupreadmisija@t-com.me

For the implementation of the provisions of the Agreement and the Protocol relating to transit:

Ministry of Interior of Montenegro

Police Directorate

Border Police Section

Department for Aliens, Visas and Prevention of Irregular Migration

Address: Bulevar Svetog Petra Cetinjskog, 22

81000 Podgorica (Montenegro)

Tel.: + 382 20 202 895

Fax: + 382 20 202 896 (Border Police Section)

+ 382 20 246 526 (Duty Service of the Police Directorate)

E-mail: odsjeckpdg@t-com.me

b) For the Hellenic Republic:

Ministry of Citizen Protection

Hellenic Police Headquarters

Migration Management Division

Mailing Address: 4, P. Kanellopoulou ave., GR-101 77-Athens

Telephone: +30213-15.20.414

Fax: +30213-15.27.537

+30213-15.20.811

E-mail: readm.office@astynomia.gr

2. In accordance with the Article 8 paragraph 3 and Article 9 paragraph 6 of the Agreement, the Parties' authorities competent for making arrangements to interview the persons to be readmitted

in order to establish their citizenship and issue the travel document needed for their return are as follows:

For Montenegro:

The Embassy of Montenegro in Athens:

5 Loukianou str, Kolonaki

10675 Athens, Greece

Telephone: 0030 210 7241212

Fax: 0030 210 7241076

E-mail: greece@mfa.gov.me

For the Hellenic Republic:

The Embassy of the Hellenic Republic in Podgorica

Address: Atinska 4 Gorica "C", 81000 Podgorica, Montenegro

Telephone: (00382) 20 655 544, 20 618 170

Fax: (00382) 20 655 543

E-mail: gremb.pod@mfa.gr

3. The Parties shall without delay inform each other in writing both directly and through diplomatic channels on any changes relating to the competent authorities or their contact details.

Article 2

Border Crossing Points

1. In accordance with Article 19 paragraph 1 (a) of the Agreement, the readmission and transit shall be performed at the following border crossing points:

In Montenegro:

International Border Crossing Point Airport Podgorica

Border Police Station Airport Podgorica

Fax: +382 20 225 618

In the Hellenic Republic:

“El. Venizelos” International Airport, Athens

“Makedonia” International Airport, Thessaloniki

2. The Parties shall without delay inform each other in writing both directly and through diplomatic channels on any changes to the border crossing points referred to in paragraph 1 of this Article.

3. The Parties’ competent authorities may agree, on a case by case basis, to use other international traffic border crossing points.

Article 3

Readmission Procedure

1. Readmission applications shall be sent by the competent authorities mentioned in Article 1 of this Protocol in writing by e-mail, fax or courier. Replies to readmission applications shall be sent to the competent authorities of the Requesting Party in writing by e-mail, fax or courier, using the form attached as Annex 1 to this Protocol.

2. After agreement for the readmission has been given or, where appropriate, after expiry of the time limits laid down in Article 10 par. 2 and 3 of the Agreement, the Requesting Party shall send to

the Requested Party a written notification on the modalities of transfer of the person concerned, using the form attached as Annex 2 to this Protocol.

3. The competent authority of the Requested Party shall confirm in writing the transfer modalities contained in the notification mentioned in paragraph 2 of this Article within three (3) working days upon receipt thereof. In case such confirmation is not sent, the transfer shall be deemed to have been approved.

Article 4

Additional means and documents

1. If the Requesting Party considers that other means and documents than those listed in Annexes 1 to 5 of the Agreement can be used as a proof or prima facie evidence of nationality or of the conditions for the readmission of third-country nationals and stateless persons, such means and documents can be attached to the readmission application.

2. The requested Party shall decide whether the means and documents referred to in paragraph 1 of this Article can be taken into consideration.

Article 5

Transit Procedure

1. Transit operations shall take place in accordance with Article 14 of the Agreement.

2. Transit applications shall be sent to the Requested Party not later than seven (7) working days before the date of the planned transit by e-mail, fax or courier. Replies to transit applications shall be sent by e-mail, fax or courier, using the form attached as Annex 3 to this Protocol, within five (5) calendar days from the date of receipt of transit applications.

3. In case of any changes in the date or other transit modalities that had previously been communicated to the Requested Party and approved by it, the Competent Authorities of the Requesting Party shall inform thereon the Requested Party without delay and not later than 24 hours before the transit takes place. If the changes are acceptable, the Requested Party shall accordingly approve the transit.

4. In case the transit modalities suggested by the competent authority of the Requesting Party are not acceptable for the competent authority of the requested Party, other transit modalities shall be agreed within the shortest possible time limits.

Article 6

Conditions for escorted returns

1. Pursuant to Article 19, paragraph 1 (b) of the Agreement, the Parties agree on the following conditions for the use of escorts in readmission or transit procedures on their respective territories:

a) Escorts shall perform their tasks unarmed and in plain clothes. They must be in possession of documents showing that the readmission or transit has been approved, and must at all times be able to prove their identity and official status;

b) The authorities of the requested Party shall provide escorts performing their duties under the Agreement and this Protocol with the same protection and assistance they provide their own officials who are authorized to take such action;

c) Escorts must adhere to the law of the requested Party in all circumstances. Their powers are limited to self-defence. In addition, in the absence of any officials of the requested Party who are authorised to take the necessary action or in order to support such officials, the escorts may take reasonable and proportionate action in response to an immediate and serious risk in order to prevent the person concerned from escaping, injuring himself/herself or third parties or causing damage to property.

2. The requested Party may ensure, if necessary, surveillance and boarding of the person concerned in agreement with escort personnel.

3. In case the escorts of the requesting Party suffer harm in performing their tasks under the Agreement and this Protocol, the requesting Party shall take on the payment of any compensation and shall not demand any refund from the requested Party.

Article 7

Transport Costs

1. Without prejudice to the right of Parties' competent authorities to recover the costs associated with the readmission from the persons to be readmitted or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to the Agreement and this Protocol, as far as the border of the state of final destination, shall be borne by the requesting Party.

2. Possible costs incurred by the requested Party in connection with readmission or transit which are to be borne by the requesting Party, pursuant to Article 15 of the Agreement, shall be reimbursed by the requesting Party in euro within thirty (30) calendar days from the date of submission of relevant invoices.

3. In case of readmission in error, pursuant to Article 12 of the Agreement, the requesting Party shall cover the costs for the readmission of the person concerned, provided that the requested Party sends in writing to the requesting Party detailed explanations why the conditions defined in Articles 2 to 5 of the Agreement have not been fulfilled, as well as all available information on the identity, nationality or real transit route of the person concerned.

Article 8

Meeting of experts

1. The Parties shall cooperate in the analysis of the issues relating to the implementation of the Agreement and this Protocol.
2. Upon request of either Party, an expert meeting may be convened to that purpose.

Article 9.

Communication Language

In implementing the provisions of this Protocol, the competent authorities of the Parties shall use the English language, both for oral and written communication.

Article 10

Annexes

Annexes 1 to 3 shall constitute an integral part of this Protocol.

Article 11.

Entry into Force, Termination and Amendments

1. The Parties shall inform each other in writing through diplomatic channels of the completion of their national procedures necessary for the entry into force of the Protocol.
2. This Protocol shall, in accordance with Article 19, paragraph 2, of the Agreement, enter into force on the first day of the second month after the Joint Readmission Committee has been notified by the Hellenic Republic that both Parties have completed their relevant internal procedures.
3. This Protocol shall cease to apply at the same time as the Agreement.
4. Without prejudice to the provisions of Article 1 paragraph 3 and Article 2 paragraph 2 of this Protocol, any amendments to this Protocol shall be concluded in writing and shall enter into force in accordance with the procedure provided for in paragraphs 1 and 2 of this Article.

Done in.....on.....in two originals, each in the Montenegrin, Greek and English languages, all texts being equally authentic. In case of divergence in the interpretation, the English text shall prevail.

**For the Government
of Montenegro**

**For the Government
of the Hellenic Republic**

REPLY TO THE READMISSION APPLICATION

Reply to the application for:

- readmission of nationals of the Parties
- readmission of third-country nationals or stateless persons

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

Telephone:

Fax:

File number:

Date:

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, underline the surname)

born on _____ in _____

(date of birth)

(place and municipality of birth)

We would like to inform you that the subject person shall be readmitted pursuant to the

- Article of the Agreement- readmission of own nationals (of the Contracting Party)
- Article of the Agreement- Readmission of third-country nationals and stateless persons.

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

2. For the undermentioned minor children separate travel documents/visa shall be issued (if applicable), namely for:

<i>Name and surname- underline the surname</i>	<i>Kinship</i>	<i>Date, place and municipality of birth</i>
--	----------------	--

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 application, file number , as of 20

1. With reference to your application for the readmission of

(name and surname- underline the surname)

We would like to inform you that the subject person shall not be readmitted.

Reasons:

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

2. According to the information held by this authority, the subject person is a national of

(Specify the nationality of the subject person, if such detail is available)

SEAL/STAMP

.....

(signature of the officer of the competent authority of the requested Party)

NOTIFICATION OF READMISSION

(Designation and address of the competent authority of the requesting Party)

Telephone:

Fax:

File number:

Date:

Subject: Notification on transfer of the subject person

We would like to inform you that on _____ *(date, month, year)* from the Airport in _____, by flight number _____, departure time _____ hrs., arriving 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- underline the surname	Date and place of birth	Number and date of application reply Type, number and date of issuance of the travel document
1.			
2.			

3.			
4.			
5.			

II

Information on persons in need for other persons' help, care or attendance due to illness or old age.

No.	Name and surname- underline the surname	Reason
1.		
2.		
3.		
4.		
5.		

III

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

No.	Name and surname- underline the surname	Reason
1.		
2.		
3.		

4.		
5.		

The requesting Party shall provide escort.

The requested Party shall provide escort. According to the risk analysis done by the requesting Party, the escort(s) of the competent authority of the requested Party is/are needed.

If needed, the requesting Party shall provide medical care for the subject person(s), no.

If needed, the requested Party shall provide medical care for the subject person(s), no.

SEAL/ STAMP

.....

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

REPLY TO THE TRANSIT APPLICATION

(Designation and address of the competent authority of the requested Party)

Telephone:

Fax:

File number:

Date:

Subject: Your transit application as of **20**

Ref., your file number:

Transit operation is

- authorised
- refused for the following reasons:

Takeover by the official escort can take place at the border crossing point/ Airport
by _____ (number of escorts or medical escorting personnel), on
at _____ hrs.

SEAL/ STAMP

.....

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

Medical escort

NEEDED

NOT NEEDED

If needed, number of escorts:

Remarks:

SEAL/ STAMP

.....

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

We hereby confirm the receipt of notification on retur of the following person(s):

SEAL/ STAMP

.....

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