

Na osnovu člana 21 stav 2 Zakona o zaključivanju i izvršavanju međunarodnih ugovora („Službeni list CG“, broj 77/08), Vlada Crne Gore na sjednici od _____ 2019. godine, donijela je

ODLUKU

O OBJAVLJIVANJU PROTOKOLA IZMEĐU VLADE CRNE GORE I VLADE KRALJEVINE ŠPANIJE O IMPLEMENTACIJI SPORAZUMA IZMEĐU EVROPSKE ZAJEDNICE I REPUBLIKE CRNE GORE O READMISIJI LICA KOJA SU BEZ DOZVOLE BORAVKA

Član 1

Objavljuje se Protokol između Vlade Crne Gore i Vlade Kraljevine Španije o implementaciji Sporazuma između Evropske zajednice i Republike Crne Gore o readmisiji lica koja su bez dozvole boravka, potpisano u Podgorici, 17. decembra 2018. godine, u originalu na crnogorskom, španskom i engleskom jeziku.

Član 2

Tekst Protokola iz člana 1 ove odluke, u originalu, na crnogorskom jeziku i engleskom jeziku, glasi:

PROTOKOL IZMEĐU VLADE CRNE GORE I VLADE KRALJEVINE ŠPANIJE O IMPLEMENTACIJI SPORAZUMA IZMEĐU REPUBLIKE CRNE GORE I EVROPSKE ZAJEDNICE O READMISIJI (VRAĆANJE I PRIHVATANJE) LICA KOJA SU BEZ DOZVOLE BORAVKA

Vlada Crne Gore i Vlada Kraljevine Španije, u daljem tekstu: „Ugovorne strane“.

U skladu sa Članom 19 Sporazuma između Evropske zajednice i Republike Crne Gore o readmisiji lica koja borave bez dozvole (u daljem tekstu: „Sporazum“), Vlada Crne Gore i Vlada Kraljevine Španije su se, u cilju njegove primjene, dogovorile sledeće:

I. READMISIJA DRŽAVLJANA UGOVORNIH STRANA

Član 1

Dokazivanje državljanstva

- (1) U svrhu implementacije Sporazuma, državljanstvo lica, uz dokumenta pobrojana u Aneksu 1, se dokazuje putem sledećih važećih javnih isprava:
- (a) Za crnogorske državljanke:

- uvjerenje o državljanstvu Crne Gore, zajedno sa drugom važećom javnom ispravom koja sadrži fotografiju.
- (b) Za španske državljanе:
- dodatni dokumenti nijesu potrebni.
- (2) Na osnovu podnošenja gore navedenih javnih dokumenata, nadležni organ zamoljene Ugovorne strane potvrдиće državljanstvo lica, bez daljih formalnosti.

Član 2

Pretpostavka državljanstva

- (1) Državljanstvo se može prepostaviti na osnovu sledećih elemenata, pored dokumenata iz Aneksa 2 Sporazuma:
- (a) fotokopije bilo kojeg dokumenta navedenog u članu 1 Protokola;
 - (b) dokumenata navedenih u članu 1 Protokola čiji rok važenja je istekao ili njihovih fotokopija;
 - (c) bilo kojeg važećeg dokumenta kojim se dokazuje pripadnost vojnim ili policijskim snagama Ugovorne strane;
 - (d) izjave datog lica ili vjerodostojnog svjedoka koja ulazi u službeni zapisnik;
 - (e) upoređivanjem otisaka unešenih u evidenciju Ugovorne strane koja podnosi zahtjev;
 - (f) bilo koji drugi element koji Ugovorna strana koja podnosi zahtjev može smatrati relevantnim.
- (2) Državljanstvo će se smatrati dokazanim ako u gore navedenim slučajevima zamoljena Ugovorna strana to potvrdi.

Član 3

Dodatni načini utvrđivanja državljanstva

Otiske obezbeđuje Ugovorna strana koja podnosi zahtjev, i oni se koriste za utvrđivanje državljanstva od strane Ugovorne strane kojoj se podnosi zahtjev kada je to tehnički moguće.

II. POSTUPAK READMISIJE

Član 4

Zahtjev za readmisiju

- (1) Zahtjev za readmisiju lica se sačinjava u skladu sa članom 7 Sporazuma na propisanom obrascu iz Aneksa 6 Sporazuma.

- (2) U slučaju kada državljanstvo nije utvrđeno u smislu člana 1 ili člana 2 ovog protokola, obaviće se razgovor predviđen članom 8 stav 3 Sporazuma. Zahtjevi za razgovorom se unose u odjeljak F zahtjeva za readmisiju (Aneks 6 Sporazuma). Razgovor se može zahtijevati i kada je dostupan samo prima facie dokaz.
- (3) Razgovor se obavlja na teritoriji i na način koji će biti predmet sporazuma između Ugovornih strana, za svaki pojedinačni slučaj. Sve troškove vezane za organizaciju ovakvih razgovora snosi Ugovorna strana koja podnosi zahtjev za readmisiju. Rokovi predviđeni u članu 10 stav 2 i 3 Sporazuma počinju od trenutka prijema zahtjeva za readmisiju, bez obzira na trenutak kada se razgovor obavlja.
- (4) U slučaju negativnog odgovora na zahtjev za readmisiju, nadležni organ Strane kojoj je podnešen zahtjev mora da navede razloge za odbijanje readmisije. U ovom slučaju, novi zahtjev za readmisiju se može podnijeti za isto lice, pod uslovom da važi jedna od sljedećih okolnosti:
- (a) pojavili su se novi elementi dokaza ili prima facie dokaz,
 - (b) razgovor je zahtijevan, ukoliko nije zahtijevan u prvom zahtjevu.
- (5) Ako se potvrdi, u skladu sa članom 8 i 9 Sporazuma, da postoje uslovi za readmisiju, nadležni organ Ugovorne strane kojoj se podnosi zahtjev će, bez odlaganja, a u periodu ne dužem od 3 radna dana od dana izdavanja takve potvrde, izdati dokument neophodan za readmisiju. Zahtjev od strane lica koje se vraća nije potreban.
- (6) Nadležni organi strane koja podnosi zahtjev će faksom ili elektronskom poštom obavijestiti nadležni organ Ugovorne strane kojoj se podnosi zahtjev o datumu i detaljima leta transfera, kao i korišćenju pravnje, ukoliko je to slučaj. Takva obaveštenja se dostavljaju nadležnom organu Ugovorne strane kojoj se podnosi zahtjev najmanje tri kalendarska dana prije nego što se obavi transfer. Obaveštenje nije potrebno za slučajeve predviđene članom 6 stav 2 Sporazuma, kada je lice bez pravnje.
- (7) Ako lice koje je predmet readmisije zahtijeva medicinsku njegu ili poseban prevoz, Ugovorna strana koja podnosi zahtjev će uz zahtjev za readmisiju ili obaveštenje o transferu, dostaviti takođe i informacije u vezi sa zahtjevima za poseban tretman, kao što su zdravstvena i druga njega, nadzor ili prevoz sanitetskim vozilom. Prenos dodatnih informacija zahtijeva odobrenje od strane povratnika.

III. TRANZIT DRŽAVLJANA TREĆIH ZEMALJA I LICA BEZ DRŽAVLJANSTVA

Član 5

Postupak tranzita

- (1) Postupak tranzita mora se izvesti na način predviđen članom 14 Sporazuma. Tranziti će se isključivo obaviti avionom, u okviru istog aerodroma.
- (2) Zahtjev za tranzit mora biti podnešen nadležnom organu Ugovorne strane koja je primalac zahtjeva, na formularu iz Aneksa 7 Sporazuma.
- (3) Ako lice koje je predmet tranzita zahtjeva medicinsku njegu ili poseban prevoz, Ugovorna strana koja podnosi zahtjev će uz prijavu za readmisiju ili obavještenje o transferu, dostaviti takođe i informacije u vezi sa zahtjevima za poseban tretman, kao što su zdravstvena i druga njega, nadzor ili prevoz sanitetskim vozilom. Prenos dodatnih informacija zahtjeva odobrenje od strane povratnika.
- (4) Zahtjev za tranzit se podnosi bez odlaganja, ali najmanje 5 kalendarskih dana prije planiranog tranzita, faksom ili elektronskom poštom nadležnom organu Ugovorne strane kojoj se podnosi zahtjev.
- (5) Nadležni organ Ugovorne strane kojoj se podnosi zahtjev će obezbijediti odgovor bez odlaganja, a najkasnije u roku od 3 kalendarska dana po prijemu prijave za tranzit, faksom ili elektronskom poštom.
- (6) U slučaju negativnog odgovora, nadležni organi Ugovorne strane kojoj se podnosi zahtjev moraju da obezbijede razloge za odbijanje tranzita.
- (7) Podnosi se dodatno obavještenje o tranzitu državljana treće zemlje ili lica bez državljanstva kojem je nadležni organ Ugovorne strane kojoj se podnosi zahtjev dao prethodnu saglasnost, ukoliko nadležni organ Ugovorne strane koja podnosi zahtjev nije naveo u Aneksu 7 Sporazuma tačan datum, detalje leta, broj pratileca ili druge relevantne podatke.
- (8) Ugovorne strane mogu povući svaku izdatu dozvolu u slučaju kada naknadno nastupe ili se pojave okolnosti iz člana 13, stav 3 Sporazuma, ili kada dalje putovanje u potencijalne zemlje tranzita ili readmisije od strane zemlje destinacije nijesu više garantovani.
- (9) Tokom tranzita, Ugovorna strana koja je uputila zahtjev ostaje odgovorna za državljane trećih zemalja ili lica bez državljanstva, i biće u obavezi da ih ponovno prihvati ukoliko prihvatanje od strane države krajnje destinacije ili druge države tranzita nije više garantovano.

IV. PRATNJA LICA

Član 6

Opšti principi

- (1) Nadležni organ Ugovorne strane koja je primila zahtjev informiše nadležnii organ Ugovorne strane koja je uputila zahtjev o svim činjenicama u vezi bilo kakvog incidenta koji se dogodi tokom postupka readmisije ili tranzita.
- (2) Ugovorna strana koja je primila zahtjev obezbjeđuje istu pomoć i zaštitu policijskim službenicima Ugovorne strane koja je uputila zahtjev, u vršenju njihovih zadataka po ovom Protokolu, kao što je uživaju njeni policijski službenici u vršenju sličnih zadataka.

Član 7

Postupak i uslovi službene pratnje

- (1) Prilikom sprovođenja readmisije ili tranzitne operacije, službena pratnja, kada je potrebna, sprovodi se u skladu sa propisima koji su na snazi u Ugovornoj strani kojoj se podnosi zahtjev.
- (2) Prilikom obavljanja readmisije ili tranzitne operacije, policajci u službi pratnje obavljaju svoju misiju u civilnoj odjeći i nose važeće službene ili zvanične pasoše, ili službene identifikacione kartice, kao i dokaz o dogovorenoj readmisiji ili tranzitu. Pored toga, u toku obavljanja readmisije ili tranzitne operacije, pratnja ne može nositi oružje i druge predmete koji su zabranjeni na teritoriji Ugovorne strane kojoj se podnosi zahtjev.
- (3) Kod tranzita vazdušnim putem, Ugovorna strana koja je primila zahtjev, po potrebi, uz dogovor sa osobljem iz pratnje, može da preuzme obavezu nadzora i ukrcanja lica u avion.
- (4) Nadzor i ukrcavanje lica bez pratnje prilikom tranzita vazdušnim saobraćajem obezbjeđuju policajci Ugovorne strane kojoj se podnosi zahtjev, uz obavezan prethodni pismeni zahtjev iz Poglavlja C (zapažanja) prijave za tranzit i potvrde od Ugovorne strane kojoj se podnosi zahtjev. Ugovorna strana kojoj se podnosi zahtjev može takođe preuzeti mjere na sopstvenu inicijativu.
- (5) Ukoliko tranzit iz prethodnog stava ne može biti sproveden u predviđenom roku, Ugovorna strana kojoj se podnosi zahtjev obavještava Ugovornu stranu koja podnosi zahtjev telefonom, faksom ili elektronskom poštom, koja mora da odgovori, bez odlaganja, a u svakom slučaju u roku od 24 sata, predlažući dalji postupak.

(6) Pratnja je odgovorna za lica koja su predmet readmisije ili tranzita do njihove predaje odgovornim službenicima nadležnog organa države krajnje destinacije.

(7) Pratnja je odgovorna za nošenje putne isprave ili drugih traženih potvrda i ličnih podataka lica koje je predmet readmisije ili tranzita i predaju tih dokumenata odgovornom službeniku nadležnog organa države krajnje destinacije. Pratnja ne može napustiti dogovorenou lokaciju prije završetka predaje lica koje je predmet readmisije ili tranzita.

(8) Pripadnici pratnje se moraju u svim okolnostima pridržavati zakona Ugovorne strane koja je primalac zahtjeva.

(9) Nadležni organi će međusobno saradživati u svim pitanjima koja se odnose na boravak pripadnika pratnje na teritoriji Ugovorne strane koja je primalac zahtjeva. Nadležni organi Ugovorne strane koja je primila zahtjev pripadnicima pratnje obezbjeđuju svu neophodnu pomoć i zaštitu.

V. NADLEŽNI ORGANI I GRANIČNI PRELAZI

Član 8

Nadležni organi

(1) Za implementaciju Sporazuma i ovog protokola nadležni su:
a) za Crnu Goru:

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

Ministarstvo unutrašnjih poslova Crne Gore

Direktorat za građanska stanja i lične isprave

Direkcija za strance, migracije i readmisiju

Adresa: Bulevar Svetog Petra Cetinskog 22

81 000 Podgorica (Crna Gora)

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 (Crna Gora)

Tel: +382 20 202 895

Faks: +382 20 202 896 (Sektor granične policije)

+382 20 246 526 (Operativno komunikacioni centar Uprave policije)

E-mail: odsjekpdg@t-com.me

b) Za Kraljevinu Španiju:

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

Ministarstvo unutrašnjih poslova

Generalni direktorat državne policije

Generalni Komesarijat za strance i granice

Adresa: General Pardiñas 90

28006 Madrid

- Prijave za readmisiju (radno vrijeme) od ponedeljka do petka, od 08:00 do 21:00:

Telefon: +34 913226946

E-mail: cged.0096@policia.es

- Prijave za tranzit (radno vrijeme) od ponedeljka do petka, od 08:00 do 21:00:

Telefon: +34 913226929

E-mail: cged.0013@policia.es

- Prijava za readmisiju i tranzit (van radnog vrijemena):

Telefon: +34 913226839/40/41

E-mail: cged.0039@policia.es

Fax: +34913226842/44

(2) Nadležni organi će jedni druge redovno informisati o svim izmjenama podataka potrebnih za komunikaciju.

- (3) Obavještenja i prijave za readmisiju ili tranzit, kao i odgovori, šalju se od strane nadležnih organa u pisanoj formi putem elektronske pošte, faksa ili redovnom poštom. Poželjno bi bilo da se koristi elektronska pošta.

Član 9

Granični prelazi

- (1) Readmisija ili tranzit lica će se vršiti na sljedećim graničnim prelazima:
- a) u Crnoj Gori, na sljedećim međunarodnim graničnim prelazima:
 - Aerodrom Podgorica.
 - b) u Kraljevini Španiji, na sljedećim međunarodnim graničnim prelazima:
 - Svi međunarodni aerodromi.
- (2) Ugovorne strane će se međusobno bez odlaganja informisati diplomatskim putem o svim promjenama u vezi sa graničnim prelazima predviđenim u prethodnom stavu.

VI. ZAVRŠNE ODREDBE

Član 10

Pokrivanje troškova

- (1) Troškovi Ugovorne strane kojoj se podnosi zahtjev koji se odnose na readmisiju i tranzit koji padaju na teret Ugovorne strane koja podnosi zahtjev u skladu sa članom 15 Sporazuma nadoknadiće u eurima (€) Ugovorna strana koja podnosi zahtjev u najkraćem mogućem roku, po podnošenju uredne fakture.
- (2) Ugovorne strane snose troškove izdavanja putnih isprava svojim državljanima koji su predmet readmisije u skladu sa članom 2 stav 4 i članom 4 stav 4 Sporazuma.

Član 11

Jezik i rješavanje sporova

- (1) U implementaciji ovog protokola koristiće se engleski jezik.
- (2) Bilo kakvi sporovi koji nastanu u implementaciji i/ili interpretaciji ovog protokola će se rješavati konsultacijama između Ugovornih strana.

Član 12

Stupanje na snagu, raskid i izmjene

- (1) Ovaj protokol stupa na snagu na dan kada se Zajednički komitet za readmisiju obavijesti o završetku odgovarajućih državnih procedura neophodnih za stupanje na snagu ovog protokola, u skladu sa članom 19, stav 2, Sporazuma. Navedeno obavještenje će biti poslato od strane španske Ugovorne strane odmah nakon što Ugovorne strane obavijeste jedna drugu o završetku neophodnih državnih procedura.
- (2) Ovaj protokol će biti zaključen na neodređeno vrijeme.
- (3) Ovaj protokol prestaje da važi u isto vrijeme kad i Sporazum.
- (4) Svaka Ugovorna strana može da raskine ovaj protokol slanjem pismenog obavještenja drugoj Ugovornoj strani, putem diplomatskih kanala. Raskid stupa na snagu šest mjeseci nakon datuma prijema poslednjeg obavještenja.
- (5) Ugovorne strane mogu da izmjene ovaj protokol nakon međusobnog dogovora. Izmjene stupaju na snagu u skladu sa procedurom utvrđenom u stavu 1 ovog člana.
- (6) Španska ugovorna strana obavještava Zajednički komitet za readmisiju o svakoj situaciji iz stavova 3, 4 i 5 ovog člana.

Sačinjeno u Podgorici dana, 17. decembra 2018. godine u dva originalna primjerka, svaki na crnogorskom, španskom i engleskom jeziku, pri čemu su svi tekstovi podjednako autentični.

ZA VLADU

CRNE GORE

Mevludin Nuhodžić, s.r.
Ministar unutrašnjih poslova

ZA VLADU

KRALJEVINE ŠPANIJE

Miguel Fuertes Suárez, s.r.
Ambasador Kraljevine Španije

PROTOCOL
BETWEEN THE GOVERNMENT OF MONTENEGRO
AND
THE GOVERNMENT OF THE KINGDOM OF SPAIN
IMPLEMENTING THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC
OF MONTENEGRO ON THE READMISSION
OF PERSONS RESIDING WITHOUT AUTHORISATION

The Government of Montenegro and the Government of the Kingdom of Spain (hereinafter referred to as "the Contracting Parties"),

Pursuant to Article 19 of the Agreement between the European Community and the Republic of Montenegro on the Readmission of Persons Residing without Authorization (hereinafter referred to as "the Agreement"), the Government of Montenegro and the Government of the Kingdom of Spain have, for the purpose of its implementation, agreed the following:

I. Readmission of Nationals of the Contracting Parties

Article 1

Proving Nationality

- (1) For the purpose of the implementation of the Agreement, the nationality of a person shall be proved by means of the following valid documents, in addition to the documents referred to in Annex 1 of the Agreement:
 - (a) For Montenegrin nationals:
 - Certificate of nationality of Montenegro together with another valid public document bearing a photograph;
 - (b) For Spanish nationals:
 - No additional documents are proposed.
- (2) Based on the submission of the aforementioned documents, the Competent Authority of the requested Contracting Party shall acknowledge the nationality of a person without further formalities.

Article 2
Presumption of Nationality

- (1) Nationality may be presumed on the basis of the following elements, in addition to the documents referred to in Annex 2 of the Agreement:
- (a) photocopies of any of the documents listed in Article 1 of the Protocol;
 - (b) documents listed in Article 1 of the Protocol whose period of validity has expired or photocopies thereof;
 - (c) any valid document that proves membership of the armed forces or the police force of a Contracting Party;
 - (d) a statement from the person in question or from a trustworthy witness entered in the official records;
 - (e) comparison of fingerprints entered in the records of the requesting Contracting Party;
 - (f) any other element the requesting Contracting Party may consider relevant.
- (2) Nationality shall be deemed to have been established if in the above cases the requested Contracting Party confirms it.

Article 3
Additional means for establishing nationality

Fingerprints shall be provided by the requesting Contracting Party, and used for establishing nationality by the requested Contracting Party when technically possible.

II. Readmission Procedure

Article 4
Readmission Application

- (1) An application for readmission shall be made in accordance with Article 7 of the Agreement on the prescribed form from Annex 6 of the Agreement.
- (2) In the case where the nationality is not established in terms of Article 1 or Article 2 of this Protocol, an interview as provided for in Article 8(3) of the Agreement shall be held for the purposes of establishing nationality. Interview requests shall be entered in section F of the readmission application (Annex 6 of the Agreement). An interview may also be requested when only *prima facie* evidence is available.

- (3) The interview shall be carried out on the territory and in the manner which will be subject of agreement between Contracting Parties for each single case. All expenses related to the organization of such interviews will be borne by the Contracting Party requesting the readmission. Time limits foreseen in Article 10(2) and 10(3) start running from the moment the readmission application is received, regardless of the moment when the interview takes place.
- (4) In the event of a negative reply to the readmission application, the Competent Authority of the requested Party must provide reasons for its refusal of readmission. In this case, a new readmission application can be submitted for the same person provided one of the following circumstances apply:
- a) New elements of proof or *prima facie* evidence appear;
 - b) An interview is requested, if it was not requested in the first application.
- (5) If it is confirmed, in accordance with Article 8 and 9 of the Agreement, that the conditions for the readmission exist, the Competent Authority of the requested Contracting Party will, without any delay, and in no more than 3 working days from the day of issuance of such confirmation, issue the document necessary for the readmission. No application by the person to be readmitted is needed.
- (6) The Competent Authorities of the requesting Party shall notify, by fax or e-mail, the Competent Authority of the requested Party of the date and flight details of the transfer, as well as the use of escorts, if this is the case. Such notifications are to be sent to the Competent Authority of the requested Party at least three calendar days before the transfer takes place. No notification is needed for cases foreseen in Article 6(2) of the Agreement, when unescorted.
- (7) If the person who is subject to readmission requires medical care or special transport, the requesting Contracting Party shall also submit, together with the readmission application or the transfer notification, information regarding requirements for special treatment, such as health or other care, supervision or ambulance transport. Transmission of supplementary information shall be subject to consent by the returnee.

III. Transit of Third-Country Nationals and Stateless Persons.

Article 5

Transit Procedure

- (1) The transit procedure must be carried out in the manner provided for in Article 14 of the Agreement. Transits shall only take place by air, and within the same airport.

- (2) A transit application must be submitted to the Competent Authority of the requested Contracting Party on the form provided in Annex 7 to the Agreement.
- (3) If the person who is subject to transit requires medical care or special transport, the requesting Contracting Party shall also submit information regarding requirements for special treatment, such as health or other care, supervision or ambulance transport. Transmission of additional information shall be subject to consent by the returnee.
- (4) A transit application shall be submitted without delay but at least 5 calendar days before the planned transit by fax or e-mail to the Competent Authority of the requested Party.
- (5) The Competent Authority of the requested Party shall reply without delay but not later than 3 calendar days following the receipt of the transit application, by fax or e-mail.
- (6) In case of a negative reply, the Competent Authority of the requested Party must provide reasons for its refusal of transit.
- (7) An additional notification about the transit of third-country nationals or stateless persons that the Competent Authority of the requested Party has given prior consent to shall be submitted, if the Competent Authority of the requesting Party has not specified in Annex 7 of the Agreement the exact date, flight details, the number of escorts or other relevant data.
- (8) The Contracting Parties may revoke any issued permit in the event where circumstances referred to in Article 13, paragraph 3 of the Agreement subsequently occur or are established, or where further travel to potential countries of transit or readmission by the destination country is no longer guaranteed.
- (9) During transit, the requesting Contracting Party shall remain responsible for third-country nationals or stateless persons and shall be obliged to readmit them again if admission by the destination country, or transit by a further country, has not been guaranteed.

IV. Escorting of Persons

Article 6

General Principles

- (1) The Competent Authority of the requested Contracting Party shall inform the Competent

Authority of the requesting Contracting Party of all facts regarding any incident occurring during readmission or transit.

- (2) The requested Contracting Party shall provide the same protection and assistance to police officers of the requesting Contracting Party in the performance of their tasks under this Protocol as are enjoyed by its police officers performing similar tasks.

Article 7

Escorting Procedures and Conditions

- (1) When conducting readmission or transit operations, official escort, when needed, shall be conducted pursuant to the regulations in force in the requested Contracting Party.
- (2) When conducting readmission or transit operations, the escorting police officers shall carry out their mission in civilian clothes and carry valid service or official passports or service identification cards, as well as proof of the agreed-upon arrangement in respect of readmission or transit. In addition, when conducting readmission or transit operations, escorts may not carry weapons and other objects which are restricted in the territory of the requested Contracting Party.
- (3) In air transit, the requested Contracting Party may, if necessary, take over responsibility for supervision and boarding of the plane, in agreement with the escorting personnel.
- (4) Supervision and boarding of unescorted persons in air transit shall be provided by police officers of the requested Contracting Party, subject to prior written request in heading C (observations) of the transit application and confirmation by the requested Contracting Party. The requested Contracting Party may also take measures on its own initiative.
- (5) If transit referred to in the preceding paragraph cannot be conducted within the envisaged time frame, the requested Contracting Party shall inform the requesting Contracting Party by phone, fax or e-mail and the latter must respond without delay, and in any case within 24 hours, proposing further procedure.
- (6) The escorts shall be responsible for escorting the persons subject to readmission or transit up to the moment of handing them over to the responsible officials of the Competent Authority of the state of final destination.

- (7) The escorts shall be responsible for carrying the travel document or other required certificates and personal data of the person subject to readmission or transit, and for handing over such items to the representative of the Competent Authority of the state of final destination. The escorts may not leave the agreed location before the handing-over of the person subject to readmission or transit is complete.
- (8) Escorts must adhere to the law of the requested Contracting Party in all circumstances.
- (9) The Competent Authorities shall cooperate with each other on all the issues related to the stay of escorts in the territory of the requested Contracting Party. The Competent Authorities of the requested Contracting Party shall provide the escorts with necessary assistance and protection.

V. Competent Authorities and Border Crossing Points

Article 8

Competent Authorities

- (1) The implementation of the Agreement and this Protocol shall be within the competence of the Competent Authorities as follows:

(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: odsjekkpdg@t-com.me

(b) For the Kingdom of Spain:

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

Ministry of Interior
National Police General Directorate
General Commissariat for Aliens and Borders
Address: General Pardiñas 90
28006 Madrid

- Readmission applications (office hours) Monday to Friday, from 08:00 to 21:00 hours:

Tel.: +34 913226946

E-mail: cged.0096@policia.es

- Transit applications (office hours) Monday to Friday, from 08:00 to 21:00 hours:

Tel.: +34 913226929

E-mail: cged.0013@policia.es

- Readmission and transit applications (outside office hours):

Tel.: +34 913226839/40/41

E-mail: cged.0039@policia.es

Fax: +34 913226842/44

(2) The Competent Authorities shall keep each other informed on any changes to the data required for communication.

- (3) Notifications and readmission or transit applications as well as responses shall be sent by the Competent Authorities in writing by e-mail, fax or regular post. E-mail should preferably be used.

Article 9
Border Crossing Points

- (1) Readmission and transit of persons shall be conducted at the following border crossing points:
- (a) in Montenegro the following International Border Crossing Points:
Airport Podgorica
 - (b) in the Kingdom of Spain the following International Border Crossing Points:
All international airports.
- (2) The Contracting Parties shall immediately inform each other through diplomatic channels of any changes in the list of border crossing points provided in the preceding paragraph.

VI. Final Provisions
Article 10
Covering of Costs

- (1) Costs incurred by the requested Contracting Party in connection with readmission and transit which are to be borne by the requesting Contracting Party in accordance with Article 15 of the Agreement, shall be reimbursed in Euro (€) by the requesting Contracting Party as soon as possible after submission of a valid invoice.
- (2) Each Contracting Party shall bear the costs of the issuance of travel documents to its own nationals according to Articles 2(4) and 4(4) of the Agreement.

Article 11
Language and settlement of disputes

- (1) In implementing this Protocol, English language shall be used.
- (2) Any disputes arising out of the implementation and/or interpretation of this Protocol shall be settled by means of consultations between the Contracting Parties.

Article 12

Entry into force, termination and amendments

- (1) This Protocol shall enter into force on the date of notification to the Joint Readmission Committee about the completion of respective national procedures required for entry into force of this Protocol, in accordance with the Article 19, Paragraph (2) of the Agreement. The said notification shall be sent by the Spanish Contracting Party immediately after the Contracting Parties notify each other on the completion of required national procedures.
- (2) The present Protocol shall be concluded for an indefinite period of time.
- (3) The present Protocol shall cease to be valid at the same time as the Agreement.
- (4) Either Contracting Party may terminate this Protocol by sending a written notification to the other Contracting Party, via diplomatic channels. The termination shall become effective six months after the date of receipt of the last notification thereof.
- (5) The Contracting Parties can amend the present Protocol upon mutual agreement. Amendments shall become effective in accordance with the procedure stipulated in the Paragraph (1) of this Article.
- (6) The Spanish Party shall inform the Joint Readmission Committee on every situation referred to in the Paragraphs (3), (4) and (5) of this Article.

Done at Podgorica on December 17, 2018 in two original copies, each in the Montenegrin, Spanish and English languages, all texts being equally authentic.

FOR THE GOVERNMENT OF MONTENEGRO

Mevludin Nuhodžić
Minister of the Interior

**FOR THE GOVERNMENT OF THE KINGDOM
OF SPAIN**

Miguel Fuertes Suárez
Ambassador of the Kingdom of Spain

Član 3

Ova odluka stupa na snagu osmog dana od dana objavljivanja u „Službenom listu CG-Međunarodni ugovori“.

Broj: _____

Podgorica, _____ 2019. godine

Vlada Crne Gore

Predsjednik,

Duško Marković