

**IMPLEMENTING PROTOCOL
BETWEEN
THE GOVERNMENT OF THE SLOVAK REPUBLIC
AND
THE CABINET OF MINISTERS OF UKRAINE
ON THE IMPLEMENTATION OF THE AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY AND
UKRAINE ON THE READMISSION OF PERSONS**

the Government of the Slovak Republic

and

the Cabinet of Ministers of Ukraine

(hereinafter referred to as “Contracting Parties”);

Following the Article 16 of the Agreement between the European Community and Ukraine on the readmission of persons, done on 18 June 2007 at the City of Luxembourg (hereinafter referred to as “Agreement”);

Desiring to facilitate the cooperation in practical implementation of the provisions of the Agreement concerning transfer and admission of persons who do not fulfil the entry conditions or the conditions for stay on the territory of the State of one of Contracting Parties;

Have agreed as follows:

**ARTICLE 1
COMPETENT AUTHORITIES**

The competent authorities of the Contracting Parties, responsible for the practical implementation of the Agreement and this Implementing Protocol, shall be the following:

- a) for the Slovak Republic:
 - Ministry of Interior of the Slovak Republic;
 - b) for Ukraine:
 - State Migration Service of Ukraine;
 - Administration of the State Border Guard Service of Ukraine;
- (hereinafter referred to as “Competent Authorities”).

ARTICLE 2

COMPETENT AUTHORITIES EMPOWERED FOR THE SUBMISSION, RECEIPT AND PROCESSING OF THE READMISSION AND TRANSIT APPLICATIONS

(1) In accordance with Articles 2 and 3 of the Agreement, the submission, receipt and processing of the readmission and transit applications shall be carried out by the following authorities:

for the Slovak Republic:

- Bureau of Border and Foreign Police of the Presidium of Police Force;
- Directorate of Border and Foreign Police Sobrance;

for Ukraine:

- State Migration Service of Ukraine;
- 94 Border Guard Detachment of the State Border Service of Ukraine (Chop);
- Administration of the State Border Guard Service of Ukraine (for transit by air).

(2) In accordance with Article 5(3) of the Agreement, the submission, receipt and processing of the readmission applications under accelerated procedure shall be carried out by the following authorities:

for the Slovak Republic:

- Directorate of Border and Foreign Police Sobrance;
- Bureau of Border and Foreign Police of the Presidium of Police Force (by air);

for Ukraine:

- 94 Border Guard Detachment of the State Border Service of Ukraine (Chop);
 - Administration of the State Border Guard Service of Ukraine (by air);
- (hereinafter referred to as “Empowered Competent Authorities”).

(3) The Competent Authorities of the Contracting Parties shall notify each other through diplomatic channels about the contact details of the Empowered Competent Authorities listed in paragraphs 1 and 2 of this Article within fourteen (14) calendar days after the date of the entry into force of this Implementing Protocol.

(4) The Competent Authorities of the Contracting Parties shall notify each other through diplomatic channels about any changes regarding to the authorities listed in Articles 1 and 2 of this Implementing Protocol or their contact details.

ARTICLE 3

PLACES FOR READMISSION AND TRANSIT

(1) In accordance with Article 16(1)(b) of the Agreement, the readmission and transit shall take place at the following border crossing points:

- a) at the land border:
 - Vyšné Nemecké (Slovak Republic) – Uzhhorod (Ukraine);
 - Ubl'a (Slovak Republic) – Malyi Bereznyi (Ukraine);
 - Čierna nad Tisou (Slovak Republic) – Chop (Ukraine);
 - Veľké Slemence (Slovak Republic) – Mali Selmentsi (Ukraine).
- b) at the air border:
 - on the territory of the Slovak Republic:
 - International airport M. R. Štefánika Bratislava;
 - International airport Poprad - Tatry;
 - International airport Košice;
 - on the territory of Ukraine:
 - International airport Boryspil;
 - International airport Igor Sikorsky Kyiv (Zhuliany);
 - International airport Uzhhorod.

(2) The Competent Authorities of the Contracting Parties shall notify each other through diplomatic channels about any changes in border crossing points for readmission and transit listed in the paragraph 1 of this Article, without any delay.

(3) The use of other places for readmission and transit, not mentioned in this Article, shall be agreed upon by the Competent Authorities of the Contracting Parties directly on case by case basis.

ARTICLE 4

ACCELERATED READMISSION PROCEDURE

(1) The readmission application with the proposed date and place of transfer of the person concerned shall be submitted by the Empowered Competent Authority of the requesting Contracting Party to the Empowered Competent Authority of the requested Contracting Party within the time limit stipulated in Article 5(3) of the Agreement by electronic means of communication, or individually during the border plenipotentiary meetings.

(2) The Empowered Competent Authority of the requested Contracting Party shall confirm in writing the receipt of the readmission application by electronic means of communication, or individually during the border plenipotentiary meetings to the Empowered Competent Authority of the requesting Contracting Party. The date of receipt of the readmission application shall be the date of registration of the readmission application as the incoming correspondence according to the internal office procedures of the Empowered Competent Authority of the requested Contracting Party.

(3) The Empowered Competent Authority of the requested Contracting Party shall respond in writing by electronic means of communication, or individually during the border plenipotentiary meetings to the readmission application to the Empowered Competent Authority of the requesting Contracting Party within the time limit stipulated in Article 8(3) of the Agreement.

(4) The Empowered Competent Authority of the requested Contracting Party in its answer to the readmission application shall notify about the approval or rejection of the readmission application. In case of approval of the readmission, the Empowered Competent Authority of the requested Contracting Party shall confirm the proposed or notify new date and place of transfer of the person

specified in the readmission application. In case of rejection of the readmission application, the Empowered Competent Authority of the requested Contracting Party shall indicate the reasons for refusing readmission.

(5) Readmission of the person concerned in accordance with Articles 8(6) and 9 of the Agreement shall take place within two (2) working days from the date of the receipt of a positive response to the readmission application in accordance with the paragraph 3 of this Article.

(6) In case of uncertainties concerning the readmission application, the Empowered Competent Authorities of the requested Contracting Party may propose the respective Empowered Competent Authorities of the requesting Contracting Party to hold a meeting for the purpose to checking the information mentioned in the readmission application and making the final decision.

ARTICLE 5

INTERVIEW IN ORDER TO DETERMINE THE NATIONALITY

(1) In case of failure to prove or establish the nationality of the person to be readmitted on the basis of documents mentioned in Annexes 1 and 2 to the Agreement, the Competent Authorities or Empowered Competent Authorities of the requesting Contracting Party shall apply to the diplomatic mission or consular office of the State of the requested Contracting Party in order to conduct an interview of the person concerned with the purpose to prove or establish the nationality of such a person.

(2) The interview of the person mentioned in the paragraph 1 of this Article shall be carried out by representatives of the diplomatic mission or consular office of the State of the requested Contracting Party in the premises provided by the Competent Authority or Empowered Competent Authority of the requesting Contracting Party not later than ten (10) calendar days after the date of receipt of the readmission application.

(3) Within the time limit stipulated in the paragraph 2 of this Article, the diplomatic mission or consular office of the State of the requested Contracting Party shall inform in writing about the results of the conducted interview the Competent Authority or Empowered Competent Authority of the requesting Contracting Party, which asked for this interview.

ARTICLE 6
READMISSION AND TRANSIT PROCEDURE

- (1) The readmission application under the standard procedure or the transit application shall be submitted by the Empowered Competent Authority of the requesting Contracting Party to the Empowered Competent Authority of the requested Contracting Party by electronic means of communication.
- (2) The Empowered Competent Authority of the requested Contracting Party shall confirm in writing the date of receipt of the readmission or transit application by electronic means of communication to the Empowered Competent Authority of the requesting Contracting Party. The date of the receipt of the readmission or transit application shall be the date of the registration of such application as the incoming correspondence according to the internal office procedures of the Empowered Competent Authority of the requested Contracting Party.
- (3) The readmission and transit shall take place on places specified in the Article 3 of this Implementing Protocol.
- (4) The readmission or transit shall be carried out by representatives of the Empowered Competent Authorities of the Contracting Parties.
- (5) On transfer of the person readmitted or transited under escorts, an admission/transfer protocol shall be drawn up in two (2) copies, according to the form specified in the Annex to this Implementing Protocol, one for each Empowered Competent Authority.

ARTICLE 7
CONDITIONS FOR ESCORT

- (1) In case of need of an escort for readmission or transit of the person concerned, the Competent Authority or Empowered Competent Authority of the requesting Contracting Party shall indicate such need in section “D” of the readmission application or in section “C” of the transit application.
- (2) The Competent Authorities of the requesting Contracting Party shall determine Escorts. Escorts are responsible for:

- a) the escort of the person to be readmitted or transited;
- b) carrying and safekeeping of travel and other required documents, and handing them over to the relevant competent authority of the State of destination.

(3) The Escorts of the requesting Contracting Party shall be in plain-clothes and be unarmed. They shall be able to prove their identity, the nature of their mission and their official position during the transportation under escort by presenting the readmission or transit authorization issued by the Competent Authority of the requested Contracting Party, or any other document.

(4) The Competent Authorities of the requested Contracting Party shall grant the same protection and assistance to Escorts of the requesting Contracting Party while performing their duties as they grant to their own Escorts authorized to take such action.

(5) Escorts during their stay in the territory of the State of the requested Contracting Party shall abide by the national legislation of that State. Thus, in accordance with the national legislation of the State of the requested Contracting Party, the Escorts shall be provided with the protection against criminal encroachment. The competence of the Escorts shall be limited to the self-defence; however, in case of an extreme necessity, the Escorts shall be able to respond to an immediate and serious threat in a justified and appropriate manner in order to prevent a person to be readmitted or transited from escaping, from his/her self-injury or injury of the third parties or property damages.

(6) The Escorts shall stay at the location of admission/transfer of a person to be readmitted agreed upon beforehand, until his/her admission by the respective Empowered Competent Authority is completed.

ARTICLE 8

COSTS

All costs incurred by the requested Contracting Party associated with readmission or transit shall be borne by the requesting Contracting Party in accordance with Article 12 of the Agreement and reimbursed in EURO within thirty (30) calendar days after the receipt of the documents proving the existence of such costs.

ARTICLE 9
LANGUAGE IN COMMUNICATION

The Contracting Parties shall communicate in their official languages or English language while implementing the Agreement and this Implementing Protocol.

ARTICLE 10
SETTLEMENT OF DISPUTES

Any dispute between the Contracting Parties concerning the interpretation or the implementation of this Implementing Protocol shall be settled through consultations and negotiations. Where they cannot be settled directly, those shall be brought before the Joint Readmission Committee.

ARTICLE 11
AMENDMENTS

The Contracting Parties may, upon mutual consent, amend this Implementing Protocol. Such amendments shall constitute an integral part of this Implementing Protocol and enter into force in accordance with the procedure specified in Article 12 (2)(3) of this Implementing Protocol.

ARTICLE 12
ENTRY INTO FORCE AND TERMINATION

(1) This Implementing Protocol is concluded for an unlimited period and shall be terminated upon termination of the Agreement.

(2) The Contracting Parties shall notify each other in writing through diplomatic channels about the completion of all internal legal procedures necessary for the entry into force of this Implementing Protocol.

(3) The Slovak Contracting Party shall without delay notify the Joint Readmission Committee about the completion by the Contracting Parties of the relevant internal legal procedures and shall inform the Ukrainian Contracting Party thereof. This Implementing Protocol shall enter into force thirty (30) days after receiving by Ukrainian Contracting Party of Slovak notification

informing that Joint Readmission Committee has been notified in accordance with Article 16(2) of the Agreement.

(4) This Implementing Protocol may be terminated at any time by any of the Contracting Parties by sending relevant written notification through diplomatic channels to the other Contracting Party. In such case it shall cease to be in force on the ninetieth (90th) day after the date of the receipt of such notification by the other Contracting Party.

Done at on in duplicates, each in the Slovak, Ukrainian and English languages, each of these texts being equally authentic. In case of divergence in interpretation in this Implementing Protocol, the English text shall prevail.

**FOR
THE GOVERNMENT OF
THE SLOVAK REPUBLIC**

**FOR
THE CABINET OF MINISTERS OF
UKRAINE**

ANNEX
TO THE IMPLEMENTING PROTOCOL BETWEEN THE GOVERNMENT
OF THE SLOVAK REPUBLIC AND THE CABINET OF MINISTERS
OF UKRAINE ON THE IMPLEMENTATION OF THE AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY AND UKRAINE ON THE
READMISSION OF PERSONS

Admission/Transfer Protocol	
On ____-____-____ at ____ in (day/month/year) (border crossing point)	
Readmitted to the Slovak Republic / Ukraine:	
1) sex (name and surname, father's name) (M/F)	
Born on in (date of birth) (place of birth)	
Citizenship Travel document (type, number, date of issue and validity term, issuing authority)	
2) Readmitted minor accompanied by the person referred to in point 1 sex (name, surname, date of birth) (M/F)	
3) Additional information (e.g. health condition, valuables, financial resources, other)	
4) Observations of the readmitted person	
5) List of attached documents	
The protocol has been done in two copies in the Slovak and Ukrainian/English languages, each of these texts being equally valid.	
For the Requesting Party (name and surname, position)	For the Requested Party (name and surname, position)