

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

The Austrian Federal Government and the Government of the Republic of Armenia (hereinafter each referred to as "the Contracting Party", "the Party" or together as "the Contracting Parties") have agreed on the following pursuant to Article 20 of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization (hereinafter "Readmission Agreement"):

Article 1

Competent Authorities

(1) The competent authorities for the implementation of the Readmission Agreement on the Austrian side are:

a. For the transmission of readmission applications:

Federal Ministry of the Interior

Federal Office for Immigration and Asylum Directorate

b. For the receipt of readmission applications for Austrian nationals as well as for third-country nationals and stateless persons:

Federal Ministry of the Interior

c. For the implementation of readmissions in Austria (Articles 5 and 6 of the Readmission Agreement) and of transit operations (Articles 14 and 15 of the Readmission Agreement):

Federal Ministry of the Interior

(2) The competent authorities for the implementation of the Readmission Agreement on the Armenian side are:

a. For the transmission of readmission applications:

Migration and Citizenship Service

Ministry of Internal Affairs of the Republic of Armenia

b. For the receipt of readmission applications for Armenian nationals as well as for third-country nationals and stateless persons:

Migration and Citizenship Service

Ministry of Internal Affairs of the Republic of Armenia

c. For the implementation of readmissions in Armenia (Articles 3 and 4 of the Readmission Agreement) as well as transit operations (Articles 14 and 15 of the Readmission Agreement):

Migration and Citizenship Service

Ministry of Internal Affairs of the Republic of Armenia

Article 2

Content, transmission and reply to the readmission application

(1) The necessary content of readmission applications shall be determined in accordance with Article 8 of the Readmission Agreement.

(2) A common form to be used for readmission applications is attached as Annex 5 to the Readmission Agreement.

(3) Readmission applications, the confirmation of their receipt, answers thereto and all other related messages shall be submitted via the Readmission Case Management Electronic System (hereinafter referred to as the "RCMES") or, if necessary, by other secure communication channels, including electronic communication such as e-mail. In the case of an electronic transmission of the application, the transmission report shall be deemed to constitute confirmation of receipt of the readmission application. Until otherwise notified to the Armenian Party, Austria shall receive incoming applications for readmission or transit only via e-mail.

(4) When submitting readmission applications and replying to them, the time limits of Article 11 of the Readmission Agreement must be observed.

(5) If a person has been apprehended within the border region (including airports) of the requesting Party after illegally crossing the border, coming directly from the territory of the requested Party, the requesting Party may submit a readmission application within two (2) working days of the apprehension (in accordance with Article 7 (3) of the Readmission Agreement).

Article 3

Procedure for conducting interviews

(1) If no identification documents pursuant to Annexes 1 and 2 of the Readmission Agreement can be presented, the competent diplomatic or consular representation of the requested Party shall conduct the interview pursuant to Article 9 (3) of the Readmission Agreement in coordination with the requesting Authority at the earliest possible time.

(2) The conducting of the interview is incumbent on:

- Upon request by the authorities of the Republic of Austria:

Embassy of the Republic of Armenia in Vienna

- Upon request by the authorities of the Republic of Armenia:

Embassy of the Republic of Austria in Tbilisi

(3) The interview shall, in principle, take place as soon as possible and on the premises of the competent authorities of the requested Party, but may also take place in another suitable place or by means of video and audio technology upon consultation between the competent authorities of the Contracting Parties.

(4) A representative of the competent authority of the requesting Party may be present during the interview of the person to be readmitted.

(5) The competent authority of the requested Party shall inform the competent authority of the requesting Party about the result of the interview without undue delay after the interview, but no later than the next working day. A written reply to the readmission application in question, including the result of the interview, shall be given no later than within three (3) working days after the interview.

(6) In case of a rejection of the readmission application due to insufficient identification of the person to be readmitted there is reason to assume that the determination of nationality can be effectuated by an additional interview, such an additional interview shall be carried out as soon as possible, upon the proposal of one of the competent authorities of the Contracting Parties.

Article 4

State border crossing points

(1) Readmission and transit may take place at the following state border crossing points:

a. on Austrian territory:

Vienna International Airport

Vienna-Schwechat

City Police Headquarters Schwechat

Border Police Inspectorate

b. on Armenian territory:

Zvartnots International Airport

(2) In individual cases, state border crossing points approved for international rail, air or road transport may also be used for the readmission and transit of persons.

Article 5

Transfer modalities and mode of transportation

(1) Upon consent of the competent authority of the requested Party to the readmission, or after the expiry of the time limit set out in Article 11 (2) of the Readmission Agreement, a written communication shall be sent by the competent authority of the requesting Party to the competent authority of the requested Party containing the following information:

- Mode of transfer (air, sea or land);
- Place of entry (state border crossing point);
- Date of transfer;
- Time of the transfer;
- Whether the transfer takes place with escort personnel.

(2) The communication shall be made by sending the transfer form attached as Annex to this Protocol to the competent authority of the requested Party referred to in Article 1. Such communication shall be made via the RCMES, or, if necessary, by other means of secure communication channels, including electronic means such as e-mail, no later than three (3) working days prior to the date of transfer of a person to be readmitted.

(3) If the date of transfer has to be postponed by the competent authority of the requesting Party due to formal or practical obstacles, the competent authority of the requested Party shall be informed immediately. In the event of postponement of the transfer date, the competent authority of the requesting Party shall make another communication in accordance with paragraph 1.

(4) If the date of the transfer has to be postponed by the competent authority of the requested Party due to formal or practical obstacles, the competent authority of the

requesting Party shall be informed immediately and a new date for the transfer may be arranged.

Article 6

Transit request

(1) The transit application shall be submitted from the requesting Party to the competent authority of the requested Party via the RCMES, or, if necessary, by other means of secure communication channels, including electronic means such as e-mail at least ten (10) days before the envisaged transit and in accordance with the form attached as Annex 6 to the Readmission Agreement.

(2) The competent authority of the requested Party shall answer to the transit request via the RCMES, or, if necessary, by other means of electronic communication such as e-mail.

(3) In addition to the minimum content set forth in Article 15 (1) of the Readmission Agreement, the written application for transit shall, if necessary, also contain the following information:

- Information on any special need for assistance, care or support due to illness or age of the person to be transported;

- Information about the possible requirement for special protection or security measures.

(4) The additional information referred to in paragraph 3 shall be provided under item C ("*Remarks*") of the common form to be used for transit applications (Annex 6 to the Readmission Agreement).

(5) The requesting Party shall notify the competent authority of the requested Party via the RCMES, or, if necessary, by other means of secure communication channels, including electronic communication such as e-mail, at least one (1) day prior to the planned transit, of any changes with respect to the time of transfer and/or the intended point of entry in writing. The requested Party shall reconfirm the changed time of transfer and/or the changed place of entry.

Article 7

Modalities of escorted readmission or transit

(1) If the return or transit is carried out under escort by personnel of the competent authority of the requesting Party (hereinafter: escorting personnel), the competent

authority of the requesting Party shall provide the following information regarding the escorting personnel: First and last name; rank of the escorting personnel, if applicable; type, number, date of issuance and period of validity of their passports; flight number; date and time of arrival and departure.

(2) Escorting personnel must be able to identify themselves at all times during escorted readmission or transit, as well as to prove their authorization and the nature of their task connected to the readmission or transit.

(3) The authorities of the escorting personnel shall be limited to self-defence and emergency assistance. If the readmission or transit is carried out under police escort, the escorting personnel shall carry out the readmission or transit unarmed and in civilian clothing. The escorting personnel may not undertake any sovereign acts outside the territory of the requesting Party.

(4) The escorting personnel shall comply with the legal framework of the requested Party.

(5) Upon mutual consent, the competent authorities of the requested Party shall assist in the readmission or transit operations within the territory of the requested Party, in particular by surveilling the person concerned and by providing appropriate facilities for that purpose.

Article 8

Costs

(1) In case a Contracting Party has incurred costs that it is not obliged to bear pursuant to Article 16 of the Readmission Agreement, these costs shall be reimbursed by the Contracting Party obliged to bear the costs within 30 days of receipt of the invoice by bank transfer in Euro.

(2) If any costs have incurred in case of readmission in error pursuant to Article 13 of the Readmission Agreement, the requested Party shall provide the requesting Party with a comprehensive written justification as to why the conditions laid down in Articles 3 to 6 of the Readmission Agreement are not met, together with all available information on the actual identity, nationality or transit route of the person to be returned.

Article 9

Contact details

The competent authorities of the Contracting Parties shall notify each other immediately in writing of the contact details (address, telephone, fax, e-mail) of the competent authorities, embassies and state crossing points referred to in Articles 1, 3 and 4 of this Protocol and of any changes thereof.

Article 10

Consultations

(1) The competent authorities of the Contracting Parties shall cooperate in the implementation of the Readmission Agreement and this Protocol as well as in related matters.

(2) At the request of any of the competent authorities of the Contracting Parties, consultations on the implementation and application of this Protocol shall be held at the competent level within three (3) months. The venue for the meeting shall be determined jointly. In coordination between the competent authorities of the Contracting Parties, consultations may be conducted using video and audio technology.

(3) If no understanding can be reached, attempts for a solution shall be initiated through diplomatic channels.

Article 11

Language

(1) English is agreed as the common language for communication in the implementation of this Protocol and the Readmission Agreement.

(2) The Parties shall provide each other with all documents and records the competent authorities are required to transmit to each other in the framework of the implementation of the Readmission Agreement and this Protocol, such as the forms annexed to the Readmission Agreement, in the English language.

Article 12

Final provisions

(1) The Contracting Parties shall inform each other through diplomatic channels on the completion of their national procedures, necessary for the entry into force of this Protocol. The Contracting Party, following the receipt of the last notification, shall notify the Joint Readmission Committee accordingly, in accordance with Article 20 (2) of the Readmission

Agreement. This Protocol shall enter into force on the first day of the second month following the date of such notification to the Joint Readmission Committee.

(2) This Protocol is concluded for an indefinite period of time.

(3) In case of termination of the Readmission Agreement, this Protocol shall cease to be in force at the same time.

(4) In case of temporary suspension of the Readmission Agreement or a part thereof, the implementation of this Protocol shall be deemed to be temporarily suspended at the same time.

(5) This Protocol may be terminated at any time by either Contracting Party in writing through diplomatic channels. The period of notice shall be three months from the date of receipt of the notice of termination.

(6) Amendments and additions to the present Protocol may be made by mutual agreement between the Parties in writing through diplomatic channels. Any amendments or additions shall enter into force under the same conditions as foreseen for the entry into force of this Protocol.

DONE at Vienna on 18 July 2023, in two originals, each in the English, German, and Armenian languages, all three texts being equally authentic. In case of divergence, the English text shall prevail.

For the Austrian Federal Government	For the Government of the Republic of Armenia
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Alexander Schallenberg m. p.

Ararat Mirsojan m. p.

Annex

TRANSFER INFORMATION

Pursuant to Article 5 of the Protocol between the Austrian Federal Government and the Government of the Republic of Armenia on the Implementation of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation.

PERSONAL DETAILS AND DETAILS OF TRANSFER

1. Full name (underline surname):

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2. Date of birth:

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3. Type of transfer (by air or land):

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4. Date:

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5. Time:

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6. Place of transfer (state border crossing point):

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7. State of health:

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8. Escorted transfer: ☐ yes ☐ no

9. Security measures to be taken at place of destination:

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(Signature of the requesting authority) (seal/stamp)

