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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorisation

AGREEMENT
BETWEEN THE EUROPEAN UNION
AND THE REPUBLIC OF BELARUS
ON THE READMISSION OF PERSONS
RESIDING WITHOUT AUTHORISATION

EU/BY/en 1

EU/BY/en 2

THE EUROPEAN UNION, hereinafter referred to as “the Union”,

and

THE REPUBLIC OF BELARUS, hereinafter referred to as “Belarus”,

hereinafter jointly referred to as “the Parties”,

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territory of Belarus or of a Member State of the Union, and to facilitate the transit of such persons in a spirit of cooperation,

EMPHASISING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, the Member States of the Union and Belarus arising from international law and, in particular, from the Convention of 28 July 1951 relating to the Status of Refugees and its Protocol of 31 January 1967,

CONSIDERING that, in accordance with the Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, the United Kingdom of Great Britain and Northern Ireland and Ireland will not take part in this Agreement unless they notify their wish to that effect in accordance with that Protocol,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union, do not apply to the Kingdom of Denmark, in accordance with the Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union,

HAVE AGREED AS FOLLOWS:

SECTION I

DEFINITIONS AND FUNDAMENTAL PRINCIPLES

ARTICLE 1

Definitions

For the purpose of this Agreement:

- (a) “Parties” shall mean the Union and Belarus;

- (b) “national of Belarus” shall mean any person who holds the nationality of Belarus;
- (c) “national of a Member State” shall mean any person who holds the nationality, as defined for Union purposes, of a Member State;
- (d) “Member State” shall mean any Member State of the Union bound by this Agreement;
- (e) “third-country national” shall mean any person who holds a nationality other than that of Belarus or of a Member State;
- (f) “stateless person” shall mean any person who does not hold a nationality;
- (g) “residence permit” shall mean a permit of any type issued by Belarus or a Member State entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;
- (h) “visa” shall mean an authorisation issued or a decision taken by Belarus or a Member State which is required with a view to entry to, or transit through, its territory. This shall not include an airport transit visa;

- (i) “Requesting State” shall mean the State (Belarus or a Member State) submitting a readmission application pursuant to Article 8 or a transit application pursuant to Article 15;
- (j) “Requested State” shall mean the State (Belarus or a Member State) to which a readmission application pursuant to Article 8 or a transit application pursuant to Article 15 is addressed;
- (k) “competent authority” shall mean any national authority of Belarus or of a Member State entrusted with the implementation of this Agreement in accordance with Article 20(1)(a);
- (l) “transit” for the purpose of Section V shall mean the passage of a third-country national or a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination;
- (m) “border region” shall mean an area which extends up to 30 kilometres from the common land border between a Member State and Belarus, as well as the international airports of the Member States and of Belarus.

ARTICLE 2

Fundamental principles

While strengthening cooperation on preventing and combating illegal migration, the Requested State and Requesting State shall, in the application of this Agreement to persons falling within its scope, ensure respect for human rights and for the obligations and responsibilities following from relevant international instruments applicable to the Parties, in particular from:

- the 1948 Universal Declaration of Human Rights;
- the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms;
- the 1965 International Convention on the Elimination of All Forms of Racial Discrimination;
- the 1966 International Covenant on Civil and Political Rights;
- the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the 1951 Geneva Convention relating to the Status of Refugees and its Protocol of 1967.

The Requested State shall in particular ensure, in compliance with its obligations under those international instruments, the protection of the rights of persons readmitted to its territory.

SECTION II

READMISSION OBLIGATIONS OF BELARUS

ARTICLE 3

Readmission of own nationals

1. Belarus shall readmit:
 - (a) upon application by a Member State and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in or residence on the territory of the Requesting State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of Belarus;
 - (b) minor unmarried children of the persons mentioned in point (a), regardless of their place of birth or their nationality, unless they have an independent right of residence in the Requesting State;
 - (c) spouses, holding another nationality or being stateless, of the persons mentioned in point (a), provided they have or receive the right to enter and stay in the territory of Belarus, unless they have an independent right of residence in the Requesting State; and

(d) persons who have been deprived of, or who have renounced, the nationality of Belarus since entering the territory of a Member State, unless such persons have at least been promised naturalisation by that Member State.

2. After Belarus has given a positive reply to the readmission application, the competent diplomatic or consular representation of Belarus shall, irrespective of the will of the person to be readmitted, immediately, free of charge and not later than within three working days of that reply, issue the travel document required for the return of the person to be readmitted with a period of validity of six months. If Belarus has not, within those three working days, issued the travel document, it shall be deemed to accept the use of the European travel document for return of illegally staying third-country nationals in the form set out in Regulation (EU) 2016/1953 of the European Parliament and of the Council¹ (“European travel document for return”).

3. If, for legal or other reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic or consular representation of Belarus shall, within three working days of a positive reply to the readmission application and free of charge, issue a new travel document with a period of validity of the same duration. If Belarus has not, within those three working days, issued that new travel document, it shall be deemed to accept the use of the European travel document for return.

¹ Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994 (OJ EU L 311, 17.11.2016, p. 13).

ARTICLE 4

Readmission of third-country nationals and stateless persons

1. Belarus shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in or residence on the territory of the Requesting State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a residence permit issued by Belarus;
- (b) hold, or at the time of entry held, a valid visa issued by Belarus accompanied by a proof of entry to the territory of Belarus; or
- (c) illegally entered the territory of the Member States directly after having stayed on, or transited through, the territory of Belarus.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third-country national or stateless person has only been in airside transit via an international airport of Belarus; or

- (b) the Requesting State has issued to the third-country national or stateless person a visa or residence permit before or after entering its territory unless:
 - (i) he or she is in possession of a visa or residence permit, issued by Belarus, which has a longer period of validity;
 - (ii) the visa or residence permit issued by the Requesting State has been obtained by using forged or falsified documents, or by making false statements; or
 - (iii) he or she fails to observe any condition attached to the visa.
3. Without prejudice to Article 7(2), after Belarus has given a positive reply to the readmission application, the Requesting State shall issue to the person whose readmission has been accepted the European travel document for return.

SECTION III

READMISSION OBLIGATIONS OF THE UNION

ARTICLE 5

Readmission of own nationals

1. A Member State shall readmit:
 - (a) upon application by Belarus and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in or residence on the territory of Belarus provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of that Member State;
 - (b) minor unmarried children of the persons mentioned in point (a), regardless of their place of birth or their nationality, unless they have an independent right of residence in Belarus;
 - (c) spouses, holding another nationality or being stateless, of the persons mentioned in point (a), provided they have or receive the right to enter and stay in the territory of the Requested State, unless they have an independent right of residence in Belarus; and

(d) persons who have been deprived of, or who have renounced, the nationality of a Member State since entering the territory of Belarus, unless such persons have at least been promised naturalisation by Belarus.

2. After the Requested State has given a positive reply to the readmission application, the competent diplomatic or consular representation of that Member State shall, irrespective of the will of the person to be readmitted, immediately, free of charge and not later than within three working days of that reply, issue the travel document required for the return of the person to be readmitted with a period of validity of six months. If the Requested State has not, within those three working days, issued the travel document, it shall be deemed to accept the use of the standard travel document of Belarus for expulsion purposes set out in Annex 7.

3. If, for legal or other reasons, the person to be readmitted cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic or consular representation of the Requested State shall, within three working days of a positive reply to the readmission application and free of charge, issue a new travel document with a period of validity of the same duration. If the Requested State has not, within those three working days, issued that new travel document, it shall be deemed to accept the use of the standard travel document of Belarus for expulsion purposes set out in Annex 7.

ARTICLE 6

Readmission of third-country nationals and stateless persons

1. A Member State shall readmit, upon application by Belarus and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in or residence on the territory of Belarus provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such persons:

- (a) hold, or at the time of entry held, a residence permit issued by the Requested State;
- (b) hold, or at the time of entry held, a valid visa issued by the Requested State accompanied by a proof of entry to the territory of the Requested State; or
- (c) illegally entered the territory of Belarus directly after having stayed on, or transited through, the territory of the Requested State.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third-country national or stateless person has only been in airside transit via an international airport of the Requested State; or

(b) Belarus has issued to the third-country national or stateless person a visa or residence permit before or after entering its territory unless:

(i) he or she is in possession of a visa or residence permit, issued by the Requested State, which has a longer period of validity;

(ii) the visa or residence permit issued by Belarus has been obtained by using forged or falsified documents, or by making false statements; or

(iii) he or she fails to observe any condition attached to the visa.

3. The readmission obligation in paragraph 1 applies to:

(a) the Member State that issued a visa or residence permit;

(b) if two or more Member States issued a visa or residence permit, the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid;

(c) if all the visa and residence permits have already expired, the Member State that issued the document with the most recent expiry date;

(d) if no visa or residence permit can be presented, the Member State of last exit.

4. Without prejudice to Article 7(2), after the Member State has given a positive reply to the readmission application, Belarus shall issue to the person whose readmission has been accepted the travel document required for his or her return set out in Annex 7.

SECTION IV

READMISSION PROCEDURE

ARTICLE 7

Principles

1. Subject to paragraph 2 of this Article, any transfer of a person to be readmitted on the basis of an obligation set out in Articles 3 to 6 shall require the submission of a readmission application to the competent authority of the Requested State.
2. If the person to be readmitted is in possession of any valid travel document listed in Annex 1 and, in the case of a third-country national or stateless person, of a valid visa or residence permit for the Requested State, the transfer of such person may take place without the Requesting State having to submit a readmission application or written notification referred to in Article 12(1) to the competent authority of the Requested State.

3. Without prejudice to paragraph 2, if a person has been apprehended in the border region of the Requesting State after illegally crossing the border coming directly from the territory of the Requested State, the Requesting State may submit a readmission application within two working days following the apprehension of that person (the “accelerated procedure”).

ARTICLE 8

Readmission application

1. To the extent possible, the readmission application shall contain the following information:
 - particulars of the person to be readmitted (e.g. given names, surnames, date of birth and where possible place of birth, and last place of residence) and, where applicable, particulars of any spouse and/or minor unmarried children;
 - in relation to own nationals, indication of the means of proof or *prima facie* evidence of nationality as set out in Annexes 1 and 2 respectively;
 - in relation to third-country nationals and stateless persons, indication of the means of proof or *prima facie* evidence of the conditions for the readmission of third-country nationals and stateless persons as set out in Annexes 3 and 4 respectively;

- photograph of the person to be readmitted;
 - where relevant, fingerprints, in accordance with the applicable legislation of the Requesting State.
2. To the extent possible, where necessary the readmission application shall also contain the following information:
- a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to that statement; and
 - any other protection, security measure or information concerning the health of the person, which may be necessary in the case of an individual transfer.
3. A common form to be used for readmission applications is attached as Annex 5.
4. A readmission application may be submitted by any means of communication including electronic means such as fax or e-mail.

ARTICLE 9

Means of evidence regarding nationality

1. Proof of nationality pursuant to point (a) of Article 3(1) and point (a) of Article 5(1) may be furnished by the documents listed in Annex 1, even if their period of validity has expired. If such documents are presented, the Member States and Belarus shall mutually recognise the nationality without further investigation being required. Proof of nationality may not be furnished through false documents.

2. *Prima facie* evidence of nationality pursuant to point (a) of Article 3(1) and point (a) of Article 5(1) may be furnished by the documents listed in Annex 2, even if their period of validity has expired. If such documents are presented, the Member States and Belarus shall deem the nationality to be established, unless they can prove otherwise. *Prima facie* evidence of nationality may not be furnished through false documents.

3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic or consular representation of the Requested State concerned shall, upon a request from the Requesting State which is to be included in the readmission application, interview the person to be readmitted without undue delay, at the latest within seven calendar days from the day that request is submitted, in order to establish his or her nationality. The procedure for such interviews may be established in implementing Protocols as provided in Article 20.

ARTICLE 10

Means of evidence regarding third-country nationals and stateless persons

1. Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Articles 4(1) and 6(1) shall be furnished through the means of evidence listed in Annex 3. Such proof may not be furnished through false documents. Any such proof shall be mutually recognised by the Member States and Belarus without any further investigation being required.
2. *Prima facie* evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Articles 4(1) and 6(1) shall be furnished through the means of evidence listed in Annex 4. Such *prima facie* evidence may not be furnished through false documents. Where such *prima facie* evidence is presented, the Member States and Belarus shall deem the conditions to be established, unless they can prove otherwise.
3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned from which the necessary visa or other residence permit for the territory of the Requesting State is missing. A statement by the Requesting State that the person concerned has been found not to have the necessary travel documents, visa or residence permit shall likewise provide *prima facie* evidence of the unlawful entry, presence or residence.

ARTICLE 11

Time limits

1. The application for readmission shall be submitted to the competent authority of the Requested State within a maximum of 180 days after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not fulfil, or no longer fulfils, the conditions in force for entry, presence or residence. Where there are legal or other obstacles to the application being submitted in time, the time limit shall, upon request by the Requesting State, be extended but only until those obstacles have ceased to exist.
2. A readmission application shall be replied to in writing:
 - within two working days of its submission if the application has been made under the accelerated procedure; or
 - within 10 calendar days of its submission in all other cases.

These time limits shall begin to run on the date of receipt of the readmission request. If no reply is received within the relevant time limit, the transfer shall be deemed to have been agreed to.

Reply to a readmission application may be submitted by any means of communication including electronic means such as fax or e-mail.

3. Reasons shall be given in writing for the refusal of a readmission request.

4. After agreement has been given or, where appropriate, after expiry of the relevant time limit laid down in paragraph 2, the person concerned shall be transferred within three months. On request of the Requesting State, this time limit may be extended by the time taken to deal with legal or other obstacles.

ARTICLE 12

Transfer modalities and modes of transportation

1. Without prejudice to Article 7(2), before returning a person the competent authorities of the Requesting State shall notify the competent authorities of the Requested State in writing at least 72 hours in advance regarding the transfer date, the international point of entry, possible escorts and other information relevant to the transfer.
2. Transportation may take place by any means including by air. Return by air shall not be restricted to the use of the national carriers of Belarus or the Member States and may take place using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to authorised persons of the Requesting State, provided that they are authorised persons of Belarus or any Member State.
3. If the transfer takes place by air, possible escorts shall be exempted from having to obtain necessary visas.

ARTICLE 13

Readmission in error

The Requesting State shall take back any person readmitted by the Requested State if it is established and justified, within a period of three months after the transfer of the person concerned, that the requirements laid down in Articles 3 to 6 are not met.

In such cases, the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.

SECTION V

TRANSIT OPERATIONS

ARTICLE 14

Principles

1. The Member States and Belarus should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.

2. Belarus shall allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall authorise the transit of third-country nationals or stateless persons if Belarus so requests, provided that both the onward journey in possible other States of transit and the readmission by the State of destination are assured.

3. Transit may be refused by Belarus or a Member State:

- (a) if the third-country national or stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his or her race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit;
- (b) if the third-country national or stateless person would be subject to criminal sanctions in the Requested State or in another State of transit; or
- (c) on grounds of public health, domestic security, public order or other national interests of the Requested State.

4. Belarus or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In this case, the Requesting State shall take back the third-country national or stateless person, as necessary and without delay.

ARTICLE 15

Transit procedure

1. An application for transit operations shall be submitted to the competent authority of the Requested State in writing and shall contain the following information:
 - (a) type of transit (by air, sea or land), possible other States of transit and intended destination;
 - (b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and where possible place of birth, nationality, language, type and number of travel document);
 - (c) envisaged international point of entry, time of transfer and possible use of escorts; and
 - (d) a declaration that in, the view of the Requesting State, the conditions pursuant to Article 14(2) are met, and that no reasons for a refusal pursuant to Article 14(3) are known of.

A common form to be used for transit applications is attached as Annex 6.

A transit application may be submitted by any means of communication including electronic means such as fax or e-mail.

2. The Requested State shall, within three working days after receipt of the application and in writing, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal. If no reply is received within those three working days the transit shall be deemed to have been agreed to.

Reply to a transit application may be submitted by any means of communication including electronic means such as fax or e-mail.

3. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

4. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION VI

COSTS

ARTICLE 16

Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of destination shall be borne by the Requesting State.

SECTION VII

DATA PROTECTION AND NON-AFFECTION CLAUSE

ARTICLE 17

Data protection

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Belarus or a Member State, as the case may be. The processing and treatment of personal data in a particular case, including its transfer to authorities of the other Party, shall be subject to the domestic laws of Belarus and, where the controller is a competent authority of a Member State, to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council¹. In any event, the following shall apply:

- (a) personal data must be processed fairly, lawfully and in a transparent manner in relation to the data subject;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ EU L 119, 4.5.2016, p. 1).

- (c) personal data must be adequate, relevant and limited to what is necessary in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
- particulars of the person to be transferred (e.g. given names, surnames, any previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality),
 - passport, identity card or driving licence (number, period of validity, date of issue, issuing authority, place of issue),
 - stop-overs and itineraries,
 - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement, such as a photograph or fingerprints,
 - special circumstances relating to the transferee, including any indication that he or she is a dangerous person or concerning the state of his or her health or any indication of and data concerning health for the purpose of the provision of health care or health treatment under the responsibility of a professional subject to the obligation of professional secrecy;

- (d) personal data must be accurate and, where necessary, kept up to date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) personal data must be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures;
- (g) both the communicating authority and the receiving authority must take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this Article, in particular because those data are not adequate, relevant or accurate, or because they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
- (h) upon request, the receiving authority must inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (i) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
- (j) the communicating and the receiving authorities must make a written record of the communication and receipt of personal data.

ARTICLE 18

Non-affected clause

1. This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, its Member States and Belarus arising from international law including from international conventions to which they are party, in particular from the international instruments listed in Article 2, and from:

- international conventions determining the State responsible for examining applications for asylum lodged;
- international conventions on extradition and transit; and
- multilateral international conventions and agreements on the readmission of foreign nationals.

2. Nothing in this Agreement shall prevent the return of a person under formal or informal arrangements other than those referred to in paragraph 1.

SECTION VIII

IMPLEMENTATION AND APPLICATION

ARTICLE 19

Joint Readmission Committee

1. The Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a joint readmission committee (the “Committee”) which shall, in particular, have the following tasks:

- (a) to monitor the application of this Agreement;
- (b) to decide on implementing arrangements necessary for the uniform application of this Agreement;
- (c) to have regular exchanges of information on the implementing Protocols drawn up by individual Member States and Belarus pursuant to Article 20; and
- (d) to recommend amendments to this Agreement and its Annexes.

2. The decisions of the Committee shall be binding on the Parties.
3. The Committee shall be composed of representatives of the Union and Belarus.
4. The Committee shall meet when necessary at the request of one of the Parties.
5. The Committee shall establish its rules of procedures.

ARTICLE 20

Implementing Protocols

1. Without prejudice to the direct applicability of this Agreement, on request by a Member State or Belarus, Belarus and a Member State shall draw up an implementing Protocol which shall, *inter alia*, cover rules on:

- (a) designation of the competent authorities, border crossing points and exchange of contact points;
- (b) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;
- (c) means and documents additional to those listed in Annexes 1 to 4;

(d) modalities for readmission under the accelerated procedure;

(e) procedure for interviews.

2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the Committee has been notified.

3. Belarus shall agree to apply any provision of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter and subject to the practical feasibility of its application to Belarus. The Member States shall agree to apply any provision of an implementing Protocol drawn up by a Member State also in their relations with Belarus, upon request of the latter and subject to the practical feasibility of its application to other Member States.

ARTICLE 21

Relation to bilateral readmission agreements or arrangements of Member States

Without prejudice to Article 23(3), the provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been or may, under Article 20, be concluded between individual Member States and Belarus, in so far as the provisions of the latter are incompatible with those of this Agreement.

SECTION IX

FINAL PROVISIONS

ARTICLE 22

Territorial application

1. Subject to paragraph 2, this Agreement shall apply to the territory in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applicable and to the territory of Belarus.
2. This Agreement shall apply to the territory of the United Kingdom of Great Britain and Northern Ireland and of Ireland only pursuant to a notification by the Union to Belarus to that effect.

This Agreement shall not apply to the territory of the Kingdom of Denmark.

ARTICLE 23

Entry into force, duration and termination

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures.

2. This Agreement shall enter into force on the first day of the second month following the date on which the last Party has notified the other that the procedures referred to in paragraph 1 have been completed.

3. The obligations set out in Articles 4 and 6 shall only become applicable two years after the date referred to in paragraph 2 of this Article, except in the cases referred to in Article 7(3). During that two-year period, those obligations shall nevertheless be applicable to stateless persons and nationals from third countries with which Belarus has concluded bilateral agreements on readmission.

During that two-year period, existing bilateral readmission agreements and bilateral border agreements between Member States and Belarus shall also continue to apply in their relevant parts.

4. This Agreement shall apply to the United Kingdom of Great Britain and Northern Ireland and to Ireland on the first day of the second month following the date of the notification referred to in Article 22(2).

5. This Agreement is concluded for an unlimited period.

6. Each Party may, by officially notifying the other Party and after prior consultation of the Committee, completely or partly, temporarily suspend the implementation of this Agreement. The suspension shall enter into force on the second day following the day of such notification.

7. Each Party may denounce this Agreement by officially notifying the other Party. This Agreement shall cease to be in force six months after the date of such notification.

ARTICLE 24

Annexes

Annexes 1 to 7 shall form an integral part of this Agreement.

Done in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Russian languages, each of these texts being equally authentic.

For the European Union

For the Republic of Belarus

(...)

(...)

COMMON LIST OF DOCUMENTS THE PRESENTATION
OF WHICH IS CONSIDERED AS PROOF OF NATIONALITY

(Articles 3(1)(a), 5(1)(a) and 9(1))

- Passports of any kind (national passports, diplomatic passports, service passports, and surrogate passports including children's passports),
- *Laissez-passer* issued by the Requested State,
- Identity cards of any kind (including temporary and provisional ones),
- Service books and military identity cards,
- Seaman's registration books and skippers' service cards,
- Citizenship certificates and other official documents that mention or clearly indicate citizenship,

- Confirmation of identity as a result of a search carried out in the Visa Information System in accordance with Regulation (EC) No 767/2008 of the European Parliament and of the Council¹,
- In the case of Member States not using the Visa Information System, positive identification established from visa application records of those Member States.

¹ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ EU L 218, 13.8.2008, p. 60).

COMMON LIST OF DOCUMENTS THE PRESENTATION
OF WHICH IS CONSIDERED AS *PRIMA FACIE* EVIDENCE OF NATIONALITY

(Articles 3(1)(a), 5(1)(a) and 9(2))

- Photocopies of any of the documents listed in Annex 1,
- Driving licenses or photocopies thereof,
- Birth certificates or photocopies thereof,
- Company identity cards or photocopies thereof,
- Statements by witnesses,
- Statements made by the person concerned and language spoken by him or her, including by means of an official test result,
- Any other document which may help to establish the nationality of the person concerned,
- Fingerprints.

COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED
AS PROOF OF THE CONDITIONS FOR THE READMISSION
OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS

(Articles 4(1), 6(1) and 10(1))

- Visa and/or residence permit issued by the Requested State,
- Entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic, electronic or biometric evidence),
- Official statements made, in particular, by border authority staff and other witnesses who can testify to the person concerned crossing the border,
- Official statement by the person concerned in judicial or administrative proceedings.

COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED
AS *PRIMA FACIE* EVIDENCE OF THE CONDITIONS FOR THE READMISSION
OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS

(Articles 4(1), 6(1) and 10(2))

- Documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the Requested State,
- Named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the Requested State,
- Information showing that the person concerned has used the services of a courier or travel agency,
- Description issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State,

- Information related to the identity and/or stay of a person which has been provided by an international organisation (e.g. the United Nations High Commissioner for Refugees),
 - Reports/confirmation of information by family members, travelling companions, etc.,
 - Statement by the person concerned,
 - Fingerprints.
-

Common form to be used for readmission applications (Article 8)



[Emblem of the Republic of Belarus]

.....
.....
.....

(Designation of requesting authority)

.....
(Place and date)

Reference:
.....

To
.....
.....
.....

(Designation of requested authority)

- ACCELERATED PROCEDURE (Article 7(3))

- INTERVIEW REQUEST (Article 9(3))

READMISSION APPLICATION
pursuant to Article 8 of the Agreement of between
the European Union and the Republic of Belarus
on the readmission of persons residing without authorisation

A. Personal details

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Civil status: married single divorced widowed

If married: name of spouse

Names and age of children (if any):

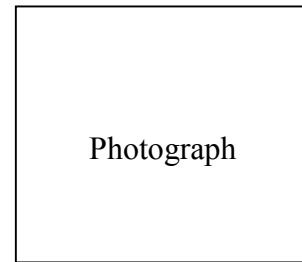
.....

.....

.....

8. Last address in the Requested State:

.....



B. Personal Details of spouse (If appropriate)

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

C. Personal Details of Children (If appropriate)

1. Full name (underline surname):

.....

2. Date and place of birth:

.....

3. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

4. Nationality and language:

.....

D. Special circumstances relating to the transferee

1. State of health

(e.g. possible reference to special medical care; Latin name of contagious disease):

.....

2. Indication of particularly dangerous person

(e.g. suspected of serious offence; aggressive behaviour):

.....

E. Means of evidence attached

1.

.....

(Passport No.)

.....

(date and place of issue)

.....

(issuing authority)

.....

(expiry date)

2.

.....

(Identity card No.)

.....

(date and place of issue)

.....

(issuing authority)

.....

(expiry date)

3.

.....

(Driving licence No.)

.....

(date and place of issue)

.....

(issuing authority)

.....

(expiry date)

4.

.....

(Other official document No.)

.....

(date and place of issue)

.....

(issuing authority)

.....

(expiry date)

F. Fingerprints (where relevant)

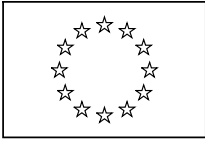
G. Observations

.....
.....
.....

.....

(Signature) (Seal/stamp)

Common form to be used for transit applications (Article 15)



[Emblem of the Republic of Belarus]

.....
.....

(Designation of requesting authority)

.....
.....

(Place and date)

Reference:

.....

To

.....
.....
.....

(Designation of requested authority)

TRANSIT APPLICATION

pursuant to Article 15 of the Agreement of between
the European Union and the Republic of Belarus
on the readmission of persons residing without authorisation

A. Personal details

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

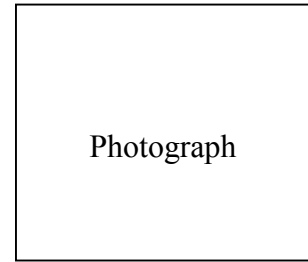
.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....



B. Transit operation

1. Type of transit

by air

by land

by sea

2. State of destination

.....

3. Possible other States of transit

.....

4. Proposed border crossing point, date, time of transfer and possible escorts

.....

.....

.....

5. Admission guaranteed in any other transit State and in the State of destination
(Article 13(2))

yes no

6. Knowledge of any reason for a refusal of transit
(Article 13(3))

yes no

C. Observations

.....
.....
.....
.....

.....
(Signature) (Seal/stamp)

STANDARD TRAVEL DOCUMENT USED FOR PURPOSES OF
EXPULSION BY THE REPUBLIC OF BELARUS

Emblem of
the Requesting State

TRAVEL DOCUMENT
for the purpose of readmission

Valid for one time exit / entry
(delete as applicable)

from _____
(State name)

to _____
(State name)

Surname _____

First name _____

Date of birth _____ Sex _____ Height _____

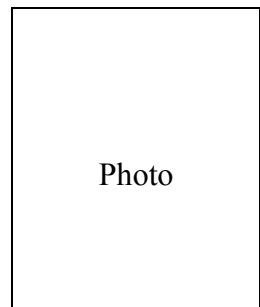
Citizenship _____

Distinctive marks _____

This travel document is valid

from _____
(day/month/year)

to _____
(day/month/year)



Issuing authority _____

Ground for issue _____

Date of issue _____

(day/month/year)

Signature of public officer _____

(place of seal)

No. _____

(sequence number of the form)

JOINT DECLARATION
ON TECHNICAL AND FINANCIAL SUPPORT

Both Parties agree to implement this Agreement based on the principles of joint responsibility, solidarity and equal partnership to manage the migratory flows between Belarus and the Union.

In this context, the Union is committed to making available financial resources in order to support Belarus in the implementation of this Agreement. In doing so, special attention will be devoted to capacity building. Such support is to be provided in the context of the overall priorities for assistance in favour of Belarus, as part of the overall funding available for Belarus and in full respect of the relevant implementation rules and procedures for external assistance by the Union.

JOINT DECLARATION
CONCERNING THE KINGDOM OF DENMARK

The Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark, nor to nationals of the Kingdom of Denmark. In such circumstances it is appropriate that Belarus and the Kingdom of Denmark conclude a readmission agreement in the same terms as this Agreement.

JOINT DECLARATION
CONCERNING THE REPUBLIC OF ICELAND AND THE KINGDOM OF NORWAY

The Parties take note of the close relationship between the Union and the Republic of Iceland and the Kingdom of Norway, particularly by virtue of the Agreement of 18 May 1999 concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that Belarus concludes a readmission agreement with the Republic of Iceland and the Kingdom of Norway in the same terms as this Agreement.

JOINT DECLARATION
CONCERNING THE SWISS CONFEDERATION

The Parties take note of the close relationship between the Union and the Swiss Confederation, particularly by virtue of the Agreement of 26 October 2004 between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that Belarus concludes a readmission agreement with the Swiss Confederation in the same terms as this Agreement.

JOINT DECLARATION
CONCERNING THE PRINCIPALITY OF LIECHTENSTEIN

The Parties take note of the close relationship between the Union and the Principality of Liechtenstein, particularly by virtue of the Protocol of 28 February 2008 between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that Belarus concludes a readmission agreement with the Principality of Liechtenstein in the same terms as this Agreement.