

**PROTOCOL
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF GEORGIA
IMPLEMENTING THE AGREEMENT
BETWEEN THE EUROPEAN UNION AND GEORGIA
ON
THE READMISSION OF PERSONS RESIDING WITHOUT AUTHORISATION**

The Government of the Republic of Lithuania and the Government of Georgia, hereinafter referred to as “the Contracting Parties”,

Wishing to ensure the implementation of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation (hereinafter referred to as “the Agreement”);

Pursuant to the provisions of Article 19 of the Agreement,

HAVE AGREED AS FOLLOWS:

**Article 1
Competent Authorities**

1. Pursuant to the provisions of Article 19(1)(a) of the Agreement, the following competent authorities of the states of the Contracting Parties shall bear responsibility for the implementation of the Agreement:

In the Republic of Lithuania:

a) Receipt, submission and handling of readmission applications:

Migration Department
under the Ministry of the Interior of the Republic of Lithuania
L. Sapiegos 1, LT-10312 Vilnius
Tel.: +370 5 271 7112/271 7284/271 9490
Fax: +370 5 271 8210
E-mail: mdinfo@vrm.lt

b) Receipt, submission and handling of transit applications:
State Border Guard Service
under the Ministry of the Interior of the Republic of Lithuania
Savanorių 2, LT-03116 Vilnius
Tel.: +370 5 271 9305
Fax: +370 5 271 9306
E-mail: dvks@vsat.vrm.lt

In Georgia:
Ministry of Internal Affairs of Georgia
Patrol Police Department
Contact Point: International Relations Unit
Address: Noe Ramishvili 38, Tbilisi, 0190, Georgia
Tel./ Fax: +995 322 418522; +995 322 418515
E-mail: readmission@mia.gov.ge

2. The competent authorities of the states of the Contracting Parties referred to in paragraph (1) of this Article shall immediately inform each other through diplomatic channels about any changes in the list of the competent authorities or their contact information.

Article 2
State Border Crossing Points

1. The readmission and admission in transit of citizens of the states of the Contracting Parties and of third country nationals as well as stateless persons (hereinafter referred to as "persons to be readmitted") shall take place at the following state border crossing points of the states of the Contracting Parties:

In the Republic of Lithuania:

Vilnius International Airport

Rodnijos kelias 2, Vilnius LT-02189, Lithuania

Tel.: +370 5 215 1370, +370 655 00176

E-mail: vilnius.vsat.vr.voupkp@vsat.vrm.lt

State enterprise Kauno Aerostas (Kaunas Airport)

Karmėlava, Kaunas district LT-54460, Lithuania

Tel.: +370 37 399 319

E-mail: kauno.ou.u@vsat.vrm.lt

Palanga International Airport

Liepojos plentas 1, Palanga LT-00169, Lithuania

Tel.: +370 46 053 688

E-mail: ws72105@vsat.vrm.lt

Šiauliai International Airport

Lakūnų 4, Šiauliai LT-77103, Lithuania

Tel.: +370 41 598 512

E-mail: zokniu.pu.bd@vsat.vrm.lt

In Georgia:

Tbilisi International Airport

2. The competent authorities of the states of the Contracting Parties shall immediately inform each other through diplomatic channels of any changes in the list of the border crossing points provided in paragraph (1) of this Article.

Article 3

Documents to be Submitted with an Application for Readmission

1. A standard readmission application form, attached as Annex 5 to the Agreement (hereinafter referred to as “a Readmission Application”), shall be completed in accordance with Article 7 thereof and shall be sent to the competent authority of the state of the Requested Contracting Party by post or via a courier together with supplementary documents listed in paragraph (2) of this Article. A Readmission Application may be submitted via any means of communication, including electronic means of communication. A fax delivery report shall constitute a proof of delivery of a Readmission Application.

2. Apart from a Readmission Application, if possible, in every case the competent authority of the state of the Requesting Contracting Party shall submit to the competent authority of the state of the Requested Contracting Party the documents listed in Annexes 1-4 to the Agreement, a completed standard form “European Fingerprints’ Standard” with fingerprints and a photograph of the person with regard to which a Readmission Application is submitted (not a scanned or otherwise made copy of the photograph). If the evidence provided for in Annexes 2-4 is to be submitted, it must be clear and accurate in order to enable its verification which would lead to determination whether the readmission obligation of the Requested Contracting Party exists.

Article 4
Interviews

1. If the competent authority of the state of the Requesting Contracting Party, apart from a Readmission Application, cannot submit any documents listed in Annexes 1-2 of the Agreement or if the documents submitted are insufficient and if the necessity of interviewing a person to be readmitted is indicated in a Readmission Application, the competent authority of the state of the Requested Contracting Party which examines a Readmission Application shall organise an interview of a person to be readmitted according to the procedure provided for in this Article.

2. A person to be readmitted shall be interviewed by:

On behalf of the Republic of Lithuania: officials of the diplomatic representation of the Republic of Lithuania in Georgia;

On behalf of Georgia: officials of the diplomatic representation of Georgia in the Republic of Lithuania.

3. An interview of a person to be readmitted must be organised no later than within 4 (four) working days as of the date of receipt of a Readmission Application which includes an interview request. The Requesting Contracting Party shall ensure bringing of a person to be interviewed to the diplomatic mission or consular post of the state of the Requested Contracting Party. Upon agreement between the Contracting Parties, an interview can be held outside a building of the diplomatic mission or consular post and in such case, the costs related to holding of an interview (transportation) shall be covered by the Requesting Contracting Party. The reply to a Readmission Application, which includes the results of an interview of a person to be readmitted, shall be submitted to the competent authority of the state of the Requesting Contracting Party as soon as possible but no later than within the term provided for in Article 10(2) of the Agreement.

4. The term for responding to a Readmission Application provided for in paragraph

(3) of this Article shall be calculated as of the date of receipt of a Readmission Application by the competent authority of the state of the Requested Contracting Party.

5. If a person to be readmitted fails to arrive to the interview at a set time, and the Requested Contracting Party does not receive any information from the Requesting Contracting Party regarding a request to change the interview time of a person to be readmitted, and there is no other evidence necessary for the processing of the readmission, the Requested Contracting Party shall submit in written a negative reply to the Readmission Application. In such cases, the Requesting Contracting Party, wishing to readmit the same person, must re-submit an application to the Requested Contracting Party.

Article 5

Documents to be Submitted at the Time of Transfer of a Person to be Readmitted

1. Following the approval by the Requested Contracting Party of a Readmission Application, the Requesting Contracting Party shall send a written notice to the Requested Contracting Party, which will contain the details of a person to be readmitted and the information concerning the transfer of such a person, attaching a copy of the consent of the Requested Contracting Party to take over a person to be readmitted.

2. The notice indicated in paragraph (1) of this Article shall be submitted by completing a Transfer Form, attached as Annex 1 to this Protocol (hereinafter referred to as “a Transfer Form”). A Transfer Form shall be submitted by e-mail or fax to the competent authority of the state of the Requested Contracting Party not later than 3 (three) working days before the date of transfer of a person to be readmitted.

3. If the date of transfer of a person to be readmitted (hereinafter referred to as “Transfer Date”) is postponed by the Requesting Contracting Party, because of legal or practical obstacles, the competent authority of the state of the Requesting Contracting Party shall immediately inform the competent authority of the state of the Requested

Contracting Party to which a Readmission Application is submitted, about the postponement.

4. In the case of a postponement as referred to in paragraph (3) of this Article, the competent authority of the state of the Requesting Contracting Party shall update a Transfer Form in line with the provisions of paragraph (2) of this Article.

5. If the Transfer Date is postponed because of legal or practical obstacles of the Requested Contracting Party, the competent authority of the state of the Requested Contracting Party shall immediately inform the competent authority of the state of the Requesting Contracting Party about the postponement and propose a new Transfer Date.

Article 6 **Transit Request**

1. In addition to the provisions of Article 14(1) of the Agreement, if need be, a Transit Request must contain the following:

a) Information on special needs related to nursing care or care for the elderly of a person in transit because of illness or age of such a person;

b) Information on a possible need for security or protection measures with regard to a person in transit and/or escort personnel accompanying him/her.

2. The information mentioned in paragraph (1) of this Article shall be filled in the section C ("Remarks") of a Joint Transit Request Form provided in Annex 6 to the Agreement (hereinafter referred to as "a Transit Request Form").

3. Pursuant to Articles 13 and 14 of the Agreement:

1) A Transit Request must be submitted to the competent authority of the state of

the Requested Contracting Party via e-mail or fax no later than 15 (fifteen) days prior to the planned transit;

2) The competent authority of the state of the Requested Contracting Party shall reply to a Transit Request via e-mail or fax within the term prescribed in Article 14(2) of the Agreement. The competent authority of the state of the Requested Contracting Party shall also indicate if it agrees with the transit, the date, the designated state border crossing point of the Requested Contracting Party, transportation mode and members of the accompanying escort;

3) If the Requesting Contracting Party deems assistance of the Requested Contracting Party as a necessary step, this must be indicated in a Transit Request Form. The competent authority of the state of the Requested Contracting Party shall then confirm whether or not it can provide assistance requested by the Requesting Contracting Party;

4) In the event of escorted travel by air, the competent authority of the state of the Requested Contracting Party shall secure and provide assistance for the boarding of a person who is a subject of transit, to the greatest extent possible. In such a case the escort personnel of the Requesting Contracting Party should also be present.

4. The Requesting Contracting Party shall accept back to the territory of its state, without any delay, a person who is a subject of transit as referred to in Article 13(4) of the Agreement if:

1) Approval for transit has been denied or withdrawn as referred to in Article 13(3) of the Agreement; or

2) A person who is a subject of transit has illegally entered the territory of the state of the Requested Contracting Party; or

3) Approval for transit or readmission has been denied by another transit country or the final destination country; or

4) Transit cannot be approved based on other circumstances.

Article 7

Escorted Readmission and Transit

Pursuant to Article 19(1)(b) of the Agreement, the Contracting Parties shall agree on the following provisions related to the escorted transfer or transit of a person to be readmitted through the territories of their states:

- 1) Escort personnel shall be responsible for escorting persons to be readmitted and for their transfer to the representatives of the competent authorities of the destination country;
- 2) Escort personnel shall perform their duties unarmed and in plain clothes. Escort personnel must possess documents proving the approval of readmission or transit by the Requested Contracting Party. They shall also carry their official identification documents;
- 3) The Requested Contracting Party shall provide escort and assistance through the engagement of its personnel which is authorised to perform such tasks;
- 4) Escort shall be organised in accordance with the legislation effective in the state of the Requested Contracting Party. During escort or transit operations, personnel's authorisation shall be limited to self-defence. In case of inability of the Requested Contracting Party to provide adequate assistance to the escort personnel of the Requesting Contracting Party, or in case there is a need to support the assisting personnel in obviously dangerous situations, the escort personnel is authorised to act in a reasonable and proportionate manner to prevent a person who is a subject of readmission or transit from escaping, hurting himself/herself or any other persons, or from damaging the property;
- 5) The escort personnel shall be responsible for carrying travel documents and any

other documents related to a person who is a subject of readmission or transit, as well as for the delivery of these documents to a representative of the competent authority of the destination country;

6) The escort personnel are not allowed to leave the transfer location before the delivery of a person who is a subject of readmission or transit;

7) The competent authority of the state of the Requesting Contracting Party shall provide valid visas for its escort personnel for all transit countries or the destination country, if necessary.

Article 8 **Coverage of Costs**

Costs related to readmission or transit operations incurred by the Requested Contracting Party, which shall be covered by the Requesting Contracting Party in accordance with Article 15 of the Agreement, shall be reimbursed by the Requesting Contracting Party in euros within 30 days from the date of receipt of the invoice.

Article 9 **Experts' Consultations**

The Contracting Parties shall agree to establish a bilateral experts' commission. The competent authorities of the states of the Contracting Parties indicated in Article 1 of this Protocol shall appoint members of the commission and shall inform the competent authorities of the state of the other Contracting Party thereof. Consultations about the implementation of this Protocol shall be organised as the need arises.

Article 10
Language of Communication

The language of communication and cooperation between the Contracting Parties as they conduct the procedures under the Agreement and this Protocol shall be English.

Article 11
Relationship with other Agreements

This Protocol shall not affect the rights, obligations and responsibilities of the Contracting Parties arising from other international agreements.

Article 12
Dispute Resolution

Disputes and disagreements, which may arise with regard to interpretation or application of the provisions of this Protocol, shall be solved by negotiations and/or consultations.

Article 13
Entry into Force, Duration and Termination of the Protocol

1. This Protocol shall enter into force on the first day of the next month after the Joint Readmission Committee as referred to in Article 18 of the Agreement is informed thereof through diplomatic channels. Such notice shall be submitted immediately after the Contracting Parties notify each other through diplomatic channels on the completion of internal procedures, necessary for the entry into force of this Protocol. Following the exchange of notifications regarding the completion of internal procedures necessary for the entry into force of this Protocol, the Lithuanian Contracting Party shall notify the Joint

Readmission Committee thereof through diplomatic channels. The Lithuanian Contracting Party shall inform the Georgian Contracting Party of the mentioned notification to the Joint Readmission Committee.

2. If the Agreement becomes ineffective, this Protocol shall also become ineffective.

3. The Contracting Parties may amend provisions of this Protocol by mutual agreement. Such amendments shall be initiated in written form by the Contracting Parties through diplomatic channels and shall enter into force in accordance with the procedure prescribed in paragraph (1) of this Article. The documents drafted thereby shall constitute an integral part of this Protocol.

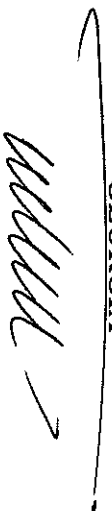
4. Each Contracting Party may terminate the Protocol by serving a written notice of termination through diplomatic channels on the other Contracting Party. This termination shall become effective on the first day of the month following the expiration of a period of 3 (three) months after the date of receipt of notice of termination.

Done at Tbilisi on the 27th of March 2014, in two original copies; in Lithuanian, Georgian and English, each text being equally authentic. In case of a dispute in the interpretation of the Protocol, the English version shall prevail.

FOR THE GOVERNMENT OF
THE REPUBLIC OF LITHUANIA



FOR THE GOVERNMENT OF
GEORGIA



Annex I
to the Protocol between the Government of
the Republic of Lithuania
and the Government of Georgia Implementing the
Agreement between the European Union and
Georgia on the Readmission of
Persons Residing without Authorisation

National coat of arms

Name of the competent authority of the state of the Requesting Contracting Party

(Place and date)

Reference No

To

.....
.....

(Name of the competent authority of the state of the Requested Contracting Party)

TRANSFER FORM

Pursuant to Articles 4 and 5 of the Protocol between the Government of the Republic of Lithuania and the Government of Georgia implementing the Agreement between the European Union and Georgia on the Readmission of Persons Residing without Authorisation

INFORMATION ABOUT THE PERSON AND THE PROCEDURE OF TRANSPORT

1. Full name (please underline the surname)

.....

2. Date of birth

.....

3. Travel document (please specify the type)
.....
No..... valid from..... until..... (Year)

4. Means of transportation (by air)
.....

5. Date
.....

6. Time
.....

7. Place of transfer (border crossing)
.....

8. Health condition of the person to be readmitted
.....

9. Escorted transportation Yes No
If yes, please specify the details about the escorting personnel
.....
.....

10. Security measures to be taken at the place of transfer
.....
.....

(Signature of the competent authority of the state of the Requesting Contracting Party)

(Seal/stamp)

Annex II
to the Protocol between the Government of
the Republic of Lithuania and the Government
of Georgia Implementing the
Agreement between the European Union and
Georgia on the Readmission of
Persons Residing without Authorisation

National Holidays of the Republic of Lithuania
(pursuant to the Labour Code of the Republic of Lithuania)

1. National holidays:

- a) 1 January – New Year's Day
- b) 16 February – Independence Day
- c) 11 March – Restoration of Independence
- d) Sunday and the following Monday of the Christian Easter (according to western traditions)
- e) 1 May – International Labour Day
- f) First Sunday of May – Mother's Day
- g) First Sunday of June – Father's Day
- h) 24 June – Saint John's Day
- i) 6 July – the National Day of the Coronation of Mindaugas, King of Lithuania

- j) 15 August – Assumption Day
- k) 1 November – All Saint's Day
- l) 24 December – Christmas Eve
- m) 25-26 December – Christmas

National Holidays of Georgia

(pursuant to the Constitution of Georgia and the Labour Code of Georgia)

2. National holidays:

- a) 1-2 January – New Year's Day
- b) 7 January – Christmas Day
- c) 19 January – Baptism Day of our Lord Jesus Christ
- d) 3 March – Mother's Day
- e) 8 March – International Day of Women
- f) 9 April – Declaration of Independence of Georgia, Day of National Unity
- g) Easter Holidays – Orthodox Easter Good Friday, Easter Saturday, Easter Sunday and Easter Monday of Bright Week (moveable)
- h) 9 May – Day of Victory over Fascism
- i) 12 May – Saint Andrew the First's Day
- j) 26 May – Independence Day

k) 28 August – Saint Mary's Day

l) 14 October – Day of the Svetitskhoveli Cathedral

m) 23 November – Saint George's Day