

**PROTOCOL**  
**BETWEEN THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA**  
**AND**  
**THE GOVERNMENT OF MALTA**  
**ON THE IMPLEMENTATION OF THE AGREEMENT**  
**BETWEEN**  
**THE REPUBLIC OF MOLDOVA**  
**AND**  
**THE EUROPEAN COMMUNITY**  
**ON THE READMISSION OF PERSONS RESIDING WITHOUT**  
**AUTHORISATION (Implementing Protocol)**

The Parties to the Implementing Protocol,

The Government of the Republic of Moldova and the Government of Malta,

Desiring to facilitate the implementation of the Agreement between the Republic of Moldova and the European Community on the readmission of persons residing without authorisation, signed in Brussels on 10 October 2007 (hereinafter referred to as the Readmission Agreement),

Based on the provision of Article 19 thereof-

Have agreed as follows:

**Article 1**  
**Designation of Competent Authorities**

1. Pursuant to Article 1 lit.1) and Article 19(1) lit. a) of the Readmission Agreement, the Parties have designated the following competent authorities for the implementation thereof:

a) Reception, submission and processing of readmission applications:

*For the Government of the Republic of Moldova:*

Ministry of Internal Affairs  
Bureau for Migration and Asylum  
Stefan cel Mare 124 str.  
Tel/Fax. + 373 22 272203  
e-mail: migrare@migrare.gov.md

*For the Government of Malta:*

Police Headquarters  
Special Branch  
Immigration Section  
Floriana

Telephone Number: 00356 21224001 - 21247800

Fax number: 00356 21235467 - 21247922

b) Reception, submission and processing of transit operations:

*For the Government of the Republic of Moldova:*

Ministry of Internal Affairs

Bureau for Migration and Asylum

Stefan cel Mare 124 str.

Tel/Fax. + 373 22 272203

e-mail: [migrare@migrare.gov.md](mailto:migrare@migrare.gov.md)

*For the Government of Malta:*

Police Headquarters

Special Branch

Immigration Section

Floriana

Telephone Number: 00356 21224001 - 21247800

Fax number: 00356 21235467 - 21247922

## **Article 2 Border Crossing Points**

1. Pursuant to Article 19(1), readmission and transit may take place in the following border crossing points:

*For the Government of the Republic of Moldova*

**By air:**

International Airport Chisinau

**By land:**

Border crossing Point Leuseni-Albita

*For the Government of Malta*

**By air:**

The Police Immigration Office

Malta International Airport

Limits of Gudja

Telephone/Fax Number 00356 21222941

**By sea:**

The Police Immigration Office

Sea Passenger Terminal

Pinto Wharf

Valletta

Telephone/Fax Number 00356 2123246

**Article 3**  
**Language of Communication**

1. The Parties shall use the English Language in the procedures carried out under the Readmission Agreement and the Implementation Protocol.

**Article 4**  
**Evidence regarding Nationality**

1. Pursuant to Article 8(1) and Article 19(1) letter d), the competent authority of the requesting State may submit an inquiry in writing to the competent authority of the requested State regarding the issuance of a document for proof of nationality to the person concerned.

2. The Parties shall mutually deem the nationality to be established upon the basis of any of the following valid documentation:

*For Moldovan citizens:*

- (i) National passport (passport, diplomatic passport, service passport);
- (ii) Identity Card;
- (iii) Birth certificate in case of a child;
- (iv) Travel documents issued by the authorities of the Republic of Moldova.

*For Maltese citizens:*

- (i) A passport;
- (ii) An Identity Card attesting Maltese citizenship;
- (iii) An authorized consular certificate of identity;
- (iv) A certificate or official document testifying Maltese citizenship.

3. In the case where the citizenship is not established in terms of Article 4(2) of this Protocol, it may be ascertained through an interview as provided for in Article 8(3) of the Readmission Agreement. The interview shall be carried out at an office situated on the territory where the interviewee is located. All expenses related to the organization of such interviews will be borne by the requesting Contracting Party.

4. Once the requested Contracting Party is satisfied that, as a result of the interview, it has been established that the person in question is a citizen of the requested Party, the competent authorities shall immediately issue a document valid for repatriation.

**Article 5**  
**Readmission of Persons**

1. Pursuant to Article 6 and 7 of the Readmission Agreement, an application for readmission shall be submitted by the requesting State, in line with the form provided in Annex 5 of the same Agreement.

2. The Contracting Parties shall ensure that the procedures and timeframes, in relation to the submission of applications for readmission, indicated in Article 2 to Article 5 and Article 10 of the Readmission Agreement, be followed.

3. The readmission of persons shall take place at the time and location agreed upon in writing by the competent authorities of the Parties.

4. If the terms of transfer were extended due to any legal or practical impediments, the competent authority of the requesting State shall immediately notify the competent authority of the requested State about the impediments and shall indicate the envisaged location and time of transfer.

### **Article 6** **Escorting of persons to be readmitted or transferred**

Pursuant to Article 19(1) letter c) of the Readmission Agreement, the Parties agree to the following conditions relating to escorted transfers or transit on their territories:

1. The escort shall be responsible for escorting the person to be readmitted and transferring him or her to a responsible official of the competent authority of the State of destination.

2. The escort may not carry weapons and other objects which are restricted in the territory of the State of the requested Party. Escorts shall be in civilian clothing, provided they carry valid service or official passports and service identification cards that prove the agreed upon arrangement in respect of readmission or transit.

3. The requested State shall ensure similar protection and assistance to the escort during the performance of his or her duties as it ensures to its own officials authorised to perform such duties.

4. The escort shall in all cases be subject to the legislation of the requested State. The powers of the escort during escorting a person to be readmitted or during transit shall be limited to self-defence. In the case of availability of officials of the requested State authorised to carry out the necessary activities or to support such officials in situations of immediate and serious risk, the escort may take reasonable and commensurate measures to prevent the person to be readmitted or being transferred from escaping, injuring himself or herself or any third persons, or causing damage to property.

5. The escort shall be responsible for carrying the travel document and other required certificates or personal data of the person to be readmitted, and for handing over such items to the representative of the competent authority of the State of destination. The escort shall not leave the agreed location before the readmission is completed.

6. The competent authorities of the requesting State shall ensure that the escort possesses the entry visas to the State(s) of transit and destination, if required.

7. In case of use of escorts, the requesting State shall communicate to the requested State, the names, family names, ranks, positions and designation of the officials as well as the type, number and date of issue of passports and service identification cards and description of their travel details and authorization and about any changes in this regard.

8. The competent authority of the requesting State shall immediately inform the competent authority of the requested State of any change in the information provided in line with the preceding sub-article.

### **Article 7**

#### **Modalities and Assistance for Transit**

1. In accordance with Article 13 and 14 of the Readmission Agreement, the Parties agree to the following practical modalities for transit operations:

- a) An application for transit (in accordance with annex 6 to the Readmission Agreement) must be submitted by fax or in electronic format to the competent authority of the requested State at least 4 calendar days prior to the planned transit.
- b) The competent authority of the requested State must reply by fax or in an electronic format within 4 calendar days after the receipt of the application for transit, notifying whether it consents to the transit and the envisaged time of transit, designated border crossing points, method of transport and use of escorts.
- c) If the requesting State considers necessary to request assistance from the competent authority of the requested State for a particular transit operation, this should be indicated on the transit application form (Annex 6 to the Readmission Agreement). In its reply to the transit application, the competent authority of the requested State should notify whether it is able to provide the requested assistance.
- d) If the person to be readmitted is transported by air and with escort, the competent authority of the requested state shall organise guarding and boarding of the person to be readmitted on its territory, and as far as possible with the assistance of that party.

2. The requesting State undertakes to take back a person to be readmitted pursuant to Article 13(4) of the Readmission Agreement without delay, if:

- a) consent to transit was refused or withdrawn pursuant to Article 13(3) of the Readmission Agreement;
- b) the person to be readmitted illegally entered the territory of the requested State during transit;
- c) transfer of the person to be readmitted to another State of transit or destination failed; or
- d) transit is impossible on some other grounds.

## **Article 8 Costs**

1. Costs incurred by the Requested State in connection with readmission and transit which are to be borne by the Requesting State in accordance with Article 15 of the Agreement, shall be reimbursed in Euro by the Requesting State within 60 days upon the submission of a valid invoice.

## **Article 9 Meetings of Experts**

1. The competent authorities of both Parties shall arrange meetings of experts as necessary, particularly regarding the implementation of the Readmission Agreement and this Implementation Protocol. The time and location of such consultations shall be decided upon by mutual agreement.

## **Article 10 Duty of Notification**

1. The Parties shall notify each other of any changes in the contact details of the competent authorities referred to in Article 1 and the border crossing points referred to in Article 2.

## **Article 11 Entry into Force, Termination and Amendments**

1. This Protocol is concluded for an indefinite period of time and shall enter into force on the date of signature.

2. This Protocol shall cease to apply at the same time as the Readmission Agreement.

3. Subject to mutual consent, the Parties may denounce this Protocol in writing through diplomatic channels. The denouncement shall, in such case, enter into force after six months from the date of receipt of the notification.

4. This Implementation Protocol may be subject to amendment, addition or deletion by agreement between the Parties. Such amendments shall form part of this Protocol and shall enter into force in accordance with Article 11 (1).

5. Pursuant to Article 18 of the Readmission Agreement, the Parties shall notify the Readmission Committee about entering into force, denounce, amendments to this Protocol and other matters related to the implementation of Readmission Agreement.

**Article 12**  
**Relations to other treaties**

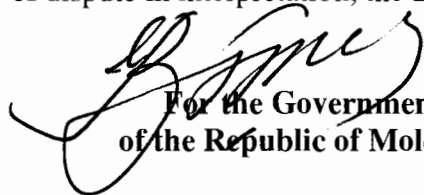
1. This Protocol shall be without prejudice to the rights, obligations and responsibilities of the Parties arising from other international treaties.

**Article 13**  
**Settlement of disputes**

1. Any disputes which may emerge in connection with the interpretation and/or application of the present Protocol shall be settled by means of consultations between the Parties within the Readmission Committee.

2. In case when disputes cannot be settled in accordance with paragraph 1 of the present article, such will be settled by Parties through diplomatic channels.

Done on the 24 day of the month of jan. in the year 2011 in duplicate in the Moldovan and English languages, each of these texts being authentic. In case of dispute in interpretation, the English text shall prevail.

  
For the Government  
of the Republic of Moldova

  
For the Government  
of Malta