

AGREEMENT**between the European Community and the Republic of Albania on the readmission of persons residing without authorisation**

THE HIGH CONTRACTING PARTIES,

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', and

THE REPUBLIC OF ALBANIA, hereinafter referred to as 'Albania',

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 territories of Albania or one of the Member States of the European 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 Community, the Member States of the European Union and Albania arising from International Law and, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights, the Convention of 28 July 1951 and the Protocol of 31 January 1967 on the Status of Refugees, and international instruments on extradition,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title IV of the Treaty establishing the European Community, do not apply to the Kingdom of Denmark, in accordance with the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community,

HAVE AGREED AS FOLLOWS:

Article 1

- (d) 'Third-country national' shall mean any person who holds a nationality other than that of Albania or one of the Member States;

Definitions

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark;
- (b) 'National of a Member State' shall mean any person who holds the nationality, as defined for Community purposes, of a Member State;
- (c) 'National of Albania' shall mean any person who holds the nationality of Albania;
- (e) 'Stateless person' shall mean any person who does not hold a nationality;
- (f) 'Residence authorisation' shall mean a permit of any type issued by Albania or one of the Member States 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 authorisation;

- (g) 'Visa' shall mean an authorisation issued or a decision taken by Albania or one of the Member States which is required with a view to entry into, or transit through, its territory. This shall not include an airport transit visa.

SECTION I

READMISSION OBLIGATIONS BY ALBANIA

Article 2

Readmission of own nationals

1. Albania shall readmit, 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 into, presence in, or residence on, the territory of the requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of Albania.

The same shall apply to persons who have been deprived of, or who have renounced, the nationality of Albania since entering the territory of a Member State, unless such persons have at least been promised naturalisation by that Member State.

2. Albania shall, as necessary and without delay, issue the person whose readmission has been accepted with the travel document required for his or her return with a period of validity of at least six months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, Albania shall, within 14 calendar days, extend the validity of the travel document or, where necessary, issue a new travel document with the same period of validity. If Albania has not, within 14 calendar days, issued the travel document, extended its validity or, where necessary, renewed it, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes⁽¹⁾.

⁽¹⁾ Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals (OJ C 274, 19.9.1996, p. 18).

Article 3

Readmission of third-country nationals and stateless persons

1. Albania 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 into, presence in, or residence on, the territory of the requesting Member 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 valid visa or residence authorisation issued by Albania; or
- (b) entered the territory of the Member States after having stayed on, or transited through, the territory of Albania.

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 Albania; or
- (b) the requesting Member State has issued to the third-country national or stateless person a visa or residence authorisation before or after entering its territory unless
 - that person is in possession of a visa or residence permit, issued by Albania, which has a longer period of validity, or
 - the visa or residence authorisation issued by the requesting Member State has been obtained by using forged or falsified documents.

3. Albania shall, as necessary and without delay, issue the person whose readmission has been accepted with the travel document required for his or her return with a period of validity of at least six months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, Albania shall, within 14 calendar days, extend the validity of the travel document or, where necessary, issue a new travel document with the same period of validity. If Albania has not, within 14 calendar days, issued the travel document, extended its validity or, where necessary, renewed it, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes.

SECTION II

READMISSION OBLIGATIONS BY THE COMMUNITY*Article 4***Readmission of own nationals**

1. A Member State shall readmit, upon application by Albania 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 into, presence in, or residence on, the territory of Albania 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.

The same shall apply to persons who have been deprived of, or who have renounced, the nationality of a Member State since entering the territory of Albania unless such persons have at least been promised naturalisation by Albania.

2. A Member State shall, as necessary and without delay, issue the person whose readmission has been accepted with the travel document required for his or her return with a period of validity of at least six months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the Member State concerned shall, within 14 calendar days, extend the validity of the travel document or, where necessary, issue a new travel document with the same period of validity. If the Member State concerned has not, within 14 calendar days, issued the travel document, extended its validity or, where necessary, renewed it, it shall be deemed to accept the use of the Albanian certificate for expulsion purposes ⁽¹⁾.

*Article 5***Readmission of third-country nationals and stateless persons**

1. A Member State shall readmit, upon application by Albania 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 into, presence in, or residence on, the territory of Albania 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 valid visa or residence authorisation issued by the requested Member State; or
- (b) entered the territory of Albania after having stayed on, or transited through, the territory of the requested Member 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 Member State; or
- (b) Albania has issued to the third-country national or stateless person a visa or residence authorisation before or after entering its territory unless
 - that person is in possession of a visa or residence permit, issued by the requested Member State, which has a longer period of validity, or
 - the visa or residence authorisation issued by Albania has been obtained by using forged or falsified documents.

3. The readmission obligation in paragraph 1 is for the Member State that issued a visa or residence authorisation. If two or more Member States issued a visa or residence authorisation, the readmission obligation in paragraph 1 is for 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. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.

4. A Member State shall, as necessary and without delay, issue the person whose readmission has been accepted with the travel document required for his or her return with a period of validity of at least six months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the Member State concerned shall, within 14 calendar days, extend the validity of the travel document or, where necessary, issue a new travel document with the same period of validity. If the Member State concerned has not within 14 calendar days issued the travel document, extended its validity or, where necessary, renewed it, it shall be deemed to accept the use of the Albanian certificate for expulsion purposes.

SECTION III

READMISSION PROCEDURE*Article 6***Principle**

1. Subject to paragraph 2, any transfer of a person to be readmitted on the basis of one of the obligations contained in

⁽¹⁾ Endorsed by Instruction No 553 of 19 November 2003 of the acting Minister of Foreign Affairs on the issuing of laissez-passer by the Albanian representations for returns to Albania.

Articles 2 to 5 shall require the submission of a readmission application to the competent authority of the requested State.

2. The readmission application may be replaced by a written communication to the competent authority of the requested State within a reasonable time period prior to the return of the person concerned provided that the person to be readmitted is in possession of a valid travel document and, where applicable, a valid visa or residence authorisation of the requested State.

Article 7

Readmission application

1. To the extent possible, the readmission application shall contain the following information:
 - (a) the particulars of the person to be readmitted (e.g. given names, surnames, date of birth, and — where possible — place of birth, father's name, mother's name, and the last place of residence);
 - (b) indication of the means with which proof or prima facie evidence of nationality, transit, the conditions for the readmission of third-country nationals and stateless persons and unlawful entry and residence will be provided.
2. To the extent possible, the readmission application shall also contain the following information:
 - (a) a statement indicating that the person to be transferred may need help or care, provided that the person concerned has explicitly consented to the statement;
 - (b) any other protection or security measure which may be necessary in the individual transfer case.
3. A common form to be used for readmission applications is attached as Annex 5 to this Agreement.

Article 8

Means of evidence regarding nationality

1. Proof of nationality pursuant to Articles 2(1) and 4(1) can be particularly furnished through any of the documents listed in Annex 1 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Albania shall mutually recognise the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents.
2. Prima facie evidence of nationality pursuant to Articles 2(1) and 4(1) can be particularly furnished through any of the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Albania shall deem the nationality to be established, unless they can prove otherwise. Prima facie evidence of nationality cannot be furnished through false documents.

3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic and consular representations of Albania or the Member State concerned shall, upon request, make arrangements to interview the person to be readmitted without undue delay in order to establish his or her nationality.

Article 9

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 3(1) and 5(1) shall be particularly furnished through any of the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Member States and Albania 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 3(1) and 5(1) shall be particularly furnished through any of the means of evidence listed in Annex 4 to this Agreement; it cannot be furnished through false documents. Where such prima facie evidence is presented, the Member States and Albania 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 in which the necessary visa or other residence authorisation for the territory of the requesting State are missing. A statement by the requesting state that the person concerned has been found not having the necessary travel documents, visa or residence authorisation shall likewise provide prima facie evidence of the unlawful entry, presence or residence.

Article 10

Time limits

1. The application for readmission must be submitted to the competent authority of the requested State within a maximum of one year after the requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not, or does no longer, fulfil the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request by the requesting State, be extended but only until the obstacles have ceased to exist.
2. A readmission application must be replied to without undue delay, and in any event within a maximum of 14 calendar days; reasons shall be given for refusal of a

readmission request. This time limit begins to run with the date of receipt of the readmission request. If there was no reply within this time limit, the transfer shall be deemed to have been agreed to.

3. After agreement has been given or, where appropriate, after expiry of the 14 calendar day time limit, the person concerned shall be transferred without undue delay and, at the most, within three months. Upon application by the requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles.

Article 11

Transfer modalities and modes of transportation

1. Before returning a person, the competent authorities of Albania and the Member State concerned shall make arrangements in writing in advance regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.

2. No means of transportation, whether by air, land or sea, shall be prohibited. Return by air shall not be restricted to the use of the national carriers of Albania or the Member States and may take place by 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 from Albania or any Member State.

Article 12

Readmission in error

Albania shall take back without delay any person readmitted by a Member State, and a Member State shall take back without delay any person readmitted by Albania, if it is established, within a period of three months after the transfer of the person concerned, that the requirements laid down in Articles 2 to 5 of this Agreement were not met. In such cases, the competent authorities of Albania and the Member State concerned shall also exchange all available information relating to the actual identity, nationality or transit route of the person to be taken back.

SECTION IV

TRANSIT OPERATIONS

Article 13

Principles

1. The Member States and Albania 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. Albania 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 Albania so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.

3. Transit can be refused by Albania or a Member State

(a) if the third-country national or the 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; or

(b) if the third-country national or the stateless person is subject to criminal prosecution or 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. Albania 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 the stateless person, as necessary and without delay.

Article 14

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, land or sea), possible other States of transit and intended final 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 point of entry, time of transfer and possible use of escorts;

(d) a declaration that in the view of the requesting State the conditions pursuant to Article 13(2) are met, and that no reasons for a refusal pursuant to Article 13(3) are known of.

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

2. The requested State shall, within five calendar days 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.

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 V

COSTS

Article 15

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 final destination shall be borne by the requesting State.

SECTION VI

DATA PROTECTION AND NON-AFFECTION CLAUSE

Article 16

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 Albania or a Member State as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of Albania and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC⁽¹⁾ and of the national legislation of that Member State adopted pursuant to this Directive. Additionally the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (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;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:

- the 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;

- (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) both the communicating authority and the receiving authority shall 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

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31). Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;

- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

Article 17

Non-affection clause

1. This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States and Albania arising from International Law and, in particular, from the European Convention of 4 November 1950 for the Protection of Human Rights, the Convention of 28 July 1951 and the Protocol of 31 January 1967 on the Status of Refugees, and international instruments on extradition.

2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VII

IMPLEMENTATION AND APPLICATION

Article 18

Joint readmission committee

1. The Contracting 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 (hereinafter referred to as the committee) which will, in particular, have the task

- (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 Albania pursuant to Article 19;
- (d) to decide on amendments to the annexes to this Agreement;

(e) to recommend amendments to this Agreement.

2. The decisions of the committee shall be binding on the Contracting Parties.

3. The committee shall be composed of representatives of the Community and Albania; the Community shall be represented by the Commission, assisted by experts from Member States.

4. The committee shall meet where necessary at the request of one of the Contracting Parties.

5. The committee shall establish its rules of procedure.

Article 19

Implementing Protocols

1. Albania and a Member State may draw up implementing Protocols which shall 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 the Annexes 1 to 4 to this Agreement.

2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the readmission committee, referred to in Article 18, has been notified.

3. Albania agrees 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.

Article 20

Relation to bilateral readmission agreements or arrangements of Member States

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 19, be concluded between individual Member States and Albania.

SECTION VIII

FINAL PROVISIONS*Article 21***Territorial application**

1. Subject to paragraph 2, this Agreement shall apply to the territory in which the Treaty establishing the European Community is applicable and to the territory of Albania.
2. This Agreement shall not apply to the territory of the Kingdom of Denmark.

*Article 22***Entry into force, duration and termination**

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

2. Subject to paragraph 3, this Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to in the first paragraph have been completed.

3. Articles 3 and 5 of this Agreement shall enter into force two years after the date referred to in paragraph 2.

4. This Agreement is concluded for an unlimited period.

5. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

*Article 23***Annexes**

Annexes 1 to 6 shall form an integral part of this Agreement.

Done at Luxembourg on the fourteenth day of April in the year two thousand and five in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and Albanian languages, each of these texts being equally authentic.

Por la Comunidad Europea

Za Evropské společenství

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Euroopa Ühenduse nimel

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Eiropas Kopienas vārdā

Europos bendrijos vardu

az Európai Közösség részéről

Għall-Komunità Ewropea

Voor de Europese Gemeenschap

W imieniu Wspólnoty Europejskiej

Pela Comunidade Europeia

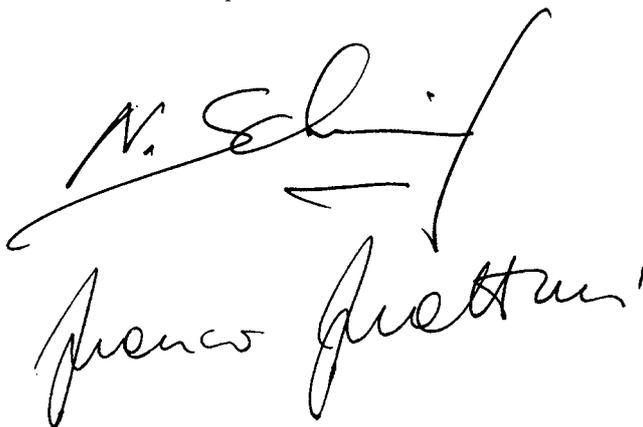
Za Európske spoločenstvo

za Evropsko skupnost

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

Për Komunitetin Evropian



N. Schifano

Francis Guettan

Por la República de Albania
Za Albánskou republiku
På Republikken Albanien vegne
Für die Republik Albanien
Albaania Vabariigi nimel
Για τη Δημοκρατία της Αλβανίας
For the Republic of Albania
Pour la République d'Albanie
Per la Repubblica di Albania
Albānijas Republikas vārdā -
Albanijos Respublikos vardu
az Albán Köztársaság részéről
Ghar-Repubblika ta' l-Albanija
Voor de Republiek Albanië
W imieniu Republiki Albanii
Për Republikën e Shqipërisë
För Republiken Albanien
Albanian tasavallan puolesta
Za Republika Albanija
Za Albánsku republiku
Pela República da Albânia



ANNEX 1

Common list of documents the presentation of which is considered as proof of nationality

(Articles 2(1), 3(1), 4(1) and 5(1))

- Passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports),
 - identity cards of any kind (including temporary and provisional ones),
 - service books and military identity cards,
 - seamen's registration books and skippers' service cards,
 - citizenship certificates and other official documents that mention or indicate citizenship.
-

ANNEX 2

Common list of documents the presentation of which is considered as prima facie evidence of nationality

(Articles 2(1), 3(1), 4(1) and 5(1))

- Photocopies of any of the documents listed in Annex 1 to this Agreement,
 - driving licences 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.
-

ANNEX 3

Common list of documents which are considered as proof of the conditions for the readmission of third-country nationals and stateless persons

(Articles 3(1) and 5(1))

- Entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic),
 - documents, certificates and bills of any kind (e.g. hotel bills, appointments for medical or hospital treatment, 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,
 - 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,
 - 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.
-

ANNEX 4

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 3(1) and 5(1))

- Description of place and circumstances under which the person concerned has been intercepted after entering the territory of the requesting State, issued by the relevant authorities of that State,
 - information related to the identity and/or stay of a person which has been provided by an international organisation,
 - statement by the person concerned,
 - reports/confirmation of information by family members, travelling companions, etc.
-

ANNEX 5



(Emblem of Albania)

.....
.....
(Designation of requesting authority)

.....
(Place and date)

Reference:

.....

To

.....

.....

.....
(Designation of receiving authority)

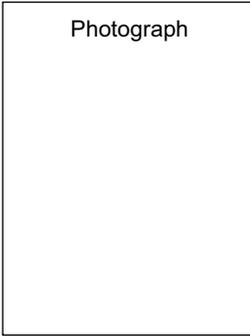
READMISSION APPLICATION

pursuant to Article 7 of the Agreement of 14 April 2005 between the European Community and the Republic of Albania 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. Father's name, mother's name:
.....
- 5. Sex and physical description (height, colour of eyes, distinguishing marks etc.):
.....
- 6. Also known as (earlier names, other names used/by which known or aliases):
.....
- 7. Nationality and language:
.....
- 8. Civil status: married single divorced widowed
 married: name of spouse:
 Names and age of children (if any):

- 9. Last address in the requesting State:
.....



B. 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):

.....

C. Means of Evidence Attached

1.

.....

(type of document)

.....

(serial number, date and place of issue)

.....

(issuing authority)

.....

(expiry date)

2.

.....

(type of document)

.....

(serial number, date and place of issue)

.....

(issuing authority)

.....

(expiry date)

3.

.....

(type of document)

.....

(serial number, date and place of issue)

.....

(issuing authority)

.....

(expiry date)

4.

.....

(type of document)

.....

(serial number, date and place of issue)

.....

(issuing authority)

.....

(expiry date)

D. Observations

.....

.....

.....

.....

(Signature of the requesting authority)

(Seal/stamp)

ANNEX 6



Emblem of Albania

.....
 (Place and date)

 (Designation of requesting authority)

Reference:

.....
 To

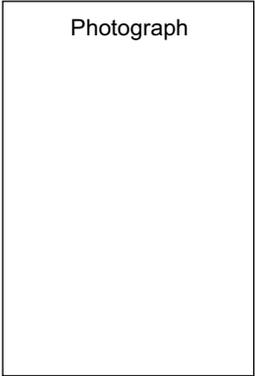
 (Designation of receiving authority)

TRANSIT APPLICATION

pursuant to Article 14 of the Agreement of 14 April 2005 between the European Community and the Republic of Albania 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, nicknames or pseudonyms):
.....
- 6. Nationality and language:
.....
- 7. Type and number of travel document:
.....



B. Transit Operation

1. Type of transit

by air

by sea

by land

2. State of final 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 final destination

(Article 13 paragraph 2)

yes

no

6. Knowledge of any reason for a refusal of transit

(Article 13 paragraph 3)

yes

no

C. Observations

.....

.....

.....

.....
(Signature of the requesting authority) (Seal/stamp)

JOINT DECLARATION ON THE RELATION TO THE FUTURE STABILISATION AND ASSOCIATION AGREEMENT

The Parties take note that, on 31 January 2003, negotiations were launched on the conclusion of a Stabilisation and Association Agreement (SAA) between Albania, of the one part, and the Community and its Member States, of the other part, which will also include provisions on the prevention and control of illegal immigration and readmission. The Parties therefore agree that this Agreement will be fully taken into account in the relevant provisions of the SAA.

JOINT DECLARATION ON ARTICLE 3

The Parties take note that the readmission obligation vis-à-vis third-country nationals and stateless persons holding a valid visa issued by Albania (Article 3(1)(a) of this Agreement) shall only apply if the visa has been used for entering the territory of Albania.

JOINT DECLARATION ON ARTICLE 18

The meeting of the Joint Readmission Committee shall be held, wherever possible, in parallel with the relevant Subcommittee set up under the future Stabilisation and Association Agreement.

It shall keep that Subcommittee informed of its work.

The rules of procedure of the Joint Readmission Committee shall be compatible with the rules of procedure of that Subcommittee.

JOINT DECLARATION CONCERNING DENMARK

The Contracting 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 Albania and Denmark conclude a readmission agreement in the same terms as this Agreement.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Contracting Parties take note of the close relationship between the European Community and Iceland and Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that Albania conclude a readmission agreement with Iceland and Norway in the same terms as this Agreement.
