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Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Bulgaria

on the Readmission of Persons

and

Protocol

for the implementation of the Agreement

Sofia, 21 February 2003

[The Agreement and Protocol entered into force on 6 June 2004]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 2004*

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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE REPUBLIC OF BULGARIA ON THE
READMISSION OF PERSONS**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Bulgaria hereinafter referred to as "a Contracting Party" or "the Contracting Parties" as appropriate,

Desiring to improve co-operation between the two Contracting Parties in order to contribute to the prevention and combating of illegal cross-border migration,

Wishing to facilitate readmission and transiting in cases of expulsion of persons whose entry or residence on the territories of their States is illegal,

Having regard to the need to abide by basic human rights and freedoms, guaranteed by their national legislation and by international agreements in force for the Contracting Parties,

Have agreed as follows:

**ARTICLE 1
Definitions**

For the purpose of this Agreement and the Protocol to this Agreement, the following terms shall have the following meanings:

- (1) "Residence permit" means an authorisation of any type issued by one Contracting Party, entitling the person to stay on the territory of that Contracting Party, with the exception of Visas and temporary authorisations for stay issued during examination of an application for a Residence Permit or for asylum.
- (2) "Citizen" and "Citizenship", in respect of the United Kingdom of Great Britain and Northern Ireland, refer only to British Citizens and British citizenship.
- (3) "Right of abode" applies only in respect of the United Kingdom of Great Britain and Northern Ireland and has the meaning contained in the relevant national legislation.
- (4) "Visa" means an authorisation or decision by a country or territory, including any Contracting Party, to enable a person to enter and remain on its territory, subject to the conditions according to which the Visa was issued being fulfilled.
- (5) "Permission to transit" means any authorisation or decision of, or any Visa

required by, a Contracting Party to enable a Third Party Citizen to transit through the territory of its State or pass through the transit zone of a port or airport, subject to the other transit conditions being fulfilled.

(6) "Third Party Citizen" means a person who does not have Citizenship of, or the Right of Abode in, the United Kingdom of Great Britain and Northern Ireland or the Republic of Bulgaria, and "Third Party State" means any country or territory other than the United Kingdom of Great Britain and Northern Ireland or the Republic of Bulgaria.

(7) "Working Day" means any day which is not a Saturday, Sunday or public holiday in either of the Contracting Parties.

(8) (a) Subject to paragraph (8)(c) below, the "Competent Authorities" in relation to the United Kingdom means:

(i) for the delivery of an application to the Competent Authorities in the Republic of Bulgaria, the acceptance of a reply to a request, for the procedure to obtain a travel document from the Bulgarian diplomatic-consular representation in the United Kingdom, and for all notifications for persons to be returned to the Republic of Bulgaria:

The Immigration and Nationality Directorate of the Home Office;

(ii) for the acceptance of an application by the Competent Authorities for the Republic of Bulgaria, for the delivery of a reply to a request and for the delivery of all notifications of persons to be returned to the United Kingdom:

The Immigration and Nationality Directorate of the Home Office;

(iii) for the issue of passports and other travel documents following a positive reply to the request:

The Embassy of the United Kingdom in the Republic of Bulgaria.

(b) Subject to paragraph (8)(c) below, the "Competent Authorities" in relation to the Republic of Bulgaria means:

(i) for the delivery of an application to the Competent Authorities in the United Kingdom, the acceptance of a reply to a request, for the procedure to obtain a travel document from the Embassy of the United Kingdom in the Republic of

Bulgaria, and for all notifications for persons to be returned to the United Kingdom;

The National Police Service or the National Border Police Service of the Ministry of the Interior of the Republic of Bulgaria;

- (ii) for the acceptance of an application by the Competent Authorities of the United Kingdom, for the delivery of a reply to a request and for the delivery of all notifications of persons to be returned to the Republic of Bulgaria;

The National Police Service or the National Border Police Service of the Ministry of the Interior of the Republic of Bulgaria;

- (iii) for the issue of passports and other travel documents following a positive reply to the request:

The Embassy or consular offices of the Republic of Bulgaria in the United Kingdom.

- (c) Any changes to the definition of “Competent Authorities” of one Contracting Party will be notified to the other Contracting Party through diplomatic channels. Any such change will take effect on the Working Day following receipt of such notification by the other Contracting Party.

(9) “Requesting Contracting Party” means a Contracting Party which makes a request to the Requested Contracting Party to readmit a person or permit transiting pursuant to the terms of this Agreement; and “Requested Contracting Party” means the Contracting Party to which such a request is made.

(10) “Child” or “Children” shall mean persons not having attained the age of 18 on the date the request for readmission is made.

(11) “In Writing” shall mean in writing in the English language.

PART 1

READMISSION OF CITIZENS & PERSONS WITH RIGHT OF ABODE

ARTICLE 2

Duty to readmit

(1) The Requested Contracting Party shall readmit, at the request of the Requesting Contracting Party and without particular formalities, any person who does not meet, or who no longer meets the requirements for entry or residence on the territory of the State of the Requesting Contracting Party, provided that person is properly identified and it is proven in accordance with paragraph (1) of Article 3 of this Agreement or may be reasonably presumed in accordance with paragraph (2) of Article 3 that either the person is a Citizen of, or other person with a Right of Abode in, the State of the Requested Contracting Party, or the person was (on their last entry to the territory of the State of the Requesting Contracting Party) a Citizen of the Requested Contracting Party but has subsequently relinquished their Citizenship and not acquired some other Citizenship.

(2) A Requesting Contracting Party shall readmit, at the request of the Requested Contracting Party and without particular formalities, any person who formerly departed from its territory in accordance with paragraph (1) of this Article if subsequent checks reveal that at the time of departure that person was not a Citizen of, or other person with a Right of Abode in the Requested Contracting Party. In such a case the Contracting Party which had admitted that person shall return all documents received from the other Contracting Party in connection with the initial readmission. The obligation to readmit under this paragraph shall not apply where the Requested Contracting Party has deprived the person in question of his or her Citizenship or Right of Abode, or the person had relinquished or allowed to lapse his or her Citizenship or Right of Abode, after that person had entered the territory of the State of the Requesting Contracting Party without that person at least having been promised naturalisation by the Requesting Contracting Party.

ARTICLE 3

Means of determining identity and Citizenship of Persons to be readmitted

(1) The identity and Citizenship or Right of Abode of any person to be readmitted pursuant to paragraph (1) of Article 2 of this Agreement, shall be proven through any one of the following valid documents:

- (a) a document of national identity (even if provisional or temporary) which can be definitely ascribed to that particular person;
- (b) a passport or a substitute travel document with a photograph (laissez-passer) indicating Citizenship and/or possession of the Right of Abode in a Contracting Party.

(2) Identity and Citizenship or Right of Abode may be reasonably presumed by any one of the following:

- (a) a document, provided for in paragraph (1) of this Article, the validity of which has expired but which can be reasonably ascribed to the person;
- (b) any other official document conducive to the identification of the said person (for example a driving licence);
- (c) Service record books and military passes;
- (d) minuted evidence duly supplied by bona fide witnesses before the Competent Authorities of the Requesting Contracting Party;
- (e) minuted explanations supplied by the person in question to the Competent Authorities of the Requesting Contracting Party;
- (f) the language spoken by the person concerned;
- (g) a company pass;
- (h) an extract from Registrar Office records;
- (i) a seaman's book;
- (j) a bargeman's identity document;
- (k) other documents bearing evidence to the identity of the said person;
- (l) photocopies of the above-mentioned documents;

as well as by any other evidence acceptable to both Contracting Parties which may help to establish the Citizenship or Right of Abode of the person concerned.

ARTICLE 4

Requests for readmission

(1) Any request for readmission under Article 2 of this Agreement shall be made In Writing and shall contain information as set out in Article I of the Protocol to this Agreement.

(2) The request for readmission shall be submitted to the Competent Authority of the Requested Contracting Party.

ARTICLE 5
Reply to the request

- (1) The reply to the request for readmission under Article 2 of this Agreement shall be provided by the Competent Authority of the Requested Contracting Party to the Competent Authority of the Requesting Contracting Party according to the procedure and within the time limits set out in Article 6 of the Agreement.
- (2) The reply to the request shall contain information as set out in Article II of the Protocol to this Agreement.

ARTICLE 6
Time limits

- (1) Save in respect of those requests founded upon documents indicated under paragraph (1) of Article 3 of this Agreement, replies to readmission requests made under Article 2 of this Agreement shall be given In Writing within fifteen Working Days from the date of submission of the request. Any refusal of readmission shall be substantiated.
- (2) If a request for readmission made under Article 2 of this Agreement is founded on documents indicated under paragraph (1) of Article 3 of this Agreement, a reply shall be given in principle within ten Working Days from the date of submission of the request. When the person, whose readmission has been agreed, is to be transported by air, a protocol shall be drawn up for his transfer to the Competent Authorities of the Requested Contracting Party.
- (3)
 - (a) If the submitted documents and facts are insufficient or contested, the competent Consular Officers of the Requested Contracting Party may demand the Requesting Contracting Party to interview the person concerned within the shortest possible time limit and may attend the interview concerned.
 - (b) The time and place of the interview shall be mutually agreed. The demand for such interview shall be delivered by the Requested Contracting Party within the time limit provided for under paragraph (1) of this Article. The reply to the readmission request shall be given In Writing within eight Working Days from the date of interview.
- (4) The Requesting Contracting Party shall take all steps appropriate to ensure removal or departure from the territory of its State of the person whose readmission has been agreed pursuant to this Agreement within thirty Working Days from the date of receipt of the consent of the Requested Contracting Party. This time limit may be extended for so long as is reasonably necessary to deal with legal or practical obstacles.

PART 2

READMISSION OF THIRD PARTY CITIZENS

ARTICLE 7

Third Party Citizens with Visa or Residence Permits

- (1) Subject to paragraph (2) of this Article, each Contracting Party shall readmit at the request of the other Contracting Party and without unnecessary formalities any Third Party Citizen, who does not fulfil, or no longer fulfils regulations of entry or residence on the territory of the State of the Requesting Contracting Party, provided he holds a valid Visa or a valid Residence Permit issued by the Requested Contracting Party and meets the requirements of its national legislation for entry and residence of aliens.
- (2) Notwithstanding the provisions of paragraph (1) of this Article, in cases in which both Contracting Parties have issued a Visa or a Residence Permit, responsibility shall reside with the Contracting Party whose Visa or Residence Permit expires last.

ARTICLE 8

Third Party Citizens who have entered or resided on the territory of the State of the Requested Contracting Party

- (1) Each Contracting Party shall readmit on the territory of its State at the request of the other Contracting Party and without unnecessary formalities any Third Party Citizen, who does not fulfil, or who no longer fulfils, the conditions in force for entry or residence on the territory of the State of the Requesting Contracting Party provided it is documented in accordance with paragraph (1) of Article 9 of this Agreement or it may be reasonably presumed in accordance with paragraph (2) of Article 9 that such Third Party Citizen had entered or resided on the territory of the State of the Requested Contracting Party.
- (2) No obligation for readmission shall exist under the provisions of paragraph (1) of this Article for:
 - (a) Third Party Citizens to whom the Requesting Contracting Party has granted refugee status under the Convention relating to the Status of Refugees done at Geneva on 28 July 1951¹ and the Protocol done at New York on 31 January 1967², supplementing the said Convention, or the status of stateless persons as defined by the Convention relating to the Status of Stateless Persons, done at New York on 28 September 1954³;

¹ Treaty Series No. 39 (1954) Cmd 9171

² Treaty Series No. 15 (1969) Cmnd 3906

³ Treaty Series No. 41 (1960) Cmnd 1098

- (b) Third Party Citizens, whose State of citizenship has a common border with the territory of the State of the Requesting Contracting Party, as well as other Third Party Citizens residing permanently on the territory of such a Third Party State;
- (c) Third Party Citizens whom the Requested Contracting Party has previously returned to their countries of origin or to some other Third Party State into which their entry is assured;
- (d) Third Party Citizens who have Permission to transit from the Requested Contracting Party on the basis of a valid Visa or Residence Permit provided by a subsequent State of transit or destination;
- (e) Third Party Citizens who have Permission to transit from the Requested Contracting Party on the basis that they do not require a Visa or Residence Permit in order to enter or stay in a subsequent State of transit or destination;
- (f) Third Party Citizens who after leaving the territory of the State of the Requested Contracting Party have entered the territory of the State of the Requesting Contracting Party from the territory of a Third Party State, to which the Requesting Contracting Party can return that person in accordance with the terms of any bilateral or multilateral agreement;
- (g) Third Party Citizens who have held a valid Residence Permit issued by the Requesting Contracting Party for a period of more than six months.
- (h) Third Party Citizens whose readmission to the territory of the State of the Requested Contracting Party has not been requested by the Requesting Contracting Party within one year of the date on which the relevant authorities of the Requesting Contracting Party became aware, or could reasonably have become aware, of their illegal entry and presence on the territory of its State.

ARTICLE 9

Presumption of entry or residence

- (1) Entry or residence of Third Party Citizens on the territory of the State of the Requested Contracting Party shall be documented by the apposition of border seals or other appropriate annotations in their travel documents by border control authorities of the Requested Contracting Party, at entry or departure from the territory of its State.
- (2) Entry or residence of Third Party Citizens on the territory of the State of the

Requested Contracting Party may be reasonably presumed on the basis of:

- (a) transport documents;
- (b) proof of payment for hotel, medical or other services etc;
- (c) minuted evidence of bona fide witnesses submitted to the Competent Authorities of the Requesting Contracting Party;
- (d) minuted evidence given by the Third Party Citizen to the Competent Authorities of the Requesting Contracting Party.

ARTICLE 10

Request for readmission of Third Party Citizens

- (1) An application for readmission of Third Party Citizens under Article 7 or 8 of this Agreement shall be submitted In Writing and shall contain information as set out in Article IV of the Protocol to this Agreement.
- (2) The request for readmission under paragraph (1) of Article 7 and paragraph (1) of Article 8 of this Agreement shall be submitted to the Competent Authority of the Requested Contracting Party. A protocol of submission/acceptance of the readmission request and enclosed documents shall be made.
- (3) The reply to the request for readmission made under Article 7 or 8 of this Agreement shall be given In Writing within fifteen Working Days from the date of its receipt. Any refusal of readmission shall be substantiated.
- (4) The Requesting Contracting Party shall take all steps appropriate to ensure removal or departure from the territory of its State of the person whose readmission has been agreed pursuant to this Agreement within thirty Working Days from the date of receipt of the consent of the Requested Contracting Party. This time limit may be extended for so long as is reasonably necessary to deal with legal or practical obstacles.

ARTICLE 11

Reply to the request

- (1) The reply to the request for readmission under Article 7 or 8 of this Agreement shall be provided by the Competent Authority of the Requested Contracting Party to the Competent Authority of the Requesting Contracting Party according to the procedure and within the time limits set out in Article 10 of this Agreement.
- (2) The reply to the request shall contain information as set out in Article V of the Protocol to this Agreement.

ARTICLE 12
Duty to readmit

(1) Each Contracting Party shall readmit at the request of the other Contracting Party and without undue formalities, any Third Party Citizen who departed or was removed from the territory of its State in conformity with the provisions of paragraph (1) of Article 7 of this Agreement when subsequent checks reveal that the readmitted person, at the time of departure from the territory of the State of the Requesting Contracting Party was not in possession of a valid Visa or valid Residence Permit and entitled to enter into and reside in the State of the Requested Contracting Party in accordance with Article 7 of this Agreement.

(2) In cases in which the provisions of paragraph (1) of this Article are applied, the Contracting Party which initially readmitted such persons shall inform the other Contracting Party of the reasons for their refusal and return all documents received in connection with the initial readmission procedure.

(3) Each Contracting Party shall readmit at the request of the other Contracting Party and without undue formalities, any Third Party Citizen who departed or was removed from the territory of its State in conformity with the provisions of paragraph (1) of Article 8 of this Agreement when subsequent checks reveal that the readmitted person, at the time of departure from the territory of the State of the Requesting Contracting Party, had not in fact entered or resided on the territory of the State of the Requested Contracting Party in accordance with Article 8 of this Agreement.

(4) In cases in which provisions of paragraph (3) of this Article are applied, the Contracting Party which initially readmitted such persons, shall inform the other Contracting Party of the reasons for their refusal and return all documents received in connection with the initial readmission procedure.

PART 3

TRANSIT

ARTICLE 13
Duty to permit transiting

(1) Each Contracting Party shall permit at the request of the other Contracting Party, transiting through the territory of its State of Third Party Citizens removed by the Requesting Contracting Party for the purpose of readmission to their countries of origin or to Third Party States provided that:

- (a) admission to any other States of transit and to the State of destination is assured; and

(b) the Requesting Contracting Party obtains for the Third Party Citizen any Permission to transit required pursuant to paragraph (2) of Article 13.

(2) The Requested Contracting Party may require that the Requesting Contracting Party obtains, prior to departure of any Third Party Citizen from the territory of the State of the Requesting Contracting Party, any Permission to transit required by the laws or regulations applying from time to time in the territory of the State of the Requested Contracting Party prior to the transiting through the territory of the State of the Requested Contracting Party of such Third Party Citizen.

(3) The Requesting Contracting Party shall bear full responsibility for the transiting of such persons to the country of final destination and shall be responsible for those persons' removal from the territory of the State of the Requested Contracting Party if their onward journey cannot be continued.

(4) The Requested Contracting Party may request that a representative of the Competent Authorities of the Requesting Contracting Party secure the escort of such transiting Third Party Citizens during the transit through the territory of the Requested Contracting Party.

(5) Notwithstanding any authorisation issued, persons taken in charge for transit purposes shall be readmitted by the Requesting Contracting Party without formality if circumstances within the meaning of Article 21 of this Agreement subsequently arise or come to light which stand in the way of a transit operation or if the onward journey or admission by the State of destination is no longer assured.

(6) The Contracting Parties shall endeavour to restrict transit operations to Third Party Citizens who cannot be returned to their State of destination directly.

ARTICLE 14

Requests for transiting

(1) Any requests to permit transiting under Article 13 of this Agreement shall be made In Writing and shall contain information as set out in Article VI of the Protocol to this Agreement.

(2) The requests to permit transiting shall be dispatched directly between the Competent Authorities of the Contracting Parties.

(3) The request shall be signed and sealed by the Competent Authority of the Requesting Contracting Party.

ARTICLE 15

Reply to the request

(1) The reply to the request to permit transiting under Article 14 of this Agreement shall be provided by the Competent Authority of the Requested Contracting Party to the Competent Authority of the Requesting Contracting Party In Writing within fifteen Working Days from the date of submission of the request. Any refusal of a request to permit transiting shall be substantiated.

(2) The reply to the request shall contain information as set out in Article VII of the Protocol to this Agreement.

(3) Pursuant to paragraph (2) of Article 13, when accepting a request to permit transiting, the Requested Contracting Party may state that its acceptance is conditional on Permission to transit being obtained by the Third Party Citizen prior to departure from the territory of the State of the Requesting Contracting Party in order to transit through the territory of its State.

ARTICLE 16

Refusal of request

(1) Under this Agreement, a request for transiting under Article 13 of this Agreement may be refused where:

- (a) the Third Party Citizen's presence in the territory of the State of the Requested Contracting Party may not be conducive to the interests of national security, public order or public health; or
- (b) the Third Party Citizen does not obtain any Permission to transit required by the Requested Contracting Party pursuant to paragraph (2) of Article 13; or
- (c) the Third Party Citizen is refused any Permission to transit required by the Requested Contracting Party pursuant to paragraph (2) of Article 13.

PART 4

GENERAL AND FINAL PROVISIONS

ARTICLE 17

Committee of experts

- (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 Committee of Experts as set out in Article XII of the Protocol to this Agreement.
- (2) The Contracting Parties reserve the right to accept the proposals and measures suggested by the Committee of Experts or not to do so.

ARTICLE 18

Escorts

- (1)
 - (a) The Requesting Contracting Party shall, whenever reasonably practicable, inform the Requested Contracting Party of the need for escort of persons whose readmission or transiting has been agreed under the terms of this Agreement.
 - (b) When escort services are provided by, or under the direction of, the Requesting Contracting Party, the escorting officers shall be required to obtain any authorisation, decision, Visa or Permission to transit required by the Requested Contracting Party in order to carry out such escort services prior to departure from the territory of the State of the Requesting Contracting Party.
- (2) When transiting is carried through airport transfers on the territory of the State of the Requested Contracting Party or through entries onto its territory, escorting arrangements shall be made where appropriate by the Requesting Contracting Party and the Requested Contracting Party shall take all appropriate steps to ensure that the person who is subject to the transit will not be allowed to leave the transit zone of the airport of the Requested Contracting Party.
- (3) When removals for the purpose of readmission or transiting are carried out, escorting arrangements shall be made where appropriate by the Requesting Contracting Party.

ARTICLE 19

Costs of return

- (1) The costs related to the readmission of persons, including those for appropriate escorting, subsistence and transportation, in accordance with Articles 2, 7, 8 and 12 of this Agreement, shall be borne by the Requesting Contracting Party.

(2) The costs of transit, in accordance with Article 13 of this Agreement, as far as the border of the State of destination and, where necessary, the costs arising from return transport, in both cases including the costs of escorting, subsistence and transportation, shall be borne by the Requesting Contracting Party.

ARTICLE 20
Notification

(1) Prior to the entry into force of this Agreement the Contracting Parties shall notify each other through diplomatic channels about:

- (a) border control points which may be used for readmission purposes and transit passages;
- (b) the authorities competent to deal with readmission and transit requests under this Agreement.

ARTICLE 21
Other Agreements not affected and exceptions

(1) The provisions of this Agreement shall not affect the Contracting Parties' rights and duties under:

- (a) other international agreements on extradition, transfer of convicted persons, mutual legal assistance in criminal matters and readmission or transit conveyance in cases of removal of persons generally;
- (b) the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951 as amended by the Protocol done at New York on 31 January 1967;
- (c) any international agreements on human rights;
- (d) international agreements on asylum, in particular the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, done at Dublin on 15 June 1990¹;
- (e) any other international agreements.

(2) In relation to:

- (a) a person whom a Contracting Party has a duty to readmit pursuant to paragraph (1) of Article 2 of this Agreement; and

¹ Treaty Series No. 72 (1997) Cm 3806

- (b) a Third Party Citizen who has entered directly from the territory of the State of one Contracting Party to the territory of the State of the other Contracting Party (and a person will be considered as having entered directly if he has transited through a Third Party State for the purpose of entering the other Contracting Party without leaving any port or airport transit zone and without passing through immigration control); the provisions of this Agreement shall not operate so as to prejudice other formal or informal bilateral arrangements, which apply at the date of this Agreement or which may apply in the future, in the territories of the Contracting Parties by which a person may be deported or otherwise removed from the territory of a Contracting Party .

ARTICLE 22

Modalities of implementation

All further provisions for implementation are set out in the Protocol to this Agreement which is an integral part of this Agreement.

ARTICLE 23

Territorial application

This Agreement shall apply:

- (a) in relation to the United Kingdom:
- (i) to England and Wales, Scotland and Northern Ireland; and
 - (ii) to any territory for the international relations of which the United Kingdom is responsible and to which this Agreement shall have been extended, subject to any modifications agreed, by agreement between the Contracting Parties. Such extension may be terminated by either Contracting Party by giving six months' written notice to the other through the diplomatic channel; and
- (b) to the Republic of Bulgaria.

ARTICLE 24

Entry into force

Each Contracting Party shall notify the other through diplomatic channels of the completion of the domestic legal procedures required by its laws for the entry into force of this Agreement. This Agreement shall enter into force on the sixtieth day following the date of receipt of the last such notification.

ARTICLE 25

Duration, Modification, Suspension and Termination

- (1) This Agreement is concluded for an indefinite period.
- (2) Each Contracting Party may terminate this Agreement on important grounds by giving notification In Writing to the other. Such termination will take effect on the thirtieth day following receipt of written notification by the other Contracting Party or on some later date as specified in the notification.
- (3) Each Contracting Party may suspend this Agreement by giving notification In Writing to the other on important grounds. Such suspension shall take effect on receipt of written notification by the other Contracting Party or on some other date as specified in the notification. The Contracting Parties shall notify each other of the cancellation of any such notification without delay via diplomatic channels.
- (4) Amendments to or modifications of this Agreement agreed by the Contracting Parties shall come into effect when confirmed by an Exchange of Notes.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

Done in duplicate at Sofia this 21st day of February 2003 in the English and Bulgarian languages, each text being equally authentic.

**For the Government of the
United Kingdom of Great Britain
and Northern Ireland:**

**For the Government of the
Republic of Bulgaria:**

BOB AINSWORTH

SOLOMON PASSY

**PROTOCOL FOR THE IMPLEMENTATION OF THE AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE
REPUBLIC OF BULGARIA ON THE READMISSION OF PERSONS**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Bulgaria (hereinafter called "the Contracting Parties");

Wishing to make provision for the implementation of the Agreement signed at Sofia on 21 February 2003 concerning the Readmission of Persons hereinafter called "the Agreement";

Have agreed as follows:

ARTICLE I:

Requests for readmission of persons under Article 2 of the Agreement

- (1) Any request for readmission under Article 2 of the Agreement shall be made In Writing and shall contain:
 - (a) The name and address of the Competent Authority of the Requesting Contracting Party, file number and date of the request;
 - (b) The name and address of the Requested Contracting Party;
 - (c) An introductory text, as follows: "There are grounds for believing that the person identified below is covered by the provisions of Article 2 of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Bulgaria on the Readmission of Persons and we request that this person is accepted into the territory of (the United Kingdom) (the Republic of Bulgaria) in accordance with the provisions of that Agreement."

- (2) The following shall be provided with any request for readmission:
 - (a) Personal data
 - (i) family name and other names;
 - (ii) date of birth;
 - (iii) place and country of birth;
 - (iv) sex;

- (v) for Children only, the family name and other name(s) of any relation of which the Requesting Contracting Party is aware.
- (b) Certified copies of original documents constituting means of proof, or means for establishing a presumption, of Citizenship or Right of Abode of the person to be returned:
 - (i) Citizenship documents: number, date and place of issue, issuing authority; or
 - (ii) passport: type and number, date of issue, issuing authority and place of issue; or
 - (iii) any other travel document indicating Citizenship: name of document, number, date and place of issue and issuing authority; or
 - (iv) other documents providing a means of establishing a presumption to be accepted by the Requested Contracting Party as provided in paragraph (2) of Article 3 of the Agreement eg driver's licence, birth certificate etc.
- (c) 2 passport format photographs.
- (d) A list of the means of proof and/or means of establishing a presumption that has been provided in accordance with the Agreement.
- (e) Planned itinerary, means of transport, date and time of planned readmission, points of border entry.
- (f) Instructions regarding the necessity of police or other escort and/or medical supervision wherever reasonably practicable; and if the escort is to be provided by the Competent Authorities of the Requesting Contracting Party, particulars of the officers escorting the person.
- (g) Statement that the person in question conforms with the requirements of Article 2 of the Agreement.
- (h) Signature and seal of the Competent Authorities of the Requesting Contracting Party.
- (3) The following shall also be provided wherever reasonably available:
 - (a) Personal Data
 - (i) full name of the father and/or mother;

- (ii) previous names;
 - (iii) pseudonym or alias;
 - (iv) last address in the territory of the State of the Requested Contracting Party;
 - (v) data relating to health, and in Latin the name of any contagious disease from which the person to be returned may be suffering.
- (b) In relation to Children, certified copy of birth certificate.

ARTICLE II:

Reply to the request for readmission of persons under Article 2 of the Agreement

- (1) The reply to the request for readmission under Article 2 of the Agreement shall be provided by the Competent Authority of the Requested Contracting Party to the Competent Authority of the Requesting Contracting Party according to the procedure and within the time limits set out in Article 6 of the Agreement.
- (2) The Reply to the request shall contain:
- (a) name and address of the Competent Authority of the Requested Contracting Party, file number and date of the reply to the request;
 - (b) name and address of the Competent Authority of the Requesting Contracting Party;
 - (c) family name and other name(s) of the person to be returned, date of birth, place of birth and country of birth where available; and
 - (d) either (i) in the case of a positive reply, confirmation that the person to be returned falls under the provisions of Article 2 of the Agreement; or (ii) in case of a negative reply, the reasons why the person does not fall under the provisions of Article 2 of the Agreement.

ARTICLE III:

Travel document

- (1) The Competent Authorities of the Requesting Contracting Party shall forward to the diplomatic or consular representation of the Requested Contracting Party the positive reply to the request with a view to the issue of a travel document where this is necessary. The diplomatic-consular representation of the Requested

Contracting Party shall on the basis of the positive reply to the request issue a travel document within three Working Days after the positive reply for the person whose return has been accepted.

(2) The travel document shall be valid for a period not exceeding thirty days from the date of receipt by the Requesting Contracting Party, or for such other period as may be agreed in accordance with paragraph (4) of Article 6 or paragraph (4) of Article 10 of the Agreement.

ARTICLE IV:

Application for readmission of Third Party Citizens

(1) Any request for readmission under Articles 7 or 8 of the Agreement shall be made In Writing and shall contain:

- (a) The name and address of the Competent Authority of the Requesting Contracting Party, file number and date of the request;
- (b) The name and address of the Requested Contracting Party;
- (c) An introductory text, as follows: "There are grounds for believing that the person identified below is covered by the provisions of Article 7 (or 8 as appropriate) of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Bulgaria on the Readmission of Persons and we request that this person is accepted into the territory of (the United Kingdom)(the Republic of Bulgaria) in accordance with the provisions of that Agreement."

(2) The following shall be provided with any request for readmission:

- (a) Personal data
 - (i) family name and other names;
 - (ii) date of birth;
 - (iii) place and country of birth;
 - (iv) sex;
 - (v) for Children only, the family name and other name(s) of any relation of which the Requesting Contracting Party is aware.
- (b) Certified copies of original documents constituting means of proof, or means for establishing a presumption of, possession of a valid Visa or valid Residence Permit issued by the Competent Authorities of the Requested

Contracting Party and qualification to enter and reside under that Contracting Party's national legislation of the person to be returned as follows:

- (i) Citizenship documents including valid Visa or residence document: number, date and place of issue, issuing authority; or
 - (ii) passport including valid Visa or Residence Permit: type and number, date of issue, issuing authority and place of issue; or
 - (iii) any other travel document indicating Citizenship and including valid Visa or Residence Permit: name of document, number, date and place of issue and issuing authority; or
 - (iv) in relation to Article 8 only of the Agreement, certified copies of original documents constituting means of proof, or means for establishing a presumption of, entry or residence on the territory of the Requested Contracting Party as set out in Article 9 of the Agreement.
- (c) 2 passport format photographs.
 - (d) A list of the means of proof and/or means of establishing a presumption that has been provided in accordance with the Agreement.
 - (e) Planned itinerary, means of transport, date and time of planned readmission, points of border entry.
 - (f) Instructions regarding the necessity for police or other escort and/or medical supervision wherever reasonably practicable; and, if the escort is to be provided by the Competent Authorities of the Requesting Contracting Party, particulars of the officers escorting the person.
 - (g) Statement that the person in question conforms with the requirements of Article 7 (or 8 as appropriate) of the Agreement.
 - (h) Signature and seal of the Competent Authorities of the Requesting Contracting Party.
- (3) The following shall also be provided wherever reasonably available:
- (a) Personal data
 - (i) full name of the father and/or mother;
 - (ii) previous names;

- (iii) pseudonym or alias:
 - (iv) last address in the territory of the State of the Requested Contracting Party;
 - (v) data relating to health, and in Latin the name of any contagious disease from which the person to be returned may be suffering.
- (b) In relation to Children, certified copy of birth certificate.

ARTICLE V:

Reply to the request for readmission of Third Party Citizens

- (1) The reply to the request for readmission under Article 7 (or 8 as appropriate) of the Agreement shall be provided by the Competent Authority of the Requested Contracting Party to the Competent Authority of the Requesting Contracting Party according to the procedure and within the time limits set out in Article 10 of the Agreement.
- (2) The reply to the request shall contain:
- (a) name and address of the Competent Authority of the Requested Contracting Party, file number and date of the reply to the request;
 - (b) name and address of the Competent Authority of the Requesting Contracting Party;
 - (c) family name and other name(s) of the person to be returned, date of birth, place of birth and country of birth where available; and
 - (d) either (i) in the case of a positive reply, confirmation that the person to be returned falls under the provisions of Article 7 (or 8 as appropriate) of the Agreement; or, (ii) in case of a negative reply, the reasons why the person does not fall under the provisions of Article 7 (or 8 as appropriate) of the Agreement.

ARTICLE VI

Request to permit transiting

- (1) Any request to permit transiting under Article 13 of the Agreement shall be made In Writing and shall contain:
- (a) The name and address of the Competent Authority of the Requesting Contracting Party, file number and date of the request;

- (b) The name and address of the Requested Contracting Party;
 - (c) An introductory text, as follows: "There are grounds for believing that the person identified below is covered by the provisions of Article 13 of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Bulgaria on the Readmission of Persons and we request that transit of this person through the territory of (the United Kingdom)(the Republic of Bulgaria) is permitted in accordance with the provisions of that Agreement."
- (2) The following shall be provided with any request for permission to transit:
- (a) Personal data:
 - (i) family name and other names;
 - (ii) date of birth;
 - (iii) place and country of birth;
 - (iv) sex;
 - (v) for Children only, the family name and other name(s) of any relation of which the Requesting Contracting Party is aware.
 - (b) Certified copies of original documents constituting means of proof, or means for establishing a presumption that the Third Party Citizen's acceptance in any other States of transit and the State of destination is assured.
 - (c) 2 passport format photographs.
 - (d) A list of the means of proof and/or means of establishing a presumption that has been provided in accordance with the Agreement.
 - (e) Planned itinerary, means of transport, date and time of planned transit through the territory of the Requested Contracting Party.
 - (f) Instructions regarding the necessity for police or other escort and/or medical supervision wherever reasonably practicable; and, if the escort is to be provided by the Competent Authorities of the Requesting Contracting Party, particulars of the officers escorting the person.
 - (g) Statement that the person in question conforms with the

requirements of Article 13 of the Agreement.

- (h) Signature and seal of the Competent Authorities of the Requesting Contracting Party.
- (3) The following shall also be provided wherever reasonably available:
- (a) Personal Data
 - (i) full name of the father and/or mother;
 - (ii) previous names;
 - (iii) pseudonym or alias;
 - (iv) last address in the territory of the State of the Requested Contracting Party;
 - (v) data relating to health, and in Latin the name of any contagious disease from which the person to be returned may be suffering.
 - (b) In relation to Children, certified copy of birth certificate.

ARTICLE VII:

Reply to the request to permit transiting

- (1) The reply to the request to permit transiting under Article 13 of the Agreement shall be provided by the Competent Authority of the Requested Contracting Party to the Competent Authority of the Requesting Contracting Party according to the procedure and within the time limits set out in Article 15 of the Agreement.
- (2) The reply to the request shall contain:
- (a) name and address of the Competent Authority of the Requested Contracting Party, file number and date of the reply to the request;
 - (b) name and address of the Competent Authority of the Requesting Contracting Party;
 - (c) family name and other name(s) of the person to be returned, date of birth, place of birth and country of birth where available; and
 - (d) either (i) in the case of a positive reply, confirmation that the person to be transited through the territory of the State of the Requested Contracting Party falls under the provisions of Article 13 of the

Agreement (specifying if appropriate that this is conditional on a Permission to transit being obtained by the Third Party Citizen prior to departure from the territory of the State of the Requesting Contracting Party in order to transit through its territory pursuant to paragraph (3) of Article 15 of the Agreement); or (ii) in case of a negative reply, the reasons why the Third Party Citizen does not fall under the provisions of Article 13 of the Agreement.

ARTICLE VIII:
Procedure for take-over

- (1) The Competent Authority of the Requesting Contracting Party shall notify the Competent Authority of the Requested Contracting Party of the removal or departure of the person to be returned, or transited through the territory of the State of the Requested Contracting Party, at least five Working Days in advance of the planned removal or departure.
- (2) This notification shall be In Writing and shall contain the following data:
 - (a) name and address of the Competent Authority of the Requesting Contracting Party, file number and date of notification;
 - (b) name and address of the Competent Authority of the Requested Contracting Party;
 - (c) an introductory text, as follows: "We notify you that on (day, month and year) from the airport () by flight no. (), departure time () and arriving at the airport () at () hrs, the person identified below will be returned to (the United Kingdom)(the Republic of Bulgaria)"; or "We notify you that on (day, month and year) from the airport () by flight no. (), departure time () and arriving at airport () at ()hrs, the person identified below will be transiting through (the United Kingdom)(the Republic of Bulgaria) to () by flight no. (), departure time () and arriving at the airport () at ()hrs";
 - (d) family name and other name(s), date of birth and place of birth of the person to be returned, file number and date of the reply to the request for readmission;
 - (e) indication of eventual dependency on assistance etc, due to illness or age;
 - (f) indication whether incidents might be expected, with a view to providing for official escort.
- (4) In any case where the Competent Authority of the Requesting Contracting

Party cannot return the Person to be returned on the date as set out in the notification, it shall immediately inform the Competent Authority of the Requested Contracting Party In Writing of that fact.

ARTICLE IX:
Border posts

The return of a person under the Agreement shall take place at the following border posts:

- (a) in the United Kingdom at any airport used for international commercial flights;
- (b) in the Republic of Bulgaria at any airport used for international commercial flights.

ARTICLE X:
Costs

(1) Costs within Article 19 of the Agreement to be paid by the Requesting Contracting Party include (but shall not be limited to) reasonable costs pertaining to the issue of travel documents to the person to be returned or transited and the total costs of air transport and of any necessary escort.

(2) For any additional costs, the Requested Contracting Party shall provide an invoice to the Competent Authorities of the Requesting Contracting Party within fifteen Working Days of readmission, or departure in cases of transit. All costs shall be paid to the diplomatic-consular representation of the Requested Contracting Party within thirty days of receipt of such invoice.

ARTICLE XI:
Data protection

(1) In as far as on the basis of the Agreement data are transferred by one Contracting Party (the “transferring Contracting Party”) to the other Contracting Party (the “receiving Contracting Party”) which are to be considered personal data according to the laws of the Contracting Parties, the following provisions shall apply in addition to national rules:

- (a) The receiving Contracting Party shall use the data only for the indicated purposes and under the conditions stipulated by the transferring Contracting Party and in no circumstances for any purpose outside the purposes for which the Agreement was concluded.
- (b) The receiving Contracting Party shall inform the transferring

Contracting Party upon request of the use of the transferred data and the results obtained thereby.

- (c) Personal data transferred pursuant to the Agreement shall only be transferred to Competent Authorities.
- (d) If the national law of the receiving Contracting Party allows exemptions from the provisions of paragraphs –(a) – (c) of this Article, the operation of such exemptions shall require the prior permission of the transferring Contracting Party, which shall give its general consent In Writing.
- (e) The transferring Contracting Party shall verify the correctness of the data to be transferred, as well as the necessity and the proportionality of the transfer prior to their transfer. Transfers prohibited under national law of either of the Contracting Parties shall remain prohibited. If incorrect data, or data whose transfer are forbidden, are transferred, the receiving Contracting Party shall be notified forthwith, whereupon the receiving Contracting Party shall correct or destroy the data as necessary.
- (f) Upon request, the subject of the personal data shall be informed about which data has been transferred and for which purposes. Requests for information by the subject of the personal data shall be treated in accordance with the national law of the Contracting Party in which the information is requested.
- (g) If the national law of the transferring Contracting Party contains time limits for the retention of personal data, the receiving Contracting Party shall be informed accordingly by the transferring Contracting Party. Regardless of such time limits, transferred personal data shall be destroyed when they are no longer capable of serving the purpose for which they had been transferred or when that purpose has been fulfilled.
- (h) The transferring and receiving authorities shall be obliged to record the transfer and receipt of personal data in written form.
- (i) The transferring and receiving Contracting Parties shall be obliged to protect transferred personal data against unauthorised access, unauthorised change and unauthorised publication.

ARTICLE XII: **Committee of Experts**

- (1) The Committee of Experts established pursuant to Article 17 of the Agreement shall consist of representatives of each of the Contracting Parties. Each

Contracting Party shall appoint a chief expert and up to 2 members to serve on the Committee. A chairperson will be appointed by the chief expert (or a person nominated by the chief expert) of whichever Contracting Party is hosting the meeting. Expert non-members of the Committee may be invited by a chief expert (or a person nominated by a chief expert) to sessions of the Committee.

(2) The Competent Authorities of the Contracting Parties shall notify within thirty days of the signing of the Agreement to the Competent Authorities of the other Contracting Party the names of their representatives on the Committee of Experts.

(3) The Competent Authorities of the Contracting Parties shall notify within thirty days to the Competent Authorities of the other Contracting Party any changes to the composition of their representation on the Committee of Experts.

(4) Among the tasks of the Committee of Experts shall be:

- (a) the submission of proposals to the Competent Authorities of the Contracting Parties in order to resolve possible and practical questions that have arisen in the implementation of the Agreement;
- (b) making proposals to the Competent Authorities of the Contracting Parties concerning amendments and additions to the Agreement;
- (c) monitoring application of the Agreement; and
- (d) preparation and recommendation of appropriate measures for combating illegal immigration generally.

(5) The Contracting Parties reserve the right to approve proposals by the Committee of Experts or not to do so.

(6) The Committee shall meet at the proposal of one of the chief experts.

ARTICLE XIII: **Status of the Protocol**

This Protocol is an integral part of the Agreement.

ARTICLE XIV: **Territorial application**

This Protocol shall apply:

- (a) in relation to the United Kingdom:
 - (i) to England and Wales, Scotland and Northern Ireland; and

- (ii) to any territory for the international relations of which the United Kingdom is responsible and to which this Protocol shall have been extended, subject to any modifications agreed, by agreement between the Contracting Parties. Such extension may be terminated by either Contracting Party by giving six months' written notice to the other through the diplomatic channel; and
- (b) to the Republic of Bulgaria.

ARTICLE XV:
Entry into force

Each Contracting Party shall notify the other through diplomatic channels of the completion of the domestic legal procedures required by its laws for the entry into force of this Protocol. This Protocol shall enter into force on the sixtieth day following the date of receipt of the last such notification.

ARTICLE XVI:
Duration, Modification, Suspension and Termination

- (1) This Protocol is concluded for an indefinite period.
- (2) Each Contracting Party may terminate this Protocol on important grounds by giving notification In Writing to the other. Such termination will take effect on the thirtieth day following receipt of written notification by the other Contracting Party or on some later date as specified in the notification.
- (3) Each Contracting Party may suspend this Protocol by giving notification In Writing to the other on important grounds. Such suspension shall take effect on receipt of written notification by the other Contracting Party or on some other date as specified in the notification. The Contracting Parties shall notify each other of the cancellation of any such notification without delay via diplomatic channels.
- (4) Amendments to or modifications of this Protocol agreed by the Contracting Parties shall come into effect when confirmed by an Exchange of Notes.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed this Protocol.

Done in duplicate at Sofia, this 21st day of February 2003 in the English and Bulgarian languages, each text being equally authentic.

**For the Government of the
United Kingdom of Great Britain
and Northern Ireland:**

BOB AINSWORTH

**For the Government of the
Republic of Bulgaria:**

SOLOMON PASSY



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