



**PROTOCOL**  
**între Guvernul Republicii Moldova și Guvernul**  
**Republicii Italiene de implementare a Acordului**  
**între Republica Moldova și Comunitatea Europeană**  
**privind readmisia persoanelor aflate în situație de**  
**ședere ilegală, semnat la 10 octombrie 2007**

**Chișinău, 12 mai 2015**



**COPIE CERTIFICATĂ**  
**TEXT ÎN LIMBA ENGLEZĂ**

**PROTOCOL**  
**BETWEEN THE GOVERNMENT OF THE REPUBLIC OF**  
**MOLDOVA AND THE GOVERNMENT OF THE ITALIAN**  
**REPUBLIC IMPLEMENTING THE AGREEMENT BETWEEN THE**  
**REPUBLIC OF MOLDOVA AND THE EUROPEAN COMMUNITY**  
**ON THE READMISSION OF PERSONS RESIDING WITHOUT**  
**AUTHORIZATION SIGNED ON 10 OCTOBER 2007**

The Government of the Republic of Moldova and the Government of the Italian Republic, hereinafter referred to as "Contracting Parties",

With the aim of implementing the Agreement between the Republic of Moldova and the European Community on the readmission of persons residing without authorization, signed in Brussels on 10 October 2007, hereinafter referred to as the "Agreement";

According to the provisions of art. 19 of the Agreement;

HAVE AGREED AS FOLLOWS:

**Article 1**  
**Competent authorities**

(1) In accordance to art. 1, letter a) and to art. 19, paragraph 1, letter a) of the Agreement, the Contracting Parties have appointed the following competent authorities for the implementation of the Agreement and of this Protocol:

a) Receipt, forwarding and processing of the applications for readmission:

*For the Republic of Moldova:*

Ministry of Internal Affairs  
Bureau for Migration and Asylum  
Boulevard Ștefan cel Mare, 124  
MD-2012 Chișinău  
Tel/Fax. +373 22 265618  
Tel/Fax. +373 22 272203  
e-mail: [readmission@bma.gov.md](mailto:readmission@bma.gov.md)

*For the Italian Republic:*

Ministry of Interior  
Department of Public Security

Central Directorate for Immigration and Border Police  
Immigration Service  
Address: Via Tuscolana, 1558  
00173 Rome – Italy  
Telephone: +39 06 46530919  
                  +39 06 46530898  
Fax:              +39 06 46530922  
                  +39 06 46530994  
e-mail: [dipps.immigrazione.sires@interno.it](mailto:dipps.immigrazione.sires@interno.it)  
          [servizioimmigrazione.dircentimm@interno.it](mailto:servizioimmigrazione.dircentimm@interno.it)

The forwarding of the applications for readmission and of the communications referred to in art. 5, paragraph 2 of this Protocol shall be also under the competence of the *Questure* of the Italian Republic (i.e. police headquarters at provincial level acting as authorities of public security).

b) Receipt, forwarding and processing of the applications for transit:

*For the Republic of Moldova:*  
Ministry of Internal Affairs  
Bureau for Migration and Asylum  
Boulevard Ștefan cel Mare, 124  
MD-2012 Chișinău  
Tel/Fax. +373 22 265618  
Tel/ Fax +373 22 272203  
e-mail: [readmission@bma.gov.md](mailto:readmission@bma.gov.md)

*For the Italian Republic:*  
Ministry of Interior  
Department of Public Security  
Central Directorate for Immigration and Border Police  
Immigration Service  
Address: Via Tuscolana, 1558  
00173 Rome – Italy  
Telephone: +39 06 46530919  
                  +39 06 46530898  
Fax:              +39 06 46530922  
                  +39 06 46530994  
e-mail: [dipps.immigrazione.sires@interno.it](mailto:dipps.immigrazione.sires@interno.it)  
          [servizioimmigrazione.dircentimm@interno.it](mailto:servizioimmigrazione.dircentimm@interno.it)

(2) Interviewing of the persons to be readmitted and issuing the travel documents shall be under the competence of the following authorities of the Contracting Parties:

a) *For the Republic of Moldova:*

Embassy of the Republic of Moldova in Rome

Address: Via Francesco Cherubini, 27

00135 Rome

Telephone: +39 06 47881022

Fax: +39 06 45677262

e-mail: [roma@mfa.md](mailto:roma@mfa.md)

website: [www.italia.mfa.md](http://www.italia.mfa.md)

General Consulate of the Republic of Moldova in Milano

Address: Via Vincenzo Gioberti, 8

20123 Milano

Telephone: +39 02 36745703

Fax: +39 02 36745709

e-mail: [milano@mfa.md](mailto:milano@mfa.md)

website: [www.milano.mfa.md](http://www.milano.mfa.md)

Consulate of the Republic of Moldova in Padua

Address: Via Milazzo, 22

35139 Padua

Telephone: +39 04 98560420

Fax: +39 04 9723728

e-mail: [padova@mfa.md](mailto:padova@mfa.md)

website: [www.padova.mfa.gov.md](http://www.padova.mfa.gov.md)

b) *For the Italian Republic:*

Embassy of Italy in Chisinau

Vlaicu Pîrcălab, 63

MD-2012 Chişinău

Telephone: +373 22 266720

Fax: + 373 22 266730

e-mail: [amb.chisinau@esteri.it](mailto:amb.chisinau@esteri.it)

[ambasciata.chisinau@esteri.it](mailto:ambasciata.chisinau@esteri.it)

website: [www.ambchisinau.esteri.it](http://www.ambchisinau.esteri.it)

(3) The Authorities mentioned in paragraph 2 of this article are also competent to receive the applications for readmission and to transmit them to the respective authorities referred to in paragraph 1 of this article.

**Article 2**  
**Border Crossing Points**

The readmission and transit operations can take place at the following border crossing points:

*For the Republic of Moldova:*

By air: International Airport of Chisinau

By land: Land border crossing: Leuşeni-Albiţa

*For the Italian Republic:*

By air: International Airport of Roma Fiumicino

International Airport of Milano Malpensa

By land: Land Border Police Sector of Trieste

**Article 3**  
**Language to be used for communications**

For the implementation of the Agreement and of this Protocol the Contracting Parties shall use their own national languages, accompanying the communication with a written translation in English language.

**Article 4**  
**Evidences concerning nationality**

In addition to the provisions of art. 8, paragraphs 1 and 2 of the Agreement, the nationality can be proven by means of the verification of the fingerprints or by means of other biometric elements of the interested person registered in the databases of the Contracting Parties.

**Article 5**  
**Readmission application and reply**

(1) The readmission application, according to art. 7 of the Agreement, is drafted on the form attached as annex 5 of the Agreement.

(2) In case of acceptance of the application, the competent authorities of the requested Contracting Party shall inform the requesting Contracting Party in

the terms established in art. 10 of the Agreement, and, if necessary, shall issue a valid travel document, without delay.

(3) The accelerated procedure for readmission, according to art. 6, paragraph 3 of the Agreement is applied outside the cases in which the person without requisites for the entry into the territory of the requesting Contracting Party is sent back to the place of origin, according to the national and international dispositions which regulate air transportation.

### **Article 6**

#### **Transfer of the persons to be readmitted**

(1) The transfer of the person to be readmitted takes place in the timeframe and in the places agreed upon in written form between the Contracting Parties. In this regard the authorities of the requesting Contracting Party shall indicate in the readmission application, at letter "F observations" of the form attached as annex 5 of the Agreement, the border crossing point through which the transfer is intended to take place, the date and the time of the transfer.

(2) In case the transfer of the person whose readmission application has been accepted should take place on a different date and with different modalities from those indicated in the application according to paragraph 1 of this article, the competent authorities of the requesting Contracting Party shall communicate without delay and in written form all the necessary information to the requested Contracting Party.

### **Article 7**

#### **Terms and assistance for the transit**

(1) According to the provisions of art. 13 and art. 14 of the Agreement, the Contracting Parties shall carry out the transit operations as follows:

- The request for transit to be written on the form according to annex 6 of the Agreement, has to be sent by fax or email to the competent authorities of the requested Contracting Party at least 5 days in advance of the scheduled date for the transit.
- The competent authorities of the requested Contracting Party reply by fax or e-mail without delay, at latest within 4 days from the receipt of the request for transit, notifying the consent or not to the transit and confirming date, time and modalities of the transit proposed by the requesting Contracting Party.

- If the requesting Contracting Party considers it necessary that during the transit the competent authorities of the requested Contracting Party provide particular assistance, it has to make explicit mention of this in the request for transit. In the reply to the request for transit the competent authorities of the requested Contracting Party have to specify if they intend or not to provide the requested assistance.
- In case of land transit, the requested Contracting Party shall take responsibility of the escort duty on its own territory, in cooperation with the escort staff appointed by the requesting Contracting Party.
- In any case, regardless of the necessity of any particular assistance identified by the requesting Contracting Party, the competent authorities of the requested Contracting Party take the necessary measures to ensure the success of the transit operation.

(2) According to the provisions of art. 13, paragraph 4 of the Agreement, the requesting Contracting Party takes back the concerned person in the following cases:

- the consent for the transit has been revoked by the requested Contracting Party in the circumstances foreseen in art. 13, paragraph 3 of the Agreement; or
- the concerned person has entered illegally the territory of the requested Contracting Party during the transit; or
- the concerned person is not accepted in the other States of transit or in the state of final destination; or
- the transit operation cannot be carried out for unforeseen reasons.

### **Article 8**

#### **Terms for escorted transfers**

The readmission or transit operations by the use of escort staff are performed according to the provisions of the Agreement, of this Protocol and of the dispositions in force in the Contracting Parties. In particular:

- The escorted transfer is generally performed by staff appointed by the requesting Contracting Party, but it could be performed also by staff appointed by the requested Contracting Party.
- The escort staff is responsible for the transfer of the person to readmit or in transit.
- The concerned person will be handed over by the escort staff to the competent authorities of the requested Contracting Party, to which the travel document of the concerned person and other relevant documents have to be handed over as well.

- The staff performs the escort service unarmed and in plain clothes and brings the documents proving the approval of the readmission or the transit and must be able to prove in any moment its identity.
- During the performance of the escort duty, the requested Contracting Party provides to the performing staff of the requesting Contracting Party the same protection and assistance provided to its own staff that performs the same duty.
- In any case the escort is subject to the legislation of the requested Contracting Party. During the performance of readmission or transit operations the rights of the escort staff are limited to self defence. However in absence of officers of the requested Contracting Party, the escort staff may take reasonable and proportionate measures to react to an immediate and serious risk in order to prevent the concerned person from escaping, injuring herself/himself or third persons or from causing property damage.
- The escort staff is not allowed to return before handing over the concerned person to the authorities of the requested Contracting Party, or in case of transit, before boarding the concerned person on the aircraft to the other States of transit or to the state of final destination.
- The competent authorities of the requesting Contracting Party guarantee that the escort staff engaged in the transit operation is provided, if necessary, with entry visas to the other States of transit or to the State of final destination.

## **Article 9**

### **Expenses**

- (1) Further to the provisions of art. 15 of the Agreement, the transport costs for the return of persons whose transit could not be performed are borne by the requesting Contracting Party.
- (2) Any costs borne by the requested Contracting Party referred to readmission or transit, that are burdened on the requesting Contracting Party according to art. 15 of the Agreement, will be refunded by the requesting Contracting Party in compliance with the procedures of the national legislation and subject to the production of documents proving such expenses.



**Article 10**  
**Meetings of Experts**

Without prejudice to the competences of the Joint Readmission Committee according to art. 18 of the Agreement, the Contracting Parties shall organize by mutual consent, if necessary, bilateral meetings of experts in order to solve any controversies caused by the implementation and/or interpretation of the Agreement and of this Protocol. If in the framework of the mentioned meetings no mutual solution should be reached, the Contracting Parties can resort to the diplomatic channels.

**Article 11**  
**Obligation of notification**

The Contracting Parties shall immediately notify each other of any changes concerning the competent authorities and the border crossing points referred to art. 1 and art. 2 of this Protocol, through diplomatic channels and, in parallel, through the mentioned competent authorities.

**Article 12**  
**Non-affected clause**

This Protocol shall be without prejudice to the rights, obligations and responsibilities of the Contracting Parties under the international law.

**Article 13**  
**Entry into force, termination and amendments**

- (1) The Italian Party shall notify the Moldovan Party in writing that the internal legal procedures necessary for the entry into force of this Protocol have been completed.
- (2) This Protocol shall enter into force on the first day after receipt by the Joint Readmission Committee of the Italian notification, according to Art. 19, paragraph 2 of the Agreement.
- (3) This Protocol shall cease to apply at the same time as the Agreement.

(4) Each Contracting Party can denounce this Protocol by notifying through the diplomatic channels the other Contracting Party and the Joint Readmission Committee. In this case this Protocol shall cease to be in force six months after the date of notification.

Done in...Chisinau..... on....12 May 2015... in two originals, in Romanian, Italian and English languages, all the texts being equally authentic. In case of disputes concerning the interpretation of this Protocol, the English text shall prevail.

**For the Government  
of the Republic of Moldova**

D. Balan

**For the Government  
of the Italian Republic**

[Signature]

Prin prezenta confirm că textul alăturat este o copie autentică de pe Protocolul între Guvernul Republicii Moldova și Guvernul Republicii Italiene de implementare a Acordului între Republica Moldova și Comunitatea Europeană privind readmisia persoanelor aflate în situație de ședere ilegală, semnat la 10 octombrie 2007 (Chișinău, 12 mai 2015), originalul căruia este depozitat la Arhiva Tratatelor a Ministerului Afacerilor Externe și Integrării Europene.



Dumitru SOCOLAN,  
Șef al Direcției Generale Drept  
Internațional a Ministerului Afacerilor  
Externe și Integrării Europene al  
Republicii Moldova