

PROTOCOL
BETWEEN
THE MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF KOSOVO
AND
THE MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF ALBANIA
on
IMPLEMENTATION OF JOINT BORDER CONTROL AT THE JOINT BORDER
CROSSING POINT IN VERMICE/PRIZREN -MORINE/KUKES

The Ministry of Internal Affairs of the Republic of Kosovo and the Ministry of Internal Affairs of the Republic of Albania (hereinafter referred to as the “Parties”), Pursuant to the “Agreement between the Government of the Republic of Kosovo and the Council of Ministers of the Republic of Albania on the establishment of joint border crossing points between the Republic of Kosovo and the Republic of Albania and performance of joint border control actions”, signed on 29 December 2018 (hereinafter referred to as the “Agreement”),

Agree as in the following:

Article 1
Purpose of the Protocol

The Protocol applies to all joint border control procedures at the JBCP in Morinë/Kukës for the purpose of facilitating border control procedures according to the “one-stop-shop” principle.

Article 2
Definitions

In accordance with this Protocol, the terms used shall have the following meaning:

1. **“Border control”** – an activity carried out at the JBCP in Morinë/Kukës, in response specifically to an intention to cross or the act of crossing the border, regardless of the circumstances, and which consists of border verification and border surveillance.
2. **“Place of entry”** - the contracting Party, which performs border control at the entry.
3. **“Place of exit”** - the contracting Party, which performs border control at the exit.
4. **“Joint border crossing point zone”** - is the joint border crossing point Morinë/Kukës, located in the territory of the Republic of Albania, in which the border guards of the Parties perform border verifications at entry and exit, one after the other, in accordance with the respective state legislation and according to the bilateral Agreement
5. **“Joint border crossing point zone”** - (hereinafter: JBCPZ) is the space marked in a circular shape around the joint border crossing point with a diameter of 1 km, where officers of both Parties are authorized to perform border verification in line with their powers.

6. **“Border control zone”** – is the area defined and marked by the Parties, wherein border verifications can be performed according to the state legislation of the Parties.

7. **“Border verification”** - is the activity carried out at the joint border crossing point to ensure that persons, including their means of transport and items in their possession, may be allowed to enter or leave the territory of the Parties.

8. **“Officer”** – an employee of the Border Police, Customs Service and other border services authorized by the Parties.

9. **“Goods”** – goods, means of transport and material values which are subject to customs duties.

10. **“One-Stop Shop principle”** - border control performed simultaneously by the officers of the countries only at a single location and at the same time when performing all procedures.

11. **“Joint Expert Committee”** - (hereinafter: JEC) is established pursuant to Article 13 of the Agreement and is competent for the implementation of this Protocol.

12. **“Administrator”** – the Albanian party which, based on the Agreement, is responsible for the maintenance of the JBCP in Morine/Kukes.

Article 3 **Location of JBCP and procedures at JBCPZ**

1. For joint activities, in accordance with this Protocol, the location of JBCP is resolved to be in the territory of the Republic of Albania, where Albanian and Kosovar officials jointly perform border controls.

2. The signing parties shall, in accordance with the Protocol, define:

a. Procedures of return to the country of origin or another country in line with the Readmission Agreement for a detained person, a person under arrest and a person denied entry, as well as the procedures for the transfer of goods seized in the process of border control.

3. Official premises used for border control by both parties shall be marked by official signs and state symbols in accordance with the national regulations.

4. Text on the signs of official premises must be in the official languages of the Contracting Parties while depending on the ownership of the territory, the text in the official language of the respective country shall be in the first place used by the officials of the neighbouring country.

Article 4 **Exchange of information**

In the process of taking measures and performing border control as defined by this Protocol, the officials of the Parties shall exchange information and provide mutual assistance

Article 5
Implementation of legal acts

1. All legal acts of the Parties related to border controls shall be implemented at the JBCPZ. Violation of these acts in the territory of the JBCPZ shall have the same legal consequences as if these violations had occurred in the territory of each Contracting Party.
2. The daily activities conducted by the officials of the Republic of Kosovo in the JBCPZ shall be considered as conducted in the territory of the Republic of Kosovo.
3. The border area of the Party shall be considered the area from the moment of performing exit procedures by the other Party.

Article 6
Measures taken during border control

1. Officials of each Party shall have the right to detain, arrest or limit the freedom of a person during border control, however only in accordance with the relevant national legislation of the Parties.
2. When officials of the Party take measures, according to paragraph 1 of this Article, this decision shall be immediately communicated to the officials of the other Party.
3. In cases when the border control is performed separately, the officials of the Parties may detain and arrest persons or seize goods, based on the national legislation of the Parties.

Article 7
Mandatory border control

1. Border control in the JBCPZ shall be mandatory. If controls are performed separately, the control performed at the port of entry shall prevail.
2. Persons, vehicles and goods shall be subject to joint border control only once. If after the initiation of the border verification procedure at the entry there are suspicions of criminal offenses or it is found that a person, who should be arrested, is in the JBCPY, the officers of the exiting state shall be authorized to repeat the border verification procedures, after notifying in advance the officers of entering state.
3. By mutual consent, in cases of unforeseen and extraordinary circumstances, and when there is a risk to public safety, the parties may agree to terminate the one-stop-shop principle and re-establish special controls.

Article 8
Facilitation of border crossing procedures

1. Based on the special situation during the summer tourist season, which increases traffic in the joint border crossing point and when all resources related to personnel, equipment, facilities, and organization are exhausted, the facilitation of border-crossing/document

verification procedures shall apply during the period 1 June - 30 September.

2. Facilitation of border crossing/document verification procedures according to point 1 of article 8 shall also apply in cases of official/state holidays of the Parties and during weekends.

3. In cases where procedures of border crossings/document verification are facilitated, the border police of the Parties may not carry out the registration, but only the rapid verification of the validity of the document and the identity of the holder.

4. The facilitation of border crossing procedures referred to in point 1 of Article 8 shall only apply to citizens of both Parties.

5. When border crossing procedures are facilitated, border controls at ports of entry shall, in principle, take precedence over border controls at ports of exit.

6. The facilitation of border crossing procedures according to point 1, of Article 8, may be temporary, in accordance with its justifying circumstances, and shall be implemented gradually.

7. At the joint border crossing point, the Parties shall keep records of the reasons, time of commencement, and time of completion of the facilitation of border-crossing procedures.

8. During the facilitation of border-crossing procedures, the respective Heads of the Parties or those representing them shall organize control based on the situation and conclusions drawn from the risk analysis for the activity of movement of citizens entering and leaving through Joint Border Crossing Point in Morine. They shall prepare risk indicators and profiles and based on this shall manage the available resources to perform the task.

Article 9 Denial of entry

Persons who are citizens of the Republic of Kosovo or the Republic of Albania, who have been denied entry by the officials of the country of entry, will not be denied the right to return to their place of origin. Goods, the import of which has been denied by the officials of the country of entry, shall be allowed to return to the port of exit.

Article 10 Seizure of goods

1. In cases of the one-stop-shop principle, the goods, assets, securities and money shall be seized by the ascertaining Party and shall be treated according to the legislation of that Party.

2. Monetary values, securities, and other goods temporarily seized by officials of the Parties shall not be subject to export rules upon their return to the neighbouring country.

Article 11 Identification card

1. Officials of both Parties shall have an identification card, which gives them the right to enter, stay and work in the JBCPZ, as well as return to the neighbouring country.

2. The authorities of the Parties may approve and issue entry permits for officials performing temporary services in the JBCPZ.

3. Officials of both parties shall wear uniforms while they operate in the JBCPZ. In special cases, with the consent of the competent authorities, officials may wear civilian clothing, with the appropriate POLICE or CUSTOMS symbol, showing on the front and back, keeping the official identification card visible.

Article 12 **Service weapons, equipment, and use of force**

1. Border police officers in the JBCP shall carry official short weapons (side weapons), personal police equipment and teargas, referring to the provisions of the rules and state legislation of the Parties.

2. The parties during the detailed border control procedure may use service dogs, in accordance with the control procedures.

3. Force, including lethal force, as well as coercive means, including firearms, may be used in accordance with the respective legislation of the Parties. The use of coercive means must be proportionate to the level of threat and seriousness of the crime being prevented or suppressed, restrainedly, using a necessary proportionate force, so that the official duty can be carried out without adverse consequences.

Article 13 **Official equipment**

1. The parties, namely their respective officials, may install and use the necessary technical equipment to carry out activities related to border control in the JBCPZ.

2. The Albanian side shall allow the Kosovo side the installation, replacement, and maintenance of telecommunication equipment, especially for the needs of border control in the JBCPZ.

3. Such equipment shall be used for internal circulation in the territory of the Party.

Article 14 **Rights and obligations**

The respective officials of the Parties shall, during their duties in the JBCPZ, have equal rights and obligations.

Article 15
Use of means for official needs

1. The means and equipment of the Parties designated for official use in the JBCPZ shall be used and transported without customs duties, restrictions, or other charges. The same shall apply to official vehicles used by officials in the performance of their duties.
2. Documents, technical and informative equipment containing data used by officials to perform their duties in the JBCPZ, as well as official mail and other equipment shall not be checked or seized by the officials of the other party.

Article 16
Financial costs and maintenance in JBCPZ

Financial costs and maintenance of joint facilities in JBCPZ shall be made according to the Protocols between the Ministry of Finance of the Government of the Republic of Kosovo, and the Ministry of Finance and Economy of the Republic of Albania, signed in Peja, Kosovo, on 26.11.2018.

Article 17
Protocol additions and amendments

The parties may agree to make amendments and additions to this protocol. These amendments shall enter into force in accordance with Article 19 of this Protocol.

Article 18
Dispute settlement

1. Any dispute regarding the interpretation or application of this Protocol shall be settled by the Joint Expert Committee (JEC).
2. If the JEC is not able to find a solution accepted by both parties within three months, the disputes will be settled through bilateral talks using diplomatic channels.

Article 19
Entry into force

This Protocol shall enter into force on the date of signature and shall be implemented after the establishment of the border controls of the Parties in this JBCPZ and by notification through diplomatic channels.

This Protocol shall be valid for an indefinite period of time.
The Parties may suspend, in whole or in part, the implementation of this Protocol for reasons of public order or public health, of which they must be informed through diplomatic channels.

This Protocol is signed on 20.06.2022 in Prishtina, in two original copies each in Albanian, Serbian and English, where all texts are equally authentic and equally equivalent.

In the event of a dispute over the interpretation of this Protocol, the English text shall prevail.

**On behalf of the Ministry of Internal
Affairs of the Republic of Kosovo**

Minister

Xhelal SVEÇLA



**On behalf of the Ministry of Internal Affairs of
the Republic of Albania**

Minister

Bledar ÇUÇI

