

**PROTOCOL
BETWEEN
THE MINISTRY OF THE INTERIOR
OF THE REPUBLIC OF KOSOVO
AND
THE MINISTRY OF THE INTERIOR
OF MONTENEGRO**

**on
performing joint activities of the border control and the payment of costs arising from
the activities at the common border crossing point Kotlovi–Kućište**

The Ministry of the Interior of the Republic of Kosovo and the Ministry of the Interior of Montenegro (hereinafter referred to as: „Signatories”), pursuant to the provisions of the Article 5. of the Agreement on the opening of the common border crossing point Kotlovi-Kućište for the international passenger road traffic, signed on----- 2014, with the aim to harmonise the border controls on the common border crossing point, have agreed as follows:

**Scope
Article 1**

The Protocol shall be applied to all common procedures of the border control on the Border Crossing Point Kotlovi –Kućište (hereinafter referred to as: BCP), in order to simplify the border control procedures based on the principle of one-stop control.

**Definitions
Article 2**

For the purposes of this Protocol, the terms used shall carry the following meaning:

1. “Border control”- conducted on the BCP Kotlovi -Kućište with the intent to assure that persons, their personal belongings, vehicles and commercial goods satisfy the entry and exit conditions in the territories of the Signatories of this Protocol,
2. “Country of entrance”- Signatory that conducts the border control at the entrance,
3. “Country of exit” – Signatory that conducts the border control at the exit,
4. “Common Area of Border Crossing Points” - (hereinafter referred to as CABCP), defines an area in which the officials of Signatories are authorised to carry out the border checks, territory of which is the Republic of Kosovo, where the clerks of the Signatories are entitled to carry out the border checks. CABCP includes the section of the road in the territory of Kosovo, premises, ancillary facilities and any other facilities necessary for carrying out the border control,

5. "Authorised official"—defines a member of the border Police, customs and other border services authorised by the Signatories,

6."Goods- commercial goods" - defines vehicles and material values which are subject to the customs procedures,

7."One-stop principle" —defines the border controls conducted at the same time by the members of border services of the Signatories at the common location, where the border control procedures are carried out,

8."Common Experts' Commission"— (hereinafter referred to as CEC), responsible for implementation of this Protocol,

9."Administrator"- defines a Signatory which is responsible for the maintenance of the common BCP Kotlovi –Kučište, on the basis of the joint agreement.

Location of the BCP point and procedures of CABCP Article 3

For the aim of the joint border controls as set out in this Protocol, the location of the common border crossing point shall define the area in the territory of the Republic of Kosovo, where the Kosovan and Montenegrin officers shall perform the joint border checks .

In accordance with this Protocol, the Signatories have determined:

1. CABCP, as defined in the Annex 1 of this Protocol
2. Procedures to return to their country of origin or another country under the Readmission Agreement of a detained person, person under arrest, person whose entrance is rejected and the procedures for the transfer of seized goods in the procedures of the border controls, in accordance with the Annex 2 of this Protocol.

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

Texts of the marks in the official premises shall be in the official languages of both Signatories, first being text in the language of the country which the respective premises belong to.

Exchange of information Article 4

Authorised officials of the Signatories will exchange information and provide mutual assistance when taking measures in the conducting of the border controls.

Implementation of laws Article 5

All laws of the Signatories related to the border control will be implemented in the CABCP. Violation of these acts in the territory of CABCP shall have the same legal consequences as if such violations would have occurred in the territory of each Signatory.

Daily activities carried out in CABCP by the authorised officials of the Signatories shall be considered as committed in their territory.

Taking measures in conducting the border control

Article 6

Authorised officials of each Signatory shall have the right to stop or restrict the freedom of a person at the border control, but only in accordance with their respective national legislation.

When measures are taken under paragraph 1 of this Article, by the authorised officials of one Signatory, the authorised officials of the other Signatory shall be informed immediately.

In cases when the control is carried out separately, the authorised officials of the entrance country can stop or restrict the freedom of a person or seize their goods only when the country of exit finalizes its control procedures in accordance with its national legislation.

Mandatory border checks

Article 7

In CABCP the border check at the entrance to the country is mandatory. Performing the border check at the exit is at the discretion of the country of exit. In the case where both procedures of the border check is conducted, the entrance check has the priority.

Persons and goods can be subjected to the joint border checks just once. If there are doubts that a wanted person is revealed in the CABCP, authorised officials of the country of exit shall have the right to repeat the border check, following the request from the authorised officials of the country of exit and after the authorised officials of the country of exit have given their consent.

In cases of unforeseen and extraordinary circumstances and where there is an imminent danger to the public safety, if mutually consented, the Signatories may decide to abolish the one-stop principle and reestablish separate controls.

Refusal of entrance

Article 8

Nationals of the Republic of Kosovo or Montenegro whose entrance to the country is not permitted by the authorised officials of the entering country, shall not be denied the right to return to the exit country. Similarly, the goods, whose import is banned by authorised officials of the country of entrance, shall be allowed the return to the country of exit.

Seizure of goods

Article 9

During the control based on the one-stop principle, goods can be seized by authorised officials of the country of entrance.

The money, securities and other goods temporarily seized by the authorised officials of the Signatories during the border checks, shall not be subject of export regulations when returning to the neighbouring country.

Identification marks

Article 10

Authorised officials of the Signatories shall have an official ID card that grants the officer the right to enter, stay and work in CABCP.

Identification card shall have a unique number with the following content: title of the border crossing point CBP Kotlovi –Kućište, institution title, name and surname of the authorised official, photograph, signature and a seal of a body responsible for the issue of the identification cards. Identification card shall be written in both languages. The Ministry of the Interior of the Republic of Kosovo where the CBCP border crossing is situated on, shall be responsible for the issue of identification cards. The head of the Montenegrin border Police on the CBP Kotlovi – Kućište, shall exchange the necessary data for the creation of identification cards and submit to the Kosovan party.

Authorised officials of the Signatories shall wear the official uniform while exercising their duties in the CABCP. In exceptional cases, and with the consent from the competent authorities of the Signatories, authorised officials are allowed to wear civil clothing, with the sign POLICE, i.e. CUSTOMS, depending on the particular case, which will be visible on the front and the back side of the clothing, and carry a distinct identification card.

Official arms, equipment and means of force

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Authorised officials of the Signatories can carry official short service gun (pistol), handcuffs and a baton.

Service dogs of both Signatories can be used for the execution of the procedures of the detailed border check in accordance with the control procedures.

Instruments of force, including firearms, can be used in cases as defined under the national legislation. Use of force shall be proportional to the impending risks, i.e. in proportion to the gravity of the action to be prevented or stopped, in a restrained manner, with the minimum necessary force and in a manner which does not carry unnecessary consequences for the official duty.

Official equipment

Article 12

The Signatories can install and use technical and other equipment required for the execution of tasks related to the border control in CABCP.

The use of such equipment shall be considered as internal traffic in the territory of the Signatory.