

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF THE REPUBLIC OF KOSOVO
ON
THE READMISSION OF PERSONS RESIDING WITHOUT
AUTHORIZATION

The Government of the Republic of Lithuania and the Government of the Republic of Kosovo

Hereinafter referred to as the "Contracting Parties",

determined to strengthen their cooperation in order to combat illegal immigration in a more effective manner,

wanting, through this Agreement and on the basis of reciprocity, to establish prompt and effective procedures for the identification and safe and orderly return of persons who have not met, or no longer meet the conditions for legal entry or stay in the territory of the Republic of Lithuania or the Republic of Kosovo and in the spirit of cooperation to facilitate the transit of third-country nationals or stateless persons,

being aware of the need for mutual facilitation of readmission and transit of persons entering and staying illegally in the territory of their respective countries,

Guided by their international obligations and the legislation in force in the territories of their respective states, with particular reference to the Convention relating to the Status of Refugees of 28 July 1951,

have agreed as follows:

Article 1

Definitions

For the purposes of this Agreement:

(a) "National of the Republic of Kosovo" shall mean any person who holds the citizenship of the Republic of Kosovo, in accordance with the legislation in force in the territory of the Republic of Kosovo;

(b) "National of the Republic of Lithuania" shall mean any person who holds the nationality of the Republic of Lithuania in accordance with the legislation in force in the territory of the Republic of Lithuania;

(c) "National of a third-country" shall mean any person who holds a nationality other than that of the Contracting Parties;

(d) "Stateless person" means any person who does not hold the nationality of any State;

(e) "Residence permit" shall mean a valid permit of any kind issued by the competent authorities of the Contracting Parties giving a person the right to reside in the territory of the Contracting Party concerned. This shall not include temporary permission to remain on the territory of the party for the purpose of processing an asylum application or an application for a residence permit;

(f) "Visa" shall mean the permit issued or the decision taken by the competent authorities of the Contracting Parties, which is necessary for entry or transit through the territory of the Contracting Party concerned. This will not include airport transit visas;

(g) "Requesting State" shall mean the Contracting Party submitting a readmission application in accordance with Article 5 or a transit application in accordance with Article 12 of this Agreement;

(h) "Requested State" shall mean the Contracting Party to which, in accordance with Article 5 of this Agreement, the readmission application is addressed, or in accordance with Article 12, the transit application is addressed;

(i) "Competent Authority" shall mean any national authority of the Contracting Parties entrusted with the implementation of this Agreement in accordance with Article 17, paragraph one (1), subparagraph (a) of this Agreement;

(j) "Transit" shall mean the passing of a third-country national or stateless person through the territory of the Requested State during a journey from the territory of the Requesting State to the country of destination.

(k) "Personal data" shall mean any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

(l) "Personal data processing" shall mean any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction

SECTION I

READMISSION OBLIGATIONS

Article 2

Readmission of nationals of the Contracting Parties

1. The Requested State shall, at the request of the Requesting State and without any formalities other than those referred to in this Agreement, readmit any person who does not meet or further meets the conditions applicable to lawful entry or stay in the territory of the Requesting State, provided that it has been proved or can be reasonably presumed on the basis of *prima facie* evidence that they are nationals of the Requested State.

2. The Requested State shall also readmit persons who have been deprived of or renounced the nationality of the Requested State upon entry into the territory of the Requesting State, unless such persons have at least been promised naturalization by the competent authorities of the Requesting State.

3. The Requested State shall, upon request by the Requesting State, accept all unmarried minor children of the person referred to in paragraph one (1), as well as the spouses who have a different nationality of the person referred to in paragraph one (1), provided that they have the right of entry and residence or obtain the right of entry and residence in the territory of the Requested Party unless they have the independent right of residence in the sovereign territory of the Requesting State.

4. Once the Requested State has given a positive written response to the readmission application, the competent diplomatic or consular representative of the Requested State, regardless of the will of the person to be readmitted and at the latest within three (3) working days, shall issue the necessary travel document with a validity period of thirty (30) days for the return of the person to be re-admitted. If for legal or factual reasons, the person in question cannot be transferred within the period of validity of the travel document originally issued, the competent diplomatic or consular representative of the Requested State shall without delay but not later than within three (3) working days issue a new travel document with a validity period of the same duration.

5. In case the competent authorities of the Republic of Kosovo fail to issue the travel document to the person to be readmitted in 20 (twenty) calendar days from the receipt of a positive reply to the readmission application, it is considered that the Contracting Party of the Republic of Kosovo agrees the European travel document issued by the Republic of Lithuania under the Regulation (EU) 2016/153 of the European Parliament and of the Council of 26 October 2016 on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994 (hereinafter referred to as the "European travel document") shall be used for the particular person to be readmitted.

6. The Requested State shall re-admit the person even if the person, in addition to the nationality of the Requested State, also holds the nationality of a third country.

Article 3

Readmission of third-country nationals and stateless persons

1. The Requested State shall, upon a readmission application submitted by the Requesting State and in accordance with the procedure laid down in this Agreement, readmit all third-country nationals or stateless persons who do not meet or do not further meet the applicable conditions for lawful entry or stay in the territory of the Requesting State, provided that it can be validly proved or presumed on the basis of the evidence provided *prima facie* that these persons:

(a) Currently have or at the time of entry had a valid visa or residence permit issued by the Requested State, or

(b) Have entered the territory of the Requesting State illegally, arriving directly by air from the territory of the Requested State after having stayed or transited through the territory of the latter.

2. The readmission obligation set forth in paragraph 1 of this Article shall not apply if:

(a) The national of a third country or the stateless person has only been in air transit through an international airport of the Requested State, or

(b) The Requesting State has issued the national of the third country or the stateless person a visa or residence permit before or after entering its territory, unless:

(1) that person has a visa or residence permit issued by the Requested State, which expires later; or

(2) the visa or residence permit issued by the Requesting State has been obtained by using false or forged documents, or by making false statements, or

(3) that person does not comply with any of the visa requirements.

3. The Republic of Kosovo shall, in the event of a readmission application submitted by the competent authority of the Republic of Lithuania, also readmit former citizens of the former Socialist Federal Republic of Yugoslavia, of the former Federal Republic of Yugoslavia who have not acquired other citizenship and their place of birth or permanent

place of residence in January 1998 was in the territory of the Republic of Kosovo, provided that this fact can be confirmed by competent authorities of the Republic of Kosovo on the date of submission of the readmission application.

4. Once the Requested State has given a positive written response to the readmission application, the Requesting State shall issue the person whose readmission has been accepted, the travel document required for his or her return.

5. In case the competent authorities of the Republic of Kosovo fail to issue the travel document to the person to be readmitted in 20 (twenty) calendar days from the receipt of a positive reply to the readmission application, it is considered that the Contracting Party of the Republic of Kosovo agrees the European travel document to be issued and used for the particular person to be readmitted.

SECTION II

READMISSION PROCEDURE

Article 4

Principles

1. For any type of transfer of a person to be readmitted in accordance with one of the obligations set forth in Articles 2 and 3 of this Agreement, except as provided in paragraph 2 of this Article, the readmission application shall be submitted to the competent authority of the Requested State.

2. The readmission application is not required if the person being readmitted possesses a valid travel document, or when applicable, a valid identity card, visa or residence permit of the Requested State. The Contracting Parties shall inform each other regarding the date, time and border crossing point of readmission of the relevant person two (2) working days prior to the planned readmission.

Article 5

Readmission application

1. Any readmission application must contain the following information:
 - (a) Specific details of the person to be readmitted (e.g., name, surname, father's name, date and place of birth and last place of residence);
 - (b) The means by which proof or *prima facie* evidence will be provided regarding citizenship, transit, the basis for readmission of third-country nationals and stateless persons, as well as illegal entry and residence;
 - (c) photography and fingerprints of the person to be readmitted and the biometric data of the person, to the extent possible.
2. To the extent possible, the readmission application should contain the following information:
 - (a) a statement indicating that the person to be transferred may need assistance or care, provided that the person in question has expressly accepted the statement;
 - (b) any other protection, safety measures or information relating to the health of the person which may be necessary in the particular case of transfer.

Article 6

Means of proof regarding citizenship

1. In accordance with paragraph 1 of Article 2 of this Agreement, nationality may be proven by way of any valid document listed in Annex 1 to this Agreement. Where any of these documents are submitted, the Contracting Parties will mutually accept the citizenship without the need for further investigation. Citizenship cannot be proven through forged documents.
2. *Prima facie* evidence of citizenship under paragraph 1 of Article 2 of this Agreement may be provided in particular through the documents listed in Annex 2 to this Agreement, even if their validity has expired. Where such documents are presented, the

Contracting Parties shall consider that nationality has been established, unless the contrary can be proved. *Prima facie* evidence of citizenship cannot be obtained through forged documents.

3. Where none of the documents listed in Annexes 1 or 2 to this Agreement can be submitted, the competent diplomatic or consular representative of the Requested State shall, at the request of the competent authorities of the Requesting State, make arrangements to interview the person to be readmitted without undue delay and at the latest within five (5) working days from the date of the request, for the purpose of determining his or her nationality.

4. Where necessary, the competent authorities of the Contracting Parties may agree on a visit by state experts requested for the purpose of interviewing the person in the territory of the Requesting State in order to determine his or her nationality. Travel or accommodation expenses of experts shall be borne by the Requesting State. In cases where after the interview by the experts, the competent authorities may confirm or validly assume that the person to be readmitted is a national of the Contracting Party in question, the travel document shall be issued immediately.

Article 7

Means of proof in relation to third-country nationals and stateless persons

1. Proof on the conditions for readmission of third-country nationals and stateless persons as defined in paragraph 1 of Article 3 of this Agreement shall, in particular, be ensured through the means of proof listed in Annex 3 to this Agreement. The same cannot be provided through forged documents. Any such evidence shall be mutually accepted by the Contracting Parties without the need for further investigation.

2. *Prima facie* evidence regarding the conditions for readmission of third-country nationals and stateless persons as defined in paragraph 1 of Article 3 of this Agreement shall, in particular, be ensured through the means of proof listed in Annex 4 to this Agreement; evidence cannot be ensured through forged documents. When such *prima facie* evidence is

presented, the Contracting Parties shall consider that the conditions have been met, unless proven otherwise.

3. The illegality of entry into the territory of the Requesting State shall be determined through travel documents of the person concerned who do not possess the necessary visa or residence permit to enter or stay in the territory of the Requesting State. A statement by the Requesting State that the person concerned has been found without the necessary travel documents, visa or residence permit shall also constitute "*prima facie*" proof of illegal entry or stay.

4. Proof of the conditions for the readmission of former nationals of the Socialist Federal Republic of Yugoslavia, of the former Federal Republic of Yugoslavia laid down in Article 3(3) of this Agreement shall be particularly ensured through the means of evidence listed in Annex 5a to this Agreement. Evidence cannot be ensured through false documents. Any such proof shall be recognised by Republic of Kosovo without any further investigation being required.

5. *Prima facie* evidence of the conditions for readmission of nationals of the Socialist Federal Republic of Yugoslavia, former nationals of the former Federal Republic of Yugoslavia as defined in paragraph 3 of Article 3 of this Agreement, in particular shall be ensured through the documents listed in annex 5b to this Agreement. Proof cannot be ensured through forged documents. When such *prima facie* evidence is presented the Republic of Kosovo will consider that the conditions are met, unless proven otherwise.

Article 8

Time limits

1. The application for readmission must be submitted to the competent authority of the Requested State within a maximum of one (1) year after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not, or does no longer, fulfil the conditions in force for entry, or lawful residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request by the Requesting State, be extended but only until the obstacles have

ceased to exist.

2. In any case, responses to the readmission application must be given in writing within twenty (20) calendar days. This time limit starts from the date of receipt of the readmission application. If there is no response within this time limit, it will be considered that the transfer of the person has been agreed.

3. Where there are legal or factual impediments to the request receiving a response within twenty (20) calendar days, pursuant to a duly substantiated request, this time limit may be extended to a maximum of forty (40) calendar days. If there is no response within this time limit, it will be considered that the transfer of the person has been agreed.

4. The reasons for rejecting the readmission application must be given in writing.

5. Once the consent has been obtained, or when necessary, after the expiration of the time limit set forth in paragraph 2 or 3 of this Article, the person in question shall be transferred within 3 months. At the request of the Requesting State, this time limit may be extended for as long as is necessary to overcome legal or practical impediments to the transfer.

Article 9

Transfer modalities and manner of transport

1. Prior to the return of the person, the competent authorities of the Contracting Parties concerned shall agree in advance and in writing regarding the date of transfer, the border crossing point, possible escorts and other information relevant to the transfer.

2. The written arrangements set forth in paragraph 1 of this Article shall also contain the following additional information:

a) statement indicating that the person to be returned may need assistance or care if this is in the interest of the person concerned;

b) any other protection or security measure that may be necessary in the individual case of return or information relating to the health of the person, if it is in the interest of the

person concerned.

3. Transportation can be carried out by air or land. Return by air shall not be restricted to the use of only national carriers of the Contracting Parties and may be carried out by planned (regular) flights and charter flights.

Article 10

Readmission in error

1. The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of three months after the transfer of the person concerned, that the requirements laid down in Articles 2 or 3 of this Agreement are not met.

2. In such cases, the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information regarding the identity and nationality of the person to be returned shall be provided.

3. In this case, the original documents relating to the person shall be returned to the competent authorities of the Requesting State.

SECTION III

TRANSIT OPERATIONS

Article 11

Principles

1. The Contracting Parties shall restrict the transit of third-country nationals or stateless persons only in cases where such persons cannot return directly to the country of destination.

2. The Requested State shall allow the transit of third-country nationals or stateless persons if this is requested by the Requesting State, if further transportation to other possible transit countries and readmission by the country of destination is guaranteed.

3. Transit may be refused by the competent authorities of the Contracting Parties in the following cases:

(a) if the third-country national or stateless person is in real danger of being subjected to torture or inhuman or degrading treatment or punishment or death sentence as a result of race, religion, nationality, membership in a particular social group or political beliefs in the country of destination or another transit country; or

(b) if the third-country national or stateless person will be subject to criminal sanctions in the country of final destination or in another country of transit; or

(c) based on public health, national security, public order or other national interests of the Requested State.

4. The Contracting Parties may revoke any authorization granted if the circumstances set forth in paragraph 3 of this Article which give rise to impediments to transit operations arise or come to light later, or if further travel to possible transit countries, or readmission by the country of destination is no longer provided. In this case, the Requesting State shall take back the third-country national or stateless person, as necessary and without delay.

Article 12

— Transit procedure —

1. The request for transit operations shall be submitted in writing to the competent authority of the Requested State and shall contain the following information:

(a) type of transit (by air or land), other possible transit countries and intended final destination;

(b) the particulars of the person concerned (e.g., given name, surname, maiden

name, other names used/by which known or aliases, date of birth, gender and — where possible — place of birth, citizenship, language, type and number of travel document);

(c) envisaged point of entry, time of transfer and possible use of escorts; if any;

(d) a declaration that in the view of the Requesting State the conditions in accordance with paragraph 2 of Article 11 of this Agreement have been met, and that there is no reason to refuse in accordance with paragraph 3 of Article 11 of this Agreement.

2. The Requested State shall, within three (3) working days, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal.

3. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

4. If the transit operation is carried out by air, the person to be readmitted and potential escorts will be released from the obligation to obtain an airport transit visa.

SECTION IV

COSTS

Article 13

Transport and transit costs

1. Costs incurred in connection with the application of Articles 2 and 3 of this Agreement to transport to the frontier of the Requested State shall be borne by the Requesting State in accordance with the provisions of the legislation in force in the territory of the respective State.

2. Costs of transportation, incurred in connection with the application of Article 11 of this Readmission Agreement, to the border of the country of final destination shall be borne by the Requesting State.

3. The costs of transport in connection with the erroneous readmission under Article 10 of this Agreement shall be borne by the Requesting State.

SECTION V

DATA PROTECTION AND NON-AFFECTION CLAUSE

Article 14

Data protection

1. The transmission of personal data shall only take place if such transmission is necessary for the implementation of this Agreement by the competent authorities of the Contracting Parties and it shall be subject to the national legislation of the Republic of Kosovo and, where the data controller is a competent authority of the Republic of Lithuania, to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council. Personal data, provided in the readmission application, shall be used only for the purposes of the implementation of the readmission procedure as it is prescribed in this Agreement and by the competent authorities, responsible for the implementation of this Agreement. Transmission of the personal data to the other institutions of the Contracting Parties, may only take part with the prior written consent and express authorisation of the Contracting Party that has transmitted personal data and the receiving third parties commit to respect the same data protection principles and safeguards as prescribed in this Agreement. The competent authority of the Contracting Party that has transmitted personal data shall, upon its request, be informed of the use of the transmitted data and the results achieved.

2. Personal data should be:

(a) processed lawfully and fairly;

(b) collected for specified, explicit and legitimate purposes related to readmission and transit procedure and not processed in a manner that is incompatible with the purposes

prescribed in this Agreement. The transferred personal data have to relate primarily to the following:

- i. the details of the person to be readmitted or the person who is subject to transit (e.g. name and surname, previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and previous citizenship, photograph of the person concerned, fingerprints);
- ii. identity documents, driving licence or travel documents (number, period of validity, date of issue, issuing authority, place of issue);
- iii. stop-overs and itineraries;
- iv. other necessary information to identify the person to be readmitted or the person who is subject to transit or to examine whether conditions for the readmission are met under this Agreement;
- v. special circumstances relating to the transferee's health, including any indication that he or she is a dangerous person, for the purpose of the provision of health care or health treatment under the responsibility of a professional subject to the obligation of professional secrecy.

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

(d) accurate and, where necessary, kept up to date. Every reasonable measures must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay. When it becomes evident that erroneous personal data have been transmitted or personal data have been unlawfully transmitted, the competent authority of one of the Contracting Parties, upon receiving such data, shall be immediately notified thereof and shall, without delay, rectify, erase them or restrict their processing;

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;

(f) processed and transmitted in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational

measures to ensure a level of security appropriate to the risk, including inter alia as appropriate: the pseudonymisation and encryption of personal data; the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services; the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident; a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

3. The competent authorities of the Contracting Parties shall ensure that data subjects shall have the right to obtain from the competent authority as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the information about the categories of personal data concerned; the recipients or categories of recipient to whom the personal data have been or will be disclosed; the identity and the contact details of the competent authorities; the contact details of the data protection officer; the purposes of the personal data processing; the right to lodge a complaint with a supervisory authority and the contact details thereof where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; the existence of the right to request from the competent authority rectification or erasure of personal data or restriction of processing of personal data concerning the data subject; where the personal data are not collected from the data subject, any available information as to their source.

4. Upon request of a natural person concerned, whose data have been transmitted pursuant to the provisions of this Agreement to the competent authority of the Contracting Party, such natural person no later than within one month after receiving the request by the competent authority, shall be provided with the confirmation as to whether or not the personal data concerning him/her are being processed, and, where that is the case, access to the personal data and information on what data (categories thereof) have been transmitted, purpose and legal basis for their use or intended use, the recipients (categories thereof) to whom the personal data have been transmitted, the envisaged period for which the personal data will be stored, or, where that is not possible, the criteria used to determine that period, the right to request to rectify or erase the personal data of the data subject or restrict the processing thereof, the right to lodge a complaint with a supervisory authority and the contact

information thereof. The Competent authority of each Contracting Party may apply an administrative fee or refuse to act on the request if the data subject's requests are manifestly unfounded or disproportionate, in particular due to their repetitive nature.

5. A natural person, whose data have been transmitted pursuant to the provisions of this Agreement, shall have the possibility to require to have incomplete personal data concerning him/her completed or to have inaccurate personal data concerning him/her rectified, destroyed as well as to require to restrict processing of personal data in case the transmission thereof infringes the provisions of this Agreement. The competent authorities of the Contracting Parties must inform the competent authority, from which the inaccurate personal data have been received, about the rectification of inaccurate or supplementation of incomplete personal data as well as the restriction of processing of personal data due to the request of a natural person. The right of a natural person concerned to receive such information shall be governed by the legislation in force in the territory of the state of the Contracting Party, in the territory of which such request is submitted.

6. The request of a natural person concerned regarding the enforcement of his/her rights may be rejected if such rejection is necessary for ensuring the public security and national security of the Contracting Party, the prevention, investigation, detection or prosecution of criminal acts or the execution of criminal penalties and also for protecting the rights and freedoms of a data subject and other persons. The request of a natural person may also be rejected if its execution would prejudice the effectiveness of the actions or objectives pursued by the competent authorities of the Contracting Parties. Grounds for and procedure of such limitations of rights shall be provided for in the legislation in force in the territories of the states of the Contracting Parties and motives of such rejections shall be documented as well as the reply to the data subject shall be given.

7. The transmission, receipt and erasure or restriction of personal data, as well as the refusal to transmit personal data must be registered.

8. The transmission of personal data shall require the specification of time limits for the storage of such data as provided in the legislation in force in the territories of the states of the Contracting Parties, upon expiry of which the transmitted personal data must be immediately destroyed. In case personal data becomes no longer necessary for the purpose

for which they have been transmitted prior to aforementioned time limits, or in case of termination of this Agreement, such personal data must be immediately destroyed. In such case, the competent authority of the Contracting Party that has destroyed personal data shall notify thereof the other Contracting Party in writing. The Contracting Parties notify each other immediately if there is a reason to suppose that the transmitted data is inaccurate, should be destroyed or the loss of data has been identified.

9. The Contracting Parties shall ensure that the national personal data protection supervisory authority, acting in accordance with the appropriate legislation in force in the territory of the Contracting Parties, controls the compliance with the requirements, which for the protection of personal data provided for in this Agreement. In case of violation of the right to the protection of personal data, the affected persons shall have the right to lodge a complaint to national personal data protection supervisory authority and the right to access to justice in accordance with the legislation applicable in the territory of the respective Contracting Party.

10. If the competent authority of one of the Contracting Parties becomes aware of a personal data breach, it will inform the competent authority of the other Contracting Party as soon as possible and in coordination with the mentioned competent authority use reasonable and appropriate means to remedy the personal data breach and minimise the potential adverse effects.

Article 15

Non-affection clause

1. This Agreement shall be without prejudice to the rights, obligations and responsibilities of each Contracting Party arising from International Law and, in particular, from:

- (a) the Convention of 28 July 1951 on the Status of Refugees as amended by the Protocol of 31 January 1967 on the Status of Refugees;
- (b) the international conventions determining the State responsible for examining

applications for asylum lodged;

(c) the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms;

(d) the Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

(e) international conventions on extradition and transit;

(f) multilateral international conventions and Agreements on the readmission of foreign nationals.

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

SECTION VI

IMPLEMENTATION

Article 16

Cooperation and meetings of experts

1. The competent authorities of the Contracting Parties shall provide each other with mutual assistance in the implementation and interpretation of this Agreement.

2. The Contracting Parties shall resolve any dispute arising in connection with the implementation and interpretation of this Agreement and / or the Implementing Protocol through the Committee of Experts, which shall be composed of representatives of the competent authorities of the Contracting Parties. When this is not possible, then it should be resolved through diplomatic channels.

3. Either Contracting Party may request a meeting of the Committee of Experts.

Article 17

Implementing protocols

1. The Ministry of the Interior of the Republic of Lithuania and the Ministry of Internal Affairs of the Republic of Kosovo shall draw up an implementing Protocol which shall cover rules on:

- (a) designation of the competent authorities of the Contracting Parties and border crossing points;
- (b) conditions for the return of escorted persons, including the transit of third-country nationals and stateless persons under escort;
- (c) the procedure for interviews provided for under paragraph 3 of Article 6 of this Agreement;
- (d) the common form to be used for readmission and transit applications.

SECTION VII

FINAL PROVISIONS

Article 18

Annexes

Annexes 1 to 6 to this Agreement are an integral part of this Agreement.

Article 19

Notifications

The competent authorities of the Contracting Parties shall notify each other in writing of any changes to the documents and evidence listed in Annexes 1-5 to this Agreement. The changes will take effect upon receipt of the notification.

Article 20

Amendments and supplements

This Agreement may be amended and supplemented in writing by mutual consent of the Contracting Parties. Amendments and supplements shall be drafted in the form of a separate protocol and shall form an integral part of this Agreement. The Protocol shall enter into force in the same manner as this Agreement.

Article 21

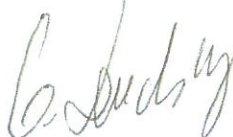
Entry into force

1. This Agreement shall be concluded for an indefinite period of time and shall enter into force on the first day of the month following the date of receipt of the last written notification through diplomatic channels by which the Contracting Parties notify each other of the completion of the internal procedures necessary for this Agreement to enter into force.

2. Each Contracting Party may terminate this Agreement at any time by giving written notice to the other Contracting Party through diplomatic channels. This Agreement shall cease to apply on the ninetieth (90) day after the date of such notification.

Signed in *New York* on *25 September 2014* in two authentic copies, each in the Lithuanian, Albanian, Serbian and English languages, and all texts are equally authentic. In the event of a dispute over the interpretation of the provisions of this Agreement, the text in the English language shall prevail.

ON BEHALF OF
THE GOVERNMENT OF THE
REPUBLIC OF LITHUANIA



ON BEHALF OF
THE GOVERNMENT OF THE
REPUBLIC OF KOSOVO



Annex 1
of the Agreement between the
Government of the Republic of Lithuania
and the Government of the Republic of
Kosovo on the Readmission of persons
residing without authorisation

LIST OF DOCUMENTS

LIST OF DOCUMENTS THE PRESENTATION OF WHICH IS CONSIDERED AS PROOF OF NATIONALITY

(Articles 2 (1) and 6 (1) of the Agreement)

For the Republic of Lithuania:

1. Passport of the citizen of the Republic of Lithuania;
2. Passport of the Republic of Lithuania;
3. Personal identity card of the Republic of Lithuania;
4. Diplomatic passport of the Republic of Lithuania;
5. Service passport of the Republic of Lithuania;
6. Temporary passport of the Republic of Lithuania.

For the Republic of Kosovo:

1. Valid birth certificate;
2. Certificate of citizenship;
3. Valid ID card;
4. Valid passport.

Annex 2
of the Agreement between the
Government of the Republic of Lithuania
and the Government of the Republic of
Kosovo on the Readmission of persons
residing without authorisation

LIST OF DOCUMENTS
THE PRESENTATION OF WHICH IS CONSIDERED AS *PRIMA FACIE*
EVIDENCE OF NATIONALITY
(Articles 2 (1) and 6 (2) of the Agreement)

For the Republic of Lithuania

1. Any copies of documents listed in Annex 1 of the Agreement;
2. Driving licenses, issued by the competent authority of the Republic of Lithuania or copies thereof;
3. Birth certificates or copies thereof;
4. Service cards, issued by the competent authorities of the Republic of Lithuania or copies thereof;
5. Statements by witnesses;
6. Any other documents which may help to establish the citizenship of the person concerned.

For the Republic of Kosovo

1. Expired documents listed in Annex 1 to this Agreement, or photocopies thereof;
2. Driving license or photocopy thereof;
3. Birth certificates (For the Republic of Kosovo - issued by UNMIK) or photocopies thereof;

4. Travel documents and/or identity cards (For the Republic of Kosovo - issued by UNMIK) or photocopies thereof;

5. Kosovo Security Force identity cards;

6. Documents or letters confirming membership in the armed forces or state law enforcement agencies;

7. Statements by witnesses;

8. Written statements given by the person in question;

9. Biometric data of the person, such as fingerprints, retina and iris of the eye, voice features, facial lines and hand measurement data;

10. DNA test result;

Any other document issued by the state authorities that may assist in determining the citizenship of the person concerned.

Annex 3
of the Agreement between the
Government of the Republic of Lithuania
and the Government of the Republic of
Kosovo on the Readmission of persons
residing without authorisation

**LIST OF DOCUMENTS
WHICH ARE CONSIDERED AS PROOF OF THE CONDITIONS FOR THE
READMISSION OF THIRD COUNTRY NATIONALS AND STATELESS
PERSONS**

(Articles 3 (1) and 7 (1) of the Agreement)

1. Valid visa and/or residence permit issued by the Requested State;
2. Entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g., photographs, video recordings);
3. Named documents, certificates and bills of any kind (e.g., hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the Requesting State;
4. Named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the Requesting State;
5. Information showing that the person concerned has used the services of a courier or travel agency;
6. Official statements made, in particular, by border authority staff who can testify to the person concerned crossing the border;
7. Declaration of the person to be readmitted to the authorities of the Requesting State included in the protocol;
8. Official statements by the person concerned in court or administrative proceedings;
9. Statements by representatives of authorities and other persons.

Annex 4
of the Agreement between the
Government of the Republic of Lithuania
and the Government of the Republic of
Kosovo on the Readmission of persons
residing without authorisation

**COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PRIMA
FACIE EVIDENCE OF THE CONDITIONS FOR THE READMISSION OF
THIRD COUNTRY NATIONALS AND STATELESS PERSONS**

(Articles 3 (1) and 7 (2) of the Agreement)

1. Description issued by the relevant authorities of the Requesting State, as to the place and circumstances under which the person concerned was detained upon entering the territory of that State;
2. Information related to the identity and/or stay of the person which has been provided by international authorities or non-governmental organizations;
3. Reports/confirmations of information by family members, fellow travellers, etc;
4. Statement of the person in question.

Annex 5
of the Agreement between the
Government of the Republic of Lithuania
and the Government of the Republic of
Kosovo on the Readmission of persons
residing without authorisation

**LIST OF DOCUMENTS
WHICH ARE CONSIDERED AS PROOF OR AS PRIMA FACIE EVIDENCE OF
THE CONDITIONS FOR THE READMISSION OF FORMER NATIONALS OF
THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA, OF THE FORMER
FEDERAL REPUBLIC OF YUGOSLAVIA
(Articles 3 (3), and 7 (4-5) of the Agreement)**

Annex 5a (documents considered as evidence if issued before 10 June 1999):

1. Birth certificates or photocopies thereof issued by the former Socialist Federal Republic of Yugoslavia, of the former Federal Republic of Yugoslavia;
2. public documents, including identity cards, or photocopies thereof issued by the Republic of Kosovo, or the former Socialist Federal Republic of Yugoslavia, of the former Federal Republic of Yugoslavia stating place of birth and/or place of permanent residence as required by Article (3).

Annex 5b (documents considered prima facie evidence if issued before 10 June 1999):

1. other documents or certificates or photocopies thereof which point to the place of birth and/or place of permanent residence in the territory of the Republic of Kosovo;
2. official statement by the person concerned in judicial or administrative proceedings;
3. statements of witnesses;
4. written statements given by the person in question.

National Holidays of the Republic of Lithuania

(pursuant to the Labour Code of the Republic of Lithuania)

1. National holidays:

- a) 1 January – New Year’s Day;
- b) 16 February – Independence Day;
- c) 11 March – Restoration of Independence;
- d) Sunday and the following Monday of the Christian Easter (according to western traditions);
- e) 1 May – International Labour Day;
- f) First Sunday of May – Mother’s Day;
- g) First Sunday of June – Father’s Day;
- h) 24 June – Saint John’s Day;
- i) 6 July – the National Day of the Coronation of Mindaugas, King of Lithuania;
- j) 15 August – Assumption Day;
- k) 1 November – All Saints’ Day;
- l) 2 November – All Souls’ Day;
- m) 24 December – Christmas Eve;
- n) 25–26 December – Christmas.

National Holidays of the Republic of Kosovo

(pursuant to the Law on Official Holidays in the Republic of Kosovo)

2. National holidays

1) Official Holidays:

- a) 1 and 2 January – New Year;

- b) 7 January – Orthodox Christmas;
- c) 17 February – Independence Day of the Republic of Kosovo;
- d) Catholic Easter, Easter Monday;
- e) Orthodox Easter, Easter Monday;
- f) 9 April – Constitution Day of the Republic of Kosovo;
- g) 1 May – International Labour Day;
- h) 9 May – Europe Day;
- i) Great Eid, the first day;
- j) Eid al-Fitr, the first day;
- k) 25 December – Catholic Christmas.

2) If the official holidays mentioned under paragraph 1 of this Annex are on Saturday or Sunday, the following working day will be a non-working day.