

Protocol

on the procedure to be followed in the case of deportation of passengers, luggage, cargo and mail specified by "The Agreement Between the Government of Georgia and the Government of the Republic of Turkey on the Joint Usage of the Batumi International Airport" by the competent authorities of the both contracting parties or of the third Countries

The Government of Georgia is represented by the Border Police of Georgia of the Ministry of Internal Affairs of Georgia and by the Customs Department of the Ministry of Finance of Georgia (hereinafter referred to as "The Georgian Party"),

The Government of the Republic of Turkey is represented by the Department of Foreigners, Borders and Asylum Affairs of Directorate General Turkish National Police of Ministry of Interior and by the Customs Undersecretariat of Prime Ministry (hereinafter referred to as "The Turkish Party") and

Representing the competent authorities of the both Contracting Parties for implementation of the provisions envisaged by "The Agreement Between Government of the Government of Georgia and the Republic of Turkey the on the Joint Usage of the Batumi International Airport".

Recognizing the rights and obligations of the Contracting Parties in the case of deportation of passengers, luggage, cargo and mail specified by this Agreement;

Have agreed as follows:

Article 1.

The present protocol shall be integral part of "The Agreement Between the the Government of Georgia and the Government of Republic of Turkey on the Joint Usage of the Batumi International Airport".

Article 2.

1. The implementation of "The Agreement Between the Government of Georgia and the Government of the Republic of Turkey on the Joint Usage of the Batumi International Airport" (hereinafter referred to as "The Agreement") and this protocol will be realized by the Parties' local competent representatives (Contact Points) and inform each other in case of any change of data referred in Article 10 of this protocol.

2. The parties shall notify each other in written about competences and duties of their representatives referred in the paragraph 1 of this Article.

Article 3.

The Georgian party shall:

1. Accept the passenger, baggage, cargo and mail which are specified with the Agreement and transport them to the point of destination;
2. Accept the third country nationals and Georgian passengers who travel via Batumi International Airport and are considered as inadmissible by Turkish Party;
3. Notify immediately the country of departure about third country nationals, traveling via Batumi International Airport to Hopa terminal, refused (inadmitted) by the Turkish Party and facilitate their return to the place of last departure;
4. Without boarding special buses, facilitate return of passengers by the same airplane traveling from third countries via Batumi International Airport to Hopa terminal, who are not included in the list provided by the Airport Administration and not holding valid passport or relevant document;
5. Render passengers to police and competent customs representatives of the Turkish party at Sarpi border check-point according to list of passengers traveling via Batumi International Airport to Hopa terminal;
6. Render passengers, luggage, cargo and mail registered at Hopa Terminal and returned by the competent authorities of the third countries to the Turkish Party and provide with information and relevant documentation;
7. Prevent the return of passengers to Hopa Terminal, deported from any point in Turkey by air to Georgia to Batumi International Airport.
8. Ensure that the aircraft operator shall provide the accommodation and care and return of the inadmissible passengers, as well as the costs of these procedures, referred to in paragraph (3) of this article in accordance with the Chicago Convention Annex 9-Chapter 5-Article 5.9.
9. Be responsible for the cost of accommodation and care of all other categories of inadmissible passengers having document problems beyond the expertise of the aircraft operator from the moment these persons are found inadmissible until they are returned to the aircraft operator for removal from the territory of Georgia, in accordance with the Chicago Convention Annex 9-Chapter 5-Article 5.9.1.
10. Implement sanctions against aircraft operator in case the aircraft operator refuses to cover the costs mentioned in paragraph (8) of this article.

Article 4.

1. Passengers coming from Hopa terminal and returned by the competent authorities of the Georgian party or inadmitted by third countries shall leave Batumi Airport voluntarily and depart for Hopa terminal by special buses, separately from ordinary passengers.
2. The Georgian Party shall not conduct any procedure against the individuals indicated in the paragraph 1 of this Article (except in circumstances referred to in paragraph 3 of this article).
3. If the individuals indicated in the Paragraph 1 of this article do not leave Batumi Airport and depart voluntarily for Hopa terminal by special buses, the Georgian Party may deport the mentioned individuals from "Sarpi" border check-point to the Republic of Turkey in accordance with the existing legislation of Georgia.
4. In the case mentioned in the Paragraph 3; For Turkish Party, the information concerning the deported passengers, must contain the documents certifying the passengers registration at Hopa Terminal or material obtained as sufficient proof.

Article 5.

The Turkish Party shall:

1. Notify immediately the Georgian Party about the third country national-passengers, luggage, cargo and mail refused (inadmitted) by the Turkish Party who are traveling from the third countries to Hopa terminal via Batumi International Airport and transfer them to the Georgian party at the Sarp check-point, for departure to the last boarding point;
2. Accept passengers, luggage, cargo and mail departing from Hopa terminal and passengers deciding not to board on the plane at Batumi International Airport or not allowed to board on the plane by any other reason and returned back by special buses to Hopa terminal;
3. Confirm receipt of documentation concerning passengers, luggage, cargo and mail departed and registered at Hopa terminal and inadmitted and returned by the competent authorities of the third countries and receive them in accordance with the ICAO regulations and the Chicago Convention.
4. Render passengers to police and competent customs representatives of the Georgian party at Sarp border check-point according to list of passengers traveling from Hopa terminal via Batumi International Airport;
5. Ensure that the aircraft operator shall provide the accommodation and care and return of the inadmissible passengers, as well as the costs of these procedures, referred to in paragraph (1) of this article in accordance with the Chicago Convention Annex 9-Chapter 5-Article 5.9.

6. Be responsible for the cost of accommodation and care of all other categories of inadmissible passengers having document problems beyond the expertise of the aircraft operator from the moment these persons are found inadmissible until they are returned to the aircraft operator for removal from the territory of Turkey, in accordance with the Chicago Convention Annex 9-Chapter 5-Article 5.9.1.

7. Implement sanctions against aircraft operator in case the aircraft operator refuses to cover the costs mentioned in paragraph (5) of this article.

Article 6.

The Parties shall organize meetings for further joint measures to be taken in case of:

1. If the information provided by the Georgian Party on registration of a particular passenger at Hopa Terminal can not be confirmed, or if the information does not include such evidentiary document or the obtained materials do not give sufficient evidence to prove this,

2. If the information provided by the Turkish Party on registration of a particular passenger at Batumi International Airport can not be confirmed, or if the information does not include such evidentiary document or the obtained materials do not give sufficient evidence to prove this.

Article 7.

1. Meetings to be organized in accordance with article 6 of the present Protocol shall be held by the representatives of the competent authorities of the Contracting Parties on the territory of the requesting Party not later than 3 (three) days after the receipt of the request on meetings.

2. At the end of the meetings held in accordance with article 6 of this Protocol, a memorandum of understanding shall be drawn up and together with its copies, be forwarded to the competent authorities of Contracting Parties by their representatives.

3. If the representatives of the competent authorities of the contracting Parties fail to reach the agreement after meetings, article 7 titled "Settlement of Disputes" of "The Agreement Between the Government of Georgia and the Republic of Turkey the Government of on the Joint Usage of the Batumi International Airport" shall be applied.

Article 8.

This Protocol may be amended and supplemented in accordance with the Agreement between the Parties. The amendments shall form an integral part of this Protocol and shall enter into force in accordance with requirements of article 9 of this Protocol.

Article 9.

1. This Protocol shall enter into force in accordance with article 10 of "The Agreement Between the Government of Georgia and the Government of the Republic of Turkey on the Joint Usage of the Batumi International Airport".
2. The implementation of this protocol shall not prejudice the obligations undertaken by the Contracting Parties in accordance with 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol.

Article 10.

For implementation and follow up of responsibilities and procedures mentioned within the articles 3, 4, 5, 6 and 7 (Paragraphs 1 and 2) of this protocol, the following contact points of both Parties will be competent:

Local Representative (Contact Point) of the Georgian Party

1st Division of Border Police of Batumi

Address : Gorgasali Street 154-BATUMI

Tel: (+995) 88 222 7 31 01

Fax: (+995) 88 222 7 31 01

E-mail: gbg_batumi_airport@yahoo.com

Local Representative (Contact Point) of the Turkish Party

ARTVIN/Hopa Kaymakamlığı

Address: Hüsnü Ciner Caddesi, Hopa-ARTVIN

Tel: (+90).466. 351 40 05-+90.466.351 25 91

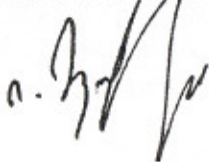
Fax: (+90).466. 351 70 00

E-mail: hopa@artvin.gov.tr

Article 11.

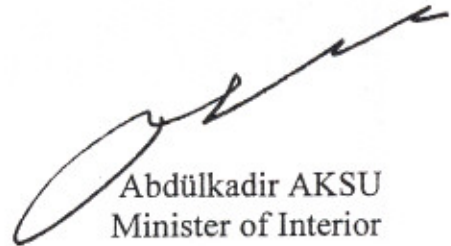
Done in *Tbilisi* on *16/04/2002* in two copies, each in Georgian, Turkish and English languages, all texts are equally authentic. In case of any divergence in the interpretation, the English text will prevail.

On behalf of the
Government of Georgia



Ivane MERABISHVILI
Minister of Internal Affairs

On behalf of the Government
of the Republic of Turkey



Abdülkadir AKSU
Minister of Interior