Draft

**Administrative Arrangement**

**between the Ministry of the Interior of the Republic of Latvia and
the Federal Ministry of the Interior, Building and Community of the Federal Republic of Germany on practical modalities for facilitating and expediting the Dublin procedure in accordance with Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person**

The Ministry of the Interior of the Republic of Latvia and the Federal Ministry of the Interior, Building and Community of the Federal Republic of Germany,

referred to in the following as the “Sides”,

have come to the following understanding in accordance with Article 36 (1) (b) of Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (referred to in the following as “the Dublin III Regulation”) following prior consultation of the European Commission in accordance with Article 36 (3) of Dublin III Regulation:

1.
Subject of this Arrangement

(1) This Arrangement governs the practical modalities for facilitating a more efficient application of the Dublin III Regulation.

(2) This Arrangement complies with the Dublin III Regulation and its implementing acts.

(3) The Sides will use the terms from the Dublin III Regulation as they are defined there.

[2.
Competent authorities](https://www.admin.ch/opc/de/classified-compilation/20141057/index.html%22%20%5Cl%20%22https%3A//www.admin.ch/opc/de/classified-compilation/20141057/index.html)

(1) The following authorities (referred to in the following as “competent authorities”) will be responsible for applying this Arrangement:

a) for the Federal Republic of Germany:

Bundesamt für Migration und Flüchtlinge

Frankenstraße 210

90461 Nürnberg

(referred to in the following as the “Dublin office”)

and

Bundespolizeipräsidium

Heinrich-Mann-Allee 103

14473 Potsdam

(referred to in the following as the “border authority”)

b) for the Republic of Latvia:

Office of Citizenship and Migration Affairs

 Čiekurkalna 1st line 1, k-3

 Riga, LV 10-26, Latvia (referred to in the following as the “Dublin office”)

and

State Border Guard

Rūdolfa street 5,

Riga, LV -1012, Latvia

(referred to in the following as the “border authority”)

(2) Only the Dublin offices will be authorized to make and reply to take charge and take back requests, refusals as referred to in Article 5 (2) of Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of the Dublin III Regulation (referred to in the following as the “Commission Regulation”) and requests for information pursuant to Article 34 of Dublin III Regulation. They will also be responsible for exchanging information to prepare transfers.

(3) On the occasion of signing this Arrangement, the Sides will exchange the contact information of those bodies within the competent authorities, which are entrusted with applying this Arrangement. The competent authorities will also immediately inform each other in writing of any changes in this regard.

3.
Time limits for replying

(1) The competent authorities will reply to requests to take charge as quickly as possible and within one month of receipt by the requested competent authority.

(2) In urgent cases pursuant to Article 21 (2) of Dublin III Regulation, the competent authorities will reply to the request within five days of receipt (calculated as described in Article 42 of Dublin III Regulation).

(3) If the competent authority does not reply within the above-mentioned time limits, both Sides concur that this will lead to a shift of responsibility.

(4) The competent authorities will reply to take back requests, refusals and requests for information as quickly as possible. A shift of responsibility as a result of failing to reply within the time limit should be avoided as far as possible.

4.
Expedited procedure in case of re-entry

(1) Persons transferred to the territory of the responsible Side or who travelled to that member state within the time limit and who later re-enter the territory of the requesting Side will be subject to an expedited procedure.

(2) The expedited procedure will be applied only in cases in which the requesting Side can find no new evidence or indications (as listed in Annex II, A and B, of the Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national) subsequent to the previous procedure which could indicate that another member state is responsible.

(3) The Side conducting the expedited procedure in case of re-entry will request the other Side for an urgent reply in such cases. The take back request must be marked accordingly (comparable to cases of detention referred to in Article 28 (3) of Dublin III Regulation).

(4) In case of expedited procedures, the competent authorities of the requested Side will reply to the request within five days of receiving the request (calculated as described in Article 42 of Dublin III Regulation).

(5) If the competent authority does not reply within the above-mentioned time limits, both Sides concur that this will lead to a shift of responsibility.

5.
General assurance

(1) Within thirty days after the signature of this Arrangement both Sides will provide a general assurance to the other Side that all persons to be transferred will be accommodated in compliance with the Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection during the asylum procedure and the applications will be examined in accordance with the Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

(2) If requested by one Side, the requested Side will enable a visit to specific facilities of accommodation at short notice.

6.

Collective transfers and other transfer modalities

(1) The requested Side will enable collective transfers by means of charter measures by air and by sea. Charter measures will be accepted by both Sides.

(2) The Dublin offices of both Sides will contact the border authorities in this regard in a timely fashion to be able to ensure reliable and regular planning. Charter measures should be permitted for all persons whom the responsible Side is obligated to admit or re-admit.

(3) The exact modalities for transfers using charter measures (e.g. place of transfer, advance notice, maximum number of persons, overbooking rate, time frame) will be jointly decided as described in Annex 1 of this Arrangement. Changes to this Annex will be possible only by mutual decision in writing of the competent authorities.

(4) The exact modalities for transfers of single persons or family groups will be jointly agreed as described in Annex 2 of this Arrangement. Changes to this Annex will be possible only by mutual decision in writing of the competent authorities.

(5) Transit by air will be carried out in accordance with Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.

(6) If the transfer modalities given in this Arrangement are not complied with, the requested Side may refuse to admit the transferred persons from the territory of the requesting Side at the desired time. In these cases, a different date and time for the transfer will be made by mutual decision. In individual cases if time limits are about to run out, the Sides may depart from these modalities by mutual consent.

7.
Communication between the competent authorities

(1) The competent authorities will communicate using the DubliNET system. They will use only the required forms. In case of technical difficulties, other means of communication may be used by way of exception, primarily fax, in order to ensure that requests are handled quickly. The Sides will ensure that all data are effectively protected against unauthorized access, fraudulent manipulation and unlawful disclosure. The Sides will fix technical problems without delay and will inform each other in writing of disruptions to the DubliNET system.

(2) Communication between the competent authorities will be in English.

8.
Practical issues

To resolve practical issues related to applying this Arrangement, the Dublin III Regulation and the Commission Regulation, each Side, acting through the competent authorities, may request a meeting. The time and place of these meetings will be decided by the competent authorities by mutual consent. Modalities for exchanging liaison officers may also be decided in this framework, if the competent authority of one of the Sides so desires.

9.
Start of cooperation

(1) This Arrangement will come into effect thirty days after its signature by both Sides.

(2) If the Dublin III Regulation or Commission Regulation is amended, the Sides will revise this Arrangement accordingly.

Signed at [place], on [date] in two originals in the English language, one for each Side.

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| **For the Ministry of the Interior of the Republic of Latvia**  | **For the Federal Ministry of the Interior, Building and Community of the Federal Republic of Germany** |

Annex 1

Administrative Arrangement pursuant to Article 36 of Dublin III Regulation

between the Ministry of the Interior of the Republic of Latvia and the Federal Ministry of the Interior, Building and Community of the Federal Republic of Germany

**Modalities for collective transfers**

1. General modalities
	1. Both Sides agree to the implementation of collective transfers for all applicants under their responsibility. Both Sides undertake to facilitate the realization of these transfers by all means.
	2. Each collective transfer may not concern more than 50 applicants.
	3. Collective transfers may be organized from Monday to Friday from 7 am to 6 pm, excluding public holidays.
	4. If an applicant is transferred as part of a collective transfer, the Side organizing the transfer must transfer it to the place designated by the responsible Side. Only one place is designated for all applicants included in the collective transfer. This place permanently replaces the one initially indicated in the acceptance decision of the applicants concerned.
	5. Time limits will be calculated as described in Article 42 of Dublin III Regulation.
2. Organization of the transfer
	1. When one of the two Sides wishes to make a collective transfer, it requests via
	DubliNet the other Side at least twenty days before the date of the transfer, specifying the number of people to be transferred, the desired date and the mode of transport used (air or sea).
	2. The requested Side responds within five days to designate the arrival transfer location from those listed below.
	3. At least seven days before the transfer is made, the transferring Side sends the list of people to be transferred via DubliNet to the responsible Side. The number of people listed can be up to twice the number of people who will actually be transferred. This list contains the surnames, forenames, nationalities, date of birth, reference numbers of the initial request and of the acceptance decision for each person.
	4. This list also contains information about any person, which requires special assistance (e.g. mentally or physically disabled persons) or otherwise require special travel arrangements. The list also contains information about persons considered a potential threat.
3. Execution of the collective transfer
	1. Only persons on the above mentioned list will be accepted for the upcoming transfer. If the collective transfer contains persons not listed, entry for those persons will be denied.
	2. Immediately after the start of the collective transfer, a list of persons actually on the transfer will be transmitted to the competent authority of the requested Side.
4. Places of the collective transfer
	1. Collective airline transfers may be arranged to any airport designated by the requested Side. The requested Side will designate an alternative airport, if requested by the transferring Side.
	2. Collective sea transfers may be arranged for the following arrival ports: Travemünde (Germany); Liepāja (Latvia)

Annex 2

Administrative Arrangement pursuant to Article 36 of Dublin III Regulation

between the Ministry of the Interior of the Republic of Latvia and the Federal Ministry of the Interior, Building and Community of the Federal Republic of Germany

**Modalities for individual transfers**

1) General modalities

a) Both Sides agree to the implementation of individual transfers for all applicants under their responsibility. Both Sides undertake to facilitate the realization of these transfers by all means.

b) One location for transfers by air and one location for transfers by sea will be designated in all acceptance decisions.

* 1. Time limits will be calculated as described in Article 42 of Dublin III Regulation.

2) Organization of the transfer

a) The notification time through DubliNet for individual transfers is five days. The notification includes the actual transfer location.

b) The notification time through DubliNet for individual transfers of persons in need of special assistance (e.g. mentally or physically disabled persons, unaccompanied minors) or persons considered a potential threat is ten days.

c) Individual transfers may be organized from Monday to Friday from 7 am to 6 pm, excluding public holidays.

3) Places of the individual transfer

a) Individual airline transfers may be arranged to all airports with non-stop connections of commercial airlines between Latvia and Germany, as well as all connecting flights of commercial airlines via airports of other Member States.

b) Individual sea transfers may be arranged for the following arrival ports: Travemünde (Germany); Liepāja (Latvia).

Iekšlietu ministrs S.Ģirģens

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