

AGREEMENT
between the Government of the Republic of North Macedonia and
the Government of the Republic of Serbia
on establishing joint controls at the border crossing point for international road traffic
Tabanovce (Republic of North Macedonia) - Preševo (Republic of Serbia)

The Government of the Republic of North Macedonia and the Government of the Republic of Serbia (hereinafter referred to as the "Parties"), considering the friendly and good neighbourly relations and cooperation between the two states,

Bearing in mind the real possibilities for further strengthening and improving mutually beneficial and well-balanced long-term cooperation between the two states, as well as their wish to create the most favourable conditions for the development of such cooperation,

Desiring to improve the movement of citizens and trade between the two states and facilitate traffic across the common state border

Have agreed as follows:

Article 1
Subject of the Agreement

The subject of this Agreement shall be the establishment of joint controls at the border crossing point for international road traffic Preševo (Republic of Serbia) - Tabanovce (Republic of North Macedonia).

Joint controls at the border crossing point shall be established in the territory of both Parties, in such a way that border control and border checks on the exit from the Republic of Serbia and the border control and border checks on the entrance to the Republic of North Macedonia shall be carried out in the territory of the Republic of North Macedonia at the Tabanovce border crossing point. The border control and border checks on the exit from the Republic of North Macedonia and the border control and border checks on the entrance to the Republic of Serbia shall be carried out in the territory of the Republic of Serbia, at the Preševo border crossing point.

Joint border controls at the border crossing points Preševo - Tabanovce shall start to be implemented when the conditions for unhindered operation of border services of the Parties are fulfilled.

Joint border controls shall be performed 24 hours a day/every day of the week.

Article 2 Definition of Terms

The terms used in this Agreement shall have the following meaning:

1) **Border control** shall mean the control of border traffic between the Parties which shall imply the enforcement of all laws and other regulations of the states of the Parties that apply to the crossing of a state border, as well as to import, export and the transit of passengers and objects, inspection of goods, means of transport, passenger baggage and other goods that passengers carry with or on themselves, including also the traffic of valuables and bearer negotiable instruments;

2) **Border checks** shall mean checks on persons and travel documents, means of transport and objects at the border crossing points during the fixed opening hours, in connection with the intended crossing of the state border, or immediately after the state border has been crossed, as well as other types of checks on persons, goods, services, means of transport, animals and plants and their products crossing the state border that are envisaged by the legislation of the states of the Parties;

3) **Host state** shall mean a state in whose territory the competent authorities of the neighbouring state perform border control and border checks;

4) **Neighbouring state** shall mean the state of the other Party whose competent authorities perform border control and border checks in the territory of the host state;

5) **State of exit** shall mean the state of the Party to this Agreement carrying out exit border control and border checks;

6) **State of entry** shall mean the state of the Party to this Agreement carrying out entry border control and border checks;

7) **Zone** shall include a certain part of the area of the border crossing points Preševo and Tabanovce where the officials of the Parties perform border checks and border controls;

8) **Officials** shall mean persons performing duties in the field of border control and border checks, namely:

(1) for the Republic of North Macedonia: police officers of the Ministry of Interior of the Republic of North Macedonia – Department for border affairs and migration, officials of the Ministry for finance of the Republic of North Macedonia – Customs Administration and officials of the Ministry for Agriculture, Forestry and Water Management, State Inspectorate for agriculture, Phytosanitary inspection – officials of the food and veterinary Agency;

(2) for the Republic of Serbia: police officers of the Ministry of the Interior of the Republic of Serbia - Border Police Directorate, officers of the Ministry of Finance of the Republic of Serbia - Customs Administration, and officers of the Ministry of Agriculture, Forestry and Water Management - Veterinary Directorate and Plant Protection Directorate.

9) **Other persons** shall mean the employees of the agencies or other legal entities of the Parties that operate or have business premises in the area of the border crossing points.

Article 3 Zone

Zone shall include a certain part of the area of the border crossing points Preševo and Tabanovce where the officials of the Parties perform border checks and border controls.

Zone at the Preševo border crossing point on the entrance to the Republic of Serbia, or at the Tabanovce border crossing point, on the entrance to the Republic of North Macedonia, shall include:

- 1) the space and official premises designated for carrying out border control and border checks by the competent authorities of the Parties;
- 2) other facilities intended for carrying out border control and border checks and parking area;
- 3) road between the state border and the area for carrying out border control;

Article 4 Implementing protocols

Within the period of 90 days from the date of entry into force of this Agreement, the competent authorities of the Parties (border police, customs, inspection services, and authorities responsible for managing border crossing points), shall draw up implementing protocols.

Article 5 Construction and use of facilities

In the zone, the Parties may build and install new facilities or share the existing official facilities of the host state, in accordance with the legislation of the states of the Parties.

The host state, as a rule, shall provide connection to electricity, water and other communal infrastructure.

The issues of corresponding part of the actual costs of using and maintaining facilities and premises, as well as running and other costs, shall also be regulated by the protocols referred to in Article 4 thereof.

The equipment and materials necessary for the construction and equipping of the interior and exterior of the facilities for the needs of the neighbouring state in the zone shall be exempt from customs, taxes and other fees of the host state.

Article 6 Telecommunication and other devices

The host state shall, subject to exemption from all fees, undertake to approve the construction of the telecommunication infrastructure necessary for the supply of the required telecommunication and information services.

The host state shall undertake to enable the installation, implementation, commissioning and maintenance of telecommunication and information systems, equipment and assets, including video surveillance and other electronic equipment required exclusively for carrying out border control and border checks.

Telecommunication and information systems shall be operated and the frequencies used in accordance with the regulations of the states of the Parties.

The competent authorities of the Parties shall use the frequency in the zone in accordance with national legislation of the states of the Parties.

The Parties shall be obliged to provide each other with special space for storing equipment of telecommunication and information systems, according to the needs.

Article 7
Marking border crossing points and facilities

Marks and signs indicating the border crossing point and official premises used by the Parties in the zone at the border crossing point shall be placed in accordance with the national legislation of the Parties.

Article 8
Application of regulations

When carrying out border control and border checks in the zone, the officials of the neighbouring state shall apply the regulations of their own state regulating the movement of persons, goods and means of transportation, in the same scope and in the same manner as in the territory of their own state.

Official duties performed by the officials of the neighbouring state in the zone shall be deemed to have been performed in the neighbouring state.

Violation of the regulations of the neighbouring state referred to in paragraph 1 of this Article committed in the zone shall be deemed to have been committed in the neighbouring state.

In all other cases, the legislation of the host state shall apply, unless otherwise provided in this Agreement.

Article 9
Treatment of host state nationals

The application of regulations referred to in Article 8, paragraph 1 of this Agreement shall imply the right to deprivation of liberty, detention and forced return, in accordance with national legislation of the states of the Parties.

Notwithstanding the provisions of paragraph 1 of this Article, the officials of the neighbouring state shall not be authorized to deprive of liberty the nationals of the host state in its territory, or bring them in to the neighbouring state.

The persons referred to in paragraph 2 of this Article may be detained in the area for carrying out border control and border checks for the purpose of compiling a situation report, after which they shall be handed over to the competent authority of the host state at the border crossing point.

The officials of the host state shall be informed without delay in case the measures referred to in paragraph 3 of this Article have been undertaken.

The officials of the Parties shall provide assistance to each other and that shall not restrict the right of the officials of the neighbouring state to take all necessary measures to protect the lives and security of officials and other persons.

The provisions of this Article shall not affect the application of the regulations of the host state on asylum.

Article 10 **Procedures regarding persons and belongings**

Money and other bearer negotiable instruments, belongings, means of transport and goods temporarily seized or confiscated by officials of the neighbouring state in the course of border control and border checks and during the execution of official duties may be transferred to the neighbouring state.

Items that have been temporarily seized or confiscated by the officials of the neighbouring state during the exit border control or border checks, or have been, at the request of officials, returned to the neighbouring state before the beginning of entry border control and border checks, shall not be subject to the regulations on import and export, and the entry border control shall not be carried out thereof.

Persons not allowed to enter the state of entry may not be refused return to the state of exit.

If necessary, the persons referred to in paragraph 3 of this Article shall be escorted to the officials of the state of exit.

The right of persons referred to in paragraph 3 of this Article to return to the state of exit shall also refer to their belongings.

Article 11 **Entry and exit border control and border checks**

At the border crossing point, the state of exit shall carry out the border check before the state of entry.

Customs procedures shall be applied upon finishing the border checks in a manner stipulated by the implementing Protocols of the Agreement for joint controls in accordance with Article 4 of this Agreement.

Following the beginning of the entry border check, the officials of the state of exit shall no longer be entitled to carry out the border check.

Exceptionally, if a suspicion of a criminal offence arises after the entry border check has been initiated or is subsequently found that in the zone there is a person who is looked for, the officials of the state of exit shall be entitled, having previously notified thereof the officials of the state of entry, to carry out the border check again, deprive the person concerned of liberty and temporarily seize or confiscate items.

Article 12
Officials, uniforms, and approval of stay and work

The officials of the Parties shall perform the tasks in their competence in accordance with their respective legislation.

The officials in the zone shall wear uniform, service weapons and ammunition, as well as prominently displayed markings in accordance with national legislation.

The officials of the neighbouring state may, while performing their duty in the zone, also wear service clothing with prominently displayed markings, equipment, and have police dogs with them.

The officials of the neighbouring state may use service weapons in accordance with the laws and other regulations of the neighbouring state.

By way of exception, the host state may deny an official of the neighbouring state stay and work in the zone, of which it shall notify in writing the competent authority of the other Party, without stating the reasons thereof.

In case of injury or death of an official of the neighbouring state, as well as in case of loss of items they have on them (uniform, weapon, etc.) while on duty, the national legislation of the neighbouring state shall apply.

Article 13
Authorisation of movement and stay in the zone

Other persons referred to in Article 2, paragraph 1, point 9 of this Agreement may move, stay and carry out the activity in the zone for which they have been granted authorisation prescribed by the national legislation of the states of the Parties.

Article 14
Items used for official purposes

While in the zone, service and private vehicles, equipment and items intended for official use in carrying out border checks and border controls or in meeting the needs of the officials of the neighbouring state while performing their duties in the host state shall not be subject to the payment of customs duties, taxes or other fees.

The officials of the host state shall not be entitled to inspect and seize the files, documentation and electronic data carriers used by the officials of the neighbouring state in carrying out of border checks and border controls in the host state, as well as official consignments, vehicles, premises and service equipment.

The money used by the officials of the neighbouring state for official purposes in the zone may be brought in and out or transferred to and from the neighbouring state.

Article 15
Protection and assistance

In the performance of their duties in the zone, the officials of the neighbouring state shall be provided with equal protection and assistance by the host state as it provides to its own officials.

If a criminal offence or misdemeanour is committed by an official of the neighbouring state in the territory of the host state, the competent authority in accordance with the national legislation of the host state must take measures without delay and inform the competent authority of the neighbouring state.

If a criminal offence or misdemeanour is committed against an official of the neighbouring state, the national legislation of the neighbouring state shall apply.

The official premises of the neighbouring state may be searched by the officials of the host state only with the consent of the competent authorities of the neighbouring state.

The legislation of the neighbouring state shall apply for the compensation of damage caused by the officials of the neighbouring state in carrying out border control in the zone.

Article 16
Mixed Commission

For the purpose of monitoring the implementation of the provisions of this Agreement, a Mixed Commission shall be established, to which each Party shall appoint the President of its part of the Commission and four other members, and their substitutes.

The tasks and the functioning of the Mixed Commission shall be governed by the Rules of Procedure. The Rules of Procedure shall be adopted at the first meeting of the Mixed Commission, which shall be held within 60 days from the date on which this Agreement becomes applicable.

The Parties shall inform each other through diplomatic channels about the appointment of the President of their respective parts of the Mixed Commission, while the Presidents of the Commission shall inform each other through the exchange of letters regarding the appointment of the members of the Mixed Commission and their substitutes.

The task of the Mixed Commission shall be to coordinate the work of the competent authorities in resolving spatial, technical and other issues related to border crossing points, namely:

- to monitor and analyse the volume of traffic at the border crossing point and to propose measures and actions for a faster flow of people and goods;
- to monitor and analyse the work of the competent border services and to propose measures for the improvement of the functioning of joint controls;
- to carry out other tasks which are directly related to joint controls.

The Mixed Commission shall hold meetings when the need arises, and at least once a year, alternately in the territory of the Parties.

Article 17


Entry into force, amendments and supplements, and termination

1. This Agreement shall be concluded for an indefinite period of time and shall enter into force on the date of receipt of the last written notification submitted through diplomatic channels by which the Parties inform each other on the completion of the their internal legal procedures necessary for its entry into force.
2. This Agreement may be amended or supplemented by mutual written consent of the Parties, and the amendments and supplements shall enter into force in accordance with paragraph 1 of this Article.
3. Either Party may terminate this Agreement in writing submitted to the other Party through diplomatic channels. In that case the Agreement shall cease to apply three months after the date of the receipt of such notification.

Signed at Belgrade, on 12.07.2013, in two original copies, each in the Macedonian, Serbian and English languages, whereby each text is equally authentic.

In case of divergence in interpretation, the text in the English language shall prevail.

FOR THE GOVERNMENT OF
THE REPUBLIC OF NORTH
MACEDONIA



FOR THE GOVERNMENT OF
THE REPUBLIC OF SERBIA

