

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF NORTH MACEDONIA
AND
THE COUNCIL OF MINISTERS OF THE REPUBLIC OF ALBANIA
ON
THE ESTABLISHMENT OF SHARED BORDER CROSSING POINTS BETWEEN THE
REPUBLIC OF NORTH MACEDONIA AND THE REPUBLIC OF ALBANIA**

The Government of the Republic of North Macedonia and the Council of Ministers of the Republic of Albania (hereafter referred to as the "Parties")

Having regard to the friendly relations, cooperation and good neighbouring relations between the two countries;

taking into account the willingness to further strengthen and develop the cooperation;

with the aim of simplifying and facilitating the procedures and measures related to border controls of the cross-border traffic between the two countries;

have agreed on the following:

**Article 1
Subject to the Agreement**

1. Subject to this Agreement shall be the establishment of shared border crossing points at the border crossing points for international road traffic along the State border between the Republic of North Macedonia and the Republic of Albania and the carrying out of customs control and border checks.

2. In principal:

- a) At the shared border crossing points the customs control and border checks on the exit from the Republic of North Macedonia and customs control and border checks on the entrance in the Republic of Albania shall be carried out in the territory of the Republic of Albania.
- b) At the shared border crossing points the customs control and border checks on the exit from the Republic of Albania and the customs control and border checks on the entrance in the Republic of North Macedonia shall be carried out in the territory of the Republic of North Macedonia.
- c) The customs control and border checks shall be performed 24 hours a day, every day of the week.

3. By way of derogation from paragraph 2(a)(b), scanner checks shall be performed where the scanner is located, according to the protocol to be approved in reference to Article 16.

Article 2 **Definitions**

For the purpose of this Agreement:

1. **“Shared Border Crossing Point”**, hereinafter SBCP, is a competent border crossing point where the border authorities of both Parties carry out customs control and border checks.

2. **“Customs control”** shall mean the control of border traffic between the States of 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 the State border by passengers, as well as to import, export and the transit of goods, 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 physical transferable payment instruments.

3. **“Border checks”** shall mean checks on persons and travel documents, means of transport and objects at the border crossing points during the fixed working 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 provided by the national legislation of the States of the Parties.

4. **“State of entry”** shall mean the State of the Party carrying out entry customs control and border checks;

5. **“State of exit”** shall mean the State of the Party carrying out exit customs control and border checks;

6. **“Zone of the Shared Border Crossing Point”**, hereinafter ZSBCP, shall mean certain area provided in accordance with the national legislation of the States of the Parties where the officials of both Parties are authorized to carry out customs control and border checks in accordance with their competences.

7. **“Staff/Officials”** shall mean persons performing duties in the fields of customs control and border checks, as well as persons responsible for monitoring of services, authorized by each Party as follows:

(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 of Finance of the Republic of North Macedonia – Customs Administration, officials of the Ministry of Agriculture, Forestry and Water Management, State Inspectorate for Agriculture, Phytosanitary inspection, officials of the Food and Veterinary Agency

(2) for the Republic of Albania: police officers of the State Police in the Ministry of Interior of the Republic of Albania, officials of the Ministry of Finance of the Republic of Albania – Customs Administration and officials of the Ministry of Agriculture and Rural Development, The National Food Authority (AKU).

8. **“Goods”** shall mean goods, means of transport and material goods subject to control by customs officers.

9. **“One-Stop Control”** shall mean customs control and border checks performed by the officials of both countries at one single point, at the same time, where all the procedures are processed.

10. **“Host State”** shall mean the State on whose territory the competent authorities of the Neighbouring State perform customs control and border checks.

11. **“Neighbouring State”** shall mean the State of the other Party whose competent authorities perform customs control and border checks on the territory of the Host State;

Article 3 Purpose of the Agreement

The Parties shall, within the framework of this Agreement, facilitate and expedite customs control and border checks, with the purpose of facilitating the movement of passengers and goods.

Article 4 Location of the SBCP

The Parties shall mutually agree on the locations of the Shared Border Crossing Points.

Article 5 Applicable Law

1. With regard to customs control and border checks carried out in the ZSBCP, the Parties shall apply their national legislation. Violation of these provisions in the ZSBCP will have the same legal consequences as if they had taken place in the territory of the Neighbouring State.

2. Official duties carried out by officials of the Neighbouring State in the ZSBCP shall be carried out in accordance with the relevant national legislation of the Neighbouring State and shall be deemed to have been performed in the territory of that State.

3. Whenever the officials of each of the Parties have taken measures in accordance with paragraph 2 of this Article, the official of the Host State shall be immediately informed and he/she shall provide support if necessary.

Article 6 Entry-Exit Customs Control and Border Checks

1. The persons, vehicles and goods entering and/or exiting the Parties' State territories shall be subject to control by the respective of the competent authorities based on the principle **“One-Stop Control”**, at entry and exit one after the other, in accordance with the national legislation of each State of the Party and in accordance with this Agreement, in the areas defined for this purpose.

2. After the initiation of the customs control and border checks procedure on entry, the officials of the State of exit are no longer authorized to carry out actions related to the border crossing. However, if after the initiation of customs control and border checks procedures upon entry there are suspicions on criminal offence, or if a person that should be arrested is

present in the zone, the officers of the State of exit are authorized to repeat the border checks procedures, after having previously notified the officers of the State of entry.

3. In case of unanticipated and extraordinary circumstances and whenever there is a risk to public safety, the Parties may agree to suspend the one-stop control principle and to re-establish regular controls.

4. The persons who were refused entry by the officials of the State of entry shall not be stopped from returning to the State of exit/origin.

5. The goods whose import has been rejected by the officials of the State of entry shall be allowed to return to the State of exit.

6. The sums of money collected by the officials of the Neighbouring State in the form of official tariffs for the purpose of border crossing towards the territory of the State shall be returned to their respective State and shall not be subject to export rules. The sums of money and the

securities confiscated by the officers of each Party during the carrying out customs control, as well as the goods and means that have been seized, shall be handled in accordance with the national legislation of the Party and shall not be subjected to export rules.

7. During the implementation of the measures referred to in the paragraphs 4-6, the officials of each Party shall inform and assist each other.

Article 7

Accreditation document, Uniforms and Weapons

1. During the working hours in the ZSBCP, the officials of the Neighbouring State shall have a prominently displayed official badge on them which grants the official the right to enter the ZSBCP, to work there and to return to the Neighbouring State. However, this does not prevent the police authorities of the Host State to refuse entry to the ZSBCP to specific officials of the Neighbouring State. If an official of the Neighbouring State has been refused entry in the Host State, the relevant competent authorities shall immediately inform the respective authorities of the Neighbouring State concerning the refusal.

2. The officials of both Parties shall wear service uniforms during their presence in the ZSBCP. In extraordinary cases and when it is agreed between the competent authorities, the officials may dress as civilians, while wearing visible police/customs symbols in the front and/or back, or by holding their badges distinctively.

3. The Parties shall inform each other in case of changes related to this paragraph.

4. The officials of the Neighbouring State shall carry only one short service weapon, provided the national legislation allows them to do so. Additionally, police officers may carry handcuffs, batons and teargas while on duty at the ZSBCP.

Article 8

Use of force

1. Force, including deadly force, shall be used only in the cases of necessary protection and extreme necessity and in accordance with national legislation.

2. The use of force shall be in proportion with the risk and shall not exceed the limits of the necessity arising from the encountered situation.

3. The officials of the Neighbouring State have the right to use physical force to isolate individuals that disrupt the order at the ZSBCP.

4. The authorities of the Host State shall be notified on these measures immediately and shall provide support whenever required.

Article 9 Protection of officials

1. The officials of both Parties shall enjoy the same level of protection while providing their service in the ZSBCP.

2. The courts of the Neighbouring State have the jurisdiction to rule on the demands for compensating the damages caused by the officials of that State, in the aspect of law enforcement at the ZSBCP. These demands are to be judged according to the national legislation of the Neighbouring State.

3. In case of disciplinary violations, the officials shall be subject to disciplinary proceedings in accordance with the national legislation of each of the States of the Parties.

Article 10 Liability and claims

If an official of the Neighbouring State suffers loss of life or injury in the work place during the performance of his/her duties and/or in relation to his/her duties or suffers a corporal injury by an object which he/she carries with him/her, the claims are to be compensated according to the national legislation of the Neighbouring State.

Article 11 Official premises

1. The Host State commits to provide the necessary premises for the officials of the Neighbouring State for the carrying out of official duties. The Host State shall, as a rule, provide electricity, water and other utilities.

2. The official premises used for customs control and border checks by both Parties, shall be marked with official and State symbols, in accordance with national legislation.

Article 12 Maintenance of official premises

The Parties shall also regulate their actual expenses for using and maintaining the facilities and premises, as well as the general and other expenses.

Article 13
Telecommunications and other equipment

1. The Host State undertakes to approve the installation of the telecommunications infrastructure required to provide the necessary telecommunications and information services.
2. The Host State undertakes to enable the installation, implementation, commissioning and maintenance of telecommunications and information systems, equipment and facilities, including video surveillance and other electronic equipment required solely for customs control and border checks.
3. The operation of the telecommunications and information systems and the use of frequencies shall be done in accordance with the regulations of each of the Parties.
4. The competent authorities of the Parties in the ZSBCP shall use the frequency in accordance with the national legislation of the Parties.
5. The Parties are obliged to provide special storage space for telecommunication and information systems as required.

Article 14
Equipment and objects for official use

1. Objects and equipment intended for official use in the ZSBCP by the officers of the Neighbouring State shall be used and transported without being subjected to customs duties. The same applies to official/service vehicles and to private vehicles used by staff to perform their duties.
2. The official equipment of both Parties, needed for the delivery of the tasks related to border checks in the ZSBCP, may be installed and used by their respective officials.
3. The service dogs of both Parties shall be considered as official equipment and shall be used in accordance with paragraph 2 of this Article.
4. The Parties shall inform each other immediately about any change that might arise in relation to paragraphs 1 and 2 through their respective officers at the ZSBCP.
5. The Host State, apart for the exemption from duties, shall allow the installation, maintenance and usage of the telecommunication equipment which are used exclusively in the actions at the official locations defined for border control by the officers of the Neighbouring Party and shall allow their connection to the respective equipment of the Neighbouring Party. The use of such equipment shall be deemed as internal traffic of the Neighbouring Party.
6. The letters, the official correspondence and other documents and tools which contain data used by the officers of each Party while carrying out their tasks at the ZSBCP, as well as the official mail and equipment, shall not be inspected or seized by the officers of the other Party.

Article 15
Joint Committee of Experts

1. In order to monitor the application of the provisions of this Agreement, the Parties shall establish a Joint Committee of Experts (hereinafter referred to as JCE). The tasks and work

of the JCE shall be regulated by Rules of Procedure. The Rules of Procedure shall be adopted at the first meeting of the JCE, which shall be held within 60 days of the day of commencement of the application of this Agreement. The Parties shall be informed through diplomatic channels of the appointment of the Chairman of their part of the Joint Committee, and the Chairmen of the Committees shall be informed of the appointment of the members of the Joint Committee and their deputies by exchange of letters.

2. The JCE shall consist of five (5) permanent representatives from each Party representing the competent institutions for the implementation of the obligations arising out of this Agreement.

3. The JCE shall meet regularly every six months. The JCE may meet at any time at the request of any Party.

4. The JCE shall determine the exact location of the ZSBCP, as well as its technical parameters.

5. The task of the JCE for the purposes of this Agreement shall be to harmonize the work of the competent authorities in the settlement of premises, technical and other matters relating to border crossings, as follows:

- monitors and analyzes the frequency of traffic flow and proposes measures and activities for faster flow of people and goods;
- monitors and analyzes the work of the competent border services and proposes measures to improve the functioning of joint controls;
- performs other tasks directly related to joint controls.

Article 16

Implementation acts, and annexes

1. In accordance with this Agreement and taking into consideration the JCE's recommendations, the Parties agree to sign relevant implementation protocols between their respective institutions.

2. These protocols shall define aspects related to the functioning of the SBCPs, as well as the place and modality in which joint controls will be carried out.

Article 17

Settlement of Disputes

1. Disputes concerning the interpretation or application of this Agreement shall be settled by the JCE/the competent authorities of each Party.

2. In the cases when the JCE fails to reach an agreement acceptable by both Parties within three months, the disputes shall be solved through mutual discussions using the diplomatic channels.

Article 18

Suspension Clause

For reasons of national security or for protecting the public interest, either Party may temporarily suspend the application of the Agreement or of any provision of this Agreement

subject to circumstances that dictate such decision on its territory. The other Party shall be notified immediately in writing.

Article 19
Final Provisions

1. This Agreement shall enter into force on the day of receipt of the last written notice by which the Parties notify each other through diplomatic channels that the internal legal procedures for its entry into force have been completed.
2. This Agreement is made for an indefinite period of time. Either Party may terminate this Agreement at any time by written notice to the other Party through diplomatic channels. In such case, the Agreement shall cease to be in force six months after the receipt of the notice of cancellation by the other Party.
3. This Agreement may be amended by written consent of the Parties. Amendments to this Agreement shall enter into force in accordance with paragraph 1 of this Article.

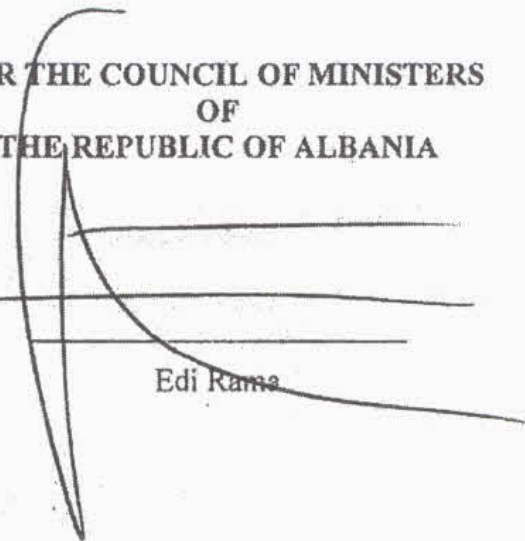
Done in Tirana on 10th June 2021, in two original copies in Macedonian, Albanian, and English, all three texts being equally authentic. In case of any dispute regarding the interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
THE REPUBLIC OF NORTH
MACEDONIA



Zoran Zaev

FOR THE COUNCIL OF MINISTERS
OF
THE REPUBLIC OF ALBANIA



Edi Rama

Член 3

Министерството за финансии, Министерството за финансии - Царинска управа, Агенцијата за храна и ветеринарство и Министерството за земјоделство, шумарство и водостопанство – Државен инспекторат за земјоделство се определуваат како надлежни органи на државната управа што ќе се грижат за извршување на Договорот од членот 1 од овој закон.

Член 4

Овој закон влегува во сила осмиот ден од денот на објавувањето во „Службен весник на Република Северна Македонија“.