

FIRST PROTOCOL ON THE IMPLEMENTATION OF THE AGREEMENT ON CONDITIONS FOR FREE ACCESS TO THE LABOUR MARKET IN THE WESTERN BALKANS

We the Western Balkan participants referred to collectively as "the Contracting Parties" and individually as "the Contracting Party"

In keeping with Article 16 of the Agreement on Conditions for Free Access to the Labour Market in the Western Balkans, signed on December 21, 2021 in Tirana, (hereinafter referred to as "the Agreement")

Have agreed as follows:

Article 1

This Protocol lays out conditions for the implementation of the Agreement on Conditions for Free Access to the Labour Market in the Western Balkans, especially for setting the common criteria for registration of citizens of Contracting Parties, as well as the issues related to work and residence of citizens of Contracting Parties in the territory of the Receiving Party.

Terms and expressions used in this Protocol shall be understood as defined in the Agreement.

Article 2

A Citizen of a Contracting Party (hereinafter: The Applicant) in accordance with Article 7 of the Agreement shall use online electronic service created for free access to the labour market on e-Government Portal of the Receiving Party.

The data on the confirmed electronic identity of the person applying for the service referred to in paragraph 1 of this Article shall be provided in accordance with the Agreement on Interconnection of Schemes for Electronic Identification of the Citizens of the Western Balkans.

Applicant shall submit both his/her personal and other data related to the circumstances of his/her work and stay in the Receiving Party.

Personal data referred to in Paragraph 3 of this Article includes:

- 1) Open Balkan ID number
- 2) Name and surname
- 3) Date of birth
- 4) Country of birth
- 5) Domestic unique identification number provided by the Contracting Party of which he/she is a citizen
- 6) Gender
- 7) Citizenship

Other data referred to in Paragraph 3 of this Article includes:

- 1) Document type, number and date of expiry (valid ID card or biometric travel document) and attached copy of the document
- 2) Father's name and surname
- 3) Mother's name and surname
- 4) Maiden name - if applicable
- 5) Email address
- 6) Mobile phone number
- 7) Address where Applicant either resides or intends to reside in the Receiving Party
- 8) Previous residence permits granted in the Receiving Party
- 9) Civil status
- 10) Self-declaration of judicial status in Contracting Party of which he or she is a citizen
- 11) Self-declaration that he/she does not pose a threat to public health
- 12) Self-declaration related to minor children and/or spouse and intention for family reunification
- 13) Self-declaration on financial resources for residing in Receiving Party
- 14) Self-declaration regarding data on vehicle registered outside Receiving Party, which he /she intends to use in Receiving Party
- 15) Recent photo not older than 6 months
- 16) Information about potential employment
- 17) Information about education and professional qualifications

Integral part of the online application form is the Applicant's statement that he/she is submitting the form personally, that all data provided is true and that he/she is aware of the consequences for providing false information or withholding information.

Article 3

The Receiving Party, in accordance with the domestic legislation, examines whether the conditions laid down in Article 4 of the Agreement are met within 30 days from the date of submitting application via online electronic service referred to in Paragraph 1 of Article 2.

After finalizing the procedure referred to in Paragraph 1 of this Article, applicant receives electronic notification.

Article 4

If the free access to the labour market has been approved, the applicant shall receive electronic Approval for free access to the labour market.

The Approval for free access to the labour market referred to in Paragraph 1 of this Article includes:

- 1) Open Balkan ID number of the applicant
- 2) Application/approval number for free access to the labour market,
- 3) Name and surname
- 4) Date of birth
- 5) Gender
- 6) Domestic unique identification number
- 7) Citizenship
- 8) Mobile phone number
- 9) Email address
- 10) Document type, number and date of expiry (valid ID card or biometric travel document)
- 11) Period of validity of the Approval for free access to the labour market
- 12) Unique foreigner ID number assigned by Receiving Party to the Applicant
- 13) QR code containing data that enables electronic checking of the validity of the Approval and the data of the Applicant.

Approval for free access to the labour market is electronically sealed document issued by the following authorities of the Contracting Parties:

- 1) The Republic of Serbia – National Employment Service electronically sealed by Office for Information Technologies and Electronic Government
- 2) The Republic of Albania – Regional Directorate for Border and Migration, Albanian State Police
- 3) The Republic of North Macedonia - electronically sealed by National Employment Agency of North Macedonia, based on the Personal number issued by the Ministry of Interior

The layout and content of the Approval for free access to the labour market is attached herein and forms an integral part of this Protocol (Appendix 1).

Based on the provisions of Article 15 of the Agreement, each Contracting Party reserves the right to issue additional documents to the citizen of the Contracting Party who has been granted free access to the labour market at their request, in accordance with domestic legislation.

Article 5

If the free access to labour market has not been approved, the Applicant shall be electronically notified that free access to the labour market is rejected.

Applicant can re-apply 30 days after the notification regarding rejection of free access to the labour market has been sent to him/her.

Article 6

If data referred to in Article 2 of this Protocol changes, a citizen of a Contracting Party who has been issued Approval for free access to the labour market shall, without delay and not later than 5 working days, via electronic service of the Receiving Party, access his/her previous registration application and update the data.

After updating the data, he/she shall be electronically notified that the changes have been successfully entered and shall receive updated Approval for free access to the labour market.

If there is a change in the data relevant to the application of the Agreement (i.e. change of citizenship), the Approval for free access to the labour market shall cease to be valid.

Article 7

If a citizen of a Contracting Party has been previously granted temporary stay in the Receiving Party for the purposes other than stipulated in the Agreement and he/she registers for free access to the labour market, the access will be approved if the conditions prescribed by the Agreement are met and Receiving Party revokes his/her previously granted temporary stay.

If a citizen of a Contracting Party has been previously granted free access to the labour market in the Receiving Party based on the Agreement and is then granted temporary stay in the Receiving Party upon his/her request, in accordance with domestic legislation, his/her Approval for free access to the labour market shall cease to be valid.

Article 8

A citizen of a Contracting Party may initiate the re-registration referred to in Article 7, paragraph 4 of the Agreement, within 60 days prior to the expiry date of the Approval for free access to the labour market.

Re-registration shall be carried out in the same manner as the first registration, in accordance with Article 7 of the Agreement and with this Protocol.

Article 9

Contracting parties shall provide the service related to the application process for free access to the labour market to be used in Macedonian, Albanian and Serbian language.

Article 10

The Contracting parties shall establish Joint Working Group to discuss and resolve all legal and technical impediments arising from the implementation of the Agreement and this Protocol.

The Contracting parties shall each appoint one person with a duty to lead and co-chair Joint Working Group meetings and to represent main contact point for coordination of the implementation of this Protocol.

The Contracting parties may designate as many people as necessary as members of the Joint Working Group in order to fulfil the obligations of the cooperation areas stipulated in the Agreement and this Protocol.

The Contracting Parties shall notify each other through appropriate channels of the appointed persons referred to in paragraph 2 of this Article and shall exchange information on contact points, no later than 7 days from the date of the signing of this Protocol.

Article 11

For each Contracting Party, this Protocol shall enter into force on the date of the receipt of the last written notification by which the Parties notify each other, through the Depository, of the completion of the procedures as required by their domestic legislation for the entry into force of this Protocol.

The Parties may amend this Protocol in writing.

This Protocol is concluded for an indefinite period of time and shall remain in force as long as the Agreement remains in force.

The original of this Protocol in a single copy in the English language shall be deposited with the Government of the Republic of Albania, as the Depository of the Agreement, which shall transmit a certified copy to each Contracting Party.

Done in Skopje on 22nd of January, two thousand twenty-four

On behalf of the Government of North Macedonia
Vedat Osmani

On behalf of the Government of Albania
Adela Xhemajli

On behalf of the Government of Serbia
Gojko Stanivukovic