



**REPÚBLICA  
PORTUGUESA**

GABINETE DO MINISTRO  
DA ADMINISTRAÇÃO INTERNA

Exma. Senhora  
Chefe do Gabinete de  
Sua Excelência o Secretário de Estado dos  
Assuntos Parlamentares  
Palácio de São Bento (AR),  
1249-068 Lisboa

SUA REFERÊNCIA	SUA COMUNICAÇÃO DE	NOSSA REFERÊNCIA	DATA
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**ASSUNTO:** Resposta ao Requerimento n.º 14/XIII/4.ª de 24 de outubro de 2018

Na sequência do Ofício supra identificado, e em resposta ao Requerimento n.º 14/XIII/4.ª de 23 de outubro de 2018, formulada pelos Senhores Deputados do Grupo Parlamentar do Partido Social Democrata, encarrega-me Sua Excelência, o Ministro da Administração Interna, de informar o seguinte:

O acordo bilateral assinado entre Portugal e a Alemanha é remetido digitalmente, juntamente com o presente ofício.

Com os melhores cumprimentos,

O Chefe do Gabinete

**José Luís do  
Rosário  
Barão**

Assinado de forma digital por  
José Luís do Rosário Barão  
DN: c=PT, o=XI Governo  
Constitucional, ou=Gabinete do  
Ministro da Administração  
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Barão  
Dados: 2018.12.21 17:27:10 Z

José Luís Barão

# **Administrative Arrangement**

**pursuant to Article 36 Dublin III Regulation**

**between**

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

**and**

**Immigration and Borders Service of the Portuguese Ministry of Interior**

**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  
(hereafter referred to as the Dublin III Regulation)**

The Federal Ministry of the Interior, Building and Community of the Federal Republic of Germany and the Immigration and Borders Service of the Portuguese Ministry of Interior, referred to in the following as the "Parties",

have come to the following understanding pursuant to Article 36 (1) (a) and (b) Dublin III Regulation following prior consultation of the European Commission in accordance with Article 36 (3) Dublin III Regulation:

1.

Subject of this arrangement

- (1) This arrangement adopts 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 Parties will use the terms from the Dublin III Regulation as they are defined there.

2.

Competent authorities

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

and

Bundespolizeipräsidium  
Heinrich-Mann-Allee 103  
14473 Potsdam  
(referred to in the following as the “border authority”)

b) for the Portuguese Republic:

Immigration and Borders Service  
Gabinete de Asilo e Refugiados  
Avenida do Casal de Cabanas  
Urbanização Cabanas Golf Nº 1  
2734-506 Barcarena / OEIRAS  
Portugal

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2) Only the Dublin offices will be authorized to make and reply to take charge and take back requests, requests for re-examination 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 (in the following referred to as the Commission Regulation) and information requests pursuant to Article 34 of the Dublin III Regulation. They will also be responsible for exchanging information to prepare transfers.

(3) On the occasion of the signature of this arrangement, the Parties 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 take charge requests as quickly as possible and within one month of receipt by the requested authority.

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

(3) If the competent authority cannot reply within the above-mentioned time limits in an individual case, both Parties concur that this will not lead to a shift of responsibility. Article 22 (7) Dublin III Regulation will remain unaffected.

(4) The competent authorities will reply to take back requests, requests for re-examination and information requests as quickly as possible. Admission by default 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 responsible Party or persons who travelled to that member state within the given time limit by themselves and who later re-enter the territory of the requesting Party will be subject to an expedited procedure.

(2) The expedited procedure will be applied only in cases in which the requesting Party can find no new evidence or indications (as listed in Annex II, Lists A and B, of the implementing regulation) subsequent to the previous procedure which could indicate that another Member State is responsible.

(3) The Parties conducting the expedited procedure in case of re-entry will request the other Party 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) Dublin III Regulation).

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

(5) Both Parties concur that failure to act within three days (calculated as described in Article 42 Dublin III Regulation) shall be tantamount to accepting the request.

(6) When the competent authorities of the requested Party acknowledges its responsibility for examining a case, both Parties shall immediately agree on the practical arrangements for transfer, date and place of arrival.

## 5.

### Collective transfers and other transfer modalities

(1) The requested Party will enable collective transfers by means of charter measures by air.

(2) The Dublin offices of both Parties will contact the border authorities in this regard to ensure timely, reliable and regular planning. Charter measures should be permitted for all persons which the responsible Party is obligated to take charge or take back.

(3) The exact modalities for transfers using charter measures (advance notice, maximum number of persons, overbooking rate, frequency of charters, time frame, what kind of additional information is needed when) will be jointly agreed as described in Annex 1 of this administrative agreement. 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 single family units will be jointly agreed as described in Annex 2 of this administrative agreement. 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 (OJ L 321, p. 26).

(6) If the transfer modalities defined in this arrangement are not complied with, the requested Party may refuse to admit the transferred persons from the requesting Party. 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 Parties may depart from these modalities by mutual consent.

## 6.

### Communication between the competent authorities

(1) The competent authorities will communicate using the DubliNET system. They will use only the agreed 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 Parties will ensure that all personal data are effectively protected against unauthorized access, fraudulent manipulation and unlawful disclosure. The Parties 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.

## 7.

### Practical issues

To resolve practical issues related to applying this arrangement, each Party, 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 agreement. Modalities for exchanging liaison officers may also be decided in this framework, if the competent authority of one of the Parties so desires.

8.

Start of cooperation

- (1) This Arrangement will come into effect 30 days after its signature by both Parties.
- (2) If the Dublin III Regulation or Commission Regulation is amended, the Parties will revise this arrangement accordingly.

Signed at Berlin, on 10 of September 2018

Signed at Lisbon, on 5 of September 2018


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

For the Portuguese Ministry of Home Affairs



Ulrich Weinbrenner

(Director for Migration, Refugees and Return  
Policy)



Carlos Matos Moreira

(National Director of the Immigration and  
Borders Service)

## **Annex 1: Collective transfers**

Both Parties agree to the implementation of collective transfers for all applicants under their responsibility. Both Parties undertake to facilitate by all means the realization of these transfers. Each collective transfer may not concern more than 30 applicants.

### **The announcement of the transfer**

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

When one of the two Parties wishes to make a collective transfer, it requests via DubliNet the other Party at least 20 working days before the date of the transfer, specifying the number of people to be transferred and the desired date.

The requested Party responds within 5 working days to designate the transfer location from those listed below.

At least three working days before the transfer is made, the transferring Party sends via DubliNet to the responsible Party the list of people to be transferred. 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.

This list also contains information about any person, which require 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.

Only persons on that list will be accepted for the upcoming transfer. If the collective transfer contains persons not listed, entry for those persons will be denied.

### **The organization of the transfer**

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

Immediately after the start of the collective transfer, a list of persons actually on the transfer will be transmitted to the responsible authority of the requested Party.

### **Transfer locations**

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 to take charge or take back the applicants concerned.

**Collective airline transfers may be arranged** to any airport designated by the requested Party. The requested Party will designate an alternative airport, if requested by the transferring Party.



## **Annex 2: Individual transfers**

Both Parties agree to facilitate by all means the realization of individual transfers. They will designate in all their acceptance decisions at least two transfer locations.

### **The announcement of the transfer**

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

The notification time through DubliNet for individual transfers is 5 working days. The notification includes the actual transfer location.

The notification time through DubliNet for individual transfers of persons in need of special assistance (e.g. mentally or physically disabled persons, unaccompanied minors) is 10 working days.

### **The organization of the transfer**

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

### **Transfer locations**

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

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