

No. 5862

**HUNGARY
and
CZECHOSLOVAKIA**

**Agreement concerning co-operation and mutual assistance
in customs matters (with Final Protocol and exchange
of letters). Signed at Budapest, on 8 May 1958**

Official texts: Hungarian and Czech.

Registered by Hungary on 26 September 1961.

**HONGRIE
et
TCHÉCOSLOVAQUIE**

**Accord relatif à la coopération et à l'aide mutuelle en ma-
tière douanière (avec Protocole final et échange de
lettres). Signé à Budapest, le 8 mai 1958**

Textes officiels hongrois et tchèque.

Enregistré par la Hongrie le 26 septembre 1961.

[TRANSLATION — TRADUCTION]

No. 5862. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC CONCERNING CO-OPERATION AND MUTUAL ASSISTANCE IN CUSTOMS MATTERS. SIGNED AT BUDAPEST, ON 8 MAY 1958

The Government of the Hungarian People's Republic and the Government of the Czechoslovak Republic, desiring to strengthen the lasting friendship between the two people's democratic States through intensified co-operation between the customs authorities as in other ways, have decided to conclude an Agreement concerning co-operation and mutual assistance in customs matters.

They have for this purpose appointed as their plenipotentiaries :

The Government of the Hungarian People's Republic :

Ernő Szemelka;

The Government of the Czechoslovak Republic :

Stanislav Saur;

who, having exchanged their full powers, found in good and due form, have agreed as follows :

CHAPTER I

Article 1

In order to protect their common interests, the customs authorities of the Contracting Parties shall exercise control over goods, currency, persons and luggage transported from the territory of one Contracting Party to the territory of the other Contracting Party, the purpose of such control being to prevent the passage of goods and currency in contravention of the laws of the Contracting Parties.

In exercising the said control, the two Contracting Parties shall render each other every assistance with a view to making it more effective.

Article 2

1. The customs administration of each Contracting Party shall ensure that its authorities on duty at the common State frontier have an adequate knowledge of those laws of the other Contracting Party with which they must be conversant in order to provide the assistance referred to in article 1.

¹ Came into force on 22 September 1958, thirty days after the exchange of notes signifying its approval, in accordance with article 19.

2. The customs administrations of the Contracting Parties shall exchange all those laws whose observance is supervised by their authorities and those service regulations which relate to the matters regulated by this Agreement, and shall thereafter inform each other forthwith of any amendments to the said laws and regulations.

Article 3

1. The passage of goods, currency and persons across the common State frontier shall be permitted only on the customs routes designated by agreement between the Contracting Parties.

2. The customs administrations of the Contracting Parties shall determine by agreement the hours of duty of the customs authorities stationed on the customs routes referred to in the preceding paragraph.

Article 4

Goods subject to customs control shall, on crossing the common State frontier, be accompanied by the prescribed international documents and by the documents needed for customs clearance.

Article 5

Goods crossing the common State frontier in transit shall as a rule be subject only to external customs inspection unless internal inspection is also required for reasons of security, health, veterinary hygiene or plant protection or for other serious reasons.

Article 6

1. The customs authorities of each Contracting Party shall recognize the customs seals used by the customs authorities of the other Contracting Party unless their own control measures require the removal of the said seals.

The customs authorities of each Contracting Party shall recognize documents authenticated and stamps and seals impressed by the customs authorities of the other Contracting Party.

2. The customs authorities of each Contracting Party shall recognize the official markings placed on vehicles and transport equipment by the customs authorities of the other Contracting Party to indicate their volumetric capacity, carrying capacity, weight and other particulars.

Article 7

1. The customs authorities of one Contracting Party shall withhold customs clearance from vehicles, goods or currency subject to customs control unless they have been cleared outwards by the customs authorities of the other Contracting Party.

2. Where the customs authorities of one Contracting Party find that vehicles, goods or currency declared to them for customs clearance have not been cleared outwards in the territory of the other Contracting Party, they shall detain the items concerned and inform the competent customs authority of the other Contracting Party accordingly. The vehicles, goods or currency detained shall be dealt with as the latter authority suggests.

Article 8

1. If the customs authorities of one Contracting Party refuse to clear goods on the grounds of failure to produce the prescribed documents or on other serious grounds, they shall enter the grounds for such refusal on the consignment note and, at the request of the customs authorities of the other Contracting Party, issue a special certificate concerning the refusal.

2. The customs authorities of the latter Contracting Party shall, if so requested by the customs authorities of the former Contracting Party, certify that the goods in question have been returned to their territory.

Article 9

1. The customs administrations of the Contracting Parties shall reach agreement on appropriate measures to expedite the movement of vehicles and to promote international road traffic between the two countries. In particular each of them may, with the prior consent of the competent authorities, examine persons, goods, currency and vehicles while the journey is in progress in the territory of the other Contracting Party.

2. The customs administrations of the Contracting Parties shall reach agreement on the use of uniform bilingual customs forms.

Article 10

The Contracting Parties agree that their customs administrations shall establish joint customs facilities in the territory of one Contracting Party where traffic conditions so require and where feasible.

Article 11

1. The customs administrations of the Contracting Parties shall conclude a special agreement on measures concerning traffic across the common State frontier, in order to simplify and expedite customs control over group travel organized by the competent organizations of the Contracting Parties for purposes of touring, sport and recreation.

2. The customs administrations of the Contracting Parties shall also conclude a special agreement on additional customs and foreign exchange measures relating to frontier traffic.

CHAPTER II

Article 12

1. The customs administrations of the Contracting Parties shall assist each other to prevent violations of the customs and foreign exchange regulations.

2. Such assistance shall relate to the interrogation of suspects, witnesses and experts, the transmittal of documents and material evidence, and the performance of other acts required in connexion with judicial proceedings.

3. In providing assistance, the customs administrations of the Contracting Parties shall proceed in accordance with the laws of their respective States.

4. Where an application for assistance cannot be executed, the customs administration applied to shall indicate the circumstances which prevented such execution.

Article 13

Assistance under this Agreement may be refused if the accused is a citizen of the Contracting Party applied to and resident in its territory.

Article 14

1. Goods or currency smuggled from the territory of one Contracting Party into the territory of the other Contracting Party shall be dealt with under the regulations of the Contracting Party in whose territory the smuggled articles are to be found.

2. Goods or currency dealt with as prescribed in the preceding paragraph shall, at the request of the competent authorities of the other Contracting Party, be returned at the conclusion of the criminal or customs proceedings if they were the object of an offence against property in the territory of that Contracting Party.

Article 15

1. The customs administration of each Contracting Party shall inform the customs administration of the other Contracting Party regarding any proceedings instituted against citizens or permanent residents of the latter Contracting Party for violation of the customs or foreign exchange regulations.

2. The customs administrations of the Contracting Parties shall exchange experience and information acquired in the prosecution of offenders against the customs and foreign exchange regulations.

Article 16

In providing assistance under this Agreement, the Contracting Parties shall not be entitled to reimbursement for costs incurred in their own territory.

CHAPTER III

Article 17

1. The customs administrations of the Contracting Parties shall negotiate with each other directly in matters relating to co-operation and mutual assistance under this Agreement.

2. The customs administrations of the Contracting Parties shall, when necessary, consult together to exchange experience acquired in giving effect to this Agreement, so that closer co-operation between the customs authorities of the two Contracting Parties may be ensured. They shall draw up a record of such consultations.

Article 18

1. In correspondence pursuant to this Agreement, the Contracting Parties shall use their own languages.

2. All correspondence must bear an official stamp and signature.

Article 19

This Agreement is subject to approval in accordance with the constitutional provisions of the Contracting Parties and shall enter into force thirty days after the exchange of notes signifying such approval.

This Agreement is concluded for a term of five years. It shall be extended for successive terms of five years unless it is denounced by one of the Contracting Parties one year before the expiry of the current five-year term.

DONE at Budapest on 8 May 1958, in duplicate in the Hungarian and Czech languages, both texts being equally authentic.

For the Government
of the Hungarian People's
Republic :
SZEMELKA E.

For the Government
of the Czechoslovak Republic :
SAUR

FINAL PROTOCOL TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC CONCERNING CO-OPERATION AND MUTUAL ASSISTANCE IN CUSTOMS MATTERS¹

The Contracting Parties have agreed as follows with regard to the interpretation and application of certain provisions of the Agreement :

Ad article 1:

For the purposes of this Agreement, the term " currency " means only valid legal currency of the Contracting Parties.

Ad article 2:

1. The laws and regulations to be exchanged shall also include commercial policy provisions relating to the customs clearance of goods imported, exported and in transit and to prohibitions and restrictions affecting import, export and transit, as well as provisions relating to the penalties for violation of the customs and foreign exchange regulations.

2. The customs administrations of the Contracting Parties shall send each other ten copies of the laws and service regulations in question within three months after the entry into force of this Agreement. They shall also send each other ten copies of any amendments or additions to the said laws and regulations within one month after such amendments or additions take effect.

3. The customs administrations of the Contracting Parties shall reach agreement on the method of instructing the personnel of each Contracting Party in the laws and service regulations of the other Contracting Party.

Ad article 3:

A schedule of the customs routes now open across the common State frontier of the Contracting Parties is annexed² to this Final Protocol.

Ad article 4:

The customs administrations of the Contracting Parties shall advise each other of their wishes with regard to the issue of documents accompanying goods and shall notify accordingly the foreign trade undertakings concerned. The customs authorities of the Contracting Parties shall ensure compliance with these requirements; where the prescribed information is not provided in the afore-mentioned documents, the said authorities shall require the foreign trade undertaking in question to furnish the missing information forthwith.

¹ See p. 110 of this volume.

² See p. 124 of this volume.

Ad article 6:

1. The customs administrations of the Contracting Parties shall, within three months after the entry into force of this Agreement, exchange three specimens of the customs seals and the impressed stamps and seals used by the customs authorities stationed at the common State frontier.

2. The customs authorities of the Contracting Parties stationed opposite each other at the common State frontier shall exchange directly, within the same time-limit, the same number of specimens of the customs seals and impressed stamps and seals which they use.

3. Any changes made shall be communicated forthwith.

Ad article 7:

The provisions of this article relating to currency shall apply only to currency of one of the Contracting Parties imported by citizens or permanent residents of the other Contracting Party.

Ad article 9:

The customs administrations of the Contracting Parties shall, within six months after the entry into force of this Agreement, exchange drafts of uniform bilingual customs forms.

Ad article 11:

The agreements referred to in this article shall be concluded within six months after the entry into force of this Agreement.

Ad article 12:

This Agreement shall not affect the provisions of the Treaty between the Hungarian People's Republic and the Czechoslovak Republic concerning legal assistance in civil and criminal cases, concluded at Budapest on 6 March 1951.

Ad article 15:

Information under paragraph 1 of this article shall be given on cases involving goods or currency of a value exceeding 600 forints or 500 Czechoslovak crowns.

Ad article 17:

1. With a view to expediting correspondence between them, the customs administrations of the Contracting Parties may also transmit letters and, where necessary, other material to each other through their customs authorities at Komárom and Komárno.

2. Representatives of the customs administrations shall hold consultations under paragraph 2 of this article when necessary, but in any case not less than once a year, alternately in the territory of each of the Contracting Parties. Over and above these consultations, experts of the customs administrations of the

Contracting Parties may meet to resolve questions of detail. In addition the customs authorities of the Contracting Parties may confer at the common State frontier when the need arises.

Ad article 18:

The customs administrations of the Contracting Parties shall attach to their correspondence with each other an uncertified Russian or German translation thereof.

Ad article 19:

This Final Protocol shall constitute an integral part of the Agreement.

For the Government
of the Hungarian People's
Republic :
SZEMELKA E.

For the Government
of the Czechoslovak Republic :
SAUR

ANNEX TO THE FINAL PROTOCOL¹

SCHEDULE OF CUSTOMS ROUTES NOW OPEN AT THE HUNGARIAN-CZECHOSLOVAK STATE FRONTIER

<i>Customs route</i>	<i>Nature of customs route and traffic</i>
Rajka–Rusovce	Highway : through and frontier traffic Railway : goods traffic
Medve–Medvědov	Highway : through and frontier traffic
Komárom–Komárno	Highway : through and frontier traffic Railway : through, frontier and goods traffic
Szob–Štúrovo	Railway : through, frontier and goods traffic
Parassapuszta–Šahy	Highway : frontier traffic
Balassagyarmat–Slovenské Ďarmoty . .	Highway : through and frontier traffic
Ipolytarnóc–Kalonda	Highway : frontier traffic Railway : goods traffic subject to toll
Somoskőújfalu–Fiľakovo	Railway : through, frontier and goods traffic
Bánréve–Lenartovce	Highway : frontier traffic Railway : goods traffic
Tornanádaska–Hostovce**	Highway : frontier traffic
Hidasnémeti–Milhošť	Highway : through and frontier traffic
Hidasnémeti–Čaňa	Railway : through, frontier and goods traffic
Sátoraljauhely–Slovenské Nové Mesto .	Highway : through and frontier traffic Railway : goods traffic

¹ See p. 120 of this volume.

** Not in use as a customs route from the Czechoslovak side.

EXCHANGE OF LETTERS

I

THE CHAIRMAN OF THE HUNGARIAN DELEGATION

Confidential

Budapest, 8 May 1958

Sir,

In connexion with the negotiations concluded this day with the signature of the Agreement between the Government of the Hungarian People's Republic and the Government of the Czechoslovak Republic concerning co-operation and mutual assistance in customs matters,¹ we have agreed as follows :

1. The operation of joint facilities (article 10 of the above-mentioned Agreement) shall likewise be subject to the relevant provisions of the Agreement between the Hungarian People's Republic and the Czechoslovak Republic concerning rail traffic between the two countries, concluded at Bratislava on 7 April 1952.
2. All data, information, etc. communicated to the customs administrations of the Contracting Parties shall be used by them solely for the purpose of giving effect to the above-mentioned Agreement signed this day.
3. The Agreement between the Hungarian People's Republic and the Czechoslovak Republic concerning co-operation in customs operations and legal assistance in customs matters, concluded at Bratislava on 7 April 1952, shall cease to have effect on the date of entry into force of the above-mentioned Agreement signed this day.
4. The Contracting Parties deem it necessary that their customs administrations should exchange information or consult together where this proves desirable for the purpose of co-ordinating their positions on international customs matters.

Please inform me whether you are in agreement with this letter.

I have the honour to be, etc.

SZEMELKA E.

Mr. Stanislav Saur
Chairman of the Czechoslovak Delegation
Budapest

¹ See p. 110 of this volume.

II

THE CHAIRMAN OF THE CZECHOSLOVAK DELEGATION

Confidential

Budapest, 8 May 1958

Sir,

I acknowledge receipt of your letter of today's date, which reads as follows :

[*See letter I*]

I have the honour to inform you that I am in agreement with your letter.

I have the honour to be, etc.

SAUR

Mr. Ernő Szemelka
Chairman of the Hungarian Delegation
Budapest
