

No. 7244

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**CZECHOSLOVAKIA**  
and  
**AUSTRIA**

**Agreement (with annexes) concerning the regulation of  
railway traffic across the frontier. Signed at Prague,  
on 22 September 1962**

*Official texts: Czech and German.*

*Registered by Czechoslovakia on 13 May 1964.*

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**TCHÉCOSLOVAQUIE**  
et  
**AUTRICHE**

**Accord (avec annexes) relatif à la réglementation du trafic  
ferroviaire à la frontière. Signé à Prague, le 22 sep-  
tembre 1962**

*Textes officiels tchèque et allemand.*

*Enregistré par la Tchécoslovaquie le 13 mai 1964.*

[TRANSLATION — TRADUCTION]

No. 7244. AGREEMENT<sup>1</sup> BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE REPUBLIC OF AUSTRIA CONCERNING THE REGULATION OF RAILWAY TRAFFIC ACROSS THE FRONTIER. SIGNED AT PRAGUE, ON 22 SEPTEMBER 1962

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The President of the Czechoslovak Socialist Republic and the Federal President of the Republic of Austria, desirous of regulating railway traffic across the frontier between the two States, have agreed to conclude an Agreement, and have for that purpose appointed as their plenipotentiaries :

The President of the Czechoslovak Socialist Republic :

Dr. František Vlasák, Minister for Transport and Communications ;

The Federal President of the Republic of Austria :

Dr. Heinrich Calice, Ambassador Extraordinary and Minister Plenipotentiary, and

Dr. Erich Jarisch, Chief of the Legal Service of Section II in the Federal Ministry of Transport and Power ;

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

*Article 1*

GENERAL PROVISIONS

(1) Both Contracting States undertake to permit railway traffic across the frontier. They shall take all necessary measures to rationalize and simplify such traffic.

(2) With that end in view, connecting and transit operations on sections of line which cross the frontier shall be carried out at interchange stations.

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<sup>1</sup> Came into force on 2 March 1964, 14 days after the exchange of instruments of ratification which took place at Vienna on 17 February 1964, in accordance with article 26.

*Article 2*

## DEFINITIONS

For the purposes of this Agreement :

- (a) "Territorial State" means the State in whose territory the connecting and transit operations take place, and "neighbouring State" means the other State ;
- (b) "Interchange station" means the station at which the connecting and transit operations are carried out ;
- (c) "Connecting frontier section" means the section between the frontier and the interchange station ;
- (d) "Owner administration" means the railway administration of the territorial State ;
- (e) "Neighbouring administration" means the railway administration of the neighbouring State ;
- (f) "Connecting and transit operations" means those operations of the two railway administrations which are necessary for traffic across the frontier ;
- (g) "Frontier clearance" means the application of the procedure prescribed by the laws and regulations of the Contracting States with respect to the entry, departure and transit of persons, baggage, goods, valuables and mails.

*Article 3*

## TRAFFIC ACROSS THE FRONTIER

(1) The following sections shall be open to traffic across the frontier :

- (a) Horní Dvořiště/Summerau ;
- (b) České Velenice/Gmünd ;
- (c) Šatov/Retz ;
- (d) Břeclav/Hohenau ;
- (e) Devínska Nová Ves/Marchegg.

(2) The following shall be the interchange stations for the sections mentioned in paragraph (1) above :

- (a) Summerau ;
- (b) Gmünd ;
- (c) Šatov ;
- (d) Břeclav ;
- (e) Marchegg.

(3) For the purposes of this Agreement, the following shall be deemed to be frontier stations :

- (a) Horní Dvořiště ;
- (b) České Velenice ;
- (c) Retz ;
- (d) Hohenau ;
- (e) Devínska Nová Ves.

(4) Each railway administration may agree to allow individual trains hauled by locomotives and manned by crews of the other railway administration to proceed beyond the interchange station. In such event, the provisions of articles 4 (5), 7, 11-14, 16 and 19, relating to connecting and transit operations on the connecting frontier section and at the interchange station, shall apply *mutatis mutandis*.

#### Article 4

##### GENERAL PROVISIONS RELATING TO CONNECTING AND TRANSIT OPERATIONS ; TARIFF INTERCHANGE POINT

(1) The railway administrations shall regulate connecting and transit operations by means of special agreements, in such a manner as to ensure rapid and orderly service.

(2) Baggage, express and ordinary goods, wagons, loading devices, containers, pallets, and the consignment papers relating thereto, shall, without prejudice to the provisions of article 3 (4) of this Agreement, be handed over and taken over at interchange stations.

(3) Trains operating on connecting frontier sections shall, if they cross the frontier, be hauled as far as the interchange station by the neighbouring administration, in accordance with its own traffic regulations and using its own locomotives and crews.

(4) Interchange stations shall be subject to the regulations of the owner administration. The railway administrations may, however, agree that specified parts of the railway operations shall be carried out in accordance with the regulations of the neighbouring administration.

(5) Permits for locomotives and qualifying tests for operating personnel in the territory of one Contracting State shall be valid also for the territory of the other Contracting State. The railway administrations shall establish the understanding necessary for operational safety.

(6) The tariff interchange point for all traffic across the frontier shall be at the frontier.

*Article 5*

## INSTALLATIONS

(1) Each railway administration shall supervise, maintain and repair all installations at the interchange stations situated in its territory and on the connecting frontier sections, due account being taken of the requirements of railway traffic across the frontier.

(2) The owner administration shall by agreement with the neighbouring administration make available to it at the interchange stations such installations, premises and equipment as it may require for its operations.

*Article 6*

## SAFETY AND TELECOMMUNICATION INSTALLATIONS

(1) The railway administrations shall be responsible for providing and maintaining in good condition in the territory of their respective States such safety and telecommunication installations as are necessary for railway traffic across the frontier. The railway administrations may make agreements deviating from the provisions of this paragraph.

(2) Telecommunication lines crossing the frontier which link interchange stations and frontier stations must terminate at such stations and must not be connected to the domestic system.

(3) Railway employees of the neighbouring administration shall be entitled to use free of charge, for official purposes, the telecommunication installations referred to in paragraphs (1) and (2) above.

(4) The use of railway telecommunication equipment for private purposes shall be prohibited.

*Article 7*

## EQUALIZATION OF SERVICES RENDERED

(1) Services performed by one railway administration on behalf of the other shall so far as possible be offset by similar services. Services which cannot be offset by similar services shall be paid for at cost.

(2) Personnel, rolling-stock or material provided by the owner administration to assist the neighbouring administration, at its request, shall be paid for at cost.

*Article 8*

## FRONTIER CLEARANCE

Frontier clearance (article 2 (g)) shall be effected by the competent authorities of each Contracting State in its own territory.

*Article 9*

## MAINTENANCE OF SAFETY AND GOOD ORDER

(1) Where railway employees of the neighbouring State, while carrying out their duties on moving trains on the connecting frontier section, witness an offence against the safety and good order of railway traffic, they shall report the facts as soon as possible to the competent railway office of the territorial State.

(2) This provision shall not confer upon railway employees any right to use force.

(3) The provisions of paragraphs (1) and (2) above shall apply *mutatis mutandis* at interchange stations, where no officials of the territorial State are available.

*Article 10*

## LANGUAGES TO BE USED

(1) In dealings with railway employees of the neighbouring administration at interchange stations and on connecting frontier sections, the official language of that administration shall be used. In particular, all telephonic, written and oral communications relating to train traffic shall be in the language of the neighbouring administration. The railway employees concerned shall be required to have such command of the official language as is necessary for the performance of their duties.

(2) Premises reserved for the exclusive use of railway employees of the neighbouring administration shall be indicated by notices in two languages. The legend in the official language of the neighbouring administration shall be placed first.

(3) Official regulations or official papers to be forwarded to the other railway administration shall be handed over without being translated.

*Article 11*

## LEGAL PROVISIONS RELATING TO RAILWAY EMPLOYEES

(1) Railway employees of the neighbouring administration working in the territorial State shall be required to act in a spirit of good-neighbourly relations between the railway administrations and to conduct themselves accordingly, both on and off duty.

(2) Railway employees of the neighbouring administration working in the territorial State shall be subject, without prejudice to the provisions of private international law, to the laws of the territorial State.

(3) The conditions of service of railway employees within the meaning of paragraph (1) above shall be governed in all respects, including that of discipline, by the regulations in force in the neighbouring State.

(4) Railway employees within the meaning of paragraph (1) above shall be exempt, vis-à-vis the other Contracting State, from all direct taxes, duties and charges, in so far as such taxes, duties and charges arise in connexion with income from their work as such.

(5) Punishable offences committed in the territorial State by railway employees within the meaning of paragraph (1) above shall be reported without delay to the office responsible for such employees by the corresponding office of the territorial State.

(6) The neighbouring administrations shall restrict its railway personnel employed in the territorial State to the number necessary for the services required. It may delegate one of the railway personnel in question to represent it vis-à-vis the railway administration of the territorial State. At the request of the owner administration, it shall exclude or recall railway employees from duty in the territorial State.

#### *Article 12*

##### ASSISTANCE TO AND STATUTORY PROTECTION OF RAILWAY EMPLOYEES

(1) Offices and railway employees of each Contracting State shall be required to render any necessary assistance to railway employees of the neighbouring State in the performance of their duties and to treat their requests for such assistance in the same manner as similar requests from railway employees of their own State.

(2) The penal laws of the territorial State for the protection of acts done in the course of duty and for the protection of railway employees shall apply also to punishable offences committed in the territorial State against railway employees of the neighbouring administration working under the terms of this Agreement, provided that such employees are on duty or that the offence is committed in connexion with their duties.

(3) Railway employees of the neighbouring State shall be given any necessary first aid in the event of sickness or accident on the connecting frontier section or at the interchange station.

#### *Article 13*

##### UNIFORM

Railway employees of the neighbouring administration employed at the interchange station or on the connecting frontier section shall be entitled to wear their uniform or visible service badges both on and off duty.

*Article 14*

## ARTICLES FOR SERVICE USE, PERSONAL REQUISITES OF RAILWAY EMPLOYEES

(1) Articles imported or exported for service purposes by railway employees of the neighbouring administration working in the territorial State shall be exempt from Customs duties and other charges.

(2) Personal requisites, including food, carried with them by railway employees of the neighbouring administration working in the territorial State and needed by them during their tour of duty in that State shall likewise be exempt from Customs duties and other charges.

(3) Import and export prohibitions and restrictions of an economic nature shall not apply to the articles referred to in paragraphs (1) and (2).

*Article 15*

## ARTICLES FOR OFFICE USE

Equipment for official premises and other articles needed for the use of the neighbouring administration at interchange stations may be imported and exported without special permit and free of Customs duties and other charges ; the same shall apply to tools and materials needed for the repair and maintenance of such articles.

*Article 16*

## CUSTOMS INSPECTION, CURRENCY REGULATIONS

The provisions of articles 14 and 15 shall be without prejudice to the laws of the two Contracting States relating to Customs inspection and the import and export of valuables which are subject to the currency regulations.

*Article 17*

## OFFICIAL DISPATCHES

(1) Official letters and packages and official remittances addressed to offices of the neighbouring administration or dispatched by such offices to the neighbouring State need not be sent through the post but may be carried by railway employees of the neighbouring administration free of postal charges.

(2) With a view to the avoidance of abuses, such dispatches shall bear the official stamp of the dispatching office ; they shall be subject to Customs and currency inspection only where there is reason to suspect an offence.



*Article 18*

## CROSSING OF THE FRONTIER AND STAY IN THE TERRITORY OF THE OTHER CONTRACTING STATE

(1) Railway employees, including supervisory and investigative personnel, who cross the frontier for duty in connexion with connecting and transit operations must be in possession of bilingual frontier passes conforming to the model contained in annex 1 *a*<sup>1</sup> or annex 1 *b*<sup>1</sup>. Such passes shall entitle the holders to cross the frontier on one or more of the sections referred to in article 3 (1) and to remain in the territorial State for the duration of their tour of duty.

(2) Frontier passes shall be issued for a period of validity not exceeding five years. Frontier passes for Czechoslovak railway employees shall be issued by the Czechoslovak Ministry of the Interior and visaed by the competent Austrian police division. Frontier passes for Austrian railway employees shall be issued by the competent Austrian police division and visaed by the Czechoslovak Ministry of the Interior. Each visa shall be valid for one calendar year.

(3) A visa may be refused without reasons being given; a visa already issued may be revoked at any time without reasons being given. Where a visa is refused or revoked, the authority which issued the frontier pass and the interchange station or frontier station named in the pass shall be notified without delay.

(4) Frontier passes shall be produced, upon demand, to the competent officials of the territorial State.

(5) Frontier passes shall be issued and visaed free of fees or charges.

(6) For railway employees crossing the frontier as members of the crews of breakdown trains or snow-plough trains, the official in charge of the interchange station or frontier station shall issue a nominal roll in triplicate on a printed form conforming to the model contained in annex 2 *a* or annex 2 *b*.<sup>2</sup> Nominal rolls must bear the signature of the official in charge and the official stamp of the interchange station or frontier station. The stamp must be affixed immediately below the entry of the last name. The railway employees in question must also be in possession of a service certificate bearing a photograph. Nominal rolls shall entitle the railway employees named therein to cross the frontier on one of the sections mentioned in article 3 (1) above and to remain in the territorial State for the duration of their tour of duty.

(7) The competent frontier officials of the other Contracting State shall be notified before any crossing of the frontier takes place under the terms of paragraph (6) above.

<sup>1</sup> See p. 210 of this volume.

<sup>2</sup> See p. 212 of this volume.

(8) Railway employees crossing the frontier under the terms of paragraph (6) above shall identify themselves to the frontier officials by means of the nominal rolls and service certificates. One copy of the nominal roll shall be surrendered to the frontier officials of each Contracting State. The third copy shall upon return be surrendered to the official in charge of the interchange station or frontier station by whom it was issued. All railway employees named in a nominal roll must on every occasion cross the frontier at the same time. Should this be impossible, in exceptional cases, the railway employee in charge of the breakdown train or snow-plough train shall as soon as possible notify the frontier post or the nearest police station of the territorial State through the appropriate railway office of that State, giving the reasons. In such cases, the railway employee remaining in the territorial State shall return to the neighbouring State as soon as the obstacle to his doing so ceases to exist ; but he shall be allowed to return only on the evidence of his service certificate bearing a photograph.

(9) Railway employees of the other Contracting State who are only in possession of frontier passes or named in nominal rolls may not leave the precincts of the interchange station and the connecting frontier section or the precincts of the frontier station and the section between the frontier station and the frontier.

(10) All other railway employees shall require a valid passport, duly visaed, in order to cross the frontier.

#### *Article 19*

#### LIABILITY

(1) If in the course of connecting and transit railway operations on the connecting frontier section or at the interchange station any person is killed or injured or any article is damaged or destroyed, liability, except as hereinafter provided, shall rest with the railway administration of the territorial State according to the laws of that State.

(2) To the extent that liability for loss of and damage to baggage, express goods, ordinary goods, rolling-stock, loading devices, containers and pallets and for delay in delivery is regulated by the provisions of special international agreements in force between the two Contracting States, such special provisions shall apply.

(3) Where a railway employee of the neighbouring administration is killed or injured, or where any article which he has on his person or with him is damaged or destroyed, while he is carrying out duties relating to connecting and transit railway operations on the connecting frontier section or at the interchange station, the legal situation with respect to compensation shall be deemed to be such as would have arisen if the injury or damage had occurred on the sections of line of the railway administration to which such railway employee belonged.

(4) The provisions to govern mutual claims and liability for compensation as between the railway administrations shall be a matter for agreement between the said administrations.

#### Article 20

##### EXCHANGE OF MAILS

(1) Closed mails containing letters, parcels and insured items consigned between the two States and closed mails in transit shall be exchanged in accordance with the agreements concluded between the Czechoslovak and Austrian postal administrations on the basis of the provisions of the Universal Postal Convention<sup>1</sup> and the related Agreements.<sup>2</sup>

(2) Except as may be otherwise agreed between the two postal administrations, mails shall be exchanged at interchange stations.

(3) The exchange of mails shall be effected by postal employees. The exchange of mails containing letter-cards may be carried out by railway employees also.

(4) Postal consignments may be carried in mail-vans, railway service wagons or railway goods wagons.

(5) The competent administrations of the two Contracting States shall agree between themselves concerning the types of vans to be used, the proportions in which they shall be used, and whether postal consignments shall be accompanied by postal or railway employees.

#### Article 21

##### POSTAL EMPLOYEES, LIABILITY FOR POSTAL ITEMS

The provisions of articles 11-14, 16, 18 and 19 of this Agreement shall apply *mutatis mutandis* to postal employees on railway postal duty in the territory of the other Contracting State. The provisions of article 19 shall apply also to loss of or damage to postal items.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 364, p. 3 ; Vol. 391, p. 322, and Vol. 404, p. 380.

<sup>2</sup> Agreement of 3 October 1957 concerning insured letters and boxes : United Nations, *Treaty Series*, Vol. 364, p. 331; Vol. 391, p. 326, and Vol. 404, p. 380 ; Agreement of 3 October 1957 concerning postal parcels : United Nations, *Treaty Series*, Vol. 365, p. 3 ; Vol. 391, p. 327, and Vol. 404, p. 381 ; Agreement of 3 October 1957 concerning postal money orders and postal travellers' cheques : United Nations, *Treaty Series*, Vol. 365, p. 207, and Vol. 391, p. 328 ; Agreement of 3 October 1957 concerning transfers to and from postal cheque accounts : United Nations, *Treaty Series*, Vol. 366, p. 3, and Vol. 391, p. 329 ; Agreement of 3 October 1957 concerning cash-on-delivery items : United Nations, *Treaty Series*, Vol. 366, p. 87, and Vol. 391, p. 330 ; Agreement of 3 October 1957 concerning the collection of bills, drafts, etc. : United Nations, *Treaty Series*, Vol. 366, p. 141, and Vol. 391, p. 331 ; Agreement of 3 October 1957 concerning the international savings bank service : United Nations, *Treaty Series*, Vol. 366, p. 193, and Vol. 391, p. 332, and Agreement of 3 October 1957 concerning subscriptions to newspapers and periodicals : United Nations, *Treaty Series*, Vol. 366, p. 255, and Vol. 391, p. 333.

*Article 22*

## AGREEMENTS TO BE EXEMPT FROM DUTIES

Agreements concluded under the terms of this Agreement shall be exempt from duties in both Contracting States.

*Article 23*

## SPECIAL AGREEMENTS

With a view to the application of this Agreement the competent authorities of the Contracting States may, if they deem it necessary, conclude special agreements in addition to those provided for above.

*Article 24*

## SETTLEMENT OF DISPUTES

(1) Disputes concerning the interpretation or application of this Agreement shall be settled by the competent authorities of the two Contracting States. Settlement through the diplomatic channel shall not thereby be excluded.

(2) Any dispute which cannot be settled in such manner shall, at the request of either Contracting State, be submitted to an arbitral tribunal.

(3) The arbitral tribunal shall be constituted on an *ad hoc* basis in the following manner: each Contracting State shall, within three months after one of them gives notice of its intention to submit the dispute to an arbitral tribunal, appoint an arbitrator, and the arbitrators thus appointed shall agree upon a president, who shall be a national of a third State. If agreement concerning the president is not reached within six months after one of the Contracting States has given notice of its intention to submit the dispute to an arbitral tribunal, the appointment of the president shall be governed, unless otherwise agreed, by the provisions of article 45 of the Convention for the Pacific Settlement of International Disputes of 18 October 1907,<sup>1</sup> in so far as those provisions relate to the choice of the president.

(4) The arbitral tribunal shall take its decision on the basis of this Agreement and by application of customary international law and of the generally recognized principles of law.

(5) The arbitral tribunal shall take its decision by majority vote. Its decisions shall be binding. Each Contracting State shall defray the expenses of its own arbitrator; the remaining expenses shall be defrayed by both Contracting States in equal proportions. The arbitral tribunal shall establish its own rules of procedure.

<sup>1</sup> J. B. Scott, *The Hague Peace Conferences of 1899 and 1907*, Vol. 2, Documents, p. 81; and League of Nations, *Treaty Series*, Vol. LIV, p. 435, and Vol. CXXXIV, p. 453.

(6) The procedure for summoning and hearing witnesses and experts shall be governed *mutatis mutandis* by such provisions relating to legal assistance as may be in force between the two Contracting States.

*Article 25*

DURATION OF THE AGREEMENT, DENUNCIATION

(1) This Agreement is concluded for an indefinite period. It may be denounced by giving six months' notice of termination, which shall take effect at the end of the calendar year.

(2) In the event of denunciation, the two Contracting States shall without delay enter into negotiations with a view to a new arrangement.

*Article 26*

RATIFICATION

(1) This Agreement shall be subject to ratification.

(2) It shall enter into force on the fourteenth day following the exchange of the instruments of ratification.

(3) The exchange of the instruments of ratification shall take place at Vienna.

IN WITNESS WHEREOF the plenipotentiaries have signed this Agreement and have thereto affixed their seals.

DONE at Prague, on 22 September 1962, in two original copies in the Czech and German languages, both texts being authentic.

For the Czechoslovak  
Socialist Republic :

VLASÁK

For the Republic  
of Austria :

CALICE  
E. JARISCH

## ANNEX 1 a

## CZECHOSLOVAK SOCIALIST REPUBLIC

STATE COAT OF ARMS

FRONTIER PASS

in respect of connecting and transit operations for railway traffic between the Czechoslovak Socialist Republic and the Republic of Austria

No. ....

## ANNEX 1 b

## REPUBLIC OF AUSTRIA

STATE COAT OF ARMS

FRONTIER PASS

in respect of connecting and transit operations for railway traffic between the Republic of Austria and the Czechoslovak Socialist Republic

No. ....

ANNEX 2 a<sup>1</sup>

.....  
Interchange station or frontier station

NOMINAL ROLL

of railway employees authorized to cross the Czechoslovak-Austrian frontier on.....  
..... with breakdown or snow-plough trains on the .....  
.....  
section and to remain on the said section and within the precincts of .....  
Station for the duration of their tour of duty.

Serial No.	First name and surname	Date of birth	Service Certificate No. Issued by
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Date	Stamp	Signature
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.....  
.....  
.....  
First name and surname

.....  
Date and place of birth

.....  
Nationality

.....  
Employment category

<sup>1</sup> See footnote 1, p. 181 of this volume.

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Office

Photograph

.....  
Signature of holder  
.....

Stamp

.....  
Height

.....  
Complexion

.....  
Colour of hair

.....  
Colour of eyes

.....  
Distinguishing marks

The holder of this certificate is authorized to cross the Czechoslovak-Austrian frontier for duty in connecting and transit operations on the .....  
.....  
railway section and to remain on the said section and within the precincts of .....  
.....  
Station for the duration of his tour of duty.

This certificate is valid until .....

Issued by .....

Place and date .....

Stamp

.....  
Signature



Visa valid until .....  
Visaed by .....  
Place and date .....  
Stamp .....  
Signature .....

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Visa valid until .....  
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