

**No. 7936**

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**AUSTRIA  
and  
HUNGARY**

**Treaty concerning the procedure for the investigation of  
incidents occurring on the common State frontier.  
Signed at Budapest, on 31 October 1964**

*Official texts: German and Hungarian.*

*Registered by Austria on 23 September 1965.*

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**AUTRICHE  
et  
HONGRIE**

**Traité relatif à la procédure d'enquête sur les incidents  
pouvant survenir à la frontière d'État commune. Signé  
à Budapest, le 31 octobre 1964**

*Textes officiels allemand et hongrois.*

*Enregistré par l'Autriche le 23 septembre 1965.*

[TRANSLATION — TRADUCTION]

No. 7936. TREATY<sup>1</sup> BETWEEN THE REPUBLIC OF AUSTRIA AND THE HUNGARIAN PEOPLE'S REPUBLIC CONCERNING THE PROCEDURE FOR THE INVESTIGATION OF INCIDENTS OCCURRING ON THE COMMON STATE FRONTIER. SIGNED AT BUDAPEST, ON 31 OCTOBER 1964

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The Federal President of the Republic of Austria and  
The Presidential Council of the Hungarian People's Republic,

Desiring to regulate the investigation of incidents occurring on the State frontier, have decided to conclude a treaty and have to that end appointed as their plenipotentiaries :

The Federal President of the Republic of Austria :

Dr. Bruno Kreisky, Federal Minister for Foreign Affairs ;

The Presidential Council of the Hungarian People's Republic :

Mr. János Péter, Minister for Foreign Affairs.

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

CHAPTER I

ESTABLISHMENT OF A COMMISSION OF INVESTIGATION

*Article 1*

With a view to the investigation of frontier incidents and the determination of damage caused in the territory of either Contracting State by factors operating from the territory of the other Contracting State, the Contracting States shall establish an "Austrian-Hungarian Commission for the Investigation of Incidents Occurring on the State Frontier" (hereinafter referred to as "the Commission of Investigation").

*Article 2*

(1) The Commission of Investigation shall have eight members. Each Contracting State shall appoint four members, who may be represented by alternates. Either

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<sup>1</sup> Came into force on 9 April 1965, the date of the exchange of the instruments of ratification at Vienna, in accordance with article 12.

Contracting State may, where necessary, employ the services of experts and auxiliary personnel.

(2) Each Contracting State shall designate one of its appointed members as the leader of its delegation and another member as the deputy leader.

(3) Each Contracting State shall keep the other informed, through the diplomatic channel, of the names of the leader and deputy leader of its delegation.

(4) Each Contracting State shall bear the expenses of the members it has appointed, including those of the experts and auxiliary personnel whose services it employs. Other costs incurred in connexion with the activities of the Commission of Investigation shall be shared equally by the Contracting States.

### *Article 3*

(1) The Commission of Investigation shall meet at the invitation of the leader of either delegation.

(2) The invitation shall be conveyed to the leader of the other delegation by the most expeditious means—if possible by telephone. It shall provide a description of the incident to be investigated and shall propose a place and time for the meeting.

(3) The Commission of Investigation shall meet not later than twenty-four hours after the invitation is received.

### *Article 4*

(1) The Commission of Investigation shall meet not only in the cases provided for in article 3 but also at regular intervals of six months, alternately in the territory of each Contracting State.

(2) In the latter case, the Contracting States shall reach agreement through the diplomatic channel on the place and date of the meeting.

## CHAPTER II

### ORGANIZATION AND ACTIVITIES OF THE COMMISSION OF INVESTIGATION

### *Article 5*

(1) Where the frontier defence authorities learn of a frontier incident or of damage which has been caused by factors operating from the territory of the other State, they shall so inform their superiors as soon as possible and by the most expeditious means.

(2) The Contracting States shall ensure that all traces and evidence relating to the incident are preserved.

*Article 6*

The Commission of Investigation shall, as a general rule, investigate the incident at or in the immediate vicinity of the place of its occurrence. The Commission of Investigation may, in order to perform its duties, enter the territory of either Contracting State and carry on its activities at any time of the day or night.

*Article 7*

(1) The leader of the delegation of the Contracting State at whose invitation the Commission of Investigation is meeting shall preside over the Commission on the first day of its proceedings. Thereafter the leaders of the delegations shall preside on alternate days.

(2) The Commission of Investigation shall establish its own rules of procedure. The working languages shall be German and Hungarian.

(3) A record of each session of the Commission of Investigation shall be drawn up in two original copies in the German and Hungarian languages and shall be signed by the leaders of the two delegations.

(4) Each delegation to the Commission of Investigation shall use impressed and rubber stamps showing the coat of arms of its State, the name of the Commission of Investigation and the designation of the delegation itself.

*Article 8*

(1) Decisions of the Commission of Investigation shall be adopted unanimously.

(2) The Commission of Investigation shall communicate its findings to the Governments of the Contracting States. It may also make recommendations to the Governments in individual cases.

(3) Matters on which the Commission of Investigation has not reached agreement shall be submitted to the Governments of the Contracting States, together with a statement of the differences of opinion.

## CHAPTER III

## LEGAL STATUS OF THE MEMBERS OF THE COMMISSION OF INVESTIGATION

*Article 9*

The members of the Commission of Investigation and any experts and auxiliary personnel whose services are employed shall, when the Commission meets, be entitled to cross the State frontier at the place and time indicated in the invitation and to remain in the territory of the other Contracting State, at such distance from the frontier as may be necessary, for the duration of the investigation. They may wear uniform on such occasions but shall not carry weapons.

*Article 10*

The provisions of articles 26 and 27 of the Treaty between the Republic of Austria and the Hungarian People's Republic for keeping the common State frontier visible and regulating the questions relating thereto, signed at Budapest on 31 October 1964,<sup>1</sup> shall apply as appropriate to the persons referred to in article 9 and to any articles which they have brought with them.

*Article 11*

The members of the Commission of Investigation shall be bound by the legal provisions concerning official secrecy in force in the Contracting State which appointed them.

## CHAPTER IV

## FINAL PROVISIONS

*Article 12*

(1) This Treaty shall be ratified. The instruments of ratification shall be exchanged at Vienna.

(2) The Treaty shall enter into force on the date of the exchange of the instruments of ratification and shall remain in force for a term of one year. The Treaty shall remain in force thereafter unless it is denounced by one of the Contracting States at six months' notice.

The Treaty has been drawn up in two original copies in the German and Hungarian languages. Both texts are authentic.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting States have signed this Treaty and have thereto affixed their seals.

DONE at Budapest, on 31 October 1964.

For the Republic of Austria :

KREISKY

For the Hungarian People's Republic :

PÉTER

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<sup>1</sup> See p. 241 of this volume.