

No. 7937

**AUSTRIA
and
HUNGARY**

**Treaty for keeping the common State frontier visible and
regulating the questions relating thereto (with annexes).
Signed at Budapest, on 31 October 1964**

Official texts: German and Hungarian.

Registered by Austria on 24 September 1965.

**AUTRICHE
et
HONGRIE**

**Traité prévoyant des mesures pour que la frontière d'État
commune demeure visible et portant réglementation de
questions connexes (avec annexes). Signé à Budapest,
le 31 octobre 1964**

Textes officiels allemand et hongrois.

Enregistré par l'Autriche le 24 septembre 1965.

[TRANSLATION — TRADUCTION]

No. 7937. TREATY¹ 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

The Federal President of the Republic of Austria and

The Presidential Council of the Hungarian People's Republic,

Desiring to ensure that the common State frontier remains visible in the future and to regulate the questions relating thereto, have decided to conclude a Treaty for the purpose 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 :

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

COURSE OF THE STATE FRONTIER

Article 1

The State frontier between the Republic of Austria and the Hungarian People's Republic follows the course which, on the basis of

Article 27, paragraph 1, of the Treaty of Peace concluded at Trianon on 4 June 1920 ;²

Article 27, paragraph 5, of the State Treaty concluded at Saint-Germain-en-Laye on 10 September 1919 ;³

¹ Came into force on 9 April 1965, the date of the exchange of the instruments of ratification at Vienna, in accordance with article 31.

² League of Nations, *Treaty Series*, Vol. VI, p. 187.

³ League of Nations, *Treaty Series*, Vol. II, p. 35.

The Venice Protocol of 13 October 1921¹ regarding the settlement of the question of Western Hungary; and

The decision of 19 September 1922 of the Council of the League of Nations and the Agreement of 22 November 1922 between the two Contracting States concerning the compensatory cession of certain territories (*Convention du 22 novembre 1922 au sujet de certaines compensations*),

was determined and marked on the spot by a Frontier Delimitation Commission during the years 1922-1924, and which was confirmed, in accordance with its status as at 1 January 1938, by

Article 1, paragraph 1, of the Treaty of Peace with Hungary concluded on 10 February 1947² and

Article 5 of the Austrian State Treaty of 15 May 1955,³
due regard being had to the fact that, owing to the frontier rectification effected between Hungary and Czechoslovakia under article 1, paragraph 4 (c), of the Treaty of Peace with Hungary concluded on 10 February 1947, the Austrian-Hungarian State frontier has been shortened.

Article 2

The State frontier shall delimit the territories of the two Contracting States both on the ground and, without exception, in a vertical direction in the air space and below the ground.

Article 3

The State frontier shall continue to be divided into the sectors and sub-sectors determined by the Frontier Delimitation Commission, due regard being had to the shortening of the frontier referred to in article 1.

Article 4

1. The course of the State frontier determined by the Frontier Delimitation Commission shall be unalterable, even in the event that changes in the terrain have been or are hereafter brought about by geographical causes (e.g. displacement of a river bed), by construction or by any other cause.

2. Where the State frontier runs over water, the Contracting States shall ensure—subject to the provisions of the Treaty of 9 April 1956⁴ between the Republic of Austria and the Hungarian People's Republic concerning the regulation of water

¹ League of Nations, *Treaty Series*, Vol. IX, p. 203.

² United Nations, *Treaty Series*, Vol. 41, p. 135.

³ United Nations, *Treaty Series*, Vol. 217, p. 223.

⁴ United Nations, *Treaty Series*, Vol. 438, p. 123.

economy questions in the frontier region—that the banks of such waters are properly maintained, in order that the waters may, where this is not contrary to the fundamental interests of water economy, remain in so far as possible in their original position.

CHAPTER II

PROTECTION OF FRONTIER MARKS AND MEASURES TO KEEP THE COURSE OF THE STATE FRONTIER VISIBLE

Article 5

1. The Contracting States undertake to ensure, by surveying and marking the common State frontier, that the course of the State frontier determined by the Frontier Delimitation Commission remains clearly visible at all times. They further undertake to maintain and, where necessary, restore, in accordance with this Treaty, the frontier marks required for the purpose.

2. The Contracting States undertake to protect all frontier marks, irrespective of the frontier sector concerned. For this purpose, they shall take the necessary steps to prevent the deliberate damaging, destruction or displacement of frontier marks.

Article 6

1. The Contracting States undertake to ensure that a strip one metre wide on each side of the land portion of the frontier line and a circle with a radius of one metre around each frontier mark not situated on the frontier line (indirect demarcation) is kept free of trees and bushes; this shall also apply to other plants which reduce the visibility of frontier marks.

2. The owners of land situated on the State frontier and persons otherwise entitled to the use of such land shall take the measures required under paragraph 1 without any claim to compensation. If they fail to discharge their obligation, the competent authority shall order them to do so and shall, if necessary, take enforcement action.

3. The competent local authorities of the Contracting States shall notify each other of such works wherever possible.

Article 7

1. In order to keep the course of the State frontier visible, the construction of buildings, installations or enclosures in the areas referred to in article 6 shall be prohibited, save where they serve the purposes of public transport or frontier traffic.

2. The provisions of paragraph 1 shall not apply to currently existing buildings and installations until such time as they collapse, are completely destroyed or cease to be used.

Article 8

No private boundary marks may be placed on the frontier line ; accordingly, property boundaries which intersect it may be marked only with directional stones, which shall be placed at least three metres from the State frontier.

CHAPTER III

SURVEYING AND MARKING OF THE STATE FRONTIER

Article 9

1. The surveyors and auxiliary personnel required for the purpose of surveying and marking the State frontier shall be made available by each Contracting State at its own expense.

2. Without prejudice to the provisions of paragraph 1 and of articles 13 and 18, the required labour, materials, vehicles and equipment (machinery, tools, measuring instruments and the like) shall be made available at its own expense :

- (a) On sub-sectors A II, A IV, A VI, B II, B IV, B VI, C I, C II and C VI, by the Republic of Austria ;
- (b) On sub-sectors A III, A V, B I, B III, B V, C III, C IV and C V, by the Hungarian People's Republic.

3. The persons referred to in paragraphs 1 and 2 may be uniformed military personnel.

4. The persons referred to in paragraphs 1 and 2 may not carry weapons and must be nationals of the Contracting State by which they are employed.

5. The triangulation and polygonal points required for the purpose of surveying the common State frontier shall be maintained by the Contracting State in whose territory they are situated. They may be used in equal measure and without hindrance by the persons employed by the Contracting States to restore the State frontier.

6. Periodic checks of the frontier marks shall be made by the Contracting States every six years. The first inspection of the frontier marks shall begin within one year after the entry into force of this Treaty.

Article 10

The owners of land, mines, bridges and other structures situated on or near the State frontier and persons otherwise entitled to their use shall, without any claim to compensation, permit the necessary surveying and marking work, and in particular the erection or placement of frontier marks.

Article 11

1. When making a periodic check (article 9), the Contracting States shall also inspect the course of the frontier line in those parts of the State frontier in which the frontier line runs over, or along the banks of, bodies of water. If the inspection reveals that a frontier line which previously ran over land now runs over water as a result of changes which have occurred since the last inspection or that frontier sectors which were previously water sectors have become land sectors, reports and supplementary field sketches (article 21) shall be prepared concerning the matter.

2. In the event of major natural changes which occur suddenly, either Contracting State may request an inspection of the portion of the State frontier concerned even though a periodic check is not in progress.

Article 12

Where need arises to restore the three-sided frontier stones at the three-State frontier points, the Contracting States shall, for that purpose, come to an agreement with the third State concerned.

Article 13

If a frontier mark in a frontier sector for whose maintenance one Contracting State is responsible (article 9) is damaged or destroyed by a national of the other Contracting State, the latter Contracting State shall reimburse the cost of repairing or restoring the frontier mark to the Contracting State responsible for maintenance ; this provision shall not affect such claims for reimbursement or indemnification as the Contracting State responsible for reimbursement may have against third persons under its own law.

CHAPTER IV

THE MIXED COMMISSION

Article 14

The Contracting States shall establish a permanent Mixed Commission to organize and carry out the tasks referred to in article 5, paragraph 1.

Article 15

1. The Mixed Commission shall have six members. Each Contracting State shall appoint three members and three deputies. Either Party may, where necessary, employ the services of experts and auxiliary personnel.

2. Each Contracting State shall designate as chairman of its delegation one of the members appointed by it. The two chairmen may communicate with each other directly.

3. Each Contracting State shall bear the expenses of the members appointed by it, including those of the experts and auxiliary personnel whose services it employs. Other costs incurred in connexion with the activities of the Mixed Commission shall, save as otherwise agreed, be shared equally by the Contracting States.

Article 16

1. In carrying out its tasks (article 14), the Mixed Commission shall in particular :

- (a) Verify, where necessary, whether the frontier marks are exactly in place and, if they are not, place them in their correct locations ;
- (b) Straighten or raise tilted or sunken frontier marks ;
- (c) Ensure that the markings on every frontier mark remain recognizable ;
- (d) Repair or restore damaged frontier marks ;
- (e) Replace missing frontier marks with new ones ;
- (f) Place supplementary frontier marks at points where the course of the State frontier is not sufficiently visible, as, in particular, in the Neusiedlersee (Fertő tó);
- (g) Where necessary or advisable, change the demarcation of the frontier line from direct to indirect or vice versa ;
- (h) Transfer endangered frontier marks to safe locations ;
- (i) Where necessary, appropriately mark the course of the State frontier in mines, on bridges and on other structures ;
- (j) Where necessary, place appropriate frontier marks at points where the State frontier intersects railway lines, roads or high-tension lines.

2. Where it is essential to do so in order to ensure that the course of the State frontier is clearly visible, the Mixed Commission shall take measures in accordance with paragraph 1 even though a periodic check (article 9, paragraph 6) is not in progress.

3. During each periodic check (article 9, paragraph 6), the Mixed Commission shall also inspect the frontier marks situated at the three-State frontier points and shall, if necessary, recommend measures to repair the frontier marks.

4. The Mixed Commission may, in particular cases, deviate from the markings, shape, dimensions and materials prescribed for frontier marks by the Frontier Delimitation Commission.

Article 17

The Mixed Commission shall not be empowered to alter the course of the State frontier (article 1) on its own authority.

Article 18

Where frontier marks are damaged, destroyed or removed along the rivers Raab (Rába), Pinka, Strem (Strém) and Lafnitz (Lapincs), or as a result of construction work—in particular, the regulation of watercourses or road-building—carried out at the State frontier, the Mixed Commission may make arrangements other than those prescribed in article 9, paragraph 2, for making available the required labour, materials, vehicles and equipment (machinery, tools, measuring instruments and the like).

Article 19

1. The Mixed Commission shall, in particular, determine the work plan for surveying and marking the State frontier and the manner in which the work is to be carried out.

2. Surveyors of both Contracting States must be present when missing frontier marks are replaced and when frontier marks undergo repair work in connexion with a change of location.

3. The course of the State frontier shall not be altered by the transfer of endangered frontier marks.

Article 20

1. The Mixed Commission shall meet or conduct frontier inspections at such times as the Commission itself decides on the proposal of the chairman of either delegation or, particularly in the cases governed by article 11, paragraph 2, and article 16, paragraph 2, if either Contracting State so requests through the diplomatic channel. In such cases, the chairmen of the two delegations shall act in concert to convene the Commission within one month.

2. Save as otherwise agreed, the Mixed Commission shall hold its sessions alternately in the territory of each Contracting State.

Article 21

1. The Mixed Commission shall establish its own rules of procedure.

2. The sessions and frontier inspections of the Mixed Commission shall be presided over alternately by the chairmen of the two delegations. On the first day of the session or inspection, the proceedings shall be conducted by the chairman of the delegation of the Contracting State in whose territory the session or inspection is being held.

3. The working languages of the Mixed Commission shall be German and Hungarian.

4. A record of each session or frontier inspection shall be drawn up in two original copies in the German and Hungarian languages and shall be signed by the chairmen of the two delegations of the Mixed Commission.

5. Whenever the demarcation of the frontier is altered or supplemented by an action of the Mixed Commission and whenever erroneous measurements already approved by the Frontier Delimitation Commission or the Mixed Commission are corrected, the surveyors shall draw up a record in two original copies in the German and Hungarian languages and shall as a supplementary measure, if necessary, prepare field sketches and keep field notebooks and computation notebooks. The form of the supplementary field sketches, field notebooks and computation notebooks shall be determined by the Mixed Commission.

6. The records and supplementary field sketches referred to in paragraph 5 shall require approval by the Mixed Commission.

7. The Mixed Commission shall keep an appropriate record of instances in which the demarcation of the frontier is altered or supplemented by its action and of the corrections referred to in paragraph 5.

8. The preparation and reproduction of the supplementary field sketches and the keeping of the record referred to in paragraph 7 shall be governed, *mutatis mutandis*, by the provisions of article 9, paragraph 2, and article 18.

9. Each delegation of the Mixed Commission shall use impressed and rubber stamps showing the coat of arms of its State, the name of the Mixed Commission and the designation of the delegation itself.

Article 22

1. Decisions of the Mixed Commission shall be adopted unanimously.

2. Matters on which the Mixed Commission has not reached agreement shall be submitted to the competent authorities of the Contracting States, together with a statement of the differences of opinion. The Contracting States shall endeavour to arrive at an agreed settlement of the disputed matter.

Article 23

The Mixed Commission shall establish mixed technical groups to carry out the tasks enumerated in article 16.

Article 24

1. The competent central authorities of the Contracting States shall provide the persons referred to in articles 9 and 15 and the members of the mixed technical groups (article 23) with frontier crossing certificates (annexes A and B). The certificates shall be drawn up in the German and Hungarian languages and shall be visaed by

the other Contracting State. Certificates shall be issued for the duration of a calendar year and may be renewed for an additional year. Renewal shall require visaing by the other Contracting State.

2. Holders of the certificates referred to in paragraph 1 shall, for the purpose of performing their work, be entitled to cross the State frontier anywhere within the frontier sub-sector designated by the Mixed Commission for the performance of the work and to be present in the territory of the other Contracting State at such distance from the frontier as may be necessary. They may not, however, enter the territory of the other Contracting State to a distance of more than 2.5 metres unless a frontier official of the other Contracting State or a military person duly authorized for the purpose by the competent chief administrative authority of the said State is present.

Article 25

1. Holders of the certificates referred to in article 24 shall be required to show them on demand to the competent authorities of the Contracting States.

2. Upon the expiry of their period of validity, certificates shall be returned without delay to the authority which issued them.

3. The authority which issued a certificate to one of the persons referred to in article 9 or to a member of a mixed technical group shall, at the request of the competent central authority of the other Contracting State, withdraw the certificate without delay.

Article 26

1. Holders of the certificates referred to in article 24 may not be arrested or detained while they are engaged in activities pursuant to this Treaty in the territory of the other Contracting State ; articles required for their personal use and materials, vehicles, equipment (machinery, tools, measuring instruments and the like), papers, documents and stamps which they have brought with them may not be confiscated.

2. The Contracting States undertake to provide for the personal protection and ensure the physical safety of holders of the certificates referred to in article 24 and to ensure the inviolability of such papers, documents and stamps as they have brought with them.

3. If, in the performance of work pursuant to this Treaty in the region of the State frontier, the holder of a frontier crossing certificate issued by one Contracting State under article 24 is killed or injured in an accident resulting from action taken by the other Contracting State in connexion with the State frontier, or if an article carried by him or brought with him is damaged or destroyed as a result of such an accident, a claim for compensation may be submitted to the Contracting State of which the injured party is or was a national. The latter Contracting State shall make compensation for the full damage ; the amount of the claim for compensation shall be reduced in the measure in which the aforementioned holder of a frontier cross-

ing certificate caused the accident intentionally or through gross negligence. The concept of full damage shall be governed by Austrian civil law. With a view to ascertaining the facts governing the existence and extent of the obligation to make compensation, the Contracting State responsible for making compensation shall refer the matter without delay to the Commission of Investigation to be established under the Treaty concluded at Budapest on 31 October 1964¹ 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.

4. Where a claim is made against one Contracting State under paragraph 3, the other Contracting State shall be notified thereof without delay through the diplomatic channel.

5. A Contracting State which has made compensation for damage under paragraph 3 shall be reimbursed therefor by the other Contracting State ; the same shall apply to other payments made by the former Contracting State in connexion with the accident.

Article 27

1. Materials transferred from the territory of one Contracting State to the territory of the other Contracting State for the execution of works under this Treaty shall be definitively exempt from all import and export duties and shall not be subject to any import or export restrictions.

2. Vehicles and equipment (machinery, tools, measuring instruments and the like) shall be provisionally exempt from all import and export duties on condition that the articles concerned are returned as soon as possible after the completion of the work. The deposit of security for the uncollected duty shall not be required. Duty shall be payable in respect of any articles not returned. Completely worn-out articles which are not returned because they have become unusable shall remain exempt from duty. The articles referred to in this paragraph shall not be subject to any import or export restrictions.

3. Each Contracting State undertakes to facilitate for the other the clearance through customs, duty-free, of materials, vehicles and equipment.

4. Holders of the certificates referred to in article 24 may bring with them, duty-free, such food, beverages, medicaments, tobacco products and travel articles as they require for their personal use.

5. Materials, vehicles, equipment and other articles shall be subject, on import or export, to customs control by the Contracting State concerned.

¹ See p. 223 of this volume.

CHAPTER V

FRONTIER HIGHWAYS, FRONTIER WATERS AND MINERAL DEPOSITS

Article 28

1. For the purposes of this Treaty, the term "frontier highways" means highways or sections of highway along whose centre line the State frontier runs and is designated by frontier marks placed alternately or in pairs.

2. Frontier highways may be freely used by the inhabitants of the two Contracting States between sunrise and sunset. At other times, such persons may not enter those portions of frontier highways which are within the territory of the other Contracting State.

3. The authorities of the two Contracting States responsible for guarding the State frontier may freely use frontier highways at any time in the performance of their duties ; however, they may perform official acts only in those portions of frontier highways which are within the territory of their own State. Other armed authorities of the Contracting States may not travel on frontier highways.

Article 29

1. For the purposes of this Treaty, the term "frontier waters" means sections of stationary or running waters along which the frontier line runs or which are intersected by the frontier line ; in the latter case, the term applies to those portions of the waters which extend 200 metres from the State frontier on each side.

2. Persons fishing in frontier waters shall not be permitted to use explosive, poisonous or narcotic substances capable of causing the mass destruction of the fish population. This provision shall not apply to fishing with electrical equipment.

3. The Contracting States shall take appropriate steps to ensure that their inhabitants observe the provisions of this Treaty relating to frontier waters.

Article 30

If works for the development or exploitation of mineral deposits are in progress within a strip extending fifty metres from the State frontier on each side, or if deposits of petroleum or natural gas are in process of development within a strip extending two kilometres from the State frontier on each side, the Contracting States shall jointly take such steps as may be necessary for keeping the course of the State frontier unchanged during further development or exploitation.

CHAPTER VI
FINAL PROVISIONS

Article 31

1. This Treaty shall be ratified ; the instruments of ratification shall be exchanged at Vienna.

2. This Treaty shall enter into force on the date of the exchange of the instruments of ratification and shall remain in force for a period of ten years. The Treaty shall remain in force thereafter unless it is denounced by either Contracting Party. In the latter case, the Treaty shall, save for the provisions of chapter I, cease to have effect at the end of the calendar year following its denunciation.

3. Upon the entry into force of this Treaty, Legal Protocols No. 8, concerning the protection and preservation of frontier marks, stones and signs, and No. 11, regulating traffic on common roads, which are an integral part of the Convention of 11 March 1927¹ between the Republic of Austria and the Kingdom of Hungary concerning the settlement of legal questions raised by the delimitation of the frontier, shall cease to have effect.

This 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

¹ League of Nations, *Treaty Series*, Vol. LXXX, p. 67.

ANNEX A

Page 1

REPUBLIC OF AUSTRIA

STATE COAT OF ARMS

FRONTIER CROSSING CERTIFICATE

pursuant to article 24 of the Treaty of 31 October 1964 between
the Republic of Austria and the Hungarian People's Republic
for keeping the common State frontier visible and regulating the
questions relating thereto

No.

Format : folded in three, 6 pages, 10 × 14.5 cm.
Material : cardboard.
Colour : grey.

Page 2

Surname

Given name

Occupation

Function

Place and date of birth

Nationality

Permanent address

Personal description

Height Colour of hair

Complexion Colour of eyes

Distinguishing features

Page 3

Space for photograph

L.S.

.....
Signature of holder

The holder of this frontier crossing certificate is entitled, for the purpose of performing his work, to cross the Austrian-Hungarian State frontier anywhere within the frontier sub-sector designated by the Mixed Commission for the performance of the work and to be present in the territory of the Hungarian People's Republic at such distance from the frontier as may be necessary. He may not, however, enter the territory of the Hungarian People's Republic to a distance of more than 2.5 metres unless a frontier official of the Hungarian People's Republic or a military person duly authorized for the purpose by the competent chief administrative authority of the Hungarian People's Republic is present.

Page 5

This frontier crossing certificate is valid until

Issuing authority

Place and date of issue

L.S.

.....
Signature

Visaing authority

Place and date of visa

L.S.

.....
Signature

Page 6

The period of validity is extended until

Issuing authority

Place and date of extension

L.S.

.....
Signature

Visaing authority

Place and date of visa

L.S.

.....
Signature

ANNEX B

Page 1

HUNGARIAN PEOPLE'S REPUBLIC

STATE COAT OF ARMS

FRONTIER CROSSING CERTIFICATE

pursuant to article 24 of the Treaty of 31 October 1964 between
the Hungarian People's Republic and the Republic of Austria for
keeping the common State frontier visible and regulating the
questions relating thereto

No.

Format : folded in three, 6 pages, 10 × 14.5 cm.
Material : cardboard.
Colour : grey.

[Pages 2 and 3 of the model document reproduced in this annex are identical to pp. 2 and 3 of that reproduced in annex A ; see pp. 300 and 302 of this volume.]

Page 4

The holder of this frontier crossing certificate is entitled, for the purpose of performing his work, to cross the Hungarian-Austrian State frontier anywhere within the frontier sub-sector designated by the Mixed Commission for the performance of the work and to be present in the territory of the Republic of Austria at such distance from the frontier as may be necessary. He may not, however, enter the territory of the Republic of Austria to a distance of more than 2.5 metres unless a frontier official of the Republic of Austria or a military person duly authorized for the purpose by the competent chief administrative authority of the Republic of Austria is present.

[Pages 5 and 6 of the model document reproduced in this annex are identical to pp. 5 and 6 of that reproduced in annex A ; see pp. 306 and 308 of this volume.]