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**No. 7953**

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**AUSTRIA**  
**and**  
**BELGIUM, LUXEMBOURG and NETHERLANDS**

**Agreement on the acceptance of persons at the frontier.**  
**Signed at Vienna, on 15 February 1965**

*Official texts: German, French and Dutch.*

*Registered by Austria on 28 September 1965.*

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**AUTRICHE**  
**et**  
**BELGIQUE, LUXEMBOURG et PAYS-BAS**

**Accord sur la prise en charge de personnes à la frontière.**  
**Signé à Vienne, le 15 février 1965**

*Textes officiels allemand, français et néerlandais.*

*Enregistré par l'Autriche le 28 septembre 1965.*

[TRANSLATION — TRADUCTION]

No. 7953. AGREEMENT<sup>1</sup> BETWEEN THE FEDERAL GOVERNMENT OF THE REPUBLIC OF AUSTRIA, ON THE ONE HAND, AND THE GOVERNMENTS OF THE KINGDOM OF BELGIUM, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS, ON THE OTHER HAND, ON THE ACCEPTANCE OF PERSONS AT THE FRONTIER. SIGNED AT VIENNA, ON 15 FEBRUARY 1965

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The Federal Government of the Republic of Austria, on the one hand, and the Governments of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, acting jointly on the basis of the Convention of 11 April 1960<sup>2</sup> between them on the transfer of control of persons to the external frontiers of Benelux territory, on the other hand, have, with a view to regulating in a spirit of friendship the reciprocal acceptance of persons at the frontier, agreed as follows :

*Article 1*

(a) The competent authorities of the Republic of Austria shall, without formalities and without the necessity of action by the competent Austrian mission in Belgium, Luxembourg or the Netherlands, accept Austrian nationals whom the Belgian, Luxembourg or Netherlands authorities propose to deport if it is proved, or the presumption is established, that such persons possess ~~Austrian~~ nationality.

(b) Proof of Austrian nationality may be established on the basis of a certificate or other documentary evidence of nationality or of a decision by virtue of which Austrian nationality has been acquired or confirmed ; the presumption of Austrian nationality may be established by a passport or identity document issued by the Austrian authorities even if the same was not drawn up in proper form or has expired within the past ten years.

(c) The Belgian, Luxembourg or Netherlands Government shall readmit to its territory, within not more than six months after his acceptance, any person accepted in accordance with paragraph (a) who is shown by the Austrian authorities not to have had Austrian nationality at the time of his deportation, save where, under

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<sup>1</sup> Came into force on the first day of the second month following the date of signature, i.e., on 1 April 1965, in accordance with article 9.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 374, p. 3.

article 2, the Republic of Austria is required to accept such person or was so required at the time when it accepted him.

(*d*) Where the provisions of paragraph (*a*) are applied to an Austrian national under the age of twenty-one, the authorities of the State taking such action shall so inform the competent Austrian mission.

(*e*) Where proof or the presumption of Austrian nationality is not established in accordance with paragraphs (*a*) and (*b*) but circumstances exist which indicate that the person concerned possesses Austrian nationality, acceptance shall take place on the basis of a formal certificate of acceptance.

Application for acceptance shall be made to the competent Austrian diplomatic mission in Belgium, Luxembourg or the Netherlands, which, within not more than one month after the date of submission of the application, shall transmit the certificate of acceptance to the Ministry of Foreign Affairs of the State concerned or inform it of the reasons why the person concerned cannot be accepted.

#### *Article 2*

(*a*) The competent authorities of the Republic of Austria shall, at the request of the Belgian, Luxembourg or Netherlands authorities, accept a person who is not a national of one of the Contracting States if such person left Austria less than six months before such request was made, after a stay in Austria of not less than two weeks, and entered Belgium, Luxembourg or the Netherlands in an illegal manner.

(*b*) Acceptance by the Republic of Austria shall take place on the basis of a *laissez-passer* issued by the competent Austrian diplomatic mission. The *laissez-passer* shall be valid for twelve months.

(*c*) Application for the issue of a *laissez-passer* shall be made to the competent Austrian diplomatic mission in Belgium, Luxembourg or the Netherlands, which, within two months after the application is submitted, shall transmit the *laissez-passer* to the Ministry of Foreign Affairs of the State concerned or inform it of the reasons why the person concerned cannot be accepted.

(*d*) A local-banishment order that has become final or an order of expulsion or deportation from the territory of the Republic of Austria shall not preclude the issue of a *laissez-passer*.

(*e*) There shall be no obligation to accept a person who is a national of a State, other than a Contracting State, having a common frontier with Belgium, Luxembourg or the Netherlands unless compelling reasons exist for not deporting the person concerned to the territory of that State.

*Article 3*

(a) Belgian, Luxembourg or Netherlands nationals whom the Austrian authorities propose to deport shall be accepted by their respective Governments without formalities and without the necessity of action by the competent mission in Austria if it is proved, or the presumption is established, that such persons possess Belgian, Luxembourg or Netherlands nationality.

(b) Proof of Belgian nationality may be established on the basis of a certificate of nationality or a copy of civil register documents attesting to the acquisition of that nationality; the presumption of Belgian nationality may be established either by a passport or identity document issued by the Belgian authorities, even if the same was not drawn up in proper form or has expired within the past ten years, or by a valid alien's identity document issued by the competent authority in France, Luxembourg or Switzerland for Belgian nationals regularly resident there, specifying that the holder possesses Belgian nationality.

(c) Proof of Luxembourg nationality may be established on the basis of a certificate of nationality or a final judicial decision confirming that nationality; the presumption of Luxembourg nationality may be established either by a passport or identity document issued by the Luxembourg authorities, even if the same was not drawn up in proper form or has expired within the past ten years, or by a valid alien's identity document issued by the competent authority in Belgium, France, Switzerland or Liechtenstein for Luxembourg nationals regularly resident there, specifying that the holder possesses Luxembourg nationality.

(d) Proof of Netherlands nationality may be established on the basis of a certificate of nationality; the presumption of Netherlands nationality may be established either by a passport or identity document (*toeristenkaart*) issued by the Netherlands authorities, even if the same was not drawn up in proper form or has expired within the past ten years, or by a valid Belgian or Luxembourg alien's identity document specifying that the holder possesses Netherlands nationality.

(e) The competent authorities of the Republic of Austria shall readmit to Austrian territory, within not more than six months after his acceptance, any person accepted in accordance with paragraph (a) who is shown by the Belgian, Luxembourg or Netherlands authorities not to have had at the time of his deportation the nationality which provided the basis for his acceptance, save where, under article 4, the Kingdom of Belgium, the Grand Duchy of Luxembourg or the Kingdom of the Netherlands is required to accept such person or was so required at the time when it accepted him.

(f) Where the provisions of paragraph (a) are applied to a Belgian, Luxembourg or Netherlands national under the age of twenty-one, the Austrian authorities shall so inform the competent mission in Austria ; if the person concerned is a Luxembourg national, the Luxembourg Consulate-General shall be notified.

(g) Where proof or the presumption of Belgian, Luxembourg or Netherlands nationality is not established in accordance with paragraphs (a) to (d) but circumstances exist which indicate that the person concerned possesses one of the said nationalities, acceptance shall take place on the basis of a formal certificate of acceptance.

Application for acceptance shall be made, as appropriate, to the Belgian or Netherlands diplomatic mission or the Luxembourg Consulate-General in Austria, which, within not more than one month after the date of submission of the application, shall transmit the certificate of acceptance to the Federal Ministry of Foreign Affairs of the Republic of Austria or inform it of the reasons why the person concerned cannot be accepted.

#### *Article 4*

(a) The Belgian, Luxembourg or Netherlands Government, as the case may be, shall, at the request of the Austrian authorities, accept a person who is not a national of one of the Contracting States if such person left Belgium, Luxembourg or the Netherlands less than six months before such request was made, after a stay of not less than two weeks in the territory of the State concerned, and entered Austria in an illegal manner.

(b) Acceptance by the Belgian, Luxembourg or Netherlands Government shall take place on the basis of a *laissez-passer* issued by the competent mission in Austria. The *laissez-passer* shall be valid for twelve months.

(c) Application for the issue of a *laissez-passer* shall be made, as appropriate, to the Belgian or Netherlands diplomatic mission or the Luxembourg Consulate-General in Austria, which, within two months after the application is submitted, shall transmit the *laissez-passer* to the Federal Ministry of Foreign Affairs of the Republic of Austria or inform it of the reasons why the person concerned cannot be accepted.

(d) Proceedings for deportation from Belgian, Luxembourg or Netherlands territory shall not preclude the issue of a *laissez-passer*.

(e) There shall be no obligation to accept a person who is a national of a State having a common frontier with the Republic of Austria unless compelling reasons exist for not deporting the person concerned to the territory of that State.

*Article 5*

(a) The Federal Government of Austria, on the one hand, and the Belgian, Luxembourg and Netherlands Governments, on the other hand, declare themselves willing to accede to requests from the authorities of the other Contracting Party for the conveyance in transit of a person who is not a national of one of the Contracting States and against whom administrative proceedings for deportation have been instituted, on condition that acceptance is guaranteed by the State of destination and, where necessary, conveyance in transit is guaranteed by other States.

(b) Conveyance in transit may be refused if the person concerned :

1. Would be liable to criminal prosecution or punishment while in transit through the territory of the State applied to, or
2. Might face political persecution or would be liable to criminal prosecution or punishment in a subsequent State of transit or in the State of destination.

(c) Requests for conveyance in transit shall be made to the Ministry of Foreign Affairs of the State applied to by the diplomatic mission of the applicant State ; however, requests on behalf of the Luxembourg Government shall be made by that country's Consulate-General in Austria.

(d) A person accepted for conveyance in transit may be returned at any time to the authorities of the State which ordered his deportation if circumstances making such conveyance inadvisable subsequently arise or come to light or if another State through which he is to be so conveyed, or the State of destination, refuses to accept him.

*Article 6*

The costs of conveying deported persons to the frontier of the State of destination, including costs of conveyance in transit through third States, and the costs of returning such persons shall be borne by the deporting State.

*Article 7*

The foregoing provisions shall in no way affect the extradition arrangements between the Republic of Austria, on the one hand, and the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, on the other hand.

*Article 8*

In so far as relates to the Kingdom of the Netherlands, this Agreement shall be applicable only to the European territory of that State. It may, however, be extend-

ed by agreement to any part of the Kingdom of the Netherlands situated outside Europe by means of an exchange of notes between the Federal Government of the Republic of Austria and the Government of the Kingdom of the Netherlands. The exchange of notes shall specify the date of the entry into force of such extension, notice of which shall be given to the other Contracting States.

*Article 9*

1. This Agreement shall enter into force on the first day of the second month following its signing.

It shall remain in force for a term of one year ; unless it is denounced one month before the expiry of that term, it shall be deemed to be extended for an indefinite period of time.

2. After the expiry of the initial one-year term, the Agreement may be denounced by giving three months' notice.

3. A denunciation by the Federal Government of the Republic of Austria shall be addressed simultaneously to the Governments of the other Contracting States.

4. A denunciation by the Government of the Kingdom of Belgium, the Grand Duchy of Luxembourg or the Kingdom of the Netherlands shall be addressed to the Federal Government of the Republic of Austria.

Denunciation by one of those three Governments or by the Federal Government of the Republic of Austria shall cause the Agreement to cease to have effect upon the expiry of the required period of notice.

DONE at Vienna on 15 February 1965, in quadruplicate in the German, French and Dutch languages, all three texts being equally authentic.

For the Federal Government of the Republic of Austria :

KREISKY

For the Government of the Kingdom of Belgium :

COLOT

For the Government of the Grand Duchy of Luxembourg :

VAN HOUTEN

For the Government of the Kingdom of the Netherlands :

VAN HOUTEN