

No. 8511

**AUSTRIA
and
YUGOSLAVIA**

**Treaty concerning the common State frontier (with annexes).
Signed at Belgrade, on 8 April 1965**

Official texts: German and Serbo-Croat.

Registered by Austria on 9 January 1967.

**AUTRICHE
et
YOUgoslavie**

**Traité relatif à la frontière d'État commune (avec annexes).
Signé à Belgrade, le 8 avril 1965**

Textes officiels allemand et serbo-croate.

Enregistré par l'Autriche le 9 janvier 1967.

[TRANSLATION — TRADUCTION]

No. 8511. TREATY¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA CONCERNING THE COMMON STATE FRONTIER. SIGNED AT BELGRADE, ON 8 APRIL 1965

The Republic of Austria and the Socialist Federal Republic of Yugoslavia, desiring to ensure that the frontier between the two States remains visible and secure in the future and to regulate the questions relating thereto, have agreed as follows :

PART I

COURSE OF THE STATE FRONTIER

Article 1

(1) The State frontier between the Republic of Austria and the Socialist Federal Republic of Yugoslavia follows the course which, on the basis of article 27, paragraphs 3 and 4, and articles 29, 30 and 35 of the State Treaty concluded at Saint-Germain-en-Laye on 10 September 1919, was determined by a Frontier Delimitation Commission during the years 1920-1923 and which was confirmed, in accordance with its status as at 1 January 1938, by article 5 of the Austrian State Treaty of 15 May 1955.² In the frontier sector of the Mur (Mura), however, the State frontier is permanently defined by the centre line of the water-course fixed on 25 November 1962.

(2) The entire State frontier was newly marked during the years 1958-1961 by the Mixed Commission established pursuant to the Convention of 19 March 1958 between the Austrian Federal Government and the Government of the Federal People's Republic of Yugoslavia concerning the restoration, protection and maintenance of frontier stones and other frontier marks on the Austrian-Yugoslav State frontier.

Article 2

The State frontier shall delimit the territories of the Contracting States both on the ground and in a vertical direction in the air space and below the ground. This principle shall apply, in particular, in cases where the frontier intersects bridges as well as mines, tunnels and other underground structures.

¹ Came into force on 20 October 1966, the thirtieth day following the exchange of the instruments of ratification, which took place at Vienna, in accordance with article 40.

² United Nations, *Treaty Series*, Vol. 217, p. 223.

Article 3

The State frontier shall continue to be divided into frontier sectors (sections) I to XXVII, as determined by the Frontier Delimitation Commission.

PART II

WATER SECTORS OF THE FRONTIER

Article 4

(1) Where the Frontier Delimitation Commission has fixed the State frontier in the middle of a watercourse, it shall, without prejudice to the provisions of paragraph 2, be permanently defined by the position of the centre line of the watercourse as originally established by the Frontier Delimitation Commission on the basis of surveys, without regard to any subsequent changes in the watercourse; this shall apply, in particular, to the frontier sector of the Drau (Drava).

(2) Changes in the course of the Mur (Mura) subsequent to 25 November 1962 shall not affect the course of the State frontier.

Article 5

Where the Frontier Delimitation Commission has fixed the State frontier on the Jelenbach (Jelen potok) (frontier sector XIX) along the latter's right bank, it shall be permanently defined by the position of the bank at the time of delimitation, without regard to any subsequent changes in the said bank.

Article 6

(1) The Contracting States shall, where this is not contrary to the fundamental interests of water economy, take appropriate steps to ensure that, without prejudice to the provisions of article 7, the banks of the watercourses referred to in article 4, paragraph 1, and article 5 remain, in the frontier sectors, in the position originally determined by the Frontier Delimitation Commission. This provision shall not apply to the frontier sector of the Drau (Drava) so long as it is situated in the storage area of the Dravograd hydroelectric station.

(2) The Contracting States shall, in addition, take appropriate steps to ensure that the banks of the Mur (Mura) remain, in the frontier sector, in the same position as on 25 November 1962.

Article 7

The Contracting States shall, upon the completion of the projected regulatory work on the Kutschenitza (Kučnica), enter into negotiations concerning an alteration in the course of the State frontier in that area.

PART III

SURVEYING AND MARKING OF THE STATE FRONTIER

Article 8

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

Article 9

(1) Each Contracting State shall make available at its own expense the surveyors and auxiliary personnel required for the purpose of surveying and marking the entire State frontier, irrespective of the frontier sector concerned.

(2) Without prejudice to the provisions of paragraph 1, of article 16, paragraph 2, and of article 25, the required materials, labour, vehicles and equipment (machinery, tools, measuring instruments and the like) shall be made available at its own expense :

- (a) In frontier sectors I to VII, with the exception of the right bank of the Mur (Mura), in frontier sectors XXII to XXVII and on the left bank of the Drau (Drava), by the Republic of Austria;
- (b) On the right bank of the Mur (Mura) and in frontier sectors VIII to XXI, with the exception of the left bank of the Drau (Drava), by the Socialist Federal Republic of Yugoslavia.

(3) The specialized personnel and labour referred to in paragraphs 1 and 2 may be either civilians or uniformed military personnel; they may not carry weapons and must be nationals of the Contracting State by which they are employed.

Article 10

Without prejudice to the provisions of article 11, the Contracting States shall, beginning in 1966, make periodic checks of the frontier marks every six years and, when necessary, repair, replace or supplement the said marks.

Article 11

(1) Where absolutely essential in order to ensure that the course of the State frontier is clearly visible, appropriate surveying and marking operations shall be undertaken even if a periodic check (article 10) is not in progress.

(2) In addition, where one of the Contracting States contends that frontier marks have been moved, the Contracting States shall, even if a periodic check is not in progress, verify as promptly as possible whether the marks are exactly in place and, if they are not, place them in their correct locations.

Article 12

(1) When a periodic check (article 10) is made, it shall be determined whether any portion of the frontier line which previously ran over land now runs over water as a result of changes which have occurred since the last periodic check and whether frontier sectors which were previously water sectors have become land sectors; in such cases, records and supplementary field sketches (article 27) 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 if a periodic check is not in progress.

Article 13

Where need arises to restore the 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 14

The triangulation and polygonal points required for the purpose of surveying the 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 ensure that the State frontier remains visible.

Article 15

The owners of land, bridges, mines, tunnels 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.

PART IV

PROTECTION OF FRONTIER MARKS AND
MEASURES TO ENSURE THAT THEY REMAIN VISIBLE*Article 16*

(1) 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.

(2) If a frontier mark in a frontier sector for whose maintenance one Contracting State provides materials, labour, vehicles and equipment (article 9) is damaged or destroyed by a national of the other Contracting State, the latter Contracting State shall reimburse the cost of repair or replacement to the former Contracting State.

(3) Paragraph 2 shall not affect any liability on the part of third persons, under the provisions of domestic law, in respect of the Contracting State which is required to bear the costs in question.

Article 17

(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. This provision shall not apply to forest preserves.

(2) The owners of land situated on the State frontier 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 owners of land situated on the State frontier and persons otherwise entitled to the use of such land shall, without any claim to compensation, ensure that the areas referred to in paragraph 1 are readily accessible at all times.

Article 18

(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 17, paragraph 1, shall be prohibited, save where they serve the purposes of public transport or frontier clearance operations.

(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 19

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.

Article 20

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 the purpose of keeping the course of the State frontier unchanged during further development or exploitation.

PART V

THE PERMANENT MIXED COMMISSION

Article 21

(1) A Permanent Mixed Commission (hereinafter referred to as "the Commission") shall be established for the purpose of carrying out the tasks for which the two Contracting States are responsible under this Treaty.

(2) The Commission shall, in particular, be competent :

- (a) To verify, where necessary, whether the frontier marks are exactly in place and, if they are not, to place them in their correct locations;
- (b) To straighten or raise tilted or sunken frontier marks;
- (c) To ensure that the markings on every frontier mark remain recognizable;
- (d) To repair or replace damaged frontier marks;
- (e) To replace missing frontier marks with new ones;
- (f) To place supplementary frontier marks at points where the course of the State frontier is not sufficiently visible;
- (g) Where necessary or advisable, to change the demarcation of the frontier line from direct to indirect or vice versa;
- (h) To transfer endangered frontier marks to safe locations;

- (i) Where necessary, to mark the course of the State frontier appropriately on bridges, in mines, in tunnels and on other structures;
 - (j) Where necessary, to place appropriate frontier marks at points where the State frontier intersects railway lines, roads or overhead transmission lines.
- (3) The Commission shall not be competent :
- (a) To determine the course of the frontier in places where it is subject to doubt or dispute;
 - (b) To make binding interpretations of this Treaty in any other respect;
 - (c) To take decisions concerning matters which, under the legal provisions of the Contracting States, are subject to decision by a domestic authority.

Article 22

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

(2) The Government of each Contracting State shall designate as chairman of its delegation one of the members appointed by it and as deputy chairman one of the deputies appointed by it. The two chairmen and their deputies shall be entitled to communicate with one another 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 Commission shall, save as otherwise agreed, be shared equally by the Contracting States.

Article 23

During each periodic check (article 10), the Commission shall also inspect the frontier marks situated at the three-State frontier points (article 13) and shall, if necessary, make recommendations to the Governments of the Contracting States for measures to repair the frontier marks.

Article 24

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

Article 25

Where frontier marks are damaged, destroyed or removed in large numbers as a result of construction work—in particular, the regulation of watercourses or road-building—carried out at the State frontier, the Commission shall take appropriate steps, without regard to the provisions of article 9, paragraph 2, to make available the required materials, labour, vehicles and equipment (machinery, tools, measuring instruments and the like).

Article 26

(1) The Commission shall 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 during any marking operations which entail survey work.

(3) The course of the State frontier shall not be altered by the transfer of endangered frontier marks or the erection of supplementary frontier marks.

Article 27

(1) Whenever the demarcation of the frontier is altered or supplemented at the direction of the Commission and whenever erroneous measurements already approved by the Frontier Delimitation Commission, by the Mixed Commission referred to in article 1, paragraph 2, or by the Commission are corrected, the surveyors shall draw up a record in two original copies in the German and Serbo-Croat languages and shall, if necessary, prepare supplementary field sketches. The form of the supplementary field sketches shall be determined by the Commission.

(2) The records and supplementary field sketches referred to in paragraph 1 shall require approval by the Commission.

(3) The Commission shall keep an appropriate record of instances in which the demarcation of the frontier is altered or supplemented at its direction and of the corrections referred to in paragraph 1.

(4) The preparation and reproduction of the supplementary field sketches and the keeping of the record referred to in paragraph 3 shall, unless the Commission decides otherwise, be governed, *mutatis mutandis*, by the provisions of article 9, paragraph 2, and article 25.

Article 28

In order to carry out its tasks, the Commission shall establish mixed technical groups from the surveyors and auxiliary personnel made available to it (article 9, paragraph 1).

Article 29

(1) The 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 12, 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) The Commission shall, save as otherwise agreed, meet alternately in the territory of each Contracting State.

Article 30

(1) Meetings shall be presided over by the chairman of the delegation of the Contracting State in whose territory the given meeting is being held. Frontier inspections shall be directed by the chairmen of the two delegations acting in concert.

(2) The working languages of the Commission shall be, on the one hand, German and, on the other hand, Serbo-Croat or Slovenian.

(3) A record of each meeting or frontier inspection shall be drawn up in two original copies in the German and Serbo-Croat or Slovenian languages and shall be signed by the chairmen of the two delegations.

Article 31

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

(2) Where the Commission is unable to reach agreement on a matter, an agreed settlement shall be sought through the diplomatic channel.

Article 32

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

PART VI

CROSSING OF THE FRONTIER

Article 33

(1) Each Contracting State shall provide the persons employed by it in accordance with articles 9 and 22 with frontier crossing certificates conforming to

the model shown in annexes A¹ and B¹; frontier crossing certificates shall be issued in the Republic of Austria by the Federal Ministry of Internal Affairs and in the Socialist Federal Republic of Yugoslavia by the Federal Secretariat for Internal Affairs. The certificates shall be issued in the German and Serbo-Croat languages for the duration of a calendar year. They may be renewed for additional periods of one calendar year. The issue and renewal of certificates shall require visaing by the authority of the other Contracting State competent to issue the certificates. The issue and visaing of frontier crossing certificates shall be free of charge and shall not be subject to tax.

(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 sectors specified in the certificates and to be present and move about freely 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 200 metres or during the period between sunset and sunrise unless a security official, a surveyor within the meaning of article 9, paragraph 1, or a military person of the other Contracting State is present, and, in the case of the Republic of Austria, unless a customs official is also present.

Article 34

(1) Holders of the certificates referred to in article 33 shall be required to show them on demand to the security authorities, the Commission members referred to in article 22, paragraph 1, the surveyors referred to in article 9, paragraph 1, the military personnel and the customs authorities of the other Contracting State.

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

(3) Each Contracting State shall be entitled to cancel visas which it has granted. The other Contracting State shall cease to employ in work at the State frontier any holders of certificates whose visas have been cancelled and shall withdraw the certificates without delay.

Article 35

(1) Holders of the certificates referred to in article 33 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

¹ See p. 230 of this volume.

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 33 and to ensure the inviolability of such papers, documents and stamps as they have brought with them in the performance of their duties.

Article 36

(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 and used for that purpose shall be exempt from all import and export duties and charges and shall not be subject to any import or export restrictions.

(2) Vehicles and equipment (machinery, tools, measuring instruments and the like) which are imported temporarily for the execution of such works shall be exempt from all import and export duties and charges and from the deposit of security. The vehicles and equipment shall be returned to the territory of the Contracting State from which they were imported as soon as possible after the completion of the work, and, in any case, not later than one month thereafter. The aforementioned duties and charges shall be payable in respect of any articles not returned. Articles which are not returned because they are completely worn out and therefore not usable or because they have been destroyed shall remain exempt from duties and charges. 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, free of charge, customs clearance and supervision in respect of the import, export and transit of the articles referred to in paragraphs 1 and 2; the customs documents which are normally required need not be issued in this connexion.

(4) Holders of the certificates referred to in article 33 may bring with them, without paying import and export duties and charges and without being subject to any import or export restrictions, such travel articles, including food, beverages, medicaments and tobacco products, as they require for their personal use.

(5) Motor vehicles, including trailers, which are registered in one Contracting State and are temporarily imported for the execution of works under this Treaty in the other Contracting State shall not be subject, for the duration of such period of temporary import, to the motor vehicle and transport taxes levied by the latter State.

Article 37

Motor vehicle drivers and motor vehicles, including trailers, employed in work connected with the restoration of frontier marks and the maintenance of the State frontier shall, for the duration of the work, be provided with valid driving permits and registration certificates in conformity with the Geneva Convention on Road Traffic of 19 September 1949¹ whenever they cross the State frontier. They shall, in addition, be provided with international motor insurance cards which conform to the recommendation adopted on 5 June 1952 by the Sub-Committee on Road Transport of the Inland Transport Committee of the Economic Commission for Europe and are valid in the other Contracting State.

PART VII

FINAL PROVISIONS

Article 38

Where a dispute arising in connexion with the interpretation or application of this Treaty cannot be settled either by the Commission acting within the limits of its competence or through the diplomatic channel, such dispute shall, if either Contracting State so requests, be submitted to an arbitral tribunal for decision. The tribunal shall also decide the preliminary question whether the dispute relates to the interpretation or application of the Treaty. The decision of the arbitral tribunal shall be binding. The arbitral tribunal shall be formed in the following manner in the case of each dispute: each Contracting State shall appoint one of its nationals as arbitrator, and the two arbitrators shall select a national of a third State as chairman. If the Contracting States fail to appoint their arbitrators within six months after the request for arbitration has been received by the other Contracting State, or if the arbitrators fail to agree on the choice of a chairman within the same time-limit, either Contracting State may request the President of the International Court of Justice to appoint the arbitrators and the chairman. Each Contracting State shall bear as much of the costs arising from the work of the arbitrators as is attributable to the arbitrator appointed by it. The remaining costs shall be shared equally by the two Contracting States.

Article 39

Upon the entry into force of this Treaty, the Convention of 19 March 1958 between the Austrian Federal Government and the Government of the Federal People's Republic of Yugoslavia concerning the restoration, protection and main-

¹ United Nations, *Treaty Series*, Vol. 125, p. 3.

tenance of frontier stones and other frontier marks on the Austrian-Yugoslav State frontier shall cease to have effect. However, the measures and decisions taken by the Mixed Commission established pursuant to the said Convention shall remain binding in so far as they have not been modified or annulled by the provisions of this Treaty; this shall, in particular, apply to the supplementary field sketches and the additions and amendments to the description and map of the State frontier which were approved by the said Mixed Commission.

Article 40

(1) This Treaty shall be ratified in accordance with the Constitutions of the Contracting States; the instruments of ratification shall be exchanged at Vienna.

(2) The Treaty shall enter into force on the thirtieth day after 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 one of the Contracting Parties. In the event of its denunciation, the Treaty shall, save for the provisions of parts I and II, cease to have effect at the end of the calendar year following the denunciation.

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

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

DONE at Belgrade, on 8 April 1965.

For the Republic of Austria :

Karl HARTL

For the Socialist Federal Republic of Yugoslavia :

Dušan KVEDER

ANNEX A [B]¹

REPUBLIC OF AUSTRIA

[SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA]

STATE COAT OF ARMS

FRONTIER CROSSING CERTIFICATE

pursuant to article 33 of the Treaty of 8 April 1965 between the Republic of
Austria and the Socialist Federal Republic of Yugoslavia

[Socialist Federal Republic of Yugoslavia and the Republic of Austria]
concerning the common State frontier.

No.

(Format : 10,5 cm × 7,5 cm, folded in three)
(Colour : yellow)
(Material : linen paper)

¹ The indications placed between brackets refer to the text of Annex B which, being otherwise identical to the text of Annex A, except for the sequence of languages, has not been translated entirely herein.

Given name and surname :

Occupation :

Function :

Date of birth :

Nationality :

Permanent address :

The holder of this frontier crossing certificate is entitled, for the purpose of performing his work, to cross the Austrian-Yugoslav [Yugoslav-Austrian] State frontier anywhere within the following frontier sectors :

.....
 and to be present and move about freely in the territory of the Socialist Federal Republic of Yugoslavia [Republic of Austria] at such distance from the frontier as may be necessary; he may not, however, enter Yugoslav [Austrian] territory to a distance of more than 200 metres or during the period between sunset and sunrise unless a security official, a surveyor holding a frontier crossing certificate pursuant to the Treaty referred to on page 1 or a military person of the Socialist Federal Republic of Yugoslavia [Republic of Austria] is present.

This frontier crossing certificate is valid until

Issuing authority : Federal Ministry of Internal Affairs
[Federal Secretariat for Internal Affairs]

Place and date of issue : Vienna [Belgrade],

STAMP

.....
(Signature)

Visaing authority : Federal Secretariat for Internal Affairs
[Federal Ministry of Internal Affairs]

Place and date of visa: Belgrade [Vienna],

STAMP

.....
(Signature)

PHOTOGRAPH

Impressed stamp

.....
(Signature of holder)

This frontier crossing certificate is extended until

Issuing authority : Federal Ministry of Internal Affairs
[Federal Secretariat for Internal Affairs]

Place and date of extension : Vienna [Belgrade],

STAMP

.....
(Signature)

Visaing authority : Federal Secretariat for Internal Affairs
[Federal Ministry of Internal Affairs]

Place and date of visa : Belgrade [Vienna],

STAMP

.....
(Signature)

This frontier crossing certificate is extended until

Issuing authority : Federal Ministry of Internal Affairs
[Federal Secretariat for Internal Affairs]

Place and date of extension : Vienna [Belgrade],

STAMP

.....
(Signature)

Visaing authority : Federal Secretariat for Internal Affairs
[Federal Ministry of Internal Affairs]

Place and date of visa : Belgrade [Vienna],

STAMP

.....
(Signature)