

No. 9131

**HUNGARY
and
AUSTRIA**

**Agreement concerning passport and customs control (with
Final Protocol and annex). Signed at Vienna, on 9 April
1965**

Official texts: Hungarian and German.

Registered by Hungary on 6 June 1968.

**HONGRIE
et
AUTRICHE**

**Accord relatif au contrôle des passeports et aux contrôles de
douane (avec Protocole final et annexe). Signé à Vienne,
le 9 avril 1965**

Textes officiels hongrois et allemand.

Enregistré par la Hongrie le 6 juin 1968.

[TRANSLATION — TRADUCTION]

No. 9131. AGREEMENT¹ BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE REPUBLIC OF AUSTRIA CONCERNING PASSPORT AND CUSTOMS CONTROL. SIGNED AT VIENNA, ON 9 APRIL 1965

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

Desiring to facilitate the crossing of the common frontier, have decided to conclude an agreement. They have for that purpose appointed as their plenipotentiaries :

The Presidential Council of the Hungarian People's Republic :

János Péter, Minister for Foreign Affairs;

The Federal President of the Republic of Austria :

Dr. Bruno Kreisky, Federal Minister for Foreign Affairs,

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

PART I

GENERAL PROVISIONS

Article 1

(1) The two Contracting States shall, pursuant to this Agreement, facilitate and expedite frontier control operations.

(2) For that purpose, each Contracting State shall establish passport control and customs offices at specified railway stations in the other Contracting State.

(3) In addition, the authorities of each Contracting State may, for that purpose, perform frontier control operations on trains travelling in either direction on specified sections of railways in the territory of the other Contracting State.

¹ Came into force on 28 August 1967, one month after the date of the exchange of the instruments of ratification, which took place at Budapest on 28 July 1967, in accordance with article 24(2).

Article 2

For the purposes of this Agreement :

1. The term “ frontier control operations ” shall mean the application of such measures as are prescribed in the regulations of the Contracting States relating to the crossing of the frontier by persons and to the import, export and transit of goods or of things of value which are subject to the currency regulations ;

2. The term “ territorial State ” shall mean the Contracting State in whose territory frontier control operations of the other Contracting State are performed ; the term “ adjoining State ” shall mean the other Contracting State ;

3. The term “ zone ” shall mean that area of the territorial State in which the officials of the adjoining State are authorized to perform frontier control operations ;

4. The term “ officials ” shall mean persons who are members of the administrative organs of the adjoining State responsible for frontier control operations and who perform their duties in the territorial State in accordance with this Agreement.

Article 3

(1) At railway stations (article 1, paragraph (2)), the zone shall include :

- (a) The premises intended for use by the passport control and customs offices of the adjoining State ;
- (b) The tracks situated within the entire area of the station ;
- (c) The railway storage sheds ; and
- (d) The premises used for purposes of passenger clearance.

(2) On sections of railway (article 1, paragraph (3)), the zone shall be deemed to include trains on which frontier control operations of the adjoining State are performed in the territorial State ; the trains in question shall be designated by agreement between the competent central authorities of the two Contracting States with due regard for traffic requirements.

PART II

FRONTIER CONTROL OPERATIONS

Article 4

(1) All regulations of the adjoining State relating to the crossing of the frontier by persons and to the import, export and transit of goods and other property shall apply in the zone in respect of frontier control operations of that State ;

they shall be enforced by the officials of the adjoining State to the same extent and with all the same effects as in the territory of that State.

(2) Offences committed within the zone against the regulations referred to in paragraph (1) shall be regarded as having been committed in the adjoining State.

(3) The law of the territorial State shall in other respect remain unaffected.

Article 5

(1) In frontier control within the zone, the official operations of the State of exit shall be effected before the official operations of the State of entry.

(2) Until exit control has been completed, the officials of the State of entry shall not be entitled to perform frontier control operations.

(3) After entry control has begun, the officials of the State of exit shall no longer be entitled to perform frontier control operations.

Article 6

The officials of the adjoining State may transfer to the territory of the adjoining State any sums of money collected and any goods and other property held or seized in the zone or on vehicles crossing the frontier.

Article 7

(1) Goods which are turned back to the adjoining State by the officials of that State in the course of exit control or are returned to the adjoining State at the request of the persons concerned before the entry control of the territorial State has begun shall not be subject to the export regulations or exit control of the territorial State.

(2) Persons turned back by the officials of the State of entry may not be refused the right to return to the State of exit. Similarly, where the import of goods is refused by the official of the State of entry, the right to return the said goods to the State of exit may not be denied.

PART III

OFFICIALS

Article 8

(1) The authorities of the territorial State shall accord the officials of the adjoining State the same protection and assistance in the performance of their

duties in the zone as they accord to the corresponding officials of their own State. The provisions of criminal law in force in the territorial State which are intended for the protection of civil servants and official operations shall also apply to offences committed in the territorial State against officials of the adjoining State during their performance of their duties or in connexion with those duties.

(2) Claims against the public authorities arising from liability for damage caused by officials of the adjoining State in the zone shall be subject to the law and jurisdiction of the adjoining State in the same manner as if the action causing the damage had taken place in the adjoining State. Nationals of the territorial State shall, in such cases, be assimilated to nationals of the adjoining State.

Article 9

(1) Officials of the adjoining State shall be provided with bilingual frontier crossing passes conforming to the model shown in annexes A and B. The said passes shall be issued in the Hungarian People's Republic by the Ministry of Internal Affairs and in the Republic of Austria by the Federal Ministry of Internal Affairs. Frontier crossing passes may be issued for a period of up to three years and may be extended for the same period. The issue and extension of frontier crossing passes shall require visaing by the authority of the territorial State competent to issue the passes. The issue and visaing of frontier crossing passes shall be free of charge and shall not be subject to tax.

(2) Visas may be refused without the necessity of stating the grounds for refusal, and visas already granted may be cancelled at any time. The authority which issued the frontier crossing pass shall be notified without delay of the refusal or cancellation of a visa. The Contracting States shall bar holders of frontier crossing passes whose visas have been cancelled from performing duties in the territory of the territorial State.

(3) Upon the expiry of their period of validity or the recall of an official, frontier crossing passes shall be withdrawn without delay by the authority which issued them.

(4) The holder of a frontier crossing pass shall be entitled, in the performance of his duties in the territorial State, to cross the State frontier and to stay in the zone (article 3) and in the public area of railway stations (article 1, paragraph (2)). He may, in addition, move about without hindrance in the localities in which the said stations are situated; he shall, however, be required to notify the local police authority before leaving the station.

Article 10

(1) Officials of the adjoining State may wear their uniform and official badge, carry their service weapons and bring with them any necessary service equipment. They may, however, use the weapons only in self-defence.

(2) Offences committed by an official of the adjoining State in the territorial State shall be notified to the authority employing him by the competent authority of the territorial State.

Article 11

(1) Officials of the adjoining State shall be exempt in the territorial State from all personal service and material obligations under public law.

(2) The salaries of officials of the adjoining State shall not be subject to direct taxes levied by the territorial State or to currency restrictions of any kind. The officials may freely transfer their salaries or such portion thereof as they have saved to the adjoining State.

Article 12

(1) Where, in the performance of his duties or in connexion with those duties, an official of the adjoining State suffers death or injury in the territorial State or an article which he is carrying on his person or has with him is damaged or destroyed in the latter State, the law of the adjoining State shall apply to any claim for compensation.

(2) Claims for compensation may also be made before the court of one of the Contracting States within whose jurisdiction the claimant has his domicile.

(3) Judgements rendered by and settlements arrived at in a court of one of the Contracting States in respect of the claims for compensation referred to in paragraph (1) shall be enforced in the other Contracting State in accordance with the provisions of article 10, paragraph (1) (b) and (c), article 12 and article 14 of the Treaty of 9 April 1965¹ between the Hungarian People's Republic and the Republic of Austria concerning matters of succession; enforcement shall, however, be refused for the reasons set out in article 10, paragraph (2), of the aforementioned Treaty or if the judgement conflicts with a final judgement previously rendered, as between the same parties and in respect of the same claim, by a court of the Contracting State in which enforcement is sought.

(4) The provisions of paragraphs (1) — (3) shall apply, as appropriate, to claims made in respect of damage caused by an official of the adjoining State during his official stay in the territorial State but not in the performance of his duties.

¹ See p. 105 of this volume.

PART IV

FRONTIER CONTROL OFFICES

Article 13

The control functions and working hours of the passport control and customs offices of the Contracting States shall, in so far as possible, be co-ordinated.

Article 14

The competent central authorities of the two Contracting States shall determine by agreement :

- (a) The compartments and facilities to be reserved, free of charge, for officials performing frontier control operations on trains;
- (b) The installations needed for the offices of the adjoining State. The charges to be paid in respect of their use shall be governed by such agreements as are from time to time concluded by the respective railway administrations.

Article 15

(1) The premises assigned to the passport control and customs offices of the adjoining State shall be designated by an official shield or national emblem.

(2) Inscriptions in the official premises of organs of the adjoining State shall be in the languages of both States, the language of the adjoining State being placed first.

Article 16

Articles intended for official use at passport control and customs offices or to meet the needs of officials of the adjoining State while they are performing duties in the territorial State shall be exempt from duties and other import or export taxes. The deposit of security shall not be required. The said articles shall not be subject to commercial import or export prohibitions and restrictions. The same shall apply to official or personal vehicles used by the officials in the performance of their duties.

Article 17

(1) The territorial State shall permit, free of charge, the installation of such telephone and telegraph lines(including lines for teleprinters) as are required for

the functioning of the passport control and customs offices of the adjoining State in the territorial State as well as the linking of such installations with the corresponding installations in the adjoining State. The charges to be paid in respect of the installation and use of the lines shall be governed by such agreements as are from time to time concluded by the respective railway administrations. These direct links between the offices of the adjoining State may be used only for official purposes. Such telecommunications shall be deemed to be internal communications of the adjoining State.

(2) In other respects, the provisions of the two Contracting States relating to the construction, maintenance and operation of telecommunications installations in their respective territories shall apply.

Article 18

Official consignments sent by the passport control and customs offices of the adjoining State to offices in the adjoining State or vice versa may be carried by the officials of that State free of charge and without intervention by the postal or railway administration of the territorial State. Such official consignments shall bear the seal of the office which is sending them.

PART V

TRANSIT TRAFFIC

Article 19

No frontier control operations shall be performed by Hungarian organs on trains engaged in transit traffic on the Baumgarten - Sopron - Deutschkreutz and Loipersbach/Schattendorf - Sopron - Deutschkreutz lines in either direction. Existing agreements shall apply in this connexion.

PART VI

FINAL PROVISIONS

Article 20

Differences of opinion relating to the interpretation or application of this Agreement shall be settled by the competent authorities of the Contracting States. This shall not preclude the possibility of settling such differences through the diplomatic channel.

Article 21

Upon the entry into force of this Agreement, all relevant provisions concerning passport and customs control of the Treaty of 30 June 1930¹ between Hungary and Austria for the regulation of conditions of transit and connexions in the railway traffic between the two countries shall, where they are inconsistent with the provisions of this Agreement, cease to have effect.

Article 22

The competent central authorities of the two Contracting States shall determine, by agreement between them, the measures necessary for the application of this Agreement.

Article 23

The Government of either Contracting State may, in the interests of security or by reason of some other compelling public interest, declare provisions of this Agreement to be inapplicable for a specified period of time or in respect of a specified geographical area. The Government of the other Contracting State shall be so informed without delay.

Article 24

(1) This Agreement shall be ratified. The instruments of ratification shall be exchanged at Budapest as soon as possible.

(2) This Agreement shall enter into force one month after the exchange of the instruments of ratification.

(3) This Agreement may be denounced in writing at any time by either Contracting State; it shall cease to have effect one year after such denunciation.

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

DONE at Vienna on 9 April 1965, in duplicate in the Hungarian and German languages, both texts being equally authentic.

For the Hungarian
People's Republic :

PÉTER János

For the Republic
of Austria :

KREISKY

¹ League of Nations, *Treaty Series*, Vol. CXXII, p. 69.

FINAL PROTOCOL TO THE AGREEMENT BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE REPUBLIC OF AUSTRIA CONCERNING PASSPORT AND CUSTOMS CONTROL

In connexion with article 1, paragraph (2), it is agreed that an Austrian passport control office and an Austrian customs office shall be established at the following joint frontier railway stations :

Hegyeshalom,

Sopron and

Sopron déli pályaudvar (Sopron south station).

It is further agreed that an Austrian passport control office and an Austrian customs office shall be established at a future date at the Szentgotthárd joint frontier railway station and that the opening of the said offices shall be notified to the Hungarian Government through the diplomatic channel.

In connexion with article 1, paragraph (3), it is agreed that Austrian frontier control operations may be performed on the following sections of railway :

- (a) Between the State frontier at Nickelsdorf and the Hegyeshalom railway station;
- (b) Between the State frontier at Loipersbach and the Sopron railway station;
- (c) Between the State frontier at Baumgarten/Schattendorf and the Sopron railway station;
- (d) Between the State frontier at Deutschkreutz and the Sopron railway station;
- (e) Between the State frontier at Jennersdorf and the Szentgotthárd railway station.

In connexion with article 12, it is agreed that the provisions of paragraphs (3) and (4) shall apply only to judgements rendered and settlements arrived at after the entry into force of this Agreement.

This Final Protocol shall form an integral part of the Agreement.

DONE at Vienna on 9 April 1965, in duplicate in the Hungarian and German languages, both texts being authentic.

For the Hungarian
People's Republic :

PÉTER JÁNOS

For the Republic
of Austria :

KREISKY

ANNEX A [B]¹*Page 1*

REPUBLIC OF AUSTRIA

[HUNGARIAN PEOPLE'S REPUBLIC]

STATE COAT OF ARMS

FRONTIER CROSSING PASS

pursuant to article 9 of the Agreement of 9 April 1965 between the Republic of Austria and the Hungarian People's Republic [between the Hungarian People's Republic and the Republic of Austria] concerning passport and customs control

No.

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

Page 2

Surname
Given name
Function
Place and date of birth
Permanent address

Personal description

Height Colour of hair
Face Colour of eyes
[not in annex B]
Special distinguishing features
[not in annex B]

¹ Unless otherwise indicated between square brackets and except for the sequence of languages, the text of annex B is identical with the text of annex A.

Page 3

Space for photograph

L. S.

.....
Signature of holder

Page 4

The holder of this frontier crossing pass is entitled, in the performance of his duties in the territorial State, to cross the State frontier and to stay in the zone (article 3 of the Agreement) and in the public area of the railway stations specified in the Final Protocol to this Agreement. He may, in addition, move about without hindrance in the localities in which the said stations are situated; he is, however, required to notify the local police authority before leaving the station.

Page 5

This frontier crossing pass 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