

No. 9216

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**AUSTRIA**  
and  
**YUGOSLAVIA**

**Agreement concerning frontier clearance in railway  
passenger traffic (with annexes). Signed at Lovran,  
on 8 April 1967**

*Official texts: German and Serbo-Croat.*

*Official texts of annexes: German and Slovenian.*

*Registered by Austria on 30 August 1968.*

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**AUTRICHE**  
et  
**YOUgoslavie**

**Accord sur le contrôle frontalier des transports de  
voyageurs par chemins de fer (avec annexes). Signé  
à Lovran, le 8 avril 1967**

*Textes officiels de l'Accord: allemand et serbo-croate.*

*Textes officiels des annexes: allemand et slovène.*

*Enregistré par l'Autriche le 30 août 1968.*

[TRANSLATION — TRADUCTION]

No. 9216. AGREEMENT<sup>1</sup> BETWEEN THE REPUBLIC OF AUSTRIA AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA CONCERNING FRONTIER CLEARANCE IN RAILWAY PASSENGER TRAFFIC. SIGNED AT LOVRAN, ON 8 APRIL 1967

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The Republic of Austria and the Socialist Federal Republic of Yugoslavia, desiring to facilitate and expedite frontier clearance in railway passenger traffic, have agreed to conclude the following Agreement :

PART I

GENERAL PROVISIONS

*Article 1*

(1) On board all passenger trains which cross the frontier and on which traffic is appreciably expedited by this means without detriment to the frontier clearance operations, frontier clearance shall be carried out at the stations and on the lines specified below :

- (a) Yugoslav frontier clearance on board passenger trains from Austria, at the Spielfeld-Strass station and on the line leading to the State frontier near Spielfeld-Strass, at the Lavamünd station and on the line leading to the State frontier near Lavamünd, at the Bleiburg station and on the line leading to the State frontier near Bleiburg, and at the Villach Central station and Villach West station and on the line leading to the State frontier in the Karawanken (Karavanke) tunnel ;
- (b) Austrian frontier clearance on board passenger trains from Yugoslavia, at the Maribor station and on the line leading to the State frontier near Sentilj, at the Dravograd station and on the line leading to the State frontier near Dravograd, at the Prevalje station and on the line leading to the State frontier near Prevalje, and at the Jesenice station and on

<sup>1</sup> Came into force on 22 May 1968, the thirtieth day after the exchange of the instruments of ratification which took place at Vienna on 22 April 1968 in accordance with article 18.

the line leading to the State frontier in the Karawanken (Karavanke) tunnel.

(2) The competent Austrian Federal Ministries, in consultation with the competent Yugoslav authorities, shall determine to which passenger trains the conditions laid down in paragraph (1) apply.

#### *Article 2*

For the purposes of this Agreement :

1. The term " frontier clearance " means the implementation of the provisions of the Contracting States applicable to the crossing of the frontier by persons, hand luggage, other luggage, animals and express parcels ;

2. The term " territorial State " means the State in whose territory frontier clearance operations of the other State are performed, and the term " adjoining State " means the other State ;

3. The term " officials " means the persons who, by order of the authorities responsible for frontier clearance, perform their duties at the stations and on the lines specified in article 1, paragraph (1).

### PART II

## FRONTIER CLEARANCE

#### *Article 3*

(1) The frontier clearance operations of the adjoining State in the territorial State shall be governed by the provisions of the adjoining State. However, the officials of the adjoining State shall not be entitled for this purpose to take any person into custody, to arrest him or otherwise to restrict his personal freedom in the territorial State.

(2) Any breach of the provisions of the adjoining State applicable to the crossing of the frontier shall be deemed to have been committed in the adjoining State.

(3) The law of the territorial State shall not be affected in any other respect.

#### *Article 4*

(1) The officials of the territorial State shall carry out frontier clearance before the frontier clearance operations of the adjoining State.

(2) After the frontier clearance operations of the territorial State have begun, the officials of the adjoining State may begin the frontier clearance of persons and articles already cleared by the officials of the territorial State.

(3) The officials of the territorial State shall not apply any further frontier clearance procedure to persons or articles already in process of frontier clearance by the officials of the adjoining State.

#### *Article 5*

The officials of the adjoining State, may, without special permission from and without payment of customs duties or other taxes to the territorial State, transfer to the adjoining State any sums of money collected and any goods and other articles held or seized during frontier clearance.

#### *Article 6*

Persons denied admittance by the officials of the adjoining State shall not be barred from returning to the territorial State. If necessary the officials of the territorial State shall, in their own territory and at the request of the officials of the adjoining State, remove from the train persons denied admittance. Similarly, goods and articles denied entry by the officials of the adjoining State shall not be barred from re-importation into the territorial State.

### PART III OFFICIALS

#### *Article 7*

(1) The authorities of the territorial State shall accord to the officials of the adjoining State the same protection and assistance in the performance of their duties under this Agreement as to the corresponding officials of their own State. In particular, the provisions of criminal law in force in the territorial State for the protection of civil servants and official acts shall also apply to any offence committed in the territorial State against officials of the adjoining State.

(2) Claims against the public authorities for damage caused by any official of the adjoining State in the territorial State shall be subject to the law and jurisdiction of the adjoining State in the same manner as if the act causing the damage had been done at the place in the adjoining State where the frontier clearance office employing such officials is situated. In such cases nationals of the territorial State shall be accorded the same treatment as nationals of the adjoining State.

(3) Any offence committed in the territorial State by an official of the adjoining State shall be reported without delay to the authority responsible for such official of the adjoining State.

#### *Article 8*

(1) Each Contracting State shall provide the officials who are to carry out frontier clearance under this Agreement in the territorial State with a frontier pass conforming to the model shown in annex A or annex B. Such passes shall be issued in the Republic of Austria by the Federal Ministry of the Interior and in the Socialist Federal Republic of Yugoslavia by the Republican Secretariat of the Interior of the Socialist Republic of Slovenia. The pass shall be issued for a period of validity not exceeding three years and may be renewed twice for up to three years.

(2) The pass must be visaed by the authority of the other Contracting State competent to issue passes. The renewal of the pass shall not require a visa. Passes shall be sent for visaing through the competent frontier clearance offices. Passes shall be issued and visaed free of fees and taxes.

(3) Each Contracting State shall be entitled to revoke any visa which it has granted. If the visa on a pass is revoked by the territorial State, the adjoining State shall be bound to exclude the holder of the said pass from service in the territorial State.

(4) Holders of the passes referred to in paragraph (1) shall be entitled, for the purpose of performing their duties in the territorial State, to cross the Austro-Yugoslav State frontier on the railway lines specified in article 1, paragraph (1), and to remain in the territorial State for the duration of their tour of duty :

- (a) Yugoslav officials on board trains on the lines specified in article 1, paragraph (1), sub-paragraph (a), and at Spielfeld, Lavamünd, Bleiburg and Villach ;
- (b) Austrian officials on board trains on the lines specified in article 1, paragraph (1), sub-paragraph (b), and at Maribor, Dravograd, Prevalje and Jesenice.

#### *Article 9*

(1) The officials of the adjoining State shall be permitted, in accordance with the provisions of their State, to wear their uniform and service badges and to carry their service weapons while on duty in the territorial State. The service weapon shall not be carried outside the precincts of the railway station.

(2) The service weapon may be used only in self-defence.

*Article 10*

Officials of the adjoining State who, pursuant to this Agreement, perform their duties in the territorial State shall be exempt in that State from all personal service and material obligations under public law.

*Article 11*

The competent Austrian Federal Ministries and the competent Yugoslav authorities shall determine by agreement :

- (a) The premises which are needed to accommodate the officials of the adjoining State at the stations specified in article 1, paragraph (1), and which the Contracting States shall place at each other's disposal free of charge ;
- (b) The compartments and facilities to be reserved on board trains, free of charge, for the officials of the adjoining State carrying out frontier clearance.

*Article 12*

(1) The territorial State shall permit free of charge the installation of such line telecommunication systems as are necessary for the functioning of the frontier clearance offices of the adjoining State in the territorial State, and the connexion of those installations to the corresponding systems of the adjoining State. All costs incurred in the installation and use of the systems shall be borne by the adjoining State. These direct links between the offices of the adjoining State may be used only for official purposes. Communications made by this means shall be regarded as internal traffic of the adjoining State.

(2) For the same purpose, the Contracting States undertake to grant, so far as possible, every facility for the use of other means of telecommunication.

(3) In all other respects, the provisions of the Contracting States concerning the installation, maintenance and operation of telecommunication systems shall apply.

*Article 13*

Articles intended for official use or to meet the personal requirements of the officials of the adjoining State while on duty in the territorial State shall be exempt from customs duties and other import and export taxes. Import and export prohibitions and restrictions of an economic nature shall not apply to such articles.

*Article 14*

(1) If any official of the adjoining State is killed or injured as a result of an accident in the territorial State while carrying out duties in connexion with frontier clearance in railway operations, or if any article which he has on his person or with him is damaged or destroyed, liability shall rest with the railway of the adjoining State in accordance with the law of the Contracting State to which the official belongs.

(2) The question whether and to what extent one railway is to pay compensation to the other shall be settled by agreement between the railways of the Contracting States.

## PART IV

## FINAL PROVISIONS

*Article 15*

The competent Austrian Federal Ministries and the competent Yugoslav authorities shall determine by arrangement the measures necessary to give effect to this Agreement.

*Article 16*

Each Contracting State may, in the interests of its own security or for other compelling reasons of public interest, declare this Agreement temporarily inapplicable to all or any of the lines specified in article 1, paragraph (1). The other Contracting State shall be so notified without delay.

*Article 17*

(1) Disputes concerning the interpretation or application of this Agreement shall be settled, so far as possible, by the competent authorities of the two Contracting States.

(2) Any dispute which cannot be settled in this manner shall, at the request of either Contracting State, be referred to an arbitral tribunal.

(3) The arbitral tribunal shall be constituted *ad hoc* in the following manner: each Contracting State shall appoint a representative, and the representatives shall agree on a chairman, who shall be a national of a third State. If the representatives and the chairman are not appointed within three months after one of the Contracting States has given notice of its intention to have recourse to the arbitral tribunal, either Contracting State may, failing any other arrangement, request the President of the International Court of Justice at The Hague to make the necessary appointments.

In the event that the President is a national of one of the two Contracting States or is unable to act for any other reason, his deputy shall make the necessary appointments.

(4) The arbitral tribunal shall take its decisions on the basis of this Agreement and of the arrangements concluded to give effect thereto, and pursuant to such international agreements as are in force between the two Contracting States and are applicable at the time when the dispute arises or while the dispute persists, to customary international law and to the generally recognized principles of law.

(5) The arbitral tribunal shall take its decisions by majority vote. Its decisions shall be binding. Each Contracting State shall defray the expenses of its own arbitrator. The remaining costs shall be borne by the two Contracting States in equal shares. On all other matters, the arbitral tribunal shall establish its own rules of procedure.

(6) With regard to the summoning and interrogation of witnesses and experts, the civil courts of the two Contracting States shall render legal assistance, upon an application made by the arbitral tribunal to the Government concerned, in the same manner as upon the application of a civil court of the Contracting State applied to.

#### *Article 18*

(1) This Agreement is subject to ratification. The instruments of ratification shall be exchanged at Vienna.

(2) The Agreement shall enter into force on the thirtieth day after the exchange of the instruments of ratification.

(3) Either Contracting State may denounce the Agreement ; it shall cease to have effect one year after the other Contracting State is notified of the denunciation.

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

DONE at Lovran, on 8 April 1967, in two original copies in the German and Serbo-Croat languages, with annexes in the German and Slovene languages, both texts being equally authentic.

For the Republic of Austria :

Dr. KRAHL

For the Socialist Federal Republic of Yugoslavia :

Dušan REBOLJ



ANNEX A [B]<sup>1</sup>

[Title page]

REPUBLIC OF AUSTRIA

[SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA]

STATE COAT OF ARMS

## FRONTIER PASS

issued under article 8 of the Agreement of 8 April 1967 between the Republic of Austria and the Socialist Federal Republic of Yugoslavia [Socialist Federal Republic of Yugoslavia and the Republic of Austria] concerning frontier clearance in railway passenger traffic

No. ....

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Format : folded in three, 6 pages 8 × 12 cm

Material : linen paper

Colour : beige

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[Page 2]

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(Given name)

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(Surname)

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(Date and place of birth)

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(Nationality)

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<sup>1</sup> The indications placed between brackets refer to the text of Annex B, which, being otherwise identical to the text of Annex A, has not been translated entirely herein.

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(Office)

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[Page 3]

Photograph

STAMP

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(Signature of holder)

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[Page 4]

The holder of this pass is entitled, for the purpose of carrying out frontier clearance operations in the territory of the Socialist Federal Republic of Yugoslavia [Republic of Austria], to cross the Austro-Yugoslav [Yugoslav-Austrian] State frontier on the Spielfeld-Strass-Maribor, Lavamünd-Dravograd, Bleiburg-Prevalje and Villach-Jesenice \* railway line and to remain, for the duration of his tour of duty, in Yugoslav territory on board trains on the said line and at Maribor, Dravograd, Prevalje and Jesenice. \* [Spielfeld-Strass - Maribor, Lavamünd - Dravograd, Bleiburg - Prevalje and Villach - Jesenice and to remain, for the duration of his tour of duty, in Austrian territory on board trains on the said line and at Spielfeld-Strass, Lavamünd, Bleiburg and Villach.]

While on duty in the territory of the Socialist Federal Republic of Yugoslavia, [Republic of Austria] the holder of this pass is entitled to wear his uniform and service badge and to carry his service weapon. The service weapon shall not be carried outside the precincts of the railway station.

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\* Delete as appropriate.

[Page 5]

This pass is valid until .....

Issuing authority .....

Place and date .....

STAMP

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(Signature)

Visaing authority .....

Place and date .....

STAMP

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(Signature)

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[Page 6]

Renewed until .....

Place and date .....

STAMP

.....  
(Signature)

Renewed until .....

Place and date .....

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(Signature)