

No. 13227

**AUSTRIA
and
SWITZERLAND**

**Agreement concerning the movement of persons across the
frontier in minor frontier traffic. Signed at Vienna on
13 June 1973**

Authentic text: German.

Registered by Austria on 15 April 1974.

**AUTRICHE
et
SUISSE**

**Accord concernant le mouvement des personnes dans le
petit trafic frontalier. Signé à Vienne le 13 juin 1973**

Texte authentique : allemand.

Enregistré par l'Autriche le 15 avril 1974.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE SWISS CONFEDERATION CONCERNING THE MOVEMENT OF PERSONS ACROSS THE FRONTIER IN MINOR FRONTIER TRAFFIC

The Republic of Austria and the Swiss Confederation,
Desiring to facilitate the movement of persons in the frontier zones, have agreed as follows:

Article 1. FRONTIER ZONES

(1) This Agreement shall govern the movement of persons across the frontier between the frontier zones of Austria and Switzerland. It shall also apply to minor frontier traffic between Austria and the Principality of Liechtenstein.

(2) For the purposes of this Agreement, the following shall be deemed to be frontier zones:

1. In Switzerland and the Principality of Liechtenstein:

(a) The cantons of St. Gallen, Appenzell A. Rh., Appenzell I. Rh. and Thurgau; in the cantons of Graubünden, the districts of Plessur, Imboden, Oberlandquart and Unterlandquart, the Engadin, the Münstertal and the commune of Samnaun;

(b) The Principality of Liechtenstein;

2. In Austria:

Land Vorarlberg and the political district of Landeck.

Article 2. FRONTIER CARDS

(1) Nationals of the Contracting States, and nationals of third States and stateless persons who are authorized to reside in a Contracting State, may, if their place of residence is in the frontier zone, be issued a frontier card by the competent authorities of the State of residence.

(2) The frontier card shall entitle the holder to cross the frontier as often as he wishes and to remain in the frontier zone of the other Contracting State for not more than three days without a special residence permit. The other Contracting State shall be notified within one week of the issue of a frontier card to a national of a third State or to a stateless person. The notification shall be made through the Directorate of Security for the federal *Land* of Vorarlberg to the Cantonal Aliens Police Department of St. Gallen and vice versa.

(3) Children up to the age of 15 years may be included in the frontier card of one or both parents or of another legal representative; in such a case, the internal laws and regulations applicable to inclusion in passports shall apply *mutatis mutandis*.

¹ Came into force on 12 April 1974 by the exchange of the instruments of ratification, which took place at Berne on 11 February 1974, in accordance with article 16 (1).

(4) The frontier card may be issued for a period of validity of up to five years and may be renewed, provided that the total period of validity shall not exceed 10 years. In the case of nationals of third States and stateless persons, the period of validity of the frontier card shall not exceed that of the residence permit.

(5) The frontier card shall consist of four pages, approximately 10.5×15 cm; it shall bear a photograph of the holder and contain the following personal particulars: full name, date of birth, nationality and home address. The frontier card must also indicate the issuing authority, the date of issue and the period of validity and must provide space for renewals and for entries recording the inclusion of children. The frontier card must be signed by the holder.

Article 3. EXCURSION PASSES

(1) Nationals of the Contracting States, and nationals of third States and stateless persons who are not subject to a visa requirement in the other Contracting State, may, irrespective of their place of residence, be issued an excursion pass.

(2) Even if they are subject to a visa requirement in the other Contracting State, nationals of third States and stateless persons may, on humanitarian grounds, be issued an excursion pass by the Directorate of Security for the federal *Land* of Tyrol or the Directorate of Security for the federal *Land* of Vorarlberg, or by the Aliens Police Department of a Canton situated in the frontier zone or the Liechtenstein Passport Office.

(3) Parties of five or more persons, being nationals of the Contracting States or nationals of third States and stateless persons not subject to a visa requirement in the other Contracting State, who cross the frontier together may be issued a group excursion pass.

(4) The issue of an excursion pass to children up to the age of 15 years, and the inclusion of children up to the age of 15 years in the excursion pass of another person or in a group excursion pass, shall require the consent of the legal representative. In the case of inclusion in the excursion pass of another person or in a group excursion pass, consent may be waived if there are grounds for presuming that the legal representative agrees to such inclusion.

(5) Excursion passes and group excursion passes shall be valid for a period of seven days. During their period of validity they shall, when accompanied by an official identity document bearing a photograph, entitle the holders to cross the frontier more than once and to remain in the frontier zone of the other Contracting State without a special residence permit. Children up to the age of 15 years who are included in the excursion pass of another person or in a group excursion pass shall not require an official identity document bearing a photograph.

(6) An excursion pass shall consist of two pages, approximately 10.5×15 cm; it shall, in addition to indicating the issuing authority and the date of issue, contain the full name and nationality of the holder and provide space for entries recording the inclusion of children and giving their full names and dates of birth.

(7) A group excursion pass shall, in addition to indicating the issuing authority and the date of issue, contain the full name and nationality of each person included in the pass. In the case of children up to the age of 15 years, the full names and dates of birth shall be given.

(8) Persons entering the frontier zone of the other Contracting State on an excursion pass or a group excursion pass shall not be permitted to exercise any gainful activity therein.

Article 4. OFFICIAL IDENTITY DOCUMENTS

Employees of the public administration, the postal, telephone and telegraph administration and the railways of the Contracting States may, on presentation of an official identity document issued by their employer and bearing a photograph, cross the frontier for the purpose of performing their official functions and may remain in the frontier zone of the other Contracting State for the duration of their official activities.

Article 5. CROSSING OF THE FRONTIER

Crossing of the frontier in minor frontier traffic shall be permitted at frontier crossing points provided for either under internal laws and regulations or under the terms of this Agreement.

Article 6. CROSSING OF THE FRONTIER ON LAKE CONSTANCE
AND ON THE OLD RHINE

Nationals of the Contracting State, and nationals of third States and stateless persons who are not subject to a visa requirement in the other Contracting State, may land in or depart from the territories of the Contracting States on Lake Constance and on the Old Rhine up to the Gaissau-Rheineck customs bridge, if they are in possession of a travel document valid for the crossing of the frontier and do not use a vessel which is employed for the commercial carriage of passengers or goods.

Article 7. CROSSING OF THE FRONTIER
IN THE FRONTIER MOUNTAIN REGION

Nationals of the Contracting States, and nationals of third States and stateless persons who are not subject to a visa requirement in the other Contracting State, may, if they are in possession of an official identity document bearing a photograph, cross the frontier while touring the frontier mountain region and remain in the frontier zone of the other Contracting State, up to a distance of five kilometres from the frontier, for a period of not more than three days. The frontier mountain region extends from the Mistelmark on the Austrian-Liechtenstein frontier to the point where the frontiers of the three countries meet at the Piz Lad.

Article 8. CROSSING OF THE FRONTIER ON HIKING ROUTES
OUTSIDE THE FRONTIER MOUNTAIN REGION

(1) Nationals of the Contracting States, and nationals of third States and stateless persons who are not subject to a visa requirement in the other Contracting State, may, if they are in possession of an official identity document bearing a photograph, cross the State frontier as hikers on foot-paths designated as hiking routes.

(2) The hiking routes on which crossing of the frontier is permitted shall be designated in accordance with internal laws and regulations. The competent authorities of the Contracting States shall determine, by means of direct contact, whether a need for the creation of a hiking route exists.

Article 9. CROSSING OF THE FRONTIER FOR THE PURPOSE OF FARMING
AGRICULTURAL LANDS OR EXPLOITING WOODLANDS

Owners and tenants of agricultural lands or woodlands which are interested by or situated near the frontier, members of their families and workers in their employ shall, if they are in possession of an official identity document bearing a photograph,

be permitted to cross the frontier within the properties in question or on the direct route thereto for the purpose of farming or exploiting such properties; however, they shall not, from such properties, proceed further into the territory of the other Contracting State.

Article 10. CROSSING OF THE FRONTIER FOR THE PURPOSE
OF RENDERING ASSISTANCE

The frontier may be crossed, without regard to the laws and regulations normally applicable, for the purpose of rendering or seeking assistance in the event of accidents or disasters in the frontier zone.

Article 11. DENIAL AND WITHDRAWAL OF DOCUMENTS

(1) The issue of a frontier card shall be denied if denial of the issue of a passport would be required under internal laws and regulations.

(2) The issue of an excursion pass, or inclusion in a group excursion pass, shall be denied if there are grounds for presuming that the applicant would infringe the laws and regulations of the other Contracting State while in its territory.

(3) Frontier cards and excursion passes shall be withdrawn if circumstances which would constitute grounds for denial of issue arise or subsequently come to light. They shall also be withdrawn if the competent authority of the other Contracting State so requests.

(4) In case of improper use, frontier control officers of the Contracting States may confiscate frontier cards and excursion passes. Documents so confiscated shall be forwarded without delay to the authority which issued them, with an indication of the reason for confiscation. The issuing authority shall decide whether they are to be withdrawn.

Article 12. COMPETENT AUTHORITIES

(1) Except as otherwise provided in this Agreement, the competent authorities shall be:

1. In Switzerland: the police departments of the cantons constituting the frontier zone, and offices designated by them;
2. In the Principality of Liechtenstein: the Government of the Principality of Liechtenstein, and offices designated by it;
3. In Austria: the district administrative authorities in the frontier zone; in addition, for the issue of excursion passes and group excursion passes, communes designated by the district administrative authorities in the interest of expedited issue, and frontier control posts at the common frontier.

(2) The Contracting States shall notify each other of the offices designated in accordance with paragraph (1), subparagraphs 1 and 2, or of the communes designated in accordance with paragraph (1), subparagraph 3, as the case may be. The notification shall be made through the Austrian Federal Ministry of the Interior to the Swiss Federal Department of Justice and Police and vice versa.

Article 13. ACCEPTANCE OF PERSONS

The Contracting States shall at all times and without formality accept the return of persons who entered the territory of the other Contracting State under the terms of this Agreement.

Article 14. LAWS AND REGULATIONS NOT AFFECTED

In the Contracting States, the following shall not be affected:

1. Laws and regulations concerning the denial of entry to, or the deportation or expulsion of, aliens and stateless persons and, where article 3, paragraph (8), does not apply, laws and regulations concerning the exercise of gainful activities by aliens and stateless persons;
2. Customs regulations and other laws and regulations concerning the import, export or transit of goods and vehicles.

Article 15. TEMPORARY SUSPENSION OF THE AGREEMENT

Either Contracting State may, for reasons of public safety or public policy, temporarily suspend the operation of this Agreement in whole or in part, with the exception of article 13. The other Contracting State shall be notified of the suspension without delay through the diplomatic channel.

Article 16. ENTRY INTO FORCE, DURATION AND DENUNCIATION

(1) This Agreement shall be ratified. It shall enter into force 60 days after the exchange of instruments of ratification.

(2) The Agreement is concluded for a term of one year. It shall remain in force for successive periods of one year, unless denounced in writing through the diplomatic channel six months before the expiry of any year.

(3) Denunciation shall not affect the obligation to accept the return of persons in accordance with article 13.

Article 17. FINAL PROVISIONS

(1) Upon the entry into force of this Agreement, the Convention of 30 May 1950 between Austria and Switzerland concerning the movement of persons across the frontier in minor frontier traffic shall cease to have effect.

(2) Frontier cards, excursion passes and group excursion passes issued by the Swiss or Liechtenstein authorities in respect of minor frontier traffic between Switzerland or the Principality of Liechtenstein and the Federal Republic of Germany shall entitle the holders to pass in transit through *Land Vorarlberg*, provided that they are not subject to a visa obligation in the Republic of Austria.

(3) Frontier cards, excursion passes and group excursion passes issued by the Austrian authorities in respect of minor frontier traffic between Austria and the Federal Republic of Germany shall entitle the holders to pass in transit through the Principality of Liechtenstein and the cantons of St. Gallen and Thurgau, provided that they are not subject to a visa requirement in Switzerland.

(4) Frontier cards issued under the terms of the Convention of 30 May 1950 shall remain valid, but shall not be renewed.

DONE at Vienna, on 13 June 1973, in two original copies in the German language.

For the Republic of Austria:
RUDOLF KIRCHSCHLÄGER

For the Swiss Confederation:
O. ROSSETTI