

**No. 30628**

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**AUSTRIA  
and  
SLOVENIA**

**Agreement on the taking over of persons at the common  
border. Signed at Vienna on 3 December 1992**

*Authentic texts: German and Slovene.*

*Registered by Austria on 11 January 1994.*

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**AUTRICHE  
et  
SLOVÉNIE**

**Accord relatif à la prise en charge des personnes à la frontière  
commune. Signé à Vienne le 3 décembre 1992**

*Textes authentiques : allemand et slovène.*

*Enregistré par l'Autriche le 11 janvier 1994.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA AND THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA ON THE TAKING OVER OF PERSONS AT THE COMMON BORDER

With a view to regulating in a spirit of good-neighbourliness the mutual taking over of their own nationals and those of third countries on their common border, the Government of the Republic of Austria and the Government of the Republic of Slovenia (hereinafter referred to as the “Contracting Parties”) have agreed as follows:

*Article 1*

(1) Each Contracting Party shall, without special formalities, take over from the territory of the other Contracting Party any person in respect of whom there is reliable evidence that he is a national of the first-mentioned Contracting Party. Should it later be found that at the time of his entry into the country the person in question was not a national of that Contracting Party, he must be taken back by the other Contracting Party; this shall not apply if the authorities of the Contracting Party that has taken over the person in question wrongfully issued him a travel document.

(2) If there is no reliable evidence of the person’s nationality, the diplomatic or consular mission of the Contracting Party of which the person is presumably a national shall, on request, clear up the matter without delay.

*Article 2*

The handing over of a person who, because of his age, state of health or some other serious reason, requires special care shall be announced in advance to the diplomatic or consular mission of the Contracting Party of which the person is a national in order that that Contracting Party may take the necessary measures for taking over the person. The Contracting Party in whose territory the person is located shall be informed within one month of the said announcement where and when the take-over is to take place.

*Article 3*

(1) Each Contracting Party shall take over third-country nationals who have illegally entered from its territory the territory of the other Contracting Party.

(2) The requested Contracting Party shall take over a third-country national on the basis of a take-over declaration. The take-over application may be made at any time within a maximum period of 90 days following the third-country national’s illegal entry. The application shall contain personal data regarding the person to be taken over as well as data that constitute reliable evidence that he has illegally

<sup>1</sup> Came into force on 1 September 1993, i.e., the first day of the first month following the month in which the Contracting Parties had notified each other (on 22 March and 20 August 1993) of the completion of the internal requirements, in accordance with article 7 (1).

crossed the border. A reply shall be given to the take-over application within 72 hours after it has been transmitted. On the Austrian side the take-over application shall be made and the take-over declaration issued by the Security Directorates for the federal provinces (*Bundesländer*) of Styria and Carinthia, and on the Slovenian side by the internal affairs administration whose administrative area borders on the Republic of Austria.

(3) Third-country nationals shall be taken over without formalities by the border authorities of either one of the Contracting Parties if the other Contracting Party makes a request to that effect within seven days after the illegal crossing of the border. The said procedure shall be applied only if the border authorities of the other Contracting Party furnish data making it possible to establish that the person in question illegally crossed the border between the Contracting Parties. Should the informal take-over be rejected, an application containing a reference to that fact may be made for a take-over in accordance with paragraph (2).

(4) If it is later found that the third-country national did not enter from the territory of the other Contracting Party, he must be taken back.

(5) If a person who is to be handed over does not have sufficient financial means, the Contracting Party on whose territory the person is located shall assume the costs of his transport as far as the border.

#### *Article 4*

(1) Each Contracting Party shall take over the transit transport of third-country nationals under police supervision if the other Contracting Party so requests and arranges for the take-over by the State of destination and by possible additional transit States.

(2) Transit may be rejected in the event that the third-country national

1. Is in danger of being subjected in the State of destination or in a possible additional transit State to inhuman treatment or to the death penalty, or would be threatened with the loss of his life or freedom for reasons having to do with his race, his religion, his nationality, his belonging to a particular social group, or his political views, or

2. Would be subject to criminal prosecution in the requested State or threatened with criminal prosecution in the State of destination or in a possible additional transit State, except for illegal crossing of the border.

(3) The request for transit under police supervision shall be made and settled directly between the Austrian Federal Ministry of Internal Affairs and the Ministry of Internal Affairs of the Republic of Slovenia. In addition to the personal data regarding the third-country national, the request must contain a declaration to the effect that the conditions required under paragraph (1) have been fulfilled and there are no grounds for rejection under paragraph (2). It shall also specify the date of the intended hand-over and the desired border crossing-point. In concert with the requesting Contracting Party, the requested Contracting Party shall effect the transit of the third-country national without delay.

(4) Should the requested Contracting Party reject the request because of the absence of the required conditions, the requesting Contracting Party shall be notified of the reasons for the rejection.

(5) Third-country nationals may be returned to the requesting Party if facts subsequently become known or occur that preclude transit under police supervision.

(6) The requesting Contracting Party shall bear the costs resulting from the person's transit under police supervision or his possible return.

#### *Article 5*

For the implementation of this Agreement, the Contracting Parties' Ministers for Internal Affairs may conclude appropriate agreements, in particular concerning:

- (a) The procedures to be followed in communicating with one another;
- (b) The data and documentation required for a take-over;
- (c) The circumstances under which an illegal entry is to be assumed to have taken place;
- (d) The border crossing-points for take-overs;
- (e) The reimbursement of costs under article 4, paragraph (6);
- (f) The holding of talks involving experts.

#### *Article 6*

This Agreement shall not affect the Contracting Parties' internal legislation, in particular their customs and currency laws or their regulations regarding the granting of the right of asylum.

#### *Article 7*

(1) This Agreement shall come into force on the first day of the first month following the month in which the Contracting Parties have notified each other in writing through the diplomatic channel that the internal requirements for its entry into force have been fulfilled.

(2) This Agreement shall remain in force for an indefinite period unless it is denounced in writing through the diplomatic channel by one of the Contracting Parties; in that case the Agreement shall cease to be in force six months after the receipt of the denunciation.

DONE at Vienna on 3 December 1992 in two original copies in the German and Slovene languages, both texts being equally authentic.

For the Government  
of the Republic of Austria:

LÖSCHNAK

For the Government  
of the Republic of Slovenia:

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