

No. 7973

**AUSTRIA
and
SWITZERLAND**

Convention (with Final Protocol) concerning the establishment of adjoining frontier clearance offices and frontier clearance on board moving transport. Signed at Berne, on 2 September 1963

Official text: German.

Registered by Austria on 16 November 1965.

**AUTRICHE
et
SUISSE**

Convention (avec Protocole final) relative à la création de bureaux à contrôles nationaux juxtaposés et aux contrôles dans les véhicules en cours de route. Signée à Berne, le 2 septembre 1963

Texte officiel allemand.

Enregistré par l'Autriche le 16 novembre 1965.

[TRANSLATION — TRADUCTION]

No. 7973. CONVENTION¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE SWISS CONFEDERATION CONCERNING THE ESTABLISHMENT OF ADJOINING FRONTIER CLEARANCE OFFICES AND FRONTIER CLEARANCE ON BOARD MOVING TRANSPORT. SIGNED AT BERNE, ON 2 SEPTEMBER 1963

The Federal President of the Republic of Austria and the Swiss Federal Council, desiring to facilitate the crossing of the common frontier, have agreed to conclude a Convention and have for that purpose appointed as their plenipotentiaries :

The Federal President of the Republic of Austria :

Dr. Johann Georg Tursky, Ambassador Extraordinary and Plenipotentiary of the Republic of Austria ;

The Swiss Federal Council :

Mr. F. T. Wahlen, Federal Councillor, Director of the Federal Political Department,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

PART I

GENERAL PROVISIONS

Article 1

(1) The two States shall, within the scope of this Convention, facilitate and expedite the frontier clearance of railway, road and water-borne traffic.

(2) To this end they shall :

- (a) Establish adjoining frontier clearance offices ;
- (b) Permit frontier clearance on board moving transport on designated routes ;

¹ Came into force on 14 January 1965, one month after the exchange of the instruments of ratification, which took place at Vienna on 14 December 1964, in accordance with article 25.

- (c) Allow the competent officials of either State to perform their duties within the scope of this Convention in the territory of the other State.

(3) The Governments of the two States shall be empowered to designate, relocate, modify or discontinue, by agreement :

- (a) The adjoining frontier clearance offices, including their official precincts ;
- (b) The routes on which officials of the neighbouring State may effect frontier clearance on board moving transport ;
- (c) The routes by which officials of the neighbouring State may convey to their own State persons in custody and goods or material evidence detained ;
- (d) The routes by which officials of the neighbouring State may escort goods to another frontier clearance office of the same State.

Article 2

For the purposes of this Convention :

1. "Frontier clearance" means compliance with all regulations of the Contracting States which are applicable in respect of passenger traffic across the frontier and the import, export and transit of goods and other property ;
 2. "Territorial State" means the State in whose territory the frontier clearance of the other State is carried out ;
- "Neighbouring State" means the other State ;
3. "Zone" means the area of the territorial State in which officials of the neighbouring State are entitled to effect frontier clearance ;
 4. "Officials" means persons who, as agents of the authorities competent for frontier clearance, perform their duties at one of the adjoining frontier clearance offices or on board moving transport.

Article 3

(1) The zone may comprise :

1. In the case of railway traffic :
 - (a) Parts of the railway station and other railway installations, the line between the frontier and the frontier clearance office, and parts of the railway stations situated on the said line ;
 - (b) Where frontier clearance is effected *en route*, the train on the prescribed line and parts of the railway stations at which the said line begins or ends and through which the train passes.

2. In the case of road traffic :

- (a) Parts of the service buildings, of the road and of the other installations, and the road between the frontier and the frontier clearance office ;
- (b) Where frontier clearance is effected *en route*, the vehicle on the prescribed route and parts of the buildings and installations at which the said route begins or ends.

3. In the case of water-borne traffic :

- (a) Parts of the service buildings, of the waterway and of the riparian and harbour installations, and the waterway between the frontier and the frontier clearance office ;
- (b) Where frontier clearance is effected *en route*, the vessel and the escorting examination boat on the prescribed route, and parts of the buildings and installations at which the said route begins or ends.

(2) For any portion of territory which is covered by sub-paragraphs 1 to 3 above but which, under the agreements referred to in article 1, paragraph (3), is not included in the zone, the said agreements may provide for the application of individual provisions of this Convention or for the exercise of specific rights and obligations arising therefrom.

(3) The routes referred to in article 1, paragraph (3), sub-paragraphs (c) and (d), shall be accorded, for the purposes of the official acts mentioned therein, the same legal status as the zone.

PART II

FRONTIER CLEARANCE

Article 4

(1) All regulations of the neighbouring State which are applicable in respect of passenger traffic across the frontier and the import, export and transit of goods and other property shall have effect in the zone as in the commune of the neighbouring State to which the frontier clearance office is assigned ; subject to the provisions of article 5, the said regulations shall be applied by the officials of the neighbouring State to the same extent and with all the same consequences as in the territory of their own State. The commune to which the frontier clearance Office of the neighbouring State is assigned shall be designated by the Government of that State.

(2) Any breach, committed in the zone, of the regulations of the neighbouring State which govern passenger traffic across the frontier and the import, export and transit of goods and other property shall be deemed to have been committed in the commune of the neighbouring State to which the frontier clearance office of that State is assigned.

(3) The foregoing shall not affect the authority of the territorial State in the zone.

Article 5

(1) The officials of the neighbouring State shall not be entitled to detain any person for the purpose of extradition and convey him to the neighbouring State.

(2) The officials of the neighbouring State shall not be entitled to detain and convey to the neighbouring State any person who enters the zone from the territorial State for purposes other than crossing the frontier, unless such person contravenes in the zone the regulations of the neighbouring State concerning customs clearance.

(3) The officials of the neighbouring State shall in no case be entitled to detain any national of the territorial State in the zone and convey him to the neighbouring State. They may, however, take such a person to their frontier clearance office in the territorial State or, if there is no such office, to the frontier clearance office of the territorial State for interrogation. In the former case an official of the territorial State shall attend the interrogation if the person concerned, who must be informed of his rights in this respect, so requests.

Article 6

(1) Where frontier clearance is effected in the zone, the official operations of the State of exit shall, save as otherwise provided hereinafter, be performed before the official operations of the State of entry. In order to expedite traffic, the official operations of the two States shall so far as possible be conducted in direct sequence.

(2) The officials of the State of entry shall not be entitled to begin frontier clearance operations until exit clearance has been completed ; a waiver of exit clearance shall be deemed to constitute completion thereof.

(3) The officials of the State of exit shall not be entitled to conduct any further frontier clearance operations after entry clearance has begun. By way of exception, exit clearance operations may be resumed if the person concerned so requests and the clearing official of the State of entry consents thereto.

(4) The clearing officials of the two States may, by agreement, depart from the sequence prescribed in paragraph (1) if this appears necessary in the interest of rapid frontier clearance. In such exceptional cases, the officials of the State of entry shall not make any arrest or seizure until the frontier clearance of the State of exit has been completed. If they wish to apply any such measure, they shall take the persons or goods or other property whose exit clearance has not yet been completed to the officials of the State of exit. If the last-named officials wish to make any arrest or seizure they shall have priority.

Article 7

The officials of the neighbouring State may transfer to the territory of the neighbouring State any sums of money collected and goods and other property detain-