

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.