

No. 9216

**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.

**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. AGREEMENT¹ 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

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

¹ 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.