

AGREEMENT

between the Czechoslovak Socialist Republic and the Republic of Austria on the Adjustment of the Railway Border Crossing

The President of the Czechoslovak Socialist Republic and the Federal President of the Republic of Austria, driven by the desire to adjust the Railway Border Crossing between the two states, decided to negotiate an agreement and for this purpose appointed their proxies:

President of the Czechoslovak Socialist Republic

Mr. Dr. František Vlasák, Minister of Transport and Communications,

Federal President of the Republic of Austria

Mr. Dr. Heinrich Calice, Extraordinary Envoy and Minister Plenipotentiary of the Republic of Austria, and

Mr. Dr. Erich Jarisch, head of the legal service of Department II of the Federal Ministry of Transport and Electricity,

who, having exchanged their powers of attorney, which were found to be in good and due form, agreed upon the following provisions:

Article 1

General Provisions

1. Both contracting states undertake to enable railway border crossings. They will take all measures to make the transition efficient and simple.
2. For this purpose, connection and transition service will be performed on railway lines crossing national borders at interchange stations.

Article 2

Definition of Terms

For the purposes of this Agreement, the following terms are defined:

- a) "Territorial state" is the state on whose territory the connection and transition service of railways is performed, "neighbouring state" is another state;
- b) "Interchange station" is a station in which a connection and transition service in rail transport is carried out;
- c) "Border connection line" is a line between the state borders and the exchange station;
- d) "Proprietary administration" is the railway administration of the territorial state;
- e) "Neighbouring administration" is the railway administration of a neighbouring state;
- f) "Connection and crossing service" is the transport and transport service of both railway administrations needed to carry out the border crossing of railways;
- g) "Border clearance" is a procedure provided for by the legal regulations of the contracting states for the entry, exit and passage of persons, luggage, goods, valuables and postal items.

Article 3

Border Crossing

1. The following routes are open for border crossing:

- a) Horní Dvořiště - Summerau
- b) České Velenice - Gmünd
- c) Šatov - Retz
- d) Břeclav - Hohenau
- e) Devínska Nová Ves - Marchegg.

2. The following exchange stations are designated for the lines mentioned in paragraph 1:

- a) Summerau
- b) Gmünd
- c) Šatov
- d) Břeclav
- e) Marchegg.

3. In the sense of this Agreement, border stations are:

- a) Horní Dvořiště
- b) České Velenice
- c) Retz
- d) Hohenau
- e) Devínska Nová Ves.

4. The railway administrations can agree that individual trains with driving vehicles and personnel of the other railway administration can also travel beyond the interchange station. In these cases, the provisions of Articles 4, paragraphs 5, 7, 11-14, 16 and 19, which regulate the connection and transition service on the cross-border connection line and at the interchange station, apply similarly.

Article 4

General Provisions on Connection and Transition Service; Tariff Point

1. The railway administrations will adjust the connection and transition service by special arrangements in order to ensure fast and proper performance of the service.

2. Handing over and receiving of travel luggage, express luggage, goods, cars, transport aids, transport boxes, pallets and relevant accompanying documents is carried out at exchange stations, without prejudice to the provisions of Article 3, paragraph 4 of this Agreement.

3. Trains running on cross-border connecting lines will, if they cross state borders, be guided by the neighbouring administration up to the interchange station according to the traffic regulations of this administration by its driving vehicles and its personnel.

4. Property management regulations apply at exchange stations. However, railway administrations may agree that for certain sections of the railway service, the regulations of the neighbouring administration shall apply.

5. Admission of driving vehicles and tests of operating personnel in the territory of one contracting state also applies to the territory of the other contracting state. The railway administrations will agree on the necessary security of operations.

6. The tariff point for all border crossings is located at the state borders.

Article 5

Facilities

1. Each railway administration checks, maintains and restores all the equipment of interchange stations and border connecting lines in its territory with regard to the needs of the border crossing of railways.

2. In agreement with the neighbouring administration, the owner administration will provide the facilities, rooms and equipment necessary for the performance of the neighbouring administration service at the exchange stations.

Article 6

Security and Communication Facilities

1. Railway administrations are obliged to set up and maintain in proper condition security and communication facilities necessary for railway border crossings on the territory of their state. Railway administrations can agree on deviations.

(2) Long-distance communication links crossing state borders that connect exchange stations and border stations must terminate in these stations and must not be connected to the inland network. However, the railway administrations of the contracting states may agree otherwise, if the prerequisites for this are given according to national legislation.

3. Railway employees of the neighbouring administration are entitled to use the communication devices mentioned in paragraphs 1 and 2 for official purposes free of charge.

4. It is not permissible to use railway communication devices for private purposes.

Article 7

Principles for Performance Equalization

1. Performances performed by one railway administration for another shall be compensated in kind as far as possible. If full compensation in kind is not possible, the own costs will be paid.

2. If the ownership administration helps the neighbouring administration at its request with railway employees, operating means or material, the ownership administration will be reimbursed for its own costs.

Article 8

Border Clearance

Border clearance [Article 2 letter g)] will be carried out by the competent authorities of each of the two contracting states on their own national territory.

Article 9

Maintaining Safety and Order

1. If the railway employees of a neighbouring state discover a violation of the safety and order of railway traffic while performing service on trains while traveling on cross-border

connecting lines, they shall report the circumstances relating to the case to the relevant railway office of the territorial state as soon as possible.

2. This provision does not give railway employees the right to use coercion.

3. The provisions of paragraphs 1 and 2 also apply reasonably in exchange stations, if there are no authorities of the territorial state.

Article 10

Use of Language

1. In exchange stations and on cross-border connecting lines, the official language of this administration is used in communication with railway employees of the neighbouring administration. In particular, all telephone, written and oral communications relating to train transport shall be made in the language of the neighbouring administration. Employees who come into consideration must know this official language to the extent necessary for the performance of the service.

2. Rooms intended for exclusive use by employees of the neighbouring administration will be marked bilingually. Marking in the official language of the neighbouring administration will take precedence.

3. Official regulations and official publications intended for the second railway administration are submitted without translation.

Article 11

Legislation for Railway Employees

1. Railway employees of neighbouring administrations operating in the territorial state are obliged to act in the spirit of good neighbourly relations between railway administrations and to behave accordingly both on and off duty.

2. Railway employees of the neighbouring administration operating in the territorial state are subject, without prejudice to the provisions of international private law, to the legal regulations of the territorial state.

3. For the service relationship of the railway employees mentioned in paragraph 1, the regulations in force in the neighbouring state are decisive - especially also when it comes to disciplinary proceedings.

4. The railway employees referred to in paragraph 1 are exempted from all direct taxes, benefits and charges vis-à-vis the other contracting state, if they are imposed in connection with the income from the performance of their service.

5. Criminal acts committed in the territorial state by the railway employees referred to in paragraph 1 shall be immediately notified to the superior office of the railway employee through the relevant office of the territorial state.

6. The neighbouring administration will limit the number of its railway employees in the territorial state to the extent necessary for the performance of the service. It may authorize one of these railway employees to represent it vis-à-vis the railway administration of the territorial state. At the request of the ownership administration, the railway employee will be excluded or dismissed from the activity in the territorial state.

Article 12

Assistance to Railway Employees and their Criminal Protection

1. The services and railway employees of one contracting state are obliged to provide the necessary assistance to the railway employees of the neighbouring state in the performance of their official duties and to comply with their requests in this regard in the same way as similar requests of their own railway employees.
2. The criminal law provisions of the territorial state to protect official actions and to protect railway employees also apply to criminal actions in the territorial state against railway employees of neighbouring administrations active in the implementation of this Agreement, if these railway employees are on duty or if the offense occurs in connection with this service.
3. Railway employees of a neighbouring country will be provided with the necessary first aid in the event of illness or accident on the border connecting line or at the interchange station.

Article 13

Service Uniform

Railway employees of neighbouring administrations working in an interchange station or on a cross-border connecting line are entitled to wear a service uniform or visible service insignia both on and off duty.

Article 14

Service Items and Items of Personal Use for Railway Employees

1. Items that are imported or exported for their official needs by railway employees of the neighbouring administration operating in the territorial state are exempt from customs duties and other benefits.
2. Items of personal use, including food, which are carried by railway employees of neighbouring administrations operating in the territorial state and which they need during their official stay in the territorial state are also exempt from customs duty and other benefits.
3. Import and export bans as well as import and export restrictions of an economic nature cannot be applied to the items listed in paragraphs 1 and 2.

Article 15

Items for Office Use

Equipment for service rooms and other items necessary for the purposes of neighbouring administration in exchange stations can be imported and exported without special permission, without customs duties and other benefits; the same applies to the tools and materials required for the repair and maintenance of all such items.

Article 16

Customs Control and Foreign Exchange Regulations

The provisions of Articles 14 and 15 do not affect the regulations of both contracting states on the implementation of customs control and on the import and export of values to which foreign exchange regulations apply.

Article 17

Service Shipments

1. Service letters and service parcels, as well as service money consignments, which are intended for the offices of the neighbouring administration or are sent by these offices to the neighbouring state, may be transported by railway employees of the neighbouring administration without the intermediary of the postal administration and without postal charges.
2. In order to prevent misuse, these shipments will be provided with the official stamp of the sending place; they are subject to customs and foreign exchange control only in case of suspicion of actions contrary to regulations.

Article 18

Crossing State Borders and Staying in the Territory of Another Contracting State

1. Railway employees, including supervisory and investigating railway employees, who cross the state border during the performance of their duties in connection and transit service, must have bilingual cards for crossing state borders according to the model of Appendix 1a or 1b. These passes entitle them to cross state borders on one or more routes referred to in Article 3, paragraph 1, as well as to stay in the territorial state for the duration of service.
2. Passes for crossing state borders are issued for a period of five years. Passes for crossing state borders are issued for Czechoslovak railway employees by the Czechoslovak Ministry of the Interior, and the Austrian security directorate is responsible inside. Passes for crossing state borders for Austrian railway employees are issued by the relevant Austrian security directorate and internally by the Czechoslovak Ministry of the Interior. The sighting is granted for the period of validity of the permits for crossing state borders.
3. Viewing may be denied without giving reasons; viewings already carried out can be revoked at any time without giving a reason. The authority that issued the pass for crossing state borders and the exchange or border station indicated in this pass must be notified immediately of the refusal or cancellation of sightings.
4. Passes for crossing state borders must be submitted to the relevant official bodies of the territorial state upon request.
5. Passes for crossing state borders are issued and viewed without allowances and fees.
6. For railway employees of auxiliary trains and snow removal plows who cross state borders, the head of the exchange or border station will issue name lists in triplicate on paper according to the model of Appendix 2a or 2b. The name lists must bear the signature of the chief and the official stamp of the exchange or border station. The stamp must be attached immediately below the entry of the last name. These railway employees must also have a service card with a likeness. The name lists entitle the railway employees listed in them to cross state borders on one of the lines specified in Article 3, paragraph 1, as well as to stay in the territorial state for the duration of their service.
7. Before crossing state borders according to paragraph 6, it is necessary to notify the relevant border authorities of the other contracting state.
8. When crossing state borders according to paragraph 6, railway employees must prove themselves to the border authorities with name lists and service cards. At the same time, one copy of the name lists must be handed over to the border authorities of both contracting states. The third copy must be returned to the head of the exchange or border station who issued the

lists upon return. All railway employees listed in the name list must always cross national borders at the same time. If this is not possible in exceptional cases, the railway employee responsible for driving the auxiliary train or the snow clearing plow is obliged to notify the border authorities or the nearest security authorities of this state as soon as possible, stating the reasons, through the relevant railway service of the territorial state. In this case, the railway employee who could not return must immediately return to the neighbouring state after the obstacle is removed, and only a service card bearing a likeness is sufficient for him to return.

9. Railway employees of the other contracting state, who only have passes for crossing national borders or are listed only in name lists, may not leave the perimeter of the exchange station and the border connecting track, or the perimeter of the border station and the track between the border station and the state border.

10. All other railway employees need valid passports with visas to cross national borders.

Article 19

Liability

1. If a person is killed or injured or property is damaged or destroyed during the operation of a railway in connection and transition service on a border connection line or at an interchange station, the railway administration of the territorial state shall be liable according to the law of that state, unless otherwise stipulated in the following.

2. If liability for loss of and damage to travel luggage, express baggage, goods, operational equipment, transport aids, transport boxes and pallets, as well as for exceeding the delivery period, is regulated by special international agreements valid for both contracting states, this special regulation applies.

3. If a railway employee of a neighbouring administration is killed or injured during the performance of a service related to connection and transition service during the operation of the railway on a border connection line or in an interchange station, or if an item is damaged or destroyed, which this railway employee carries or transports, the legal position in terms of compensation for damage will be assessed as if the damage had occurred on the lines of the railway administration to which this railway employee belongs.

4. The railway administrations shall agree on the adjustment of the mutual procedure and the obligation of compensation.

Article 20

Exchange of Postal Items

1. The exchange of letter, parcel and money mail in transport between the two countries and in transit is carried out according to the agreements concluded between the Czechoslovak and Austrian postal administrations based on the provisions of the Universal Postal Convention and their agreements.

2. Exchange of mail is carried out at exchange stations, unless otherwise agreed between postal administrations.

3. Exchange of mail is handled by postal employees. The exchange of letter mail can also be carried out by railway employees.

4. Mail wagons, railway service wagons or railway freight wagons may be used to transport postal items.

5. It will be agreed between the respective administrations of both contracting states which cars will be used and in which sessions and whether the escort will be provided by postal or railway employees.

Article 21

Postal Employees and Liability for Postal Items

The provisions of Articles 11 to 14, 16, 18 and 19 of this Agreement apply similarly to postal employees working in the railway postal service in the territory of the other contracting state; the provisions of article 19 in addition for the loss and damage of postal items.

Article 22

Exemption from Arrangement Fees

Arrangements negotiated on the basis of this Agreement are exempt from fees in both contracting states.

Article 23

Special Arrangements

The relevant places of the contracting states may, if necessary, conclude special arrangements for the implementation of this Agreement in addition to the already mentioned foreseen arrangements.

Article 24

Conflict Resolution

1. Disputes related to the interpretation or implementation of this Agreement will be resolved by the competent authorities of both contracting states. This does not preclude a diplomatic solution.
2. If it is not possible to resolve the dispute in this way, it will be submitted to an arbitration court at the request of one of the contracting states.
3. The arbitral tribunal will be established on a case-by-case basis in such a way that each of the two contracting states appoints one arbitrator within three months after one of them has announced its intention to refer to the arbitral tribunal, and that the arbitrators thus appointed agree on a member of the third of the state as chairman. If no agreement on the chairman is reached within six months after one of the two contracting states has announced its intention to refer to the arbitration court and unless otherwise agreed, the provisions of Article 45 of the Convention of October 18, 1907 on peaceful settlement shall apply to the appointment of the chairman international disputes if they relate to the election of the chairman.
4. The arbitral tribunal shall decide in accordance with this Agreement, as well as with the application of international customary law and generally recognized legal principles.
5. The arbitral tribunal decides by majority vote. His decisions are binding. Each of the contracting states pays the expenses of its arbitrator; other expenses are covered equally by both contracting states. In other cases, the arbitral tribunal will regulate the proceedings itself.
6. As regards the summoning and questioning of witnesses and experts, the provisions on legal assistance valid between the two contracting states shall apply accordingly.

Article 25

Term of Validity of the Agreement; Resignation

1. This Agreement is concluded for an indefinite period. It can be terminated with six months' notice at the end of the calendar year.
2. In the event of termination, both contracting states shall immediately begin negotiations on a new arrangement.

Article 26

Ratification

1. This Agreement is subject of ratification.
2. It shall enter into force 14 days after the exchange of instruments of ratification.
3. The exchange of instruments of ratification shall take place in Vienna.

In witness whereof, the plenipotentiaries have signed this Agreement and affixed their seals to it.

Given in Prague on September 22, 1962 in duplicate, in the Czech and German languages, both versions being equally valid.

For the Czechoslovak Socialist Republic

Vlasák hand signed

For the Republic of Austria

Calice hand signed

Jarisch hand signed