

N° 1431.

AUTRICHE ET HONGRIE

Accord relatif à l'octroi de facilités
dans le petit trafic frontalier.
Signé à Vienne, le 14 juillet
1926.

AUSTRIA AND HUNGARY

Agreement with regard to the Grant-
ing of Facilities in Minor Frontier
Traffic. Signed at Vienna, July 14,
1926.

¹ TRANSLATION.

No. 1431. — AGREEMENT BETWEEN AUSTRIA AND HUNGARY WITH REGARD TO THE GRANTING OF FACILITIES IN MINOR FRONTIER TRAFFIC. SIGNED AT VIENNA, JULY 14, 1926.

HIS SERENE HIGHNESS THE REGENT OF HUNGARY, and THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, being equally desirous of facilitating by every possible method traffic between the neighbouring frontier zones of the two countries in accordance with economic needs, and of replacing by a uniform system the various arrangements heretofore in force, have decided to conclude an Agreement for this purpose, and have appointed as their Plenipotentiaries :

HIS SERENE HIGHNESS THE REGENT OF HUNGARY :

M. Rudolf WODIANER, Envoy Extraordinary and Minister Plenipotentiary ; Count Lajos AMBROZY, SEDEN AND REMETE, Envoy Extraordinary and Minister Plenipotentiary at Vienna ;

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

Dr. Rudolf RAMEK, Federal Chancellor ;

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

Article I.

For the purposes of the present Convention, the term "frontier zone" shall be understood to apply to portions of territory — situated on either side of the common Customs frontier — the exact delimitation of which is left to the two Governments. The breadth of this zone shall not at any point exceed fifteen kilometres.

The inhabitants of the frontier zone shall be designated in the present Agreement as "inhabitants of the zone".

The two Governments shall communicate to each other with the least possible delay an exact description of the interior line of demarcation of their frontier zone.

Article II.

(Minor Frontier and Market Traffic.)

i. The following products may be imported into the two zones free of all duty or tax :

Butcher's meat, fresh or simply prepared, in quantities not exceeding 2 kilogrammes ;
Milling products derived from cereals and pod vegetables in quantities not exceeding 3 kilogrammes ;
Ordinary bread and bakers' wares in quantities not exceeding 3 kilogrammes ;

¹ Translated by the Secretariat of the League of Nations.

Milk in quantities not exceeding 2 litres, when the products in question are carried by the inhabitants of the zone by road for their own use or the use of their families.

In case of abuse, however, these favours may be curtailed in certain localities or even entirely suspended.

2. Where local circumstances make it desirable and possible, the following articles from the frontier zone may, subject if need be to the necessary precautionary measures, be imported free of all duty and tax, even by by-roads designated by the Customs Administration, in quantities not greater than are necessary for the household use of the inhabitants of the zone :

Natural and artificial manures, flax and hemp on the stalk, green and dry fodder (fodder plants, hay, straw, chopped straw), foliage and dead leaves, moss, rushes, common sand for mortar, pebbles, emery in pieces, loam and common clay, firewood, peat, bog-earth and raw tinder.

3. Cereals, oilseed, flax, hemp, wood, tanner's bark and other similar agricultural products imported by the inhabitants of the zone to be ground, pounded, cut, smoothed, etc., and re-exported as finished articles shall, under the conditions laid down for the finishing trade and even without the application of these regulations, should local conditions appear to justify such a measure, be exempted from Customs duties if suitable security is deposited. The quantities of products which may be re-imported or which must be re-exported in place of the raw materials, shall be fixed, if necessary, by common consent of the Customs Administrations of the two countries.

4. With a view to enabling inhabitants of the two frontier zones to have articles for their personal use repaired or made up by a workman in the neighbouring frontier zone, the Customs Authorities of the two frontier zones shall be authorised to permit traffic in either direction in connection with the repairing and finishing trade. Domestic industry shall be regarded as coming within the foregoing provision. Yarn and textiles may be sent out to be dyed under the conditions provided for above. When material is sent into the adjacent frontier zone to be made up into articles of clothing, exemption from Customs duties shall also apply to accessories used in the making of the said articles.

5. Tools and implements may be transported by by-roads into the neighbouring frontier zone free of all duty and tax, on condition that they are only intended for temporary use ; nevertheless, the Customs security prescribed under the regulations for temporary importation may, if necessary, be exacted.

6. Prepared medicaments bought by the inhabitants of the zone from chemists' shops in the vicinity on production of prescriptions by duly certified doctors or veterinary surgeons, in small quantities in proportion to their requirements, for their own use and not for sale, may be imported free of all duties and taxes, even on by-roads, without a special permit from the competent authorities. Further, a prescription will not be required in the case of simple drugs used for medicinal purposes and simple pharmaceutical and chemical preparations which have on their wrapper an accurate and clear pharmaceutical description and which may be freely sold in the territory in question, on condition that the said preparations are destined only for the household needs of the person concerned and are bought in small quantities corresponding to these needs.

Medicaments which are not allowed in the country of importation are not admitted in the frontier traffic.

7. Doctors, veterinary surgeons and certificated midwives, domiciled in the frontier zone and authorised to exercise their profession there, may also practise in the adjacent frontier zone, but they must comply strictly with the regulations in force in this territory, and especially with the regulations regarding compulsory notification of infectious diseases. They may, if they possess a special identity certificate issued by the Customs authorities, cross the frontier in the exercise of their profession by day or night, on bicycles or motor cycles, by by-roads, without being obliged

to comply every time with the Customs formalities. The respective Customs Administrations shall draw up an agreement regarding the details of these facilities.

Medicaments which have been carried from one zone to the other shall only be administered in cases of extreme danger.

The two Governments shall communicate to each other the provisions in force regarding the exercise of the medical professions specified above, in order that the interested parties may be duly advised. They shall also communicate to each other a list of doctors, veterinary surgeons and certificated midwives domiciled in the frontier zone and authorised to carry on their profession there, and shall communicate to each other, from time to time, any alterations and additions.

Article III.

(Agricultural Frontier Traffic.)

1. Live stock driven to grazing grounds near the frontier and driven back the same day shall be exempt from all Customs duty and taxes, without being subject to the regulations for temporary importation, on condition that the inhabitants of the zone concerned notify the number of their herds, and that the time of crossing the frontier in either direction is duly fixed.

The movement of cattle, however, shall be subject to the observance of veterinary police regulations and may only take place on roads designated for this purpose after consultation between the competent Administrations.

2. Live-stock driven across the frontier to be weighed, castrated, subjected to veterinary treatment, or for temporary work, by the roads specified in No. I, paragraph 2, and agricultural machinery and implements sent over the frontier for temporary use, shall, subject to the Customs security provided for under the regulations concerning temporary importation, be exempt from all Customs duties and taxes.

3. If the frontier cuts across estates or other property (" dual proprietors " in the narrower sense of the word), live-stock and agricultural implements belonging to these estates, necessary supplies of seed for the cultivation of the fields and agricultural, horticultural and forest produce derived from these estates, may be transported free of all Customs duty and taxes from the places where they were produced to the houses and agricultural buildings situated on the other side of the frontier at any point whatever of the frontier line cutting across the estate.

Inhabitants of the zone who are domiciled on one side of the frontier and who have to carry out agricultural or similar work in the neighbouring frontier zone on land belonging to them — but situated only in the neighbourhood of their place of domicile (" dual proprietors " in the wider sense of the word) — may themselves transport to the other side of the frontier, or cause to be transported by members of their family or by their employees, free of duty and tax, live-stock and agricultural implements required for this work, necessary supplies of seed and the agricultural, horticultural and forest produce derived from these estates. The frontier may also be crossed by by-roads if this seems to be required by local circumstances or the nature of the work to be carried out, on condition that the provisions regarding Customs security are observed and the person concerned recrosses the frontier on the same day as he crossed it.

Fresh grapes, grape juice, and juice which has been racked off but not entirely fermented, shall be considered as agricultural produce on condition that the proprietor concerned causes them to be transported over the frontier to be stored in his cellars not later than November 30th of the year of harvest.

The " dual proprietors " mentioned above may — if their wine presses or cellars are situated in the adjacent frontier zone — transport, up to June 30th, of the following year, free of all duty and tax, wine produced on their estates in that zone, to houses or agricultural buildings situated in the zone across the frontier.

Grapes and grape juice may also, as a general rule, be transported by the by-roads designated by the Customs Authorities on condition that the nearest Customs post is notified in advance.

The transport of juice racked off, and of wine, is only authorised as a general rule on Customs roads and subject to notice being given to the Customs office. Transport may also be effected, where local conditions seem to render this desirable and possible, along by-roads designated by the Customs Authorities, who shall take the necessary precautionary measures subject to notice being given to the nearest Customs post.

With a view to exercising, if need be, the necessary supervision over the goods traffic of " dual proprietors " (in the narrower and the wider sense of the words), the chief Administrative Authorities of the two Contracting Parties shall draw up and communicate to each other not later than three months after the entry into force of the present Agreement, a list of such agricultural undertakings situated in the frontier zone (estates, area, nature of cultivation, owner) as are entitled to favours in respect of the frontier traffic. Further, as regards estates planted with vines, the nature of the vines shall be indicated in the said lists.

The Administrative Authorities of first instance of each of the Contracting Parties shall immediately notify the other whenever a " dual property " ceases to exist, changes its proprietor, or undergoes a change in the nature of its cultivation or its area ; moreover, they shall exchange every three months statements recapitulating all these changes.

The Customs offices or the Customs posts concerned in these importation shall fix, if need be, the quantity of products to be imported under the benefit of these concessions, basing their estimate on the approximate yield of harvest.

The privileges specified above, concerning grape juice racked off, and wine, shall only apply to those " dual proprietors " who actually possess or who may hereafter acquire the said estates, whether, by transfer *inter vivos* or by inheritance from persons whose legitimate heirs they are according to the legislation of the country in which the principal portion of the agricultural undertaking of the " dual proprietors " is situated.

4 Inhabitants of the zone domiciled on one side of the frontier and having agricultural work to perform in fields or meadows, leased by them, in the adjacent zone, but only in the neighbourhood of their domicile, shall be entitled to take over the frontier, free of all duties and taxes, the live stock and implements required for this work, and agricultural produce derived from the land cultivated by them on the other side of the frontier, together with the necessary supplies of seed. This privilege does not apply to grapes, grape juice, juice racked off, or wine. The frontier may also be crossed by by-roads if local circumstances or the nature of the work to be carried out seem to require it, if the regulations regarding Customs security are observed, and if the inhabitant of the zone re-crosses the frontier on the same day as he crossed it.

This concession only applies to leases concluded before June 30, 1926. Renewals of existing leases shall be considered as new leases.

The Customs offices or Customs posts concerned in these importations shall fix, if necessary, the quantities of goods which may be taken across the frontier in accordance with the present provisions, basing their estimate on the probable yield of the harvest.

With a view to any supervision of this traffic which may be required, the Administrative Authorities of first instance of the two Contracting Parties shall draw up and communicate to each other not later than three months after the entry into force of the present Agreement, a list of leases concluded on or before June 30, 1926, with particulars regarding the lessees and the lessors, the land in question, its area and the nature of the crops. Whenever a lease expires, the Administrative Authorities of first instance of the two Contracting Parties shall be immediately notified and shall, moreover, exchange every three months statements recapitulating all these changes. If need be, the parties concerned will be required to furnish proof of the existence of a contract of lease in the form laid down by the Courts.

If, after June 30, 1926, land situated in the adjacent frontier zone is leased to persons domiciled in the other zone, for the sole reason that the owners of these estates cannot cultivate them themselves, on account of youth, age or health, the favours specified above for leased arable land or meadows shall be likewise accorded to the new lessees by the Ministries of Finance of the two Parties.

5. Agricultural machinery propelled by steam or other power, imported or exported under the conditions laid down in Article III, shall not be included in the agricultural implements specified in paragraphs 1 and 2 of No. 3 and in paragraph 1 of No. 4, and must be subject to the procedure of temporary importation; nevertheless, if the persons concerned are known and worthy of confidence, they may be exempted from giving Customs security.

6. Inhabitants of the zone who carry out, in virtue of proper contracts of service, temporary manual, agricultural or forest labour or similar work in agricultural or forest undertakings in the other frontier zone — but only in the neighbourhood of their place of domicile — may, provided they return regularly to their homes not later than the end of the sixth day following their arrival at their place of work, and observe the administrative provisions laid down for cases of this kind with a view to preventing Customs frauds, cross the frontier by such by-roads as are specified for the purpose by the Customs posts, and may take with them, free of all duty and taxes, the necessary implements for their work, their wages in kind and articles for personal use (as, for example, boots and articles of clothing) which can be proved to have been bought for them by their employers and to constitute part of their wages.

Food prepared in workers' dwellings for the purpose of this work may also be brought to them from the other side of the frontier free of all duty, on condition that the person carrying it re-crosses the frontier on the same day.

Article IV.

General Provisions.

1. The following shall, subject to the observance of the Customs regulations in force, be exempted from duties and taxes and from Customs security: used packings (sacks, casks, pots, baskets, etc.) and means of transport employed in conveying between the two frontier zones the goods specified in Nos. 2 and 3 of Article II and in Nos. 3 and 4 of Article III, whether these contain the said objects on the outward journey and return empty, or *vice versa*.

2. In case of disasters, (forest fires, fires in houses, floods, etc.) or of serious illness, rescue parties may cross and recross the frontier with their appliances and teams without special formality, both by day and night.

3. Goods traffic on highroads and roads which pass through the territory of the other State or which lead to the other side while running parallel to the frontier shall be subject to the observance of the existing Customs regulations and, if it takes place by by-roads, shall also be subject to the issue of a special permit, unless this traffic on by-roads is authorised as a general rule.

The use of these high-roads and roads shall likewise be authorised for postal traffic under the same conditions.

4. Import and export prohibitions (Article VI, 1, *e*, of the Commercial Convention of February 8, 1922), shall not apply to the traffic dealt with in Articles II and III of the present Agreement, between the two frontier zones.

Nevertheless, prohibitions issued for reasons of public safety, in connection with sanitary or veterinary police measures, for the protection of useful plants, or in connection with war material or goods forming the subject of a State monopoly (Article VI, 1, *a-d*, of the Commercial Convention of February 8, 1922), shall remain in force.

The two Governments reserve the right to supervise the observance of the regulations regarding frontier traffic and to suppress or curtail these favours in case of fraud.

6. The provisions of the Convention of February 1, 1922, regarding frontier traffic facilities shall cease to be applicable as from the date of the entry into force of the present Convention.

Similarly, the provisions of the Protocol of Sopron of August 4, 1922, regarding agricultural traffic necessary on the Austro-Hungarian frontier and importation and exportation of agricultural produce shall no longer be applicable.

7. The present Agreement shall be ratified as soon as possible. The instruments of ratification shall be exchanged at Budapest.

The present Agreement shall come into force on the tenth day following the exchange of the instruments of ratification and shall remain in force until denounced by one of the two Parties. In that case it shall cease to be applicable six months after the date on which notice of denunciation is given to the other Contracting Party.

8. The present Agreement is drawn up in Hungarian and German.

In faith whereof the Plenipotentiaries have signed the present Agreement and have affixed their seals thereto.

VIENNA, July 14, 1926.

For the Kingdom of Hungary :

(Signed) WODIANER Rudolf, GRÓF AMBRÓZY LAJOS.

For the Republic of Austria :

(Signed) RAMEK.