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## DECLASSIFICATION

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Subject: Schengen evaluation of the new Member States  
- Questionnaire - Additional questions presented by the UK  
delegation - Reply from SLOVENIA

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

# RESTREINT UE



COUNCIL OF  
THE EUROPEAN UNION

Brussels, 13 March 2006

7235/06

RESTREINT UE

SCH-EVAL 50  
COMIX 257

## NOTE

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from : the Republic of Slovenia

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to : the Schengen evaluation Working Party

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No. prev. doc. : 6359/06 SCHEVAL 17 COMIX 161

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Subject : Schengen evaluation of the new Member States  
- Questionnaire - Additional questions presented by the UK delegation - Reply  
from SLOVENIA

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Please find hereunder the response to the additional questions included in doc. 6359/06  
SCH-EVAL 17 COMIX 161 of 21 February 2006, which were made by the UK delegation

- *P 47, Q34. Which agencies do the border police work with to obtain intelligence about illegal migration? Eg Frontex, EUROPOL etc.*

The circulation of information has already been described in detail in the reply to Question 2 in document no. 15564/05 SCH-EVAL 123 COMIX 828. This reply identifies the police departments that gather, assess and disseminate various types of information. The basic agency for gathering information on illegal migration is the Police. Various police departments gather information while performing their regular tasks, in accordance with their legal competences.

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The Police is also responsible at the national level for including in information exchanges, the information of other state agencies (as well as information obtained through other forms of international cooperation). A more detailed presentation will be made during the visit of the Schengen Evaluation experts at the sea borders.

- **Q36.** *Copy of agreement on simplified border checks procedures in road and rail traffic with Croatia (annex A&B)*

A copy in the English language of the Agreement between the Republic of Slovenia and the Republic of Croatia on Border Traffic and Cooperation is appended hereof.

- **Pg 51** - *Is fine of between 83 & 417Euros high enough to be a deterrent? (In Slovakia it is 1,336 Euros) and why is it lower for 'naturals' than aliens?*

For the purposes of preventing illegal migrations, EU Member States are required to implement sanctions against illegal entries into the country. These sanctions should be proportionate to the committed violation and are intended to have a deterrent and preventive effect. The European Union acquis does not prescribe any range of sanctions or minimum monetary fine neither does it prescribe any other possible forms of sanctions.

Although the amount of the fine in Slovenia is comparatively much lower than it is in Slovakia (as may be gathered from the additional question), we believe that this problem needs to be considered more broadly. The determination of higher amounts, which, most likely, would never be paid and, as such, the sanction never executed, would not serve the purpose of implementation of sanctions. The persons that are caught in the Republic of Slovenia normally carry only a minimum amount of money, hardly enough for paying any fine which renders difficult the efficient implementation of sanctions. In the case of those aliens in possession of higher amounts of money, these are required to pay (additionally) the costs for expulsion from the country (taken away from them during the period of stay in the country) as well as the travel costs back to their country of origin. There are, however, higher fines prescribed for offering assistance to enable illegal entry, stay or transit through the country. Notwithstanding the absolutely low fine prescribed for illegally entering the country, these objectives are pursued with the belief that sanctions need to be considered as a constitutive part of a broader framework for the prevention of illegal migrations as well as within the framework of existing national legislation concerning the introduction, administration and implementation of sanctions.

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Regarding the inquiry about lower fines for nationals of the Republic of Slovenia, we believe there must have been a misunderstanding since our previous answer to Question 37 shows that the fines stipulated for Slovenian nationals by the National Border Control Act are basically higher than those stipulated for aliens in the Aliens Act.

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ANNEX I

*UNOFFICIAL TRANSLATION*

**AGREEMENT  
BETWEEN THE  
REPUBLIC OF SLOVENIA  
AND THE  
REPUBLIC OF CROATIA ON  
BORDER TRAFFIC AND COOPERATION**

The Republic of Slovenia and the Republic of Croatia (hereinafter referred to as the Contracting Parties)

Desirous to facilitate and regulate the traffic of persons between their respective border areas and improve living conditions of the population in the border areas of the Contracting Parties,

With the aim of enabling free economic cooperation between the entities of the Contracting Parties in the border area,

Being aware that the border local communities are the foundations of good cooperation between neighbouring countries,

Have agreed as follows:

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## Chapter I

### AREA OF APPLICATION OF THE AGREEMENT

#### ARTICLE 1

1. The border area on land under this Agreement shall comprise:

In the Republic of Slovenia the settlements listed in Annex A,

In the Republic of Croatia the settlements listed in Annex B.

2. Changes in the area of settlements and other administrative territorial units shall have no effect on the extent of the border areas to which this Agreement applies.
3. The border area at sea under this Agreement shall be the sea area under sovereignty of each of the Contracting Parties, situated to the north of the 45 degrees and 10 minutes parallel north latitude along the west Istrian coast, from the outer limit of the territorial sea of the Republic of Croatia, where this parallel touches the land of the west Istrian coast (the cape Grgatov rt Funtana).
4. The border area at sea for sea fishing in the border area shall be limited to the respective territorial seas of the Contracting Parties within the border area at sea under Paragraph 3 hereof.

#### Chapter II

### CROSSING THE BORDER IN THE BORDER TRAFFIC, AND DOCUMENTS FOR CROSSING THE BORDER

#### Article 2

1. In border traffic the crossing of the border with border passes and border-crossing permits shall be permitted at the border crossings for border traffic listed under Annex C, unless otherwise stipulated in this Agreement.
2. Doctors, veterinarians, midwives and persons of similar professions may carry or transport instruments and material required for their assistance and humanitarian purposes from one border area to another without export and import permits and free of customs duties and other charges and taxes. After they complete their work, they must take their instruments and unused material back to the country from which they were brought.

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3. Border crossings for border traffic are as a rule open from 6 a.m. to 10 p.m. On the proposal of neighbouring border municipalities the working hours of a border crossing may be changed by the Permanent Slovene-Croatian Commission for the Implementation of the Agreement on Border Traffic and Cooperation, which was set up on the basis of provisions of this Agreement (hereinafter, the Permanent Mixed Commission).
4. The Permanent Mixed Commission may notwithstanding the provisions of Article 4 decide that all citizens of the Contracting Parties may in a particular period cross the state border with valid documents for crossing the border (passports or identity cards) at individual border crossings for border traffic.

## ARTICLE 3

1. Border passes may be issued to citizens of the Contracting Parties with permanent residence in the border area.
2. The border pass shall permit its holder to cross the border at border crossings for border traffic and at interstate and international border crossings, as well as allowing for an uninterrupted stay of not more than 7 days on the territory of the other Contracting Party.
3. If border pass holders cannot return within the set period due to *force majeure*, they must accordingly immediately inform the nearest police station. The police station shall then correspondingly inform the competent authority of the other Contracting Party. If a border pass holder is arrested or held in custody in the other Contracting Party, the authority of the Contracting Party that issued the border pass must be informed thereof as soon as possible.
4. A border pass shall be issued by a competent authority according to the place of permanent residence upon the application by an entitled person on the form under Annex D.
5. Persons under 15 years of age may be entered in the border pass of one or both of their parents, legal representative or guardian. Internal regulations on the entry of persons in the passport shall be applied *mutatis mutandis*.
6. An individual pass may be issued to persons above 5 years of age upon request by parents, legal representative or guardian.
7. A border pass may be issued with a validity of 5 years, and may be extended to a total validity of 10 years.

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## ARTICLE 4

1. A border-crossing permit may be issued at a border crossing for border traffic for a single crossing of the border and return only with goods for personal use, which are exempt from customs duties. A permit shall be issued upon the presentation of a passport or identity card or other identification document, if it is provided for in both Contracting Parties that persons may enter their respective countries with the identity card or other identification document.
2. A border-crossing permit may be issued to citizens of the Contracting Parties. Citizens of third countries may only be issued with a border-crossing permit subject to consent of the authorities competent for border control at a border crossing of the Contracting Parties.
3. Pets accompanying travellers shall also be entered in their permit upon presentation of an official veterinary certificate issued by the competent authority in one of the Contracting Parties, or in the country of which the owner of the pet is a citizen.
4. A border-crossing permit shall be issued by the authority competent for border control at a border crossing for border traffic on the form under Annex E.
5. A permit may be issued for a single application of up to 7 days.

## ARTICLE 5

1. A tourist permit may be issued for crossing the border within tourist zones, for travel in the waters of border watercourses and in the border area as well as in the border area at sea, and for crossing the border at pathways and cycling tracks, whereby the border may be crossed only with personal luggage which is required during the travel and is exempt from customs duties. A permit shall be issued upon the presentation of a passport or identity card or other identification document.
2. A tourist permit may be issued to citizens of the Contracting Parties and citizens of third countries; a tourist permit may only be issued to those citizens of third countries who do not require an entry visa in any of the Contracting Parties.
3. Persons under 18 years of age may be entered in the tourist permit of one or both of their parents, their legal representative or guardian.
4. A pet accompanying a traveller shall also be entered in the permit upon the presentation of an official veterinary certificate issued by the competent authority in one of the Contracting Parties or in the country of which the owner of the pet is a citizen.



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5. A tourist permit shall be issued with a validity of 30 days. The validity shall be marked on the permit. The holder with a valid permit and the official document on the basis of which the permit was issued may cross the border several times within tourist zones, in the waters of border watercourses and in the border area, in the border area at sea, and at pathways and cycling tracks, as marked on the permit, and stay in the border area of the other Contracting Party.
6. A tourist permit shall be issued by the competent police station, in the area of which the tourist zone is located, on the form under Annex F. Notwithstanding the provisions of Paragraph 5 hereof, a tourist permit with a validity of up to one year may be issued to citizens of the Contracting Parties with permanent residence in the Contracting Party.

## Article 6

1. Tourist zones extending beyond the state border may be established on land, at sea and in the waters of border watercourses in order to allow for hiking, cycling, mountaineering, winter and water sports and sport fishing in the border area.
2. Tourist zones and their size shall be defined by the Permanent Mixed Commission upon the proposal of the neighbouring border municipalities. A tourist zone must be clearly defined in accordance with the local customs.
3. In tourist zones the border may be crossed without limitations only with a valid tourist permit and the official document on the basis of which the permit was issued, with personal luggage which is required during the travel and is exempt from customs duties.
4. Permit holders may leave a tourist zone only in the Contracting Party in which they entered the tourist zone, unless the point of exit in the other Contracting Party is explicitly stated.
5. In the event of *force majeure*, tourist permit holders may exit a tourist zone in the other Contracting Party. They must, however, return to the country of their entry as soon as possible at the nearest international or interstate border crossing, or at a border crossing for border traffic.

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## ARTICLE 7

1. Pathways and cycling tracks running across the state border may be established in order to allow for hiking, cycling or mountaineering in the border area across the border outside tourist zones and border crossings.
2. Pathways and cycling tracks shall be designated by the Permanent Mixed Commission on the proposal of the neighbouring border municipalities. The pathways and cycling tracks must be clearly marked in accordance with the local customs.
3. The border may be crossed at pathways and cycling tracks without limitations only with a valid tourist permit and the official document on the basis of which the permit was issued, with personal luggage which is required during the travel and is exempt from customs duties.
4. Permit holders crossing the border at such a pathway or track must return to the country in which they started their journey on the same day by the same or another pathway or cycling track, or at the closest international or interstate border crossing, or border crossing for border traffic, unless a different time of return is explicitly stated in their permit.
5. In the event of *force majeure*, tourist permit holders may remain in the other Contracting Party longer; however they must accordingly immediately inform the nearest police station in the border area in which they stay. They may leave the pathway or cycling track in the area of the other Contracting Party; however they must return as soon as possible to the country of their entry at the closest international or interstate border crossing, or border crossing for border traffic.

## ARTICLE 8

With the aim of facilitating the development of nautical tourism at sea in the border area, the two Contracting Parties shall grant to vessels used for sport or recreation and registered in the border area at sea of the other Contracting Party that cross border and navigate in the border area equal treatment as that accorded to vessels registered in their respective countries. The treatment of such foreign vessels, stationed in marinas and ports in the border area at sea of the Contracting Parties shall be agreed upon within the Permanent Mixed Commission pursuant to Article 6. The provision of this Article shall in no way affect the existing navigation regime in the border area at sea of the Contracting Parties.

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## ARTICLE 9

1. All citizens of the Contracting Parties and citizens of third countries who are holders of a valid fishing licence issued by competent authorities of the Contracting Parties may engage in sport fishing in border watercourses.
2. Citizens of the Contracting Parties with permanent residence in the border area and holding a valid fishing licence issued by competent authorities of the Contracting Parties may engage in sea sport fishing in the border area.
3. Citizens of the Contracting Parties may engage in sport fishing in border watercourses in the whole area of watercourses (both banks), while citizens of third countries may only engage in sport fishing on the side of the border where they bought their licence.
4. Bringing the permitted number of caught fish (fishing norm) across the border shall not be considered as an import with regard to the payment of charges on import.

## ARTICLE 10

1. Citizens of the Contracting Parties and citizens of third countries who are holders of a firearms hunting certificate may bring not more than two hunting firearms and one hundred pieces of ammunition for a rifle and five hundred pieces of ammunition for a shotgun to the neighbouring border area during the hunting season. They must respect the regulations of the Contracting Parties relating to hunting.
2. Persons under Paragraph 1 hereof must have an appropriate identification document and a firearms hunting certificate on them, and citizens of third countries must also have a certificate proving that they are tourist hunters and holders of a hunting licence.
3. A permit to bring in their own firearms for citizens of the other Contracting Party, or for citizens of a third country who come for hunting but do not have their firearms entered in their passport, shall be stamped into their passport or other appropriate document with which the citizens cross the border by the authority competent for border control.
4. A citizen of the other Contracting Party or a citizen of a third country may cross the border with one or several hunting dogs. When crossing the border, a certificate of vaccination against rabies, not older than one year, must be presented along with a veterinary certificate not older than ten days proving that the dog is healthy. These certificates may be entered in the international veterinary certificate for dogs, provided they are certified by the stamp of the competent authority.

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5. With the aim of ensuring unified activities of hunters relating to wild animal populations and protected species living in the border region, the Permanent Mixed Commission shall set up an expert team for harmonising the activities relating to these populations. In examining the criteria for the protection, raising and hunting of wild animals, the Contracting Parties shall undertake to implement the criteria that are more favourable for wild animals or those that ensure a higher level of protection.
6. Hunting associations and other authorised legal entities in the border area of the Contracting Parties shall mutually inform each other of animals wounded by shooting and seeking refuge on the territory of the other Contracting Party.

## CHAPTER III

### AGRICULTURAL AND FORESTRY ACTIVITIES, OWNERS OF PROPERTY DIVIDED BY THE BORDER, AND CROSSING THE BORDER

#### ARTICLE 11

1. Citizens of the Contracting Parties listed in this Article, who have permanent residence in one of the border areas, shall be entitled to cross the border and reside in the neighbouring border areas with an agricultural form in their border pass:
  - a) Owners, tenants, lessees, usufructuaries of land holdings divided by the border line or situated entirely in the neighbouring border area (owners of property divided by the border line);
  - b) Family members and labour force of persons under Item a);
  - c) Owners of herds, individual animals and bees sent out to pasture or gather in the neighbouring border area, and their herdsmen and breeders;
  - d) Persons enjoying easement with respect to forests or easement with respect to waters in the neighbouring border area;
  - e) Foresters and charcoal burners working in the neighbouring border area;

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- f) Owners of land, tenants, lessees, usufructuaries and their family members and labour force, who need to use roads and pathways running across the neighbouring border area in order to reach in the most suitable way their land holdings situated in the same border area;
  - g) Employees of co-operatives and other legal entities owning such land holdings.
2. The agricultural form shall entitle its holder to cross the border at several border crossings which are entered in the form on the basis of Annex C, and at other places entered in the agricultural form. The agricultural form shall also entitle its holder to stay for up to seven days on the land holdings or municipalities in the neighbouring border area, which are entered in the form. On departure and return, the border must be crossed at the same place.
  3. Owners of land holdings divided by the border, their family members and their labour force shall be entitled to remain on the other side of the border longer, if this is necessary for economic reasons, particularly if their outbuildings are situated there.
  4. Owners of herds, individual animals and bees as well as herdsmen and breeders may remain in the neighbouring border area without interruption during the entire pasturing season or growing period, however not longer than seven months. Persons enjoying easement with respect to forests, foresters and charcoal burners may remain in the neighbouring border area for a period not exceeding three months.
  5. Persons under 15 years of age may cross the state border only in the company of the persons in whose border passes they are entered.
  6. The agricultural form shall be issued by the competent authority in the country of permanent residence upon application by the entitled person on the form under Annex G.
  7. The agricultural form shall be issued as an insert to the border pass.

## ARTICLE 12

1. Owners, tenants, lessees and usufructuaries of land holdings divided by the border line, their family members and their labour force may cross the border at any place on their land holdings for the purpose of cultivating the land. They must not, however, leave their land holding and go to the hinterland of the border area.
2. The persons under Paragraph 1 may only cross the border in forests by the roads and pathways for which they have received consensual approval by the border authorities of both Contracting Parties.

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## ARTICLE 13

Neither Contracting Party may in any way impose higher taxes on land holdings on the other side of the border than on the land holdings of its citizens in the same border area.

## ARTICLE 14

1. Persons under Articles 11 and 12 may carry, transport or take from one border area to another without export and import permits and free of customs duty and other charges and taxes:
  - a) Livestock and the necessary amount of foodstuffs;
  - b) Agricultural and forestry machines, tools and vehicles with spare parts and necessary amount of fuel and lubricant;
  - c) All other articles and resources in the amount necessary for cultivating the land in the land holdings in the neighbouring border area, as well as fertiliser of all types, seeds, seedlings, saplings, plantcare products, pharmaceuticals for livestock, winegrowing equipment, cellar equipment, barrels, material for maintenance and renovation of houses, etc.
  - d) Crops and range of forest products, grown on the land holdings in the neighbouring border region, and products of animal origin, including young animals, as well as packaging material required for transport of these products. The above persons must by 30 June of the following year bring these products into the border area of the Contracting Party in which they reside.
2. After the work is completed and the pasturing is over, livestock and tools, machines and vehicles, unused foodstuffs, fuel and lubricant must be returned to the Contracting Party, from which they were brought.



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## ARTICLE 15

1. Each animal taken into the neighbouring border area must have a veterinary certificate for live animals. Each animal must be marked.
2. A veterinary certificate for live animals shall not be required for working livestock entered in the agricultural form, taken by the owner of a land holding divided by the border to the neighbouring border area and back on the same day.
3. If livestock put out to pasture in the neighbouring border area gives birth, dies or is butchered in the event of emergency, this must be confirmed in the agricultural form by the competent veterinary authority.

## ARTICLE 16

1. Livestock may be taken for seasonal pasture from the border area into the neighbouring border area and back if so permitted by the competent veterinary authority. The permit shall be issued unless there are veterinary-sanitary reasons for the prohibition of taking livestock to the neighbouring border area and back.
2. Should the return of livestock during its pasturing be required due to veterinary-sanitary reasons, or should it not be possible for the same reasons to take livestock back after the end of pasturing, the adequate measures of the competent veterinary authority shall apply. The competent veterinary authority shall first inform accordingly the competent veterinary authority of the neighbouring border area.
3. Livestock, including young animals born during pasturing, must be taken back across the same border crossing for border traffic across which they were brought in. The owner must inform in advance the customs authorities of both Contracting Parties about the return of livestock and submit documents under Article 15, Paragraph 1.
4. Owners of livestock and their herdsman and stockbreeders, holders of a valid border pass with an agricultural form may seek lost animals in order to return them to the herd. They must give advance notice of this to the closest border control authority.

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5. Products of animal origin produced during pasturing, such as milk, cheese, hair, wool or skin as well as the meat of butchered animals, and honey, which have undergone veterinary-sanitary inspection and which are hygienically safe for public consumption, may be taken into the border area from which the animals originate one week after their return at the latest if they were not used in the neighbouring border area. A sanitary certificate shall be required for the above products, issued by the competent veterinary authority in the border area in which livestock was put out to pasture.
6. The selling of livestock on pasture, artificial insemination and the breeding of livestock from one border area with livestock in the other border area shall not be permitted. It shall be prohibited to transport across the border carcasses of dead animals or parts thereof.
7. Owners may transport across the border young animals born during pasture and products under Paragraph 5 hereof without export and import permits, free of customs duties, other charges and taxes, provided they correspond to the number and type of livestock and the duration of pasture.

## ARTICLE 17

1. All livestock, except those under Article 15, Paragraph 2, and bees shall be under customs control for return in compliance with customs regulations of the Contracting Party. The customs authorities may in this procedure require a suitable security for the payment of customs duties and other charges, in the event of well-founded suspicion that livestock will be illegally alienated on the neighbouring border area.
2. When crossing the border, the owners must submit to the customs authorities of both Contracting Parties a signed list of livestock which they take to pasture from one border area to the other. The same list must be handed over to the competent authority in the area to which livestock is taken. The list must contain the characteristics of each animal (breed, sex, potential pregnancy, sign in ear, brand, colour, etc).

## ARTICLE 18

1. Unless otherwise stipulated in this Agreement, the internal veterinary-sanitary regulations in force and the import-export regimes in force shall apply in both Contracting Parties.
2. The competent authorities in border areas must inform each other about the occurrence of infectious diseases in their border areas and about veterinary-sanitary measures. They must also inform each other about limitations and prohibitions and about their termination.



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## ARTICLE 19

1. Agricultural form holders under Article 11 and persons under Article 12 may carry plant products and articles under Article 14 without special phytosanitary control. Such phytosanitary regulations shall apply to these products as to products produced in the country of permanent residence. Phytosanitary regulations of the Contracting Parties shall apply to border pass holders who are not holders of an agricultural form; these persons may only carry the above products across the border at interstate and international border crossings designated for the traffic in plants.
2. The competent authority may prohibit or limit taking certain plant products in or out of the country, if necessary due to special circumstances.
3. The competent authorities of the Contracting Parties define by agreement the methods of providing information about the occurrence of plant diseases and pest in the border areas and make arrangements on common measures.
4. Unless otherwise stipulated in this Agreement, the Agreement does not affect phytosanitary regulations, prohibitions and limitations in the Contracting Parties or import-export limitations.

## *Chapter IV*

### CROSSING THE BORDER OUTSIDE THE OFFICIALLY OPENED BORDER CROSSINGS

## ARTICLE 20

1. The holder of the border pass entitled to cross the border outside the officially opened border crossings or beyond the official hours may be issued with the requested pass for this purpose by the competent authority of the Contracting Party in which the holder has permanent residence unless this is contrary to public interest. The locations and the time of crossing the border shall be entered in the border pass.
2. The border pass must be visaed by the competent authority of the other Contracting Party.

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## ARTICLE 21

1. In case of immediate danger due to an accident, natural disaster and in other emergency cases, medical staff, fire-fighters and other rescue teams and the affected population from the border area may cross the border at any location and without documents required to cross the border in order to provide assistance or be given assistance in the border area of the other Contracting Party.
2. The competent authority of one of the Contracting Parties must be informed about such border crossing as soon as possible, and shall then inform the authority of the other Contracting Party about this.

## Chapter V

### FOREIGN CURRENCY AND CUSTOMS RELIEF

#### Article 22

1. With regard to funds that holders of border passes carry to the neighbouring border area, either Contracting Party shall apply its respective internal regulations.
2. When returning from the neighbouring border area, holders of border passes may bring in goods for personal use and goods for their households once daily without paying customs duties and other charges on import in the value stipulated by the internal regulations of the Contracting Party.
3. Holders of an agricultural farm may bring in from the border area where they have their land holdings to the border area of their permanent residence agricultural products, wild fruit, timber and products of animal origin which they produced or grew on their land holdings or in their forest in the neighbouring border area. No import or export permit is required for such goods and no customs duties and other charges on import are payable, even if the goods are intended for sale. A range of forest wood and timber may be transferred from the border area where the land holdings are located to the area of permanent residence on the basis of documentation issued by the competent forestry authority.
4. Inhabitants of one border area employed in the other border area may transfer all their salary or part of it in compliance with the general payment transactions arrangement between the Contracting Parties.

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5. Holders of border passes may carry flowers or flower arrangements intended for ceremonial purposes and not for sale from one border area to the other without payment of customs duties and other charges on import.

## ARTICLE 23

Holders of border passes may carry from the neighbouring border area to the border area of their permanent residence without payment of customs duties and other charges on imports the following:

- a) prescription medicines or veterinary prescription medicines,
- b) medicines without prescription if the name of the medicine is written on the wrapper and if holders are to use the medicine for themselves or their family members in normal quantities and in retail packing.

## ARTICLE 24

The customs authorities of the Contracting Parties shall establish the value of imported and exported goods on the basis of their respective internal regulations and shall exchange the necessary information.

## Chapter VI

### MARITIME AND LAND TRANSPORT IN THE BORDER AREA

#### Article 25

General conditions of the establishment and operation of regular services between the border areas of the Contracting Parties at sea and on land are based on the principle of reciprocity unless otherwise regulated by bilateral agreements for specific areas of transport between the Contracting Parties.

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## Article 26

1. The Permanent Mixed Commission shall define maritime regular services between the ports in border areas and general conditions for providing regular services in the border area.
2. Each year, the competent authorities of the Contracting Parties duly coordinate the timetable, rates and other technical conditions relating to regular services at sea and on land.
3. During the course of the year the competent authorities of the Contracting Parties may agree upon possible changes of timetable, rates and other technical conditions relating to regular services at sea and on land.

## ARTICLE 27

Carriers without a seat or permanent residence in the area of the Contracting Party in which regular services at sea and on land under Article 25 are provided shall be exempt from all kinds of fees or taxes for the activity performed on the territory of this Contracting Party.

## ARTICLE 28

1. The rates of regular services at sea with departure from the same location between the border areas of the Contracting Parties must be the same for the same route.
2. The provisions under Paragraph 1 hereof shall apply to the rates of regular land services between the border areas of the Contracting Parties with departure from the same location and for the same route.

## ARTICLE 29

1. For the purpose of unimpeded regular services, tickets may be sold on board of ships or buses.
2. Notwithstanding Paragraph 1 hereof, tickets cannot be sold on board of ships which departed from the last port of the Contracting Party.
3. Ship or bus tickets shall be charged in the currency of the Contracting Party in which they are sold.

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## ARTICLE 30

1. The funds acquired by the sale of tickets under the foregoing article may not be directly transferred to the other border area; the carrier is obliged to deposit them on his account with the authorised bank.
2. Carriers in whose name the account has been opened may draw funds required for providing regular services from these accounts.
3. The balance of the accounts from the foregoing paragraph shall be transferred to the other Contracting Party in compliance with the general payment transactions arrangement between the Contracting Parties.

## ARTICLE 31

1. Vessels under the flag of the Contracting Parties may only provide maritime regular services as defined under this agreement. Exceptionally, in the event of force majeure or average, regular service is also allowed for vessels under the flag of third countries for a short period subject to consent of the competent ministry of the other Contracting Party.
2. Pursuant to Article 26, the competent Harbour Master's Office of one Contracting Party is bound to inform the competent Harbour Master's Office of the other Contracting Party about the date of starting a new regular service, the names of carriers using these services and the names of vessels providing these services.

## ARTICLE 32

1. The Contracting Parties shall engage to grant to the vessels of the other Contracting Party providing regular services in compliance with this agreement treatment equal to that of its own vessels in respect of entry, landing and departing from port, paying taxes and fees, as well as in respect of the place of landing, embarking and disembarking.
2. The Contracting Parties shall undertake to limit the formalities carried out in ports of the other border area to the lowest possible extent, provided that the vessels under Paragraph 1 hereof, their crew and passengers are involved.

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## ARTICLE 33

1. The vessels under Article 31, Paragraph 1, may not provide cabotage between ports in the border area of the other Contracting Party.
2. If a vessel which stops in several ports of one border area embarks passengers for the other border area, this shall not be considered as cabotage under Paragraph 1 hereof.

## ARTICLE 34

Potential transport of goods with vessels carrying passengers in compliance with the provisions of this Agreement shall be carried out in accordance with the general regulations of the Contracting Parties.

## ARTICLE 35

Any potentially more favourable provisions of international agreements applicable to the Contracting Parties, and agreements concluded between the Contracting Parties relating to maritime and land transport, shall also apply to regular services at sea and on land provided under this Agreement.

## ARTICLE 36

For boat-towed rafts on border rivers, technical and other regulations on inland navigation of the Contracting Party in which the raft has been registered shall be applicable.

## ARTICLE 37

Regular passenger transport under this Agreement shall be provided on the basis of licences issued to transport operators in accordance with the applicable legislation of the Contracting Parties and with the bilateral agreement governing road transport.

# RESTREINT UE

## ARTICLE 38

Transport operators under Article 37 may not carry out cabotage unless they acquire a relevant licence in compliance with legislation of the Contracting Party, in which such transport is provided.

## ARTICLE 39

1. Vehicles must be insured against causing damage to a third person by an insurance policy covering the entire transport route.
2. Insurance conditions must be in compliance with the regulations of the Contracting Party in which the transport is provided.

## ARTICLE 40

1. Road hauliers providing transport of goods or own-account transport by road may, under this Agreement, provide transport of goods if they have been issued with an appropriate licence by the competent authorities of the Contracting Party. The Contracting Parties will not limit the number of licences issued.
2. Road hauliers under Paragraph 1 hereof may carry out cabotage only if they acquire a licence issued by the competent authorities of the Contracting Party in which such transport will be provided.



# RESTREINT UE

## *Chapter VII*

### **BORDER ECONOMIC COOPERATION**

#### **ARTICLE 41**

1. Border local communities and economic entities having a seat or permanent residence in the border area of the Contracting Parties may directly cooperate in compliance with the provisions of this Agreement and the regulations of the Contracting Parties.
2. Local communities shall inform the head of the delegation in the Permanent Mixed Commission of the Contracting Party, in which they have their seat or permanent residence, of their activities which go beyond customary business cooperation.

#### **ARTICLE 42**

The Contracting Parties will, with a view to ensuring the well-regulated economic development of border areas, notify each other of the planned activities affecting the environment in the border area, of investments in this area as well as all other issues which, due to their nature, influence or may influence the living and working conditions of people in the border area.

#### **ARTICLE 43**

1. The Contracting Parties shall engage to avoid all ecologically questionable activities affecting the border area and to notify one another of those planned activities which might affect the other Contracting Party.
2. The Contracting Parties shall be obliged to cooperate in eliminating the causes and effects of environmental pollution.
3. Forestry authorities of the Contracting Parties shall cooperate in the management of forests, which form part of the shared forest ecosystem on either side of the border. The same shall apply to natural treasures or cultural heritage.



# RESTREINT UE

## ARTICLE 44

1. The Contracting Parties shall reciprocally facilitate the undisturbed supply of the border population with pure drinking water in conformity with health standards, gas and electricity as well as post and telecommunications services in cases when the water, electricity or gas supply and the post and telecommunications network from either Contracting Party constitutes a service provided to or used by the population in the other Contracting Party.
2. The supply of electricity, gas and water, as well as the provision of postal and telecommunications services in cases when the supply or service is provided from secondary lines and installations in the border area, shall be exempt from all charges on import and fees and shall be subject to equal treatment as that of the supply to domestic consumers.
3. The payment of the supplied electricity, water and gas as well as postal and telecommunications services under this Agreement shall be regulated by a contract between the relevant economic entities of the Contracting Parties.

## ARTICLE 45

1. The Contracting Parties will reciprocally facilitate unimpeded maintenance of infrastructure objects (plumbing, electric installation, telephone installation, road and rail infrastructure etc.) intended for the border population of either Contracting Party and for crossing the territory of the other Contracting Party.
2. Unless otherwise agreed by the Contracting Parties, the maintenance will be financed by the Contracting Party for which the infrastructure objects are intended.

## ARTICLE 46

Each Contracting Party shall undertake to grant to economic entities free access to the border area of the other Contracting Party across its border area in those places where transport infrastructure provides no access to this border area via the territory of the Contracting Party to which this area belongs.

# RESTREINT UE

## ARTICLE 47

1. Each Contracting Party shall, with a view to ensuring unhindered continued cooperation and development in border sea fishing, reciprocally facilitate fishing in its border area in the sea, as provided for in Article 1, Paragraph 4, for fishers having permanent residence or the seat of a company in the border area of the other Contracting Party.
2. The Contracting Parties shall undertake, under the provisions of Paragraph 1 hereof and within the scope of the provisions of this Agreement, to grant to fishermen treatment equal to that accorded to domestic fishermen.
3. Fishermen fishing in the neighbouring border area must comply with the regulations of the Contracting Party, applicable to fishing in that area.
4. The provisions of this Article through Article 52 shall apply to the catch of fish, shellfish and other sea organisms.

## ARTICLE 48

Fishing equipment shall be specified by the Permanent Mixed Commission on the proposal of a special expert group, which shall be established under Article 54, Paragraph 10, i.e. as concerns the technology of the catch of fish, shellfish and other sea organisms, and propose the total authorised catch of fish, shellfish and other sea organisms.

## ARTICLE 49

The number of fishing vessels shall be specified by the Contracting Parties on the principle of reciprocity, i.e. five fishing vessels (trawl-boats) with trawls and twenty fishing vessels with drift-nets per each Contracting Party. Such a number of vessels may daily fish in the border area in the sea of the other Contracting Party, provided that they are entered in the register of fishing vessels at the ports in the border area of the Contracting Parties.

## ARTICLE 50

The fishing licence shall be issued by the competent administrative authority of a Contracting Party on the proposal of the Permanent Mixed Commission.

# RESTREINT UE

## ARTICLE 51

1. Fishermen fishing in the border area of either Contracting Party may import the catch of fish, shellfish and other sea organisms duty free into the border area of the Contracting Party in which the fishing vessel has been registered.
2. The catch intended for direct sale shall be subject to veterinary control in the country of import, and exempt from duty and other charges on import.

## ARTICLE 52

The Contracting Parties shall cooperate in the spreading and development of mariculture.

## ARTICLE 53

1. The Contracting Parties will, with a view to ensuring joint management of fresh water life in the waters belonging to border watercourses, reciprocally enable fishing organisations to manage the border area and provide sport fishing for citizens of both Contracting Parties.
2. The management of freshwater life includes the breeding, protection and catch of fish and other living organisms as well as fish rearing in compliance with the respective internal legislation of the Contracting Parties governing freshwater fishing.
3. Fishing organisations managing a part of border watercourse shall elaborate a joint plan for fishing and fish farming, taking into account the regulations of the Contracting Party, which afford stricter and more effective protection of freshwater life.
4. The entitled persons under this Article may cross the border only at the officially designated border crossings.

# RESTREINT UE

## Chapter VIII

### AUTHORITIES FOR IMPLEMENTATION OF THE AGREEMENT

#### Article 54

1. The Permanent Mixed Commission shall be established with a view to developing border traffic and ensuring correct application of this Agreement. The Commission shall be composed of the delegations of both Contracting Parties. Each delegation may include up to six members, and each member may have a deputy. Each delegation shall be led by a head. Either side may invite experts to participate in their work.
2. The modalities of work of the Permanent Mixed Commission shall be laid down in the Rules of Procedure. The Permanent Mixed Commission shall adopt the Rules of Procedure at its first session.
3. The Permanent Mixed Commission shall deal with all issues relating to the interpretation and application of this Agreement.
4. The Permanent Mixed Commission shall also have the right to approve the issuing of a border pass and an agricultural form also in respect of persons not fulfilling the requirements under this Agreement.
5. The decisions of the Permanent Mixed Commission shall be adopted by consensus of both delegations.
6. The decisions of the Permanent Mixed Commission shall come into effect after they have been approved by the governments of both Contracting Parties. This shall not apply to decisions containing proposals for amendments to the Agreement.
7. The Permanent Mixed Commission shall hold a regular session annually alternately in one and the other Contracting Party. In addition, extraordinary sessions may also be convened at the request of either Contracting Party. The time and place of the session will be agreed upon by the Contracting Parties in due time.
8. The heads of delegations may by mutual agreement propose that the competent authorities meet and deal with certain issues regarding the application of this Agreement. The provision of Paragraph 5 hereof shall apply *mutatis mutandis* to decisions adopted at such meetings.
9. The competent authorities shall notify the Permanent Mixed Commission of the issues dealt with and the results achieved.
10. For the coordination of interests in individual areas covered by this Agreement, the Permanent Mixed Commission may establish specialised working bodies composed of members from either Contracting Party. The working bodies shall propose to the Commission the adoption of decisions in the areas they cover.
11. Either Contracting Party shall cover the expenses for the members appointed by the Commission, including the costs of experts engaged. Unless otherwise agreed, either Contracting Party shall assume an equal portion of other costs related to the activities of the Commission.

# RESTREINT UE

## ARTICLE 55

At the first session of the Permanent Mixed Commission, the Contracting Parties shall exchange the lists of authorities competent for implementing certain provisions of the Agreement and any changes in this respect within 15 days after they were introduced by an exchange of letters between the heads of the delegations in the Permanent Mixed Commission.

### *Chapter IX*

## VISAING, REFUSAL TO ISSUE DOCUMENTS AND SEIZURE OF DOCUMENTS, ADMISSION OF REFUSED PERSONS

### ARTICLE 56

1. The Contracting Parties shall exchange documents, which must be visaed under the provisions of this Agreement, through the agreed channels. The other Contracting Party shall return visaed documents within four weeks as of the date of their receipt. In case a Contracting Party refuses to visa a document, it must be returned to the other Contracting Party with the statement of grounds for refusal.
2. Issuing documents and entry into documents under this Agreement may be refused if:
  - a) This is required by the internal regulations governing the ban on issuing travel documents;
  - b) There is a well-founded suspicion that, through the issuing of documents or the entry into the documents, applicants might, during their stay in the other Contracting Party, violate its legal order;
  - c) There is a well-founded suspicion that the applicant or the person entered might misuse the document.
3. The documents may be seized, if facts arise or are subsequently established, requiring that the issuing be refused. The document, which must be visaed by the competent authority of the other Contracting Party, may also be seized at the request of the competent authority.

## RESTREINT UE

4. In case of misuse, the authority competent for the issuing or for border control may retain the documents required for crossing the border. The documents retained must be forwarded to the competent authority within three days together with the proposal to institute violations procedure or with the relevant information; in case of no suspicion that a violation or a criminal offence has been committed, the documents retained must be forwarded to the issuing authority together with the statement of grounds for their retention. The holder of the document must be issued with a certificate on seizure on the form under Annex H. This certificate enables holders to return to the border area from which they came.

### ARTICLE 57

Either Contracting Party shall at all times and without formalities admit the person who came to the territory of the other Contracting Party on the basis of this Agreement.

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# RESTREINT UE

## Chapter X

### GENERAL PROVISIONS

#### ARTICLE 58

1. In addition to the provisions of this Agreement, all legal regulations in force in the Contracting Parties shall apply.
2. This shall apply particularly to the regulations of both Contracting Parties on the return of persons, deportation, possession and transfer of weapons across the border, refugees, performing activities, employment and import, export and transit of goods.
3. Holders of documents issued under this Agreement must comply with the provisions of this Agreement and regulations in force in the other Contracting Party.

#### ARTICLE 59

The provisions of this Agreement do not in any way prejudice the delineation and demarcation of the state border between the Contracting Parties.

#### ARTICLE 60

1. This Agreement shall take effect on the date of receipt of the last notification in writing, through diplomatic channels, by which the Contracting Parties inform each other about the fulfilment of the requirements provided by their respective internal legislation for the entry into force of this Agreement.
2. This Agreement shall be concluded for three years and shall be extended tacitly for each subsequent year if neither Contracting Party terminates the Agreement through diplomatic channels by a written notice six months prior to its expiry.

## RESTREINT UE

3. Either Contracting Party may, with the exception of Article 57, provisionally suspend the implementation of the Agreement, partly or in whole. The other Contracting Party must be immediately notified through diplomatic channels of suspension of the implementation of this Agreement as well as of the termination of suspension.
4. Annexes A to H are an integral part of this Agreement.

Done at \_\_\_\_\_ on \_\_\_\_\_ in two originals in the Slovene and Croatian languages, both texts being equally authentic.

**For the Republic of Slovenia**

**For the Republic of Croatia**

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