

N° 480.

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**ITALIE  
ET ROYAUME DES SERBES,  
CROATES ET SLOVÈNES**

Convention pour la répression de la  
contrebande et des contraventions  
aux lois de finance, signée à Rome  
le 23 octobre 1922.

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**ITALY AND  
KINGDOM OF THE SERBS,  
CROATS AND SLOVENES**

Convention regarding the suppres-  
sion of contraband trade and  
offences against the Finance Laws,  
signed at Rome, October 23, 1922.

## TEXTE ITALIEN. — ITALIAN TEXT.

No. 480. CONVENZIONE <sup>1</sup> FRA IL REGNO D'ITALIA ED IL REGNO DEI SERBI, CROATI E SLOVENI PER LA REPRESSIONE DEL CONTRABBANDO E DELLE CONTRAVVENZIONI ALLE LEGGI DI FINANZA, FIRMATA A ROMA, IL 23 OTTOBRE 1922.

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*Official French and Italian texts communicated by the Italian Representative on the Council of the League of Nations and by the Minister for the Kingdom of the Serbs, Croats and Slovenes at Berne<sup>2</sup>. The registration of this convention took place September 12, 1923.*

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SUA MAESTÀ IL RE D'ITALIA e SUA MAESTÀ IL RE DEI SERBI, CROATI E SLOVENI, animati dal desiderio di fornire agli organi competenti dei loro Stati i mezzi convenienti affinché possano cooperare ad impedire e punire il contrabbando dal territorio dell'uno nel territorio dell'altro Stato, hanno stabilito di concludere una convenzione a tal'effetto ed hanno nominato Loro Plenipotenziari :

SUA MAESTÀ IL RE D'ITALIA.

S. E. Carlo SCHANZER, Senatore del Regno, Suo Ministro degli Affari Esteri ;

SUA MAESTÀ IL RE DEI SERBI, CROATI E SLOVENI

S. E. Voislav ANTONIEVITCH, Suo Inviato Straordinario e Ministro Plenipotenziario,

i quali, dopo essersi scambiati i loro pieni poteri, trovati in buona e debita forma, hanno convenuto quanto segue :

*Articolo 1.*

Ciascuna delle Alte Parti contraenti si obbliga a cooperare, nei modi stabiliti nelle disposizioni seguenti, a ciò che le contravvenzioni alle leggi doganali o a quelle dei monopoli di Stato dell'altra Parte contraente, siano prevenute e punite.

*Articolo 2.*

Ciascuna delle Alte Parti contraenti darà istruzioni ai suoi funzionari incaricati di prevenire o di reprimere le contravvenzioni alle leggi di dogana o dei monopoli di Stato, affinché, non appena siano informati che si stia preparando o che sia stata già commessa una contravvenzione alle leggi suddette dell'altra Parte contraente, essi facciano di tutto, nel primo caso per impedirne l'esecuzione con tutti i mezzi di cui dispongono, ed, in entrambi i casi, ne facciano denuncia all'autorità competente del proprio Paese.

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<sup>1</sup> The exchange of ratifications took place at Rome, February 26, 1923.

<sup>2</sup> See foot-note 2, page 406 of this Volume.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 480. — CONVENTION BETWEEN THE KINGDOM OF ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES REGARDING THE SUPPRESSION OF CONTRABAND TRADE AND OFFENCES AGAINST THE FINANCE LAWS, SIGNED AT ROME, OCTOBER 23, 1922.

HIS MAJESTY THE KING OF ITALY and HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES, being desirous of furnishing the competent organs of their States with suitable means for co-operation in the prevention and punishment of smuggling from the territory of one State into the territory of the other, have decided to conclude a Convention to this effect and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

His Excellency Carlo SCHANZER, Senator of the Kingdom, His Majesty's Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

His Excellency Voislav ANTONIEVITCH, His Majesty's Envoy Extraordinary and Minister Plenipotentiary ;

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

*Article 1.*

Each of the High Contracting Parties undertakes to co-operate, in the forms laid down in the following provisions, for the prevention, discovery and punishment of offences against the Customs laws or laws regarding State monopolies of the other Contracting Party.

*Article 2.*

The officials of each of the High Contracting Parties whose duty it is to prevent or report offences against the Customs laws or laws regarding State monopolies shall be bound, as soon as it shall come to their knowledge that an offence against the said laws of the other Contracting Party is contemplated or has been committed, in the first case to do all in their power to prevent it by all the means at their disposal and in both cases to report the matter to the competent authority of their own country.

*Article 3.*

The fiscal authorities of each Party shall notify the fiscal authorities of the other of all offences against the Customs laws or laws regarding State monopolies which may have been brought to

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

their notice, and shall inform them of all such facts and details relative thereto as they may have been able to discover.

The following shall be authorised to make such communications and to give such information :

In Italy, the Department of the Director-General of Customs and Indirect Taxes, the principal Customs offices and the revenue officers ; in the Kingdom of the Serbs, Croats and Slovenes, the Department of the Director-General of Customs and the principal Customs offices.

#### *Article 4.*

If the Customs authorities of one of the High Contracting Parties should, in order to discover or establish a fraud attempted or committed to the prejudice of the Customs duties or State monopolies of its own country, require details of the movements of the goods forming the object of the fraud, they may apply to the Customs authorities of the other High Contracting Party for information as to the action taken by the latter, the documents issued and on the entries made in the registers in regard to the said goods.

The Customs office to which the request shall have been made shall be obliged to comply with it without delay, except in the event of a special authorisation by higher authority being necessary for this purpose under its administrative regulations. In this eventuality it shall immediately apply for such authorisation and shall act in conformity with the instructions of the competent higher authority.

#### *Article 5.*

With a view to the prevention and discovery of attempts at smuggling, the fiscal authorities, the Customs and State monopoly officials and the revenue officers of the two High Contracting Parties shall cordially assist one another, not only by communicating their observations to this end as soon as possible, but also by keeping in constant touch with one another with a view to taking the concerted measures most suitable to their purpose.

#### *Article 6.*

Each of the High Contracting Parties undertakes to prevent stocks of goods which may be regarded as intended for fraudulent introduction into the territory of the other Party from being accumulated near the frontier or deposited there without being subjected to precautionary measures sufficient to eliminate the possibility of smuggling.

As a general rule, the establishment of dépôts of foreign goods not owned by nationals shall be prohibited in the vicinity of the frontier, in localities where no Customs offices exist.

Should it be necessary to depart from this rule, the Customs authorities shall place such dépôts under lock and key and shall keep them under observation. If in any special case it is not possible to place them under lock and key, other measures of control calculated to secure, as far as possible, the desired effect shall be adopted.

Stocks of nationalised foreign goods and of native goods in the frontier districts shall not exceed the requirements of lawful trade, that is, of trade proportionate to the local consumption in the district. Should there be any suspicion that the stocks of nationalised foreign goods or of native goods exceed the requirements of local consumption and that they are intended for smuggling, these dépôts shall, in so far as the laws permit, be subjected to special Customs supervision, in order to prevent smuggling.

#### *Article 7.*

At the request of the competent fiscal and judicial authorities of either of the High Contracting Parties, those of the other shall take or cause to be taken by the competent authorities of their

country the necessary measures to establish the facts and to collect proofs of acts of smuggling committed or attempted to the prejudice of the Customs duties or State monopolies, and to secure, if circumstances so demand, the provisional sequestration of the goods.

The authorities of each of the High Contracting Parties shall comply with requests of this nature as if they concerned offences against the Customs laws and laws regarding State monopolies in their own country.

Moreover, the Customs and State monopoly officials and the revenue officers of either of the High Contracting Parties may be called upon to give evidence before the competent authority of their country regarding the circumstances relative to the offence attempted or committed against the interests of the other High Contracting Party, should a request to this effect be addressed to the authority to which they are responsible by the competent authorities of the other Party.

#### *Article 8.*

The High Contracting Parties shall not tolerate in their own territory associations for the purpose of smuggling into the territory of the other Party, and shall not recognise the validity of insurance contracts for smuggling.

Further, the High Contracting Parties mutually undertake in their respective territories to keep under observation such nationals of the other Party as are notoriously addicted to smuggling.

#### *Article 9.*

Each of the High Contracting Parties undertakes :

- (a) Not to allow the passage into the territory of the other Party of goods whose importation or transit may be forbidden, unless proof is shewn that special permission has been granted by that Party.
- (b) Not to allow the exit of goods intended for the territory of the other Contracting Party and subject to import duties in that territory, except in the direction of a corresponding Customs office furnished with adequate powers. Such authorisation shall only be granted on condition that all unnecessary delay and any departure from the Customs route from one of the offices of the Contracting Parties to the other shall be avoided. It is also understood that the exit of goods shall only take place at certain hours, so calculated as to ensure that the goods reach the corresponding office during the regulation hours.

#### *Article 10.*

Each of the High Contracting Parties undertakes not to release the securities which have been furnished for the exit from its own territory of goods in transit, or for the re-exportation of non-nationalised foreign goods, and not to remit or refund the import duties or commodity taxes on goods at their exit, unless proof is given, in the form of a certificate from the office of entry of the other High Contracting Party, that the goods have been presented and declared there.

Under special circumstances, exceptions to the above-mentioned provision may, by common agreement, be allowed.

#### *Article 11.*

For the purposes of the provisions contained in Articles 9 (b) and 10, the High Contracting Parties shall, by common agreement, determine the number and the powers of the offices at which goods must be presented on crossing the common frontier, the hours at which the despatch and passage of goods may take place, and the manner in which they shall be conducted to the office of the other High Contracting Party.

*Article 12.*

Each of the High Contracting Parties shall, at the request of a competent authority of the other Party, impose upon persons committing or attempting to commit, against the interests of the other Party, offences against the regulations regarding prohibitions of entry, exit or transit, or fraudulent practices against the Customs or monopolies, the fines laid down by its own laws for similar or analogous offences in the following cases :

(1) If the accused is a national of the State by which he is to be prosecuted and punished ;

(2) If, not being a national of that State, he is resident there temporarily or otherwise, or if the offence has been committed on that territory and he was captured there on or after the arrival of the request for prosecution.

The penalties laid down by the laws of the other Contracting Party (suing) shall, however, be enforced if they are less stringent.

If the law provides that the fine must be fixed in proportion to the sum obtained by fraud, the tariff of the High Contracting Party whose Customs and monopoly laws have been broken shall be taken as a basis.

If the administrative organs of the High Contracting Parties differ as to the tariffing of the goods, the respective Governments shall first come to an agreement on the matter.

*Article 13.*

In the proceedings to be taken in conformity with Article 12, the official reports of the authorities or officials of the other Contracting Party shall as evidence have the same weight as is attached in similar cases to those of the authorities or officials of the country itself.

*Article 14.*

The costs arising out of proceedings to be taken under Article 12 shall be refunded by the High Contracting Party in whose interest the proceedings are taken, unless they can be covered by the value of the goods, whether confiscated or paid for by the offenders.

*Article 15.*

The sums disbursed by the accused in connection with proceedings taken under Article 12, or realised by the sale of the contraband goods, shall be expended in such a manner as to cover the costs of the proceedings in the first instance ; secondly, the duties of which the other High Contracting Party has been defrauded ; and thirdly, the fine.

The fine shall remain at the disposal of the High Contracting Party in whose territory the proceedings took place.

*Article 16.*

Proceedings taken by virtue of Article 12 shall be waived at the request of the High Contracting Party which applied for them, unless a definite sentence has been passed, that is to say, judgment has been given.

In that case, the provisions of Article 14 concerning costs shall also be applicable.

*Article 17.*

In the case of proceedings taken in the territory of either of the High Contracting Parties, either for offences against the Customs laws or monopolies of that Party or in virtue of Article 12, the administrative or judicial authorities of the other High Contracting Party shall, at the request of the authorities or the competent judge :

(1) Interrogate, if necessary upon oath, such witnesses and experts as are present in the district under their jurisdiction, and if need be, compel the former to give evidence, unless the laws of the country allow them to refuse to do so.

(2) Proceed on their own authority to an investigation and certify the results.

(3) Issue summons or warrants against such of the accused as may be in the district under the control of the authority which has been called upon, and are not nationals of the High Contracting Party to which it is responsible.

*Article 18.*

Each of the High Contracting Parties shall undertake to pay to such nationals of the other Party as may, in its interest, have contributed to the discovery or seizure of contraband goods the reward to which, in a similar case, its own nationals would be entitled, in accordance with the law of the country ; provided always that the offence was accurately described by the nationals of the other High Contracting Party and, further, not only that the proceedings relative to the matter are completely at an end, but also that the fine to which the offender was sentenced or the proceeds of the sale of the confiscated goods have been paid into the State Treasury.

*Article 19.*

In all ports of the Kingdom of the Serbs, Croats and Slovenes where no Consular agent of the Kingdom of Italy is in residence, and in all ports of the Kingdom of Italy where no Consular agent of the Kingdom of the Serbs, Croats and Slovenes is in residence, the Customs or port authorities (the latter, after having informed the Customs of the approaching departure of the ship) shall visa the manifest of the ships bound for one of the ports of the other State in all cases where, according to the Customs regulations of that State, manifests must be presented duly viséd.

Visas on the manifests of Italian ships and of ships of the Kingdom of the Serbs, Croats and Slovenes in the above-mentioned case shall be given free of charge by whatever authority (Consular, Customs, or port) they are issued.

*Article 20.*

The provisions laid down by the present Convention for commerce by land shall also, so far as they are relevant, apply to commerce by sea.

*Article 21.*

In the present Convention the words " Customs laws " include provisions concerning prohibitions of entry, exit, and transit, and the words " administrative authority " or " judicial authority " cover the authorities established in the territories of the two High Contracting Parties for the prosecution and punishment of offences against the aforesaid laws.

*Article 22.*

The present Convention shall remain in force for five years.

Unless one of the High Contracting Parties has denounced it one year before its expiry, it shall remain valid by tacit prolongation until the expiry of one year from the date on which either of the High Contracting Parties shall have denounced it.

It is, however, agreed that the aforesaid Convention shall not be denounced during the whole duration of the Treaty of Commerce and Navigation which is to be concluded between the High Contracting Parties, and that it will therefore, in any case, remain in force until such time as the aforesaid Treaty shall cease to be applied.

The present Convention shall be ratified and the ratifications shall be exchanged at Rome. It shall come into force twelve days after its ratification.

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

Done at Rome, in Italian and in French, in duplicate, on October 23, 1922.

(L. S.) (Signed) CARLO SCHANZER.

(L. S.) (Signed) VOISLAV ANTONIEVITCH.