

N° 1732.

HONGRIE ET ITALIE

Protocole concernant l'institution
d'une section douanière hongroise
(Expositure) dans le port de Fiume.
Signé à Rome, le 25 juillet 1927.

HUNGARY AND ITALY

Protocol regarding the Establishment
of a Hungarian Customs Section
(Expositure) in the Port of Fiume.
Signed at Rome, July 25, 1927.

¹ TRADUCTION. — TRANSLATION.

No. 1732. — PROTOCOL BETWEEN HUNGARY AND ITALY REGARDING THE ESTABLISHMENT OF A HUNGARIAN CUSTOMS SECTION (EXPOSITURE) IN THE PORT OF FIUME. SIGNED AT ROME, JULY 25, 1927.

French official text communicated by the Italian Minister for Foreign Affairs. The registration of this Protocol took place May 29, 1928.

Article 1.

The Hungarian Customs Section (*Expositure*) provided for under Article 16 of the Convention² regarding the development of Hungarian traffic in transit through the port of Fiume may carry out, through its officials and agents, all Customs operations, including the clearing of goods proceeding to Hungary or forwarded from Hungary for export.

The aforesaid Office will carry out these operations either in the warehouses mentioned in Articles 14 and 17 of the Convention, or in other places or areas of the port of Fiume where the goods proceeding to or coming from Hungary may be.

Agreements for the purpose will be entered into between the Administration of the Italian Customs and the Hungarian Customs *Expositure*.

The Hungarian Customs *Expositure* will have the right to affix its Customs seals to the vehicles containing the goods proceeding to Hungary, or, if necessary, to special sections of the above-mentioned warehouses.

Nevertheless, the Hungarian Customs *Expositure* shall take no step or action which might deprive the Italian Customs of their freedom of action in regard to the performance of their duties and the supervision of goods which have been or are to be examined, either inside the above-mentioned warehouses or elsewhere.

The Italian Customs for their part will endeavour not to impede the carrying out of the operations of the Hungarian Customs *Expositure*.

The Hungarian Customs *Expositure* will have the right to use the national coat of arms and national colours, with accompanying inscriptions in Hungarian and Italian.

Article 2.

As regards goods proceeding to Hungary, the Customs operations will be carried out simultaneously by the Italian Customs and by the Hungarian *Expositure*. Should this, however, prove impossible, the Italian Customs will carry out their operations after the Hungarian *Expositure*, the latter, however, retaining the right to supervise goods already examined until the Italian Customs have completed their operations.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² See page 53 of this Volume.

The Customs operations in the case of goods coming from Hungary and proceeding to the "Punto franco" at Fiume will be carried out by the Hungarian Customs *Expositure* after the waggons have been released by the Italian Customs, except where the latter have to check the goods contained therein; this may be done during unloading and in the presence of an official of the Hungarian Customs *Expositure*.

The Customs operations in the case of goods coming from Hungary or proceeding to the warehouses mentioned in Article 14 of the Convention, outside the "Punto franco", shall be carried out simultaneously by the Italian and Hungarian Customs officers. If that is impossible, the Hungarian Customs *Expositure* will carry out its operations after the goods have been released by the Italian Customs.

It is agreed that the Customs seals affixed by either of the offices cannot as a rule be removed by the Customs officials of the other office except in the presence of an official of the Customs office which affixed the said seals.

Article 3.

The Italian Frontier Customs will endeavour to ensure that incoming goods accompanied by Hungarian Customs documents will proceed on their way as quickly as possible, and they will maintain intact the seals or other fastenings placed on the waggons by the Hungarian offices, except where, according to special Customs regulations, it may be necessary to open the said waggons and examine the goods in order to establish their identity with the goods referred to in the transit documents.

If waggons which have been sealed or otherwise closed by the Italian or Hungarian Customs offices have to be opened or unloaded, whilst crossing Italian territory, on account of damage or injury or for any other reason due to *force majeure*, such action when carried out according to the Italian regulations for safeguarding the Italian Customs, shall also be recognised as valid by the Hungarian Customs Administration.

Article 4.

The Italian Customs will adopt the simplest procedure compatible with the requirements of fiscal supervision in the case of goods passing between the "Punto franco" at Fiume and the warehouses mentioned in Article 14 of the Convention.

Article 5.

Furniture, stationery, registers and all other material necessary for the operations of the Hungarian Customs *Expositure* shall be allowed to enter Italy free of all import duty.

Article 6.

The Italian and Hungarian Customs offices will co-operate with a view to preventing and discovering offences against the laws of either of the High Contracting Parties regarding Customs and State monopolies, and notifying such offences to the office of the other High Contracting Party.

These offices will furnish each other with all explanations and information which may concern them in this matter.

Article 7.

The Hungarian Customs Administration will notify the political authority at Fiume of the names of the officials and agents who are to be sent to the Customs *Expositure*. This notification should be made eight days before the said officials or agents enter on their duties.

Should the above-mentioned authority take exception on reasonable grounds to any of the persons in question, such objections shall be taken into consideration by the Hungarian Administration.

The Royal Hungarian Government undertakes to replace immediately those officials or agents whose conduct may have given rise to justifiable complaints on the part of the Royal Italian Government.

Article 8.

The Hungarian officials and agents of the Customs *Expositure* shall be authorised to perform their duties according to the usages and regulations in force in Hungary, and may wear uniform and carry the arms prescribed by their regulations in the Customs *Expositure* and in the warehouses mentioned in Articles 14 and 17 of the Convention.

Article 9.

In the case of offences against the Customs regulations, the officials of each State shall apply the laws of their respective countries, except in regard to the right to detain offenders, which belongs solely to the Italian authorities.

The officials and agents of the Hungarian Customs shall have the right to lay information against offenders before the Hungarian judicial authorities, and the latter shall be competent to try them in accordance with Hungarian law.

The aforesaid Customs officials and agents may also arrange terms in the case of offences, confiscate articles seized when the offence is obvious, and, if necessary, dispose of goods confiscated in virtue either of definitive, administrative or judicial divisions.

The above-mentioned officials and agents may also hold goods and baggage for the purpose of guaranteeing the payment of fines.

Article 10.

As regards discipline the Hungarian Customs officials and agents shall be subject exclusively to the corresponding authorities of the Kingdom of Hungary in all matters appertaining to their duties. These officials and agents shall, however, be subject to the penal laws and police regulations of the Kingdom of Italy.

They shall be exempt from all taxation and personal service for the benefit of the Kingdom of Italy. They shall likewise not be liable to pay income tax, and, in general, any taxes on their revenues or income. Moreover, they may not be required to perform military service or to serve as jurors or as members of the administrative councils of the autonomous districts.

Nevertheless, the above-mentioned officials and agents shall, in the same way as Italian nationals, pay taxes on their immovable property situated in Italian territory. They shall also pay Customs duties and other indirect taxes.

Article 11.

The Hungarian Customs Administration may delegate higher employees to examine and inspect the services of the Hungarian Customs *Expositure* at Fiume.

Article 12.

The Italian authorities shall grant the Hungarian officials and agents employed at Fiume the same protection and the same assistance as is granted to Italian Government servants.

The above-mentioned officials and agents and the members of their families permanently resident at Fiume shall receive from Italy the same protection as is given by the latter to Italian subjects. The said officials and agents and their families shall be exempted from the payment of Customs duties on their furniture and personal effects when they take up their residence in Fiume and when they are transferred.

Article 13.

Officials and agents of the Hungarian Customs *Expositure* entering Italy shall not be required by the Italian authorities to fulfil passport formalities. High officials performing temporary duties in the *Expositure* shall also be exempt from these formalities.

For this purpose the above-mentioned officials shall only be required to prove their status to the satisfaction of the Italian authorities by means of a service warrant and an identity card with a photograph.

The form of the service warrant and identity card shall be determined by agreement between the Administrations of the two States.

Members of the families of the above-mentioned officials shall also be exempt from passport formalities upon production of identity documents *visés* by the competent Hungarian authorities.

Article 14.

Should occasion arise, rules for the application of the provisions contained in the present Protocol may be determined by a special commission appointed on the spot by agreement between the Administrations concerned.

Done at Rome in duplicate, the twenty-fifth day of July, one thousand nine hundred and twenty-seven.

For Italy :

Benito MUSSOLINI.

For Hungary :

Frédéric WIMMERSPERG.