

No. 3836

**ITALY
and
FRANCE**

**Convention concerning military service. Signed at Rome,
on 28 December 1953**

Official text: French.

Registered by Italy on 15 May 1957.

**ITALIE
et
FRANCE**

**Convention relative au service militaire. Signée à Rome,
le 28 décembre 1953**

Texte officiel français.

Enregistrée par l'Italie le 15 mai 1957.

[TRANSLATION — TRADUCTION]

No. 3836. CONVENTION¹ BETWEEN ITALY AND FRANCE
CONCERNING MILITARY SERVICE. SIGNED AT ROME,
ON 28 DECEMBER 1953

The Government of the Italian Republic and the Government of the French Republic having resolved to put an end by mutual agreement to the difficulties encountered, owing to their military obligations in both countries, by those of their respective nationals who also possess the nationality of the other country, the undersigned, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

Article 1

The provisions of this Convention shall apply to the nationals of either of the two countries who possess simultaneously both French and Italian nationality by parentage or by reason of their place of birth, and to those who possess those nationalities pursuant to the laws in force in the two countries, without having exercised any option in the prescribed form.

Article 2

Nationals of either of the two countries who simultaneously possess both French and Italian nationality shall, on presenting themselves for registration for military service or, if they have been registered automatically, not later than the date on which their age group is called to the colours, expressly state whether they prefer to fulfil their military obligations in the French army or in the Italian army. They shall sign a declaration to that effect in duplicate, one copy to be retained by the authority before which the aforesaid declaration was made and the second copy to be sent to the competent authorities of the other country for approval or for call-up action, according to whether the person concerned wishes to fulfil his military obligations in the armed forces of the country in which the declaration was made or in those of the other country.

Article 3

Italian or French nationals in the categories described in the preceding articles shall be deemed to have fulfilled the military obligation prescribed by the statutes of both countries if they have fulfilled their obligations in the Italian armed forces

¹ Came into force on 11 April 1957, the date of the exchange of the instruments of ratification at Rome, in accordance with article 13.

or in the French armed forces and can produce an authenticated certificate issued at their request by the competent Italian or French authorities in proof thereof.

Article 4

The two Governments undertake to communicate to each other the names of any persons who have not complied with the declaration signed by them. The competent authorities of the two countries may then take whatever action is necessary for the purpose of compelling the persons concerned to fulfil their military obligations, without prejudice to any proceedings which may be instituted against them for failure to report for service.

Article 5

Young persons who possess the nationality of both countries and who are exempted from military service in either of the two countries as physically unfit shall be deemed to have fulfilled their military obligations if they can produce an authenticated certificate issued at their request by the competent authorities of the said country in proof of their status. Other exemptions from active service can be accepted only in so far as corresponding provisions are concurrently in force in both countries.

Article 6

Young persons who possess the nationality of both countries and who have been duly accepted as volunteers in the armed forces of one of the two countries for a period not shorter than the statutory period of active military service required in that country at the time of their engagement, shall also be deemed to have fulfilled their military obligations.

Article 7

Young persons possessing the nationality of both countries who are serving in the armed forces of one of these two countries and are duly authorized to proceed on leave to the other country, shall be deemed to have satisfied all the relevant statutory requirements in the latter country if they can produce their pass.

Article 8

The provisions of this Convention shall not preclude the competent authorities of either State from calling any persons referred to in this Convention to the colours in the event of mobilization or from using them as reserves in accordance with the regulations made pursuant to article 11.

Article 9

The provisions of this Convention shall in no way affect the juridical status of the persons concerned in the matter of nationality.

No sentence which may have been imposed before the entry into force of this Convention upon any person possessing both French and Italian nationality shall be in any way affected by this Convention.

Article 10

Any case which antedates the entry into force of this Convention shall be settled through the diplomatic channel in the spirit of this instrument.

Article 11

The regulations for carrying this Convention into effect shall be made by agreement between the Administrations of the two countries.

Article 12

Any difficulties which may arise out of the application of this Convention shall be settled between the two Governments through the diplomatic channel.

Article 13

This Convention shall be ratified ; it shall come into force on the day of the exchange of the instruments of ratification, which shall take place at Rome as soon as possible.

It is concluded for an indefinite period and may be denounced by either Party at any time subject to one year's notice.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present Convention and affixed their seals thereto.

DONE at Rome, 28 December 1953.

For the Government
of the Italian Republic :
ZOPPI

For the Government
of the French Republic :
J. FOUQUES DUPARC