

No. 5196

**ITALY
and
FRANCE**

Convention regarding the establishment of a joint national control office on the Italo-French frontier. Signed at Paris, on 6 April 1956

Exchange of letters constituting an agreement for the interpretation of the above-mentioned Convention. Paris, 30 October 1958

Official text: French.

Registered by Italy on 28 June 1960.

**ITALIE
et
FRANCE**

Convention relative à la création d'un bureau à contrôles nationaux juxtaposés à la frontière italo-française. Signée à Paris, le 6 avril 1956

Échange de lettres constituant un accord pour l'interprétation de la Convention susmentionnée. Paris, 30 octobre 1958

Texte officiel français.

Enregistrés par l'Italie le 28 juin 1960.

[TRANSLATION — TRADUCTION]

No. 5196. CONVENTION¹ BETWEEN ITALY AND FRANCE
REGARDING THE ESTABLISHMENT OF A JOINT NA-
TIONAL CONTROL OFFICE ON THE ITALO-FRENCH
FRONTIER. SIGNED AT PARIS, ON 6 APRIL 1956

SECTION I

GENERAL PROVISIONS

The Government of the Italian Republic and the Government of the French Republic, desiring to simplify and expedite to the fullest possible extent the formalities connected with the crossing of the common frontier between the two countries, have decided, for this purpose, to conclude a convention regulating traffic on the road over the pass of Montgenevre.

Their representatives have agreed on the following provisions :

Article 1

By mutual agreement, there shall be set up, in French territory on the road over the pass of Montgenevre, a Joint National Control Office for the formalities and inspection provided for under the laws and regulations of the two countries and applicable to persons, monetary instruments, goods, vehicles or baggage moving in the area of the frontier in either direction.

Article 2

Under the direction of this Office there shall be established an area in which the competent authorities of the two countries shall be entitled to examine persons, monetary instruments, goods, vehicles or baggage crossing the frontier in either direction.

The limits of this area, established by mutual agreement between the competent authorities of both countries, shall include :

(a) The Office and its annexes,

(b) That portion of national road No. 94 situated before the Office and in its immediate vicinity.

¹ Came into force on 1 March 1960, the first day of the month following that in which each Party notified the other of the accomplishment of all the formalities required by its own legislation, in accordance with the provisions of the exchange of letters of 30 October 1958 for the interpretation of the said Convention (see p. 17 of this volume.)

The portion of national road No. 94 extending between the above-mentioned area and the political frontier shall constitute the common customs road.

Article 3

The laws and regulations of the two countries relating to the crossing of the frontier shall be fully applicable within the area described in article 2. In particular, the Italian officers and officials may in that area investigate offences, make arrests and prevent the entry of persons, carry out seizures, accept settlements in respect of the offences investigated or refer them to the jurisdiction of their country, and confiscate monetary instruments, goods, vehicles or baggage as a guarantee of the payment of outstanding duties or fines incurred or transfer them to their territory, unless they prefer to sell them on the spot as provided for under the regulations of the other country, in which event the product of the sale may be freely transferred to their country.

The competent officers and officials of the Italian Administration may, in particular, transfer to their national territory any persons arrested by them, whatever their nationality.

Article 4

In the area described in article 2, the police, customs and other formalities of the country of exit shall be carried out before the police, customs and other formalities of the country of entry.

The laws and regulations of the country of entry, referred to in article 3, shall become applicable as soon as the authorities of the country of exit release the persons, monetary instruments, goods, vehicles or baggage.

Unless otherwise agreed by the authorities of the country of entry, the authorities of the country of exit shall desist from examining the persons, monetary instruments, goods, vehicles or baggage released by them as soon as the authorities of the country of entry begin to examine them.

Article 5

The customs laws and regulations of both countries^s relating to the crossing of the frontier shall be simultaneously applicable on the common customs road.

The competent French and Italian customs authorities shall jointly ensure the supervision of this common customs road and shall enforce observance of the laws and regulations of their respective countries referred to in the preceding paragraph.

The persons apprehended, as well as the goods, monetary instruments and baggage confiscated, shall be taken to the Office for their surrender to the competent authorities.

In the event of simultaneous violation of the laws and regulations of the two countries, the surrender shall be made, in priority, to the authorities of the country of exit.

Article 6

With regard to the Italian laws and regulations which are applicable on French territory, referred to in article 4, the area described in article 2 shall be regarded as attached to Clavières. The instruments amending the previous legislation and regulations shall be enforced there at the same time as at Clavières.

When offences against the Italian laws and regulations, found to have been committed on French territory, are brought before Italian courts, the competent jurisdiction shall be that which would have had to deal with such offences if they had been committed within the territorial area of the jurisdiction of Clavières.

Article 7

The officers and officials of the two countries shall co-operate and assist one another to the fullest possible extent in discharging their duties in the area described in article 2, both in the prevention and in the detection of offences committed against the laws or regulations for the application of which they are responsible.

In particular, where an offence is committed against the customs, foreign trade or exchange control laws and regulations, the competent authorities shall furnish each other, either voluntarily or at the request of the other party, with information likely to be of use in the operation of the service. The competent authorities of the one country shall, in particular, on direct request by the competent authorities of the other country :

(a) Institute official inquiries and, in particular, examine persons suspected of committing an offence, as well as witnesses and experts ;

(b) Transmit the result of these proceedings ;

(c) Serve on persons accused or convicted of default any procedural documents or judicial or administrative decisions. The service of such documents shall be valid if effected in accordance with the usual procedure for the service of similar documents in the country to which the request is addressed.

Any expenses incurred by one country or by its officers and officials in meeting a request or requisition by the other country shall be repaid upon submission of documentary proof and in accordance with procedures jointly approved by the Administrations concerned.

Article 8

The French authorities shall grant to the Italian officers and officials the same protection and assistance in the performance of their duties as they grant to the French officers and officials.

Article 9

The Italian officers and officials appointed to carry out their duties in the area described in article 2 and on the common customs road shall be authorized to cross the frontier simply by producing official documents proving their identity and title. They may wear the national uniform or a visible distinctive badge, and may bear regulation arms. They shall be exempt from personal service and direct taxation.

Article 10

Without prejudice to the right of the French Administration to prohibit the entry to the national territory of any alien deemed to be undesirable, the Italian customs forwarding agents and their staff may, in the area described in article 2, have access to the services of their own country in the course of their business activities on the same conditions and with the same limitations as if such transactions were carried out on their national territory, and they shall be given every facility for proceeding to the Office and for carrying on their normal activities there.

The services rendered at that time shall be deemed to have been rendered in Italy for all resulting fiscal purposes.

Italian and French customs forwarding agents may employ either Italian or French specialized staff, and any special provisions made or to be made in the future for the protection of domestic employment shall not apply to them.

Article 11

The coexistence of services in the Office may be terminated either by mutual consent or upon the request of one of the High Contracting Parties.

SECTION II

SPECIAL PROVISIONS

Article 12

The Office shall be established to the west of the last buildings of the inhabited centre of Clavières, at the site indicated on the attached map.¹

Article 13

The plans of this structure shall be drawn up by mutual agreement between the French and Italian authorities.

¹ Not reproduced in the copies of the Agreement transmitted for registration.

The Office shall consist solely of office premises and shall comprise no housing accommodation for officials. It shall be divided in two identical parts, assigned to the French and to the Italian services respectively.

Article 14

The construction of the roads required for dual access to the Office shall be effected by the French Administration, and the cost thereof shall be borne equally by the French Government and the Italian Government.

Article 15

The cost of constructing the Office shall be borne equally by the French and Italian Administrations, title to the whole being vested in the French Government.

The Italian services shall enjoy free of charge the use of that part of the premises occupied by them, save that they shall bear in respect of it the costs of heating, lighting and interior repairs usually incumbent upon a tenant. Repairs usually incumbent upon an owner shall be the responsibility of the French State.

Article 16

Equipment, furniture and articles required for the operation of the Italian services shall be exempted from any customs duties and dues, provided they are declared in the regular way.

Article 17

The electric or telephone lines required for the operation of the official Italian services may be extended as far as the area described in article 2, to enable lighting service and direct telephone communication with the Office to be maintained.

Article 18

By mutual agreement, the French and Italian Administrations shall determine the number of officials to be assigned to the Office and shall ensure that their parity in number and rank is maintained.

Article 19

The authority of the Italian and French services shall be equivalent and, in particular, the Italian customs office shall be classed in the category of offices having full powers.

Article 20

Persons not leaving French territory but proceeding, by means of the common customs road, to tourist centres and facilities situated between the Office and the political frontier shall not be subject to the formalities attaching to the crossing of the frontiers.

The French Administration alone shall determine the procedures which may prove necessary in order to ensure that the above-mentioned persons do not in fact leave French territory.

Article 21

Persons coming from Italy and proceeding, by means of the common customs road, either to tourist and sporting centres and facilities situated between the Office and the political frontier, or to buildings in that area, shall not normally be subject to the formalities attaching to the crossing of the frontiers.

The French Administration shall determine the procedures which may prove necessary in order to ensure that the above-mentioned persons do not enter French territory, except to visit the tourist and sporting centres and facilities, the bounds of which shall be strictly delimited.

Article 22

The competent Administrations of the two countries shall by mutual agreement, as required, establish such procedures for the application of this Convention as are not settled by the arrangements provided for in the preceding articles.

DONE in duplicate at Paris, on 6 April 1956.

For the French Government :

Maurice FAURE

For the Italian Government :

Vittorio BADINI

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN ITALY AND FRANCE FOR THE INTERPRE-
TATION OF THE CONVENTION OF 6 APRIL 1956²
REGARDING THE ESTABLISHMENT OF A JOINT NA-
TIONAL CONTROL OFFICE ON THE ITALO-FRENCH
BORDER. PARIS, 30 OCTOBER 1958

I

MINISTRY OF FOREIGN AFFAIRS

Paris, 30 October 1958

Your Excellency,

I have the honour to inform you that my Government, with reference to articles 3, 5, 15 and 21 of the Convention regarding the Establishment of a Joint National Control Office on the Franco-Italian frontier, signed at Paris on 6 April 1956,² deems it necessary to stipulate as follows :

1. *Concerning articles 3 and 5 :*

(a) It is understood that the Italian officers and officials may exercise the right acknowledged in these articles only against persons, monetary instruments, goods, vehicles and baggage crossing the frontier in either direction.

(b) It is likewise understood that the Italian officers and officials may not exercise the right acknowledged in these articles either against French officers, officials or military personnel called upon, in the performance of their duties, to move in the area and on the common customs road, or against persons not leaving French territory but proceeding, in the circumstances mentioned in article 20, to the area situated between the Office and the political frontier.

The French and Italian customs authorities will, however, help each other to prevent the performance, by those persons, of acts designed to prepare or promote smuggling into Italy.

(c) It is also understood that the right mentioned in articles 3 and 5 will, on the common customs road, apply only in the event of flagrant infringement of the Italian laws and regulations relating to the crossing of the frontier, including customs laws and regulations.

¹ Came into force on 1 March 1960, the first day of the month following that in which each Party notified the other of the accomplishment of all the formalities required by its own legislation, in accordance with the provisions of the said letters.

² See p. 5 of this volume.

In these circumstances, the French and Italian customs authorities, assisting one another, may apprehend the persons involved and take them to the Office for their surrender to the competent authorities under the conditions specified in article 5.

2. *Concerning article 13 :*

It is understood that that part of the Office which is assigned to the Italian services will be identified by the display of the Italian arms.

3. *Concerning article 21 :*

This article will be interpreted to mean that persons coming from Italy and proceeding by the common customs road, either to tourist and sporting centres and facilities situated between the Office and the political frontier or to buildings in that area, are not obliged to appear beforehand at the Office in order to complete the formalities and undergo the inspection mentioned in article 1, and that the French customs authorities exempt them, except where fraud is suspected, from all customs inspection or examination during their visit to the said tourist and sporting centres and facilities or their stay in the buildings mentioned in the said article.

If the Italian Government is in agreement with the foregoing, this letter and Your Excellency's letter informing me of your Government's concurrence will constitute an agreement between the two Governments on the interpretation of the Convention of 6 April 1956.

Each of the Contracting Parties will notify the other of the accomplishment of all the formalities required by its own legislation in order to permit the application of the Convention in question, completed by this exchange of letters.

The Convention itself, as well as this exchange of letters, will enter into force on the first day of the month following that in which the two Contracting Parties shall have made the required notification.

Please accept, Your Excellency, the assurance of my highest consideration.

COUVE DE MURVILLE

His Excellency Marquis Alberto Rossi Longhi
Ambassador of Italy
Paris

II

EMBASSY OF ITALY

No. 16019

Paris, 30 October 1958

Your Excellency,

By your letter of today's date, Your Excellency has informed me as follows :

[See letter I]

I have the honour to inform Your Excellency that, on behalf of my Government, I concur in the text of the foregoing communication.

Please accept, Your Excellency, the assurance of my highest consideration.

A. ROSSI LONGHI

His Excellency Mr. Maurice Couve de Murville
Minister for Foreign Affairs
Rome
