

No. 5201

**ITALY
and
SWITZERLAND**

**Convention concerning the construction and operation of
a road tunnel under the Grand-Saint-Bernard. Signed
at Berne, on 23 May 1958**

Official text: French.

Registered by Italy on 28 June 1960.

**ITALIE
et
SUISSE**

**Convention relative à la construction et à l'exploitation
d'un tunnel routier sous le Grand-Saint-Bernard. Signée
à Berne, le 23 mai 1958**

Texte officiel français.

Enregistré par l'Italie le 28 juin 1960.

[TRANSLATION — TRADUCTION]

No. 5201. CONVENTION¹ BETWEEN THE ITALIAN REPUBLIC AND THE SWISS CONFEDERATION CONCERNING THE CONSTRUCTION AND OPERATION OF A ROAD TUNNEL UNDER THE GRAND-SAINT-BERNARD. SIGNED AT BERNE, ON 23 MAY 1958

The President of the Italian Republic and the Swiss Federal Council, recognizing that the tunnelling of a road connecting the localities of Bourg-St-Pierre and St-Rhémy through the Grand-Saint-Bernard would improve the communications between the two countries, have decided to conclude a Convention to this end and have accordingly designated as their plenipotentiaries :

The President of the Italian Republic :

Mr. Maurilio Coppini, Ambassador Extraordinary and Plenipotentiary of Italy in Switzerland ;

and

The Swiss Federal Council :

Mr. Jean de Rham, Minister Plenipotentiary, Chief of the Division of International Organizations of the Federal Political Department,

who, having communicated their full powers, have agreed upon the following provisions :

Article 1

The High Contracting Parties agree to allow the establishment of a road communication between the territories of Italy and Switzerland by the construction of a tunnel under the Grand-Saint-Bernard. To this end, each undertakes, for the portion falling within its competence, that its competent authorities shall grant a concession to the two companies mentioned in the first paragraph of article 2 of this Convention, for carrying out the task of tunnelling through the Grand-Saint-Bernard on the basis of the technical plan which shall be approved by the competent authorities of the two States. They further undertake that the concession for the operation of the tunnel shall be granted only to the concern mentioned in the second paragraph of article 2 of this Convention.

¹ Came into force on 13 June 1959, the date of the exchange of the instruments of ratification at Rome, in accordance with article 11.

Article 2

The construction of the tunnel mentioned in article 1 shall be assigned to a Swiss company and an Italian company, each of which shall complete half of the total length under the terms fixed by the said companies, while the construction of the two approach road sections shall be carried out by the two companies on their respective national territories.

The operation of the tunnel mentioned in article 1 shall be assigned to a single concern established, in the form of an incorporated company, by the two companies provided for in the first paragraph of this article, each of which shall subscribe one-half of the registered capital.

The legal head office of the incorporated company mentioned in the second paragraph of this article shall be in Switzerland. The Board of Directors, the other administrative organs and the management of the company shall consist half of Swiss nationals domiciled in Switzerland and half of Italian nationals.

The Chairman of the Board of Directors, who shall be appointed for five years, shall be of Italian and Swiss nationality alternately.

He shall have a casting vote.

The operating and maintenance staff shall, as a rule, consist of an equal number of Italian and Swiss nationals who shall be of equal rank.

By way of exception, the staff responsible for the ventilation may consist of specialized persons approved by the company without reference to the rule in the preceding paragraph.

Article 3

The Italian Government and the Swiss Government shall come to an agreement respecting the terms of the concession granted by the competent authorities of the two States and of the specifications attached thereto, and respecting any modification of the concessions.

The two Governments shall endeavour to fix terms which shall be as similar as possible, and shall not subsequently modify these terms except by previous agreement.

The concessions shall terminate seventy years from the date which shall be fixed by agreement between the Italian and Swiss Governments upon delivery of the works.

Article 4

Immediately upon termination of the concessions, the tunnel shall become the common and indivisible property of the two States or of bodies corporate which each State shall designate by its domestic law ; it shall be operated jointly on the basis of equal rights and responsibilities.

The terms of the joint administration shall be governed by an agreement previously entered into between the two Contracting Parties.

Article 5

The waters and useful minerals found in the course of building the tunnel shall be allocated under the laws of the State on whose territory the discovery is made, irrespective of which company makes the discovery.

Article 6

The levying by the concessionary company of tolls for passage through the tunnel shall be provided for in the deeds of concession to be granted by the competent authorities of the two States.

Article 7

The Italo-Swiss frontier inside the tunnel shall be established through the intersection of the axis of the tunnel with a perpendicular line from a point on the frontier in the open air.

The permanent commission for the upkeep of the Italo-Swiss frontier shall be made responsible, by the two Governments, for effecting the operations necessary for the fixing and demarcation of the frontier inside the tunnel.

Article 8

Customs, police, monetary, fiscal and social questions arising out of the construction and operation of the tunnel shall be covered by special agreements between the Italian Government and the Swiss Government.

Article 9

As soon as the present Convention enters into force, the High Contracting Parties shall proceed to the establishment of a mixed commission composed of four Swiss and four Italian members, who shall be empowered to seek the assistance of experts. The chairman, who shall be chosen from the Italian and Swiss members alternately, shall be appointed by the commission itself; he shall have no casting vote. The mixed commission shall have the task of ensuring the satisfactory execution of the present Convention and of settling any difficulty which may result from its application.

Any disputes between the Italian and Swiss delegations on the mixed commission shall be settled by the two Governments.

The mixed commission shall, each year, submit a documented report on its work to the two Governments.

Article 10

Any dispute between the two Governments concerning the interpretation or application of the present Convention shall be settled in accordance with the terms of the Treaty of Conciliation and Judicial Settlement signed at Rome on 20 September 1924¹ between Italy and Switzerland.

Article 11

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Rome.

It shall enter into force on the date of exchange of the instruments of ratification.

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

DONE at Berne, 23 May 1958, in duplicate in the French language.

For the Italian Republic :
Maurilio COPPINI

For the Swiss Confederation :
J. DE RHAM

¹ League of Nations, *Treaty Series*, Vol. XXXIII, p. 91, and Vol. CLVIII, p. 17.