

No. 13369

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**FRANCE  
and  
ITALY**

**Convention relating to the international stations of Modane and Vintimille (Ventimiglia) and to the sections of railway situated between those stations and the frontiers of France and Italy. Signed at Rome on 29 January 1951**

*Authentic text: French.*

*Registered by France on 31 May 1974.*

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**FRANCE  
et  
ITALIE**

**Convention relative aux gares internationales de Modane et de Vintimille (Ventimiglia) et aux sections de chemins de fer comprises entre ces gares et les frontières de France et d'Italie. Signée à Rome le 29 janvier 1951**

*Texte authentique : français.*

*Enregistrée par la France le 31 mai 1974.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> RELATING TO THE INTERNATIONAL STATIONS OF MODANE AND VINTIMILLE (VENTIMIGLIA) AND TO THE SECTIONS OF RAILWAY SITUATED BETWEEN THOSE STATIONS AND THE FRONTIERS OF FRANCE AND ITALY

The President of the French Republic and the President of the Italian Republic, desiring to regularize and supplement the surveillance and customs measures previously laid down in the Convention of 20 January 1879 and the Additional Agreement of 13 February 1931<sup>2</sup> and those provisionally applied by joint agreement at the stations of Modane and Ventimiglia and on the sections of railway situated between those stations and the frontiers of Italy and France, have resolved, pursuant to the provisions of articles 10 and 25 of the Convention of 7 May 1862, to conclude a further Convention to that end and have accordingly appointed as their plenipotentiaries:

The President of the French Republic:

His Excellency Mr. Jacques Fouques-Duparc, Ambassador of France;

The President of the Italian Republic:

His Excellency Count Carlo Sforza, Minister for Foreign Affairs;

who, having communicated to each other their full powers, found in good and due form, have agreed on the following articles:

*Article 1.* A station shall be established at Modane which shall be common to both the French and Italian railways and shall accommodate the customs, police and the post, telegraph and telephone services of the two countries.

The technical services of the station shall be provided by the staff and under the direction of the Société nationale des chemins de fer français under the conditions to be determined jointly by the Administration of the French railways and the Administration of the Italian railways or, failing agreement between them, by the two Governments concerned; however, each Administration shall have a separate agent at the Modane station specifically to represent its commercial interests with regard both to the public and to the other Administration. In the case of the Société nationale des chemins de fer français, such agent may be the station-master in charge of managing the technical services common to the two Administrations.

The Administration of the French railways shall, under the conditions set forth in its specifications and on a basis of complete reciprocity, provide the Italian Administration, at the Modane station, with the premises needed to accommodate the customs, police and the post, telegraph and telephone services.

The Administration of the French railways shall provide the Administration of the Italian railways, at the same station, with premises to house their locomotives.

<sup>1</sup> Came into force on 13 July 1954 by the exchange of the instruments of ratification, effected at Paris, in accordance with articles 31 and 33.

<sup>2</sup> League of Nations, *Treaty Series*, vol. CXXXIX, p. 109.

tives and carriages and the staff assigned to that station for such special services as locomotive and vehicle servicing, train operation, commercial services and the like, which are not part of the joint services for which the French Administration is responsible.

All expenditure for the installation of the Modane station shall be defrayed by the Administration of the French railways which shall receive from the Administration of the Italian railways, by way of rent, 5 per cent annual interest on expenditure relating to facilities allotted to the exclusive service of the Italian railways and interest at the same rate on half expenditure relating to facilities allotted to the common services.

Work recognized to be part of the initial installation on the section of the line between the frontier and Modane and at the Modane station may be carried out only with the approval of the French Minister of Public Works, in accordance with French regulations. The plans must be submitted for approval by the Société nationale des chemins de fer français. The cost of such work shall be borne by the Société nationale des chemins de fer français, but, in respect of work carried out at the Modane station, the Administration of the Italian railways shall pay rent under the conditions set forth in the preceding paragraph.

The costs of operating the facilities, including the costs relating to the electrification of the station which shall be similarly advanced by the Administration of the French railways, shall be shared on the same basis.

*Article 2.* The section of the line between the French-Italian frontier and Modane, excluding the joint station of Modane, shall be operated exclusively by the Italian State Railways under the following conditions:

(a) The Société nationale des chemins de fer français shall reimburse the Italian State Railways for the actual expenditure incurred by it for the operation of that section.

For the purposes of this provision, the actual operating expenditure shall be reckoned at a flat rate per actual train/kilometre; this rate shall be determined by agreement between the two Administrations and shall be subject to review.

The Société nationale des chemins de fer français shall not be required to pay any interest or amortization charges for the initial installation of electrification facilities outside French territory, but it is understood that the Italian State Railways, in establishing the operating expenditure per train/kilometre, shall apply the exact cost price per kilowatt/hour upon entry into French territory.

(b) The Société nationale des chemins de fer français shall collect all receipts actually taken in which relate to that section, including taxes, on the understanding that it shall pay to the French Government the taxes relating to the said section and shall settle with it all matters pertaining thereto.

(c) It is, moreover, understood that, throughout their stay in French territory, the engine-drivers and crews of the Italian trains shall be subject to the laws and regulations governing the operation of the French railways.

*Article 3.* The premises allotted to the customs, police and the post, telegraph and telephone services of the Italian Republic shall be identified by posting the Italian coat of arms.

*Article 4.* (A) There shall be established at Modane a zone within which the Italian authorities shall have the right to examine passengers and goods crossing the frontier.

This zone shall comprise:

- (1) A specified area of the station consisting of the offices and the examination and inspection rooms of the Italian police and customs;
- (2) The trains, the portions of platforms giving access to the trains and the sections of track on which the trains stand throughout the period during which the goods and passengers on the trains are under the jurisdiction of the Italian authorities;
- (3) Trains crossing the frontier in either direction, during the time that they are proceeding from the frontier to the station and vice versa;
- (4) Warehouses or portions thereof reserved for the use of the customs service, throughout the period during which the goods therein are under the jurisdiction of the Italian authorities.

(B) Within the zone specified in paragraph A above, Italian laws and regulations governing the entry, exit and transit of persons, luggage, goods and capital shall be applied in their entirety to passengers, luggage, goods and capital bound for or originating in Italy.

Within that zone, Italian officials and agents may, *inter alia*, with regard to passengers, luggage, goods and capital and in the cases provided for in the aforementioned laws and regulations, record violations, carry out arrests and seizures, agree to compromises on the violations recorded or refer them to the jurisdiction of their country and retain goods, capital and luggage as surety for fines or release the same in return for a security.

Persons who are arrested may be transferred to Italian territory pending the legal determination of their fate.

The Italian customs shall also be entitled to dispose of any luggage, goods and capital seized, either by virtue of the compromise reached with the accused or by virtue of a final judgement ordering confiscation of the property and awarding it to the said customs. Such luggage, goods and capital may be transported to Italy or be sold on the spot under the conditions laid down by French regulations.

Where the application of the customs laws of the two countries entails seizure or retention of the same luggage, goods and capital, priority shall be given to the customs authorities of the exporting country.

(C) Subject to the conditions set forth in paragraph B above, Italian regulations shall be applied:

- (1) *Upon entering Italy:* Italian police jurisdiction commences or Italian customs examination begins, or from the time when a passenger attempts to evade such jurisdiction or examination; in the case of luggage, goods and capital, from the time when they are declared to the Italian customs, or from the time when an attempt is made to prevent them from being declared.

- (2) *When leaving Italy:* in the case of passengers, up to the time when Italian police jurisdiction ceases and Italian customs examination is completed; in the case of goods, up to the time when their departure from the "Italian zone" has been verified.

Italian police inspection and Italian customs examination shall be carried out before or after French police inspection and French customs examination according to whether the passengers and goods are coming from or bound for Italy. If possible, such inspection and examination shall be carried out simultaneously by the employees of the two States.

(D) The railway line between Modane and the frontier shall be considered an international route, subject to surveillance by the customs officials of both countries.

The provisions of paragraph B above, relating to violations of Italian laws and regulations recorded by Italian customs officials and agents in the "Italian zone", other than the provisions relating to the right of arrest, shall apply to violations of the Italian finance laws that come to the notice of the said officials and agents on the aforementioned line.

*Article 5.* The closure and the utilization of the premises allotted to the Italian customs and police services and their surveillance by the agents of those services shall be regulated and governed exclusively by the Italian authorities.

*Article 6.* Separate warehouses shall be allotted at the Modane station for goods imported into France and for goods being imported into Italy, respectively.

Subject to agreement between the administrations concerned, exceptions may be made to this article in the case of goods shipped by fast freight in Italy.

*Article 7.* Police regulations concerning the movement of goods into and out of the warehouses and the setting of time-limits for that purpose shall be determined by agreement between the respective customs Administrations.

*Article 8.* Maintenance of order within the Modane station shall be ensured by a detachment of the French police who shall act upon the request of the Italian chiefs of police or customs; however, use of this auxiliary armed force shall not entail any cost for the Italian Government.

*Article 9.* The French and Italian Railway Administrations shall ensure that the services provided by them at the Modane station are fully commensurate with traffic requirements and that the public facilities at the said station are fully in accord with the specifications and regulations in effect in French territory.

*Article 10.* The Administration of the Italian State Railways, being responsible for operating the section of the line between Modane and the frontier, shall be required to receive at the Modane station and to transport passengers and goods bound for Italy, irrespective of their point of origin, and, similarly, to receive at its stations in Italy and to transport to the Modane station passengers and goods, irrespective of their final destination in France.

*Article 11.* Italian officials and agents shall be answerable solely to the Italian authorities in respect of service and discipline in the "Italian zone" of Modane. They may wear their uniform and carry their arms while performing their duties.

*Article 12.* Italian nationals assigned to duties at the Modane station shall be exempt, in France, from any tax collected for the account of the State or of local authorities in so far as income or other taxable elements relating to the performance of their duties are concerned.

Equipment necessary for the Italian services at the Modane station and furnishings for employees and members of their families who are obliged to reside in French territory shall be admitted to France duty free, provided that the owners comply with the formalities required in such cases under French customs regulations.

Italian officials, agents and employees assigned to the Modane station, and members of their families (spouse, minor children, parents living with them), shall not be subject to passport formalities upon entering France. They need simply provide proof of their status.

Exemption from passport formalities, under the same condition, shall likewise be granted, upon entering France, to: senior officials of the Italian customs and police, employees of the Italian railways who, though not resident at Modane, have to travel there on business, and Government agents responsible for surveillance of the Italian railways.

*Article 13.* Customs employees of the two States shall work together to prevent or detect any attempts at deception or smuggling within the confines of the station and shall communicate to one another any information that is likely to concern the service.

Their relations shall be on an equal footing and their official relationship, in the event of direct communications, shall be the same as between employees of equivalent rank of the same country.

*Article 14.* The Modane customs posts belonging to each of the two States shall, at all times and in response to the initial request, communicate, without change of location, to the senior customs officials of the other State the entry and exit registers together with the supporting documents.

*Article 15.* The two Governments shall determine which operations their customs at Modane shall be respectively authorized to carry out with regard to goods.

*Article 16.* With respect to violations of the Italian customs laws and regulations committed in the "Italian zone", the competent French authorities shall, at the request of the Italian authorities, take testimony and carry out investigations or inquiries and notify the Italian authorities of the result of such proceedings.

When a summons or subpoena must be served on a defendant or witness in France, the writ issued by the Italian court or Italian authority shall be conveyed directly or through the diplomatic channel to the office of the public prosecutor at the place of residence and shall, if personal service is requested, be served by a competent official. The office of the public prosecutor shall return the original, properly endorsed, to the issuing magistrate certifying that service has been made; the effect shall be the same as if the writ or judgement had been served in the country in which it was issued.

*Article 17.* Jurisdiction over acts committed at the Modane station or on the railway line between that station and the French-Italian frontier which are crimes or offences under French laws and regulations shall be exclusively reserved to the French courts even with respect to Italian nationals or Italian agents.

French agents of the Société nationale des chemins de fer français, recognized by the French Administration and duly sworn, shall have the sole right, in French territory, to draw up reports pursuant to the French laws relating to the policing of the railways.

*Article 18.* Where an Italian official, agent or employee who is permitted, by reason of his official duties, to reside in or to enter French territory is found guilty of a crime or an offence, whether civil or political, or even of a minor infraction of the law, the Italian Government undertakes, on a basis of reciprocity, to replace him immediately.

*Article 19.* Any person who is expelled, escorted or repatriated by the Italian or French authorities through the Modane station shall be handed over to the French or Italian authorities of that station.

A person expelled from French territory as a person owing allegiance to Italy but whose status as a national of the State to which he claims allegiance cannot be substantiated shall be returned to the French police authorities. Similarly, Italian officials and agents shall be required to accept a person expelled from Italy as a person who is French but whose status as such cannot be substantiated.

*Article 20.* Private or official telegraphic communications (telegrams) intended for countries other than Italy or France shall be prohibited between the Italian and French railway offices.

Such telegrams may be transmitted from one State to the other only if sent by the railway stations to the Government Office designated for each State, which shall alone be entitled to transmit the telegrams over Government wires to the offices of the Government of the other State.

In exceptional cases, the agents of the various public services accredited by the Italian Government to the Modane station may transmit and receive their administrative communications directly by the railway wires without going through the State Offices. These communications shall be considered internal telegrams and shall not be included in the international accounts.

In addition, the two railway Administrations and their agents may, on the lines operated by them, make use, without charge, of the telegraph for the needs of the service on those lines.

Any other private or official communication originating at Modane shall be handed in, for the computation of charges and for transmission, to the French office at Modane.

The telegraph Administrations of the contracting States shall continue to exercise over telegraph service in their own territory all the rights granted to them by the laws in force. They may accordingly make whatever regulations are necessary for the proper performance of the foregoing provisions.

*Article 21.* Telephone communications, whether for official, private or service purposes, shall be governed by the provisions of the international telephone regulations.

*Article 22.* A cable has been in service between Turin and Modane since 1936; it consists of 47 quads of 11/10° and one pair of 14/10° insulated with paper.

Each Government shall own and be responsible for maintenance of this cable in its own territory; nevertheless, general maintenance of the cable shall be organized by the Italian Government services.

*Article 23.* Dispatches and correspondence between the postal administrations shall be exempt from all customs formalities.

The agent of the Customs Administration shall supervise the unloading and loading of dispatches and postal parcels and shall accompany them from the railway carriage in which they arrive to the railway carriage in which they leave, but they may neither open or examine them.

Where there are well-founded suspicions that the customs laws have been violated, the said agents shall accompany the cases, bags and parcels containing the correspondence to the post-office in order to be present when they are opened, an operation which only the postal employees may perform.

*Article 24.* The French and Italian Railway Administrations shall facilitate by every possible means the transfer of postal parcels and dispatches from one train to another. To that end, incoming trains shall be stationed as close as possible to outgoing trains.

Railway personnel shall, upon request, assist in the transfer of the said parcels and dispatches in return for a fee to be determined jointly by the railway and postal Administrations.

*Article 25.* A station shall be established at Ventimiglia which shall be common to both the French and Italian railways and shall accommodate the customs, police and the post, telegraph and telephone services of the two countries.

The technical services of the station shall be provided by the staff and under the direction of the Administration of the Italian railways under the conditions to be determined jointly by the Administrations of both the French and the Italian railways or, failing agreement between them, by the two Governments concerned; however, each Administration shall have a separate agent at the Ventimiglia station specifically to represent its commercial interests with regard both to the public and to the other Administration. In the case of the Italian Administration, such agent may be the station-master in charge of managing the technical services common to the two Administrations.

The Administration of the Italian railways shall, under the conditions set forth in its specifications and on a basis of complete reciprocity, provide the French Administration, at the Ventimiglia station, with the premises needed to accommodate the customs, police and the post, telegraph and telephone services.

The Administration of the Italian railways shall provide the Administration of the French railways, at the same station, with premises to house their locomotives and carriages and the staff assigned to that station for such special serv-



ices as locomotive and vehicle servicing, train operation, commercial services and the like which are not part of the joint services for which the Italian Administration is responsible.

All expenditure for the installation of the Ventimiglia station shall be defrayed by the Administration of the Italian railways which shall receive from the Administration of the French railways, by way of rent, 5 per cent annual interest on expenditure relating to facilities allotted to the exclusive service of the French railways and interest at the same rate on half the expenditure relating to facilities allotted to the common services.

Work recognized to be part of the initial installation on the section of the line between the frontier and Ventimiglia and at the Ventimiglia station may be carried out only with the approval of the competent Italian authority, in accordance with Italian regulations. The plans must be submitted for approval by the Administration of the Italian railways. The cost of such work shall be borne by the Administration of the Italian railways, but, in respect of work carried out at the Ventimiglia station, the Société nationale des chemins de fer français shall pay rent under the conditions set forth in the preceding paragraph.

The costs of operating the facilities, including the costs relating to the electrification of the station which shall be similarly advanced by the Administration of the Italian railways, shall be shared on the same bases.

*Article 26.* The section of the line between the French-Italian frontier and Ventimiglia, excluding the joint station of Ventimiglia, shall be operated exclusively by the Société nationale des chemins de fer français under the following conditions:

(a) The Italian State Railways shall reimburse the Société nationale des chemins de fer français for the actual expenditure incurred by it for the operation of that section.

For the purposes of this provision, the actual operating expenditure shall be reckoned at a flat rate per actual train/kilometre; this rate shall be determined by agreement between the two Administrations and shall be subject to review.

(b) The Italian State Railways shall collect all receipts actually taken in which relate to that section, including taxes, on the understanding that it shall pay to the Italian Government the taxes relating to the said section and shall settle with it all matters pertaining thereto.

(c) It is, moreover, understood that, throughout their stay in Italian territory, the engine-drivers and crews of the French trains shall be subject to the laws and regulations governing the operation of the Italian railways.

*Article 27.* At the Ventimiglia station, in so far as regular transport is concerned, separate warehouses shall be assigned for goods imported into France, whereas, in the case of fast freight, customs formalities shall be carried out in a single warehouse, adequately fitted out.

*Article 28.* With regard to the international station of Ventimiglia and the section of the line between that station and the Italian-French frontier, the Italian Government shall guarantee the French Government, and the French Government shall guarantee the Italian Government, complete reciprocity in respect of the provisions of articles 3 to 5, inclusive, and articles 7 to 24, inclusive, relating

to the international station of Modane and the section of the line between that station and the French-Italian frontier.

*Article 29.* Each Government shall provide accommodation for its personnel assigned to customs and police duties at the two stations of Modane and Ventimiglia.

*Article 30.* Recognized customs agents of each country shall be permitted to act on each other's behalf in the offices of the other country at the stations of Modane and Ventimiglia, providing that they conform with the laws and regulations of the other country.

Nevertheless, the number of Italian customs agents permitted to conduct operations in the French offices may not exceed the number of French customs agents, and the number of French customs agents permitted to conduct operations in the Italian offices may not exceed the number of Italian customs agents.

For the purposes of this article, agreements may be concluded between the competent administrations of the two countries as the need arises.

*Article 31.* This Convention shall remain in effect for five years from the date of the exchange of the instruments of ratification. Beyond that period the Convention shall continue to be binding so long as neither of the two Governments gives notice six months in advance, of its intention to terminate the effects thereof.

*Article 32.* All provisions of the Convention of 7 May 1862 which are not contrary to the foregoing provisions shall remain in force.

*Article 33.* This Convention shall be ratified, and the instruments of ratification shall be exchanged in Paris as soon as the formalities required by the constitutional laws of the two contracting countries have been complied with.

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

DONE at Rome, in duplicate, on 29 January 1951.

For France:

[JACQUES FOUQUES-DUPARC]

For Italy:

[CARLO SFORZA]