

No. 13370

**FRANCE
and
ITALY**

Convention relating to joint national control offices and inspections in transit (with final protocol). Signed at Rome on 11 October 1963

Authentic texts: French and Italian.

Registered by France on 31 May 1974.

**FRANCE
et
ITALIE**

Convention relative aux bureaux à contrôles nationaux juxtaposés et aux contrôles en cours de route (avec protocole final). Signée à Rome le 11 octobre 1963

Textes authentiques : français et italien.

Enregistrée par la France le 31 mai 1974.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN FRANCE AND ITALY RELATING TO
JOINT NATIONAL CONTROL OFFICES AND INSPECTIONS
IN TRANSIT

The President of the French Republic and the President of the Italian Republic, desiring to facilitate the crossing of the frontier between the two countries, have decided for this purpose to conclude a Convention relating to joint national control offices and inspections in transit and have accordingly appointed as their respective plenipotentiaries:

The President of the French Republic:

H.E. Armand Bérard, Ambassador of France at Rome;

The President of the Italian Republic:

H.E. Edoardo Martino, Under-Secretary of State for Foreign Affairs, who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

PART I. GENERAL PROVISIONS

Article 1. In this Convention,

1. The term "inspection" shall mean the application of all laws, regulations and administrative provisions of the two States concerning the crossing of the frontier by persons and the entry, exit and transit of baggage, goods, vehicles and other property.

2. The term "transit State" shall mean the State in whose territory the inspection by the other State is conducted.

3. The term "adjoining State" shall mean the other State.

4. The term "zone" shall mean that part of the territory of the transit State within which the officials of the adjoining State are authorized to conduct inspections.

5. The term "officials" shall mean persons who are members of the departments responsible for inspection and perform their duties in the joint national control offices or in vehicles in transit.

6. The term "offices" shall mean the joint national control offices.

Article 2. 1. With a view to simplifying and expediting the formalities relating to the crossing of their common frontier, the Contracting Parties may, within the framework of this Convention:

(a) establish offices situated on both sides, or on only one side, of the frontier;

(b) conduct inspections in vehicles in transit on specified section of route.

¹ Came into force on 15 July 1965, i.e., 15 days after the exchange of the instruments of ratification, which took place at Paris on 30 June 1965, in accordance with article 29.

They shall therefore authorize the officials of one of the two States to perform their duties in the territory of the other State.

2. The establishment, transfer, modification or discontinuance

(a) of offices,

(b) of sections of route on which inspections may be conducted in transit

shall be the subject of arrangements by the competent authorities of the two States.

3. Arrangements pursuant to paragraph 2 delimiting the zone shall be confirmed by an exchange of diplomatic notes. They shall enter into effect upon the completion of any formalities required by the legislation of each State.

Article 3. 1. The zone may consist of:

A. In the case of rail traffic:

(a) a part of the station and its annexes;

(b) passenger or goods trains and a specified section of the track and platforms where they stand during the period of inspection;

(c) passenger or goods trains on the section of route between the station and the common frontier, the section of track between the frontier and the office, and parts of the stations situated on that section of route;

(d) in the case of inspection on a train in transit, the train on the specified section of its route and, if necessary, a sector of the stations at which that section of the train's route begins and ends.

B. In the case of road traffic:

(a) a part of the service building;

(b) sections of the road and other installations;

(c) any stores and warehouses;

(d) the road between the frontier and the office;

(e) in the case of inspection on a vehicle in transit, the vehicle on the specified section of its route and a sector of the buildings and installations at which that section of the vehicle's route begins and ends.

2. In case of emergency, the authorities concerned may, by mutual agreement, make such amendments as may prove necessary to the original delimitation of the zone. The arrangement thus concluded shall enter into effect immediately.

3. When an arrangement concluded under article 2, paragraph 2, does not include within the zone a section of territory referred to in paragraph 1 above, it may provide for the application, in that section, of certain provisions of this Convention or for the recognition of certain rights and obligations resulting from it, in particular the retention of the right of surveillance by officials of the adjoining State.

PART II. INSPECTION

Article 4. 1. The laws, regulations and administrative provisions of the adjoining State regarding inspection shall be applied in the zone in the same way

as they are applied in the territory of the adjoining State. They shall be applied by the officials of that State to the same extent, under the same conditions and with the same consequences as in their own country.

The commune to which the office of the adjoining State is attached for this purpose shall, if necessary, be designated by the Government of that State.

2. When the laws, regulations or administrative provisions of the adjoining State relating to inspection are violated in the zone, the courts of the adjoining State shall be competent and shall rule precisely as if such offences had been committed in the territory of that State.

Article 5. The officials of the adjoining State may not arrest within the zone or remove to their territory persons who are not proceeding to the aforesaid State, unless they violate in the zone the laws, regulations or administrative provisions of the adjoining State relating to customs inspection.

Article 6. 1. Inspection by the country of exit shall be effected before inspection by the country of entry.

2. The officials of the country of entry may not begin their inspection until completion of inspection by the country of exit, to which any form of waiver of such inspection shall be treated as equivalent.

3. The officials of the country of exit shall not be entitled to resume inspection operations after the officials of the country of entry have begun their own operations. As an exceptional measure, such inspection may be resumed with the consent of the competent officials of the country of entry.

4. If for practical reasons the order provided for in paragraph 1 above is modified during inspections, the officials of the country of entry may make arrests or seizures only after inspection by the country of exit has been completed. If they wish to take such action, they shall take the persons, goods or other property in respect of which inspection by the country of exit has not yet been completed to the officials of that country. If the latter officials wish to make arrests or seizures, they shall have priority.

Article 7. The officials of the adjoining State may freely transfer to the territory of their State any sums of money collected in the zone, as well as any goods or other property held or seized therein. They may also sell such articles in the transit State provided that they comply with the laws in force and may freely transfer the proceeds to the adjoining State.

Article 8. 1. Goods whose importation into the adjoining State has been refused by officials of that State at the time of the exit inspection or which have been returned to the adjoining State at the request of the person concerned, before commencement of the entry inspection in the transit State, shall not be subject to the export regulations in force in, or the exit inspection conducted by, the transit State.

2. Persons or goods turned back by officials of the country of entry may not be refused re-entry into the country of exit.

Article 9. 1. The officials of the two States shall help each other as much as possible in the discharge of their duties in the zone, and particularly in providing for the continuity of their respective inspection operations and in the prevention and detection of violations of inspection regulations; they shall

communicate to each other, either on their own initiative or on request, all information which may be of importance for the proper discharge of their duties.

2. Any goods or other property originating in the adjoining State which are withheld in the zone prior to inspection shall, if seized immediately in or near the zone by the officials of the transit State, be handed over as a matter of priority to the officials of the adjoining State. If it is established that the export regulations of the adjoining State have not been violated, the aforesaid articles shall be handed over to the officials of the transit State.

3. At the request of the officials of the adjoining State, the competent authorities of the transit State shall conduct hearings of witnesses and experts, as well as official investigations, and shall communicate the results thereof to the aforesaid officials. They shall also issue to the witnesses and experts concerned summonses to appear before the authorities of the adjoining State and shall notify any person who has been charged or sentenced of any procedural measures or administrative decisions that have been taken. The laws of the transit State concerning the procedure for the prosecution of offences of the same kind shall apply *mutatis mutandis*.

4. The assistance provided for in paragraph 3 above shall, however, be limited to violations of the customs regulations governing the crossing of the frontier by persons or goods which are committed in the zone and detected at, or immediately after, the time when they were committed.

PART III. OFFICIALS

Article 10. 1. The authorities of the transit State shall grant to the officials of the adjoining State the same protection and assistance in the performance of their duties in the zone as they grant to their own officials.

2. The penal provisions in force in the transit State for the protection of officials in the performance of their duties shall also apply to offences committed against officials of the adjoining State.

Article 11. Claims for compensation for damage or injury caused by the officials of the adjoining State in the performance of their duties in the zone shall be subject to the law and jurisdiction of the adjoining State as though the damage or injury had occurred in that State.

Article 12. 1. Officials of the adjoining State shall be exempt from passport and visa requirements. They shall be authorized to cross the frontier and to proceed to their place of work on production of official documents proving their identity and title.

2. The competent authorities of the transit State reserve the right to request the authorities of the adjoining State to withdraw certain officials.

Article 13. Officials of the adjoining State may, in the transit State, wear their national uniform or a visible distinctive badge; they may, in the zone and when travelling between their place of work and residence, bear their regulation arms. The use of the aforesaid arms in the zone shall, however, be authorized only in self-defence.

Article 14. Officials of the adjoining State may not be arrested by the authorities of the transit State as a result of acts committed in the zone in the

performance of their duties. They shall, in that case, be answerable to the authorities of the adjoining State as though the aforesaid acts had been committed in that State.

Article 15. 1. Officials of the adjoining State who reside in the transit State shall, with respect to the conditions relating to their place of residence, comply with the requirements of the competent authorities in accordance with the provisions relating to the presence of aliens. They shall, if necessary, be provided with residence permits free of charge.

2. Residence permits may not be withheld from spouses, minor children and parents who live in the same household as the officials concerned and who are not engaged in any remunerative activity unless they are personally affected by a decision prohibiting entry into the transit State. The aforesaid persons shall be exempt from taxes relating to residence permits. The issuance of a permit for the performance of a remunerative activity to the members of the family of the aforesaid officials shall be left to the discretion of the competent authorities. Such permits shall be issued after receipt of the statutory taxes.

3. The time during which officials of the adjoining State perform their duties in the territory of the transit State or reside therein shall not be included in the periods for which privileged treatment is applicable under conventions in force between the two States. The same shall apply to the members of the family who are granted a residence permit as a result of the presence of the head of the family in the transit State.

Article 16. 1. Officials of the adjoining State who reside in the transit State shall be granted, under the conditions established by the laws and regulations of that State, in respect of themselves and the members of their family living in the same household, exemption from all entry and exit duties on their furniture, personal effects, including vehicles, and normal household provisions, both at the time when they take up residence or establish a home in the transit State and when they return to the adjoining State. In order to benefit from the exemption, the aforesaid articles must be acquired on the open market in the adjoining State or in the State in which the official or the members of his family were previously resident. The regulations of the transit State concerning the use of the goods admitted free of charge shall be reserved.

2. The aforesaid officials, as well as the members of their family living in the same household, shall be exempt from all personal services and material obligations under public law in the transit State. With respect to nationality and military service, their place of residence shall be regarded as being the territory of the adjoining State. They shall not be subject, in the transit State, to any tax or duty from which nationals of the transit State resident in the same commune would be exempt.

3. Officials of the adjoining State who are not resident in the transit State shall be exempt in that State under public law from all personal services and material obligations and direct taxes on their official remuneration.

4. The double taxation conventions in force between the Contracting States shall apply also to officials of the adjoining State.

5. The wages of officials of the adjoining State shall not be subject to any currency restriction. Such officials may freely transfer their savings to the adjoining State.

PART IV. OFFICES

Article 17. 1. The competent authorities of the two States shall determine by mutual agreement:

- (a) the premises needed for the operation in the zone of the services of the adjoining State;
- (b) the compartments and premises to be reserved for officials responsible for conducting inspections in transit.

2. The transit State shall make available to the services of the adjoining State the premises provided for in the preceding paragraph.

Any contribution made by the adjoining State to the cost of constructing the aforesaid premises or any compensation that may be due for their use shall be determined by mutual agreement between the competent authorities of the two States.

Article 18. The working hours and functions of the offices shall be determined by mutual agreement between the competent authorities of the two States.

Article 19. The authorities concerned shall communicate to each other a list of the officials assigned to the offices.

Article 20. The premises assigned for use as offices of the adjoining State shall be designated by an official description and a coat of arms.

Article 21. The officials of the adjoining State shall be entitled to maintain order within the premises assigned for their exclusive use and to expel therefrom any person causing a disturbance. For this purpose they may, if necessary, call upon the assistance of officials of the transit State.

Article 22. The articles required for the operation of the offices or needed by officials of the adjoining State during the performance of their duties in the transit State shall be exempt from customs duties and any entry or exit taxes without deposit of security. Unless otherwise provided by mutual agreement between the competent authorities, import or export prohibitions or restrictions shall not apply to the aforesaid articles. The same shall apply to service or private vehicles used by officials either in the performance of their duties in the transit State or for travel to and from their home.

Article 23. 1. The transit State shall authorize the installation — free of charge, except for payment of any costs entailed by the installation and rental of apparatus — of the telephone and telegraph equipment (including teleprinter equipment) required for the operation of the offices of the adjoining State in the transit State, the connexion of such equipment to the corresponding equipment of the adjoining State, and the exchange of direct communications reserved exclusively for official matters with the aforesaid offices. Such communications shall be regarded as internal communications within the adjoining State.

2. For the same purpose, the Governments of the two States undertake to grant, so far as is possible, every facility for the use of other means of telecommunication.

3. Furthermore, the regulations of the two States relating to the construction and operation of telecommunication installations shall be reserved.

Article 24. Officials of the adjoining State may carry official letters and packets as well as funds sent from or addressed to the offices of that State without using the postal service. Such articles, which shall be free of all charges, must bear the official stamp of the service concerned.

PART V. PERSONS MAKING CUSTOMS DECLARATIONS

Article 25. 1. Persons coming from the adjoining State may complete all the inspection operations at the offices of that State situated in the zone under the same conditions as in the adjoining State.

2. The provisions of the preceding paragraph shall apply in particular to persons who, in the adjoining State, perform the aforesaid operations on a professional basis; such persons shall be subject, in that respect, to the laws, regulations and administrative provisions of the adjoining State. The operations thus conducted and the services thus performed shall be regarded, for all taxation purposes, as having been conducted and performed exclusively in the adjoining State.

3. The general regulations of the transit State shall apply to the persons referred to in paragraphs 1 and 2 above in respect of the crossing of the frontier and of their presence in the aforesaid State. Facilities consistent with these provisions must be granted.

PART VI. FINAL PROVISIONS

Article 26. The competent authorities of the two States shall determine, by mutual agreement, the administrative measures necessary for the application of this Convention.

Article 27. 1. A joint Franco-Italian commission shall be established as soon as possible after the entry into force of this Convention and shall be responsible for:

- (a) carrying out the arrangements provided for in article 2;
- (b) formulating any amendments to this Convention that may be necessary;
- (c) resolving, to the fullest extent possible, any difficulties that might arise from the application of this Convention.

2. The aforesaid commission shall be composed of six members to be appointed in equal numbers by each Contracting Party. It shall elect its chairman alternatively from among the French and Italian members. The chairman shall not have a casting vote. The members of the commission may be assisted by experts.

Article 28. Any measures that one of the Contracting Parties might be called upon to take for reasons essential to the protection of its sovereignty or security shall be expressly reserved.

Article 29. 1. This Convention shall be ratified, and the instruments of ratification shall be exchanged as soon as possible at Paris.

2. It shall enter into force fifteen days after the exchange of the instruments of ratification.

3. It shall terminate two years after it has been denounced by one of the Contracting Parties.

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

DONE at Rome on 11 October 1963, in duplicate in the French and Italian languages, both texts being equally authentic.

For the President
of the French Republic:

[ARMAND BÉRARD]

For the Italian Republic:

[EDOARDO MARTINO]

FINAL PROTOCOL

On the occasion of the signature of the Convention relating to joint national control offices and inspections in transit, concluded today between France and Italy, the undersigned plenipotentiaries have agreed on the following provisions, which shall form an integral part of the Convention.

There is agreement on the fact that, as soon as this Convention enters into force, its provisions shall apply to offices already covered by the Conventions concluded between the Contracting Parties on 29 January 1951¹ and 6 April 1956² and shall prevail over the corresponding provisions of the aforesaid Conventions. The procedures for implementation shall be decided upon by agreement between the competent authorities of the two States.

There is also agreement on the fact that this Convention does not affect:

- (a) provisions, not relating to control, concerning rail services at the international railway stations of Modane and Ventimiglia contained in the Convention of 29 January 1951;
- (b) the special provisions contained in articles 14, 15, 20 and 21 of the Convention of 6 April 1956.

DONE at Rome on 11 October 1963, in duplicate in the French and Italian languages, both texts being equally authentic.

For the President
of the French Republic:

[ARMAND BÉRARD]

For the Italian Republic:

[EDOARDO MARTINO]

¹ See p. 19 of this volume.

² United Nations, *Treaty Series*, vol. 363, p. 3.