

**SWITZERLAND  
and  
ITALY**

**Convention relating to joint national control offices and inspections in transit (with protocol). Signed at Berne on 11 March 1961**

**Agreement supplementing the above-mentioned Convention relating to inspection on trains in transit over the section Ponte Ribellasca-Camedo. Signed at Geneva on 15 December 1975**

**Agreement supplementing the above-mentioned Convention of 11 March 1961 relating to the establishment of a joint national control office in the railway station of Domodossola and to inspections in transit over the section Domodossola-Brig. Signed at Geneva on 15 December 1975**

**Agreement supplementing the above-mentioned Convention of 11 March 1961 relating to the establishment of a joint national control office at Colle di Menouve. Signed at Geneva on 15 December 1975**

**Agreement supplementing the above-mentioned Convention of 11 March 1961 relating to the establishment of a joint national control office in the railway station of Chiasso and to inspections in transit over the section Lugano-Como. Signed at Rome on 28 February 1974**

**Agreement supplementing the above-mentioned Convention of 11 March 1961 relating to the establishment of joint national control offices on the section Chiasso-strada/Ponte Chiasso. Signed at Rome on 28 February 1974**

**Agreement supplementing the above-mentioned Convention of 11 March 1961 relating to the establishment of a joint national control office in the railway station of Luino and to inspections in transit over the section Luino-Ranzo S. Abbondio. Signed at Rome on 28 February 1974**

**Agreement supplementing the above-mentioned Convention of 11 March 1961 relating to the establishment of a joint national control office in the railway station of Iselle di Trasquera. Signed at Rome on 28 February 1974**

*Authentic texts: Italian.*

*Registered by Switzerland on 15 February 1979.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> BETWEEN THE SWISS CONFEDERATION AND  
THE ITALIAN REPUBLIC RELATING TO JOINT NATIONAL  
CONTROL OFFICES AND INSPECTIONS IN TRANSIT

The Swiss Federal Council and the President of the Italian Republic,

Desiring to facilitate the crossing of the frontier between the two countries, have decided to conclude a Convention relating to joint national control offices and inspections in transit. They have accordingly appointed as their plenipotentiaries:

The Swiss Federal Council:

Mr. Charles Lenz, General Manager of Customs,

The President of the Italian Republic:

Mr. Ugo Calderoni, General Manager of Customs and Indirect Taxes, 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 countries which regulate the crossing of the frontier by persons, and the entry, exit and transit of goods (including 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) The Contracting Parties shall take, within the framework of this Convention, the measures necessary to facilitate and expedite the crossing of the frontier between the two countries by rail, road and water traffic.

(2) For this purpose, they may:

(a) Establish joint national control offices;

(b) Institute inspections on vehicles in transit on specified sections of route;

<sup>1</sup> Came into force on 10 July 1963 by the exchange of the instruments of ratification, which took place at Rome, in accordance with article 27.

(c) Authorize the competent officials of either State to perform their duties in the territory of the other State, within the framework of this Convention.

(3) The establishment, transfer, modification or discontinuance

(a) Of joint national control offices

(b) Of sections of route on which inspections may be carried out in transit

shall be determined by appropriate agreements between the competent authorities of the two States.

*Article 3.* The zone may consist of:

(1) In the case of rail traffic:

(a) Part of the station and its installations;

(b) The section of track between the frontier and the office, and parts of the stations situated on that section;

(c) As regards inspection on a train in transit, the train while it is on the specified section of its route, and parts of the stations at which that section begins and ends, as well as parts of the stations through which the train passes;

(2) In the case of road traffic:

(a) Part of the service buildings;

(b) Sections of the road and of other installations;

(c) The road between the frontier and the office;

(d) As regards inspection of a vehicle in transit, the vehicle while it is on the specified section of its route, and part of the buildings and installations at which that section begins and ends;

(3) In the case of traffic by waterway:

(a) Part of the service buildings;

(b) Parts of the waterway and of riverside and port installations;

(c) The waterway between the frontier and the office;

(d) As regards inspection on a vessel in transit, the vessel and the accompanying inspection vessel on the specified section of its route, as well as part of the buildings and installations at which that section begins and ends.

When an agreement concluded under article 2, paragraph (3), does not include within the zone a section of territory which meets the requirements laid down in paragraphs (1) to (3) above, this 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 States.

## 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. Persons may not be arrested in the zone or removed to the adjoining State except as a result of acts subject to the jurisdiction of the adjoining State. 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.

(3) This article shall not prejudice the application within the zone, by the transit State, of the laws, regulations and administrative provisions relating to inspection.

*Article 5.* This Convention shall not prejudice the powers of the transit State as regards the right to maintain public order in the zone.

*Article 6.* 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 in customs matters.

*Article 7.* (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 exception, operations relating to the exit inspection may be resumed at the request of the person concerned and with the consent of the competent official of the State of entry.

(4) Derogations to the order of operations laid down in paragraph 1 above shall not be authorized unless they may be justified by important practical motives and in so far as no other reason is opposed to it. In such exceptional cases, the officials of the country of the State 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 8.* 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 9.* (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 10.* (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 regulating the continuity of their respective inspection operations and ensuring that they are rapidly expedited, and also in preventing persons, goods and other property from departing from the itinerary or the place laid down for the inspection operations of the two States.

(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 11.* (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. The penal provisions enforced 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.

(2) Claims for compensation or 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. The citizens of the transit State shall, however, be treated in the same way as the citizens of the adjoining State.

*Article 12.* (1) Officials of the adjoining State who, in pursuance of this Convention, are called upon to exercise their functions in the zone, 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. Decisions concerning prohibitions of entry against individual officials of the adjoining State remain reserved.

(2) The competent administrations of the transit State may require that the officials of the adjoining State, in exercise of their functions in the transit State, are to be recalled to their own country.

*Article 13.* The officials of the adjoining State called upon, in pursuance of this Convention, to exercise their functions in the zone may 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.* (1) Officials of the adjoining State who, in pursuance of this Convention, are exercising their functions in the zone and who reside in the transit State, shall be required to comply with the requirements concerning their place of residence 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 shall be issued free of charge to members of the family of such officials living with them who do not exercise any remunerative activity. Residence permits may not be withheld from such members of the family except in cases where they are personally affected by a decision prohibiting entry. The competent authorities shall decide freely on the granting to the members of the family of these officials of a permit for the performance of a remunerative activity. When such permits are granted, their issuance may involve the levying 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 15.* (1) Officials of the adjoining State who, in pursuance of this Convention, are to exercise their functions in the zone and 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.

(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) The officials of the adjoining State who, in pursuance of this Convention, are to exercise their functions in the zone but do not reside in the zone 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 two Contracting Parties shall apply also to officials of the adjoining State, who, in pursuance of this Convention, must exercise their functions in the zone. However, this shall not affect the exemption from all direct personal taxes provided for in the Convention concluded between the Contracting Parties on 23 December 1873 concerning the junction of the Saint-Gothard railway with the Italian railways at Chiasso and Pino and the Convention concluded on 2 December 1899 concerning the junction of the Swiss railway network with the Italian railway network through the Simplon tunnel, the designation of the international station and the operation of the section Iselle-Domodossola, in favour of officials of the adjoining State employed in services of the stations mentioned in those Conventions.

(5) The wages of officials of the adjoining State who, in pursuance of this Convention, must exercise their functions in the zone shall not be subject to any currency restriction. Such officials may freely transfer their savings to the adjoining State.

#### PART IV. OFFICES

*Article 16.* The working hours and functions of the joint national control offices shall be determined by mutual agreement between the competent administrations of the two States.

*Article 17.* The competent administrations 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 and any expenses involved in their utilization;
- (b) The compartments and premises to be reserved for officials responsible for conducting operations in transit.

*Article 18.* (1) The premises assigned for use as offices of the adjoining State shall be indicated by inscriptions and official coats of arms.

(2) 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 19.* The articles required for the operation of the offices or needed by the 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. They will not be required to provide guarantees. 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 homes or for travel along the section which separates the two offices forming part of a single frontier station.



*Article 20.* (1) The transit State shall authorize the installation—free of charge, except for payment of any cost 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 connection 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 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 21.* 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 22.* (1) Persons residing in 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 residing in the adjoining State who there 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 relating to these operations. 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. This paragraph shall apply also to turnover taxes. The activity which a customs declarant resident in the adjoining State performs in an office of that State situated in the transit State shall not give rise in itself to the obligation to pay taxes on income and capital levied in that latter State.

(3) The persons referred to in paragraph (2) may, for the purpose of such activities, employ either French or Swiss personnel.

(4) The general regulations of the transit State shall apply to the persons referred to in paragraphs (1) to (3) above in respect of the crossing of the frontier and of their presence in that State. Facilities consistent with these provisions must be granted. If the activity of these persons is subject to an authorization by the fact that they exercise such an activity as aliens in the transit State, this authorization must be issued free of charge by the competent authorities.

*Article 23.* (1) Apart from the cases covered in article 22, persons resident in one of the two States may perform in the offices of the other State established in the zone all the operations relating to control, without special professional authorization but, where it occurs, with the simple approval of the competent customs office. Such persons must be treated by the authorities of the other State on a footing of complete equality.

(2) The provisions of the above paragraph shall apply in particular to persons resident in one of the two States who carry on the aforesaid activities on a professional basis. So far as the turnover tax is concerned, the services provided in an office of the other State shall always be regarded as having been provided in the State to which the said office belongs. The activity which a customs declarant resident in one of the two States exercises in an office of the other State shall not give rise in itself to the obligation to pay taxes on income and capital, levied in that latter State.

(3) Moreover, the provisions contained in paragraphs (3) and (4) of article 22 shall be applicable.

#### PART VI. FINAL PROVISIONS

*Article 24.* The competent authorities of the two States shall determine, by mutual agreement, the administrative measures necessary for the application of this Convention.

*Article 25.* (1) A joint Italo-Swiss 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, paragraph (3);
- (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 of whom three shall be appointed by each of the Contracting Parties. It shall elect its Chairman alternately from among the Swiss and Italian members. The Chairman shall not be allowed to cast the deciding vote. The members of the Commission may be assisted by experts.

*Article 26.* 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 27.* This Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Rome.

It shall enter into force on the day of the exchange of the instruments of ratification and shall cease to take effect two years after its denunciation by one of the two Contracting Parties.

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

DONE at Bern on 11 March 1961 in two original copies in the Italian language.

For the Swiss Federal Council:

CH. LENZ

For the Italian Republic:

UGO CALDERONI

## FINAL PROTOCOL

On the occasion of the signature of the Convention relating to joint national control offices and inspections in transit, concluded today between Italy and Switzerland, 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, those of its provisions which may be applied immediately shall be implemented by common agreement by the competent authorities of the two States—*mutatis mutandis*—in the joint national control offices already covered by existing Agreements between the Contracting Parties and shall prevail over the corresponding provisions.

DONE at Bern on 11 March 1961 in two original copies in the Italian language.

For the Swiss Federal Council:

CH. LENZ

For the Italian Republic:

UGO CALDERONI

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[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN SWITZERLAND AND ITALY RELATING TO INSPECTION ON TRAINS IN TRANSIT OVER THE SECTION PONTE RIBELLASCA-CAMEDO

The Swiss Federal Council and the Government of the Italian Republic, in pursuance of article 2, paragraphs (2) and (3), of the Convention between Switzerland and Italy relating to joint national control offices and inspections in transit, signed at Bern on 11 March 1961,<sup>2</sup> have decided to conclude an Agreement relating to inspection on trains in transit over the section Ponte Ribellasca-Camedo and, to this end, have agreed as follows:

*Article 1.* (1) Swiss and Italian inspections may be carried out on trains in transit between Ponte Ribellasca station and Camedo station and vice versa.

(2) Inspections shall concern persons and accompanied and unaccompanied baggage.

*Article 2.* (1) For the officials of the adjoining State, the zone includes the train as defined in article 4, paragraph (1), in transit on routes designated in article 1, paragraph (1), and the platforms, areas between the railway lines and the premises placed at their disposal in accordance with paragraph (7).

(2) In the stations of Ponte Ribellasca and Camedo, the officials of the adjoining State have the right to detain persons who have violated the laws of the adjoining State together with the goods or other property seized in the trains, as well as supporting evidence.

(3) Officials in service shall enjoy free transport over the railway sections indicated in article 1, paragraph (1).

(4) Persons arrested, goods or other property seized and the supporting evidence may be taken into the adjoining State by the first available train on the sections indicated in article 1, paragraph (1).

(5) If the use of the railway is not suitable for the return within the meaning of paragraph (4) above, the officials of the adjoining State may take back into that State the persons arrested, the goods or other property seized together with the supporting evidence mentioned in paragraph (4) above, following the road section Ponte Ribellasca-Camedo or vice versa.

(6) Within the meaning of article 4, paragraph (1), of the Convention of 11 March 1961, the zone for the Swiss officials is attached to the commune of Borgnone; the zone for the Italian officials is attached to the commune of Re.

(7) The Swiss customs shall place at the disposal of the Italian officials premises in the station of Camedo to allow the application of the measures provided for in paragraph (2). For the same purposes, the Italian customs shall place at the disposal of the Swiss officials premises in the station of Ponte Ribellasca.

<sup>1</sup> Came into force on 15 April 1976, i.e., four months after the date of signature, in accordance with article 5 (1).

<sup>2</sup> See p. 296 of this volume.

*Article 3.* For the purposes of the provision contained in article 7, paragraph (2), of the Convention of 11 March 1961, the inspections of travellers and their baggage shall be considered as a general rule to be terminated by the country of exit when the officials of that country have left the compartment.

*Article 4.* (1) The Customs Directorate of the Fourth District at Lugano and the Police Headquarters of the Canton of Ticino at Bellinzona, on the one hand, and the Directorate of the Customs District of Domodossola and the Office of the Second Frontier Police Zone, on the other hand, shall designate, after consulting the railway authorities and in accordance with needs and availabilities, the trains on which inspections in transit shall be carried out and shall regulate the details thereof.

(2) The most senior officials, on duty on the spot, are authorized to adopt, by mutual agreement, the measures necessary immediately or for brief periods of time, particularly in order to eliminate any difficulties that may arise at the time of the inspection; on the other hand, decisions of principle shall always be taken, by mutual agreement, by the appropriate authorities and services.

*Article 5.* (1) This Agreement shall enter into force four months after the date of its signature.

(2) Either State may denounce this Agreement with effect from the first day of the month, after six months' notice.

DONE at Geneva on 15 December 1975, in two original copies in the Italian language.

For the Swiss Federal Council:

LENZ

For the Government  
of the Italian Republic:

TOMASONE

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## [TRANSLATION — TRADUCTION]

**AGREEMENT<sup>1</sup> BETWEEN SWITZERLAND AND ITALY RELATING TO THE ESTABLISHMENT OF A JOINT NATIONAL CONTROL OFFICE IN THE RAILWAY STATION OF DOMODOSSOLA AND TO INSPECTIONS IN TRANSIT OVER THE SECTION DOMODOSSOLA-BRIG**

The Swiss Federal Council and the Government of the Italian Republic, in pursuance of article 2, paragraphs (2) and (3), of the Convention between Switzerland and Italy relating to joint national control offices and inspections in transit, signed at Bern on 11 March 1961,<sup>2</sup> have decided to conclude an Agreement relating to the establishment of a joint national control office in the railway station of Domodossola and to inspections in transit over the section Domodossola-Brig and, to this end, have agreed as follows:

*Article 1.* (1) A joint national control office shall be established in Italian territory, in the station of Domodossola.

(2) Italian control operations and part of Swiss control operations concerning entry and exit shall be carried out in this office.

(3) The Swiss controls shall include:

(a) Passengers (persons who cross the frontier in passenger trains, together with their baggage, goods for private use, commercial samples, small quantities of marketable goods of negligible value, currency and notes which such persons carry with them for personal needs);

(b) Goods traffic

—Postal and messenger traffic,

—Consignments of express parcels and high-speed consignments of small parcels,

—Consignments subject to health inspection (epidemics and epizootics),

—Consignments subject to phytopathological inspection.

(4) Within the meaning of article 4, paragraph (1), of the Convention of 11 March 1961 (hereinafter called the “Basic Convention”), the office and the zones intended for Swiss officials in Italian territory are attached to the commune of Brig.

*Article 2.* (1) In the station of Domodossola two distinct zones shall be established, one for passengers and the other for goods.

(2) The official plans of the zones mentioned in articles 3 and 4 shall be posted in the Swiss and Italian offices.

<sup>1</sup> Came into force on 15 April 1976, i.e., four months after the date of signature, in accordance with article 13 (1).

<sup>2</sup> See p. 296 of this volume.

*Article 3.* (1) The zone for passenger traffic shall include:

- (a) The section of line between the frontier in the Simplon tunnel and the station of Domodossola;
- (b) The arrival lines of trains 1 to 6 and the section of line included between switching-point No. 6b to the south and the arrival switching-points Nos. 41a and 41b to the north;
- (c) The platforms I to IV which provide access to the above-mentioned lines, except, on platform II, for the exchange office and the subway which provides access to the railway of the Societa Subalpina Imprese Ferroviarie;
- (d) The subway which provides access to the platforms mentioned above, except for the premises known as "Diurno";
- (e) The passenger building mentioned in the following paragraph (2).

(2) The zone shall be divided into two sectors:

- (a) A sector used jointly by the officials of the two States comprising:
  - The lines, the platforms and the subways indicated in paragraph (1) (a) to (d),
  - The joint hall for the inspection of accompanied or unaccompanied luggage, situated on the ground floor of the passenger building, except for the newspaper kiosk;
- (b) A sector reserved for Swiss officials, comprising:
  - The Swiss Customs offices situated on the ground floor of the passenger building,
  - The office reserved for the Swiss police of the canton of Valais, situated on the first floor, southern corridor, in the passenger building.

*Article 4.* (1) The zone for goods traffic shall include, in addition to the zone mentioned in the foregoing article 3:

- (a) The connecting lines between the section of line mentioned in article 3, paragraph (1) (a), and the area defined in subparagraphs (b) and (c) below;
- (b) The group of lines "1° Poste Svizzere (corr. Svizzera)", "2° Poste Svizzere (corr. Svizzera)", "3° sussidiario partenze (corr. Svizzera)" and the group of lines from 1 to 10 (including the goods-loading platform) situated to the west of the goods-wagon group and the clearing line, delimited to the south by the buffers and to the north by the base points of platform No. 134 and 275;
- (c) The northern group of branch-lines (lines 3 to 7), including the area delimited to the south by the iron foot-bridge, to the north by the switching-point No. 288, and to the west by the railway boundary, excluding the embankment;
- (d) The buildings and premises listed in paragraph (2) below.

(2) The zone shall be divided into two sectors:

- (a) A sector used jointly by the officials of the two States, comprising:
  - The area described in the preceding paragraph (1) (a) to (c),
  - The GV (express goods) entry depot in Italy, except for the premises reserved for the Finance Guard and Swiss Railways,

—The PV (slow goods) and GV exit depot from Italy, excluding the goods warehouse reserved for the Swiss Customs and the local Swiss Railways unit;

(b) A sector reserved for the Swiss officials, including:

—The building known as the Swiss Customs and the Swiss post office,

—In the international building: the office of the Swiss frontier veterinary official and the Swiss phytopathological office, situated on the ground floor,

—In the PV and GV exit depot from Italy, the goods warehouse reserved for the Swiss Customs,

—On the cattle-loading platform, the office of the Swiss veterinarian.

*Article 5.* (1) If, to meet the needs of rail traffic, trains or part of them have to extend beyond the zone or be moved outside of it, such trains or the parts of them and the contiguous area between the lines equivalent to their length, as well as the route to be followed, shall be considered as the zone within the meaning of articles 3 and 4.

(2) Swiss officials may transfer persons or request the transfer of goods and vehicles from one part of the zone to the other while remaining in the area of the station. They may also request the transfer of goods and vehicles from the zone to the local platform for reasons of inspection (weighting) and from there have them taken back to the zone.

*Article 6.* (1) Swiss officials shall not have in the zone the right of inspection over Italian domestic traffic and over Italian international traffic which does not enter into Swiss territory (persons, goods or other property and vehicles).

(2) The activities of persons not concerned with traffic coming from or headed for Switzerland may be inspected only in so far as they clearly violate, in the zone, the laws and regulations of the adjoining State in customs matters.

*Article 7.* The zone referred to in article 3, paragraph (1) (a), shall also include the embankment or the cutting where the railway line runs; if the ground is flat, the zone shall extend up to 5 metres parallel to the external rail. Private property, public highways which run alongside the railway and passages open to the public which pass above, below or through the zone shall in all cases be excluded from the zone.

*Article 8.* (1) In pursuance of the provisions of article 17 (a) of the Basic Convention, the premises recognized as necessary for the services conducted in the joint national control offices of the station of Domodossola shall be provided free of charge to the Swiss customs and police administrations.

(2) By analogy with the provisions of the above paragraph, the premises provided for in article 9 shall be made available free of charge to Italian officials in the station of Brig.

*Article 9.* (1) For passenger traffic, Swiss and Italian entry and exit inspections may be carried out in trains *en route* on the section Domodossola-Brig and vice versa. The inspections are of persons and their baggage. In this case, passenger trains will no longer stop for inspection at Iselle.



(2) For the officials of the adjoining State, the zone shall include trains designated under article 12, paragraph (2), on the section mentioned in the preceding paragraph and situated in the transit State.

(3) At Brig, Italian officials have the right to detain on the platforms or in their offices, situated in the service building of the French Railways station, persons who have infringed the regulations of the Italian State, goods and other property seized on trains. To ensure the implementation of these official measures, the platforms and the premises in question, together with the routes which have to be followed, shall be considered as the zone.

(4) Arrested persons and goods or other property seized may be taken to the adjoining State by the first available train over the same route indicated in this article, paragraph (1).

(5) The officials on duty of the two States shall receive free transport over the Domodossola-Brig section and vice versa.

(6) Within the meaning of article 4, paragraph (1), of the Basic Convention, the zone for the Italian officials shall be attached to the commune of Domodossola.

*Article 10.* (1) In order to meet Italian inspection needs and provided that the trains do not stop at Iselle, the Italian officials may, at Brig station, proceed with summary inspections, on the departure platforms of trains headed for Italy, which are ready to leave and which are located at any point in the station. Inspections must be completed in a maximum time of half an hour before the departure of the train.

(2) By analogy with the provisions of article 9, paragraph (3), goods or other property clearly intended to be transported clandestinely into Italy may be taken over by the Italian officials and, after possible deposit in their offices, taken to Italy, with prior notification to the Swiss Federal Railways.

(3) The operations described in paragraphs (1) and (2) shall be considered as being carried out in the zone.

*Article 11.* For the purposes of article 7, paragraph (2), of the Basic Convention, the inspections of passengers and their baggage shall, as a general rule, be understood to be completed by the country of exit when the officials of that country have left the compartment.

*Article 12.* (1) The Customs Directorate of the Fifth District at Lausanne and the Police Headquarters of the Canton of Valais, on the one hand, and the Customs Section of Turin and the Office of the Second Frontier Police Zone of Como, on the other hand, shall regulate by mutual agreement questions of detail, in agreement with the railway authorities, and, in particular, those relating to the flow of traffic and the utilization of the zone.

(2) These administrations shall designate, in accordance with needs and availabilities, the trains on which inspections are to be made in transit.

(3) The most senior officials, on duty on the spot, are authorized to adopt, by mutual agreement, the measures considered necessary immediately or for brief periods of time, particularly in order to eliminate the difficulties that may arise during inspections; on the other hand, the most important decisions shall always be adopted jointly by the appropriate authorities and services.

*Article 13.* (1) This Agreement shall enter into force four months after the date of its signature.

(2) Either State may denounce this Agreement, with effect from the first day of any month, by giving six months' notice.

DONE in two original copies in the Italian language, at Geneva, on 15 December 1975.

For the Swiss Federal Council:

LENZ

For the Government  
of the Italian Republic:

TOMASONE

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN SWITZERLAND AND ITALY RELATING  
TO THE ESTABLISHMENT OF A JOINT NATIONAL CONTROL  
OFFICE AT COLLE DI MENOUE

The Swiss Federal Council and the Government of the Italian Republic, in pursuance of article 2, paragraphs (2) and (3), of the Convention between Switzerland and Italy relating to joint national control offices and inspections in transit, signed at Bern on 11 March 1961,<sup>2</sup> have decided to conclude an Agreement relating to the establishment of a joint national control office at Colle di Menoue and, to this end, have agreed as follows:

*Article 1.* (1) At Colle di Menoue in Swiss territory, near the upper station of the cable railway, a joint national control office shall be established and reserved for the inspection of skiers who, apart from their personal effects, do not carry any other goods and are proceeding to the Italian slope of the col.

(2) Depending on the circumstances, Switzerland renounces any inspections in this case.

*Article 2.* The zone comprises:

- The shortest possible route from the zone situated at the northern extremity of the Grand-Saint-Bernard Road tunnel to the lower station of the Super-Saint-Bernard cable railway and from the lower station to the upper station of the railway;
- The premises made available to Italian officials in the upper station of the cable railway;
- A strip of land 20 metres wide, included between the upper station near Colle di Menoue and the frontier.

*Article 3.* Persons arrested, goods or other property seized may be taken to Italy through the zone described in article 2 and through the road tunnel.

*Article 4.* (1) The Swiss Customs Directorate of the district at Lausanne and the Police Headquarters of the Canton of Valais, on the one hand, and the District Headquarters of Italian Customs at Aosta, and the Office of the First Police Frontier Zone in Turin, on the other hand, shall regulate, by common agreement, questions of detail.

(2) Furthermore, the most senior officials in service at the Grand-Saint-Bernard Road tunnel are authorized to adopt, by mutual agreement, the measures necessary immediately or for brief periods of time.

*Article 5.* (1) This Agreement shall enter into force four months after the date of its signature.

<sup>1</sup> Came into force on 15 April 1976, i.e., four months after the date of signature, in accordance with article 5 (1).

<sup>2</sup> See p. 296 of this volume.

(2) Either State may denounce this Agreement, with effect from the first day of any month, by giving six months' notice.

DONE at Geneva, on 15 December 1975, in two original copies in the Italian language.

For the Swiss Federal Council:

LENZ

For the Government  
of the Italian Republic:

TOMASONE

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN SWITZERLAND AND ITALY RELATING TO THE ESTABLISHMENT OF A JOINT NATIONAL CONTROL OFFICE IN THE RAILWAY STATION OF CHIASSO AND TO INSPECTIONS IN TRANSIT OVER THE SECTION LUGANO-COMO

The Swiss Federal Council and the Government of the Italian Republic, in pursuance of article 2, paragraphs (2) and (3), of the Convention between Switzerland and Italy relating to joint national control offices and inspections in transit, signed at Bern on 11 March 1961,<sup>2</sup> have decided to conclude an Agreement relating to the establishment of a joint national control office in the railway station of Chiasso and to inspections in transit on the section Lugano-Como and, to this end, have agreed as follows:

*Article 1.* (1) A joint national control office shall be established in Swiss territory in the station of Chiasso. Swiss and Italian entry and exit inspections shall be carried out at this office.

(2) Within the meaning of article 4, paragraph (1), of the Convention of 11 March 1961 (hereinafter called the "Basic Convention"), the Italian office situated in Swiss territory shall be attached to the commune of Como.

*Article 2.* (1) In the railway station of Chiasso two distinct zones shall be established, one for passenger traffic (persons who cross the frontier in passenger trains together with their baggage, goods for private use, commercial samples, small quantities of marketable goods of negligible value and currency and notes which such persons carry with them for personal needs) and the other for goods traffic (express parcels, GV (express goods), PV (slow goods), consignments, foodstuffs, postal consignments, messages and cattle).

(2) The official plans of the zones mentioned in articles 3 and 4 shall be posted in the Swiss and Italian offices.

*Article 3.* (1) The zone for passenger traffic shall include:

- (a) The arrival lines of trains, including the track between the frontier and the set of points No. 49, the designated lines A1, A2, A3, A4, A5, A6 and A7 and the departure lines of local trains for Italy, designated as lines A9 and A10;
- (b) Platforms I and II up to the set of points No. 49 in an east-west direction, excluding, however, the platforms reserved for local passenger traffic to Switzerland, which is marked off by a railing, and the kiosk and waiting-room and the corridor which, from the inspection hall on platform II, leads to the subway;
- (c) The parts of the main passenger building and the buildings on platform II specified in the following paragraph (2).

<sup>1</sup> Came into force on 1 July 1974, i.e., four months after the date of signature, in accordance with article 15 (1).

<sup>2</sup> See p. 296 of this volume.

- (2) The zone shall be divided into two sectors:
- (a) A sector used jointly by the officials of the two States comprising:
- The lines, platforms and parts of these listed in paragraph (1) (a) and (b);
  - In the main passenger building, east wing, ground floor:
    - The joint inspection hall for passengers and accompanied and unaccompanied baggage,
    - The corridor from the inspection hall to the eastern end,
    - The waiting-room for passengers going to Italy,
    - The eastern toilets,
    - The depot for express parcels in transit;
  - In the building on platform II from east to west:
    - The warehouse for baggage and express parcels,
    - The hall and the inspection area for passengers and accompanied and unaccompanied baggage;
- (b) A sector reserved for Italian officials, comprising:
- In the main building of the passenger station on the ground floor:
    - The offices of the Customs, of the Finance Guard, of the Security Police and of the Italian veterinary services,
    - The detention cell for arrested persons;
  - In the buildings situated on platform II:
    - The office of the Railway Finance Guard,
    - The offices of the Italian Customs.

(3) If the trains or a part of them, because of their length or operating requirements, go beyond the zone or are moved out of it, such trains or parts of them and the contiguous track corresponding to their length shall be considered as a passenger zone within the meaning of this article.

Similarly, Swiss officials may carry out inspections in such trains or parts of them if, for operating reasons, they are moved to that part of the station situated in Italian territory. In this case, the zone for Swiss officials shall be attached to the commune of Chiasso.

*Article 4.* (1) The zone for goods traffic shall comprise, besides the zone mentioned in article 3 above:

- The part of the group of lines A not included in the passenger zone, as far as signal-box 1. The restriction mentioned in article 6, paragraph (1), is reserved;
- The group of lines C;
- All the groups of lines T and M, except for the compartments reserved for local traffic to Switzerland in customs halls II and V. The restriction mentioned in article 6, paragraph (1), is reserved;
- The whole:
  - Of the groups of lines N and O,

- Of the groups of lines P, R and S and the lines serving depot X (Z2, 3, 4, 30, 31, 40, 41 and 50). The restriction mentioned in article 6, paragraph (1), is reserved,
  - Of lines K 2-8 and K 11;
  - The group of lines L except for the access line K1, from the north;
  - The group of lines U, including the land situated between that group of lines and the access line coming from the south;
  - The access line from the south, which runs along the base of the Pedrinete hill, from the frontier to its incorporation in the arrival group of lines L;
  - All the buildings and installations belonging to the said groups of lines and to the access line which are listed in paragraph (2) below and the service roads situated within or immediately next to the above-mentioned groups of lines.
- (2) The zone shall be divided into two sectors:
- (a) A sector used jointly by the officials of the two States, comprising:
- The groups of lines listed in paragraph (1);
  - The platforms, loading ramps and the service roads belonging to the above-mentioned installations;
  - The following depots:
    - Depots for express parcel service—Cirenaica—(except for local services for Swiss traffic) and a building at the eastern end of the main building at the eastern end of the main passenger building on platform I,
    - The flower depot on platform II, except for the premises of the Swiss Wagon-Restaurant Company,
    - The parcel depot situated on the ground floor of the Italian postal building,
    - Depot GV VI with the adjoining ramps, except for the parts reserved for Swiss traffic,
    - The PV depots I to V, including the cellar, the lift and the tunnel linking depot I with depot IV, except for parts reserved for Swiss traffic,
    - Depot X, except for the local service for Swiss traffic and the building reserved for inspections by the Swiss customs between depot X and depot XI;
  - The vehicle repairs workshop;
- (b) A sector reserved for Italian officials, including:
- The offices and premises for customs use:
    - In the Italian postal building,
    - In the GV building,
    - In the switching station IV,
    - In the PV building goods ramp,
    - In the customs depots I-V and X,
    - In the L and R buildings;
  - The office of the frontier veterinarian on the cattle ramp of group S.

*Article 5.* (1) The zone shall also include the embankment of the cutting where the railway line runs; if the ground is flat, the zone shall extend up to 5 metres parallel to the outer rail. Private property, public highways which run alongside the railway and passages open to the public which pass above, below or through the zone shall in all cases be excluded from the zone; the provisions of article 8 remain reserved.

(2) In those parts of the zone which are not fenced off, or in parts where the fencing is too far away from the station area, the limits of the zone shall be marked with bicoloured pickets one metre high.

*Article 6.* (1) The Italian officials are not entitled to inspect domestic Swiss traffic and international Swiss traffic which does not enter Italian territory. As a general rule, this traffic occurs in the following parts of the zone:

- Access ways and area of the passenger platform;
- Eastern area, depot X and local passenger platform;
- Area of goods platform, from the local goods depot to the area of the former cattle ramp;
- Hall for the inspection of passengers and their accompanied or unaccompanied baggage in the main passenger building.

(2) The activity of persons who are not involved in traffic coming from or proceeding to Italy is not subject to inspection unless such persons manifestly infringe, in the zone, the legal and regulatory provisions of the adjoining State in customs matters.

*Article 7.* The Italian officials, while exercising their local functions, have, solely for the purposes covered in the Basic Convention, the power of inspection in all the premises situated in the station of Chiasso and reserved for the other Italian public administrations.

*Article 8.* Whenever, in response to special customs requirements, it becomes necessary to arrange the transit, including transit by motor vehicles, of valuables and goods between the zone and the frontier or between one part of the zone and another, the Italian officials have the right to escort such transports and to ensure they are carried out normally. In the course of such transit, the vehicle itself shall be considered as part of the zone. In such case, the co-operation provided for in article 10, paragraphs (3) and (4), of the Basic Convention shall be extended to violations committed, with regard to the goods on the vehicle, by persons outside the vehicle. During transit, stops which are not required by traffic needs must be avoided. The escort in question shall not impede the accomplishment of the tasks of the Swiss Customs.

*Article 9.* (1) For the purposes of the application of article 6 of the Basic Convention to passenger traffic, all persons shall be considered as headed for Italy who, during the control operations carried out by the Italian officials, have made to those officials the requested customs declaration, even if it is negative, provided that the Swiss inspection of such persons has already been completed, whether in fact carried out or waived.

(2) For the purposes of the provision contained in article 7, paragraph (2), of the Basic Convention, the control operations on trains with regard to passengers and their baggage shall be considered, as a general rule, to have been



completed by the exit country when the officials of that country have left the compartment.

*Article 10.* (1) Persons arrested in accordance with articles 4 and 6 of the Basic Convention in a part of the zone and the goods seized there may be transferred by the Italian officials to any Italian office of the zone, namely:

- In the case of passenger traffic: by the subways of the passenger station;
- In the case of goods traffic; within the zone by following if possible the railways in service or through the aforementioned subways.

The transfers effected in the subway of the passenger station shall be considered as having been effected in the zone. For the transport of goods seized within the zone from the place of seizure to the Italian offices, the Swiss Federal Railways shall co-operate, through prior understanding between the competent local organs.

(2) Persons arrested in accordance with articles 4 and 6 of the Basic Convention shall be taken to Italy by railway by Italian officials. In the meantime, they may be kept in the security premises of the station of Chiasso allocated to the Italian frontier police.

*Article 11.* Italian officials in uniform may proceed to their duty station in the zone and return from it on foot, if possible in compact formation, or in a vehicle following, without stopping, the route laid down by the authorities mentioned in article 14.

*Article 12.* In pursuance of the provisions contained in article 17 (a) of the Basic Convention, the premises recognized as necessary for the services which take place in joint national control offices of the international station of Chiasso shall be provided free of charge to the Italian Customs and Police Administrations.

*Article 13.* (1) In the case of passenger traffic, the Swiss and Italian entry and exit controls may be effected on trains in transit on the Lugano-Como section and vice versa. The controls are of persons and their personal baggage.

(2) For the officials of the adjoining State, the zone includes the trains defined in accordance with article 14 on that part of the sections mentioned in the preceding paragraph which is located in the transit State.

(3) In the terminal stations of the sections indicated in paragraph (1) of this article, the officials of the adjoining State are entitled to detain on the platforms and in the area of the station placed at their disposal the persons arrested and the goods or other property seized on the trains. For the continued adoption of such official measures, the platforms and areas indicated, and the sections which must be followed, shall be considered as "zones".

(4) Persons arrested and goods or other property seized may be taken to the adjoining State on the first available train on the same section as that indicated in paragraph (1) of this article.

(5) Officials on duty of the two States shall enjoy free transport on the section indicated in paragraph (1) of this article.

(6) Within the meaning of article 4, paragraph (1), of the Basic Convention, the zone for the Swiss officials shall be attached to the commune of Chiasso, the zone for the Italian officials to the commune of Como.

*Article 14.* (1) The Chairmen of the two delegations to the Joint Commission provided for in article 25 of the Basic Convention may, through an exchange of letters, make to the zones described in articles 3 and 4 the modifications which may be necessary to meet technical, organizational or utilitarian requirements. These modifications, which may be made only inside the limits of the zones, shall be indicated on the official plans mentioned in article 2, paragraph (2).

(2) The Customs Directorate of the Fourth District at Lugano and the Police Headquarters of the Canton of Ticino, on the one hand, and the International Customs Directorate at Chiasso and the Office of the Second Frontier Police Zone at Como, on the other hand, shall regulate by mutual agreement any questions of detail, in agreement with the railway authorities, and in particular any questions relating to the flow of traffic and the utilization of the zone.

(3) These administrations shall define, in accordance with needs and availabilities, the cases in which inspections must be carried out on trains in transit.

(4) The most senior officials, on duty on the spot, are authorized to adopt, by mutual agreement, the measures considered to be necessary immediately or for brief periods of time, particularly in order to eliminate any difficulties that may arise at the time of the inspection; on the other hand, decisions of principle are always taken, by mutual agreement, by the appropriate authorities and services.

*Article 15.* (1) This Agreement shall enter into force four months after the date of its signature.

(2) Either State may denounce this Agreement, with effect from the first day of any month, by giving six months' notice.

DONE at Rome, on 28 February 1974, in two original copies in the Italian language.

For the Swiss Federal Council:

LENZ

For the Government  
of the Italian Republic:

TOMASONE

[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN SWITZERLAND AND ITALY RELATING  
TO THE ESTABLISHMENT OF JOINT NATIONAL CONTROL  
OFFICES ON THE SECTION CHIASSO-STRADA/PONTE  
CHIASSO

The Swiss Federal Council and the Government of the Italian Republic, in pursuance of article 2, paragraphs (2) and (3) of the Convention between Switzerland and Italy relating to joint national control offices and inspections in transit, signed at Bern on 11 March 1961,<sup>2</sup> have decided to conclude an Agreement relating to the establishment of a joint national control office on the section Chiasso-strada/Ponte Chiasso and, to this end, have agreed as follows:

*Article 1.* (1) Joint national control offices shall be established, in Swiss and Italian territory, between Chiasso-strada/Ponte Chiasso.

(2) Italian exit controls and Swiss entry controls shall be carried out in the office situated in Swiss territory; Swiss exit controls and Italian entry controls relating to passenger and frontier traffic (persons, including those on board vehicles, their baggage, goods for private use, commercial samples, small quantities of marketable goods of insignificant value, currency and notes which such persons carry with them for personal needs) shall be carried out in the office situated in Italian territory.

(3) Within the meaning of article 4, paragraph (1), of the Convention of 11 March 1961, the Swiss office situated in Italian territory shall be attached to the commune of Chiasso; the Italian office situated in Swiss territory shall be attached to the commune of Como.

*Article 2.* (1) The zone in Swiss territory, designed for Italian exit controls and Swiss entry controls, shall comprise two sectors:

(a) A sector used jointly by officials of the two States, which comprises:

- The customs inspection hall of the central building and the office for personal inspections;
- The territory included between the central building and the Swiss offices, including the North-South corridor reserved for pedestrians and the area longitudinally adjacent to the Corso S. Gottardo from the Italian frontier up to Via Maestri Comacini, as delimited by the protection barriers;
- The space reserved for customs inspection underneath the roof of the subsidiary building;
- The South-North corridor reserved for pedestrians, from the frontier up to the South-West corner of the Swiss Customs building and the inspection hall for pedestrians in that same office;
- The garage for the inspection of vehicles and the passage leading to it, when they are used for such an inspection;

<sup>1</sup> Came into force on 1 July 1974, i.e., four months after the date of signature, in accordance with article 6 (1).

<sup>2</sup> See p. 296 of this volume.

(b) A sector utilized by the Italian officials, which comprises:

- The offices of the customs and the Italian frontier police situated in the central building;
- The office with a window in the subsidiary building.

(2) The zone in Italian territory designed for Swiss exit controls and Italian entry controls shall include two sectors:

(a) A sector used jointly by the officials of the two States, which comprises:

- The inspection hall of the central building, the hall used for pedestrians and the premises reserved for personal inspections;
- The territory contiguous with the central building, limited, on the one side, by the first Italian frontier building (on the right leaving Italy), and, on the opposite side, by the second Italian frontier building;
- The space situated between the two buildings;
- The South-North and North-South corridors reserved for pedestrians up to or from the frontier;
- The garage for the inspection of vehicles and the passage leading to it, when they are used for such an inspection;

(b) A sector used by Swiss officials, which includes:

- The office of the Swiss Customs in the central buildings;
- The office reserved for pedestrians.

(3) An official plan of the zones mentioned in the preceding paragraph shall be posted in the Swiss office of Chiasso-strada and in the Italian office of Ponte Chiasso.

*Article 3.* In order to speed up the traffic, the authorities of the two Customs may, by mutual agreement, temporarily divert some vehicles into contiguous customs areas outside the zone. These areas shall then be considered as a joint sector of the zone.

*Article 4.* The Customs Directorate of the Fourth District at Lugano and the Police Headquarters of the Canton of Ticino on the one hand, and the District Headquarters of Customs at Como and the Office of the Second Frontier Police Zone at Como, on the other hand, shall regulate, by mutual agreement, any questions of detail, in particular those relating to the flow of traffic and the utilization of the zones, within the meaning of the provisions of the Convention of 11 March 1961. Furthermore, the most senior officials, on duty on the spot, are authorized to adopt, by mutual agreement, the measures necessary immediately or for brief periods of time, particularly in order to eliminate any difficulties that may arise at the time of the inspection; on the other hand, decisions of principle shall always be taken, by mutual agreement, by the appropriate authorities and services.

*Article 5.* (1) The competent authorities of the transit State shall make available free of charge to the adjoining State, within the zones, the premises and installations necessary for the operation of control services, including heating, lighting and water installations. The expenses for heating, lighting, water and cleaning shall be borne by the transit State.

(2) Questions of detail shall be regulated between the authorities mentioned in article 4.

*Article 6.* (1) This Agreement shall enter into force four months after the date of signature.

(2) Either State may denounce this Agreement with effect from the first day of any month, by giving six months' notice.

DONE at Rome, on 28 February 1974, in two original copies in the Italian language.

For the Swiss Federal Council:

LENZ

For the Government  
of the Italian Republic:

TOMASONE

## [TRANSLATION — TRADUCTION]

**AGREEMENT<sup>1</sup> BETWEEN SWITZERLAND AND ITALY RELATING TO THE ESTABLISHMENT OF A JOINT NATIONAL CONTROL OFFICE IN THE RAILWAY STATION OF LUINO AND TO INSPECTIONS IN TRANSIT OVER THE SECTION LUINO-RANZÒ S. ABBONDIO**

The Swiss Federal Council and the Government of the Italian Republic, in pursuance of article 2, paragraphs (2) and (3) of the Convention between Switzerland and Italy relating to joint national control offices and inspections in transit, signed at Bern on 11 March 1961,<sup>2</sup> have decided to conclude an Agreement relating to the establishment of a joint national control office in the railway station of Luino and to inspections in transit over the section Luino-Ranzo San Abbondio and, to this end, have agreed as follows:

*Article 1.* (1) A joint national control office shall be established in Italian territory in the railway station of Luino. Swiss and Italian entry and exit controls shall be carried out in this office.

(2) Within the meaning of article 4, paragraph (1), of the Convention of 11 March 1961 (hereinafter called the "Basic Convention"), the office and the zones for Swiss officials in Italian territory shall be attached to the commune of S. Abbondio.

*Article 2.* (1) In the railway station of Luino two distinct zones shall be established, one for passenger traffic (persons who cross the frontier in passenger trains together with their baggage, goods for private use, commercial samples, small quantities of marketable goods of negligible value, currency and notes which such persons carry with them for personal use), the other for goods traffic (dispatch of express parcels, dispatch of GV and PV consignments, food-stuffs, postal consignments, messages and cattle).

(2) The official plans of the zones mentioned in articles 3 and 4 shall be posted in the Swiss and Italian offices.

*Article 3.* (1) The zone for passenger traffic includes:

- (a) The arrival and departure lines known as passenger lines I to IV;
- (b) Platforms I to IV and the area between lines IV and V;
- (c) The inspection hall as far as the passageways, which will be appropriately marked, the two contiguous offices reserved for the Swiss Customs (office with windows and personal inspection premises) and the customs baggage hall;
- (d) The section of line between the frontier on the bridge over Torrente Isnella and the Luino station;
- (e) The south-western part of the railway station of Maccagno, formed by the platform on the side of the railway lines, by the main lines and by the area

<sup>1</sup> Came into force on 1 July 1974, i.e., four months after the date of signature, in accordance with article 10 (1).

<sup>2</sup> See p. 296 of this volume.

between them, over a total length of 120 metres or, if this length is exceeded by the train, over the length of the train itself;

- (f) The western part of the railway station of Pino-Tronzano formed by the platform on the side of the railway lines, by the main lines and by the area between them, over a total length of 120 metres or, if this length is exceeded by the train, over the length of the train itself.

(2) The zone shall be divided into two sectors:

- (a) A sector used jointly by the officials of the two States comprising:

—Lines I to IV and the corresponding platforms and the area between lines IV and V over a distance of 300 metres (Pino side) from the transverse axis of the station and of 230 metres from this axis towards Oleggio;

—The passenger building and more precisely:

—The inspection hall,

—The customs baggage depot;

—The parts of the zone mentioned in subparagraphs (d) to (f) of the foregoing paragraph (1);

- (b) A sector reserved for Swiss officials, comprising:

—The office with windows and the personal inspection premises.

(3) If the trains or a part of them, by virtue of their length or of operational requirements, go beyond the zone or are moved out of it, such trains and their parts and the contiguous area corresponding to their length shall be considered as part of the passenger zone within the meaning of this article.

*Article 4.* (1) The zone for goods traffic shall comprise, besides the zone mentioned in the foregoing article 3, all the lines and installations of the station mentioned in the following paragraph (2).

(2) The zone shall be divided into two sectors:

- (a) A sector used jointly by the officials of the two States, comprising:

—The lines I to IV known as the passenger group;

—The lines V to XI known as the platform group;

—The lines I to VII known as the customs group;

—The lines XVIII to XXI known as the pedestrian group;

—The lines I to XII known as the *parigina* group;

—The lines I to IV known as the local group;

—The branch lines leading to the covered repair shops of Swiss Railways and French Railways;

—The repair shops of Swiss Railways and French Railways;

—The two customs entry and exit halls in the GV and PV buildings;

- (b) A sector reserved for Swiss officials, comprising:

—In the GV building: the premises situated on the first floor excluding the premises reserved for Swiss Railways;

—In the customs halls: the three offices reserved for Swiss officials on duty.

(3) Should the need of the service, recognized by mutual agreement, require that the inspection by the officials of the adjoining State take place within the area of the Swiss Railways station reserved for Italian domestic goods traffic situated outside of the zone, this area, limited to the fifth local track and part of the area relating thereto, shall be considered as part of the zone for all purposes of the Basic Convention until such inspection is concluded.

*Article 5.* (1) In the station of Luino, the zone for goods traffic coincides with the perimeter marked by the fence; where the fence is missing, the limit of the zone shall be a distance of 5 metres from the external rail, excluding however the premises and buildings not mentioned in articles 3 and 4, and the public passageways.

(2) The zone shall also include the embankment or the cutting where the railway line runs; if the ground is flat, the zone shall extend up to 5 metres parallel to the external rail. Private property, public highways which run alongside the railway and passages open to the public which pass above, below or through the zone shall in all cases be excluded from the zone.

*Article 6.* (1) In pursuance of the provision contained in article 17 (a) of the Basic Convention, the premises recognized as necessary for the services situated in the national control offices of the station of Luino shall be made available free of charge to the Swiss Customs and Police Administrations.

(2) By analogy with the provision contained in the above paragraph, premises in the station of Ranzo S. Abbondio shall be made available free of charge to the Italian officials.

*Article 7.* (1) For passenger traffic, the Swiss and Italian entry and exit controls may be carried out in trains in transit over the section Luino-Ranzo S. Abbondio and vice versa. The controls shall concern persons and their personal baggage.

(2) For the officials of the adjoining State, the zone shall include the trains designated in accordance with article 9 over that part of the route mentioned in the preceding paragraph, situated in the transit State.

(3) At Ranzo, the Italian officials are entitled to detain in the railway area of the station persons who have been arrested and goods or other property which have been seized in the trains. In order to ensure the application of these official measures, the parts of the railway area used shall be considered as "zones".

(4) Persons arrested and goods or other property seized may be taken to the adjoining State by the next available train over the same section as indicated in paragraph 1 of this article.

(5) Officials on duty shall enjoy free transport over the section Luino-Ranzo S. Abbondio and vice versa.

(6) Within the meaning of article 4, paragraph (1), of the Basic Convention, the zone for Italian officials shall be attached to the commune of Pino.

*Article 8.* (1) For the purposes provided for in article 7, paragraph (2), of the Basic Convention, the inspections of passengers and their baggage shall, as a general rule, be understood to be completed by the country of departure when the officials of that country have left the compartment.



(2) If, at the station of Luino or at intermediate stations or along the line as far as the Swiss frontier, in violation of the rules laid down by mutual agreement between the administrations responsible for inspection and the State Railways, persons who have not yet been subject to inspection introduce themselves or goods into compartments already inspected, these persons and the compartments they have entered may again be subject to inspection in the order of priority laid down in article 7 of the Basic Convention.

*Article 9.* (1) The Customs Directorate of the Fourth District at Lugano and the Police Headquarters of the Canton of Ticino at Bellinzona, on the one hand, and the Directorate of the Customs District of Luino and the Office of the Second Frontier Police Zone at Como, on the other hand, shall regulate by mutual agreement questions of detail, in agreement with the railway authorities, and in particular those relating to the flow of traffic and the utilization of the zone.

(2) These administrations shall determine, in accordance with needs and availabilities, the cases in which it is appropriate to carry out inspections in trains in transit.

(3) The most senior officials, on duty on the spot, are authorized to adopt, by mutual agreement, the measures considered to be necessary immediately or for brief periods of time, particularly in order to eliminate any difficulties that may arise at the time of the inspection; on the other hand, decisions of principle shall always be taken, by mutual agreement, by the appropriate authorities and services.

*Article 10.* (1) This Agreement shall enter into force four months after the date of its signature.

(2) Either State may denounce this Agreement, with effect from the first day of any month, by giving six months' notice.

DONE at Rome, on 28 February 1974, in two original copies in the Italian language.

For the Swiss Federal Council:

LENZ

For the Government  
of the Italian Republic:

TOMASONE

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN SWITZERLAND AND ITALY RELATING TO THE ESTABLISHMENT OF A JOINT NATIONAL CONTROL OFFICE IN THE RAILWAY STATION OF ISELLE DI TRASQUERA

The Swiss Federal Council and the Government of the Italian Republic, in pursuance of article 2, paragraphs (2) and (3) of the Convention between Switzerland and Italy relating to joint national control offices and inspections in transit, signed at Bern on 11 March 1961,<sup>2</sup> have decided to conclude an Agreement relating to the establishment of a joint national control office in the railway station of Iselle di Trasquera and, to this end, have agreed as follows:

*Article 1.* (1) A joint national control office shall be established in Italian territory in the railway station of Iselle di Trasquera. This office shall be responsible for carrying out the Swiss and Italian entry and departure inspections of road vehicles arriving at the station after being transported through the Simplon tunnel or which are loaded there with a view to being transported through that tunnel, of the persons travelling on the same vehicles and of baggage consisting of goods for private use, commercial samples and small quantities of marketable goods of insignificant value, and of currency and notes which such persons carry with them for personal needs.

(2) Within the meaning of article 4, paragraph (1), of the Convention of 11 March 1961, the Swiss office situated in Italian territory shall be attached to the commune of Brig.

*Article 2.* (1) The zone shall comprise:

- (a) The loading ramp and the roadway (including its extension and the pavement) linking it to the administrative building;
- (b) The road which surrounds the administrative building (including the pavements), to the west up to 17 metres from this building;
- (c) The railway lines 4 and 5;
- (d) The section of line included between the above-mentioned lines and the frontier;
- (e) The areas between the lines and a strip of land on each side of the lines mentioned under subparagraphs (b) and (d) for a width of 5 metres measured from the external rail;
- (f) The premises of the administrative building listed in the following paragraph.

(2) The zone shall be divided into two sectors:

- (a) A sector used jointly by the officials of the two States, comprising:
  - The parts of the zone indicated in paragraph (1) (a) to (e);
  - In the administrative building: the inspection hall, the bar and the toilets;

<sup>1</sup> Came into force on 1 July 1974, i.e., four months after the date of signature, in accordance with article 7 (1).

<sup>2</sup> See p. 296 of this volume.

(b) A sector reserved for Swiss officials, including the premises made available exclusively for them in the administrative building or the customs office (including the premises for personal inspections) and the police office.

(3) An official plan of the zone mentioned in the preceding paragraphs shall be posted in the local joint control office.

*Article 3.* (1) Both in the administrative building and in the service building situated by the side of the Simplon road, the premises and installations used by the Swiss officials, including the heating, lighting and water installations, shall be made available free of charge by the Italian Railway Administration.

(2) The same administration shall divide between the administrations concerned the lighting expenses, in proportion to the consumption, and the expenses of heating, in proportion to the volume of the premises.

*Article 4.* Only persons who are travelling from Italy to Switzerland and who have concluded the Swiss entry inspection may have access to the bar; the bar will sell goods of Italian origin or of Italian nationalization which are designed to be consumed on the spot.

*Article 5.* The Directorate of the Fifth Customs District at Lausanne and the Directorate of the Domodossola Customs shall regulate, by mutual agreement, any questions of detail, in particular those relating to the flow of traffic and the utilization of the zone, in agreement with the competent administrations, with the Swiss Federal Railways and with the Italian State Railways. Furthermore, the most senior officials, on duty on the spot, are authorized to adopt, by mutual agreement, the measures considered to be necessary immediately or for brief periods of time, particularly in order to eliminate any difficulties that may arise at the time of the inspection; on the other hand, decisions of principle shall always be taken, by mutual agreement, by the appropriate authorities and services.

*Article 6.* In the case of a substantial and lasting reduction in traffic, the Directorate of the Fifth Customs District at Lausanne may, in agreement with the competent administrations, with the Italian State Railways and with the Swiss Federal Railways, transfer the inspections temporarily to Brig.

*Article 7.* (1) This Agreement shall enter into force four months after the date of its signature.

(2) Either State may denounce this Agreement, with effect from the first day of any month, by giving six months' notice.

DONE at Rome, in two original copies in the Italian language, on 28 February 1974.

For the Swiss Federal Council:

LENZ

For the Government  
of the Italian Republic:

TOMASONE