

No. 25667

**FRANCE
and
ITALY**

**Agreement relating to the maintenance of frontier markers
and of the frontier. Signed at Paris on 26 May 1983**

Authentic texts: French and Italian.

Registered by France on 23 February 1988.

**FRANCE
et
ITALIE**

**Accord relatif à l'entretien des bornes et de la frontière.
Signé à Paris le 26 mai 1983**

Textes authentiques : français et italien.

Enregistré par la France le 23 février 1988.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE ITALIAN REPUBLIC RELATING TO THE MAINTENANCE OF FRONTIER MARKERS AND OF THE FRONTIER

The Government of the French Republic, and the Government of the Italian Republic,

With a view to establishing rational regulations relating to the maintenance of frontier markers and to the identification of the frontier between the territories of the two States,

Have agreed on the following provisions:

CHAPTER I. GENERAL PROVISIONS

Article 1. The demarcation of the frontier, as defined by the international agreements in force between the two States, shall be established and maintained so that the boundary line is well defined and can be easily located along its whole length.

Article 2. The two States shall, within the framework of their laws, regulations and administrative provisions, take the necessary measures to ensure the surveillance and the maintenance of the demarcation of the frontier and to prevent and, if necessary, halt the destruction, deterioration and improper use of boundary posts, markers and other demarcation signs.

Article 3. The boundary markers or demarcation signs situated on the boundary line shall be the joint property of the two States. Other demarcation markers or signs shall remain the property of the State in whose territory they are situated.

Article 4. Where the frontier crosses woodland, brushwood or scrub, a strip of ground four metres wide (two metres on each side of the frontier) shall be kept clear of vegetation at all times, if the Mixed Commission referred to in article 7 deems it necessary.

Each State shall bear the cost of clearing ground in its territory pursuant to the preceding paragraph.

Article 5. No structure shall be built less than five metres from the frontier on either side. Along water courses and paths forming the frontier, the distance shall be measured from their edges.

The competent authorities of the two States may, by mutual agreement, allow exceptions to the provisions of the first paragraph of this article in order to accommodate special situations existing at the frontier — in particular to facilitate farming and to permit fishing and navigation — provided that the structures permitted in no way hamper surveillance of the frontier.

¹ Came into force on 1 October 1986, i.e., the first day of the second month following the date of receipt of the last of the notifications by which the Contracting Parties informed each other of the completion of the required constitutional procedures, in accordance with article 17.

The provisions of the first paragraph of this article shall not apply either to structures used for the official services of one of the two States, or to the public works it has authorized.

In respect for acquired rights, existing structures built in compliance with the applicable regulations of each State shall be tolerated. In case of demolition or transformation, their reconstruction or transformation shall be permitted only if it complies with the provisions of this article. The same shall apply to structures in ruins.

This article shall not impede the special provisions of agreements between the two States concerning the construction of works such as roads, bridges, electric or hydroelectric installations and other works serving the public interest.

Article 6. The owners, tenants and all occupants in whatever capacity of lands, mines, bridges and other constructions situated on the frontier or near to it shall be required to grant access to it and to allow the personnel of the two States responsible for the surveillance and for the operations related to the maintenance of the frontier line to perform their duties.

Similarly, they may not oppose the establishment of the frontier markers which may be necessary to complete the demarcation of the frontier.

CHAPTER II. MIXED COMMISSION

Article 7. A Mixed Commission shall be established as soon as this Agreement enters into force. It shall be composed of four French members and four Italian members and it shall elect its Chairman alternately from among the French members and the Italian members.

Each delegation may be accompanied by any experts it may consider necessary.

The Mixed Commission may authorize certain of its members to communicate directly between themselves for the purpose of applying this Agreement, in order to ensure its proper functioning and to co-ordinate the activities of the responsible agents referred to in article 10.

The Mixed Commission shall meet alternately in France and in Italy. It shall meet at the request of either delegation, at least once a year, in order to:

- (a) Draw up, by mutual agreement, and on the basis of the reports prepared by the responsible agents, pursuant to article 10 (c), a plan for the allocation of the work to be performed by the responsible agents. This allocation shall be affected in such a manner that the works for which each State is responsible shall, in so far as possible, entail equal expenditures. However, such works may be combined and executed by one State for the account of the other where such combination is more economical;
- (b) Take decisions concerning the reports prepared by the responsible agents on work executed pursuant to article 10 (e) and take the necessary measures to defray costs, as appropriate;
- (c) Take all necessary measures to ensure that the documentation relating to the position of the markers and to the description and delimitation of the frontier line is drawn up without delay, particularly in areas where it is missing, and that it is kept up to date in a rational manner.

The Mixed Commission shall also examine all difficulties that may result from the application of the provisions of this agreement and shall propose to the competent authorities of the two States any measures to solve them.

Minutes of the meetings of the Mixed Commission shall be drawn up in duplicate in French and Italian for the two Governments.

Article 8. The Mixed Commission shall take its decisions unanimously.

Questions on which it is not possible to reach agreement within the Mixed Commission shall be submitted for the consideration of the Ministries of Foreign Affairs of the two States so that they can seek a solution of these questions by mutual agreement.

Article 9. Each State shall bear the cost of its delegation to the Mixed Commission and of its responsible agents referred to in article 10.

The other costs arising out of the application of this Agreement shall be shared equally by both States. However, when demarcation work is made necessary by works being performed under concession, the costs arising from such demarcation work shall be borne by the concessionary company.

CHAPTER III. AGENTS RESPONSIBLE FOR THE MAINTENANCE OF MARKERS AND OF THE FRONTIER

Article 10. The maintenance of markers and the material demarcation of the frontier shall be entrusted to responsible agents whose duties shall be as follows:

(a) To ensure the surveillance and inspection of markers and other frontier demarcation signs and to ascertain and communicate to their authorities all circumstances contrary to the provisions of articles 1, 2, 4 and 5 of this Agreement.

It is understood, however, that each State shall be entitled to arrange for administrative services or bodies other than the agents referred to in this article for the surveillance and inspection of frontier and other demarcation signs.

(b) To verify if necessary the position of frontier markers with a view to their possible replacement in exactly the same position; to straighten up or reposition markers which have become crooked or buried; to maintain the legibility of the indications on the different markers; to repair damaged markers and replace those which have disappeared; to construct protective works in cases where markers are threatened; and to keep the documentation for each marker up to date.

(c) To draw up by mutual agreement an annual statement of work required for the maintenance or replacement of frontier markers and other demarcation signs; this statement shall include cost estimates for that work.

(d) Upon approval by the authorities referred to in article 7, to order the performance of work for which their State is responsible or which their State is to perform for the account of the other State. When the work is clearly urgent, however, as an exception, the responsible agents referred to in this article may take, under their own initiative, the conservation measures necessary, subject to submitting a report on them to the Mixed Commission.

(e) To draw up an annual report on the execution of the work involved in maintaining or replacing frontier markers and other demarcation signs; this report shall indicate the costs of the work executed.

The operations provided for in this article shall be recorded in a report to be drawn up in duplicate, in French and Italian, signed by the responsible agents of the two States. This report shall be submitted to the Mixed Commission and to the competent national authorities (in the case of France to the competent territorial Prefects and in the case of Italy to the Italian Delegation for the Maintenance of the Frontier).

Article 11. (a) For the purposes of the application of article 10 of this Agreement, the frontier shall be divided into eight sectors, namely:

- Sector I from Mont Dolent to Col du Mont
- Sector II from Col du Mont to Col de l'Autaret
- Sector III from Col de l'Autaret to Pian del Colle
- Sector IV from Pian del Colle to Col de Traversette
- Sector V from Col de Traversette to l'Enchastraye
- Sector VI from l'Enchastraye to Col de Sabion
- Sector VII from Col de Sabion to Col de Scarasson
- Sector VIII from Col de Scarasson to the sea.

(b) The surveillance and inspection of the maintenance of the frontier as a whole shall be carried out by the responsible agents of the two States. The work of maintenance and demarcation shall be carried out in principle and preferably by the French side in the odd sectors and by the Italian side in the even sectors.

The Mixed Commission shall in any case be entitled, for reasons of convenience, to have the above-mentioned work carried out by one of the Parties in a sector assigned to the other Party.

(c) A single responsible agent of either State may have jurisdiction over several sectors.

Article 12. The two Governments shall communicate to each other the names of their responsible agents and the sectors assigned to them. They shall also notify each other of any changes in that regard.

Article 13. The responsible agents may freely cross the frontier for the purpose of applying this Agreement, provided they carry a bilingual document indicating their identity and status, which shall be issued by the competent authorities of the State which they are serving. The model for this document shall be established by subsequent arrangement between the competent administrative authorities.

The responsible agent shall establish in his sector, under his own responsibility, the mission orders necessary for the persons who are to carry out the work of maintaining the frontier, in conformity with the decisions of the Mixed Commission.

The persons referred to in the preceding paragraphs may carry with them, free of all import duties and taxes, the equipment, fuel and materials necessary for their activities and may use appropriate means of civil or military transport on either side of the frontier, provided that the unused equipment, fuel and materials and the means of transport are returned to the State whence they came on the completion of operations. The competent authorities of each State shall issue, when necessary, the authorizations which will allow the military personnel of the

other State to wear the uniforms (without arms) necessary for the execution of the work.

CHAPTER IV. FINAL PROVISIONS

Article 14. The application of this Agreement shall be subject to the measures that one of the two States may be called upon to take for reasons of national security or owing to the existence of a state of war or to the proclamation of a state of siege, or a state of emergency, or in connection with a mobilization in either State.

Article 15. This Agreement shall cancel and replace the Convention between France and Italy for the maintenance and repair of frontier markers and signs, signed at Paris on 15 May 1936.

Article 16. This Agreement is concluded for an indefinite period. Either Contracting Party may denounce it at any time. This denunciation shall take effect six months after the date of the receipt of the notification of denunciation by the other Contracting Party.

Article 17. Each Contracting Party shall notify the other of the completion of the procedures required under its Constitution for the entry into force of this Agreement.

The Agreement shall take effect on the first day of the second month following the date of receipt of the last notification.

IN WITNESS WHEREOF, the representatives of the two Governments, duly authorized for this purpose, have signed this Agreement.

DONE at Paris, on 26 May 1983, in duplicate, in the French and Italian languages, both texts being equally authentic.

For the Government
of the French Republic:

[Signed]

JEAN-PAUL ANGLES
Minister Plenipotentiary

Director of the French Nationals Abroad
and Aliens in France

For the Government
of the Italian Republic:

[Signed]

WALTER GARDINI
Ambassador Extraordinary
and Plenipotentiary