

N° 4553.

FRANCE ET SUISSE

Convention sur les rapports de voisinage et la surveillance des forêts limitrophes, et protocole de signature, signés à Berne, le 31 janvier 1938, et échange de notes y relatif de la même date.

Texte officiel français communiqué par le Conseil fédéral suisse. L'enregistrement a eu lieu le 13 avril 1939.

FRANCE AND SWITZERLAND

Convention concerning Neighbourly Relations and the Surveillance of Frontier Forests, and Protocol of Signature, signed at Berne, January 31st, 1938, and Exchange of Notes relating thereto of the same Date.

French official text communicated by the Swiss Federal Council. The registration took place April 13th, 1939.

TRADUCTION. — TRANSLATION.

No. 4553. — CONVENTION BETWEEN FRANCE AND SWITZERLAND CONCERNING NEIGHBOURLY RELATIONS AND THE SURVEILLANCE OF FRONTIER FORESTS. SIGNED AT BERNE, JANUARY 31ST, 1938.

THE SWISS FEDERAL COUNCIL
and

THE PRESIDENT OF THE FRENCH REPUBLIC,

Desirous of introducing such modifications to the provisions of the Convention¹ of February 23rd, 1882, as have been found desirable for the better assurance and regulation of neighbourly relations between Switzerland and France and the surveillance of frontier forests, without prejudice to the special arrangements in force in the Free Zones of Haute-Savoie and the Pays de Gex, have resolved to conclude a fresh Convention and have appointed as their Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

Monsieur Giuseppe MOTTA, Federal Councillor, Head of the Federal Political Department,
Monsieur Arnold GASSMANN, Director-General of the Swiss Customs ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

His Excellency Monsieur Charles ALPHAND, Ambassador of the French Republic at Berne, Commander of the Legion of Honour,
Monsieur René THIERRY, Minister Plenipotentiary, Assistant Head of the Chancelleries and of the Legal Department in the Ministry of Foreign Affairs, Officer of the Legion of Honour ;

Who, having exchanged their full powers, found in good and due form, have agreed upon the following provisions :

Article 1.

The frontier zones to which the present Convention relates shall extend to a depth of 10 kilometres on either side of the political frontier.

**Frontier
Zones.**

Lists of the Swiss and French communes entitled to benefit by the provisions of the present Convention shall be drawn up by the competent authorities of the two countries in common accord.

For the purposes of the present Convention, the expression " frontier traffic " shall be deemed to mean imports and exports from and to the said zones, where such traffic from either zone is with the neighbouring area of the other zone.

Provided always that the provisions hereinafter following shall not be applicable to the frontier zone of the Ain or to the frontier zone of Haute-Savoie from the Rhone to the Dent du Velan, known as the Dent du Lan, to the south of St. Gingolph, for which a special arrangement shall be concluded.

Article 2.

To facilitate the cultivation of estates situate in either of the frontier zones, which are cultivated by owners, usufructuaries or tenant farmers resident in the other zone, the following shall be admitted free of all duties, dues and other charges imposed on importation or exportation :

**Agricultural
Traffic.**

(1) Fertilisers of any kind, material for the treatment of plants, seeds, vegetable seedlings (other than seedlings of fruit trees or ornamental trees, but including seedlings of resinous trees), tree supports and wooden props required for the cultivation of the said estates ;

¹ *British and Foreign State Papers*, Vol. 108, page 877.

(2) Animals, agricultural machinery, tractors, vehicles, tools and other articles imported for the cultivation of the said estates subject to re-export, and liquid fuel and lubricants, strictly within the limits of the amount required for the daily operation of the said machinery ;

(3) Natural products of the said estates, other than vine products, imported by the agriculturist concerned or for his account, which have received no other treatment than that required for harvesting and transport, provided always that any product which has been garnered or processed in any way whatsoever shall thereby forfeit all claim to such exemption ;

(4) All agricultural products, including products of arboriculture, viticulture and stock-raising, coming from a portion situate in the one zone of an estate crossed by the frontier which are brought into farm dwellings or buildings situate in the other zone.

(5) Animals brought from one frontier zone to the other for shoeing, serving, gelding or veterinary treatment, subject to their immediate re-export, where local conditions necessitate the accord of such facilities. Where animals brought into one or other of the zones to be shod are re-imported into their zone of origin, no duty or due whatsoever shall be charged on the shoes. In the case of livestock brought from one frontier zone to the other for grazing and brought back the same day to their zone of origin, the provisions of the Arrangement¹ of October 23rd, 1912, concerning Grazing in Pastures on Either Side of the Frontier shall continue to be applicable.

(6) Milk products of livestock originating in one of the frontier zones, which spend the summer or winter in the other zone, if imported by the lessee or owner of such livestock. The quantities admitted free shall be limited to the following daily amounts :

Cheese :	per cow	0.3 kilogramme
	per goat	0.06 „
	per sheep	0.03 „
Butter :	per cow	0.2 „
	per goat	0.04 „

The above quantities may be imported even after the return of the livestock, but not later than four weeks after the descent from the Alpine pastures.

The exemptions to which the present Article relates shall further be accorded to communes in the frontier zones and to legal persons established in the said zones whose main occupation is neither commercial nor industrial. Frontier Departments or Cantons shall enjoy the same exemptions in respect of estates owned by them in the said zones.

Article 3.

1. For the better exploitation of forests situate within the frontier zones, the following shall be entitled to reciprocal exemption from all duties, dues and other charges imposed on importation or exportation, that is to say, natural products of the said forests (rough timber, bark, branches, sticks, twigs, litter, fresh moss, small forest fruits and flowers, fresh mushrooms, charcoal, wood ashes), together with material from quarries and gravel or sand pits belonging to a forestry undertaking in one of the frontier zones, which are intended exclusively for the maintenance of forest roads and tracks in the other zone.

Exploitation
of Forests.

¹ *British and Foreign State Papers*, Vol. 107, page 822.

The same exemption shall be applicable to rough timber for agricultural properties (gardens, hedges, orchards and the like) in the frontier zones.

The quantity of firewood originating in one of the frontier zones which is imported into the other country free of duty must not exceed 180,000 quintals a year.

2. No dues may be demanded, in respect of the transport of forest products on public roads, other than such as are payable by the local inhabitants.

Frontier roads which follow the frontier or which, in following the configuration of the ground, cross from one territory to the other, may not be barred or closed to the passage of the said products.

Where their place of origin is separated by natural obstacles from the point of entry into the other Customs territory, such products shall be free, provided they follow the roads, to leave the frontier zone during transport from their place of production to the point of importation.

3. In either country, where a forest lying in the frontier zone which is exploited by an inhabitant of the other country forms an enclave, a passage shall be opened through the adjoining properties on payment of compensation, the amount of which shall be fixed by the courts in the event of the parties failing to come to an agreement.

4. French owners in Switzerland and Swiss owners in France shall enjoy the same advantages in respect of the exploitation of their forests as nationals resident in the same locality, provided they conform to the laws and regulations applicable to the local inhabitants.

5. Animals, material, tools, machinery, tractors and vehicles imported for the exploitation of forests in the two frontier zones shall be exempt from all duties, dues and other charges, subject to their eventual re-export. The same exemption shall be applicable to liquid fuel and lubricants strictly within the limits of the amount required for the daily operation of the said machinery, tractors or vehicles.

6. Where a forest belonging either to the State or to a commune or to a public establishment or to a French private citizen is situate in the Swiss frontier zone or, inversely, where a forest belonging either to the State or to a commune or to a public establishment or to a Swiss private citizen is situate in the French frontier zone, guards may be appointed by the owners for its surveillance.

Such guards must comply with the conditions of nationality and possess the qualifications required by the laws and regulations of the country in which the forest is situate; they shall be commissioned or approved by the competent authority of the country in which the forest is situate, and sworn.

Their powers and duties shall be the same as those of guards of forests in other than alien ownership.

The costs of their appointment and of the exercise of their duties shall be borne by the owners of the forests.

7. In order to provide for the proper punishment of offences and breaches of the law committed in forests in the frontier zones, each of the High Contracting Parties undertakes to prosecute persons under its jurisdiction, who have committed such offences within the territory of the other Party, in the same way, and under the same laws, as would be applicable if the said persons had committed the said offences in forests situate within its own territory.

Such proceedings shall be confined to cases where (a) judgment has not been given in the country in which the offence was committed, and (b) the records of the case are communicated officially and directly by the competent authority of the country in which the offence was committed to the equivalent authority in the other country.

All fines imposed and costs incurred shall be carried to account of the State in which sentence has been pronounced; damages recovered shall be carried to account of the State in which the offences were committed.

The records duly prepared by the sworn guards in each country shall be accepted as evidence in the courts of the other country until such time as they are disproved.

8. Forest guards discovering an offence or breach of the law within the area of the frontier zone under their surveillance shall be entitled, where the articles removed have been carried across the frontier, to request the assistance of the competent authorities of the adjoining State to trace such articles and effect their seizure.

The competent local police authorities are in duty bound to assist forest guards in their enquiries, and do not require to obtain permission for the purpose from a higher official.

Searches of houses, buildings, adjacent yards and enclosures must conform to the laws of the country in which such searches are made.

The competent authorities of each State shall communicate to one another lists of names of the forest guards entrusted with the surveillance of forests in the frontier zones.

9. Rough timber from forests in either of the frontier zones which is brought into the other frontier zone for sawing shall be admitted free of all duties, dues and other charges, and shall similarly be exempt after sawing from all duties, dues and other charges on its return to its zone of origin, provided it is re-imported by, or for the account of, the person who brought it into the zone where it was sawn.

10. Timber originating in one of the contracting States which is sawn in saw-mills within its own frontier zone may be imported into the other State on payment of a Customs duty equal to one-half the lowest duty applicable, to an amount not exceeding 12,500 tons a year.

Timber sawn in the forest by top-sawyers shall enjoy the same privileges, within the limits of the above quota.

In order to qualify for half-duty, sawn timber must not have left the frontier zone in which it was sawn between the time of sawing and the time of importation, save in so far as otherwise provided in the third sub-paragraph of paragraph 2 of the present Article.

Article 4.

1. Vegetables and fresh vegetable fruits (items 40 a and 40 b 1-2 of the Swiss Customs Tariff) and potatoes (item 45 of the Swiss Customs Tariff) originating in the French frontier zone, which are imported by the producers, whether personally or through the agency of members of their families or staff, may be delivered every working-day and sold in the markets to inhabitants of the Swiss frontier zone for their personal consumption.

Market Traffic.

Delivery on market days from house to house to inhabitants of the place in which the market is held for the personal consumption of the said inhabitants shall be deemed to be equivalent to sale in the market.

The above facilities are confined to imports through the Customs offices in the Cantons of Basle-Town, Basle-Country and Solothurn.

2. Within the annual limits hereinafter fixed, the products to which paragraph 1 of the present Article relates shall be exempt from all duties, dues and other charges imposed on importation or exportation, and shall further be exempt from all formalities in connection with the application of the quota, that is to say :

Vegetables and fresh vegetable fruits. . . .	up to 40,000 quintals gross weight,
Potatoes	up to 15,000 quintals gross weight.

On any quantities imported in excess of these figures up to 10,000 quintals gross weight for vegetables and vegetable fruits and 5,000 quintals gross weight for potatoes,

French producers shall be liable to the lowest Customs duties applicable in Switzerland but shall be exempt from all formalities in connection with the application of the quota.

The distribution of the various quantities between the communes concerned, as also in the several communes between the producers concerned, shall be effected by the competent French authorities, the which shall notify the Swiss authorities accordingly, provided always that the quarterly proportion of the aggregate quota shall be decided in concert with the Swiss Customs authorities.

3. Within the limit of the annual quantity allotted to him, and subject always to the conditions laid down in paragraph 2 above, each producer may import :

(a) Each working-day, in one consignment free of duty :

A maximum of 60 kg. gross weight of vegetables and fresh vegetable fruits, and

A maximum of 40 kg. gross weight of potatoes ;

(b) Each week, in one or several consignments, on payment of duty :

A maximum of 50 kg. gross weight of vegetables and fresh vegetable fruits, and

A maximum of 25 kg. gross weight of potatoes.

Of the quantity of vegetables and fresh vegetable fruits thus determined, the proportion of vegetables known as " Dauergemüse ", that is to say, onions, cabbages (white cabbage, red cabbage, cauliflower, Brussels sprouts, Savoy cabbage), leeks, spinach and edible carrots, imported may not exceed 25 kg. gross weight for any one of such vegetables.

Any quantities admitted free of duty and remaining unsold at the close of the market or end of the day may be either stored in premises provided for the purpose with a view to subsequent sale, or returned to France the same day by the producer, or for his account, by members of his family or staff. In the latter case, they shall be deducted from the import account.

4. Market sales and domicile deliveries of the above-mentioned products shall be subject to cantonal labour and trade regulations.

The provisions of Article 1 of the Establishment Treaty of February 23rd, 1882, shall apply to beneficiaries of the facilities to which the present Article relates in respect of the sale by the latter of their products.

Article 5.

1. Inhabitants of the French frontier zone entering the corresponding Swiss frontier zone may on their return import into France free of all duties, dues and other charges bread for their personal use to a daily amount not exceeding 500 grammes.

Customs
Facilities
for Imports
into France.

2. Inhabitants of the French frontier zone, who work habitually in the corresponding Swiss frontier zone, together with such producers of the French frontier zone as are referred to in Article 4 of the present Convention, may obtain on request a Customs exemption certificate.

On presentation of the said certificate, they may on their return into France import free of duty from the corresponding Swiss frontier zone, for the exclusive consumption of their families, the products hereinafter listed to the amounts indicated (being maximum amounts per person, to be multiplied by the number of persons in the importer's family and domestic servants living under the same roof) :

(a) Per day :	Native fresh fruits	1 kilogramme,
	Cider	½ litre,
	Meat or cooked meats	200 grammes,

(b) <i>Per week</i> :	Flour	500 grammes,
	Alimentary pastes and semolina .	500 grammes,
	Bakery products (other than bread)	1 kilogramme,
	Sugar	200 grammes,
	Chocolate	150 grammes,
	Coffee	50 grammes,
	Cheese	250 grammes,

provided always that the total amount of duty exemptions accorded by France under the present Article may not exceed in any one year the sum of 4 million French francs.

3. Producers in the French frontier zone exporting vegetables to the Swiss frontier zone may on their return from market import free of all duties, dues and other charges flower and vegetable seeds and seeds of leguminous plants, for their own requirements, up to a limit of 3 kilogrammes on each occasion.

Article 6.

1. Doctors, midwives, and veterinary surgeons domiciled in one of the frontier zones, who cross the frontier with a vehicle in the exercise of their professions as regulated by the Convention of May 29th, 1889, are exempted from the requirement of a deposit in respect of such vehicle and in respect of the instruments necessary to the practice of their professions. Pharmaceutical preparations and bandages carried by such practitioners for immediate use shall be admitted free of duties, dues and other charges, provided the health regulations of the two countries are observed.

Local
Frontier
Traffic.

2. Medicines prepared to the prescription of doctors, midwives or veterinary surgeons duly authorised to practise, together with bandages strictly within the limits of the amounts required, shall also be admitted free of all duties, dues and other charges, where local conditions necessitate recourse to pharmacists in the other frontier zone. Prescriptions must be shown to, and stamped by, the Customs on crossing the frontier, and may not be used again at a later date for duty-free imports unless renewed.

3. The following shall also be admitted free of all duties, dues and other charges in local frontier traffic :

(a) Foodstuffs, ordinary wine, cider, beer and non-alcoholic beverages, for consumption by the inhabitants of either of the frontier zones working temporarily in the other zone, provided the quantities are not in excess of their daily requirements ;

(b) Products necessary for the daily feeding of animals employed in such work ;

(c) Subject to re-export, used tools, implements and utensils brought with them by workmen resident in one of the frontier zones and working in the other in the exercise of their avocations ;

(d) Cut flowers, including bunches, and flowers in pots, brought by inhabitants of one of the frontier zones entering the other zone to attend family celebrations or religious ceremonies, provided such articles are not for sale ;

(e) Wreaths, bouquets of fresh flowers and flowers in pots, conveyed into one of the frontier zones by persons resident in the other zone for funeral ceremonies or the decoration of graves, provided such articles are not for sale ;

(f) Coffins containing mortal remains, and urns containing the ashes of cremated persons ;

(g) Subject to re-export, ritual articles and prayer-books used in religious ceremonies ;

(h) Manufactured tobacco, imported by persons of the male sex of over 16 years of age domiciled in one of the frontier zones into the other zone for their personal consumption, provided the amount imported does not exceed the amount a smoker will consume in a maximum period of one day.

4. In case of fire or accidents, the staffs of fire brigades and of all other first-aid organisations in either frontier zone may cross the frontier at any point and at any time without passports or frontier cards. All equipment, vehicles, teams, fodder for horses, and lubricants and fuel for vehicles shall be admitted without Customs formality and free of all duties, dues and other charges, subject to their re-exportation, except for fodder, lubricants and fuel consumed on the spot.

Article 7.

The following products, originating in one of the frontier zones, shall be admitted free of all duties, dues and other charges levied on importation or exportation where local conditions render traffic in such products necessary, subject to their subsequent re-exportation to their zone of origin :

Local
Finishing
Trade
Traffic.

(a) Unbleached thread and cloth sent for bleaching, manufactured from products of cultivated land in the frontier zones ;

(b) Tan-bark for cutting or grinding ;

(c) Oilseeds sent for extraction of the oil ;

(d) Cereals and grain for threshing or grinding ;

(e) Hides for tanning ;

(f) Other agricultural products sent from one frontier zone to the other to undergo one or other of the aforementioned processes or some similar process ;

(g) Articles, garments and fabrics for the personal use of the inhabitants of one of the frontier zones, conveyed by the said inhabitants themselves into the other zone for alteration, repair or dyeing by handicraftsmen. Paid work at home is deemed to be equivalent to handicraft work. Subject always to the same conditions, exemption from duty is further extended to fabrics for conversion into clothing and to such supplies as are absolutely necessary for the purposes of the various kinds of work to which the present paragraph relates, provided such supplies are imported at the same time as the articles, garments and fabrics in question.

All products which have undergone any of the said finishing processes must be re-imported by the persons who exported the raw materials or for their account.

The maximum period available for free return to the zone of origin shall be determined with due regard to the time required for the operations aforesaid.

Article 8.

With the exception of foodstuffs and beverages, products manufactured by handicraftsmen resident in one of the frontier zones and brought by the said handicraftsmen themselves into the other zone for sale at markets or fairs shall not be subject to duties, dues and other charges imposed on importation or exportation, save in respect of such quantities as are finally left in the latter zone.

Contingent
Sale.

The application of the above provision shall be subject to the fulfilment of Customs formalities, including deposit of the duties concerned, and to the observance of such prohibitions and restrictions as may be in force in the territory of the several High Contracting Parties.

Products remaining unsold must be re-exported, and all duties, dues and other charges in respect of articles sold must be paid within twenty-four hours after the close of the market or fair.

Article 9.

The following products shall be admitted free of all duties, dues and other charges imposed on importation or exportation, subject to their control and re-export to their zone of origin within a period not exceeding six months :

Temporary
Admission.

- (1) Pianos sent on hire from one of the frontier zones to the other zone ;
- (2) Used tools, working implements and material brought by handicraftsmen domiciled in one of the frontier zones into the other zone for the exercise therein of their occupation or trade, together with instruments for scientific research or artistic purposes ;
- (3) Threshing machines belonging to private persons or agricultural associations established in one of the frontier zones and imported for threshing into the other zone ;
- (4) Used furniture, household utensils, household linen, implements or tools conveyed by persons inhabiting one of the frontier zones into the other zone for use during a temporary stay.

Article 10.

1. For the special control measures drawn up by common accord of the High Contracting Parties for the application of the provisions of the present Convention, see Annex No. 1.

Control
Measures
and
Miscel-
laneous
Provisions.

2. The Customs authorities of the High Contracting Parties may in addition order such control, surveillance or police measures as may be necessary to prevent any abuse of the facilities granted by the present Convention. They shall communicate as may be required with one another with a view to the adoption of such measures, the which shall be limited to the minimum compatible with requirements.

Where fraud is suspected, the authorities of both countries shall lend one another mutual assistance. Each shall carry out in its own territory any enquiries requested by the other.

3. To meet local exigencies, the Customs authorities of the High Contracting Parties shall be entitled, in the cases to which Article 2, paragraphs 1, 2 and 3, Article 3, paragraph 5, and Article 6, paragraphs 1 and 3, sub-paragraphs (a), (b) and (c), relate, to authorise the crossing of the frontier by passages other than the Customs roads, and at hours other than those during which the Customs offices are open, without payment of dues or other special charges.

The facilities and special conditions for which provision is made in the Supplementary Conventions attached to the records of the delimitation of the frontier between France and the Cantons of Solothurn and Basle of December 20th and 24th, 1818, signed on January 8th, 1825, and February 5th, 1825, concerning the Transport of Goods from one Point to Another within the Same Territory by Passage through the Adjoining State, shall continue to be applicable to the adjoining territories of the Department of the Haut-Rhin and the Swiss frontier Cantons.

4. Restrictions on imports or exports imposed for economic reasons shall not be applicable to the goods to which Articles 2, 3, 5, 6, 7 and 9 above relate.

5. Prohibitions or restrictions imposed for the protection of public health or for the protection of animals and plants against disease, insects or injurious parasites shall continue to be applicable.

Similarly with regulations on the subject of State monopoly products within the territory of either of the High Contracting Parties.

6. Nothing in the present Convention shall limit the right of either of the High Contracting Parties to apply temporary restrictions on grounds of public safety to the crossing of the frontier.

Similarly, nothing in the above regulations concerning frontier traffic shall affect the current rules in force within the territory of either High Contracting Party in regard to Customs surveillance or police measures for the passage of the frontier.

Article 11.

1. A Permanent Commission shall be set up as soon as the present Convention comes into force.

Permanen:
Commis-
sion.

It shall consist of three French and three Swiss delegates. It shall choose its Chairman alternately from among the French delegates and the Swiss delegates.

It shall draw up its own rules.

2. The Permanent Commission may propose to the two Governments any measure likely to ensure the smooth working of the present Convention.

3. Any difficulty which may arise regarding the interpretation or application of the present Convention, including the Protocol of Signature and annexed Notes, shall be submitted to the Permanent Commission, the which shall propose to the competent authorities appropriate measures for its settlement.

4. If any such difficulty cannot be settled either by the procedure aforesaid or through the diplomatic channel, the provisions of the Conciliation and Arbitration Treaty¹ of April 6th, 1925, shall be applicable.

Article 12.

The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible. It shall come into force one month after the exchange of ratifications, and shall remain in force for a period of two years as from that date.

Final
Provisions

In the event of the Convention not being denounced six months before the expiry of this period, it shall be indefinitely extended by tacit consent. Six months' notice may then be given to terminate it as from the 1st of January or the 1st of July of any given year.

As from its entry into force, the present Convention shall replace the Convention of February 23rd, 1882, concerning Neighbourly Relations and the Surveillance of Frontier Forests, together with the Supplementary Article² to the said Convention dated June 25th, 1895.

The Convention of October 31st, 1884, for the Punishment of Offences against the Game Laws shall remain in force for the duration of the present Convention, and shall be subject to denunciation at the same time and in the same way as the latter.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Berne, this 31st day of January, 1938.

(L. S.) (Signed) MOTTA.
(L. S.) (Signed) GASSMANN.
(L. S.) (Signed) ALPHAND.
(L. S.) (Signed) René THIERRY.

¹ Vol. CXLVII, page 89, of this Series.

² *British and Foreign State Papers*, Vol. 108, page 880.

PROTOCOL OF SIGNATURE.

At the moment of signing the Convention of this day's date, the Plenipotentiaries have decided to define the conditions of its application as follows :

GENERAL DEFINITIONS.

1. The expression " duties, dues and other charges " shall be deemed to mean all duties, dues, contributions, fees or other charges, professional or otherwise, direct or indirect, whatever their object or nature, imposed on importation or exportation (other than the fees to which Article 10, paragraph 3, first sub-paragraph, refer, or fees for Customs operations outside normal service hours, or fees for livestock inspection by veterinary officers).

No discrimination in law or in fact may be made, in connection with the aforesaid duties, dues and other charges imposed on transit or sale, by the competent authorities of either of the two countries as against inhabitants of the other country who are entitled to benefit by the facilities accorded under the present Convention.

2. Local exigencies shall be deemed to mean circumstances of material impossibility without any regard to personal preferences or considerations of pecuniary advantage.

The Customs services concerned are the judges of particular cases as they arise.

Ad Article 2, First Paragraph.

Exemption from all duties, dues and other charges may also be accorded in special cases, on the recommendation of the Commission for which provision is made in Article 11, in respect of the animals, agricultural machinery and products to which Article 2, paragraphs 1 and 2, relate, which are used for the cultivation of estates situate in one of the frontier zones but cultivated by owners, usufructuaries or tenant farmers resident outside the frontier zone of the other country.

Ad Article 2, Paragraph 2, and Article 3, Paragraph 5.

On the entry of machinery, tractors or vehicles imported subject to the conditions to which Articles 2 and 3 relate into the territory of the other country, the fuel and lubricants shall be exempt from all duties, dues and other charges within the limits of the amount required for the operation of the said material during one day.

Provided always that the Permanent Commission for which provision is made in Article 11 of the Convention shall consider the possibility of according supplementary facilities for the importation of fuel and lubricants in excess of the daily amount aforesaid where local exigencies indicate the necessity of such.

Ad Article 2.

Reservation is made in respect of the provisions of the Federal Law of July 7th, 1932, concerning national wheat supplies and current regulations in execution thereof.

The above reservation shall further be applicable to the provisions of the French Law of August 15th, 1936, and the regulations in execution thereof.

Ad Article 3, Paragraph 1.

The expression " rough timber " in Article 3, paragraph 1, shall be deemed to mean timber which has undergone no dressing other than that usually given in forests such as cross-sawing, lopping, forest-barking, rough-squaring with the axe and the like.

The above definition shall include :

- (a) Round logs of ordinary deciduous trees or conifers, with or without bark ;
- (b) Poles, props and rough posts (that is to say, not split or sawn lengthwise) ;
- (c) Logs, split into quarters or billets, faggots and firewood.

Ad Article 3, Paragraph 7.

The competent authorities to whom Article 3, paragraph 7, second sub-paragraph, relates are :

In the case of France :

(a) For forests coming under the Forestry Department, the Conservator or Inspector of the Waterways and Forests Department ;

(b) For forests not under the Forestry Department, the Public Prosecutor of the Republic ;

In the case of Switzerland :

The Government of the Canton and, where necessary, the Cantonal Prefecture of the district in which the offender has his domicile.

Ad Article 3, Paragraph 8.

The competent authorities to whom Article 3, paragraph 8, second sub-paragraph, relates are :

In the case of France :

Either the Juge de Paix or his substitute (in the Department of Haut-Rhin, the Juge Cantonal) ;

Either the Mayor of the Commune or his deputy or, in his absence, a Municipal Councillor ;

Or the Commissaire de Police ;

In the case of Switzerland :

Heads of frontier guard posts or of the Cantonal Gendarmerie.

Ad Article 3, Paragraph 10.

Sawn timber coming under the provisions of Article 3, paragraph 10, shall include :

On importation into Switzerland, sawn timber listed under items 233-237 inclusive of the Swiss Customs Tariff ;

On importation into France, sawn timber listed under items 128 (a), 130, 131 and ex 132 (manufactured props) of the French Customs Tariff.

Planed timber, boards and planks, bearing a brand or paint mark are excluded from admission at half-duty.

Ad Article 4.

French producers who sell their vegetables from house to house or in the market may accept orders for delivery, subject always to cantonal provisions.

Ad Article 6, Paragraph 2.

Pharmaceutical specialities shall also be admitted free of duty, on presentation of a prescription, in the same way as prepared medicaments. No prescription shall be required for first-aid requirements or such simple drugs for medical purposes as are included in the following list :

Mustard plasters	10 sheets	Quinine tablets	10 tablets
Mustard flour	250 grammes	Orange leaves	125 grammes
Linseed meal	1 kilogramme	Mint leaves	125 grammes
Hydrogen peroxide	1 litre	Glycerine	½ litre
Lime flowers	125 grammes	Orange flower water	500 grammes
Camomile flowers	125 grammes	Bicarbonate of soda	500 grammes
Tincture of iodine	60 grammes	Sodium sulphate	250 grammes
Aspirin tablets	10 tablets	Magnesium sulphate	250 grammes
Antipyrin tablets	10 tablets	Calcined magnesium	60 grammes
Pyramidon tablets	10 tablets	Camphor	125 grammes

Cotton wool	500 grammes	Zinc ointment	100 grammes
Gauze, cloth or crepe bandages	6 rolls	Vaseline	100 grammes
Cough lozenges	250 grammes	Santonin pills	20 grammes
Aluminium acetate	250 grammes	Tincture of arnica	50 grammes
Hoffmann's drops	30 grammes	Toothache drops	10 grammes
Cough mixture	125 grammes	Purgative tea	50 grammes
Senna	125 grammes	Cherry stalks	100 grammes
Marshmallow tea	125 grammes	Camphor pomade	30 grammes
Castor oil	60 grammes	Blue ointment	100 grammes
Iceland moss	125 grammes	Turpentine	100 grammes
Boracic soda pills	100 grammes	Ammonia	100 grammes
Boracic ointment	100 grammes	Lead Lotion	½ litre.

Ad Article 6, Paragraph 3, Sub-Paragraph (h).

The following quantities shall be regarded as representing a smoker's daily consumption and as such shall be the maximum amounts admitted free of Customs duty :

Pipe tobacco	40 grammes	Cigars	10 cigars.
Cigarettes	20 cigarettes		

The above quantities are not cumulative. Pipe tobacco, cigarettes and cigars must be passed through in torn wrappings or broken packets or boxes.

Ad Article II.

Delegates to the Permanent Commission may call in the assistance of experts and secretaries.

Done in duplicate at Berne, the 31st day of January, 1938.

(Signed) MOTTA.
 (Signed) GASSMANN.
 (Signed) ALPHAND.
 (Signed) René THIERRY.

EXCHANGE OF NOTES.

On the occasion of the conclusion of the Franco-Swiss Convention concerning Neighbourly Relations and the Surveillance of Frontier Forests, Notes were exchanged between the Head of the Federal Political Department and the French Ambassador. Below will be found the text of the four Swiss Notes and the last two French Notes. The text of the first two French Notes is identical with that of the corresponding Swiss Notes.

ANNEX No. I.

YOUR EXCELLENCY,

BERNE, *January 31st, 1938.*

With reference to Article 10, paragraph 1, of the Convention signed this day, I have the honour to communicate my assent to the following control provisions :

I. PRODUCTS ADMITTED ENTIRELY DUTY-FREE.

General Products.

The Customs authorities of each of the High Contracting Parties may require, where necessary, over and above the basic declaration of cultivation, evidence of the origin of products entitled to

the benefits of the frontier system. Such evidence shall consist in the production of a certificate issued by the local authorities stating the exact place of origin and provenance or, as the case may be, of provenance only.

Market Traffic.

For the better control of imports into Switzerland of fresh vegetables and fruit vegetables and potatoes originating in the French Haut-Rhin frontier zone, each French producer shall receive a special passbook which will be issued to him by the Swiss Customs Administration in accordance with the information provided by the competent French authorities.

The passbook shall contain a note of the quarterly aggregate quota to which the holder is entitled in respect of each of the products aforesaid (quota free of duty and quota on payment of duty).

In the case of fresh vegetables and fruit vegetables and potatoes, a record shall be made of every quantity imported into Switzerland free of duty or on payment of duty.

Goods shall be admitted free of duty up to the limit of the daily quantities fixed in the Convention, until the holder of the passbook has reached his quarterly quota.

Goods shall be admitted on payment of duty up to the limit of the weekly quantities fixed in the Convention, until the holder of the passbook has reached his quarterly quota.

A note shall also be made of any goods re-exported (Article 4, paragraph 3, last subparagraph, of the Convention).

Timber.

Proof of the origin of rough timber products shall be furnished by means of certificates issued, in the case of France, by the prefectural authority (prefect or sub-prefect) with or without the collaboration of the Customs and/or Waterways and Forests authorities and, in the case of Switzerland, by the cantonal forest authorities.

In the case of sawn timber admitted at half-duty, proof of the place of sawing shall be furnished in the same manner; admission at half-duty shall be granted by the same Customs office on the presentation of credit coupons.

Products imported Free of Duty under Article 5.

Imports free of duty under Article 5 of the Convention shall be made in conformity with the general procedure hereinafter defined:

(a) Beneficiaries will receive through the prefectural authority a Customs exemption card.

(b) The card will be personal. It will show:
The nature and quantity of the goods to be admitted free of duty;

The name of the office through which they are imported;
The date of importation.

(c) The holder must present himself at the office of import, produce his card to the Customs authorities and hand them a signed statement of a special type indicating the nature, species and weight of goods he wishes to import.

(d) To facilitate operations, the French prefectural authorities shall provide declaration forms in the French mayoralities and Customs offices concerned, which will be available at any time to holders of Customs exemption cards.

2.²₄ PRODUCTS OR OBJECTS EXPORTED OR IMPORTED TEMPORARILY.

The Customs authorities of either High Contracting Party may require products or objects exported or imported temporarily to be covered by documents recording their movements (permits, discharges and the like) and involving the guarantee or deposit of such duties and dues as may

ultimately be chargeable, and may further cause such identity marks (seals, stamps, bands and the like) as they may deem necessary to be affixed to the said products or objects.

I have the honour to be, etc.

His Excellency Monsieur Charles Alphand,
Ambassador of France, Berne.

(Signed) MOTTA.

ANNEX No. 2.

YOUR EXCELLENCY,

BERNE, *January 31st, 1939.*

In the course of the negotiation of the Convention concerning Neighbourly Relations and the Surveillance of Frontier Forests, signed this day, it was found desirable to determine the frontier card system for the Department of Haut-Rhin and the corresponding Swiss Cantons.

Immediately the Convention comes into force, persons domiciled or habitually resident for not less than four months in the frontier zone of the Haut-Rhin or the frontier zone of the corresponding Swiss Cantons may obtain frontier cards. Persons not resident in any of the said frontier zones but cultivating estates in one or other of the zones and entitled to the advantages for which the Convention provides may also obtain frontier cards.

Holders of frontier cards issued in either of the two States are permitted to cross the frontier, and may remain for a period not exceeding three consecutive days in the frontier zone of the other State. Nothing in this arrangement shall affect the regulations governing remunerated employment in either State.

Frontier cards issued to French and Swiss nationals are valid for not less than one year ; for other persons, the period of validity may not exceed the period of authorised residence of such persons.

Frontier cards may be renewed.

They shall be issued, in the case of France, by the Prefect of the Haut-Rhin or such persons as he may designate for the purpose and, in the case of Switzerland, by the Cantonal police authorities or such authorities as they may designate for the purpose.

The competent authorities of each State shall forward the frontier cards prepared for issue direct to the competent authorities of the other State for visa. The authorities of the other State shall visa them free of charge and return them as quickly as possible.

Subject always to the observance of the conditions to which the present Note relates, visas may not be refused except on grounds of public order or safety.

In case of serious or repeated abuse of a frontier card, or on grounds of public order or safety, the authority issuing the visa may, without prejudice to any other penalties that may be applicable, render such frontier card unusable by adding the words : " Cancelled provisionally 19.. ".

In the event of such cancellation, the cancelling authority shall immediately notify the authority which issued the card, so that the card may be withdrawn from the holder.

The form of frontier cards shall be determined by the competent services of the two countries.

Nothing in the above provisions shall affect the customary tolerances in the case of occasional passage of the frontier, provided always that children under 15 years of age living in a town in either of the two States may not cross into the territory of the other State unless furnished with some personal identity card, or unless their names, forenames, ages and domiciles are given on the identity card of the adult person accompanying them.

The two Governments will consider at a later date the desirability of extending the system above described to the whole of the French-Swiss frontier.

I have the honour to be, etc.

His Excellency Monsieur Charles Alphand,
Ambassador of France, Berne.

(Signed) MOTTA.

ANNEX No. 3.

YOUR EXCELLENCY,

BERNE, *January 31st*, 1938.

With reference to Article 1 of the Convention concerning Neighbourly Relations, signed this day, whereby a special arrangement is to determine the regime applicable to the frontier zone of the Ain and to the frontier zone of Haute-Savoie from the Rhone to the Dent du Velan, known as the Dent du Lan, to the south of St. Gingolph, I have the honour to confirm that the Federal Government has no intention of doing away with the privileges hitherto enjoyed by the said French districts lying beyond the free zones but within 10 km. of the French-Swiss political frontier, subject always to the understanding that the frontier treatment at present applicable to the free zones cannot be modified by either side except by common accord.

I give accordingly the following assurances:

1. The provisions of Article 2 (Agricultural Traffic), Article 3 (Exploitation of Forests), Article 6 (Local Frontier Traffic), Article 7 (Local Finishing Trade Traffic), Article 8 (Contingent Sale), Article 9 (Temporary Admission), Article 10 (Control Measures and Miscellaneous Provisions) and Article 11 (Permanent Commission) of the Convention as defined and interpreted by the Protocol of Signature attached thereto, shall be applicable equally to the frontier zones above described throughout the period of validity of the said Convention.

2. The Customs exemptions at present accorded in respect of imports of fresh vegetables and fruit vegetables for the Geneva markets, the which imports were not regulated by the 1882 Convention and are now admitted only out of courtesy, shall be continued ; in the case of potatoes, admission against payment of duty shall also be continued under the same conditions as hitherto, especially in so far as concerns measures in connection with the application of the quota provisions.

Furthermore, admission free of duty, up to the daily quota limit of 100 kilogrammes gross weight, of a maximum quantity of 25 kilogrammes gross weight of potatoes shall be permitted three times a week.

Accordingly, the *status quo* will be continued for this market traffic except in the case of cut flowers, which will, however, be admitted without regard to quota restrictions but subject to payment of Customs duties, up to a limit of 5 kilogrammes per importer per day.

The provisions of Article 4, last paragraph, and of Article 5 of the Convention shall apply to producers in the French frontier zones described in the first paragraph of the present Note who sell their vegetables, fruit vegetables, potatoes or flowers in the Geneva markets.

It is understood that the facilities to which Articles 2, 3, 6, 7, 8, 9 and 10 of the Convention relate shall be accorded on a basis of reciprocity to inhabitants of the Swiss frontier zone of the districts referred to above.

The undertakings incurred in virtue of the present Note shall be binding for the whole period of validity of the Convention, and shall cease to be binding on the lapse of the Convention, save in so far as other arrangements may be made in the meantime by the two Governments.

Lists of the Swiss and French communes entitled to benefit by the conditions defined above shall be drawn up by the competent services of the two countries and communicated by each to the other.

I have the honour to be, etc.

(Signed) MOTTA.

His Excellency Monsieur Charles Alphand,
Ambassador of France, Berne.

ANNEX No. 3.

SIR,

BERNE, *January 31st, 1938.*

You were good enough to address to me, under to-day's date, the following letter :

(Here follows the text of the preceding letter.)

I have the honour to take note of the undertakings contained in this letter, and to assure you that the French Government will observe the conditions of reciprocity to which the letter refers.

I have the honour to be, etc.

(Signed) ALPHAND.

Federal Councillor Motta,
Head of the Federal Political Department, Berne.

ANNEX No. 4.

YOUR EXCELLENCY,

BERNE, *January 31st, 1938.*

I have the honour to inform you that the Federal Government will continue, during the period of validity of the Convention signed this day, to grant producers and traders of the French frontier zone the facilities hitherto accorded for the importation into Switzerland against payment of Customs duties, and sale in market halls and wholesale markets and to middlemen of the fruits and vegetables listed under items 23 *a/b*, 24 *a*¹⁻², 24 *b*, 40 *a* and 40 *b*¹⁻², of the Swiss Customs Tariff.

The provisions of the last paragraph of Article 4 of the Convention will be applicable to beneficiaries of the facilities to which the preceding paragraph relates.

Import permits will be delivered by the Swiss Customs offices to producers and traders in the French frontier zone on the same conditions as hitherto.

The quantities thus imported shall be deducted from the aggregate quotas accorded to France by the Commercial Agreement of March 31st, 1937.

I have the honour to be, etc.

(Signed) MOTTA.

His Excellency Monsieur Charles Alphand,
Ambassador of France, Berne.

ANNEX No. 4.

SIR,

BERNE, *January 31st, 1938.*

You were good enough to address to me, under to-day's date, the following letter :

(Here follows the text of the preceding letter.)

I have the honour to acknowledge the receipt of this letter and to take note of its contents.

I have the honour to be, etc.

(Signed) ALPHAND.

Federal Councillor Motta,
Head of the Federal Political Department, Berne.