

No. 19295

**SWITZERLAND
and
ITALY**

**Agreement relating to the establishment of customs control
on vessels sailing on Lake Lugano (Ceresio) and Lake
Maggiore (Verbano). Signed at Lugano on 3 April
1980**

Authentic text: Italian.

Registered by Switzerland on 22 November 1980.

**SUISSE
et
ITALIE**

**Accord relatif à l'institution d'un contrôle douanier sur les
bateaux naviguant sur le lac Lugano (Ceresio) et sur le
lac Majeur (Verbano). Signé à Lugano le 3 avril 1980**

Texte authentique: italien.

Enregistré par la Suisse le 22 novembre 1980.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN SWITZERLAND AND ITALY RELATING TO THE ESTABLISHMENT OF CUSTOMS CONTROL ON VESSELS SAILING ON LAKE LUGANO (CERESIO) AND LAKE MAGGIORE (VERBANO)

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 Berne on 11 March 1961,²

Have decided to conclude an agreement relating to the establishment of inspection on vessels sailing on Lake Lugano and Lake Maggiore,

And, to this end, have agreed as follows:

Article 1. 1. Swiss and Italian entry and exit inspections may be carried out in transit on passenger vessels belonging to shipping companies licensed to operate along the following routes:

Lake Maggiore

Locarno—Ascona—Brissago—Cannobio—Luino and vice versa
Locarno—Luino and vice versa.

Lake Lugano

Lugano—Porlezza and vice versa
Morcote—Porto Ceresio and vice versa
Morcote—Porto Ceresio—Ponte Tresa and vice versa.

2. Swiss and Italian inspections relating to passenger traffic (persons, their baggage, their personal effects, commercial samples, small quantities of goods for private use or of negligible value, foreign exchange and securities which such persons carry with them for personal needs) shall be carried out on the vessels.

Officials may extend the inspection to crew members, stores and supplies carried on board and to the vessel itself.

3. Passengers not bound for the territory of the adjoining State shall not be subject to inspection.

The provisions of article 6 of the basic Convention of 11 March 1961 shall, however, remain in force.

Article 2. 1. For officials of the adjoining State, the zone shall include vessels sailing on the routes or anchoring in the ports referred to in article 1, paragraph 1.

2. In the Italian ports of Luino, Cannobio, Porlezza and Porto Ceresio, and in the Swiss ports of Brissago, Locarno, Morcote and Lugano, the officials of the adjoining State are entitled to hold both the persons who have infringed the regulations of the adjoining State governing control, goods and other property

¹ Came into force on 3 August 1980, i.e., four months after the date of signature, in accordance with article 7 (1).

² United Nations, *Treaty Series*, vol. 1126, p. 260.

seized on the vessels, and the evidence. To this end, the shipping company which owns the vessel shall make a suitable cabin available to them free of charge.

3. Persons arrested and goods or other property seized as well as the evidence may be taken to the adjoining State on the next available sailing via the routes indicated in article 1, paragraph 1. Where necessary, while waiting for the next available sailing—which may be the sailing of another vessel—the customs office or police station of the port-of-call State shall make appropriate premises available upon request. Such premises, including the area between them and the vessel, shall be considered part of the “zone”.

Article 3. 1. The absence of officials of the State of exit on the landing-stage or on the vessel shall be deemed to constitute a waiver of the inspection referred to in article 7, paragraph 2, of the Convention of 11 March 1961.

2. The inspection of passengers and their baggage shall be deemed completed in accordance with article 7, paragraph 2, of the Convention of 11 March 1961 as soon as the officials of the State of exit have either carried out or waived their inspection. Inspections on vessels shall always be conducted in the following order: from bow to stern and from upper deck to lower deck.

Article 4. Within the meaning of article 4, paragraph 1, of the Convention of 11 March 1961, the zone on Lake Lugano for Italian officials shall be attached, respectively, to the Communes of Porto Ceresio or Porlezza; for Swiss officials, to the Commune of Lugano. On Lake Maggiore, the zone for Italian officials shall be attached to the Commune of Luino and, for Swiss officials, to the Commune of Locarno.

Article 5. 1. Shipping companies operating on Lake Lugano and Lake Maggiore shall make available, free of charge, to officials of the two States such premises as are necessary on their vessels for purposes of control.

2. Officials on duty shall enjoy free transport on the routes indicated in article 1, paragraph 1.

Article 6. 1. With respect to inspections in transit on Lake Lugano, 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 Customs Directorates of Como and Varese and the Office of the Second Frontier Police Zone at Como, on the other hand, shall jointly regulate questions of detail in agreement with the shipping company, and in particular those relating to the flow of traffic and utilization of the zones.

2. With regard to inspections in transit on Lake Maggiore, the competent authorities shall be the following, by analogy with paragraph 1 above: 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.

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

Article 7. 1. This Agreement shall enter into force four months after the date of its signature; it shall supersede the declaration of 8 and 18 January 1901 exchanged between Switzerland and Italy for governing the customs service on Lake Maggiore and Lake Lugano.

2. This Agreement shall cease to have effect six months after its denunciation by either State; the six-month period shall begin on the first day of the month following denunciation.

DONE at Lugano, on 3 April 1980, in duplicate in the Italian language.

For the Swiss Federal Council:

P. AFFOLTER

For the Government
of the Italian Republic:

E. DEL GIZZO
