

II

Treaties and international agreements

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from 1 June 1990 to 30 June 1990

No. 1034

Traités et accords internationaux

classés et inscrits au répertoire

du 1^{er} juin 1990 au 30 juin 1990

N° 1034

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**FRANCE
and
MONACO**

**Convention regulating the conditions of a customs union and
neighbourly relations (with declarations). Signed at
Paris on 10 April 1912**

Authentic text: French.

Filed and recorded at the request of France on 25 June 1990.

**FRANCE
et
MONACO**

**Convention pour régler les conditions d'une union douanière
et les rapports de voisinage (avec déclarations). Signée à
Paris le 10 avril 1912**

Texte authentique : français.

Classée et inscrite au répertoire à la demande de la France le 25 juin 1990.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PRINCIPALITY OF MONACO REGULATING THE CONDITIONS OF A CUSTOMS UNION AND NEIGHBOURLY RELATIONS

The President of the French Republic and His Most Serene Highness the Prince of Monaco, having recognized the need to establish on a new basis relations between France and the Principality of Monaco, which were governed heretofore by the Convention of 9 November 1865² and the Additional Agreement of 10 March 1899³, have decided to conclude a Convention for this purpose, and have appointed their Plenipotentiaries, namely:

The President of the French Republic: Mr. Raymond Poincaré, Senator, President of the Council, Minister for Foreign Affairs,

And His Most Serene Highness the Prince of Monaco: Count Balny d'Avricourt, his Special Envoy and Minister Plenipotentiary to the President of the French Republic,

who, being duly authorized for this purpose, have agreed as follows:

Article 1

There shall be only one customs line in the Principality. It shall be established on the seaward side and shall constitute only a section of the French customs line on the Mediterranean coast.

Article 2

French tariff duties on imports and exports, shipping charges as French law defines them, sealing and stamping charges and duties on sugar shall be applied in the territory of the Principality in accordance with the laws and regulations in force in France.

The Government of His Most Serene Highness shall continue to be responsible for administering the ports of the Principality through the Director of Ports. That official may collect, in such capacity, only duties other than customs, shipping and animal-health charges.

Article 3

French rules and tariffs relating to animal health shall be applied in the Principality. French customs officers serving in the Principality who have received special prior authorization from the Government of His Most Serene Highness shall collect the maritime animal-health charges. The net amount of these charges shall continue to belong to the Prince's Treasury.

¹ Came into force on 6 April 1914, by the exchange of the instruments of ratification, which took place on 1 April 1914, in accordance with article 27.

² *British and Foreign State Papers*, vol. LV, p. 407 (French text only).

³ *Ibid.*, vol. CV, p. 976 (French text only).

Article 4

French vessels shall pay, in the ports of the Principality, the same duties as those to which they would be subject in French ports and, reciprocally, Monegasque vessels shall enjoy the same treatment in French ports as French vessels.

The Monegasque nationality of a vessel shall be determined in accordance with the rules laid down in the French Navigation Act of 21 September 1793 and in subsequent French legislation relating to the ownership of vessels and the membership of crews. These rules shall not apply either to vessels flying the Prince's flag, or to vessels duly authorized to fly the Monegasque flag as from 1 January 1912, or to pleasure craft, or to fishing vessels which have a crew of not more than five and sell their catch in Monaco.

The time spent by French registered seamen aboard Monegasque vessels shall be included in the calculation of their pensions.

The ship's papers and vessel inspection certificates issued by the Monegasque authorities shall have the same validity as papers and certificates issued by the French authorities pursuant to the Act of 17 April 1907.

Article 5

Salt and products derived from salt shall be subject, in the Principality, to the import duties established by French tariffs, and such duties shall be collected on behalf of France and by French agents. The Prince agrees to prohibit the manufacture of salt and products derived from salt in his territory, and to apply therein the laws and regulations in force in France with regard to the transport, movement, sale and use of such commodities.

Article 6

The Prince's Government agrees to accept, at the Nice Works and Warehouses, all the varieties of tobacco required for use in the Principality. Such tobacco shall be supplied to agents of His Most Serene Highness at rates which are as close as possible to cost price and which, for purposes of simplification, shall be set as follows:

- Luxury tobacco: retail selling price in France less 40 per cent;
- Cigarettes for a mass market: retail selling price in France less 70 per cent;
- Other products for a mass market and a limited market: retail selling price in France less 80 per cent.

Such tobacco shall be sold, under the supervision of the local authorities, in accordance with the rates in force in France.

Article 7

Gunpowder, hunting powder and blasting powder, and playing cards, the manufacture of which is prohibited in the Principality, shall be supplied to Monegasque agents by the French Administration on the same terms as tobacco, for sale in the Principality in accordance with the regulations and rates in force in France.

The provisions contained in the Protocol of 24 June 1891 and the Order of 12 December 1891, concerning the manufacture and sale of matches in the Principality, shall remain in force.

Article 8

The special laws and regulations in France which govern the import, export and movement of military weapons shall be applicable in the Principality.

Article 9

Customs, duties and statistical recording fees, shipping charges, duties on salt and sugar and sealing and stamping charges shall be collected by the French Administration on behalf of France.

Article 10

In compensation for the customs duties, statistical recording fees, shipping charges, duties on salt and sugar and sealing and stamping charges which it shall collect under the preceding article, the Government of the Republic shall pay to the Prince's Treasury a fixed annual allowance in the amount of 400,000 francs, payable to Monaco on quarterly due dates in equal instalments of 100,000 francs each.

The allowance shall be increased by a sum of 20,000 francs for each increase of 1,000 in the population counted by the 1908 census.

Censuses shall be held every five years on the first of January.

Article 11

All customs employees and agents in the Principality shall be French nationals and shall be appointed by the Government of the Republic.

Article 12

All French customs employees and agents in the Principality shall be subject to the jurisdiction of French courts in respect of crimes and offences which they may commit in the line of duty. In such cases, the preliminary investigation shall be headed by a French judge, but fact-finding, evidence-gathering and all investigative work shall be conducted in the territory of the Principality by a judge in the Monaco court, pursuant to a letter of request from the French judge which has been validated by a member of the *Ministère public*. Nevertheless, where a suspect is caught in the act of committing an offence, the authorities of the Principality may, where appropriate, proceed to arrest the suspect and to establish a record of a crime or an offence. French customs employees and agents shall be subject to the jurisdiction of the courts of the Principality in respect of crimes or offences committed outside the line of duty.

Article 13

Violations of the laws and regulations applicable in the Principality as a result of the customs union shall be prosecuted at the request of agents of the competent French Administration residing within the jurisdiction of the Nice court, where also the records of the proceedings shall be certified as authentic and filed.

French customs employees and agents may request the Monegasque authorities to arrest persons suspected of smuggling, and may request the *Ministère public* of Monaco to search for individuals involved in fraud or their accomplices. This provision shall not impede the prosecution *proprio motu* of offences by the Monegasque authorities.