

Declassified E.O. 12356 Section 3.3/NND No.

785016

AIC - Italy

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18pp.

Declassified E.O. 12356 Section 3.3/NND No.

785016

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Italian Legislation

Feb. 14 - March 5, 1944

18 pp.

CONFIDENTIAL.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
ALU 394

Administrative Section

47/13

SUBJECT : Italian Legislation

TO : Executive Commissioner
VI Sections
Independent Sub-Commissions.

5 Mar 44.

- 1 Italian legislation in unoccupied territory is promulgated by publication of Decrees in GAZZETTA UFFICIALE, the latest copy of which No 9 has already been distributed.
- 2 In order to avoid duplication and to have legislation in occupied territory when so desired in line with decrees so published, the Legal Sub Comm have made the following arrangements with the Ministry of Justice:
 - a That when the GAZZETTA UFFICIALE is published, a space will be left at the end to allow an endorsement to be made stating which of the decrees set out are also to be effective in occupied Territory.
 - b That the printing blocks will be kept set up for a short period to allow for perusal by ACC and the addition of the endorsement.
- 3 To implement this it is necessary to decide rapidly which of the decrees shall be effective in occupied territory; the following procedure has been agreed:
 - a The Legal Sub Comm will prepare a translation of the titles and import of the Decrees.
 - b The translation at 3 a above together with copies of each number of the GAZZETTA will be forwarded to the Executive Commissioner and to each Section by the Legal Sub Comm.
 - c Upon receipt, Sub Comms will at once peruse and forward as at 3 d below a return showing which decrees they recommend should be included in the endorsement together with their reasons.
 - d 1 The return as at 3 c above will be made by Sub Comms at Salerno to the adm Sec, and by Sub Comms at Naples to the Executive Commissioner through their Section.

a That when the GAZZETTA UFFICIALE is published, a space will be left at the end to allow an endorsement to be made stating which of the decrees set out are also to be effective in occupied Territory.

b That the printing blocks will be kept set up for a short period to allow for perusal by AGC and the addition of the endorsement.

3 To implement this it is necessary to decide rapidly which of the decrees shall be effective in occupied territory; the following procedure has been agreed,

a The Legal Sub Comm will prepare a translation of the titles and import of the Decrees.

b The translation at 3 a above together with copies of each number of the GAZZETTA will be forwarded to the Executive Commissioner and to each Section by the Legal Sub Comm.

c Upon receipt, Sub Comms will at once peruse and forward as at 3 d below a return showing which decrees they recommend should be included in the endorsement together with their reasons.

d 1 The return as at 3 c above will be made by Sub Comms at Salerno to the Adm Sec, and by Sub Comms at Naples to the Executive Commissioner through their Section.

if the date by which returns will be made will in future be notified by the Legal Sub Comm when forwarding the GAZZETTA UFFICIALE. 26YU

e The Executive Commissioner and the VP Adm Sec will consolidate the returns and forward them to the Legal Sub Comm for inclusion in the endorsement.

4 Attached is a translation of GAZZETTA No 9 referred to in para 1, returns regarding this will be made by 1300 hours, Tues 7 Mar 44.

Distribution to Sections to allow:

Sections (2)
Sub-Comms (1)

Elmer W. Stone
ELMER W. STONE,
Capt. USNR,
Deputy Chief Commissioner.

MEMORANDUM

SUBJECT : Gazzetti Ufficiale n. 9 of 23 Feb 1944.

TO : CLO HQ ACC.

The above issue of the GU. contains the following legislation:

- 1 RD Law 27 Jan 44 n. 52. Establishment of a Section of the Supreme Military Tribunal in the liberated territories of Italy.
- 2 RD Law 27 Jan 44 n. 53. Modifications of the consolidated laws on the status of the army noncommissioned officers.
- 3 RD 27 Jan 44 n. 54. Conferring of medals for voluntary war service upon military and civil personnel who subsequent to 8 Sept 1943 have moved from German held territories into liberated territories for the purpose of placing themselves under the orders of the National Government.
- 4 RD 31 Jan 44 n. 55. Temporary repeal of provisions contained in Art. 101 of the RD 30 Dec 1923 n. 2960.
- 5 RD 31 Jan 44 n. 56. Increase in selling prices of edible salt sold as supplies for ships.
- 6 Ministerial decree 5 Feb 1944. Rules for application of the RD 31 Jan 44 n. 41 on refund to collectors of direct taxes of increased collection expenses.
- 7 Decree of the Chief of Government 22 Jan 44. Appointment of the Commissioner for Administration of secondary branches of the National Organization for War Orphans. (General Ugo SPREGA).
- 8 Decree of the Chief of Government 22 Jan 44. Appointment of the Commissioner for Administration of the secondary branches of the National Associations of War Veterans (General NICCOLO GLACCHI).
- 9 Decree of the Chief of Government 22 Jan 44. Appointment of the Commissioner for Administration of the secondary branches of the National Associations for Mutilated and Invalids of War. (Lt. Col. Francesco Paolo MARCECA).
- 10 Decree of the Chief Government 22 Jan 44. Appointment of the Commissioner for Administration of secondary branches of the National Associations for the protection and assistance to War Invalids. (Avvocato DONATO NORMANDO).
- 11 Decree of the Chief of Government 1 Feb 44. Appointment of the Commissioner of C.I.T. (Compagnia Italiana Turista). (Commissioner Notary METELLO MENCARELLI).
- 12 Decree of the Chief of Government 2 Feb 44. Appointment of a Commissioner Extraordinary of the Bank of Italy.

2609

5 . RD 31 Jan 44 n. 56. Increase in selling prices of edible salt sold as supplies for ships.

- 6 Ministerial decree 5 Feb 1944. Rules for application of the RD 31 Jan 44 n. 41 on refund to collectors of direct taxes of increased collection expenses.
- 7 Decree of the Chief of Government 22 Jan 44. Appointment of the Commissioner for Administration of secondary branches of the National Organization for War Orphans. (General Ugo SPREGA).
- 8 Decree of the Chief of Government 22 Jan 44. Appointment of the Commissioner for Administration of the secondary branches of the National Associations of War Veterans (General NICCOLO GLACCHI).
- 9 Decree of the Chief of Government 22 Jan 44. Appointment of the Commissioner for Administration of the secondary branches of the National Associations for Mutilated and Invalids of War. (Lt. Col. Francesco Paolo MARCECA).
- 10 Decree of the Chief Government 22 Jan 44. Appointment of the Commissioner for Administration of secondary branches of the National Associations for the protection and assistance to War Invalids. (Avvocato DONATO NORMANDO).
- 11 Decree of the Chief of Government 1 Feb 44. Appointment of the Commissioner of C.I.T. (Compagnia Italiana Turismo). (Commissioner Notary METELLO MENCARELLI).
- 12 Decree of the Chief of Government 2 Feb 44. Appointment of a Commissioner Extraordinary of the Bank of Italy (Comm. Arturo ATTI, Seniore Superior Counsellor of the Bank of Italy).
- 13 Decree of the Chief of Government 12 Feb 44. Appointment of a Vice Commissioner of the Bank of Italy (Cav. Uff. PETTINARI).
- 14 Decree of the Chief of Government 2 Feb 44. Appointment of Commissioner Extraordinary of the Bank of Naples. (Sig. CESARE RICCIARDI).

Notes on the above legislation

Ref. 1. The Section of the Supreme Military Tribunal will sit at Ostuni (Puglia - via Brindisi) and shall be composed of a president (at least a general of Army Corps) and of 12 judges (7 generals of not lower rank than generals of divisions or equivalent rank, one military judge-magistrate of equal rank belonging to J.A.G. Corps, 4 ordinary magistrates of not lower than 5th grade). The bench will consist of the president and four judges.

Para (g) of the rules for reopening of Italian Military Tribunals prepared by CLO, HQ ACC reads:

"Until it is possible to constitute the Tribunale Supremo Militare all

appeals from an Alien Military Tribunal shall be addressed to the Military Governor who may set aside any conviction or suspend, reduce or commute the sentence or order a new trial."

It would appear that in view of this decree para (g) will have to be amended.

The intention to set up the Section of the Supreme Military Tribunal has been communicated to Gen. Taylor by Gen. Alberti (letter n.259, 29 Dec 43) and Gen. Camillo MEOCALLI was mentioned as candidate for the office of Presidency of the court.

Ref 2 This modification permits NCO to be reduced by the Ministry of War to the rank of private for incompetence.

Ref 3 No comments.

Ref 4 This decree permits temporary and obligatory transfers of employees from one Central Administrative office to another, etc.

Ref 5 100% increase in selling price of salt for certain purposes (Food, supply).

Ref 6 Executive instructions for application of RDL 31 Jan 44 n. 41 published in GU n.7. (Finance).

Ref 7. 8. 9. 10. 11. No comments. (Interior, Public Health, Industry)

Ref 12. 13. 14. 15 (Finance). Decrees under 13, 14, 15 will be republished in AMG territory at the request of the Finance Subcommission.

ES/gmf

29 Feb 44

HEADQUARTERS,
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4113/L.

5th March 1945

SUBJECT: Italian Legislation.

TO : Distribution Below.

1. In the course of meetings between Sub-Commissions and their opposite numbers in the Italian Government and discussions on matters of policy it frequently becomes necessary for Sub-Commissions to consider the initiation and preparation of decree laws by the Italian Government and this directive lays down the procedure to be followed.

2. The method of preparation of decrees by the Italian Government is as follows:

Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

3. When a Sub-Commission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not ACO. When considering the terms of the draft decree with the Ministry concerned the Sub-Commission should at this stage consult the Legal Sub-Commission to see that the draft decree in fact carries out what the Sub-Commission has in mind.

4. It is then the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a latter stage the Ministry concerned should be asked to inform the Sub-Commission concerned and if any difficulty arises therein the latter should consult the Legal Sub-Commission.

5. The decree only becomes effective in law on the date of its publication in the Gazette. It is NOT operative in territory still occupied by the Allied Forces. If the Sub-Commission concerned desires to make such decree operative in occupied territory the Legal Sub-Commission should be so informed in writing BEFORE, if possible, the date of publication in the Gazette.

2600

as follows:

Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

3. When a Sub-Commission and a Ministry are agreed on a joint policy which necessitates a decree, it is the duty of the Ministry concerned to prepare the decree and not AGC. When considering the terms of the draft decree with the Ministry concerned the Sub-Commission should at this stage consult the Legal Sub-Commission to see that the draft decree in fact carries out what the Sub-Commission has in mind.

4. It is then the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a latter stage the Ministry concerned should be asked to inform the Sub-Commission concerned and if any difficulty arises therein the latter should consult the Legal Sub-Commission.

5. The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is NOT operative in territory still occupied by the Allied Forces. In the Sub-Commission concerned desires to make such decree operative in occupied territory the Legal Sub-Commission should be so informed in writing BEFORE, if possible, the date of publication in the Gazette.

6. Apart from the foregoing the Italian Government may initiate and prepare decrees on their own and not as the result of a common or agreed policy. The relationship between Sub-Commissions and Ministries should be such that Ministries will as a matter of course inform their opposite numbers of their intentions in this respect at the earliest stage so that any defects may be remedied and that any appropriate action may be taken thereon sooner rather than later.

7. Contrariwise when a Sub-Commission is considering the submission to the Executive Commission of proposals which involve the preparation of a new General or Regional Order, they should normally consult the Italian Government and ascertain their views so that continuity of policy may be established. This does not apply, of course, where the proposed Order is intended to deal only with a short term local situation in occupied territory and does not affect any question of overall or long term (post-occupation) policy.

8...../

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8. In order that co-ordination of views and requirements of Sub-Commissions can be handled, Sub-Commissions will, at the earliest practical time, advise the appropriate VP of any proposed decree. This decree may be initiated either by Sub-Commissions or by one of the Ministries of the Italian Government, the VP will then decide whether or not it is necessary for him to deal primarily with the appropriate Minister. The latter course will be adopted when a decree involves several Sub-Commissions and will avoid Italian Government being required to deal with several branches of the Control Commission over one decree.

By Command of Lieut. General MASON MACFARLANE.

M. S. Lush

M. S. LUSH,
Brigadier,
Executive Commissioner. "C" (C)

DISTRIBUTION:

Vice President, Administrative Section (8) - For distribution
Vice President, Economic Section (10) to Sub-Commissions
Army Sub-Commission.
Navy Sub-Commission.
Air Force Sub-Commission
Tele-communications Sub-Commission.
War Materials Sub-Commission.
Displaced Persons Sub-Commission.
Civil Affairs Branch.
Italian Refugee Branch.
Security Branch.
Public Relations Branch.
Political Section.

PEARL HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

45/43

28 Feb 44.

SUBJECT : Italian Legislation.

TO : Sec. Gen., HQ. ACC. APO 394.

1. On the 21 Feb., Lord Stansgate headed to the Chief Commissioner, a paper on the above subject (ACC/014.12/43 of 20 Feb 44).
2. It is understood that this paper has received General MacFarlane's approval, if so may it please be returned suitably endorsed.

RRC 2607
R. R. CRIPPS,
Lt. Colonel.
for VP. Adm. Sec.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

ACC/014.12/AD

20 February 1944

TO : Chief Commissioner.
SUBJECT: Italian Legislation.

1. The attached draft of a directive to all sub-commissions is submitted for your approval.

2. It is considered necessary that some such procedures should be adopted in order to regularise the matter. Also to prevent decrees being published which may not receive the approval of the Allied Control Commission, and would require to be rescinded.

Vice President
Administrative Section

1 Incl.
Draft.

WAR MATERIALS DISPOSAL SUB COMMISSION
WAR HEADQUARTERS, A.C.C.
A.P.O. 394.

ACC/WMD/32/2.

17 FEB 44.

TO :- Staff Officer to Administrative V.P.

SUBJECT :- Italian Legislation.

1. Reference Legal Sub-Commission ACC/4113/L dated 14 Feb, 44.
2. No comments from this Section.

John T. Zellars
JOHN T. ZELLARS,
Colonel, INF.
Chief, W.M.D.S.C.

*see file
Italian legislation
acc/3000/45.*

(201)

DRAFT

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ACC/4113/L

14 February 1944

SUBJECT: Italian Legislation.

TO : All Subcommissions.

1. In the course of meetings between Subcommissions and their opposite numbers in the Italian Government and discussions on matters of policy it frequently becomes necessary for Subcommissions to consider the initiation and preparation of decree laws by the Italian Government and this directive lays down the procedure to be followed.

2. The method of preparation of decrees by the Italian Government is as follows:

Under the present Italian system of administration all legislative proposals emanating from the several Ministries of States are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

3. When a Subcommission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not AOC. When considering the terms of the draft decree with the Ministry concerned the Subcommission should AT THIS STAGE consult the Legal Subcommission to see that the draft decree in fact carries out what the Subcommission has in mind.

4. It is then the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a latter stage the Ministry concerned should be asked to inform the Subcommission concerned and if any difficulty arises therein the latter should consult the Legal Subcommission.

5. The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is NOT operative in territory still occupied by the Allied Forces. If the Sub-

Under the present Italian system of administration all legislative proposals emanating from the several Ministries of States are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

3. When a Subcommission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of Ministry concerned to prepare the decree and not AGO. When considering the terms of the draft decree with the Ministry concerned the Subcommission should AT THIS STAGE consult the Legal Subcommission to see that the draft decree in fact carries out what the Subcommission has in mind.

4. It is then the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a latter stage the Ministry concerned should be asked to inform the Subcommission concerned and if any difficulty arises therein the latter should consult the Legal Subcommission.

5. The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is NOT operative in territory still occupied by the Allied Forces. If the Subcommission concerned desires to make such decree operative in occupied territory the Legal Subcommission should be so informed in writing BEFORE, if possible, the date of publication in the Gazzetta.

6. Apart from the foregoing the Italian Government may initiate and prepare decrees on their own and not as the result of a common or agreed policy. The relationship between Subcommissions and Ministries should be such that Ministries will as a matter of course inform their opposite numbers of their intentions in this respect at the earliest stage so that any defects may be remedied and that any appropriate action may be taken thereon sooner rather than later.

7. Contrariwise when a Subcommission is considering the submission to the Executive Commissioner of proposals which involve the preparation of a new General or Regional Order they should normally consult the Italian Government and ascertain their views so that continuity of policy may be established. This does not apply of course where the proposed Order is intended, to deal only with a short term local situation in occupied territory and does not affect any question of overall or long term (post occupation) policy.

8. In order that co-ordination of views and requirements of Subcommissions can be handled, Subcommission will, at the earliest practical time, advise the appropriate VP of any proposed decree. This decree may be initiated either by Subcommission or by one of the Ministries of the Italian Government, the VP will then decide whether or not it is necessary for him to deal primarily with the appropriate Minister. The latter course will be adopted when a decree involves several Subcommissions and will avoid Italian Government being required to deal with several branches of the Control Commission over one decree.

By Command of Chief Commissioner:

Brigadier
Executive Commissioner
Allied Control Commission

785016
CC
VP
Adm
Gen
Phil
R. C. 1946/50.2

2 Dec. 5

being required to deal with several branches of the Control Commission over one decree.

By Command of Chief Commissioner:

Brigadier
Executive Commissioner
Allied Control Commission
12/2/44
L.H.S.

Discussed
C.C.
Spec
Adm
Sec
Plat
Ranger

2 Dec 44

etc.

Declassified E.O. 12356 Section 3.3/NND No.

785016

To Chief Commissioner
 Subject: District Legislation

1. The attached draft of a directive to all Subunits is ~~presented~~ ^{submitted} for your approval.
2. It is considered necessary that some such procedure should be adapted in order to regularize the matter. ^{Also} to prevent decrees being published which may not receive the approval of the District Council Commission, and ~~will~~ ^{will} require to be rescinded.

V.P. Adnan, Secy.

D R A F T.

ALLIED CONTROL COMMISSION
Legal Submissions.
APO 394

ACC/4113/L

14 February 1944

SUBJECT: Italian Legislation.

TO : All Submissions.

1. In the course of meetings between Submissions and their opposite numbers in the Italian Government and discussions on matters of policy it frequently becomes necessary for Submissions to consider the initiation and preparation of decree laws by the Italian Government and this directive lays down the procedure to be followed.

2. The method of preparation of decrees by the Italian Government is as follows:

Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

3. When a Submission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not ACC. When considering the terms of the draft decree with the Ministry concerned the Submission should AT THIS STAGE consult the Legal Submission to see that the draft decree in fact carries out what the Submission has in mind.

4. It is then the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a later stage the Ministry concerned should be asked to inform the Submission concerned and if any difficulty arises therein the latter should consult the Legal Submission.

5. The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is not operative in territory still occupied by the Allied Forces. If the Submission concerned desires to make such decree operative in occupied territory the Legal Submission should be so informed in writing BEFORE, if possible, the date of publication.

2. The method of preparation of decrees by the Italian Government is as follows:

Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

3. When a Subcommission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not AGO. When considering the terms of the draft decree with the Ministry concerned the Subcommission should AT THIS STAGE consult the Legal Subcommission to see that the draft decree in fact carries out what the Subcommission has in mind.

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5. The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is NOT operative in territory still occupied by the Allied Forces. If the Subcommission concerned desires to make such decree operative in occupied territory the Legal Subcommission should be so informed in writing BEFORE, if possible, the date of publication in the Gazzetta.

6. Apart from the foregoing the Italian Government may initiate and prepare decrees on their own and not as the result of a common agreed policy. The relationship between Subcommissions and Ministries should be such that Ministries will as a matter of course inform their opposite numbers of their intentions in this respect at the earliest stage so that any defects may be remedied and that any appropriate action may be taken thereon sooner rather than later.

7. The above draft proposed directive is circulated for your comments to be made to Staff Officer to Administrative V.P. on or before 17 Feb. 44. Para 6 has been drawn vaguely in the absence of policy directive and your comments have only been specially asked.

CGO to: AGO/4104/E


C. F. WAUDIN, Colonel
Chief Legal Officer.

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7. Contrariwise when a Subcommittee is considering the submission to the Executive Commissioner of proposals which involve the preparation of a new General or Regional Order they should normally consult the Italian Government and ascertain their views so that continuity of policy may be established. This does not apply of course where the proposed Order is intended to deal only with a short term local situation in occupied territory and does not affect any question of overall or long term (post occupation) policy.

8. In order that co-ordination of views and requirements of Sub-commissions can be handled, Subcommissions will, at the earliest practical time, advise the appropriate VP of any proposed decree. This decree may be initiated either by Subcommittee or by one of the Ministries of the Italian Government, the VP will then decide whether or not it is necessary for him to deal primarily with the appropriate Minister. The latter course will be adopted when a decree involves several Subcommissions and will avoid Italian Government being required to deal with several branches of the Control Commission over one decree.

By the and Chief Committee

STANSBATE,
Vice President, Administrative Section.
Frank C. ...
WILLIAM ...

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission.
APO 394

14 February 1944

ACC/4113/L

SUBJECT: Italian Legislation.

TO : All Subcommissions.

1. In the course of meetings between Subcommissions and their opposite numbers in the Italian Government and discussions on matters of policy it frequently becomes necessary for Subcommissions to consider the initiation and preparation of decree laws by the Italian Government and this directive lays down the procedure to be followed.

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3. When a Subcommission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not ACC. When considering the terms of the draft decree with the Ministry concerned the Subcommission should AT THIS STAGE consult the Legal Subcommission to see that the draft decree in fact carries out what the Subcommission has in mind.

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5. The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is NOT operative in territory still occupied by the Allied Forces. If the Subcommission concerned desires to make such decree operative in occupied territory the Legal Subcommission should be so informed in writing BEFORE, if possible, the date of publica-

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Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

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7. The above draft proposed directive is circulated for your comments to be made to Staff Officer to Administrative V.P. on or before 17 Feb. 44. Para 6 has been drawn vaguely in the absence of policy directive and your comments have only been specially asked.

Copy to: ACC/4104/L

G. R. Upjohn
G. R. UPJOHN, Colonel
Chief Legal Officer.

014/12.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

GPU/gmf

26 February 1944

ACC/4113/L

SUBJECT: Italian Legislation.

TO : Administrative V.P., ACC.

Ref my ACC/4113/L dated 14 Feb. 43, Brigadier Lush has suggested an addition which I have put into the following form:

7. Contrarily when a Subcommittee is considering the submission to the Executive Commissioner of proposals which involve the preparation of a new General or Regional Order they should normally consult the Italian Government and ascertain their views so that continuity of policy may be established. This does not apply of course where the proposed Order is intended to deal only with a short term local situation in occupied territory and does not affect any question of overall or long term (post occupation) policy.

G. R. Upjohn

G. R. UPJOHN
Colonel
Chief Legal Officer.

2600

014.12.

RE. MINISTRIES
ALLIED CONTROL COMMISSION
Legal Submissions.
APC 394

14 February 1944

ACC/4113/L

SUBJECT: Italian Legislation.

TO : All Submissions.

1. In the course of meetings between Submissions and their opposite numbers in the Italian Government and discussions on matters of policy it frequently becomes necessary for Submissions to consider the initiation and preparation of decrees laws by the Italian Government and this directive lays down the procedure to be followed.

2. The method of preparation of decrees by the Italian Government is as follows:

Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

3. When a Submission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not ACC. When considering the terms of the draft decree with the Ministry concerned the Submission should AT THIS STAGE consult the Legal Submission to see that the draft decree in fact carries out what the Submission has in mind.

4. It is then the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a later stage the Ministry concerned should be asked to inform the Submission concerned and if any difficulty arises therein the latter should consult the Legal Submission.

5. The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is NOT operative in territory still occupied by the Allied Forces. If the Submission concerned desires to make such decree operative in occupied territory the Legal Submission should be so informed in writing BEFORE, if possible, the date of publica-

is as follows:

Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

3. When a Subcommission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not ICC. When considering the terms of the draft decree with the Ministry concerned the Subcommission should AT THIS STAGE consult the Legal Subcommission to see that the draft decree in fact carries out what the Subcommission has in mind.

4. It is then the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a later stage the Ministry concerned should be asked to inform the Subcommission concerned and if any difficulty arises therein the latter should consult the Legal Subcommission.

5. The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is NOT operative in territory still occupied by the Allied Forces. If the Subcommission concerned desires to make such decree operative in occupied territory the Legal Subcommission should be so informed in writing BEFORE, if possible, the date of publication in the Gazzetta.

6. Apart from the foregoing the Italian Government may initiate and prepare decrees on their own and not as the result of a common or agreed policy. The relationship between Subcommissions and Ministries should be such that Ministries will as a matter of course inform their opposite numbers of their intentions in this respect at the earliest stage so that any defects may be remedied and that any appropriate action may be taken thereon sooner rather than later.

7. The above draft proposed directive is circulated for your comments to be made to Staff Officer to Administrative V.P. on or before 17 Feb. 44. Para 6 has been drawn vaguely in the absence of policy directive and your comments harmonized/specially asked.

Copy to: ICC/4104/L

G. R. Upjohn
G. R. UPJOHN, Colonel
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission

17 February 1944.

MEMORANDUM TO: Staff Officer, Admin. V. P.

1. The procedure outlined in C.I.O.'s letter, "Subject:- Italian Legislation" dated 14 Feb. 1944, leaves nothing to add.
2. As is intimated, the proposed procedure cannot become operative unless a well-defined relationship is achieved with the Italian ministries. At least four Italian Ministries cover fields which affect directly the scope of activity of the Public Safety Sub-Commission. The activities of other ministries might affect it indirectly but importantly. Rather than have each sub-commission undertake to contact all of the ministries with which it may have to deal, it is suggested that a very brief resume' of any proposed decree be submitted to the Admin. Vice-President before it leaves the ministry of origin for transmittal to the legal adviser to the Cabinet of Ministers. (See par. 2 of basic letter). This resume' could be placed upon the agenda of our semi-weekly meeting, or brought to the attention of the sub-commission immediately if necessary.
3. It is my opinion that a standard operating procedure of this sort is necessary, particularly in the opening phase of our operations. It can be supplemented of course by the informal relationship suggested in par. 6 of basic letter.

Paul G. Kirk
PAUL G. KIRK,
Colonel, Infantry,
Chief, Public Safety
Sub-Commission.

PGK/t

S E E N	
ADMIN. D. O.	
STAFF D. O.	
STAFF D. O. 1	
STAFF D. O. 2	
STAFF D. O. 3	
CHIEF	

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

File: ACC/33/Int
WVM/jet

18 February 1944

SUBJECT: Translation of the Gazette - AC/4113/L of 14 February

TO : Staff Officer, Administrative Vice President

1. With reference to the Memorandum of the CIO dated 14 February regarding Italian Legislation, I would suggest that attention should be given to the subject of translation of decrees published in the Gazette.

2. Whilst the procedure under the Memorandum will enable a sub-commission to have knowledge of the contents of a directive affecting its work, it will still be necessary for an accurate translation to be available.

3. At present, translations have to be obtained by sub-commissions independently. (It is possible that work is being duplicated, as no sub-commission knows if another is arranging a translation.)

4. The contents of some decrees are of a specialized nature (e.g., those concerning Legal or Interior Sub-Commission) and our interpreters - however well qualified - at times frankly confess their inability to give a completely accurate English version of some terms and phrases because the subject is unknown to them.

5. It is clear that decrees will be frequent and increasing as the Italian Government develops and the following suggestions are therefore made:

a. That accurate translations are essential for the work of the Sub-Commissions concerned.

b. That the present system of independent translation is unsatisfactory for reasons in 3 and 4.

c. That a system be devised for translations to be made by properly qualified personnel, preferably at one central point, with a view to copies being circulated either to all sub-commissions, or only to those obviously concerned with the contents of any particular Gazette.

d. It has been suggested by Lt. Gratinelli, I.O., who appreciates the above difficulty, that the arrangement to secure the best results is for Italian and English translators to work together on each task.

for Union [this sent]
R. G. B. SPICKER
Lt Colonel
Acting Director
Interior Sub-Commission

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

GRU/gmf

16 February 1944

ACC/4113/L

SUBJECT: Italian Legislation.

TO : Administrative V.P., ACC.

Ref my ACC/4113/L dated 14 Feb. 43. Brigadier Lush has suggested an addition which I have put into the following form:

7. Contrariwise when a Subcommittee is considering the submission to the Executive Commissioner of proposals which involve the preparation of a new General or Regional Order they should normally consult the Italian Government and ascertain their views so that continuity of policy may be established. This does not apply of course where the proposed Order is intended to deal only with a short term local situation in occupied territory and does not affect any question of overall or long term (post occupation) policy.

G. R. UPJOHN
Colonel
Chief Legal Officer.

Interior	No comment
Safety	attached
Health	No comment
Property	No comment
Education	No comment subject to report by Col Smith
Finance	No reply

How Methods No comment

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