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Property
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Property

Dec. 1943 - Jan. 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
FINANCE SUB-COMMISSION

13074/F

31 January 1945

Subject: Legislation concerning Allied Properties in Italy.

To : Political Section, A.C.

1. Attached hereto are the following:

- a Copy of Decree of De-sequestration which was passed by the Council of Ministers on 24 January 1945 and which will soon be published.
- b English translation of such decree.
- c Copy of report concerning the decree which was submitted to us with the final draft of the decree.
- d English translation of such report.
- e Draft of letter which is to be collateral to such decree.
- f English translation of such letter.
- g Copy of draft of a decree not yet passed which will supplement the Decree of De-sequestration and make it effective as to the UK, US and Russia.
- h English translation of said supplemental decree.
- i Draft of Administrative Directives or Regulations designed to implement and explain Decree of De-sequestration.
- j English translation of said Administrative Directives.
- k Copy of draft of decree prepared by Ministry of Commerce Industry and Labour for protection and restoration of Allied patent rights, etc.
- l English translation of last mentioned draft decree.
- m Copy of letter from Minister of Industry Commerce and Labour explaining said Patent decree.
- n English translation of last mentioned letter.

2. We feel that many of the questions raised in the proposed Decrees and Administrative Directives are of such importance and their resolution will have such effect upon future political discussions that it is not within the competence of Allied Commission to take action thereon without advice from your section, and from the United States and British Embassies to which we are also sending copies of these documents.

3. We are submitting these documents for your consideration to a conference which we would like to hold with you and

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3. We are submitting these documents for your consideration prior to a conference which we would like to hold with you and the other interested parties on Monday, 5 February, at 1445 hours. We would appreciate your views as to the advisability of such a meeting.

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4. In the middle of October 1944 after long negotiations looking towards the adoption of a decree terminating all sequestrations under the War Laws and placing upon the Italian Government on account of the owner full responsibility for the care, custody and management of such Allied properties until return to their respective owners, the form and content of such a decree was agreed upon by representatives of AC and the Italian Government.

Subsequently the Italian Government raised objections to the inclusion of French and Greek property in the terms of the Decree, and these objections, together with changes in the Government delayed passage of the Decree until mid-January.

The Decree, as passed, includes all the United Nations, but by its terms does not actually become effective with respect to the Nations, respectively, until a Supplemental Decree is executed by the Ministers of the Treasury and for Foreign Affairs and by the President of the Council of Ministers. It is the intention of the Italian Government to make the Decree effective, in the first instance, to the UK, US, and Russia only.

By the terms of the Decree, sequestrators are directed to return properties to owners within 30 days of its effective date. If this cannot be done, the properties will be placed in the hands of administrators appointed by the Italian Government pending return to the owners. Bank accounts taken under sequestration will also be restored, but necessarily by a different procedure.

By the Decree, and the collateral letter from the Italian Government (Item e of the enclosed papers), it is also provided, in substance:

a That the Italian Government shall be responsible to the owners for all acts or omissions of such administrators, but without prejudice to existing rights of the owners or of the Italian Government.

b That ordinary expenses of management, and expenses of maintenance and improvement shall be borne in the first instance by the respective properties or by their owners.

c That the Italian Government is to pay in the first instance fees and charges which have not the character of those described in the foregoing paragraph.

d That settlement of accounts (including the items mentioned in the foregoing paras. a and b) made at the time of restoration of property to the owner shall not prejudice the right of the owner or of the Italian Government to claim restitution or payment in such manner as later may be agreed by ne-

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c That the Italian Government is to pay in the first instance fees and charges which have not the character of those described in the foregoing paragraph.

d That settlement of accounts (including the items mentioned in the foregoing paras. b and c) made at the time of restoration of property to the owner shall not prejudice the right of the owner or of the Italian Government to claim restitution or payment in such manner as later may be agreed by negotiations between the interested Governments and the Italian Government.

No agreement has been attempted as to the ultimate responsibility for costs of management, maintenance, rebuilding, or any other expenses.

e The if properties so under Italian management do not have funds sufficient for expenses of the management, the Ministry of Treasury may order that they be advanced by the Government. Commercial and industrial concerns are excepted from the benefits of this provision.

It is contemplated (but not stated in the decree or letter) that such Italian management shall be carried on under advisory supervision of the Allied Commission if officers are available for this purpose. It is contemplated that properties will be returned to the owners at the earliest possible date.

5. After protracted negotiations with reference to patents, trademarks and industrial models which were pre-war properties of United Nations nationals the Italian Government presented a series of draft decrees, none of which has been adopted but the most recent of which is enclosed herewith.

6. The following illustrate the type of questions which confront us:

a As respects the operation of the Decree of De-sequestration:

- (1) Should bank and security accounts be required to be restored in kind? i.e. lire accounts in lire, dollar accounts in dollars or equivalent lire value, sterling accounts in sterling, etc.
- (2) Should we require that interest be paid on such accounts for the period of their sequestration and use by the Italian Government?
- (3) Should the Administrative Directives provide for supervision of Italian Administrators by representatives of AC or others?
- (4) What provision should be made in cases where an owner refuses to accept reassignment?

b As regards the operation of the Patent Decree:

- (1) Should an Allied owner be required to pay delinquent super-taxes as a condition precedent to restoration of his rights?
- (2) Should present Italian user of a defaulted patent right be required to pay royalties or to otherwise account for using the patent in good faith pursuant to right acquired under Italian war laws?
- (3) Should decree provide for immediate cessation of use of patents by the Italian exploiters?

7. The Nations principally concerned are the United States, the UK and France. Greece, USSR, Brazil, and Yugoslavia have a much smaller interest. We are informed (we think reliably)

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7. The Nations principally concerned are the United States, the UK and France. Greece, USSR, Brazil, and Yugoslavia have a much smaller interest. We are informed (we think reliably) that properties of nationals of other United Nations were not sequestered.

J. J. Lawrence
JOINT DIRECTOR

Finance Sub-Commission *17*

SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE

Abrogazione dei provvedimenti e delle misure adottati in materia di beni appartenenti agli Stati delle Nazioni Unite e allo Stato Francese, nonché alle persone fisiche e giuridiche, aventi la nazionalità degli Stati stessi.

UMBERTO DI SAVOIA

Principe di Piemonte

Luogotenente Generale del Regno

In virtù dell'autorità a Noi delegata;

Visto il testo della legge di guerra, approvato con R. decreto 8 luglio 1938, n. 1415;

Visto il R. decreto 10 giugno 1940, n. 566, riguardante l'applicazione della legge di guerra nei territori dello Stato;

Visto il R. decreto 25 novembre 1940, n. 1886, che sottopone a sequestro le navi mercantili nemiche appartenenti a privati;

Vista la legge 16 dicembre 1940, n. 1902, recante variazioni ed aggiunte al testo della legge di guerra approvato con il R. decreto 8 luglio 1938, n. 1415;

Vista la legge 19 dicembre 1940, n. 1934, recante nuove norme circa il trattamento dei beni nemici ed i rapporti economici con le persone di nazionalità nemica;

Visto il R. decreto 10 marzo 1941, n. 618 che approva il regolamento relativo al trattamento dei beni nemici nel territorio dello Stato;

Visti i Regi decreti-legge 17 giugno 1941, n. 494 e 23 giugno 1941, n. 608, convertiti con la legge 9 febbraio 1942, n. 379, recanti disposizioni sui beni esistenti in Italia ed appartenenti a persone aventi la nazionalità degli Stati d'America;

Visto il R. decreto 10 luglio 1941, n. 619, recante norme integrative di quelle emanate con i Regi decreti-legge 17 giugno 1941, n. 494 e 23 giugno 1941, n. 608;

Visto il R. decreto-legge 27 dicembre 1941, n. 1624, relativo all'applicazione delle norme sul trattamento dei beni appartenenti ai cittadini degli Stati Uniti d'America, convertito nella legge 1 maggio 1942, n. 761;

Visto il R. decreto-legge 4 febbraio 1942, n. 11 convertito con modificazione nella legge 17 luglio 1942, n. 1100, recante nuove norme sulle aziende appartenenti a persone di nazionalità nemica;

Visto il decreto presidenziale 12 agosto 1942, relativo alle azioni appartenenti ai cittadini degli Stati d'America;

Visto l'art. 4 del decreto-legge luogotenenziale 25 giugno 1944, n. 151;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato, di Concerto con i Ministri per gli Affari Esteri, per la Grazia e la Giustizia, il Tesoro e per l'Industria, il Commercio e il Lavoro;

ABBIAMO SANZIONATO E PROMULGATO QUANTO SEGRE:

Art. 1

Sono abrogati i provvedimenti e le misure adottati in virtù della legge di guerra approvata con R. decreto 8 luglio 1938, n. 1415, e successive modificazioni ed aggiunte, e delle altre disposizioni legislative sopra indicate, in materia di beni appartenenti agli Stati facenti parte delle Nazioni Unite nonché alle persone fisiche e giuridiche, aventi la nazionalità degli Stati stessi.

Con successivi decreti del Presidente del Consiglio dei Ministri, di concerto con i Ministri degli Affari Esteri e del Tesoro, da pubblicarsi nella Gazzetta Uf-

Visto il testo della legge di guerra, approvato con R. decreto 8 luglio 1938, n. 1415;

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A seguito dell'emanazione dei decreti previsti nel comma precedente, sarà eseguita, a cura dell'intendente di finanza, con esenzione da tassa o altra spesa, la cancellazione delle trascrizioni effettuate a norma del secondo comma dell'art. 298 della legge di guerra e del secondo comma dell'art. 9 del R. decreto-legge 4 febbraio 1942, n. 11 convertito nella legge 17 luglio 1942, n. 1100.

Parimenti a cura dell'intendente di finanza, la revoca dei provvedimenti sindacato, di sequestro e di liquidazione delle aziende sarà annotata, senza spesa, sulle copie di essi depositate presso le cancellerie dei tribunali a norma del primo comma dell'art. 9 del citato R. decreto-legge 4 febbraio 1942, n. 11, e sarà provveduto, senza spese, alla cancellazione delle trascrizioni previste dal secondo comma dell'articolo stesso.

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Art. 2

La gestione del sequestratario o del liquidatore cessa decorsi trenta giorni dalla data di pubblicazione dei decreti previsti nel secondo comma dell'articolo precedente. Il sequestratario o liquidatore e' tenuto, pertanto, ad effettuare, entro detto termine, la restituzione dei beni all'avente diritto o al suo legale rappresentante.

All'atto della restituzione il sequestratario o il liquidatore redige processo verbale, con l'intervento dell'avente diritto, o del suo legale rappresentante, al quale e' tenuto a presentare il rendiconto finale della gestione corredato dall'inventario e, per le aziende industriali e commerciali, dell'ultimo bilancio.

Nel caso che la restituzione non venga effettuata nel termine anzidetto, il Ministro del Tesoro nomina un amministratore per provvedere alla temporanea amministrazione dei beni stessi.

Fino a quando non sarà provveduto a tale nomina, le funzioni di amministratore restano affidate al sequestratario o al liquidatore che inizia la nuova gestione redigendo il rendiconto previsto dal secondo comma, corredato dell'inventario e, per le aziende industriali e commerciali, dell'ultimo bilancio.

Art. 3

Nel caso che l'amministratore non sia lo stesso sequestratario o liquidatore, la consegna dei beni deve essere effettuata con le stesse modalità e sulla base dei documenti di cui all'articolo precedente.

Art. 4

Il processo verbale di restituzione o di consegna e gli atti di cui agli articoli 2 e 3 sono depositati, insieme a tre copie, dal sequestratario o dal liquidatore, nei termini di tre giorni, presso l'intendenza di finanza.

L'intendenza di finanza trasmette due di dette copie al Ministero del Tesoro e, per le aziende industriali e commerciali, altra copia al Ministero dell'Industria, Commercio e Lavoro.

Art. 5

L'amministratore provvede, sotto la vigilanza del Ministero del Tesoro, alla custodia, alla conservazione e, occorrendo all'amministrazione ordinaria dei beni sottoposti alla sua gestione temporanea.

Gli atti eccedenti l'ordinaria amministrazione, o che comunque importino impegni a carico di più esercizi, debbono essere preventivamente autorizzati dal Ministro del tesoro.

All'amministratore può essere consentita un'indennità da determinarsi dal Ministro del Tesoro, tenuto conto dell'entità del lavoro da compiere.

Art. 6

L'amministratore deve rimettere al Ministero del Tesoro, per il tramite dell'intendenza di finanza, in duplice esemplare:

- 1) alla fine di ogni semestre, il rendiconto della gestione;
- 2) per le aziende industriali e commerciali, alla fine di ogni esercizio, anche copia dell'inventario e del bilancio;
- 3) alla fine della gestione, il rendiconto finale.

Art. 7

Nel caso che la restituzione non venga effettuata nel termine anzidetto, il Ministro del Tesoro nomina un amministratore per provvedere alla temporanea amministrazione dei beni stessi.

Fino a quando non sarà provveduto a tale nomina, le funzioni di amministratore restano affidate al sequestratario o al liquidatore che inizia la nuova gestione redigendo il rendiconto previsto dal secondo comma, corredato dell'inventario e, per le aziende industriali e commerciali, dell'ultimo bilancio.

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- 3) alla fine della gestione, il rendiconto finale.

Art. 7

Fino alla restituzione dei beni all'avente diritto o al suo legale rappresentante, i giudizi in corso relativi ai beni di cui all'art. 4 restano sospesi, a norma dell'art. 3 del R. decreto-legge 13 gennaio 1944, n. 1 e del decreto legislativo luogotenenziale 24 dicembre 1944, n. 392, salvo nel caso che la prosecuzione del giudizio sia autorizzata dal Ministro del Tesoro.

La predetta sospensione si applica anche nei casi in cui il processo sia interrotto a norma degli articoli 299 e seguenti del Codice di procedura civile.

Art. 8

All'atto della restituzione dei beni all'avente diritto, o al suo legale rappresentante, questi e' tenuto a rimborsare l'ammontare delle spese ordinarie di gestione

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Art. 8

All'atto della restituzione dei beni all'avente diritto, o al suo legale rappresentante, questi e' tenuto a rimborsare l'ammontare delle spese ordinarie di gestione erogate dal sequestratario o dal liquidatore o dall'amministratore, non che le somme con gli interessi legali anticipate per l'estinzione dei debiti o per la conservazione o incremento o miglioramento dei beni stessi, in quanto tali spese non siano compensate dai frutti dei beni stessi o da altre attivita' del sequestro o dell'amministrazione. L'ammontare del credito del sequestratario, riconosciuto e non rimborsato all'atto della restituzione dei beni, ha privilegio sui beni stessi a norma dell'articolo 304 della legge di guerra.

Lo stesso privilegio compete al liquidatore o all'amministratore.

Art. 9

Lo svincolo di somme di danaro, di titoli o di valori depositati, ai sensi delle disposizioni di legge contemplate nel presente decreto, presso l'Istituto Nazionale per i cambi con l'estero, la Banca d'Italia o altri Istituti bancari, viene effettuato su richiesta dell'interessato, previo nulla osta del Ministro del Tesoro.

Art. 10

Nel caso che i beni sottoposti ad amministrazione non producano rendite o non comprendano attivita' liquide in misura sufficiente per provvedere alle spese per la gestione, il Ministro del Tesoro puo' disporre che esse siano anticipate dallo Stato, mediante apposito stanziamento nel suo bilancio.

Le spese anticipate dallo Stato, a norma del comma precedente, sono retribibili a carico del proprietario con l'interesse dell'1% superiore al tasso ufficiale di sconto.

Il credito dello Stato, per le somme anticipate, ha privilegio sui beni sottoposti ad amministrazione, con preferenza su ogni credito, ancorche' privilegiato. Le disposizioni del presente articolo non sono applicabili alle aziende industriali e commerciali.

Art. 11

Il presente decreto entra in vigore nel giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno.
Ordiniamo ecc.

Lo svincolo di somme di danaro, di titoli o di valori depositati, ai sensi delle disposizioni di legge contemplate nel presente decreto, presso l'Istituto Nazionale per i Cambi con l'estero, la Banca d'Italia o altri Istituti Bancari, viene effettuato su richiesta dell'interessato, previo nulla osta del Ministro del Tesoro.

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Il credito dello Stato, per le somme anticipate, ha privilegio sui beni sottoposti ad amministrazione, con preferenza su ogni credito, ancorché privilegiato.

Le disposizioni del presente articolo non sono applicabili alle aziende industriali e commerciali.

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Il presente decreto entra in vigore nel giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo ecc.

(b)

DRAFT OF LEGISLATIVE DECREES OF THE EMMENT OF THE KINGDOM

Abrogation of the provisions and measures taken as regards properties belonging to the States of United Nations and to the French Nation together with the physical and juridical persons having the nationality of the above Nations.

URBENIO DI S. VITA
PRINCE OF PIEMONTE

Lieutenant General of the Kingdom

By virtue of the authority conferred to us;

Considering the text of the Law of War approved by Royal Decree 8 July 1938, n. 1415;

Considering the Royal Decree 10 June 1940, n. 566 concerning the application of the law of war in the territory of the State;

Considering the Royal Decree 25 November 1940, n. 1886 sequestrating privately owned enemy merchant ships;

Considering the law 16 December 1940, n. 1902 amending and extending the text of the law of war approved by Royal Decree 8 July 1938, n. 1415;

Considering the law 19 December 1940, n. 1924, containing new directions for the treatment of enemy properties and economic relations with enemy subjects;

Considering the Royal Decree 10 March 1941, n. 618, which approves the regulation concerning the treatment of enemy properties in the territory of the State;

Considering the Royal Law-Decrees 17 June 1941, n. 494, and 23 June 1941, n. 608, made into law 9 February 1942, n. 379, containing directions for properties located in Italy and belonging to persons having the nationality of the United States of America;

Considering the Royal Decree 10 July 1942, n. 619, containing integrative regulations of those issued by Royal Law-Decrees 17 June 1941, n. 494, and 23 June 1941, n. 608;

Considering the Royal Law-Decree 27 December 1941, n. 1624, concerning the application of regulations for the treatment of properties belonging to citizens of the United States of America, made into law 1 May 1942, n. 761;

Considering the Royal Law-Decree 4 February 1942, n. 11 made

Considering the resolution of the Council of Ministers;

Upon request of the President of the Council of Ministers, Prime Minister, Secretary of State, together with the Ministers for Foreign Affairs, of Justice, of the Treasury and for Industry, Commerce and Labour;

WE HAVE APPROVED AND DECREE AS FOLLOWS:

Art. 1.

The provisions and measures taken according to the law of war approved by Royal Decree 8 July 1938, n° 1415, and subsequent amendments and additions, and of the other legislative measures above-mentioned, with respect to assets belonging to the States of the United Nations and also to physical and juridical persons having the nationalities of the above States, are abrogated.

With subsequent decrees of the President of the Cabinet Council together with the Ministers of Foreign Affairs and of the Treasury, to be published in the Official Gazette of the Kingdom, the dates and, if necessary, the regulations for the application of the present decree as regards the United Nations, will be fixed.

As a result of the issuance of the decrees proposed in the preceding paragraph the annulment of the transcriptions made according to the second paragraph of article 298 of the war-law and to the second paragraph of article 9 of the Royal Law-Decree 4 February 1942, n. 11, made into law 17 July 1942, n. 1100, will be carried out by the Intendente di Finanza, free from taxes or other charges.

The Intendente di Finanza will also provide for the revocation of the provisions of synlicate, sequestration and liquidation of the concerns which will be recorded, free from expense, on the copies of the same deposited with the chanceries of the Courts of law according to the first paragraph of article 9 of the mentioned law-Decree 4 February 1942, n. 11 and will provide, free from expense, for the annulment of the transcriptions proposed in the second paragraph of the said art.

Art. 2

The management of the sequestator or of the liquidator ceases after thirty days from the date of publication of the decrees proposed in the second paragraph of the preceding article. The sequestator or the liquidator therefore, will have to carry out within this date, the restoration of the property to the rightful owner or his legal

The provisions and measures taken according to the law of 1942 approved by Royal Decree 8 July 1942, n° 1415, and subsequent amendments and additions, and of the other legislative measures above-mentioned, with respect to assets belonging to the status of the United Nations and also to physical and juridical persons having the nationalities of the above States, are abrogated.

With subsequent decrees of the President of the Cabinet Council together with the Ministers of Foreign Affairs and of the Treasury, to be published in the Official Gazette of the Kingdom, the dates and, if necessary, the regulations for the application of the present decrees as regards the United Nations, will be fixed.

As a result of the issuance of the decrees processed in the preceding paragraph the annulment of the transcriptions made according to the second paragraph of article 298 of the war-law and to the second paragraph of article 9 of the Royal Law-Decree 4 February 1942, n. 11, made into law 17 July 1942, n. 1100, will be carried out by the Intendente di Finanze, free from taxes or other charges.

The Intendente di Finanze will also provide for the revocation of the provisions of certificate, registration and liquidation of the concerns which will be recorded, free from expenses, on the copies of the same deposited with the chanceries of the Courts of Law according to the first paragraph of article 9 of the mentioned law-decree 4 February 1942, n. 11 and will provide, free from expense, for the annulment of the transcriptions proposed in the second paragraph of the said art.

art. 2

The management of the sequestrator or of the liquidator ceases after thirty days from the date of publication of the decrees proposed in the second paragraph of the preceding article. The sequestrator or the liquidator therefore, will have to carry out within this date, the restoration of the property to the rightful owner or his legal representative.

At the act of restoration the sequestrator or the liquidator will draw a written report of proceedings in the presence of the rightful owner or his legal representative to whom he has to submit a final report on the management accompanied by the inventory and, for industrial and commercial concerns, by the closing balance sheet.

6612

In case the restoration is not carried out within the above mentioned date, the Minister of the Treasury will appoint an administrator to provide for the temporary management of the same properties.

Until such appointment has been made, the functions of administrator remain in the hands of the sequesterator or liquidator who begins the new management drawing the report proposed in the second paragraph accompanied by the inventory and, for industrial and commercial concerns, by the closing balance sheet.

Art. 3.

In case the manager is not the same sequesterator or liquidator, the restoration of the property will have to be carried out in the same manner of the documents mentioned in the preceding article.

Art. 4.

The written report of proceedings for restoration or delivery and the deeds mentioned in article 2 and 3 will be deposited, with three copies, by the sequesterator or the liquidator, within three days, at the Intendenza di Finanze.

The Intendente di Finanze will send 2 of these copies to the Ministry of the Treasury and, for industrial and commercial concerns, an additional copy to the Ministry of Industry, Commerce and Labour.

Art. 5.

The manager will provide, under the supervision of the Ministry of the Treasury, for the custody, maintenance, and, if necessary, for the customary administration of properties placed under his temporary management.

Actions exceeding the ordinary management, or which in anyway have relation to public affairs, have to be previously authorized by the Ministry of Treasury.

To the administrator may be granted a compensation which has to be fixed by the Minister of the Treasury, taking into account the value of the accomplished work.

Art. 6.

The administrator has to deliver to the Ministry of the Treasury, through the Intendente di Finanze, copies in duplicate:

Art. 3.

In case the manager is not the same sequestrator or liquidator, the restoration of the property will have to be carried out in the same manner of the documents mentioned in the preceding article.

Art. 4.

The written report of proceedings for restoration or delivery and the deeds mentioned in article 2 and 3 will be deposited, with three copies, by the sequestrator or the liquidator, within three days, at the Intendenza di Finanza.

The Intendente di Finanza will send 2 of these copies to the Ministry of the Treasury and, for industrial and commercial concerns, an additional copy to the Ministry of Industry, Commerce and Labour.

Art. 5.

The manager will provide, under the supervision of the Ministry of the Treasury, for the custody, maintenance, and, if necessary, for the customary administration of properties placed under his temporary management.

Actions exceeding the ordinary management, or which in anyway have relation to public affairs, have to be previously authorized by the Ministry of Treasury.

To the administrator may be granted a compensation which has to be fixed by the Minister of the Treasury, taking into account the value of the accomplished work.

Art. 6.

The administrator has to deliver to the Ministry of the Treasury, through the Intendente di Finanza, copies in duplicate:

- 1) at the end of each half-year, the report on the management;
- 2) for industrial and commercial concerns, at the end of each year, a copy of the inventory and of the balance-sheet;
- 3) at the end of the management, the final report.

6611

Art. 7.

Until the restoration of the properties to the rightful owner or his legal representative, the lawsuits on hand concerning the properties mentioned in art. 1 will be held in abeyance according to article 3 of the Royal Law-Decree 13 January 1944 N° 1, and of the legislative decree of the Lieutenant of the Kingdom 24 December 1944, N° 392, except in the case when continuation of the lawsuit is authorized by the Minister of the Treasury. The aforesaid continuance also applies in the instances when the lawsuit is interrupted according to the articles 299 and following of the Code of Civil procedure.

Art. 8.

At the act of restoration of the properties to the rightful owner or his legal representative, the same is held to reimburse the amount of the ordinary expenses of administration advanced by the sequester, liquidator or administrator, and also the sums advanced with the legal interests for the payments of the debts or for the maintenance, increase or improvement of the same properties, if these expenses were not covered by the income of the property or by other assets of the sequestration or of the management.

The amount of the credit of the sequester, recognized and not reimbursed at the moment of the restoration of the properties, constitutes a right over the properties according to art. 304 of the law of war.

The liquidator and manager have the same right.

Art. 9.

The unblocking of the sums of money, of securities and values deposited, according to the provisions of law proposed in the present decree, with the Istituto nazionale per i cambi con l'estero, the Bank of Italy or other banking institutions, will be made upon request of the interested parties after the approval of the Ministry of the Treasury.

Art. 10.

If the properties placed under administration do not bring any profits or do not include any liquid assets sufficient to cover the expenses of management, the Minister of the Treasury may order that they be advanced by the Government, by means of a special deposit to its balance.

Continuance also applies in the instances when the lawsuit is interrupted according to the articles 299 and following of the Code of Civil procedure.

Art. 8.

At the act of restoration of the properties to the rightful owner or his legal representative, the same is held to reimburse the amount of the ordinary expenses of administration advanced by the sequester, liquidator or administrator, and also the sums advanced with the legal interests for the payments of the debts or for the maintenance, increase or improvement of the same or parties, if these expenses were not covered by the income of the property or by other assets of the sequestration or of the management.

The amount of the credit of the sequester, recognized and not reimbursed at the moment of the restoration of the properties, constitutes a right over the properties according to art. 304 of the law of war.

The liquidator and manager have the same right.

Art. 9.

The unblocking of the sums of money, of securities and values deposited, according to the provisions of law proposed in the present decree, with the Istituto nazionale per i cambi con l'estero, the Bank of Italy or other banking institutions, will be made upon request of the interested parties after the approval of the Ministry of the Treasury.

Art. 10.

If the properties placed under administration do not bring any profits or do not include any liquid assets sufficient to cover the expenses of management, the Minister of the Treasury may order that they be advanced by the Government, by means of a special deposit to its balance.

The expenses advanced by the Government, according to the preceding paragraph, may be charged to the owner with the interest of 1% higher than the official tax of reduction.

The provisions of the present article are not applicable to the industrial and commercial concerns.

Art. 11.

The present decree becomes effective on the day following its publication in the Official Gazette of the Kingdom.

No order etc.

6610

Con il R. decreto 10 giugno 1940, n. 565, all'atto dell'entrata in guerra dell'Italia, furono applicate ai beni appartenenti alle Nazioni, con le quali si era venuti in guerra, e alle persone fisiche e giuridiche di tali nazionalità, le norme restrittive della legge di guerra, approvata con R. decreto 11 luglio 1938, n. 1415, esclusa la parte concernente le aziende commerciali nazionali, e per le quali previde il R. decreto-legge 28 giugno, 1940, n. 730.

Suspensivamente con R. decreto 25 novembre 1940, n. 1586, vennero sottoposti a sequenziale le navi mercantili naziche appartenenti a privati; con la legge 19 dicembre 1940 n. 1994 e col R. decreto 10 marzo 1941, n. 618, furono emanate nuove norme circa il trattamento dei beni nazichi; e col R. decreto-legge 4 febbraio 1942, n. 11 convertito nella legge 17 luglio 1942, n. 1150, furono impartite altre norme per le aziende appartenenti a persone di nazionalità nemica.

Decisamente, per gli Stati Uniti d'America fu provveduto con i Regi decreti-legge 17 luglio, n. 439, e 23 giugno 1941, n. 600, convertiti nella legge 9 febbraio 1942, n. 372, con il R. decreto 10 luglio 1941, n. 619, con il R. decreto-legge 27 dicembre 1941, n. 1624, convertito nella legge 1 maggio 1942, n. 764, e col decreto presidenziale 12 agosto 1942.

La caduta del regime fascista il 25 luglio 1943, l'armistizio dell'8 settembre in dichiarazione di guerra alla Germania e capelligianza dell'Italia con le Nazioni Unite hanno completamente mutata la posizione del nostro paese nel conflitto.

Si rende pertanto necessario provvedere alla revoca dei provvedimenti restrittivi dipendenti dalle dette norme in materia di beni appartenenti alle Nazioni Unite; alla Francia e alle persone di tali nazionalità.

È tutto provisto l'unico schema di decreto legislativo in vigore in materia, che, nel dichiarare abrogati i provvedimenti e le misure adottati in virtù della legge di guerra e delle altre citate disposizioni nei confronti del e Nazioni Unite, della Francia e delle persone fisiche e giuridiche aventi tali nazionalità, manda al presidente del Consiglio dei Ministri, di concerto con i Ministri degli Affari Esteri e del Tesoro, di stabilire le dette e, se necessario, le modalità per l'applicazione del decreto nei confronti delle Nazioni Unite e dello Stato Francese. Sono poi dettate norme per la restituzione dei beni da parte del sequestrato e liquidatori, e, dei beni attoni alla loro custodia agli aventi diritto.

Lo schema è stato concordato con le autorità alligato al la riportato l'adempimento dei Ministri interessati.

bre 1940 n. 1991 e col R. decreto 16 marzo 1941, n. 610, furono emanate nuove norme circa il trattamento dei beni nemici; e col R. decreto-legge 4 febbraio 1942, n. 41 convertito nella legge 17 luglio 1942, n. 1140, furono impartite altre norme per le aziende appartenenti a persone di nazionalità nemica.

Specificamente per gli Stati Uniti d'America fu provveduto con i Regi decreti-legge 17 giugno, n. 424, e 23 giugno 1941, n. 608, convertiti nella legge 9 febbraio 1942, n. 379, con il R. decreto 10 luglio 1941, n. 619, con il R. decreto-legge 27 dicembre 1941, n. 1834, convertito nella legge 1 maggio 1942, n. 751, e col decreto presidenziale 12 agosto 1942.

La caduta del regime fascista il 25 luglio 1943, l'armistizio dell'8 settembre la dichiarazione di guerra alla Germania e conseguentemente dell'Italia con le Nazioni Unite hanno completamente mutata la posizione del nostro paese nel conflitto.

Si rende pertanto necessario provvedere alla revoca dei provvedimenti restrittivi dipendenti dalle dette norme in materia di beni appartenenti alle Nazioni Unite; alla Francia e alle persone di tali nazionalità.

A tutto provvede l'unità schema di decreto legislativo delegato che, nel dichiarare abrogati i provvedimenti e le misure adottati in virtù della legge di guerra e della legge citata disporranno del confronto delle Nazioni Unite, della Francia e delle persone fisiche e giuridiche aventi tali nazionalità; tenendo al Presidente del Consiglio dei Ministri, di concerto con i Ministri degli Affari Esteri e del Tesoro, di stabilire le date e, se necessario, le modalità per l'applicazione del decreto nei confronti delle Nazioni Unite e dello Stato Francese. Sono poi dettate norme per la restituzione dei beni da parte dei sequestrati e liquidatori, e, dei beni stessi, sino alla loro consegna agli aventi diritto.

Lo schema è stato concordato con le autorità alleate ed ha riportato l'adesione dei Ministri interessati.

6019

TRANSLATION

REPORT

(d)

When Italy came into the war, with the Royal Decree 10 June 1940, n. 566 the restrictive provisions proposed in the war-law, approved with Royal Decree 8 July 1938, n. 1415, were applied to properties owned by the Nations against whom war had been declared, and against the physical and juridical persons of such nationalities, excluding the part in it concerning enemy commercial concerns which were provided for in the Royal Law-Decree 28 June 1940, n. 756.

Later with Royal Decree 25 November 1940, n. 1386, privately owned enemy merchant ships were sequestered; with the law 19 December 1940, n. 1994 and with Royal Decree 10 March 1941, n. 618, were issued new directives for the treatment of enemy property; and with the Royal Law-Decree 4 February 1942, n. 11, made into law 17 July 1942, n. 1100 were issued other directives for concerns belonging to enemy subjects.

In particular, provisions were taken as regards the United States of America with the Royal Law-Decrees 17 June 1941, n. 494, and 23 June 1941, n. 608, made into law 9 February 1942, n. 379, with the Royal Decree 10 July 1941, n. 619, with the Royal Law-Decree 27 December 1941, n. 1624, made into law 1 May 1942, n. 761, and with the Presidential Decree 12 August 1942.

The fall of the Fascist Regime, the armistice of the 8th of September, the declaration of war against Germany and the co-belligerency of Italy with the United Nations, have completely changed our Country's position in the conflict.

It is necessary, however, to make provisions for the revocation of the restrictive measures derived from the directives regarding properties belonging to the United Nations, to France and to persons of such nationalities.

The attached draft of a legislative decree of the Lieutenant of the Kingdom provides for such revocation, which decree abrogates the provisions and measures taken by virtue of war law and the other above mentioned provisions as regards the United Nations, France and the physical and juridical persons having such nationalities and requests the President of the Council of Ministers together with the Ministries of Foreign Affairs and of the Treasury to state the dates and if necessary the manner for the application of the decree as regards the United Nations and the French Nation. Directives are also given for the restoration of properties on the part of sequestrators and liquidators and, if restoration cannot be effected, for the administration of the said properties until they are restored to their rightful owners.

The draft has been approved by the Allied authorities and by the Ministries concerned.

1 7 4 8
merical concerns which were provided for in the Royal Law-Decree 26 June 1940, n. 756.

Later with Royal Decree 25 November 1940, n. 1886, privately owned enemy-owned merchant ships were sequestered; with the law 19 December 1940, n. 1994 and with Royal Decree 10 March 1941, n. 618, were issued new directives for the treatment of enemy property; and with the Royal Law-Decree 4 February 1942, n. 11, made into law 17 July 1942, n. 1100 were issued other directives for concerns belonging to enemy subjects.

In particular, provisions were taken as regards the United States of America with the Royal Law-Decrees 17 June 1941, n. 494, and 23 June 1941, n. 506, made into law 9 February 1942, n. 379, with the Royal Decree 19 July 1941, n. 619, with the Royal Law-Decree 27 December 1941, n. 1624, made into law 1 May 1942, n. 761, and with the Presidential Decree 12 August 1942.

The fall of the Fascist Regime, the armistice of the 8th of September, the declaration of war against Germany and the co-belligerency of Italy with the United Nations, have completely changed our Country's position in the conflict.

It is necessary, however, to make provisions for the revocation of the restrictive measures derived from the directives regarding properties belonging to the United Nations, to France and to persons of such nationalities.

The attached draft of a legislative decree of the Lieutenant of the Kingdom provides for such revocation, which decree abrogates the provisions and measures taken by virtue of war law and the other above mentioned provisions as regards the United Nations, France and the physical and juridical persons having such nationalities and requests the President of the Council of Ministers together with the Ministers of Foreign Affairs and of the Treasury to state the dates and if necessary the manner for the application of the decree as regards the United Nations and the French Nation. Directives are also given for the restoration of properties on the part of sequestrators and liquidators and, if restoration cannot be effected, for the administration of the said properties until they are restored to their rightful owners.

The draft has been approved by the Allied authorities and by the Ministries concerned.

6608

(E)
Draft of letter which is to be sent by the President of the Council of Ministers to the Allied Commission when the decree of declassification becomes effective. It is to be an official act of the Italian Government but is not to be published.

In relazione al decreto legislativo che il Governo Italiano intende emanare in tema di abrogazione dei provvedimenti e delle misure adottate rispetto ai beni appartenenti agli Stati delle Nazioni Unite e allo Stato Francese, nonché alle persone fisiche e giuridiche aventi nazionalità degli Stati stessi, la Commissione Alleata di Controllo ha chiesto che venga precisato quanto segue:

1) - Senza pregiudizio alcuno per i diritti che tanto le Nazioni Unite e la Francia o i loro cittadini, quanto il Governo Italiano possono attualmente vantare, il Governo Italiano è responsabile nei confronti degli aventi diritto di tutti gli atti e le omissioni degli amministratori nominati in applicazione delle disposizioni di cui all'art. 2 del detto decreto.

2) - Il regolamento dei conti effettuato a norma dell'art. 8 del decreto legislativo anzidetto all'atto della restituzione dei beni all'avente diritto, non preclude il diritto all'avente diritto quanto alle somme da lui rimborsate, sia del sequestro o del liquidatore, dell'amministratore o del Governo Italiano, quanto alle spese non rimborsate, dichiarate rispettivamente la restituzione o il pagamento nei modi che verranno stabiliti dai Governi interessati e dal Governo Italiano in apposite trattative. In tale occasione sarà definitivamente stabilite la misura degli interessi da applicarsi alle somme anticipate dallo Stato Italiano, poiché il tasso indicato nell'art. 10 del menzionato schema di decreto legislativo ha carattere provvisorio.

3) - I compensi e gli oneri di natura diversa di quelli contemplati nell'art. 8 del decreto legislativo sopra menzionato saranno a carico del Governo Italiano.

Ho l'onore di comunicare che il Governo Italiano è d'accordo su quanto precede.

The above draft was prepared long prior to the passage of the decree itself. There will necessarily be some changes above to make it conform to existing circumstances.

tutti gli atti e le omissioni degli amministratori nominati in esecuzione delle disposizioni di cui all'art. 2 del detto decreto.

2) - Il regolamento dei conti effettuato a norma dell'art. 8 del decreto legislativo anzidetto all'atto della restituzione dei beni all'avente diritto, non preclude il diritto all'avente diritto quanto alle somme da lui rimborsate, sia del sequestro o del liquidatore, dell'amministratore o del governo italiano, quanto alle spese non rimborsate, dichiarerle rispettivamente la restituzione o il pagamento nei modi che verranno stabiliti dai governi interessati e dal governo italiano in apposite trattative. In tale occasione sarà definitivamente stabilita la misura degli interessi da applicarsi alle somme anticipate dallo Stato italiano, poichè il tasso indicato nell'art. 10 del menzionato schema di decreto legislativo ha carattere provvisorio.

3) - I compensi e gli oneri di natura diversa di quelli contemplati nell'art. 8 del decreto legislativo sopra menzionato saranno a carico del governo italiano.

Ho l'onore di comunicare che il governo italiano è d'accordo su quanto precede.

The above draft was prepared long prior to the passage of the decree itself. There will necessarily be some changes above to make it conform to existing circumstances.

6603

(8)
Draft of letter which is to be sent by the President of the Council of Ministers to the Allied Commission when the decree of de-sequestration becomes effective.

It is to be an official act of the Italian Government but is not to be published.

- - - - -

With regard to the legislative decrees which the Italian Government proposes to issue concerning the abolition of the legislation and measures taken thereunder regarding state property belonging to the United Nations and to France and property belonging to individuals and corporations, nationals of any of the aforesaid States, the Allied Control Commission has requested that the following be understood:

(1) The Italian Government shall be responsible to the owners for all acts or omissions of the administrators appointed pursuant to the provisions of Art. 2 of the said decree; without prejudice to any rights that either the United Nations and France, or their nationals, or the Italian Government may at present have.

(2) Settlement of accounts made in accordance with Art. 3 of the aforesaid legislative decree at the time of the restoration of the property to the owner shall not prejudice the right either of the owner, with regard to amounts reimbursed by him, or of the sequester, administrator, administrator or of the Italian Government, as regards expenses not reimbursed, to claim either restitution or payment as the case may be in such manner as may be agreed by negotiation between the interested Governments and the Italian Government. In this occasion the measure of the interest to be applied to the sums advanced by the Italian Government shall be definitely established because the rate indicated in Article 10 of the said draft decree law has a provisional character.

(3) The fees and charges which have not the character of those described in Article 5 shall be borne by the Italian Government.

I have the honour to inform you that the Italian Government agrees to the above.

- - - - -

The above draft was prepared long prior to the passage of the decree itself. There will necessarily be some changes in the above to make it conform to existing circumstances.

1752

with regard to the legislative decree which the Italian Government proposes to issue concerning the abolition of the legislation and measures taken thereunder regarding state property belonging to the United Nations and to France and property belonging to individuals and corporations, nationals of any of the aforesaid states, the Allied Control Commission has requested that the following be understood:

(1) The Italian Government shall be responsible to the owners for all acts or omissions of the administrators appointed pursuant to the provisions of Art. 2 of the said decree; without prejudice to any rights that either the United Nations and France, or their nationals, or the Italian Government may at present have.

(2) Settlement of accounts made in accordance with Art. 3 of the aforesaid legislative decree at the time of the restoration of the property to the owner shall not prejudice the right either of the owner, with regard to amounts reimbursed by him, or of the sequester, liquidator, administrator or of the Italian Government, as regards expenses not reimbursed, to claim either restitution or payment as the case may be in such manner as may be agreed by negotiation between the interested Governments and the Italian Government. In this occasion the measure of the interest to be applied to the sums advanced by the Italian Government shall be definitely established because the rate indicated in Article 10 of the said draft decree law has a provisional character.

(3) The fees and charges which have not the character of those described in Article 8 shall be borne by the Italian Government.

I have the honour to inform you that the Italian Government agrees to the above.

The above draft was prepared long prior to the passage of the decree itself. There will necessarily be some changes in the above to make it conform to existing circumstances.

6606

(8)

IL PRESIDENTE DEL CONSIGLIO DEI MINISTRI

Primo Ministro Segretario di Stato

Visto l'art.1, secondo comma, del decreto legislativo
luogotenenziale.....gennaio 1945,n.....,
concernente la abrogazione dei provvedimenti e delle misure
adottati in materia di beni appartenenti agli Stati delle
Nazioni Unite, nonché alle persone, fisiche e giuridiche,
aventi la nazionalità degli Stati stessi;

Di concerto con i Ministri per gli Affari Esteri e per
il Tesoro;

D E C R E T A :

Il decreto legislativo luogotenenziale.....
gennaio 1945, n.....é applicabile nei confronti
degli Stati Uniti d'America, del Regno Unito di Gran Bretagna
e dell'Irlanda del Nord, del Dominions e dell'Unione Repubbliche
Socialiste Sovietiche, a partire dal.....(data di
entrata in vigore del D.L.L. su citato).

Il presente decreto sarà pubblicato nella Gazzetta

Ufficiale del Regno.

1754

Visto l'art.1, secondo comma, del decreto legislativo
lucgotenzenziale.....gennaio 1945,n.....,
concernente la abrogazione dei provvedimenti e delle misure
adottati in materia di beni appartenenti agli Stati delle
Nazioni Unite, nonché alle persone, fisiche e giuridiche,
aventi la nazionalità degli Stati stessi;

Di concerto con i Ministri per gli Affari Esteri e per
il Tesoro;

D E C R E T A :

Il decreto legislativo lucgotenzenziale.....
gennaio 1945, n.....é applicabile nei confronti
degli Stati Uniti d'America, del Regno Unito di Gran Bretagne
e dell'Irlanda del Nord, del Dominions e dell'Unione Repubbliche
Socialiste Sovietiche, a partire dal.....(data di
entrata in vigore del D.L.L. su citato).

Il presente decreto sarà pubblicato nella Gazzetta
Ufficiale del Regno.

Roma.....

6605

(A)
TRANSLATED COPY

THE PRESIDENT OF THE CABINET COUNCIL

Prime Minister and Secretary of State

According to Art.1, second paragraph, of the legislative decree of the Lieutenant of the Kingdom January 1945, No., concerning the abrogation of the provisions and measures taken as regards properties belonging to the States of the United Nations, together with the physical and juridical persons having the nationality of the said States;

Together with the Ministers for Foreign Affairs and of the Treasury;

DECREES:

The legislative decree of the Lieutenant of the Kingdom January 1945, No. is to be applied to the United States of America, the United Kingdom of Great Britain and to the north of Ireland, to the Dominions and to the Republican Socialist and Soviet Unions, starting from (date on which the above mentioned L.D. of the Lt. of the Kingdom becomes effective).

The present decree will be published in the Official Gazette of the Kingdom.

1756

According to Art.1, second paragraph, of the legislative decree of the Lieutenant of the Kingdom January 1945, No. concerning the abrogation of the provisions and measures taken as regards properties belonging to the States of the United Nations, together with the physical and juridical persons having the nationality of the said States;

Together with the Ministers for Foreign Affairs and of the Treasury;

D E C R E E S :

The legislative decree of the Lieutenant of the Kingdom January 1945, No. is to be applied to the United States of America, the United Kingdom of Great Britain and to the north of Ireland, to the Dominions and to the Republican Socialist and Soviet Unions, starting from (date on which the above mentioned L.D. of the Lt. of the Kingdom becomes effective).

The present decree will be published in the Official Gazette of the Kingdom.

Rome,

6604

MINISTERO DEL TESORO

Regione Generale dello Stato

UFF. Beni Allesti e nemici

Int. No. 200122

C O P I A

ROMA, 20 GEN. 1945

ALLE REGIE PREFETTURE;
ALLE INTENDENZE DI FINANZA;
ALL'ISTITUTO NAZIONALE PER I CAMB
CON L'ESTERO - Via dell'Imila,
Roma;
ALL'ENNE DI GESTIONE E LAVORO,
IMMOBILITARE - Reg. 1 - Via dei
Sabbini 7 - ROMA

e per conoscenza;

ALLA PRESIDENZA DEL CONSIGLIO DEI
MINISTRI;
A TUTTI I MINISTRI;
ALLE AMMINISTRAZIONI AUTONOME DELL
STATO;
ALLA DIREZIONE GENERALE DEL TESORO
ALLA DIREZIONE GENERALE DELLE
VALUTE;
ALLA RAGIONE DELLE AMMINISTRA
ZIONI CENTRALI;
ALLA BANCA D'ITALIA - Sede Centrale
ROMA
ALLA SOCIETA' ANONIMA ITALIANA PER
IL COMMERCIO ESTERO (Sicca) - Via
delle Marche 1 - ROMA.

OGGETTO: Abrogazione dei provvedimenti e delle misure adottati in materia di
beni appartenenti agli Stati delle Nazioni Unite, nonché alle persone
fisiche e giuridiche aventi la nazionalità degli Stati stessi.

Nella Gazzetta ufficiale del Regno N. del sono stati pubblicati;

a) il decreto legislativo luogotenenziale gennaio 1945 n. concernente l'abrogazione dei provvedimenti e delle misure adottati in materia di beni appartenenti agli Stati delle Nazioni Unite, nonché alle persone fisiche e giuridiche aventi la nazionalità degli Stati stessi;

b) il decreto del Presidente del Consiglio dei Ministri di concerto con i Ministri degli Affari Esteri e del Tesoro, che stabilisce l'applicazione del decreto legislativo aventi accennato a decorrere dal
nei confronti degli Stati Uniti d'America, del Regno Unito di Gran Bretagna e
Irlanda del Nord e dell'Unione delle Repubbliche Socialiste Sovietiche.

Resta quindi inteso che, per ciò, le disposizioni contenute nel decreto legislativo in questione devono applicarsi unicamente nei confronti degli Stati indicati alla lettera b); a suo tempo sarà data comunicazione della estensione di dette disposizioni, con le formalità prescritte, agli altri Stati facenti parte delle Nazioni Unite.

Agli effetti dell'esatto ed uniforme applicazione del provvedimento legislativo teste' pubblicato, stimasi opportuno illustrare, d'intesa con i

e per conoscenza;

ALLA PRESIDENZA DEL CONSIGLIO DEI
MINISTRI;
A TUTTI I MINISTRI;
ALLE AMMINISTRAZIONI AUTONOME DELL'
STATO;
ALLA DIREZIONE GENERALE DEL TESORO
ALLA DIREZIONE GENERALE DELLE
VALUTE;
ALLA RAGIONEIERIA DELLA AMMINISTRA-
ZIONE COMUNALE;
ALLA BANCA D'ITALIA - Sede Centrale
R o m a
ALLA SOCIETA' ANONIMA ITALIANA PER
IL COMMERCIO ESTERO (Aicea) - Via
delle Mische 1 - R o m a.

COCCHIATO: Abrogazione dei provvedimenti e delle misure adottati in materia di
beni appartenenti agli Stati delle Nazioni Unite, nonché alle persone
fisiche e giuridiche aventi la nazionalità degli Stati stessi.

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a) il decreto legislativo luogotenenziale gennaio 1945 n. concernente l'abrogazione dei provvedimenti e delle misure adottati in materia di beni appartenenti agli Stati delle Nazioni Unite, nonché alle persone fisiche e giuridiche aventi la nazionalità degli Stati stessi;

b) il decreto del Presidente del Consiglio dei Ministri di concerto con i Ministri degli Affari Esteri e del Tesoro, che stabilisce l'applicazione del decreto legislativo aventi accennato a decorrere dal
nei confronti degli Stati Uniti d'America, del Regno Unito di Gran Bretagna e
Irlanda del Nord e dell'Unione delle Repubbliche Socialiste Sovietiche.

Resta quindi inteso che, per ora, le disposizioni contenute nel decreto legislativo in questione devono applicarsi unicamente nei confronti degli Stati indicati alla lettera b); a suo tempo sarà data comunicazione della estensione di dette disposizioni, con le formalità prescritte, agli altri Stati recenti parte delle Nazioni Unite.

Gli effetti dell'esatto ed uniforme applicazione del provvedimento legislativo teste' pubblicato, stimesi opportuno illustrare, d'intesa con i Ministri interessati o la Commissione Alleanza, le singole disposizioni, tenute presente la necessità di efficacemente tutelare la responsabilità dello Stato italiano e gli interessi degli aventi diritto.

Articolo 1. I provvedimenti e le misure adottati da qualunque autorità in materia di beni (comprese le aziende industriali e commerciali) appartenenti **6603** Stati e alle persone fisiche e giuridiche aventi la nazionalità di detti Stati - o nei quali abbiano interessi - specificati nel decreto del Presidente del Consiglio dei Ministri di cui alle precedenti lettere b) sono abrogati dalla data ivi indicata.

Non occorre, quindi, l'emissione da parte delle autorità suindicate (Prefetture, Ministeri dell'Industria, Commercio e Lavoro e del Tesoro ecc.) di decreti di revoca di altre disposizioni salvo quanto è previsto nel suo ondegno articolo 9.

Gli intendenti di finanza debbono, senza altro, provvedere alla cancellazione delle trascrizioni ed a quest'altro e' stabilito nei commi 3 e 4 dell'articolo in esame.

Per facilitare tale compito sarà opportuno che la Prefettura invii, sotto all'intendente di finanza l'elenco dei sequestri di beni esposti all'azione ancora vigenti alla data suddetta.

Allo stesso scopo viene allegato allo presente un progetto indicativo delle aziende industriali e commerciali sottoposte a sequestro o liquidazione esistenti nelle province o aventi nella stessa stabilimenti o rappresentanze (prospetto che dovrà essere controllato d'intesa con la Camera di Commercio, Industria e Agricoltura e l'Ufficio provinciale del commercio e dell'Industria).

Articolo 4. - Stabilisce il termine (decorrente dalla data di pubblicazione del decreto del Presidente del Consiglio dei Ministri imitato alla precedente lettera b) entro il quale cessa la gestione del sequestro e del li riflettori e deve effettuarsi la restituzione dei beni (comprese le aziende industriali e commerciali) all'avente diritto o al suo legale rappresentante; e specifica i documenti da redigere e da presentare all'atto della restituzione.

Per le aziende costituite sotto forma di società per azioni, assoggettate a sequestro, la consegna sarà fatta ai normali organi amministrativi, in applicazione del disposto dell'art. 3 - secondo comma - del R.D.L. 4 - 2 1944, n. 11, convertito con modificazione nella legge 17 luglio 1944, n. 1100.

Tale disposizione vale anche per le aziende della specie sottoposte a liquidazione, perché, abrogato dall'art. 1 del decreto legislativo in esame detto provvedimento, la società riviva con i suoi rappresentanti organi.

Per le aziende costituite sotto forma di società in nome collettivo o in accomandita semplice, sottoposte a sequestro o a liquidazione, la consegna sarà perimenti fatta ai preesistenti organi amministrativi o loro legali rappresentanti, che riprendono le loro funzioni in conseguenza dell'abrogazione dei provvedimenti che ne li avevano privati.

Per le aziende, invece, sottoposte a sequestro sovra senza altro censare il controllo affidato al sindaco, senza che occorre la redazione di alcun processo verbale o di altri documenti.

Le Intendenze di finanza dovranno interessare i sequestratori ed i liquidatori per la consegna dei beni e delle aziende entro il termine prescritto; vigilare peruno i documenti indicati all'art. 2 siano redatti con la massima esattezza, richiamando l'attenzione di questo ministero nei casi di irregolarità.

Considerato che molti sequestratori di beni e di aziende sono ancora o hanno abbandonato ogni attività, successivamente al 25 luglio 1943 dovranno assicurarsi che i compensi prelevati o richiesti siano contenuti nei limiti del servizio effettivamente prestato.

valore la restituzione dei beni e delle aziende non può essere

Allo stesso scopo viene allegato alla presente un prospetto indicativo delle aziende industriali e commerciali sottoposte a sequestro o liquidazione esistenti nella provincia o eventi della stessa stabilimenti o rappresentanze (prospetto che dovrà essere controllato d'intesa con la Camera di commercio, industria e agricoltura e l'ufficio provinciale del commercio e dell'industria).

Articolo 2. - Stabilisce il termine (decorrenza della data di pubblicazione del decreto del presidente del Consiglio dei Ministri indicato alle precedenti lettere b) entro il quale cessa la funzione del sequestrario o del liquidatore e dove effettuarsi la restituzione dei beni (compreso le aziende industriali e commerciali) all'eventuale diritto o al loro legale rappresentante; e specificare i documenti da redigere e da presentare all'atto della restituzione.

Per le aziende costituite sotto forma di società per azioni, as-soggettate a sequestro, la consegna sarà fatta ai normali organi amministrativi, in applicazione del disposto dell'art. 3 - secondo comma - del R.D.L. n. 4 del 1942, n. 11, convertito con modificazione nella legge 17 luglio 1942, n. 1136.

Tale disposizione vale anche per le aziende della specie sottoposte a liquidazione, perché, al rogito dell'art. 1 del decreto legislativo in esame detto provvedimento, la società rivive con i suoi preesistenti organi.

Per le aziende costituite sotto forma di società in nome collettivo o in accomandita semplice, sottoposte a sequestro o a liquidazione, la consegna sarà perimenti fatta ai preesistenti organi amministrativi o loro legali rappresentanti, che riprendono le loro funzioni in conseguenza dell'abrogazione dei provvedimenti che ne li avevano privati.

Per le aziende, invece, sottoposte a sequestro dovrà, senza l'altro cessare il controllo affidato al liquidatore, senza che occorre la redazione di alcun processo verbale o di altri documenti.

Le Intendenze di finanza dovranno interessare i sequestrari ed i liquidatori per la consegna dei beni e delle aziende entro il termine prescritto; vigilare perché i documenti indicati all'art. 2 siano redatti con la massima esattezza, richiedendo l'attenzione di questo ministero nei casi di irregolarità.

Considerato che molti sequestrari di beni e di aziende sono assenti o hanno abbandonato ogni attività, successivamente al 23 luglio 1943 dovranno assicurarsi che i compensi prelevati o richiesti siano contenuti nei limiti del servizio effettivamente prestato.

Malgrado la restituzione dei beni e delle aziende non possa essere effettuata nel termine prescritto, gli intestati di finanza trasmetteranno un elenco dei beni e delle aziende che si trovano in tali condizioni e provvederanno per ognuno di essi la persona da nominare nuovo amministratore, che ove nulla essi, potrà essere anche lo stesso sequestrario o liquidatore, ed invieranno, **6602** note separate, a questo ministero i documenti accennati nell'ultimo comma del Art. 2.
Articolo 3. - Valgono le istruzioni di cui all'articolo precedente.

Articolo 1. - Le norme contenute in detto articolo non richiedono alcun chiarimento.

Risulta però che per adozione degli uffici regionali del "Property Control" sono state in precedenza effettuate restituzioni di beni (specie da parte degli Istituzioni Finanziarie delegati dell'ECML) sostituzioni di sequestratori ecc.

In alcuni casi le intendenze di Finanza hanno inviato i verbali di consegna e fornito notizie sui provvedimenti ordinati dalle Autorità Alleate, in altri, invece, si sono astenute dal fare qualsiasi comunicazione.

In occasione, quindi, dell'invio degli atti indicati all'art. 4 (invio che dovrà essere accompagnato da elenchi descrittivi, distintamente per beni ed aziende ai quali si riferisce) del promissario saranno trasmessi, con elenchi separati gli stessi documenti con le medesime modalità, relativi a consegna di beni ed aziende eseguite in data anteriore a quella di applicazione stabilita nel decreto del Presidente del Consiglio aventi accennato.

Sarà pure data notizia delle variazioni avvenute nella gestione dei beni e delle aziende, in seguito a disposizioni delle Autorità Alleate.

L'ente di gestione e liquidazione immobiliare (ECML) impartirà istruzioni agli Istituti di credito fondiario per l'esatta applicazione delle presenti norme e si farà trasmettere dal medesimo copia dei documenti di cui sopra per l'esame di sua competenza e per le conseguenti comunicazioni da fare a questo Ministero.

Articoli 5 - 6 - 7 - 8. - La disposizione contenuta in detti articoli non richiedono per particolari chiarimenti.

Nelle trasmissioni dei documenti specificati nell'art. 5 dovranno seguirsi le modalità indicate per l'art. 4 e l'esame dei rendiconti presentati dall'amministratore sarà eseguito con sollecitudine e diligenza, mettendo in evidenza le eventuali irregolarità.

Le norme contenute nell'art. 6 troveranno, si ritiene, una esclusivamentemente applicazione nei confronti dell'ECML e degli Istituti di credito fondiario.

Delle eventuali divergenze che sorgessero fra sequestratore, liquidatore o amministratore e l'avente diritto, (o il suo legale rappresentante) all'atto della restituzione dei beni dovrà venire informato questo Ministero.

Articolo 2. - In forza di detto articolo lo svicolo delle somme di denaro, dei titoli o dei valori depositati presso l'Istituto nazionale per i cambi con l'estero, la Banca d'Italia o altri istituti bancari viene effettuato, su richiesta dell'interessato, previo nulla osta del Ministero del Tesoro.

Allo scopo di facilitare le operazioni relative si dispone:

In occasione, quindi, dell'invio degli atti indicati all'art. 4 (invio che dovrà essere accompagnato da elenchi descrittivi, distintamente per beni ed aziende ed nazionalità dei proprietari) saranno trasmessi, con elenchi separati gli stessi documenti con le medesime modalità, relativi a consegna di beni ed aziende eseguite in data anteriore a quella di applicazione stabilita nel decreto del Presidente del Consiglio avanti accennato.

Sarà pure data notizia delle variazioni avvenute nella gestione dei beni e delle aziende, in seguito a disposizioni delle autorità allente.

L'ente di gestione e liquidazione immobiliare (ICLI) impartirà istruzioni agli istituti di credito fondiario per l'esatta applicazione delle presenti norme e si farà trasmettere dal medesimo copia dei documenti di cui sopra per l'elaborazione di sua competenza e per le conseguenti comunicazioni da fare a questo ministero.

Articolo 2 - 6 - 7 - 8 - Le disposizioni contenute in detti articoli non richiedono per tecnici chiarimenti.

Nella trasmissione dei documenti specificati nell'art. 5 dovranno seguirsi le modalità indicate per l'art. 4 e l'esame dei rendiconti presentati dall'amministratore sarà eseguito con sollecitudine e diligenza, mettendo in evidenza le eventuali irregolarità.

Le norme contenute nell'art. 8 troveranno, si ritiene, così esclusivamente applicazione nei confronti dell'ICLI e degli istituti di credito fondiario.

Delle eventuali divergenze che sorgessero fra sequestro, liquidatore o amministratore e l'avente diritto, (o il suo legale rappresentante) all'atto della restituzione dei beni dovrà essere informato questo ministero.

Articolo 2 - In forza di detto articolo lo svincolo delle somme di denaro dei titoli o dei valori depositati presso l'Istituto nazionale per i cambi con l'estero, la Banca d'Italia o altri istituti bancari viene effettuato, su richiesta dell'interessato, previo nulla osta del ministero del Tesoro.

Allo scopo di facilitare le operazioni relative si dispone:

----- Svincolo di somme di denaro -----

a) La Banca d'Italia e gli altri istituti bancari di credito che hanno depositato, a norma della legge 19 dicembre 1940, n. 1594, presso l'Istituto nazionale per i cambi con l'estero (INCE) le somme di denaro di cui sono debitori verso persone aventi la nazionalità indicata nel decreto avanti citato del Presidente del Consiglio dei Ministri sono autorizzati a presentare richiesta in carta libera, all'Istituto per la restituzione delle somme stesse specificando i nominativi e gli altri elementi di identificazione di coloro cui appartengono le somme in questione.

L'Istecambi trasmetterà tali richieste al Ministero del Tesoro per il prestito nullo osta, dopo di che metterà a disposizione della Banca di Italia e degli altri istituti bancari le somme dette, fornendo i necessari chiarimenti circa le eventuali variazioni nell'importo e nella consistenza delle somme di spettanza di ogni singolo nominativo in confronto di quelle ricevute in deposito.

La Banca d'Italia e gli altri istituti di credito terranno a disposizione degli aventi diritto le somme di cui sopra nella stessa forma del credito originario, con esclusione del vincolo di cui della legge di guerra, e le restituiranno secondo le richieste che ad essi perveniranno.

b) Qualora il deposito delle somme di danaro allo Istituti sia stato fatto, con le modalità prescritte dalla legge indicata alla lettera a) da provati od enti diversi da istituti bancari, le domande di svincolo in carta libera dovranno essere presentate dagli interessati o dai loro legali rappresentanti alla Banca d'Italia o banche agenti, che provvederanno a farle pervenire all'Istituto, il quale procederà, come sopra alla restituzione, previo nulla osta del Ministero del Tesoro, fornendo ogni necessario chiarimento agli aventi diritto.

c) Per le somme di danaro rimaste depositate o in altro modo giacenti presso la Banca d'Italia od altri istituti bancari con il vincolo delle leggi di guerra gli interessati o i loro legali rappresentanti dovranno presentare le domande di svincolo agli istituti depositari che provvederanno al inoltrare al Ministero del Tesoro per il nulla osta, procedendo poi allo svincolo o alla restituzione delle somme secondo le richieste ricevute.

d) Per i riguardi delle somme ricavate dalla "Società anonima italiana per il commercio estero" SICA - dall'alienazione delle merci requisite di pertinenza ex unione esistenti nei porti italiani e sulle navi le richieste di restituzione in carta libera - da parte degli interessati, aventi la nazionalità, specificata nel decreto aventi citato, o dei loro legali rappresentanti saranno presentate alla SICA (Rome, Via delle Marchese 1) che provvederà al inoltrare, debitamente instruite, al Ministero del Tesoro, per il prestito nullo osta, dopo di che procederà alla restituzione delle somme in questione, fornendo agli interessati od ai loro legali rappresentanti le informazioni necessari.

A giustificazione dei rimborsi eseguiti, la SICA invierà mensilmente un documento rendiconto a questo Ministero, mettendo in evidenza le eventuali eccezioni sollevate dagli aventi diritto.

-----vincolo di titoli o di valori depositati-----

a) Per lo svincolo o la restituzione dei titoli ed altri valori depositati presso la Banca d'Italia o le banche agenti a norma della legge 19 Dic. 1940, n. 1994 (contro rilascio delle ricevute ad. 93.11.) le domande, in carta libera dovranno essere presentate dagli interessati, aventi la nazionalità, in dieci nel più volte citato decreto del Presidente del Consiglio dei Ministri, o dei loro legali rappresentanti (che possono anche essere le aziende di credito presso le quali i titoli o valori erano originariamente depositati o custoditi).

La Banca d'Italia o le banche agenti invieranno tali richieste al Ministero del Tesoro, per il prestito nullo osta, e quindi procederanno allo svincolo od alla restituzione dei depositi costituiti a norma della legge di guerra succitata, fornendo agli aventi diritto i necessari chiarimenti nel caso di variazione verificatasi nella consistenza o nell'importo dei depositi.

od enti diversi da istituti bancari, le domande di svincolo in carta libera dovranno essere presentate dagli interessati o dai loro legali rappresentanti alla Banca d'Italia o banche agenti, che provvederanno a farle pervenire all'Istituto, il quale procederà come sopra alla restituzione, previo nulla osta del Ministro del Tesoro, fornendo ogni necessario chiarimento agli aventi diritto.

c) Per le somme di danaro rimaste depositate o in altro modo giacenti presso le Banche d'Italia od altri istituti bancari con il vincolo delle leggi di guerra gli interessati o i loro legali rappresentanti dovranno presentare le domande di svincolo agli istituti depositari che provvederanno al inoltrare al Ministero del Tesoro per il nulla osta, procedendo poscia allo svincolo o alla restituzione della somma secondo le tiche este rinvenute.

d) Nei riguardi delle somme ricevute dalle «Società anonime italiane per il commercio estero» - SICSA - dall'alienazione delle merci requisite di pertinenza o di natura esistenti nei porti italiani e sulle navi le richieste di restituzione - in carta libera - da parte degli interessati, aventi la nazionalità, specificate nel decreto aventi citato, o dei loro legali rappresentanti saranno presentate alle SICSA (Roma, Via delle Marche 1) che provvederà al inoltrare, debitamente instruite, al Ministero del Tesoro, per il prescritto nulla osta, dopo di che procederà alla restituzione delle somme in questione, fornendo agli interessati od ai loro legali rappresentanti le informazioni necessarie.

A giustificazione dei rimborsi eseguiti, la SICSA invierà mensilmente un documento rendiconto a questo Ministero, mettendo in evidenza le eventuali eccezioni sollevate dagli aventi diritto.

-----Svincolo di titoli o di valori depositati-----

a) Per lo svincolo o la restituzione dei titoli ed altri valori depositati presso la Banca d'Italia o le banche agenti a norma della legge 19 dic. 1940, n. 1994 (contro rilascio dello ricevute mod. 97.b.) le domande, in carta libera dovranno essere presentate dagli interessati, aventi la nazionalità, in data nel più volte citato decreto del Presidente del Consiglio dei Ministri, o dei loro legali rappresentanti (che possono anche essere le aziende di credito presso le quali i titoli o valori erano originariamente depositati o custoditi).

La Banca d'Italia o le banche agenti invieranno tali richieste al Ministero del Tesoro, per il prescritto nulla osta, e quindi procederanno allo svincolo od alla restituzione dei depositi costituiti a norma della legge di guerra succitata, fornendo agli aventi diritto i necessari chiarimenti nel caso di variazione verificatasi nella consistenza o nell'importo dei depositi stessi.

b) Qualora i titoli ed altri valori siano rimasti depositati o custoditi nelle forme originarie, con il vincolo delle leggi di guerra, presso le aziende di credito che li avevano ricevuti dagli interessati questi ultimi od i loro legali rappresentanti (sempre nei limiti del decreto del Presidente del Consiglio dei Ministri citato) dovranno presentare le richieste, in carta libera, di svincolo o di restituzione alle aziende di credito in questione, che le rimetteranno al Ministero del Tesoro per il prescritto nulla osta, in base al quale daranno alle richieste stesse.

L'Istituto nazionale per i cambi con l'estero e' pregato di portare subito a conoscenza degli istituti bancari le istanze suindicate, riguardanti l'articolo 9 del decreto legislativo luogotenenziale in oggetto.

Lo stesso Istituto nazionale dei cambi con l'estero dara' conto, quindi, direttamente nei consueti rendiconti, delle somme rimborsate.

Articolo 10. - Le richieste da parte degli amministratori dei beni indicati in detto articolo, intese ad ottenere anticipi dal Tesoro per provvedere alle spese di gestione, dovranno pervenire a questo Ministero per il tramite dell'Intendenza di finanza che, previ necessari accertamenti, esprimerà sulle richieste stesse il proprio avviso e curerà, perche' tali anticipi siano tenuti in particolare evidenza e, a suo tempo, ne sia provveduto al riempimento con le modalita' indicate nell'articolo 13 in esame.

Questo Ministero confida nell'interessamento di tutti gli uffici ed enti interessati perche' le disposizioni contenute nel decreto legislativo luogotenenziale in oggetto abbiano sollecite e regolare esecuzione.

Sara' gradito un immediato cenno di ricevuta.

IL MINISTRO

tenuti in particolare evidenza e, a suo tempo, ne sia provveduto di conseguenza con le modalità indicate nell'articolo 13 in esame.

Questo Ministero confida nell'interessamento di tutti gli uffici ed enti interessati perché le disposizioni contenute nel decreto legislativo luogotenenziale in oggetto abbiano sollecite e regolare esecuzione.

Sarà gradito un immediato cenno di ricevuta.

IL MINISTRO

6599

Translation

COPY

Rome, 20 January 1945

MINISTRY OF THE TREASURY

General Accounting Office of the State

Office for Allied and Enemy Property

File n. 400122

TO THE ROYAL PROSECUTORS;
 TO THE MINISTERS OF FINANCE;
 TO THE MINISTERS OF THE INTERIOR;
 TO THE MINISTERS OF THE ARMY;
 TO THE MINISTERS OF THE AIR;
 TO THE MINISTERS OF THE NAVY;
 TO THE MINISTERS OF THE MARINE;
 TO THE MINISTERS OF THE AIR FORCE;
 TO THE MINISTERS OF THE AIR FORCE;
 TO THE MINISTERS OF THE AIR FORCE;
 TO THE MINISTERS OF THE AIR FORCE;

and copy to:

PRESIDENCY OF THE CABINET COUNCIL;
 ALL MINISTERS;
 AUTONOMOUS STATE ADMINISTRATIONS;
 CENTRAL MANAGEMENT OF THE TREASURY;
 CENTRAL MANAGEMENT OF CURRENCY;
 ACCOUNTING OFFICES OF THE CENTRAL ADMINIS-
 TRATIONS;
 BANK OF ITALY - Head Office - Rome;
 ITALIAN LIMITED COMPANY FOR FOREIGN TRADE -
 Via delle Marche 1 - Rome.

SUBJECT: Abrogation of the provisions and measures taken regarding property belonging to the States of the United Nations, and to the physical and juridical persons having the above mentioned nationalities.

In the Official Gazette of the Kingdom no. of the
 have been published:

- a) the legislative decree of the Lieutenant of the Kingdom January 1945 no. concerning the abrogation of the provisions and measures taken regarding property belonging to the States of the United Nations and to the physical and juridical persons having the above mentioned nationalities;
- b) the decree of the President of the Cabinet Council together with the Ministers of Foreign Affairs and Treasury which de-termines the application of the above mentioned legislative decree becoming effective on concerning the United States of America, the United Kingdom of Great Britain and North of Ireland and Dominions, and the Republican Socialist and Soviet Union.

It is therefore understood that, for the present, the provisions contained in the legislative decree in question must only be applied to the States mentioned under letter b), in due time advice will be given of the extension of the said provisions, with due procedure, to the other States belonging to the United

and copy to:

PRESIDENCY OF THE CABINET COUNCIL;
ALL MINISTERS;
AUTONOMOUS STATE ADMINISTRATIONS;
GENERAL MANAGEMENT OF THE TREASURY;
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Ireland and Dominions, and the Republican Socialist and Soviet
Union.

It is therefore understood that, for the present, the provi-
sions contained in the legislative decree in question must only
be applied to the States mentioned under letter b), in due time
advice will be given of the extension of the said provisions,
with due procedure, to the other States belonging to the United
Nations.

As regards the exact and uniform application of the legisla-
tive provision previously published, it is considered advisable
to illustrate together with the interested Ministries and the
Allied Commission each provision bearing in mind the necessity
to efficaciously protect the responsibility of the Italian Gov-
ernment and the interests of the rightful owner.

Article 1 - The provisions and measures taken by any authority

as regards properties (including industrial and commercial concerns) belonging to the States and physical and juridical persons having the nationality of above States - or in which they hold interests - specified in the decree of the President of the Cabinet Council mentioned in the preceding letter b) - are abrogated from the date here indicated.

It is therefore unnecessary for the above mentioned authorities (Prefectures, Ministries of Industry, Commerce and Labour and of the Treasury, etc.) to issue decrees of revocation or their provisions exception made for what the following article 9 contains.

The Intendenti di Finanza, must, for certain, make provisions for the annulment of the transcriptions and for what is stated in paras. 3 and 4 of the article in question.

To facilitate such task it will be advisable that the Prefecture transmit to the Intendente di Finanza the list of the sequestrations of properties subject to mortgage still in force at the above date.

For the same purpose a schedule listing the industrial and commercial concerns sequestrated or liquidated existing in the Province or having in the same plants or agencies (which schedule must be checked together with the Chamber of Trade, Industry and Agriculture and the Provincial Office of Commerce and Industry), is attached hereto.

Article 2 - It states the expiration date starting from the date of the publication of the decree of the President of the Cabinet Council mentioned in the preceding letter b) in which the management of the sequestrator or the liquidator ends and in which the reassignment of properties must take place (including industrial and commercial concerns) to the rightful owner or his legal representative; and specifies the documents to be drawn and submitted at the act of reassignment.

For the concerns formed as share companies, sequestrated, reassignment will be made to the ordinary administrative organization, according to article 3, second paragraph of the R.L.D. 4-2-1942, no. 11 amended with the law 17 July 1942, no. 1100.

Such provision is also applicable to similar agencies liquidated, as such provision has been abrogated with article 1 of the legislative decree in question, the company becomes active with its previous organization.

For the concerns formed as collective companies or in simple limited partnerships, sequestrated or liquidated, reassignment will also be made to pre-existing administrative organizations or their legal representatives with resume their activities as a consequence of the abrogation of the provision which had

provisions exception made for what the following article 9 contains.

The Intendente di Finanza, must, for certain, make provisions for the annulment of the transcriptions and for what is stated in paras. 3 and 4 of the article in question.

To facilitate such task it will be advisable that the prefecture transmit to the Intendente di Finanza the list of the sequestrations of properties subject to mortgage still in force at the above date.

For the same purpose a schedule listing the industrial and commercial concerns sequestrated or liquidated existing in the Province or having in the same plants or agencies (which schedule must be checked together with the Chamber of Trade, Industry and Agriculture and the Provincial Office of Commerce and Industry), is attached hereto.

Article 2. It states the expiration date starting from the date of the publication of the decree of the President of the Cabinet Council mentioned in the preceding letter b) in which the management of the sequestrator or the liquidator ends and in which the reconsignment of properties must take place (including industrial and commercial concerns) to the rightful owner or his legal representative; and specifies the documents to be drawn and submitted at the act of reconsignment.

For the concerns formed as share companies, sequestrated, reconsignment will be made to the ordinary administrative organization, according to article 3, second paragraph of the R.L.D. 4-2-1942, no. 11 amended with the law 17 July 1942, no. 1100.

Such provision is also applicable to similar agencies liquidated, as such provision has been abrogated with article 1 of the legislative decree in question, the company becomes active with its previous organization.

For the concerns formed as collective companies or in simple limited partnerships, sequestrated or liquidated, reconsignment will also be made to pre-existing administrative organizations or their legal representatives with reassume their activities as a consequence of the abrogation of the provision which had annulled them.

Instead for the concerns subject to syndicate the control entrusted to the "sindicatore" will undoubtedly cease, a written report of proceedings or other documents being unnecessary.

The Intendente di Finanza will have to advise the sequestrators and liquidators of the reconsignment of properties and concerns within the established date; see that the documents

stated in article 2 be accurately drawn bringing to the attention of this Ministry cases of irregularity.

Taking into account that many sequestrators of properties and concerns are absent or have abandoned all activity after 25 July 1943, they will have to ascertain that the compensations drawn or requested do not exceed the limit of services in effect rendered.

In case the reassignment of properties or concerns cannot be made within the established date, the Intendente di Finanza will transmit a list of properties and concerns that are in such a position and will propose for each of them a person to be appointed administrator, who, if approved, can be the same sequestrator or liquidator and will forward, by separate letter, to this Ministry, the documents mentioned in the last paragraph of article 3 (2).

Article 3 - Regulations of the provisions mentioned in the preceding article are valid.

Article 4 - the Regulations contained in said article do not need any explanation.

We are informed, however, that according to provisions of the regional offices of property control, reassignment of properties (especially by the Istituti Fondiari delegated by Regali) and substitutions of sequestrators, etc., have previously been made.

In a few instances the Intendenze di Finanza have forwarded the verbale di reassignment and furnished information on provisions ordered by Allied authorities, in other instances, instead, have refrained from giving any information whatever.

Therefore, with the forwarding of the deeds mentioned in article 4 (forwarding which will have to be accompanied by descriptive lists, with distinction made of the properties, concerns and nationality of the owners) will be transmitted the same documents with separate lists and the same regulations relative to the assignment of properties and concerns made in a date previous to that of application, stated in the decree above mentioned of the President of the Council.

Notice will also be given of the changes made in the management of properties and concerns as a consequence of the provisions of the Allied Authorities.

The Ente di Gestione e Liquidazione Immobiliare (Regali) will instruct the Istituti di Credito Fondiario for the precise application of the present regulations, and will make a request to the same for the transmission of copies of the above mentioned documents for permanent examination, and for consequent notice.

In case the reconignment of properties or concerns cannot be made within the established date, the Intendente di Finanza will transmit a list of properties and concerns that are in such a position and will propose for each of them a person to be appointed administrator, who, if approved, can be the same sequestrator or liquidator and will forward, by separate letter, to this Ministry, the documents mentioned in the last paragraph of article 3 (2).

Article 3 - Regulations of the provisions mentioned in the preceding article are valid.

Article 4 - The regulations contained in said article do not need any explanation.

We are informed, however, that according to provisions of the regional offices of property control, reconignment of properties (especially by the istituto fondiario delegated by Regeli) and substitutions of sequestrators, etc., have previously been made.

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Therefore, with the forwarding of the deeds mentioned in article 4 (forwarding which will have to be accompanied by descriptive lists, with distinction made of the properties, concerns and nationality of the owners) will be transmitted the same documents with separate lists and the same regulations relative to the reconignment of properties and concerns made in a date previous to that of application, stated in the decrees above mentioned of the President of the Council.

Notice will also be given of the changes made in the management of properties and concerns as a consequence of the provisions of the Allied Authorities.

The Ente di Gestione e Liquidazione Immobiliare (Regeli) will instruct the Istituti di Credito Fondiario for the precise application of the present regulations, and will make a request to the same for the transmission of copies of the above mentioned documents for competent examination, and for consequent notification of this Ministry.

Articles 5 - 6 - 7 - 8 - The provisions contained in the said articles do not need any particular explanation.

In the transmission of the documents specified in article 6 the regulations as for article 4 will have to be followed. **6588**
examination of the statements of accounts submitted by the administrator will be promptly and diligently made, pointed out the possible irregularities.

The regulations contained in article 8, will, we believe, be almost exclusively applied to IMELI and Istituti di Credito Fondiario.

Of the possible differences arising between the sequesteror, the liquidator, or the administrator and the rightful owner (or his legal representative) at the act of reconignment of the properties, this Ministry will have to be informed.

Article 9 - According to the said article the unblocking of the sums of money, of the shares and values deposited with the Istituto Nazionale per i Cambi con l'Estero, the Bank of Italy, and other banking institutions, will be carried out upon request made by the interested party, following the approval of the Ministry of the Treasury.

In order to facilitate the relative operations, we direct as follows:

Unblocking of the sums of money

a) The Bank of Italy and other credit institutions which have deposited, according to the law of 19 December 1943, no. 1991, with the Istituto Nazionale per i Cambi con l'Estero (Istocambi) the sums of money of which they were debtors towards persons having the nationality indicated in the above mentioned decree of the President of the Cabinet Council, are authorized to present a request, on free paper, to Istocambi, for the refundment of the same sums, specifying the names and other items of identity of those to whom the sums in question belong.

Istocambi will transmit such request to the Ministry of the Treasury for the prescribed approval, after which it will put at the disposal of the Bank of Italy and other banking institutions the sums owed, furnishing the necessary explanations on possible variations in the amount and in the sums on hand owing to each name, compared with those received in deposit.

The Bank of Italy and other credit institutions will hold at the disposal of the rightful owners the above mentioned sums in the same form of the original credit, free from all blocking according to the war law and will return them according to the requests which they will receive.

b) If the deposits of the sums of money to Istocambi have been made in the manner indicated under the letter a) by private owners or by concerns which are not banking institutions, the requests for the unblocking, on free paper, will have to be submitted by the interested parties or their legal representatives to the Bank of Italy or acting banks, which will then provide for their reaching Istocambi, the latter will then proceed to the reconignment after the approval of the Ministry of the Treasury, furnishing all necessary explanations to the

Unblocking of the sums of money

In order to facilitate the relative operations, we direct as follows:

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The Bank of Italy and other credit institutions will hold at the disposal of the rightful owners the above mentioned sums in the same form of the original credit, free from all blocking according to the war law and will return them according to the requests which they will receive.

b) If the deposits of the sums of money to Istocambi have been made in the manner indicated under the letter a) by private owners or by companies which are not banking institutions, the requests for the unblocking, on free paper, will have to be submitted by the interested parties or their legal representatives to the Bank of Italy or acting banks, which will then provide for their reaching Istocambi, the latter will then proceed to the reassignment after the approval of the Ministry of the Treasury, furnishing all necessary explanations to the rightful owners.

c) For the sums of money which remain in deposit or in any other form are deposited with the Bank of Italy or other banking institutions according to the blocking of the war laws, the interested parties or their legal representatives will have to make applications for their delivery to the Ministry of deposit, which will then forward them to the Ministry of the Treasury for approval, and subsequently proceed to the unblocking or reassignment of the sums according to the requests received.

a) As for the sums collected from the "Societa' Anonima Italiana per il Commercio Estero - SICSA -" from the alienation of requisitioned goods belonging to former enemies located in Italian harbours and on ships, the requests for restoration - on free paper - by the interested parties whose nationality is specified in the above mentioned decree of the President of the Cabinet Council, or by their legal representatives, will be submitted to the SICSA (Roma, Via delle Mercede 1) which will provide for their transmission to the Ministry of the Treasury for the prescribed approval, and will then proceed to the restoration of the sums in question, supplying the interested parties or their legal representatives with all necessary information.

To justify the effected reimbursements, the SICSA will forward to this Ministry a monthly report, pointing out possible exceptions raised by the rightful owners.

Unblocking of deposited securities and values

a) As regards the unblocking or the restoration of securities or other values deposited in the Bank of Italy or banking agencies according to the law 18 December 1940, no. 1994 (against issue of receipts form 9 B H) the applications, on free paper, will have to be submitted by the interested parties having the nationality mentioned in the often quoted decree of the President of the Cabinet Council or by their legal representatives (who may also be the credit agencies in which the securities and values were originally deposited or in custody).

The Bank of Italy or the banking agencies will forward such requests to the Ministry of the Treasury for the prescribed approval, and will then proceed to the unblocking or the restoration of the deposits formed according to the law above mentioned giving to the rightful owners the necessary explanations in the instance of changes made in the consistence or the amount of the said deposits.

b) Whenever the securities or other values have remained in deposit or in custody in their original form, according to the unblocking of the war laws, in the credit agencies which had received them from the interested parties, the latter, or their legal representatives, (always within the limits of the above mentioned decree of the President of the Cabinet Council) will have to submit, on free paper, the requests for the unblocking of the restoration to the credit agencies in question, which will transmit them to the Ministry of the Treasury for the prescribed approval, following which furtherance will be given to the requests.

The Istituto Nazionale per i Cambi con l'Estero is asked to immediately advise the banking institutions of the above mentioned instructions, concerning article 9 of the legislative decree in question of the Lieutenant of the Kingdom.

ties or their legal representatives with all necessary information.

To justify the affected reimbursements, the SICMA will forward to this Ministry a monthly report, pointing out possible exceptions raised by the rightful owners.

Unblocking of deposited securities and values

a) As regards the unblocking of the restoration of securities or other values deposited in the Bank of Italy or banking agencies according to the law 19 December 1940, no. 1994 (against issue of receipts form 2 B II) the applications, on free paper, will have to be submitted by the interested parties having the nationality mentioned in the often quoted decree of the President of the Cabinet Council or by their legal representatives (who may also be the credit agencies in which the securities and values were originally deposited or in custody).

The Bank of Italy or the banking agencies will forward such requests to the Ministry of the Treasury for the prescribed approval, and will then proceed to the unblocking or the restoration of the deposits formed according to the law above mentioned giving to the rightful owners the necessary explanations in the instance of changes made in the consistence or the amount of the said deposits.

b) Whenever the securities or other values have remained in deposit or in custody in their original form, according to the blocking of the war laws, in the credit agencies which had received them from the interested parties, the latter, or their legal representatives, (always within the limits of the above mentioned decrees of the President of the Cabinet Council) will have to submit, on free paper, the requests for the unblocking of the restoration to the credit agencies in question, which will transmit them to the Ministry of the Treasury for the prescribed approval, following which furtherance will be given to the requests.

The Istituto Nazionale per i Cambi con l'Istituto is asked to immediately advise the banking institutions of the above mentioned instructions, concerning article 9 of the Legislative Decree in question of the Lieutenant of the Kingdom.

Every fortnight the same Istituto Nazionale dei Cambi con l'Istituto will give an account of the sums reimbursed in their extraordinary reports.

Article 10. - Requests made by administrators of the properties indicated in the said article, drawn up in order to obtain advanced payments from the Treasury for the expenses of restoration, will have to reach this Ministry through the Ministero di Finanze which, after the necessary ascertainties, will

express an opinion on the said requests and will see that particular attention be given to said advanced payments, and that, in due time, they be reimbursed according to the instructions of article 13 under examination.

The Ministry trusts to the interest of all the offices and interested organizations in order that the provisions contained in the legislative decree in question of the Lieutenant of the Kingdom be promptly and regularly executed.

An immediate letter of receipt will be appreciated.

THE MINISTER

1778

An immediate letter of receipt will be appreciated.

THE MINISTER

- 6 -

6593

(K)
SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE CONTENENTE
DISPOSIZIONI PER LA TUTELA O LA REINTEGRAZIONE DI DIRITTI
DI BREVETTO DECADUTI PER CAUSE CONNESSE CON LO STATO DI
GUERRA.

UMBERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Vieto il Decreto Legge Luogotenenziale 25 giugno 1944, n. 151;

Visto il R. Decreto 29 giugno 1939, n. 1127 contenente il testo
delle disposizioni legislative in materia di brevetti per invenzioni
industriali;

Visto il R. Decreto 5 febbraio 1940, n. 244 col quale fu
approvato il testo delle disposizioni regolamentari in materia di
brevetti per invenzioni industriali;

Visto il R. Decreto 25 agosto 1940, n. 1411 recante il testo delle
disposizioni legislative in materia di brevetti per modelli industria-
li;

Visto il R. Decreto 31 ottobre 1941, n. 1354 contenente il
testo delle disposizioni regolamentari in materia di brevetti per
modelli industriali;

Visto il R. Decreto 21 giugno 1942, n. 929 contenente il testo
delle disposizioni legislative in materia di brevetti per marchi
di impresa;

Visto il R. Decreto 20 marzo 1913, n. 526 col quale venne
approvato il regolamento per l'esecuzione della legge 30 agosto 1868,
n. 4577, sui marchi e segni distintivi di fabbrica;

Visto il R. Decreto legge 10 gennaio 1926, n. 169, convertito
nella legge 29 dicembre 1927, n. 2701, con cui fu data esecuzione
nel Regno ai due Atti internazionali stipulati all'Aja il 6 dicembre
1925 fra l'Italia e altri Stati, che modificarono, rispettivamente,
la Convenzione di Unione di Parigi del 20 marzo 1883 per la
protezione della proprietà industriale e l'Accordo di Madrid del
14 aprile 1891 concernente la registrazione internazionale dei
marchi di fabbrica e di commercio;

Visto il R. Decreto 8 luglio 1938, n. 1415 con cui furono
approvati i testi della legge di guerra e neutralità;

In virtù dell'autorità a Noi delegata;

Visto il Decreto Legge luogotenenziale 25 giugno 1944, n. 151;

Visto il R. Decreto 29 giugno 1939, n. 1127 contenente il testo delle disposizioni legislative in materia di brevetti per invenzioni industriali;

Visto il R. Decreto 5 febbraio 1940, n. 244 col quale fu approvato il testo delle disposizioni regolamentari in materia di brevetti per invenzioni industriali;

Visto il R. Decreto 25 agosto 1940, n. 1411 recante il testo delle disposizioni legislative in materia di brevetti per modelli industriali;

Visto il R. Decreto 31 ottobre 1941, n. 1354 contenente il testo delle disposizioni regolamentari in materia di brevetti per modelli industriali;

Visto il R. Decreto 21 giugno 1942, n. 929 contenente il testo delle disposizioni legislative in materia di brevetti per marchi di impresa;

Visto il R. Decreto 20 marzo 1913, n. 526 col quale venne approvato il regolamento per l'esecuzione della legge 30 agosto 1868, n. 4577, sui marchi e segni distintivi di fabbrica;

Visto il R. Decreto legge 10 gennaio 1926, n. 169, convertito nella legge 29 dicembre 1927, n. 2701, con cui fu data esecuzione nel Regno ai due Atti internazionali stipulati all'Aja il 6 dicembre 1925 fra l'Italia e altri Stati, che modificarono, rispettivamente, la Convenzione di Unione di Parigi del 20 marzo 1883 per la protezione della proprietà industriale e l'Accordo di Madrid del 14 aprile 1891 concernente la registrazione internazionale dei marchi di fabbrica e di commercio;

Visto il R. Decreto 8 luglio 1938, n. 1415 con cui furono approvati i testi della legge di guerra e neutralità;

Visto il R. Decreto legge 3 aprile 1941, n. 396, convertito nella legge 23 febbraio 1942, n. 230, recante disposizioni sulle licenze legali d'uso ed altre disposizioni d'eccezione in materia di brevetti per invenzioni, modelli e marchi;

Ritenuta la necessità di provvedere per la tutela dei diritti di brevetto che per cause connesse con lo stato di guerra fossero decaduti e venissero a decadere;

6592

Sentito il Consiglio dei Ministri;

Su proposta del Ministro Segretario di Stato per l'Industria, il Commercio ed il Lavoro di concerto con i Ministri degli Affari Esteri e delle Finanze;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE

Art. 1

I termini stabiliti dalle leggi, dei regolamenti e delle Convenzioni internazionali in vigore, relativi all'acquisto ed alla conservazione di diritti di brevetto per invenzioni industriali, per modelli industriali e per marchi d'impresa non ancora scaduti alla data del 1° settembre 1939, sono prorogati sino alla data che verrà stabilita con successivo provvedimento, salvo quanto è disposto negli articoli seguenti:

Art. 2

Per la reintegrazione dei diritti di brevetto decaduti posteriormente alla data del 1° settembre 1939 per mancato pagamento delle annualità di tasse, i titolari dei diritti stessi ed i loro successori o aventi causa, dovranno produrre istanza all'Ufficio Centrale dei Brevetti presso il Ministero dell'Industria, il Commercio ed il Lavoro.

Art. 3

L'Ufficio Centrale dei Brevetti provvede alla registrazione delle annualità di tasse pagate ai sensi del precedente articolo e comunica agli interessati l'avvenuta reintegrazione del brevetto.

Gli elenchi dei brevetti reintegrati saranno affissi nell'Albo dell'Ufficio Centrale e pubblicati nel "Bollettino dei brevetti per Invenzioni, Modelli e Marchi".

Art. 4

I terzi che avessero utilizzato l'oggetto di un diritto di brevetto decaduto in forza delle disposizioni vigenti, dovranno cessare dallo uso medesimo alla data di entrata in vigore di questo decreto. Nessuna azione potrà essere esercitata nei loro confronti per fatti compiuti, in buona fede, posteriormente al 1° settembre 1939.

Art. 5

Art. 1

I termini stabiliti dalle leggi, dei regolamenti e delle Convenzioni internazionali in vigore, relativi all'acquisto ed alla conservazione dei diritti di brevetto per invenzioni industriali, per modelli industriali e per marchi d'impresa non ancora scaduti alla data del 1° settembre 1939, sono prorogati sino alla data che verrà stabilita con successivo provvedimento, salvo quanto è disposto negli articoli seguenti:

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Art. 4

I terzi che avessero utilizzato l'oggetto di un diritto di brevetto decaduto in forza delle disposizioni vigenti, dovranno cessare dallo uso medesimo alla data di entrata in vigore di questo decreto. Nessuna azione potrà essere esercitata nei loro confronti per fatti compiuti, in buona fede, posteriormente al 1° settembre 1939.

Art. 5

Dalla data stabilita nel precedente articolo 1 è sospeso l'obbligo del pagamento delle sopratasse fissate dalle disposizioni in vigore per il tardivo pagamento delle tasse di brevetto salvo che il termine per effettuare validamente il pagamento di dette tasse non fosse già ~~scaduto~~ ^{scaduto} alla data del 1° settembre 1939.

Tuttavia le sopratasse corrisposte precedentemente alla data di entrata in vigore del presente decreto non sono rimborsabili.

Art. 6.

Le disposizioni che precedono sono applicabili anche nei confronti di titolari stranieri di diritto di brevetto e condizione di reciprocità.

Esistenza di reciprocità di trattamento dei vari Paesi esteri sarà riconosciuta con Decreti del Ministro per l'Industria, il Commercio ed il Lavoro.

Art. 7

Il presente Decreto avrà effetto dalla data della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo ecc.

1 7 8 4

Art. 7

Il presente Decreto avrà effetto dalla data della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo ecc.

DRAFT OF LEGISLATION. DECREE OF THE LIEUTENANT OF THE KINGDOM
CONTAINING PROVISIONS FOR THE CLOSURE OR REIMBURSEMENT OF WAR
PATENTS EXAMINED ON ACCOUNT OF WAR CONDITIONS.

UIGLIARDI DI SAVOIA
PRINCE OF LIEUTENANT
LIEUTENANT GENERAL OF THE KINGDOM

By virtue of the authority conferred to us;

Considering the law-decree of the Lieutenant of the Kingdom
of 25 June 1944 No 151;

Considering the law-decree of 29 June 1939, No 1127, containing
the text of the legislative provisions regarding patents for industrial
inventions;

Considering the Royal Decree 5 February 1940, No 244 with which
the text of regulations regarding patents for industrial inventions
was approved;

Considering the Royal Decree 5 August 1940, No 1411 containing
the text of the legislative provisions as regards patents for
industrial models;

Considering the Royal Decree 31 October 1941, No 1354 containing
the text of regulations concerning patents for industrial models;

Considering the Royal Decree 11 June 1942, No 929 containing
the text of the legislative provisions concerning patents of trademarks;

Considering the Royal Decree 20 March 1913, No 523 by which the
regulation for the execution of the law 30 August 1868 No 4577 on
specific manufacturing marks and stamps was approved;

Considering the Royal Law-Decree 10 January 1926 No 169 made
into the law of 29 December 1927, No 2701, by which became effective
in the Kingdom the two international Deeds stipulated at the Hague on
6 December 1925 between Italy and other Nations which respectively
amended the Convention of the Union of Paris of 20 March 1883 for the
protection of industrial property and the Agreement of Madrid of 14
April 1891 regarding the international registration of manufacturing
and commercial marks;

Considering the Royal Decree 8 July 1938 No 1415 by which the
texts of the law of war and of neutrality were approved;

Considering the Royal Law-Decree 3 April 1941, No 396, made into
law on 23 February 1942, No 250, containing provisions on the customary
legal licenses and other additional provisions concerning patents of

By virtue of the authority conferred to us;

Considering the law-decree of the Lieutenant of the Kingdom of 25 June 1944 No 151;

Considering the law-decree of 19 June 1939, No 1117, containing the text of legislative provisions regarding patents for industrial inventions;

Considering the Royal Decree 5 February 1940, No 144 with which the text of regulations regarding patents for industrial inventions was approved;

Considering the Royal Decree 25 August 1940, No 1411 containing the text of the legislative provisions as regards patents for industrial models;

Considering the Royal Decree 31 October 1941, No 1554 containing the text of regulations concerning patents for industrial models;

Considering the Royal Decree 21 June 1942, No 929 containing the text of the legislative provisions concerning patents of trademarks;

Considering the Royal Decree 20 March 1913, No 526 by which the regulation for the execution of the law 30 August 1868 No 4577 on specific manufacturing marks and stamps was approved;

Considering the Royal Law-Decree 10 January 1926 No 169 made into the law of 29 December 1927, No 2701, by which became effective in the Kingdom the two international Deeds stipulated at the Hague on 6 December 1925 between Italy and other Nations which respectively amended the Convention of the Union of Paris of 20 March 1883 for the protection of industrial property and the Agreement of Madrid of 14 April 1891 regarding the international registration of manufacturing and commercial marks;

Considering the Royal Decree 8 July 1938 No 1415 by which the texts of the law of War and of neutrality were approved;

Considering the Royal Law-Decree 3 April 1941, No 396, made into law on 23 February 1942, No 236, containing provisions on the customary legal licenses and other additional provisions concerning patents of inventions, medals and trade-marks;

Recognizing the necessity to protect patent rights which had expired or would expire on account of war conditions:

1 7 8 7

With the approval of the Cabinet Council;

Upon request of the Minister Undersecretary of State for Industry, Commerce and Labour, together with the Ministers for Foreign Affairs and Finance;

WE HAVE APPROVED AND DECREE AS FOLLOWS:

Art. 1.

The provisions established by laws, regulations and international Conventions in force, relative to the purchase and to the preservation of patent rights for industrial inventions, industrial models and trademarks not expired by the 1st of September 1939, are extended to the date which will be fixed in a subsequent provision except for what is stated in the following articles:

Art. 2.

As regards the restoration of patent rights expired after the 1st September 1939 for failed payment of annual taxes, the owners of these rights, their successors or others concerned will have to submit a request to the Head Office for Patents in the Ministry of Industry, Commerce and Labour.

Art. 3.

The Head Office for Patents registers the annual taxes paid according to the preceding article and notifies the interested parties when the reintegration of the patent has taken place.

The lists of restored patents will be posted in the Roll of the Head Office and published in the "Bulletin for patents, inventions, models and trademarks".

Art. 4.

All third parties who have used the object of a patent right which had expired on account of provisions in force, will have to suspend all such use on the day this decree becomes effective. No action may be taken against them for activities accomplished in good faith after the 1st September 1939.

Art. 5.

Art. 1.

The provisions established by laws, regulations and international Conventions in force, relative to the purchase and to the preservation of patent rights for industrial inventions, industrial models and trademarks not expired by the 1st of September 1939, are extended to the date which will be fixed in a subsequent provision except for what is stated in the following articles:

Art. 2.

As regards the restoration of patent rights expired after the 1st September 1939 for failed payment of annual taxes, the owners of these rights, their successors or others concerned will have to submit a request to the Head Office for Patents in the Ministry of Industry, Commerce and Labour.

Art. 3.

The Head Office for Patents registers the annual taxes paid according to the preceding article and notifies the interested parties when the reintegration of the patent has taken place.

The lists of restored patents will be posted in the Roll of the Head Office and published in the "Bulletin for patents, inventions, models and trademarks".

Art. 4.

All third parties who have used the object of a patent right which had expired on account of provisions in force, will have to suspend all such use on the day this decree becomes effective. No action may be taken against them for activities accomplished in good faith after the 1st September 1939.

Art. 5.

The compulsory payment of additional taxes fixed by the regulation in force for delayed payment of patent taxes is suspended from the date established in the preceding article 1, except in case the limit of time for the payment of such taxes has already expired at the date of 1st September 1939.

However, the additional taxes paid prior to the date on which the present decree becomes effective, cannot be reimbursed.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

Art. 6.

The preceding provisions also apply to foreign owners of patent rights on conditions of reciprocity.

Existence of reciprocal treatment between many foreign countries will be recognised with decrees of the Minister of Industry, Commerce and Labour.

Art. 7.

The present decree will become effective from the date of its publication in the Official Gazette of the Kingdom.

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The present decret will become effective from the date
of its publication in the Official Gazette of the Kingdom.

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C O P I A

MINISTERO DELLE CORPORAZIONI
dell'Industria, del Commercio e del Lavoro
Roma, 16 Gennaio 1945

Prot. N° 34

Allegati: 1 schema di decreto

Alle Commissione Alleata
Sottocommissione di finanza
Sezione per il Controllo dei Beni
Via San Basilio n. 45 R O M A

Oggetto: Tutela dei diritti di brevetto.-

A seguito dello scambio di idee verificatosi nella riunione avvenuta nel pomeriggio del 12 c.m. presso l'edesto Sottocommissione di finanza, si è predisposto l'unico nuovo schema di provvedimento concernente la tutela dei diritti di brevetto.

Con l'art. 1° dello schema di decreto in questione si viene preliminarmente a provvedere, nel modo più largo possibile, ad impedire la decadenza dei diritti di brevetto durante lo stato di guerra. A tal fine si è seguito il criterio di prorogare, sine die, tutti i termini perentori sulle specifiche materie dei diritti di brevetto rimandando ad un successivo provvedimento il compito di ripristinare tali termini quando, naturalmente, le condizioni generali lo consentiranno.

Per le disposizioni contenute nella legislazione vigente la decadenza dei brevetti per mancato pagamento delle annualità di tasse viene pronunciata, in via amministrativa, dall'Ufficio Centrale del Ministero che cura anche la pubblicazione, in apposito Bollettino Ufficiale, degli elenchi dei brevetti decaduti per tale causa. Si è voluto, negli articoli 2 e 3 dello schema di provvedimento disporre che, analogamente a quanto avviene per le pronuncie di decadenza, anche la reintegrazione dei brevetti decaduti per mancato pagamento di tasse fosse dichiarata dall'Ufficio e soggetta a formalità di pubblicazione.

Nell'art. 4 dello schema, accogliendo sostanzialmente le osservazioni formulate dai rappresentanti di codesta Sottocommissione, nel corso della riunione del 12 c.m., si è limitata la possibilità di una utilizzazione da parte di terzi di buona fede dell'oggetto di diritti di brevetto caducati, all'intervallo compreso dal periodo di decadenza a quello di entrata in vigore del provvedimento. Sembra a questo Ministero che il cosiddetto diritto del terzo (riconosciuto e tutelato in pressoché tutte le leggi del genere pubblicate durante la guerra da paesi sia belligeranti che neutrali), ristretto nei limiti previsti dalla nuova formulazione dell'art. 4 dello schema, risponda ad evidenti ragioni di equità e,

Oggetto: Tutela dei diritti di brevetto.-

A seguito dello scambio di idee verificatosi nella riunione avvenuta nel pomeriggio del 12 c.m. presso codesta sottocommissione di finanza, si è predisposto l'unito nuovo schema di provvedimento concernente la tutela dei diritti di brevetto.

Con l'art.1^o dello schema di decreto in questione si viene preliminarmente a provvedere, nel modo più largo possibile, ad impedire la decadenza dei diritti di brevetto durante lo stato di guerra. A tal fine si è seguito il criterio di proteggere, sine die, tutti i termini perentori sulle specifiche materie dei diritti di brevetto rinviando ad un successivo provvedimento il compito di ripristinare tali termini quando, naturalmente, le condizioni generali lo consentiranno.

Per le disposizioni contenute nella legislazione vigente la decadenza dei brevetti per mancato pagamento delle annualità di tasse viene pronunciata, in via amministrativa, dall'Ufficio Centrale del Ministero che cura anche la pubblicazione, in apposito Bollettino Ufficiale, degli elenchi dei brevetti decaduti per tale causa. Si è voluto, cogli articoli 2 e 3 dello schema di provvedimento disporre che, analogamente a quanto avviene per le pronunce di decadenza, anche la reintegrazione dei brevetti decaduti per mancato pagamento di tasse fosse dichiarata dall'Ufficio e soggetta a formalità di pubblicazione.

Nell'art.4 dello schema, accogliendo sostanzialmente le osservazioni formulate dai rappresentanti di codesta On. Sottocommissione, nel corso della riunione del 12 c.m., si è limitata la possibilità di una utilizzazione da parte di terzi di buona fede dell'oggetto di diritti di brevetto caducati, all'intervallo compreso del periodo di decadenza e quello di entrata in vigore del provvedimento. Sembra a questo Ministero che il cosiddetto diritto del terzo (riconosciuto e tutelato in pressoché tutte le leggi del genere pubblicate durante la guerra da Paesi sia belligeranti che neutrali), ristretto nei limiti previsti dalla nuova formulazione dell'art.4 dello schema, risponda ad evidenti ragioni di equità e, in pari tempo, non sia tale da pregiudicare in modo apprezzabile i titolari esteri di brevetti italiani. A parte la circostanza che, sino a tutto il 1942, gli elenchi dei brevetti italiani decaduti per mancato pagamento delle annualità di tasse furono regolarmente pubblicati nel Bollettino Ufficiale dell'Ufficio Brevetti, rendendo in tal modo esolute la buona fede di un eventuale terzo che, posteriormente alla pubblicazione di decadenza, avesse utilizzato

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L'oggetto dei diritti caducati, sta di fatto che per un principio generale di diritto, universalmente accolto nella legislazione dei paesi giuridicamente più progrediti, norme di carattere restrittivo non possono avere effetti retroattivi.

Nulla di notevole è da rilevare sul contenuto dei successivi articoli 5 e 6 del provvedimento che si sottopone all'esame di codesta On.le Sottocommissione; si resta comunque a disposizione per gli eventuali ulteriori chiarimenti che codesta Commissione ritenesse necessari.

IL MINISTRO
(firmato GRANCHI)

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Declassified E.O. 12356 Section 3.3/NND No. 785016

IL MINISTRO
(SIRIUS GRONCHI)

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TRANSMISSION

MINISTRY OF COMMUNICATIONS
OF INDUSTRY, COMMERCE AND LABOUR

File No 34

Encl: 1 draft decree.

Subject: Protection of Patent Rights.

To : Allied Commission, Finance Sub-Commission
Property Control Division,
Via San Basilio 45, Rome.

Following the discussion at the meeting held in the afternoon of 12 January in the Finance Sub-Commission, the enclosed new draft of regulations regarding the protection of patent rights has been prepared.

With article 1 of the draft decree in question preliminary measures are taken to prevent, as far as possible, the expiring of patent rights in war-time. Therefore, we have decided to extend, since 1st, all peremptory terms concerning patent rights; the renewal of such terms will be settled in subsequent regulations when, of course, general conditions will permit.

As regards the regulations contained in the legislation in force, notice of the expiration of patents for non payment of annual taxes will be given, through administrative channels, by the Head Office of the Ministry which also publishes, in an appropriate Official Bulletin, lists of patents expired for each reason. We decided that articles 2 and 3 of the draft decree, as for the declaration of expiration, also the reintegration of patents expired for failed payment of taxes should be notified by the Office and subject to the formalities of publication.

In article 4 of the draft, accepting in substance the observations of the representatives of this Sub-Commission during the meeting of 12 January 1945, the possibility of utilization by third parties in good faith of patent rights fallen due has been limited in the interval running from the time of expiration to the effective date of the decree. It seems to this Ministry that the so-called rights of a third party (recognized and protected by belligerent and neutral countries in almost every law of the kind published during the war) contained within the limits proposed in the new form of article 4 of the draft, fulfill obvious needs of equity and at the same time do not greatly damage the foreign owners of Italian patents. Apart from the fact that up to the end of 1942

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Following the discussion at the meeting held in the afternoon of 12 January in the Finance Sub-Commission, the enclosed new draft of regulations regarding the protection of patent rights has been prepared.

With article 1 of the draft decree in question preliminary measures are taken to prevent, as far as possible, the expiring of patent rights in war-time. Therefore, we have decided to extend, since the, all peremptory terms concerning patent rights; the renewal of such terms will be settled in subsequent regulations when, of course, general conditions will permit.

As regards the regulations contained in the legislation in force, notice of the expiration of patents for non payment of annual taxes will be given, through administrative channels, by the Head Office of the Ministry which also publishes, in an appropriate Official Bulletin, lists of patents expired for such reason. We decided that articles 2 and 3 of the draft decree, as for the declaration of expiration, also the reintegration of patents expired for failed payment of taxes should be notified by the Office and subject to the formalities of publication.

In article 4 of the draft, accepting in substance the observations of the representatives of this Sub-Commission during the meeting of 12 January 1945, the possibility of utilization by third parties in good faith of patent rights fallen due has been limited in the interval running from the time of expiration to the effective date of the decree. It seems to this Ministry that the so-called rights of a third party (recognized and protected by belligerent and neutral countries in almost every law of the kind published during the war) contained within the limits proposed in the new form of article 4 of the draft, fulfill obvious needs of equity and at the same time do not greatly damage the foreign owners of Italian patents. Apart from the fact that up to the end of 1942 the lists of Italian patents expired through non payment of annual taxes were regularly published in the Official Bulletin of the Patent Office, bringing assurance to a third party who, after the publication of expiration, had used the subject of such expired rights, it is certain that according to a principle of right universally accepted by the legislation of nations whose juridical field is most progressed, rules of a restrictive character cannot have a retroactive effect.

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There is nothing of importance to notify in the following articles 5 and 6 transmitted for the examination of this Sub-Commission; we are at your disposal for explanations which the Commission will consider necessary.

The Minister

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Declassified E.O. 12356 Section 3.3/NND No. 785016

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The Minister

HEADQUARTERS ALLIED COMMISSION
APC 394
FINANCE SUB-COMMISSION
Property Control Division
Tel. 471387

EOK/gv

AC/039.2/GP

23 January 1945

Subject: Decree of de-sequestration.

To : Political Section
(Attn: A.S. Halford)

1. Reference your inter-office memorandum of 20 January 1945 and attached papers, all of which are returned herewith.

2. We assume that the latest draft is satisfactory to you. It was submitted to your office about 9 January and after a day or two was returned to us with the words "e allo Stato Francese" stricken from the first para. of Art. 1, and the words "e dello Stato Francese" from the second para. of the same article, and with the following note in the margin "correzioni apportate d'ordine del Ministero degli Affari Esteri, 12 January 1945 - (signed) Cittadini".

3. Since then we have received copy of draft of a proposed supplemental decree which we understand will be passed contemporaneously with the main decree. Copy of such supplemental draft decree is attached. You will note it purports to make the decree effective as to the United States, United Kingdom and Russia only.

4. We expect the decree to be passed tomorrow.

Edward C. King
EDWARD C. KING
Lt. Col., Spec. Res
Chief, Property Control Division
Finance Sub-Commission

Encl: Cpy proposed supplemental decree
Memo dtd 20 Jan 45 and attached papers

6582

C O P Y*Restricta*

IL PRESIDENTE DEL CONSIGLIO DEI MINISTRI
Primo Ministro Segretario di Stato

Visto l'art.1, secondo comma, del decreto legislativo luogotenenziale gennaio 1945, n....., concernente la abrogazione dei provvedimenti e delle misure adottati in materia di beni appartenenti agli Stati delle Nazioni Unite, nonché alle persone, fisiche e giuridiche, aventi la nazionalità degli Stati stessi;

Di concerto con i Ministri per gli Affari Esteri e per il Tesoro;

DECRETA

Il decreto legislativo luogotenenziale.....gennaio 1945, n.....é applicabile nei confronti degli Stati Uniti d'America, del Regno Unito di Gran Bretagna e dell'Irlanda del Nord, dei Dominions e dell'Unione Repubbliche Socialiste Sovietiche, a partire dal.....(data di entrata in vigore del D.L.L. su citato).

Il presente decreto sarà pubblicato nella Gazzetta Ufficiale del Regno.

Roma.....

ALLIED [REDACTED] COMMISSION
 INTER-OFFICE MEMORANDUM

SUBJECT: Enemy Property Fund.

FILE No. _____

TO : Finance S/C.
 (Major E.C. King)

20th Jan. 1945

Re. the attached copy of the
 draft decree regarding "Enemy" Property to Mr.
 Haffsins' query.

Can you say whether the draft is
 satisfactory.

[Signature] 6580

(B. S. TALFORD)
 Asst. Secy. for
 Finance & Econ.

POLITICAL SECTION, A.C.

ROUTING SLIP

19 JAN 45
(Date)

TO	
	CHIEF COMMISSIONER
	CHIEF OF STAFF
	CIVIL AFFAIRS SECTION
	ECONOMIC SECTION
	AIR SUB-COMMISSION
	COMMUNICATIONS SUB-COMMISSION
	DISPLACED PERSONS AND REPATRIATION SUB-COMMISSION
	FINANCE SUB-COMMISSION
	ITALIAN P.O.F. SUB-COM.
	LAND FORCES SUB-COM. (PMA)
X	LOCAL SUB-COMMISSION
	NAVY SUB-COMMISSION
	PUBLIC SAFETY SUB-COMMISSION
	SHIPPING SUB-COMMISSION
	TRADE DIVISION
	CIPHER SECURITY MISSION
	FOR Appropriate Action
	" Info and Retention/Return
	" Approval and Return
	" Consent and Return
X	See Mr. McGowan /MORRISON'S/ REMARKS

Political Section

REMARKS: Mayor Ed. King
of Property Control is
dealing with the new
series which is understood
to be in order.
Please get him to confirm
as the matter is, at least
momentarily out of our hands 95H

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Legal Sub Commission.

I understand that this
document has now been
re-drawn in the
form desired by us.

John
POLITICAL Jan. 19.

HEADQUARTERS ARMED COMMIS

ABBOLIZIONE DEI PROVVEDIMENTI E DELLE MISURE ADOPTATE IN
MATERIA DI BENI APPARTENENTI AGLI STATI DELLA NAZIONE UNITA
E ALLO STATO PRUSSIANO, NONCHÉ ALLE PERSONE, FISICHE E GIU-
RIDICHE, AVENTI LA NAZIONALITÀ DEGLI STATI SPESSE.

UMBERTO DI SAVOIA

Principe di Piemonte

Luogotenente Generale del Regno

In virtù dell'autorità a Noi delegata

Vista la legge di guerra, approvata con R. decreto 8
luglio 1938, n. 1415.

Visto il R. decreto 10 giugno 1940, n. 566, riguardante

l'applicazione delle leggi di guerra nei territori dello Stato;

Visto il R. decreto 15 novembre 1940, n. 1886, che sotto-
pone a sequestro le navi mercantili nemiche appartenenti a
privati;

Vista la legge 16 dicembre 1940, n. 1902, portante va-
riazioni ed aggiunte al R. decreto 8 luglio 1938, n. 1415;

Vista la legge 19 dicembre 1940, n. 1994, riguardante nuove
norme circa il trattamento dei beni nemici ed i rapporti econo-
mici con le persone di nazionalità nemica;

Visto il R. decreto 10 marzo 1941, n. 519, che approva il
regolamento relativo al trattamento dei beni nemici nel terri-
torio dello Stato;

Visti i RR. decreti-legge 17 giugno 1941, n. 494, e 23
giugno 1941, n. 608, convertiti nelle leggi 9 febbraio 1942,
n. 179, recanti disposizioni sui beni esistenti in Italia ed
appartenenti a persone aventi la nazionalità degli Stati Uniti
d'America;

Visto il R. decreto 10 luglio 1941, n. 619, concernente
norme integrative di quelle emanate con i RR. decreti-legge
17 giugno 1941, n. 494 e 23 giugno 1941, n. 608;

Visto il R. decreto-legge 27 dicembre 1941, n. 1674, circa
l'applicazione di norme sul trattamento dei beni appartenenti

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Vista la legge di guerra, approvata con R. decreto 8 luglio 1938, n. 1415,

Visto il R. decreto 10 giugno 1940, n. 566, riguardante l'applicazione della legge di guerra nei territori dello Stato;

Visto il R. decreto 25 novembre 1940, n. 1886, che sottopone a sequestro le navi mercantili nemiche appartenenti a privati;

Vista la legge 16 dicembre 1940, n. 1902, portante variazioni ed aggiunte al R. decreto 8 luglio 1938, n. 1415;

Vista la legge 19 dicembre 1940, n. 1894, riguardante nuove norme circa il trattamento dei beni nemici ed i rapporti economici con le persone di nazionalità nemica;

Visto il R. decreto 10 marzo 1941, n. 618, che approva il regolamento relativo al trattamento dei beni nemici nel territorio dello Stato;

Visti i RR. decreti-legge 17 giugno 1941, n. 494, e 23 giugno 1941, n. 509, convertiti nella legge 9 febbraio 1942, n. 379, recanti disposizioni sui beni esistenti in Italia ed appartenenti a persone aventi la nazionalità degli Stati Uniti d'America;

Visto il R. decreto 10 luglio 1941, n. 619, concernente norme integrative di quelle emanate con i RR. decreti-legge 17 giugno 1941, n. 494 e 23 giugno 1941, n. 509;

Visto il R. decreto-legge 27 dicembre 1941, n. 1604, circa l'applicazione di norme sul trattamento dei beni appartenenti a cittadini degli Stati Uniti d'America, convertito nella legge 10 maggio 1942, n. 751, nonché il decreto del Capo del Governo 12 agosto 1942, concernente il diniego del visto, di cui all'art. 12 del R.D.L. 4 febbraio '42 n. 13, alle azioni che risultano avere appartenuto agli stessi cittadini successivamente al 17 giugno 1941.

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23/1/45

This is not the
latest draft, but one
made last November

Visto il Decreto-legge 4 febbraio 1942, n. 11 convertito con modificazioni nella legge 17 luglio 1942, n. 1100, recante nuove norme sulle aziende appartenenti a persone di nazionalità nemica;

Visto il Decreto-legge Luogotenenziale 25 giugno 1944, n. 151;

Sentito il Consiglio dei Ministri

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato e Ministro degli Affari Esteri, e dei Ministri del Tesoro e dell'Industria Commercio e Lavoro, d'intesa col Ministro di Grazia e Giustizia

ARRETO DECRETATO E DECRETANDO

Art. I°

Sono approvati i provvedimenti e le misure adottati in virtù delle leggi di guerra approvate con R. Decreto 2 luglio 1938, n. 1475, e successive modificazioni ed aggiunte e delle altre disposizioni legislative sopra indicate, in materia di beni appartenenti agli Stati facenti parte delle Nazioni Unite allo Stato francese nonché alle persone, fisiche e giuridiche, aventi la nazionalità degli Stati stessi.

L'intendente di finanze provvede all'adempimento delle formalità richieste dall'articolo 298, ultimo comma, della legge di guerra e dell'articolo 9 del R.D.L. 4 febbraio 1942 n. 11, convertito con modificazioni nella legge 17 luglio 1942 n. 1100, per la revoca dei provvedimenti di sequestro e di liquidazione.

Art. II°

La gestione del sequestratario o del liquidatore cessa dopo 30 giorni dalla data dell'entrata in vigore del presente decreto legislativo. Il sequestratario o il liquidatore è tenuto, per tanto, ad effettuare, entro detto termine, la restituzione dei beni all'avente diritto o al suo legale rappresentante.

La gestione del sequestratario o del liquidatore cessa dopo 30 giorni dalla data dell'entrata in vigore del presente decreto legislativo.

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Esteri, e dei Ministri del Tesoro e dell'Industria Commercio e Lavoro, d'intesa col Ministro di Grazia e Giustizia

ARMANDO DECRETATO E DECRETATO

Art. 16

Sono abrogati i provvedimenti e le misure adottati in virtù delle leggi di guerra approvate con R. decreto 2 luglio 1938, n. 1415, e successive modificazioni ed aggiunte e delle altre disposizioni legislative sopra indicate, in materia di beni appartenenti agli Stati facenti parte delle Nazioni Unite le allo Stato francese, nonché alle persone, fisiche e giuridiche, aventi la nazionalità degli Stati stessi.

L'intendente di finanze provvede all'adempimento delle formalità richieste dall'articolo 208, ultimo comma, della legge di guerra e dell'articolo 9 del R.D.L. 4 febbraio 1942 n. 11, convertito con modificazioni nella legge 17 luglio 1942 n. 1100, per la revoca dei provvedimenti di sequestro e di liquidazione.

Art. 17

La gestione del sequestratario o del liquidatore cessa dopo 30 giorni dalla data dell'entrata in vigore del presente decreto legislativo. Il sequestratario o il liquidatore è tenuto, per tutto, ad effettuare, entro detto termine, la restituzione dei beni all'avente diritto o al suo legale rappresentante.

All'atto della restituzione il sequestratario o il liquidatore redige processo verbale, con l'intervento della avente diritto, o del suo legale rappresentante, al quale è tenuto ⁶⁵⁷⁸ presentare il rendiconto finale della gestione corredato dell'inventario e, per le aziende industriali e commerciali, dell'ultimo bilancio.

Nel caso che la restituzione non venga effettuata nel termine anzidetto, il Ministro del tesoro nomina un amministratore per provvedere alla temporanea amministrazione dei beni stessi.

Fino a quando non sarà provveduto a tutte le nomine le funzioni di amministratore restano affidate al sequestratario o al liquidatore che inizia la nuova gestione redigendo il rendiconto finale, concordato dell'inventario e, per le aziende industriali e commerciali, dell'ultimo bilancio.

Art. III

Nel caso che l'amministratore non sia lo stesso sequestratario o il liquidatore, la consegna dei beni deve essere effettuata collo stesse modalità e sulla base dei documenti di cui all'articolo precedente.

Art. IV

Il processo verbale di restituzione o di consegna e gli atti di cui agli articoli 2 e 3 sono depositati, insieme a tre copie, del sequestratario o del liquidatore, nel termine di tre giorni, presso l'intendenza di finanza.

L'intendenza di finanza trasmette due di dette copie al Ministero del tesoro e, per le aziende industriali e commerciali, altra copia al Ministero dell'industria, commercio e lavoro.

Art. V

L'amministratore provvede, sotto la vigilanza del Ministero del tesoro, alla custodia, alla conservazione e, occorrendo, all'amministrazione ordinaria, dei beni sottoposti alle sue gestioni temporanee.

Gli atti eccezionali l'ordinaria amministrazione, o che comunque importino impegni a carico di più esercizi sociali, debbono essere preventivamente autorizzati dal Ministero del tesoro.

All'amministratore può essere consentita una indennità da determinarsi dal Ministero del tesoro, tenuto conto dell'entità

Nel caso che l'amministratore non sia lo stesso sequestratario o il liquidatore, la consegna dei beni deve essere effettuata dallo stesso modalità e sulla base dei documenti di cui all'articolo precedente.

Art. IV°

Il processo verbale di restituzione o di consegna e gli atti di cui agli articoli 2 e 3 sono depositati, insieme a tre copie, dal sequestratario o dal liquidatore, nel termine di tre giorni, presso l'intendenza di finanze.

L'intendenza di finanze trasmette due di dette copie al Ministero del tesoro e, per le aziende industriali e commerciali, altre copie al Ministero dell'Industria, commercio e lavoro.

Art. V°

L'amministratore provvede, sotto la vigilanza del Ministero del tesoro, alla custodia, alla conservazione e, occorrendo, all'amministrazione ordinaria, dei beni sottoposti alla sua gestione temporanea.

Gli atti eccedenti l'ordinaria amministrazione, o che comunque importino impegni e carico di più esercizi sociali, debbono essere preventivamente autorizzati dal Ministero del tesoro.

All'amministratore può essere consentita una indennità da determinarsi dal Ministero del tesoro, tenuto conto dell'entità del lavoro da compiere.

Art. VI°

L'amministratore deve rimettere al Ministero del tesoro, per il tramite dell'intendenza di finanze, in duplice esemplare:

- 1) - alla fine di ogni semestre, il rendiconto della gestione
- 2) - per le aziende industriali e commerciali, alla fine di ogni esercizio anche copia dell'inventario e del bilancio:

3) - alla fine della gestione, il nel conto finale.

Art. VIII

Fino alla restituzione dei beni all'avente diritto o al suo legale rappresentante, i giudici in corso relativi ai beni di cui all'articolo 1° restano esclusi a norma dell'art. 3 del R.D.L. 3 gennaio 1944 nel caso che la prosecuzione del giudizio sia autorizzata dal ministro del tesoro.

Le predette sospensioni si applicano anche nei casi in cui il processo sia interrotto a norma degli art. 299 e segg. del Codice Proc. Civ.

Art. VIII

All'atto della restituzione dei beni all'avente diritto, o al legale rappresentante, questi è tenuto a rimborsare l'ammontare delle spese ordinarie di gestione erogate dal sequestro, dal liquidatore o dall'amministratore nonché le somme con gli interessi legali anticipate per l'estinzione dei debiti o per la conservazione o incremento o miglioramento dei beni stessi, la quantificazione delle spese non viene compiuta dai frutti dei beni stessi o da altre attività del sequestro o dall'amministrazione.

L'ammontare del credito del sequestro, riconosciuto e non rimborsato all'atto della restituzione dei beni, ha privilegio sui beni stessi a norma dell'art. 304 della legge di guerra.

Lo stesso privilegio compete al liquidatore o all'amministratore.

Art. IX

Lo avvincolo di somme di denaro, di titoli o di valori depositati, ai sensi delle disposizioni di legge contemplate nel presente decreto, presso la Banca d'Italia o altri istituti bancari o finan-

La prefetta sospensione si applica anche nei casi in cui il processo sia interrotto e norma degli art. 299 e segg. del Codice Proc.Civ.

Art. VIII

All'atto della restituzione dei beni all'eventuale diritto, o al loro rappresentante, questi è tenuto a rimborsare l'ammontare delle spese ordinarie di gestione erogate dal sequestratario, dal liquidatore o dall'amministratore nonché le somme con gli interessi legali anticipate per l'estinzione dei debiti o per la conservazione o incremento o miglioramento dei beni stessi, in quanto tali spese non siano compense dei frutti dei beni stessi o da altre attività del sequestro o dell'amministrazione.

L'ammontare del credito del sequestratario, riconosciuto e non rimborsato all'atto della restituzione dei beni, ha privilegio sui beni stessi a norma dell'art. 104 della legge di guerra.

Lo stesso privilegio compete al liquidatore o all'amministratore.

Art. IX

Lo evincolo di somme di denaro, di titoli o di valori depositati, ai sensi delle disposizioni di legge contemplate nel presente decreto, presso la Banca d'Italia o altri istituti bancari o finanziari, viene effettuato su richiesta dell'interessato, previo nulla osta del Ministro del tesoro.

Art. X

Nel caso che i beni sottoposti ad amministrazione non producano rendite o non comprendano attività liquide in misura sufficiente per provvedere alle spese per la gestione il Ministro del tesoro può disporre che esse siano anticipate dallo Stato

mediante apposizione nel suo bilancio.

Le spese anticipate dello Stato, e norme del comma precedente, sono retribibili a carico del proprietario con l'interesse dell'1% superiore al tasso ufficiale di sconto.

Il credito dello Stato, per le somme anticipate, ha privilegio sui beni sottoposti ad amministrazione, con preferenza su ogni credito, ancorchè privilegiato.

Le disposizioni del presente articolo non sono applicabili alle aziende industriali e commerciali.

Art. XII

Il presente decreto entra in vigore nel giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo, e chiunque spetti, di osservare il presente decreto e di farlo rispettare come legge dello Stato.

Fatto a Roma, addì

Final Draft of 17 October 1944

1813

Le disposizioni del presente articolo non sono applicabili alle aziende industriali e commerciali.

Art. XI^o

Il presente decreto entra in vigore nel giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo, e chiunque spetti, di osservare il presente decreto e di farlo rispettare come legge dello Stato.

Dato a Roma, addì

Final Draft of 17 October 1944

6575

THATATION

REVIEW OF THE EFFECTS OF THE LIEUTENANT GENERAL OF THE KINGDOM

REGISTRATION OF THE EVIDENCES AND MEASURES TAKEN REGARDING
PROPERTY BELONGING TO THE ALLIED NATIONS IN FRANCE AND
IN THE ALGERIAN AND JUDICIAL PERSONS HAVING THE ABOVE
MENTIONED QUALITIES.

CHARLES DE GAULLE

Prince of Monaco

Lieutenant General of the Kingdom

In virtue of the authority conferred to us

Considered the war-law, approved with Royal decree 8 July
1938, n.1415; n.

Considered the R. decree 10 June 1940, n.358, regarding the
application of the war-law in the territory of the state;

Considered the law 16 December 1940, n.1362, making variations
and additions in the R. decree 8 July 1938, n.1415;

Considered the R. decree 25 November 1940, n. 1886, which
places under surveillance the merchant ships of the enemy
belonging to private persons;

Considered the law 10 December 1940, n.1894, regarding new
provisions concerning the treatment of the enemy property and
the economical relations with persons of enemy nationality;

Considered the R. decree 10 March 1941, n. 618, which
approves the rule relative to the treatment of the enemy goods
in the territory of the state;

Considered the Royal law-decree 17 June 1941, n. 494 and
23 June 1941, n.502, changed into law 9 February 1942, n. 379,
showing the provisions regarding property existing in Italy
and belonging to persons of American nationality;

Considered the R. decree 10 July 1941, n.519, concerning
rules completing those issued by the Royal law-decree 17 June
1941 n.494 and 23 June 1941, n.502;

Considered the Royal law-decree 27 December 1941, n. 1824,
regarding the application of rules for the treatment of property
belonging to American citizens, converted in law 1st May 1942,
n.761 and also the decree of the Chief of Government 12 August
1942, concerning the denial of approval, of which in art. 12 of
the R.I.P. 4 February 1942 n.11, of the changes which result to
belong to the same citizens after the 17 June 1941;

Considered the R. law-decree 4 February 1942, n.11, converted
with modifications in law 17 July 1942, n. 1160, showing new rules
regarding the goods belonging to persons of enemy nationality;

Considered the law-decree of the Lieutenant General of the
Kingdom 25 June 1944, n.151;

After conferring with the Cabinet Council

Considered the ver-law, approved with Royal decree 8 July 1940, n. 14154 n.

Considered the R. decree 10 June 1940, n. 855, regarding the application of the ver-law in the territory of the State;

Considered the law 16 December 1940, n. 1902, making variations and additions in the R. decree 8 July 1940, n. 14154;

Considered the R. decree 25 November 1940, n. 1885, which places under amputation the percentage share of the enemy belonging to private persons;

Considered the law 18 December 1940, n. 1904, regarding new provisions concerning the treatment of the enemy property and the economic relations with persons of enemy nationality;

Considered the R. decree 10 March 1941, n. 818, which approves the rule relative to the treatment of the enemy goods in the territory of the State;

Considered the Royal law-decree 17 June 1941, n. 494 and 23 June 1941, n. 508, changed into law 9 February 1942, n. 173, approving the provisions regarding property existing in Italy and belonging to persons of American nationality;

Considered the R. decree 10 July 1941, n. 610, concerning rules completing those issued by the Royal law-decree 17 June 1941 n. 494 and 23 June 1941, n. 508;

Considered the Royal law-decree 27 September 1941, n. 1624, regarding the application of rules for the treatment of property belonging to American citizens, converted in law 1st May 1947, n. 761 and also the decree of the Chief of Government 12 August 1942, concerning the denial of approval, of which in art. 10 of the R.L.N. 4 February 1940 n. 11, of the share which result to belong to the same citizens after the 17 June 1941;

Considered the R. law-decree 4 February 1947, n. 11, converted with modifications in law 17 July 1948, n. 1100, showing new rules regarding the concerns belonging to persons of enemy nationality;

Considered the law-decree of the Lieutenant General of the Kingdom 25 June 1944, n. 151;

After conferring with the Cabinet Council

On proposal of the Chief of Government, Prime Minister Secretary of State and Minister of Foreign Affairs, and of the Ministers of the Treasury and of Industry, Commerce and Labour, in accordance with the Minister of Justice

6594

AS DECREES:

Art. 1

The provisions and measures taken according to the law of war approved by R. decree 8 July 1938, n. 1938, n. 1415, and subsequent

sequestration and seizures in case of goods belonging to the
 seized nationalities, and to those nationalities, are also subjected.

The intercession of finance provided for the fulfillment of
 the liquidation provided by art. 20, 1st para., of the law
 and by art. 6 of the C.I. A temporary law n. 11, converted in
 the 17 July 1944 n. 1380 with modifications, for the revocation
 of the provisions of sequestration and liquidations.

Art. 2

The management of the sequestration or of the liquidator
 ceases after 30 days from the date of becoming operative of the
 present legislative decree. The sequestrator or the liquidator
 is obliged, therefore, to carry out, within such times, the re-
 presentation of the property to the owner or to his legal rep-
 resentative.

At the moment of the re-assignment the sequestrator or the
 liquidator draws up a verbal process, in presence of the owner or
 his legal representative, to which he has to present the final
 report of the management and with the inventory and, for
 the industrial and commercial concerns, of the final balance.

In case the re-assignment is not carried out within the above
 mentioned date, the Minister of Treasury nominates a manager in
 order to provide for the temporary management of the property.

Until such nomination has been made the functions of manager
 remain in the hands of the sequestrator or liquidator who carries
 the new management involving up the final report with an inventory
 and, if there are industrial and commercial concerns, with the
 final balance.

Art. 3

In case the manager be not the sequestrator or the liquidator
 himself, the re-assignment of the property has to be carried out
 with the same obligation and on basis of the document mentioned in
 the present article.

Art. 4

The verbal process of re-assignment or consignment and the
 documents mentioned in art. 2 and 3 are deposited, together with
 three copies, by the sequestrator or the liquidator, within three
 days, at the Interdipartimento di Finanze.

The management of the sequestrator or of the liquidator ceases after 30 days from the date of becoming operative of the present legislative decree. The sequestrator or the liquidator is obliged, therefore, to carry out, within such terms, the re-assignment of the property to the owner or to his legal representative.

At the moment of the re-assignment the sequestrator or the liquidator draws up a verbal process, in presence of the owner or his legal representative, to whom he has to present the final report of the management and filed with the inventory and, for the industrial and commercial concerns, of the final balance.

In case the re-assignment is not carried out within the above mentioned date, the Minister of Treasury nominates a manager in order to provide for the temporary management of the property.

Until such nomination has been made the functions of manager remain in the hands of the sequestrator or liquidator who begins the management starting up the final report with an inventory and, if there are industrial and commercial concerns, with the final balance.

Art. 3

In case the manager is not the owner, creditor or the liquidator himself, the re-assignment of the property has to be carried out with the same deliberation and on basis of the document mentioned in the present article.

Art. 4

The verbal process of re-assignment or commitment and the documents mentioned in art. 2 and 3 are deposited, together with three copies, by the sequestrator or the liquidator, within three days, at the Intendenza di Finanza.

The Intendente di Finanza sends two of these copies to the Ministry of the Treasury and if there are industrial and commercial concerns, another copy to the Ministry of Industry, Commerce and Labour.

Art. 5

The manager provides, under the surveillance of the Ministry of Treasury, for the custody, maintenance and if necessary for the ordinary management of the property placed

under his to custody

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manage out.

The actions regarding the ordinary management, or which in any way have obligations to several social functions, have to be previously authorized by the Minister of the Treasury.

To this manager may be created an indemnity which has to be fixed by the Minister of Treasury, considering the importance of the accomplished work.

Art. 6

The manager has to remit to the Ministry of Treasury, by means of the Intendente di Finanze, a duplicate:

- 1- at the end of each half-year, the report of the management;
- 2- if there are industrial and commercial concerns, at the end of each working period also a copy of the inventory and of the balance;
- 3- at the end of the management, the final report.

Art. 7

Until the re-assignment of the goods to the owner or to his legal representative, the judgments in cases relative to the goods mentioned in art. 1 remain suspended according to art. 1 of the S.I. 1 January 1914 n. 1. even in case the prosecution of the judgment be authorized by the Minister of Treasury.

The above mentioned suspension is also applied in case the lawsuit is interrupted according to art. 377 and following of the Penal Code Civ.

Art. 8

At the moment of the re-assignment of the property to the owner or to his legal representative, he is obliged to reimburse the amount of the ordinary expenses of management advanced by the sequestrator, liquidator or manager and also the sums with the legal interests advanced for the payment of the debts or for the legal interests, furthermore or improvement of the property. If these expenses are not covered by the income of the property or by other assets of the sequestration or of the management.

The amount of the credit of the sequestrator, acknowledged and not reimbursed at the moment of the re-assignment of the goods, has a privilege on the goods according to art. 1 of the law of 1917.

1- At the end of each half-year, the report of the management and of the liquidator shall be submitted to the court, at the end of each working period also a copy of the inventory and of the balance;

2- At the end of the management, the liquidator.

Art. 7

Until the re-conseignment of the goods to the owner or to his legal representative, the liquidator is in course relative to the goods mentioned in art. 1 remain suspended according to art. 1 of the L.L. 1 January 1944 n. 1. save in case the prosecution of the judgment be authorized by the Minister of Treasury.

The above mentioned suspension is also applied in case the liquidator is interrupted according to art. 1 of the L.L. 1 January 1944 n. 1.

Art. 8

At the moment of the re-conseignment of the property to the owner or to his legal representative, he is obliged to reimburse the amount of the ordinary expenses of management advanced by the liquidator. Liquidator or manager and also the owner for the legal interest advanced for the payment of the debts or for the administrative, maintenance or improvement of the property. If these expenses are not covered by the income of the property or by other assets of the administration or of the management.

The amount of the credit of the liquidator, acknowledged and not reimbursed at the moment of the re-conseignment of the goods, has a privilege on the goods according to art. 1 of the L.L. 1 January 1944 n. 1.

The same privilege is due to the liquidator and to the manager.

Art. 9

The withdrawal of bonds, bonds and valuation deposited, according to provisions of law considered in the present decree, in the bonds d'Italia or other banks or financial institutes, is carried out on request of the interested person, after approval of the Ministry of Treasury.

Art. 10

In case the properties placed under management do not give any income or do not comprise any liquid assets sufficient for the expenditure of the management, the Minister of Treasury may order that they be advanced by the Government, by means of special assignment to its balance.

The expenses advanced by the Government, according to the precedent cases, may be charged to the owner with the interest of 1% higher than the official tax of discount.

The provisions of the present article are not applicable to the industrial and commercial concerns.

Art. 11

The present Decree becomes operative the day after its publication in the Official Gazette of the Kingdom.

We order to everyone whom it is concerning, to observe the present Decree and to make it respect as a law of the Government.

Rome, _____

or 1 higher than the official tax or discount.

The provisions of the present article are not applicable to the industrial and commercial concerns.

Art. 11

The present decree becomes operative the day after its publication in the Official Gazette of the Kingdom.

We order to everyone whom it is concerning, to observe the present decree and to make it respect as a law of the Government.

Rome, _____

6571

In relazione al decreto legislativo che il Governo Italiano intende emanare in tema di abrogazione dei provvedimenti e delle misure adottati rispetto ai beni appartenenti agli Stati delle Nazioni Unite e allo Stato Francese, nonché alle persone fisiche e giuridiche aventi nazionalità degli Stati stessi, la Commissione Alleata di Controllo ha chiesto che venga precisato quanto segue:

1) - Senza pregiudizio alcuno per i diritti che tanto le Nazioni Unite e la Francia o i loro cittadini, quanto il Governo Italiano possono attualmente vantare, il Governo Italiano è responsabile nei confronti degli aventi diritto di tutti gli atti e le omissioni degli amministratori nominati in applicazione delle disposizioni di cui all'art. 2 del detto decreto.

2) - Il regolamento dei conti effettuato a norma dell'art. 3 del decreto legislativo anzidetto all'atto della restituzione dei beni all'avente diritto, non preclude il diritto sia all'avente diritto quanto alla somma da lui rimborsata, sia del sequestratario, del liquidatore, dell'amministratore o del Governo Italiano, quanto alle spese non rimborsate, di chiedere rispettivamente la restituzione o il pagamento nei modi che verranno stabiliti dai Governi interessati e dal Governo Italiano in apposite trattative. In tale occasione sarà definitivamente stabilita la misura degli interessi da applicarsi alle somme anticipate dallo Stato italiano, poiché il tasso indicato nell'art. 16 del anzidetto schema di decreto legislativo ha carattere provvisorio.

3) - I compensi e gli oneri di natura diversa di quelli contemplati nell'art. 3 del decreto legislativo sopra menzionato saranno a carico del Governo Italiano.

Ho l'onore di comunicare che il Governo Italiano è d'accordo su quanto precede.

With regard to the legislative decree which the Italian Government proposes to issue concerning the abolition of the legislation and measures taken thereunder regarding State property belonging to the United Nations [and to France] and property belonging to individuals and corporations, nationals of any of the aforesaid States, the Allied [Control] Commission has requested that the following be understood:

- (1) The Italian Government shall be responsible to the owners for all acts or omissions of the administrators appointed pursuant to the provisions of Art. 2 of the said decree; without prejudice to any rights that either the United Nations [and France] or their nationals, or the Italian Government may at present have.
- (2) Settlement of accounts made in accordance with Art. 8 of the aforesaid legislative decree at the time of the restoration of the property to the owner shall not prejudice the right either of the owner, with regard to amounts reimbursed by him, or of the sequesteror, liquidator, administrator or of the Italian Government, as regards expenses not reimbursed, to claim either restitution or payment as the case may be in such manner as may be agreed by negotiation between the interested Governments and the Italian Government. In this occasion the measure of the interest to be applied to the sums advanced by the Italian Government shall be definitely established because the rate indicated in Article 10 of the said draft decree law has a provisional character.
- (3) The fees and charges which have not the character of those described in Article 8 shall be borne by the Italian Government.

I have the honour to inform you that the Italian Government agrees to the above.

Revised translation of letter of 19 October 1944

6363

ECK/gv

QUARTERS ALLIED COMMISSION
APO 394
FINANCE SUB-COMMISSION
Property Control Division
Tel. 471387

23 January 1945

AG/C39.2/CP

Subject: Decree of de-sequestration.

To : Political Section
(Attn: A.B. Harford)

1. Reference your inter-office memorandum of 20 January 1945 and attached papers, all of which are returned herewith.

2. We assume that the latest draft is satisfactory to you. It was submitted to your office about 9 January and after a day or two was returned to us with the words "e dello Stato Francese" stricken from the first para. of Art. 1, and the words "e dello Stato Francese" from the second para. of the same article and with the following note in the margin "correzioni opportune d'ordine del Ministero degli Affari Esteri, 12 January 1945 - (signed) Citterini".

3. Since then we have received copy of draft of a proposed supplemental decree which we understand will be passed contemporaneously with the main decree. Copy of such supplemental draft decree is attached. You will note it purports to make the decree effective as to the United States, United Kingdom and Russia only.

4. We expect the decree to be passed tomorrow.


EDWARD C. KING
Lt. Col., Spec. Res
Chief, Property Control Division
Finance Sub-Commission

Encl: Cpy proposed supplemental decree
Memo dtd 20 Jan 45 and attached papers

6508

German Personal property

Advanced Headquarters Allied Control Commission

July 10, 1944.

MEMORANDUM TO: Lt. Colonel John de Salis
Rome Area Command.

Your interpretation is correct. The German Minister has stored personal property in a neutral Legation. Diplomatic property of this nature has extraterritorial status and there is no reason why Bismark should not have asked the Swedish Legation to assume protection for his property.

Samuel Heber
Vice President Allied Control Commission
Political Section

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C O P YALLIED CONTROL COMMISSION INCOMING MESSAGE

SVC/RELAY NO. 2992

M/C NO : 31/06

CLASS: SECRET

REF NO: FX 68729

PREC : PRIORITY

FILED : JUL 051719

FROM : AFHQ SIGNED SACMED CITE FHGEG

REC'D : JUL 060154

TO : ACTION ACC ADV HQ INFO ACC MAIN AAI AFHQ ADV CP HQ MAAF

Question in your ADV 224 is whether Irish owned religious house may be requisitioned. Our F41945 of 5 May was in part as follows: "A question of occupying or requisitioning Vatican or other religious property within Italy will always be submitted to A.F.H.Q. in order that it may be further referred to Combined Chiefs of Staff, save in case of overriding operational necessity when report will immediately be submitted to A.F.H.Q. which is directed to report to CCS."

Case of Villa Iflhnda appears from your cable to be "religious property" as used above.

ACC MAIN DIST

INFO ACTION CA BR (2)
INFO DEF CC
POL SEC
FILE
FLOAT (2)

630

Secret

*Original to Bureau
[Signature]*

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ENTIO Property

HEADQUARTERS ALLIED CONTROL COMMISSION

APC 394

June 9, 1944.

MEMORANDUM TO: Regional Commissioner, Region 3.

There is attached a translation of a Memorandum received by the Political Section of the Allied Control Commission from the Italian Ministry of Foreign Affairs, with regard to the administration of the property of L'Ente Mostra Triennale Terre Italiane d'Oltremare, Naples.

It would be appreciated if you would inform the Political Section of any investigation and action you may undertake in the premises, so that a reply may be made to the Italian Government.

Political Section

Enclosure

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R. MINISTERO
DEGLI
AFFARI ESTERI

403497

MEMORANDUM PER LA COMMISSIONE ALLEATA DI CONTROLLO
(Sezione Politica)

Con R. Decreto Legge 6 maggio 1937, n. 1756, fu creato, con Sede in Napoli, l'Ente Mostra Triennale Terre Italiane d'Oltremare, dotato di personalità giuridica, col compito di attuare periodicamente, nella predetta città, una apposita esposizione.

A norma del provvedimento legislativo sopra citato, l'Ente, il cui patrimonio venne costituito in gran parte con versamenti del R. Ministero dell'Africa Italiana, è sottoposto all'alta vigilanza del Dicastero in parola ed è amministrato normalmente da un Consigliere e da un Commissario Generale, assistiti da un Comitato Tecnico.

In due anni di intenso lavoro l'Istituto riuscì a creare un complesso di opere veramente imponenti, nonché a dar vita alla 1^a Mostra, che, aperta nel mese di maggio 1940, fu chiusa il 10 giugno successivo.

I dirigenti, dopo tale data, curarono la manutenzione e conservazione del tutto, che fu tenuto in efficienza sino al settembre 1943.

Il 6 ottobre 1943, il Medical Corp American Army, requisì l'intera Mostra procedendo alla sua immediata occupazione.

Attualmente l'Amministrazione straordinaria dell'Ente è affidata ad un Commissario liquidatore nominato dal Prefetto di Napoli.

Tenuto conto del fatto che l'articolo 13 dello Statuto dell'Ente, approvato con R.D.L. 4 aprile 1938, n. 2215, nel dar facoltà al Ministero per l'Africa Italiana di procedere, a norma di legge, alla nomina di un Commissario per la straordinaria amministrazione dell'Ente stesso, stabilisce che, in caso di scioglimento dell'istituzione, il patrimonio ne dovrà essere ripartito pro-quota fra gli Enti promotori e fondatori, e nell'attesa che si possa procedere, in via normale, alla trasformazione dell'Ente, al suo scioglimento o alla modifica dei suoi fini, il R. Governo

Con R. Decreto Legge 6 maggio 1937, n. 1756, fu creato, con Sede in Napoli, l'Ente Nostra Patria Terre Italiane d'Oltremare, dotato di personalità giuridica, col compito di attuare periodicamente, nella predetta città, una apposita esposizione.

A norma del provvedimento legislativo sopra citato, l'Ente, il cui patrimonio venne costituito in gran parte con versamenti del R. Ministero dell'Africa Italiana, è sottoposto all'alta vigilanza del Dicastero in parola ed è amministrato normalmente da un Consigliere e da un Commissario Generale, assistiti da un Comitato Tecnico.

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RECEIVED MINIST. DIV. ACC
FEB 6 1946
162
FEB 6 1946

R. MINISTERO
DEGLI
AFFARI ESTERI

- 2 -

siasi atto di disposizione e senza facoltà di liquidazione anche parziale del patrimonio dell'Istituto.

Si prega altresì di voler far trasmettere a questo R. Ministero, da parte della Prefettura di Napoli, copia dei provvedimenti amministrativi adottati nel confronto dell'Ente in questione.



Salerno li 29 maggio 1944

siati atto di disposizione e senza facoltà di liquidazione anche parziale del patrimonio dell'Istituto.

Si prega altresì di voler far trasmettere a questo R. Ministero, da parte della Prefettura di Napoli, copia dei provvedimenti amministrativi adottati nel confronto dell'Ente in questione.



Salerno li 26 maggio 1944

6563

Brigadier Lark

Do you agree
that the attached
is a matter for
Region 3.

J. H. G.
[for the Director]

I agree.

DS/3/6

Miss Kelly - please
hold this till we get
another translation
JHJ.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

31 May 1944

Reference #505-PE

TO: J/Cdr M. Hopkins, ~~Mr.~~
Political Section,
Main Hq. Allied Control Commission,
APO 394.

*Mr. Green**This looks like a provision
for Lt. Politi of Regio 3**WHL
1/6*

1. When first the attached memorandum No. 3497 was brought to me I noticed that the Colonial Institute in Naples is entrusted to a Liquidator Commissioner appointed by the Prefect of Naples, and I proposed to avoid troubling you by taking it to the Property Control Sub-Commission.

2. On reflection, however, it seems that this building does not come within the definition of allied property, except insofar as its occupation by the U. S. Army Medical Corps is concerned. In spite of the fact that the Italian "Colonial Affairs" are now the concern of the Ministry of Interior, I think the proper section to deal with this request of the Italian Foreign Office appears to be R.C. & H.C. Section.

3. Would you mind asking them to make sure that the powers conferred upon the Commission by the Prefect of Naples are limited to maintenance and not extended to the liquidation of capital assets of the Institute. When this memorandum was brought to me, Count Roberti told me that the translation was inadequate. The pencil marks represent emendations by the Salerno Translators Pool.

J. M. Pearson
J. M. PEARSON
Captain,
Political Section.

Incl: Memo fr Ministry of For. Affairs.

6562

TRANSLATION

With Royal Decree, n.1796, dated 6 May 1937, ^{Italy} was created, with offices in Naples, the "Ente Mostra Triennale Terra Italiana d'Oltremare", a legal body, with the task of periodically organizing in that City suitable Exhibitions.

According to the above Decree this Institute, whose capital assets were in the greater part constituted by grants of the Royal Ministry of Italian Africa, is under the supervision of the said Ministry and is normally administered by an Advisor and by a General Commissioner, assisted by a Technical Committee.

After two years of intense work the above Institute could show a number of truly imposing ^{works} buildings, besides the organization of the 1st Exhibition which, inaugurated during May 1940, was closed on June 10th of the same year. Even after that date, all this was protected and preserved in good condition until September 1943.

On October 6th, 1943, the U.S. Army Medical Corps requisitioned the entire Exhibition, and immediately occupied the premises. At the present moment the emergency administration of the Institute is entrusted to a Liquidator-Commissioner appointed by the Prefect of Naples.

Article 13 of the Statute of the Institute, approved by Royal Decree n.2215, dated April 4th, 1938, in empowering the Ministry of Italian Africa to proceed, according to law, to the appointment of a Commissioner for the emergency administration of the Institute, lays down that in the event of dissolution of the Institute, the capital assets shall be subdivided pro-quota between the promoters and founders.

Pending the normal proceedings for the transformation of the Institute at its dissolution or for the modification

65619

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aims, the Royal Government should be most grateful if the A.C.C. would kindly, with the least possible delay, take measures in order that the powers conferred upon the abovementioned Commissioner, appointed by the Prefect of Naples, be limited purely to ^{preventive} precautionary proceedings, excluding any measures for disposal and any power of liquidation, even partially, of the capital assets of the Institute.

The Royal Ministry for Foreign Affairs would, furthermore, be grateful if it could receive from the Naples Prefecture copies of all the administrative measures and proceedings taken in respect ^{to} of the above mentioned Institute.

6560

Magistrati's telegram No. 137, May 3, from the Italian Legation at Bern to the Italian Ministry of Foreign Affairs.

It has been suggested by certain political refugees here that the Royal Government join in the declaration that was made by the Allies last summer, emphasizing that all transfers of property belonging to their subjects in Italy will not be recognized but will be considered void after the conclusion of peace. It might also be declared by the Royal Government that it will consider void all seizures and sales ordered by the neo-Fascists against those who have left Italy on political or racial grounds. All those who support the neo-Fascist regime should be declared jointly responsible by the Royal Government. The text of a memorandum on this subject from some of the refugees here, which was submitted to me by Salotti, former Industry and Commerce Minister who now is living in Switzerland, is being forwarded via Madrid.

680

11 MAR 1944

15-EDITO

6353

5/6 Have you seen?

ALLIED FORCE HEADQUARTERS
Civil Affairs Office

110

May 6, 1944

TO: Political Section,
Allied Control Commission,
Bern

SUBJECT: Transmission of telegram for the Italian Ministry of
Foreign Affairs.

There is enclosed for delivery to the Italian Ministry
of Foreign Affairs a paraphrase of telegram No. 137 from the
Legation at Bern.

For the U.S. Political Advisor:

C. Office

C. Office

Enclosure
Paraphrase of
telegram No. 137

Copy to: C-2, ~~XXX~~
ECG, "
JUN

6558

ADQUARTERS ALLIED CONTROL COMMISSION
POLITICAL SECTION
APO 394

25 February 1944

MEMORANDUM TO: Mr. H. A. Caccia

SUBJECT : Property Control

Dear Caccia,

We had the conference this morning on property control which I attended on your behalf. Representatives from Legal, Finance, and Public Safety Sub-Commissions were present.

Colonel Harris began by a reference to the Armistice terms of which No. 28/7/D orders that the property of all nations at war with the United Nations is to be impounded. He said that securities in the bank^{are} automatically blocked but there may be enemy nationals holding available securities for subversive uses; that the Italian Government has taken power to impound German property and the property of nationals of German-occupied territories. He desired a directive as to how this law should be applied.

The C.F.O. represented by Commander Lawler said he was interested in (a) foreign exchange, (b) Italians acting on behalf of foreign (possibly enemy) interests. He has blocked all Statal and paraStatal funds and all securities belonging to Fascist supporters likely to trade with the enemy. He has asked S. E. Jung to tighten up legislation because he thinks that this question, though of no present importance, will become very important in North Italy, especially when C.P. will be called in on the banking situation.

Colonel Upjohn pointed out that private property in occupied territory is generally respected (if not required and requisitioned) except that belonging to prominent servants of the state: that C.P. has taken nothing over except Statal and paraStatal property. He affirms that the Italian Government was warned under article 28 that enemy property might have to be impounded.

I gave them what I thought was your view that Colonel Harris hit the nail on the head when, in paragraph 6 of the memorandum of 19 February, he concluded by referring to the natural apprehension of the Italian Government of possible retaliation: that although the Italian Government had taken powers to impound the property of

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1838

nationals of countries at war with the United Nations, the procedure of so doing was by administrative decree which could be asked for or withheld as and when required, after consultation between you and the C.P.: and that you were strongly of opinion that each case could be decided on its own merits.

Ford.
This is
Smyth
for
Ample for
your

Lord Stansgate agreed that apart from finance (a different category altogether owing to the use of funds in banks for enemy purposes which are now blocked). All cases of impounding German-owned property should, because of fear of retaliation, be discussed by the C.P. with the Political Section. Equally in AMG territory he thought the Political Section had a right to be informed. He pointed out that it would be useful to have a census made of enemy property in AMG territories but perhaps (in the absence of records) this would not be practicable because there is no machinery for receiving "denouncements" of the property of known German enemy nationals and the fear of retaliation would be intensified towards the north of Italy.

With regard to property used for subversive activities, this could safely be left to the C.I.C. security people.

442
2/2

In reply to a question by me I learnt that no Italian controller of property has yet been appointed.

A new question was brought up about the treatment of the property of labour syndicates, which for the moment we must leave as questions for only the vice-presidents' conference can arrive at a decision. The rights of Allies regarding Fascist property is not doubted, but are we to continue reconstructing labour syndicates in Italy, having discontinued them in Sicily? Arising from that, whereas an Italian controller is to receive the proceeds of the confiscation of property formerly belonging to labour syndicates in Sicily, is the controller of property to control and liquidate in other regions or let the Italian controller of property do it? Or will the Italian Government abolish syndicates altogether, to arise in new form as in Sicily?

Yours, very sincerely,

J. H. Pearson

1840

Dear Cassia / Here with Notes of the Meeting on Property Control, which seem
to be fuller than those I made. I was concerned more in
making sure they came to no decision in conflict with your views.

Muriel M. [unclear]

Ja, [unclear] [unclear]

Had you not better
keep these papers together for 28h

26-2-44

6555

NOTES OF A MEETING
to consider position of Property of Enemy Nationals
whose countries are not at war with Italy, held at
1100 hours in Room 75 on 28 February 1944.

Present: Lord Stanegate

V. P. (Chairman)

Col. Upjohn)
Col. Wilmer)
Major Grossman)

Legal

Lt Col. Harris)
Lt Col. Glenn)

Property

Colonel Kirk

Safety

Lt Comm. Lawler

Finance

Capt. Pearson

Political

Lt Col. Gripps)
Major White)

Administrative

Lt Col. Harris: The Armistice terms provide for the impounding of the property of all nations at war with allies or whose territory has been occupied by such nations whether or not they are at war with Italy. Dealing with funds in banks or with securities has already been blocked. It is possible that other forms of private property of enemy nationals in the hands of Italian nominees might be used to raise funds to be used for subversive purposes. Italian law already contains a decree which enables the Italian Government to compel enemy nationals to declare property. Though this was originally directed against the allies it can now be used in connection with German property. The question is whether we should not get the Italians to do something (a) with regard to obtaining particulars of German property (b) obtaining powers with regard to property belonging to nationals of nations with whom we but not Italy are at war. The Armistice terms direct that it should be impounded to prevent its use against the allies.

So far as occupied territory is concerned should we do anything, even if we do not ask the Italians to take any action in controlled territory.

If we wish the Italian Government to act, what steps should we take to bring such action about (a) against Germany (b) against other enemy countries not at war with Italy in which cases legislation will presumably be required.

Col. Upjohn: The question is a political one.

Lt Comm Lawler: The funds of fascist organizations have already been blocked. Similar action has been taken in the following cases of property belonging to individuals when they have been active supporters of the fascist

6534

party or there is reasonable ground for believing that they have been trading with enemy or enemy occupied countries.

Finance is examining existing Italian legislation what machinery is at present available. The question as to whether that machinery should be put into action is Political. The study of the question is not yet complete.

It is not considered that the matter is one of the first urgency at the moment but it will become urgent as the advance proceeds and more of Italy is held.

Finance will cooperate with Property when the matter is far enough advanced.

Lt Col Harris: Germans resident in Sicily are still leading internally.

Lord Stansgate: Can we confine the present discussion to the Private property of enemy nationals?

Col. Upjohn: Private property of enemy nationals is not seizable but it may be requisitioned. In the U.K. the government took steps to sequester enemy property but in enemy territory the only rights which can be exerted are those under the Hague conventions. The rights of an occupying army do not allow of the taking over of property. The question is whether Italy should not take steps similar to those which HM government took in the U.K. which would allow of the sequestration of the property of enemy nationals.

Lt Col Harris: Cannot one put the property under control so as to prevent its use?

Lt Comm Lawler: Property used to help the enemy has been impounded. That is control not sequestration.

Lt Col Harris: Sequestration does not imply any change in title, only custody. The question is one of security, whether it is desirable to prevent its possible use in assistance of the enemy.

Lt Comm Lawler: It is doubtful whether it is possible for the allies to control private property of enemy nationals or if Italy has the staff necessary to deal with the matters.

Col. Upjohn: Why does the question arise now. If it is urgent why was it not taken up before. The position has existed from the first.

Lt Col Harris: Because of shortage of staff.

Col. Upjohn: Staff is still short. If a security question does exist it is most important that it should be taken up.

Lt Col Harris: If a German owns a villa he can let it and use the rent for improper purposes.

Col. Upjohn: Italy has been warned of the possibility of her being requested to impound enemy property.

Lt Col Harris: They have taken preliminary steps to this and by making the decrees creating a power to seize German property should they follow by taking similar steps with regard to satellite or enemy occupied territories.

Capt Pearson: Mr. Caccia thinks that Par 6 of Col. Harris's memo. puts the matter in a nutshell. There is a very real fear of German retaliation in N. Italy if German property is seized in S. Italy. He thinks that there should not be any general instruction but that seizures should be limited to specific property. Any action would have to be by Admin. decree so that each case would be taken separately and can easily be considered on its merits as it arises. Each case should be submitted to higher authority and would then be decided on its merits and not as a result of a generally prescribed policy.

Lord Stanagate: Should Property Control make recommendations as to the property to be considered.

Lt. Col Harris: We have not the information. There is quite a lot of such property in Southern Italy.

Col. Upjohn: Finance is in quite a different position.

Lt Col Lawton: Yes, we have already acted. All funds are blocked. The amount which has been blocked is relatively small - about 4 million Lira.

Lord Stanagate: Can we say that Col. Harris and Mr. Caccia should discuss paragraphs 1 to 5, and see if they can come to a decision; other Sub-Commissions are not interested. Now to deal with "Enemy property in occupied territory". One question is whether AGU should act or whether the Italian Government should be asked to do so.

Lt. Col Harris: It would be better if Italy acted rather than AGU.

Lord Stanagate: Then the position is that Mr. Caccia should consider such cases.

Col. Upjohn: There is an Italian law enabling a census of enemy property in Italy to be taken. Can that be made to apply to German property?

Lt Col Harris: It is desirable that a census of German property should be made.

Lord Stanagate: Is it agreed that Italy should be asked to do this.

Lt Col Harris: We should insist that the Italian Government should obtain this information.

Lord Stanagate: It is agreed that Mr. Caccia will consider case by case.

Col Wilmer: Has AMG power to seize this property?

Lt Col Harris: Yes, if the property can be used to subversive ends.

Col Upjohn: Is not that stretching the intention of the Proclamation.

Lt Col Harris: The power will only be used if there is reason to believe that the property is being used to subversive ends.

Lord Stanagate: That is agreed. Now as to countries not at war with Italy, -satellite and occupied.

Col Wilmer: That is a political matter. Are there not at present satellite countries which we are endeavouring to get in on our side. May we not antagonize them if we seize the property of their nationals.

Col Upjohn: Is it possible to make a survey with the present Staff.

Lt. Comm Lawler: Yes.

Lt. Col Harris: We can get them to pass a decree requiring all persons to declare what (non-Italian) property they hold.

Col Upjohn: If property is used for subversive purposes is it not a matter for Public Safety?

Lt Col Harris: Unless we know what the property is we shall not know what to watch. A census of property is desirable.

Lt Comm Lawler: It is impracticable. The Italians have neither sufficient staff nor the stationery. They would require a large staff, a large supply of paper for the forms which would have to be broadcast and much other stationery; and if it is to be completed in time to be useful they would want modern tabulating machines.

Lt Col Harris: If the general opinion is that the matter can wait - I shall be very happy.

Lord Stanagate: I think the CIC can deal with any subversive activity

Col Kirk: I do not think a return will be helpful.

Lt Col Harris: Then it is agreed we do nothing.

Lord Stanagate: An inventory of German property will be convenient but it is not desirable in the case of other nationals. Each proposal for sequestration of German property will be considered case by case on its merits. Any possible subversive action will be investigated by the CIC.

Lt Col Harris: H.M. Government may still want to know why we are not enforcing Art. 23, c-d, of the Armistice Terms.

6551

Capt. Pearson: Has the Italian Gov't appointed any officer, vis-a-vis. Col Harris.

Lt Comm Lawler: No, they have the matter under consideration.

To Consider what Action Should be Taken
with Regard to
Fascist Property

Lord Stanagate: We had recently dealt with the question of the property of the GIL and had decided not to take up the wider question of other Fascist property but the whole has been raised by the Property Controller and we must now go into it.

Col Upjohn: Fascist property should be taken into custody by some person, beyond that we are not concerned.

Lt Col Harris: The question is larger than that. There is a large amount of property not dealt with by the Decree of 2 Aug. Considerable property is owned by syndicates. In Sicily, the syndicates are being liquidated. It does not touch syndicates' property.

Col Upjohn: Syndicates are being reconstructed in Italy.

Lt Col Harris: Perhaps we should not touch this property.

Lord Stanagate: What are the rights of the Allies?

Col Upjohn: We can take Fascist property if we want to.

Lt Col Harris: That is not the point. Are we going to let the syndicates carry on or liquidate them.

Col Upjohn: That raises the bigger question as to what the Italian Government will do with regard to this and their labour policy.

Lt Col Harris: The amount of property which is not affected by the decree is quite substantial. What is going to be done about it.

Col Upjohn: That cannot be decided before the labour policy has been decided and that matter is on a very high level.

Lt Col Harris: In Sicily the process of liquidation of fascist property is conducted by Italian officials but under the Controller of Property. I want a decision as to what is to be done if Regions 3, 4, and 5 follow the precedent of Region 1. Is the Property Controller to take charge.

Col Upjohn: The Property Controller will be responsible.

Lt Col Harris: It is suggested that the Italian Government should appoint officials and that they should be allowed to liquidate

6

Lord Stanagate: It seems that nothing useful can be done before the labour policy is decided.

Lt Col Harris: Can the Property Controller be informed when the policy decision has been made.

NOTES OF A MEETING

to consider position of Property of Enemy Nationals
whose countries are not at war with Italy, held at
1100 hours in Room 75 on 25 February 1944.

Present: Lord Stansgate

V. P. (Chairman)

Col. Upjohn)
Col. Wilmer)
Major Grossman)

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Lt Col. Harris)
Lt Col. Glenn)

Property

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party or there is reasonable ground for believing that they have been trading with enemy or enemy occupied countries.

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Lord Stanagate: It seems that nothing useful can be done before the labour policy is decided.

Lt Col Harris: Can the Property Controller be informed when the policy decision has been made.

CAPTAIN PEARSON(Please speak to Col.
Harris and let us know by telephone time
and place suggested for meeting.

2/20/44

"Liberty of Press" also

.. *HAC*

H .C.

Friday ²⁵/₂ at 1100 hrs agreed
1/4

SECRET

Mr. Caccia

Herewith brief note on the problem of axis property
 I think it needs a conference to get our views clear
 before we ask directions from higher quarters.

19/2/44.

Chas Harris

D. P. C.

Agree: Mean suggested time
 PAC STR. Feb 20.

Spencer - still not legal Sub Com
 to present or authorize CLO or CFO?

6544

Subject: Treatment of the Property of Axis Nationals.

To :

1. It is the normal wartime practice for States at war to sequester the property of enemy nationals. This is done chiefly with a view to preventing (a) the remission of funds etc., to the enemy country (b) the employment of such property in side the country of residence for subversive purposes.
2. Under Art 28 (c) and (d) of the Armistice Terms the Italian Government is obliged to impound, until further orders are given by AGC, the property of all States and Nationals of States at war with any of the United Nations. The objects of this stipulation were presumably those referred to 1. above. These are only partially covered by the blocking of all funds of nationals of the said States. It might still be possible for persons to whom such property was available had been instructed by the owner to use it for subversive activities.
3. There is therefore found a prima facie case for requiring the Italian Government to apply its existing war legislation on the control and sequestration of enemy property, at any rate to German property, seeing that Italy is at war with Germany. Whether analogous measures should be applied to property of nationals of other Axis-Allied States with whom Italy is not at war, is a question of policy on which a high level decision would appear to be necessary.
4. If the Italian Government is ordered to take measures against (a) German and/or (b) other Axis allied property, for the reasons stated above, the question arises what action if any, should be taken by AGC in respect of the property of German nationals in AMG territory. CLO at 1/4 in the attached file appears to imply that the taking into control by AMG of German property except where it was being used for subversive purposes would be contrary to international law. On the other hand it may be very difficult to determine except on post facto that the property was being used so used and therefore there are strong arguments for measures of preventive custody being applied, notwithstanding the perhaps national apprehension of the Italian Government at possible retaliation.
5. If it is granted that the Italian Government should apply its war legislation to German owned property, it would appear logical that the Italian legislation should also be made applicable in occupied territory and by Italian officials; it being most undesirable for DFC with his limited staff to try to take on this extra responsibility.
6. Whether any action should be taken in occupied territory (except in cases of proven subversive activities) with regard to property of other Axis-allied nationals would appear to depend upon the answer to the question of policy raised in paragraph 3 above. If it is decided to require the Italian Government to take the action indicated, similar action would seem to be implied in occupied territory.
7. I recommend that a conference be called to answer the question this question with representatives of ~~CLO~~ ^{the Political Section}, CLO and CPO.

Scandy from

States and Nations of States at war with any of the United Nations. The objects of this stipulation were presumably those referred to 1. above. These are only partially covered by the blocking of all funds of nationals of the said States. It might still be possible for persons to whom such property was available had been instructed by the owner to use it for subversive activities.

3. There is therefore found a prima facie case for requiring the Italian Government to apply its existing war legislation on the control and sequestration of enemy property, at any rate to German property, seeing that Italy is at war with Germany. Whether analogous measures should be applied to property of nationals of other Axis-Allied States with whom Italy is not at war, is a question of policy on which a high level decision would appear to be necessary.

4. If the Italian Government is ordered to take measures against (a) German and/or (b) other Axis allied property, for the reasons stated above, the question arises what action if any, should be taken by ACC in respect of the property of German nationals in AMG territory. CIO at '4 in the attached file appears to imply that the taking into control by AMG of German property except where it was being used for subversive purposes would be contrary to international law. On the other hand it may be very difficult to determine except ex post facto that the property was being used as such and therefore there are strong arguments for measures of preventive custody being applied, notwithstanding the perhaps national apprehension of the Italian Government at possible retaliation.

5. If it is granted that the Italian Government should apply its war legislation to German owned property, it would appear logical that the Italian legislation should also be made applicable in occupied territory and by Italian officials; it being most undesirable for DFG with his limited staff to try to take on this extra responsibility.

6. Whether any action should be taken in occupied territory (except in cases of proven subversive activities) with regard to property of other Axis-allied nationals would appear to depend upon the answer to the question of policy raised in paragraph 3 above. If it is decided to require the Italian Government to take the action indicated, similar action would seem to be implied in occupied territory.

7. I recommend that a conference be called to answer the question this question with representatives of CIO, for the Political Section, CIO and CPO.

Security Branch

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C.R.S. HARRIS,
Lt Col,
Director of Property Control.

Copy to P.M.C.

HEADQUARTERS
ALLIED CONTROL COMMISSION
ACTI SHEET

18
217/1144
Date

SUBJECT

FROM	TO
Chief Commissioner	
Deputy Chief Commissioner	
Secretary General	
✓ <u>ADMINISTRATIVE SECTION</u>	
General Section	
Legal Control & M.A. Section	
Political Section	✓
Interior Sub-Commission	
Public Safety Sub-Commission	
Public Health Sub-Commission	
Property Control Sub-Comm.	
Legal Sub-Commission	
Education Sub-Commission	
Monuments, Fine Arts & Archives	
NAVY Sub-Commission	
Land Forces Sub-Commission	
11	
Telecommunications & Posts	
War Material Transport Sub-Comm.	
PRO	
Medical Section	
Shipping Sub-Commission	
0-3	
0-4	
16 Jul at General	
Files	
Personnel	
Publications	
Message Centre	
Press Liaison	
Pool of Interpreters	
Archives & Reference Library	
0-6	
22. Commandant	
Sub-Commissionary	

NOTE

Signature _____
 Remarks/Recommendation _____
 Information Only _____
 Approval/Disapproval _____
 Approval to Action _____
 Investigation and Report _____
 Info: tel _____
 Return to admin. section _____

NOTE: To bring with you
 to the meeting
 referred to.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

21 February 1944

SUBJECT: Attached Minute 8551/CP.

TO : Legal, Finance, Political & *Public Safety*

1. The conference requested in Par. 9 will be held in Room 71 at 1100 hours Friday 25th February '44.

2. Will you please arrange to be present or to be represented.

R. R. Cripps

R. R. CRIPPS,
Lt. Colonel,

for the Right Honorable the Viscount Stanagata,
Vice President
Administrative Section

SECRET

6881/CR.

Subject: Treatment of the Property of Axis Nationals.

To: Vice President, Administrative Section.

1. Please see NO. 13.
2. In view of the completion of the handbook, I think it is time to obtain a policy directive on this question. The following paras give a brief outline of the problems involved.
3. It is the nominal practice for states at war to sequester the property of enemy nationals. This is done chiefly with a view to preventing (a) the rescission of funds, etc. to the enemy country, and (b) the employment of such property inside the country of residence for subversive purposes.

4. Under Art 28 (c) and (d) of the Armistice terms the Italian Government is obliged to impound, until further orders are given by AUC, the property of all states and nationals of states at war with any of the United Nations. The objects of this stipulation were presumably those referred to in 3 above. These are only partially covered by the blocking of all funds of nationals of the said states. It might still be possible for persons to whom such property was available had been instructed by the owner to use it for subversive activities.

5. There is therefore found a prima facie case for requiring the Italian Government to apply its existing war legislation on the control and sequestration of enemy property, at any rate to German property, seeing that Italy is at war with Germany. Another analogous measure should be applied to property of nationals of other Axis-allied states with whom Italy is not at war, is a question of policy on which a high level decision would appear to be necessary.

6. If the Italian Government is ordered to take measures against (a) German and/or (b) other Axis allied property, for the reasons stated above, the question arises what action, if any, should be taken by AUC in respect of the property of German nationals in AUC territory. (CLO at 14 in the attached files appears to imply that the taking into control by AUC of German property except where it was being used for subversive purposes would be contrary to international law. On the other hand, it may be very difficult to determine except ex post facto that the property was being so used, and therefore there are strong arguments for measures of preventive custody being applied, notwithstanding the perhaps national apprehension of the Italian Government at possible retaliation.

7. If it is granted that the Italian Government should apply its war legislation to German owned property, it would appear logical that the Italian legislation should also be made applicable in occupied territory and by Italian officials; it being most undesirable for HPO with his limited staff to try to take on this extra responsibility.

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the property of enemy nationals. This is done chiefly with a view to preventing (a) the realization of funds, etc. to the enemy country, and (b) the employment of such property inside the country of residence for subversive purposes.

4. Under Art 20 (c) and (d) of the Armistice terms the Italian Government is obliged to impound, until further orders are given by AGO, the property of all states and Nationals of states at war with any of the United Nations. The objects of this stipulation were presumably those referred to in 3 above. These are only partially covered by the blocking of all funds of nationals of the said states. It might still be possible for persons to whom such property was available had been instructed by the owner to use it for subversive activities.

5. There is therefore found a prime facie case for requiring the Italian Government to apply its existing war legislation on the control and sequestration of enemy property, at any rate to German property, seeing that Italy is at war with Germany. Whether analogous measures should be applied to property of nationals of other Axis-allied states with whom Italy is not at war, is a question of policy on which a high level decision would appear to be necessary.

6. If the Italian Government is ordered to take measures against (a) German and or (b) other Axis allied property, for the reasons stated above, the question arises what action, if any, should be taken by AGO in respect of the property of German nationals in AGO territory. AGO at 14 in the attached files appears to imply that the taking into control by AGO of German property except where it was being used for subversive purposes would be contrary to international law. On the other hand, it may be very difficult to deter- mine except ex post facto that the property was being so used, and therefore there are strong arguments for measures of preventive custody being supplied, notwithstanding the perhaps national apprehension of the Italian Government at possible retaliation.

7. If it is granted that the Italian Government should apply its war legislation to German owned property, it would appear logical that the Italian legislation should also be made applicable in occupied territory and by Italian officials; it being most undesirable for AGO with his limited staff to try to take on this extra responsibility.

8. Whether any action should be taken in occupied territory (except in cases of proven subversive activity) with regard to property of other Axis-allied nationals would appear to depend upon the answer to the question of policy raised in paragraph 5 above. If it is decided to require the Italian Government to take the action indicated, similar action would seem to be implied in occupied territory.

9. I recommend that a conference be called to consider this question, with representatives of Security Branch, the Political Section, AGO and GPO.

/s/c/ C. E. S. HARRIS,
Lieut-Colonel,
Director of Property Control

19 February 1944.

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MADRID (1250)

ATTACHED COPY
 Vannetti to La Roca Barri
 Real Estate

10/11/43

In reply refer to:
 091.112

7 December 1943

His Excellency don Renato Bracco
 Secretary General, Royal Italian Ministry of Foreign Affairs

The following message to the Italian Minister for Foreign Affairs has been received from Italian Ambassador at Madrid:

"Under 1850 dated November 29: Request following message from Guido Vannetti to be forwarded to La Roca Barri. It is impossible in present circumstances to proceed with FOMSA real estate purchase within legal term which expires at the beginning of December. However request you kindly advance to Barri Municipality the funds necessary to secure expropriation order within the legal term thus avoiding great loss. Will reimburse you as soon as possible under my personal guarantee. Explanations will be supplied by Ingegnieri Rinaldi and Carravito."

For the Deputy President, Allied Control Commission:

Political Section

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