

1873

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

ACC

10000/142/190

COM
MAY

1876

10000/142/190

COMMERCE SUB-COMMISSION
MAY-OCT. 1946

ALLIED [REDACTED] COMMISSION
INTER-OFFICE MEMORANDUM

SUBJECT:

FILE No. _____

TO :

: Judge Thomas

OCT 4 1948 194

Sir - I am a little underinformed
as to what this is for. It is dated
29 Aug. Do you wish to have it typed
or has it become detached from other
papers you have

8

Lgt Wells

Col. Hammarford

This case came to us on 14 Aug. '45

On 4 Sept. '45 Commerce I/C asked Embassy I/C to inquire "whether the goods in question" were still available at the Customs in St. On 13 Sept. Industry I/C and the Italian Ministry of Ind. & Commerce to investigate.

Nearly 10 months later the Ministry replied (on 6 May '46) stating that as a result of their investigation they find that when the firm took over possession of their works "the tin bands as all other materials resting in said plant have been used by the various Allied units occupying the plant in turn."

This finding appears to have been accepted by the Industry Div. (19 May '46)

Commerce Branch refers matter to Claims & Payments (10 May '46) 17 May '46. Min. of Foreign Affairs send memorandum to Economic Section who refer it to Legal I/C

30 May '46 We inform Economic Section that, of the figures in the above memo are correct, the claim should be allowed.

12 June '46

The goods in question" were still available at the Cantieri in St.
On 13 Sept. Industry S/C ask the Italian Ministry of Ind. & Commerce
to investigate.

Nearly 10 months before the Ministry replied (on 6 May '46)
stating that as a result of their investigation they find that
when the firm took over possession of their works "the tin bands
as all other materials existing in said plant have been
used by the various Allied units occupying the plant in turn."

7
Thus finding appears to have been accepted by the

Industry Div. (9 May '46)

Commerce Branch refers matter to Claims & Payments (10 May '46)
17 May 46. Min. of Foreign Affairs send reminder to Economic Section
who refer it to Legal Sec

30 May 46. We inform Economic Section that, if the figures
in the Swiss Memo are correct, the claim should be allowed.

12 June '46

1st Claims & Payments ask the Cantieri Inst. S/C
to investigate the matter to find out (1) the amount of
tin plate (tin bands) at the factory when Allied units took it over;

(2) Value of (1) allowing for damage done to it by Germans,

(3) Quantity of tin plates in factory when de-acquisitioned.

Presumably, before passing the claim for payment of claims + Herings require to be satisfied on these 3 points.

No further legal question appears to be involved. We have already expressed our view that the claim is a well-founded one, and, if the figures contained in the Lewis for. Rff. Min. prove correct on being checked, should be paid.

It is not clear, ^{from the files} on what, if any, legal question the matter has again been referred to us.

Am.

29 Aug.

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

54A
MT/ns
30 May 1946.

AC/4014/11/L

SUBJECT : Swiss Firm "S.A. Columeta" of Basle.

TO : Economic Section.

1. Reference your No ES/20.09 of 17th
May 1946.

2. This matter has been discussed by Lt. Col. Hannaford with the Executive Commission. Provided the financial calculations set out in the Note Verbale attached to the Memorandum from the Swiss Ministry of Foreign Affairs are checked and found to be correct, this Sub Commission is entirely satisfied that the claim made by the Swiss Government on behalf of the firm "S.A. Columeta" is well-founded and a sound claim in law. The documents enclosed in your letter are returned herewith and should be sent to AFHQ in order that the necessary action may be taken to settle the claim.

5

G.G. HANNAFORD, Lt.Col.,
Deputy Chief Legal Advisor.

Encls;

HEADQUARTERS ALLIED COMMISSION
APO 794
ECONOMIC SECTION

Ref: ES/20.09

17 May 1946

MEMO

TO : Legal Sub-Commission

1. Attached herewith is a memorandum from the Ministry of Foreign Affairs pertaining to the Swiss firm "Columeta" of Basle.
2. This is being forwarded to your department for action, since our files show that you have previously handled this matter.

Carlos G. Webster Jr.
CARLOS G. WEBSTER Jr.
Lt. Col. FA

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
<i>So [Signature]</i>	

Sta/To

6/2038/822
DUPLICATE

MEMORANDUM FOR THE ALLIED COMMISSION

SUBJECT: Swiss firm "S.A. Columeta" of Basle.

1. The Swiss Legation has renewed to the Italian Government a demand for restitution in goods or currency of the properties of the a/n Swiss firm which were requisitioned by Allied Authorities in the Cantieri Metallurgici Italiani di Castellammare di Stabia.
2. For reference, the Ministry of Foreign Affairs forwarded herewith enclosed, the translated copy of a Verbal Note addressed on 1 April 1945 by the Swiss Legation concerning the property in question and giving specifications as to their state and their possible restitution.
3. As it appears in the Verbal Note, the Allied Authorities have requisitioned the Cantieri Metallurgici in Castellammare di Stabia including an amount of tin destined to the production of timed bands for the aforesaid Swiss Company and of which the latter is the legitimate owner. The Columeta Company therefore request that the Cantieri Metallurgici repay the price of the tin at an overall value of 408.547 Swiss Francs.
4. The Ministry for Foreign Affairs will be grateful for those steps which the Allied Commission will see fit to take on the matter which has been the object of previous memoranda to the Allied Commission. *A*

Rome, May 11th, 1946.

SUBJECT: Swiss firm "S.A. Columeta" of Basle.

1. The Swiss Legation has renewed to the Italian Government a demand for restitution in goods or currency of the properties of the a/n Swiss firm which were requisitioned by Allied Authorities in the Cantieri Metallurgici Italiani di Castellammare di Stabia.
2. For reference, the Ministry of Foreign Affairs forwarded herewith enclosed, the translated copy of a Verbal Note addressed on 1 April 1945 by the Swiss Legation concerning the property in question and giving specifications as to their state and their possible restitution.
3. As it appears in the Verbal Note, the Allied Authorities have requisitioned the Cantieri Metallurgici in Castellammare di Stabia including an amount of tin destined to the production of timed bands for the aforesaid Swiss Company and of which the latter is the legitimate owner. The Columeta Company therefore request that the Cantieri Metallurgici repay the price of the tin at an overall value of 408.547 Swiss Francs.
4. The Ministry for Foreign Affairs will be grateful for those steps which the Allied Commission will see fit to take on the matter which has been the object of previous memoranda to the Allied Commission. A

Rome, May 11th, 1945.

COPY

N O T E V E R B A L E

The Legation of Switzerland has the honour of resorting to the good offices of the Ministry of Foreign Affairs in the following question:

As already stated in the Note Verbale, C.13 of September 16th, 1944, the Swiss Firm Columeta S.A. of Basle in the month of September 1943 signed a contract with the Cantieri Metallurgici Italiani di Castellammare di Stabia for a supply of 1500 tons of tin bands. The negotiations were carried on in the name of a group of Swiss Firms, i.e.:

- 1) Columeta, S.A. of Basle.
- 2) Syndicate of Swiss manufacturers of tinned provisions.
- 3) Association of Swiss canning Firms.
- 4) Berner Alpenmilchgesellschaft Stalden.

The competent Italian Authorities after long negotiations granted their approval to this export on condition that the Swiss purchasers supply the necessary tin for the production of the tinned bands and furnish, as compensation, sundry machinery for a total of about 7.360.000 lire; these conditions were approved also by the Swiss Authorities.

Following this clearing agreement, the S.A. Columeta in the name of the aforesaid group, forwarded on May 5th 1943, a goodstruck n.FSS 1029789 to the Ufficio Monopolio Metallurgici di Rome, containing 15 tons of pure tin in ingots. A compensation was fixed as regards this tin in the customary sum of 36.10 lire a Kg. compensation which does not correspond in the least to the price of the tin which in that period amount to about 38 Swiss francs. The fact that this compensation paid on the part of Italy cannot be considered as price of the tin may be deduced from the import authorization issued by the Ministero per gli Scambi e Valute, according to which only a temporary import of the tin into Italy is authorized in order to consent the production of the tin bands destined to the afore mentioned Swiss Firms. Therefore the tin was never sold to the Monopolio Metallurgici di Rome and always remains Swiss property.

At the end of August 1943 the Cantieri Metallurgici di Castellammare had sent to the Columeta Firm 176 tons of tin bands and other 300 tons were ready to be shipped from the Cantieri di Castellammare. Notwithstanding the numerous interventions of the Swiss Legation with the competent Italian Authorities all attempts to obtain the necessary permits for the transport into Switzerland of the aforesaid goods, proved fruitless.

- 1) Columeta, S.A. of Basle.
- 2) Syndicate of Swiss manufacturers of tinned provisions.
- 3) Association of Swiss canning firms.
- 4) Berner Alpenmilchgesellschaft Stalder.

The competent Italian Authorities after long negotiations granted their approval to this export on condition that the Swiss purchasers supply the necessary tin for the production of the tinned bands and furnish, as compensation, sundry machinery for a total of about 7,360,000 lire; these conditions were approved also by the Swiss Authorities.

Following this clearing agreement, the S.A. Columeta in the name of the aforesaid group, forwarded on May 5th 1943, a goodstruck n.FBS 1029789 to the Ufficio Monopolio Metalli at Rome, containing 15 tons of pure tin in ingots. A compensation was fixed as regards this tin in the customary sum of 36,10 lire a Kg. compensation which does not correspond in the least to the price of the tin which in that period amount to about 38 Swiss francs. The fact that this compensation paid on the part of Italy cannot be considered as price of the tin may be deduced from the import authorization issued by the Ministero per gli Scambi e Valute, according to which only a temporary import of the tin into Italy is authorized in order to consent the production of the tin bands destined to the afore mentioned Swiss Firms. Therefore the tin was never sold to the Monopolio Metalli of Rome and always remains Swiss property.

At the end of August 1943 the Cantieri Metallurgici di Castellammare had sent to the Columeta Firm 176 tons of tin bands and other 300 tons were ready to be shipped from the Cantieri di Castellammare. Notwithstanding the numerous interventions of the Swiss Legation with the competent Italian Authorities all attempts to obtain the necessary permits for the transport into Switzerland of the aforesaid goods, proved fruitless.

./.

Following the arrival of the Allied troops the Cantieri Metallurgici of Castellamare were requisitioned with all the stocks including the tin destined to the production of tin bands for Switzerland.

From the enclosed documents it will appear that the tin have never been sold to the Monopolio Metalli at Rome but was furnished by the S.A. Columeta in order that it should be placed at the disposal of the Cantieri Metallurgici for the production of the tin bands and exclusively to this end. The tin exported into Italy remains, according to the agreements, reached by the parties concerned Swiss property until the corresponding quantity of tin bands should be reimported into Switzerland.

As already mentioned the Swiss Firms delivered to the Monopolio Metalli of Rome on May 18th, 1943, 5000 Kg. destined to the manufacture of 600.000 Kgs. of tin bands according to the directions of the competent Italian Authorities who established the import of Kg. 2,5 of tin for every hundred Kgs. of tin bands to be exported. The Swiss purchasers, on the other hand, received from the Castellamare plants only Kgs. 177285 of tin bands, i.e. 4432 Kgs. of tin. The situation therefore is as follows:

	TIN BANDS	PURE TIN
Undertaking to export from the Cantieri Metallurgici di Castellamare di Stabia	600.000	
Consignment on the part of Swiss Purchasers on the basis of Kgs. 2,5 of tin for every 100 Kgs. of tin bands		15.000
Received by the Swiss firms	177.285	4.432
STIL due	422.715	10.568

The Swiss firms concerned can therefore claim ownership of 10538 Kgs. of tin which, according to the agreements, had to be re-exported into Switzerland in the form of tin bands.

Owing to the present impossibility on the part of the Cantieri Metallurgici to furnish to the Swiss Firms the remaining 422.715 Kgs. of tin bands previously ordered, the aforesaid Firms are compelled to request from the Monopolio Metalli the reimbursement of the price of the tin, more the transport expenses, insurances, etc., reduced of the compensation already received and amounting to Lire 36,10 for every Kg.

at the disposal of the Cantieri Metallurgici for the production of the tin bands and exclusively to this end. The tin exported into Italy remains, according to the agreements, reached by the parties concerned Swiss property until the corresponding quantity of tin bands should be reimported into Switzerland.

As already mentioned the Swiss Firms delivered to the Monopolio Metalli of Rome on May 18th, 1943, 5000 Kg. destined to the manufacture of 600.000 Kgs. of tin bands according to the directions of the competent Italian Authorities who established the import of Kg. 2,5 of tin for every hundred Kgs. of tin bands to be exported. The Swiss purchasers, on the other hand, received from the Castellamare plants only Kgs. 177285 of tin bands, i.e 4432 Kgs. of tin. The situation therefore is as follows:

	TIN BANDS	PURE TIN
Undertaking to export from the Cantieri Metallurgici di Castellamare di Stabia	600.000	
Consignement on the part of Swiss Purchasers on the basis of Kgs.2,5 of tin for every 100 Kgs. of tin bands		15.000
Received by the Swiss firms	177.285	4.432
STIL due	422.715	10.568

The Swiss firms concerned can therefore claim ownership of 10568 Kgs. of tin which, according to the agreements, had to be re-exported into Switzerland in the form of tin bands.

Owing to the present impossibility on the part of the Cantieri Metallurgici to furnish to the Swiss Firms the remaining 422.715 Kgs. of tin bands previously ordered, the aforesaid Firms are compelled to request from the Monopolio Metalli the reimbursement of the price of the tin, more the transport expenses, insurances, etc., reduced of the compensation already received and amounting to Lire 36,10 for every Kg.

./.

- 2 -

As the price paid by the four Swiss Firms is not equal, it has been necessary to consider separately the claims of each Firm as it appears from the enclosed list (enclosure n.6) The 10.569 Kgs. of tin should be divided as follows among the different Firms:

1. Columeta S.A. of Basle	Kgs.	2.051
2. Syndicate of Swiss manufacturers of tinned provisions	"	2.887
3. Association of Swiss canning Firms	"	4.030
4. Berner Alpenmilchgesellschaft Stalded	"	1.600
	<u>Kgs.</u>	<u>10.568</u>

The price of the tin paid by the four Swiss Firms as it appears from the enclosed documents (enclosure n.1-4) is as follows:

1. Columeta S.A. of Basle	Swiss France	37.09 per Kg.
2. Syndicate of Swiss manufacturers of tinned provisions.	"	35.35 "
3. Association of Swiss Canning Firms	"	43.91 "
4. Berner Alpenmilchgesellschaft Stalded	"	39. " "

In this price, as already mentioned, are included the transport expenses, insurances and the interest on the capital. On the other and the usual compensation of Lire 30,102 corresponding to Swiss Francs 8,18 to a Kg. has already been deducted. The following sums represent the net value for which the Swiss Firms have bee, the right to be reimbursed (see enclosure n.6):

1. Columeta S.A. for 2.050,600 of tin at Swiss Francs 37.09	Swiss Francs	76.058
2. Syndicate of Swiss manufacturers of tinned provisions for 2.887.250 Kgs of tin at Swiss Francs 35,25	Swiss Francs	101.775
3. Association of Swiss canning Firms for 4.029.850 Kgs. of tin at Swiss Francs 42,91	Swiss Francs	172.902
4. Berner Alpenmilchgesellschaft Stalded for 1.600.375 Kgs of tin at Swiss Francs 33	Swiss Francs	52.812,

The total amount to be reimbursed by the Monopolio

of tinne provisions

3. Association of Swiss canning Firms " 4.000
4. Berner Alpenmilchgesellschaft " 1.600

Kgs. 10.588

The price of the tin paid by the four Swiss Firms as it appears from the enclosed documents (enclosure n.1-4) is as follows:

- | | |
|--|-----------------------------|
| 1. Columeta S.A. of Basle | Swiss France 37,09 per Kgs. |
| 2. Syndicate of Swiss manufacturers of tinne provisions. | " 35,35 " " |
| 3. Association of Swiss Canning Firms | " 49,91 " " |
| 4. Berner Alpenmilchgesellschaft Stalied | " 39. " " |

In this price, as already mentioned, are included the transport expenses, insurances and the interest on the capital. On the other and the usual compensation of Lire 30,102 corresponding to Swiss Francs 8,18 to a Kgs. has already been detracted. The following sums represent the net value for which the Swiss Firms have bee, the right to be reimbursed (see enclosure n.6):

- | | |
|--|----------------------|
| 1. Columeta S.A. for 2.050,600 of tin at Swiss Francs 37,09 | Swiss Francs 73.056 |
| 2. Syndicate of Swiss manufacturers of tinne provisions for 2.887.350 Kgs of tin at Swiss Francs 35,25 | Swiss Francs 101.775 |
| 3. Association of Swiss canning Firms for 4.029.850 Kgs. of tin at Swiss Francs 42,91 | Swiss Francs 172.902 |
| 4. Berner Alpenmilchgesellschaft Stalied for 1.600.375 Kgs of tin at Swiss Francs 33 | Swiss Francs 53.812, |

The total amount to be reimbursed by the Monopolio Metalli of Rome to the Columeta S.A. of Basle is therefore of 403.547 Swiss Francs.

./.

The Swiss Legation would be very grateful if the Ministry of Foreign Affairs would kindly interest the competent Italian Authorities with a view to obtaining that the aforementioned amount should be repaid to the Swiss Firms concerned as indemnity for the tin formerly exported into Italy.

Rome, April 9th, 1945.