

ACC

10000/142/191

10000/142/191

COMMERCE
MAY 1944 - OCT. 1945

Sheet 5

To: A.V.P.

Re: 6a.

16 Aug. 44

J.P. R. Knapp

②

To: Lloyd

A.V.P. has seen 6a.

Chen keeps him informed of developments.

18 Aug. 44

See by Loh. Reference to B. G. W. S. J. P. Knapp. 91

To: Comm. etc.

③

Please see Major Boyd. Carpenter's letter of 30 Aug. 44

9 Sep. 44

W. H. W. Car
proced.

④

To Liaison Div (after letter to Enver Brown).

Ref: 19A-

Please see folios 4A, 5A, 8A, 11C and 17A. These letters are mostly already in your possession but they answer most of the questions. For any further information, I suggest you ask PC. Foggia Province.

18 Oct. 44

W. H. W. Car
proced.

5

To Commence etc. ③

Please see Major Boyd's letter of 20 Aug. 44

9 Sep. 44

~~Walden~~ Cor
proced.

④

To Liaison Div (after letter Enver Brown).

Ref, 19A. Please see folios 4A, 5A, 8A, 11C and 17A. These letters are mostly already in your possession but they answer most of the question. For any further information, I suggest you ask PC. Fossia Brown.

18 Oct. 44

~~Walden~~ Cor
for CHA.

Note 20 A

Enver Brown
for file

19 Oct 44

6.

To Displaced Persons etc & Public Safety etc.

For safety catalogue see folio 20A and folios mentioned in folio 4

26 Oct 44

~~Walden~~ Cor
for CHA.

~~Walden~~ Cor
for CHA.
Noted 13 for DSS 21/10/44

6014111
OFFICE OF A.C. LIAISON OFFICER

c/o FOB - NAVY 157

PALERMO-SICILY

AC/S/MO1

21 October 1945

Subject: Export of Canned Fish.

To : H.Q. Allied Commission, APO 394
(for Commerce Sub-Commission).

1. The High Commissioner has ordered all fish-canneries in Sicily to hold back 20% of their produce at a price of 280 to 300 lire per KG. for distribution in Sicily and its islands. For this, the canneries were given permission to get oil on the island and to take it to their canneries wherever they were. The oil was, of course, obtained on the so-called "free market" at 280 Lire/litre.

2. The island of Lampedusa obtained 1000 gll of oil in this way and have recently put in a request for more. They are, however, disputing the High Commissioner's right to make them give 20% at the low price. I gathered the impression that they hoped to get the oil and then evade the order on that technicality.

3. The price of these fish on the free market is from 500 to 1000 lire, per KG. and possibly higher - at least the canners claim so. If the canners lose on 20%, of course, they simply make it up on the 80% remaining - but they must know at once in order to estimate the selling price on that 80%. This fish was assigned by the High Commissioner's order goes to the poor people and employees of low pay, etc.

4. This office called HQ. MO. about 10 days ago on this question and have since been waiting for an answer. I called Commerce Sub-Commission yesterday and spoke to a major, whose name I could not hear, and who spoke to S/L McKenzie. These officers agreed that the High Commissioner could not give orders to Lampedusa and said a letter would be sent to me confirming that.

5. I have discussed the situation with Dott. Hizzo, of the High Commissioner's office, and he states that they understood that would be

52A

2. The island of Lampedusa obtained 1000 gll of oil in this way and have recently put in a request for more. They are, however, disputing the High Commissioner's right to make them give 20% at the low price. I gathered the impression that they hoped to get the oil and then evade the order on that technicality.

3. The price of these fish on the free market is from 500 to 1000 lire, per kg. and possibly higher - at least the cannery claim so. If the cannery lose on 20%, of course, they simply make it up on the 80% remaining - but they must know at once in order to estimate the selling price on that 80%. This fish consigned by the High Commissioner's order goes to the poor people and employees of low pay, etc.

4. This office called HQ. 40. about 10 days ago on this question and have since been waiting for an answer. I called Commerce Sub-Commission yesterday and spoke to a major, whose name I could not hear, and who spoke to S/L McKenzie. These officers agreed that the High Commissioner could not give orders to Lampedusa and said a letter would be sent to me confirming that.

5. I have discussed the situation with Dott. Rizzo, of the High Commissioner's office and he states that they understood what would be required of them when they got the permit for the oil, that the cannery in Sicily are not complaining although they are not too well pleased, and that if Lampedusa does not come under the same ruling, it will be unfair to the cannery of Sicily. I pointed out the peculiar position of Lampedusa, it being under AMG, and he then offered his apologies if a mistake had been made, asking if I would take steps to get authority for the order to be effective on Lampedusa. I asked him to apply in writing. His letter is attached.

6. I feel, after discussing this matter with the ex-CAO, the Sindaco, the customs official, and one or two of the cannery, that the

Page 2.

High Commissioner' case is a good one. Please instruct me how to authorize the order in Lampedusa, as there is no CAO there and I do not know what decrees have been implemented. I presume I have the authority, myself, to publish the order but I wish to have confirmation.

W. J. MacCallum
W. J. MacCallum, ED, Lt. Col.
A.C. L.O., SICILY.

Copy to :- Legal Sub-Commission.



C O P Y

Palermo, 22 ottobre 1945

Alto Commissariato per la Sicilia

Uff. Uscio V^o Approv.

Prot. N. 13252 ~ Alligati 1

D/Amo

Al Col. Mac Callum

UFFICIALE DI COLLEGAMENTO DELL'A.C.

PALERMO

OGGETTO : Pesce sott'olio.-

Nel mese di aprile dell'anno in corso l'Alto Commissariato per l'Alimentazione ha emesso il Decreto che si alliga in copia.-

Poichè tale Decreto di blocco totale avrebbe creato inconvenienti gravi per la distribuzione in tutto il territorio italiano dei quantitativi modesti di tonno sott'olio che si producono in Sicilia ed avrebbe arrecato dei danni economici alle tonnare.-

In conseguenza si sono interessati per la revoca del Decreto di sblocco impegnando gli industriali di riservare alla Sicilia una percentuale della produzione per assicurare l'approvvigionamento a prezzo equo agli impiegati ed agli operai della Sicilia.-

L'accordo con i proprietari di tonnare e con gli industriali di altro pesce conservato della Sicilia si è stabilito di lasciare in Sicilia a disposizione dell'Alto Commissariato il 15% di tonno all'olio ed il 20% di tutte le altre specie di pesci che vengono conservati sott'olio.-

Non è stato possibile prendere accordi particolari con gli industriali di Lampedusa per le difficoltà dei mezzi di trasporto ma ciò si rende palesemente necessario dato che in Lampedusa si conservano in scatola notevoli quantitativi di pesce e con un costo di produzione inferiore a quello degli Stabilimenti della Sicilia per la pesca abbondante che si ottiene nel mare di Lampedusa.-

Nel corrente anno per incrementare la produzione è stato consentito l'invio a Lampedusa di oltre mille quintali di olio di oliva.-

Data la importanza della produzione di Lampedusa è dato che quell'Isola è sotto l'A.M.C. io gradirei che vengano date istruzioni al Governatore, al Sindaco ed alla Dogana perchè i permessi di esportazione vengano rile-

L'Alimentazione ha emesso il Decreto che si alliga in copia.-

Poiché tale Decreto di blocco totale avrebbe creato inconvenienti gravi per la distribuzione in tutto il territorio italiano dei quantitativi modesti di tonno sott'olio che si producono in Sicilia ed avrebbe arrecato dei danni economici alle tonnare.-

In conseguenza mi sono interessato per la revoca del Decreto di sblocco impegnando gli industriali di riservare alla Sicilia una percentuale della produzione per assicurare l'approvvigionamento a prezzo equo agli impiegati ed agli operai della Sicilia.-

D'accordo con i proprietari di tonnare e con gli industriali di altro pesce conservato della Sicilia si è stabilito di lasciare in Sicilia a disposizione dell'Alto Commissariato il 15% di tonno all'olio ed il 20% di tutte le altre specie di pesci che vengono conservati sott'olio.-

Non è stato possibile prendere accordi particolari con gli industriali di Lampedusa per le difficoltà dei mezzi di trasporto ma ciò si rende palesemente necessario dato che in Lampedusa si conservano in scatola notevoli quantitativi di pesce e con un costo di produzione inferiore a quello degli Stabilimenti della Sicilia per la pesca abbondante che si ottiene nel mare di Lampedusa.-

Nel corrente anno per incrementare la produzione è stato consentito l'invio a Lampedusa di oltre mille quintali di olio di oliva.-

Data la importanza della produzione di Lampedusa e dato che quell'Isola è sotto l'A.M.G. io gradirei che vengano date istruzioni al Governatore, al Sindaco ed alla Dogana perché i permessi di esportazione vengano rilasciati dopo che gli industriali hanno versato al Consorzio Agrario, per conto dell'Alto Commissariato per la Sicilia, il 20% di sgombrì, sardi, alici e delle altre specie ittiche conservate sott'olio dietro pagamento di L. 280= Kg. .-

In caso contrario sarei costretto a revocare la disposizione nei confronti delle industrie della Sicilia per evitare che le stesse si trovino in condizioni di inferiorità nei mercati rispetto agli industriali di Lampedusa data la differenza tra il prezzo stabilito dall'Alto Commissariato (L.280=Kg.) e quello di libero mercato (L.551 - 600 Kg.).-

In conseguenza mi troverei anche nella impossibilità di assicurare agli operai ed agli impiegati della Sicilia un minimo approvvigionamento a prezzo equo.-

Gradirei conoscere se e quali disposizioni verranno impartite dalla S.V. alle Autorità di Lampedusa.-

L'ALTO COMMISSARIO
(Aldisio)
Sgd. Aldisio

C O P I

PRESIDENZA DEL CONSIGLIO DEI MINISTRI

L'ALTO COMISSARIO PER L'ALIMENTAZIONE

Visto il D.L.L. 28 dicembre 1944 n° 411, sulle attribuzioni dell'Alto Commissario dell'Alimentazione;

VISTO il D.L.L. 19 ottobre 1944 n° 347, relativo alla istituzione del Comitato Interministeriale e dei Comitati provinciali per il coordinamento e la disciplina dei prezzi;

RITENUTA la necessità di vincolare la produzione del tonno e sottoprodotti conservati, per la successiva immissione al consumo in tipi ed a prezzi prestabiliti;

SENTITO il Comitato Interministeriale predetto

D E C R E T A :

Art. 1

Per la campagna 1945 la produzione del tonno e sottoprodotti conservati sott'olio, al naturale e sotto sale, è consentita esclusivamente nei tipi ed ai prezzi massimi di cui al successivo art. 3.

La merce prodotta ai sensi del precedente comma può essere venduta esclusivamente all'Alto Commissariato dell'Alimentazione che provvede agli acquisti direttamente o a mezzo di ditte o enti incaricati e ne regola la successiva immissione al consumo.

Art. 2

Le ditte fabbricanti dei prodotti di cui al successivo art. 3 sono tenute alla buona conservazione della merce fino alla cessazione e sono obbligate a denunciare entro il 10 di ogni mese ai Commissariati Regionali dell'Alimentazione competenti per territorio la merce prodotta nel mese precedente, indicando le caratteristiche essenziali, in qualità, peso e confezione.

87

Art. 3

I tipi di tonno conservato e sottoprodotti di cui è consentita la fabbricazione ed i relativi prezzi massimi alla produzione sono i seguenti:

- 1)- tonno sott'olio in scatole da Kg.5
o 10 ciascuna, tara d'uso per merce: L.300,00 il Kg.
- 2)- tonno al naturale in scatole da Kg.5
o 10 ciascuna, tara d'uso per merce: " 240,00 " "

3)- tonno sotto sale e sottoprodotti, per
merce nuda o contenuta in barili da fatturarsi

a parte:

a) tonno (netto)

b) sott'olio

" 150,00 " "

" 140,00 " "

sott'olio, al naturale e sotto sale, è consentita esclusivamente nei tipi ed ai prezzi massimi di cui al successivo art. 3.

La merce prodotta ai sensi del precedente comma può essere venduta esclusivamente all'Alto Commissariato dell'Alimentazione che provvede agli acquisti direttamente o a mezzo di ditte o enti incaricati e ne regola la successiva immissione al consumo.

Art. 2

Le ditte fabbricanti dei prodotti di cui al successivo art. 3 sono tenute alla buona conservazione della merce fino alla consegna e sono obbligate a denunciare entro il 10 di ogni mese al Commissariato Regionale dell'Alimentazione competenti per territorio la merce prodotta nel mese precedente, indicandone le caratteristiche essenziali, in qualità, peso e confezione.

87

Art. 3

I tipi di tonno conservato e sottoprodotti di cui è consentita la fabbricazione ed i relativi prezzi massimi alla produzione sono i seguenti:

- | | |
|--|-----------------|
| 1) - tonno sott'olio in scatole da Kg.5
o 10 ciascuna, tara d'uso per merci | L.300,00 al Kg. |
| 2) - tonno al naturale in scatole da Kg.5
o 10 ciascuna, tara d'uso per merci | " 240,00 " " |
| 3) - tonno sotto sale e sottoprodotti, per
merce nuda e contenuta in barili da fittarsi
a parte: | |
| a) tonno (netto) | " 150,00 " " |
| b) spinella | " 110,00 " " |
| c) bozzoraglia | " 90,00 " " |
| d) calli e spuntatura | " 55,00 " " |

I prezzi di cui al precedente comma s'intendono per merce in perfetto stato di conservazione, rispondente alle migliori norme tecniche e commerciali e possono, su richiesta motivata delle autorità regionali, essere maggiorati fino al massimo di 1/6 da parte dell'Alto Commissariato dell'Alimentazione.

Art. 4

Sono abrogate le disposizioni che comunque contrastino con quelle di cui al presente decreto.

Art. 5

Le infrazioni alle disposizioni contenute nel presente decreto sono punibili ai sensi del R.D.L. 22 aprile 1943, n. 245 e successive modificazioni.

Art. 6

Il presente decreto entra in vigore il 1° maggio 1945 e sarà pubblicato nella Gazzetta Ufficiale del Regno.

Roma, 27 Aprile 1945

P.C.C. Sgd.7

L'ALTO COMMISSARIO

BERGAMINI

51A

HEADQUARTERS ALLIED COMMISSION
ATG 394
COMMERCE SUBCOMMISSION

Tel. Ext. 245

ERG/er

Ref. AC/5127/A/Commerce

13 October 1945

SUBJECT: Termination of Export activities
of the Allied Commission

TO : See Distribution List.

1. Reference is made to the letter sent by the Chief Commissioner to the President of the Council of Ministers, dated 31 July 1945, on the aforementioned subject, copy of which was circulated to all addressees.

2. Attached is a copy of a further letter sent to Prof. Ferruccio Parri, in clarification of certain points of the original directive.

W. A. GENT
Major
Director
Commerce Subcommission

W. A. GENT
Major

1 Incl. - Letter to Prof. Parri
dated 3 Oct. 45

1. Reference is made to the letter sent by the Chief Commissioner to the President of the Council of Ministers, dated 31 July 1945, on the abovementioned subject, copy of which was circulated to all addressees.

2. Attached is a copy of a further letter sent to Prof. Ferruccio Parri, in clarification of certain points of the original directive.

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Mr. A. GERT
Major
Director
Commerce Sub-Commission

Handwritten signature
10.10.45

1 Incl. - Letter to Prof. Parri
dated 9 Oct. 45

LEGAL SUB-COMMISSION	
C/O	<i>Handwritten initials</i>
DC/O	<i>Handwritten initials</i>
Chief Counsel	<i>Handwritten initials</i>
C/O	<i>Handwritten initials</i>
Italian Section	<i>Handwritten initials</i>
CL RKS	<i>Handwritten initials</i>
OCT 1945	

See info only.

DISTRIBUTION:

Office of the Chief Commissioner
Office of the Executive Commissioner

Economic Section

Supply Division

Production Division

Requisition Branch

Price Control Branch

Agriculture S/C

Commerce S/C

Finance S/C (3)

Food S/C (3)

Industry (3)

Labor S/C

Public Works & Utilities S/C

Transportation S/C (3)

Civil Affairs Section

Communications S/C

~~Legal~~ S/C

Public Relations

Public Safety S/C

Regional Commissioners,

"

"

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Lombardia Region

Piemonte Region

Liguria Region

Venesia Region

Venesia Giulia Region

Emilia Region

AMG Naples Communc

Allied Commission, Liaison Officer, Palermo

Allied Forces Local Resources Section (5)

UNRRA HQ AFHQ (5)

AMG Livorno Zone

AMG Ancona Communc

AC Liaison Officer Bari

AC Liaison Officer Catania

Political Adviser (A) AC

Political Adviser (B) AC

Commerce S/C
 Finance S/C (3)
 Food S/C (3)
 Industry (3)
 Labor S/C
 Public Works & Utilities S/C
 Transportation S/C (3)
 Civil Affairs Section
 Communications S/C

Legal S/C

Public Relations
 Public Safety S/C
 Regional Commissioners, Lombardy Region
 " " Piemonte Region
 " " Liguria Region
 " " Venezia Region
 " " Venezia Giulia Region
 " " Emilia Region

AMG Naples Commune
 Allied Commission, Liaison Officer, Palermo
 Allied Forces Local Resources Section (5)
 UNRRA HQ AFHQ (5)
 AMG Livorno Zone
 AMG Ancona Commune
 AC Liaison Officer Bari
 AC Liaison Officer Catania

Political Adviser (A) AC
 Political Adviser (B) AC
 US POLAD; AFHQ
 UK POLAD, AFHQ
 AFHQ G-5 Section (3)
 U.S. Embassy
 U.K. Embassy
 Soviet Representative to AC
 French Representative to AC

Spares (25)

HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner

AFC 394

HAC/ed/lea

Ref. AC/5127/A/Commerce

5 October 1945

My dear Mr. Prime Minister:

I wish to refer once again to my letter of 31 July concerning the termination of the export activities of Allied Commission.

As a result of discussions held between Mr. Storoni, Undersecretary for Commerce, and Maj. Gen. Director of Commerce Sub-Commission, it appears that there has been some misunderstanding on the part of your Government as to the intentions of the Allied authorities on the subject of re-introduction of private trading between Italy and the Allies.

I wish to clarify, therefore, that the procedure outlined in paragraph 5 of my letter of the 31st of July specifies merely the manner in which it was intended that trade should be conducted between Italy and the US and Italy and the UK from the time (i.e., 31 July) that Allied Commission ceased to act as an intermediary and until such a time as your Government makes an arrangement with either of both countries to conduct trade on a different basis.

The full authority for your Government to make arrangements with all countries, including US and UK, is given in paragraph 5 of my above quoted letter, which states that, subject to the controls and regulations which your Government has agreed to create and operate, all countries are now free to deal directly with your Government on a Government basis or with Italian private traders on a private basis as you consider best. Although the

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concerning the termination of the export activities of Allied Commission.

As a result of discussions held between Mr. Sterling, Undersecretary for Commerce, and Maj. Gen. Director of Commerce Sub-Commission, it appears that there has been some misunderstanding on the part of your Government as to the intentions of the Allied authorities on the subject of re-introduction of private trading between Italy and the Allies.

I wish to clarify, therefore, that the procedure outlined in paragraph 8 of my letter of the 31st of July specifies merely the manner in which it was intended that trade should be conducted between Italy and the US and Italy and the UK from the time (i.e., 31 July) that Allied Commission ceased to act as an intermediary and until such a time as your Government makes an arrangement with either or both countries to conduct trade on a different basis.

The full authority for your Government to make arrangements with all countries, including US and UK, is given in paragraph 5 of my above quoted letter, which states that, subject to the controls and regulations which your Government has agreed to create and operate, all countries are now free to deal directly with your Government on a Government basis or with Italian private traders on a private basis as you consider best. Although the implementation of this authority, in respect of countries other than U.S. and the British Commonwealth, is, as you know, temporarily in abeyance until your Government publishes the necessary decree to require observance of the Statutory and Proclaimed lists, there is, in the case of U.S. of America and the British Commonwealth, nothing to prevent direct trade being commenced forthwith. I understand, in fact, that Sir Richard Newworthy has already written to Minister Gronchi stating that British authorities have no objection to operating import and export trade with Italy through private trading channels if your Government so desires.

I trust that the above clarification will serve to eliminate any misunderstanding which may have existed as to the intentions of the Allied authorities and that it will assist your Government in making more rapid progress towards a return to normal trading.

Yours very truly,

/s/ Ellery W. Stone
ELLERY W. STONE,
Rear Admiral, USNR,
Chief Commissioner.

Prof. Ferruccio PARRI
President of the Council of Ministers
Italian Government

R o m e

HEADQUARTERS ALLIED COMMISSION

APC 394

COMMERCE SUBCOMMISSION

TRG/LG

Ref. AC/5127/A/Commerce

15 September 1945

SUBJECT: Allied Commission Export Activities

TO : See Distribution List Attached

1. Attached is copy of letter from the President of the Council of Ministers in reply to the Chief Commissioner's letter, dated 31 July 1945, which dealt with the termination of Export Activities of Allied Commission, transmitted to you with our AC/5127/A/Commerce dated 31 July 1945.

2. The Chief Commissioner's reply to the questions raised by Prime Minister Ferri is also attached, for your information and guidance. Please note that since writing this reply the procedure for submitting bids for sea transportation has undergone a change and is now as follows :

All applications for sea transportation for goods to be exported from Italy should be submitted through the Istituto Nazionale per il Commercio Estero, Rome, Via Torino 107, in triplicate, direct to United Maritime Authority, Zone 3 Committee, Navy House, Naples. Applications for shipping of goods to be imported into Italy from countries other than U.S. and U.K. are to be addressed in triplicate to U.M.A. as above but submitted to Allied Commission, Commerce Subcommittee, Foreign Trade Division, for onward transmission.

U.M.A. requests certain essential details and in order to ensure uniformity it is requested that the attached proforma be used when making bids for export or import

84

1. Attached is copy of letter from the President of the Council of Ministers in reply to the Chief Commissioner's letter, dated 31 July 1945, which dealt with the termination of Export Activities of Allied Commission, transmitted to you with our AC/5127/A/Commerce dated 31 July 1945.

2. The Chief Commissioner's reply to the questions raised by Prime Minister Farri is also attached, for your information and guidance. Please note that since writing this reply the procedure for submitting bids for sea transportation has undergone a change and is now as follows :

All Applications for sea transportation for goods to be exported from Italy should be submitted through the Istituto Nazionale per il Commercio Estero, Roma, Via Torino 107, in triplicate, direct to United Maritime Authority, Zone 3 Committee, Navy House, Naples. **84.**

Applications for shipping of goods to be imported into Italy from countries other than U.S. and U.K. are to be addressed in triplicate to U.M.A. as above but submitted to Allied Commission, Commerce Sub-Commission, Foreign Trade Division, for onward transmission.

U.M.A. requests certain essential details and in order to ensure uniformity it is requested that the attached proforma be used when making bids for export or import shipments.

3 Encls.

H. A. Gent
H. A. GENT,
Major,
Director
Commerce Subcommission

LEON SUBCOMMISSION	
CLC	1
USC	1
Chief Clerk	1
CLC	1
Adm. Secy	1
CLC	1
11 SEP 1945	

for info only.

Office of the Chief Commissioner
Office of the Executive Commissioner
Economic Section

Supply Division
Production Division
Requisition Branch
Price Control Branch

Agriculture S/C

Commerce S/C

Finance S/C (3)

Food S/C (3)

Industry S/C (3)

Labor S/C

Public Works & Utilities S/C

Transportation S/C (3)

Civil Affairs Section

Communications S/C

~~Legal S/C~~

Public Relations

Public Safety S/C

Regional Commissioners, Lombardy Region

" " " " " "

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AMG Naples Commune

Allied Commission, Liaison Officer, Palermo

Allied Forces Local Resources Section (5)

UNHRA HQ AFHQ (5)

AMG Livorno Zone

AMG Ancona Commune

AC Liaison Officer Bari

AC Liaison Officer Catania

Political Adviser (A) AC

Political Adviser (B) AC

US POLAD, AFHQ

UK POLAD, AFHQ

AFHQ G-5 Section (3)

U.S. Embassy

Header S/C

Public Works & Utilities S/C
Transportation S/C (3)
Civil Affairs Section
Communications S/C

Legal S/C

Public Relations
Public Safety S/C

Regional Commissioner, Lombardy Region
" " Piemonte Region
" " Liguria Region
" " Venezia Region
" " Venezia Giulia Region
" " Emilia Region

AMG Naples Commune

Allied Commission, Division Officer, Palermo

Allied Forces Local Resources Section (5)

UNHRA HQ AFHQ (5)

AMG Livorno Zone

AMG Ancone Commune

AC Liaison Officer Bari

AC Liaison Officer Catania

Political Adviser (A) AC

Political Adviser (B) AC

US POLAD, AFHQ

UK POLAD, AFHQ

AFHQ 9-5 Section (3)

U.S. Embassy

U.K. Embassy

Soviet Representative to AC

French Representative to AC

Spares (25)

Translation

C O P Y

The President of the Council of Ministers

Rome, 1.8.1945

n. 589

Dear Admiral,

1) Referring to your letter of the 31st, in relation with the cessation of the activity of the Allied Commission for what concerns exports from Italy, I must express the satisfaction of the Italian Government for the progressive resumption of its economic and financial autonomy.

2) In my opinion, considering that the territory which is at present under the control of the Allied Military Government is shortly to be handed over to the Italian Government, it would be useless to study a particular procedure concerning the exports which might take place in the above mentioned territory, for the drafting and enforcement of a regulation necessarily require a certain period of time that might be longer than the lapse of time till the handing over of the Northern provinces to the Italian Government.

In any case, as the Allied Commission well knows, the liaison organisms between the above mentioned territory and that which has already been handed back to the jurisdiction of the Italian Government exist and can be made use of in case of need.

3) The Italian Government recognizes that the Allied Commission will go on keeping some control on export activities. A few observations are nevertheless necessary.

Regarding the control mentioned in a) of para 3) it must be taken in consideration that if the Allied Commission goes on examining statements about exportable surplus, even not included on list a), this will cause, as in the past, complications and delays prejudicial to the development of a normal trade.

It would be a good thing, at least for a certain list of products to be agreed upon, for us to be free to negotiate the exports without needing previous periodical authorizations based on declarations difficult to make. 82

One of the most serious problems for my Government is unemployment: the problem might be partly solved by importing raw materials to be transformed in finished products to be exported, but to reach this result, a certain liberty of action is necessary.

For what concerns control mentioned in letter b) of para 3) the Italian Government hopes that it may in time be lessened, so as to be able to use for foreign trade some important items of its commercial balance.

Very respectfully,
The President of the Council of Ministers

In any case, as the Allied Commission well knows, the liaison organisms between the above mentioned territory and that which has already been handed back to the jurisdiction of the Italian Government exist and can be made use of in case of need.

3) The Italian Government recognizes that the Allied Commission will go on keeping some control on export activities. A few observations are nevertheless necessary.

Regarding the control mentioned in a) of para 3) it must be taken in consideration that if the Allied Commission goes on examining statements about exportable surplus, even not included on list a), this will cause, as in the past, complications and delays prejudicial to the development of a normal trade.

It would be a good thing, at least for a certain list of products to be agreed upon, for us to be free to negotiate the exports without needing previous periodical authorizations based on declarations difficult to make. 82

One of the most serious problems for my Government is unemployment: the problem might be partly solved by importing raw materials to be transformed in finished products to be exported, but to reach this result, a certain liberty of action is necessary.

For what concerns control mentioned in letter b) of para 3) the Italian Government hopes that it may in time be lessened, so as to be able to use for foreign trade some important items of its commercial balance.

4) According to the wish expressed by the Allied Commission, my Government has already taken action to establish by decree n. 331 of May 17, 1945, the "Ufficio Italiano Cambi", which will have to enforce the effective control on foreign exchanges requested from us in letter n. 13432/5 of the 18.7.1945.

While waiting for the particulars of the programs of the economic war which will have to be forwarded by the British and American Embassies, I hope that the question concerning the black list at present dealt with by the Minister of Foreign Affairs will soon be solved.

5) While expressing my great satisfaction at acknowledging what you expressed in point 5) of your letter, i. e. that all Nations are now free to negotiate directly with the Italian Government, and assuring you that we shall do our best to comply with what is expressed in point 6) of the said letter, and therefore find the information contained in n. 7 most useful, I take the liberty, my dear Admiral, of expressing a few wishes, on the granting of which depends the possibility of effectively carrying out an international trade.

a) As State control or private commercial initiatives must be established, it is obvious that the Government requires the effective functioning of the customs; without their collaboration, there could be no economic, financial and exchange activity of international trade.

The Government therefore deems it its duty to point out to the Allied Commission that its action in this sector would be frustrated if the resumption of the functioning of customs services and under the orders of the competent Italian central organisms is not allowed on all the frontiers of the State.

b) The Italian Government also deems it its duty to point out to the Allied Commission that though it will probably before long be able to resume foreign commercial correspondence, because the question of the black lists is shortly to be solved, the same thing cannot be said of foreign exchanges, which remains materially impossible till adequate means of transport, especially shipping, are available.

If freedom for international trade is to have a practical meaning, after being allowed to negotiate possible commercial agreements, Italy must have the material possibility of transporting wares with her own means, without depending for a hundred per cent from the other contractors who could make their privileged situation weigh heavily.

6) For what concerns the request which you expressed in point 9) of your letter, i.e. for my Government to take immediate action to organize its liaison offices and develop the necessary organization to carry out its new and indispensable requirements, I must tell you that I am doing everything to be ready as soon as possible to carry out these new tasks.

All the Administrations concerned are at present studying the question. The criterion which inspires them is to leave to private persons the task of managing, according to their own initiative, their relations with their foreign purveyors and clients, submitting nevertheless these relations to a strict control by the State. It will be necessary to draft a list which will include the greatest possible amount of exportable goods, and study at the same time a definite priority criterion for importable goods. All matters concerning foreign trade ought perhaps to be centralized in the State Administration, the Industry and Commerce Department, which, with its Undersecretary for Foreign Trade, within the boundaries of the plan for imports and exports and according to the regulations fixed as exchange policy, will have a great possibility of action, and use as executive organ the "Istituto Commercio Estero", which has already had close contacts with the Allied Commission.

I shall send you the final organization draft on this matter, as soon as the Administrations concerned will be through with it.

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I shall send you the final organization draft on this matter, as soon as the Administrations concerned will be through with it.

Trans. e/c

S. Ferruccio pari

Admiral Ellery W. Stone

Chief Commissioner of the Allied Commission, ROME

Copy

31 August 1945

My dear Mr. Prime Minister:

I thank you for your letter dated 1 August 1945, replying to my communication of 31 July, and am taking this opportunity of replying to the various points which you raise.

With regard to paragraph 2 of your letter, I agree that, in the existing circumstances, it is not necessary to prepare a special procedure to govern exports in the territory at present under Allied military control.

Further, I am in agreement with the suggestion made in your paragraph 3 that a list of items, of which an exportable surplus exists, should be prepared. Therefore, I suggest that your Government submit such a list to this Headquarters, so that it may be reviewed and, if possible, an overall clearance given.

While you will be the first to appreciate, my dear Prime Minister, the necessity for maintaining control over the movement of those commodities which are in world short supply, I have every hope and reason to believe that, with the final cessation of hostilities, the list of such commodities will gradually be reduced.

As regards your paragraph 4, the Combined Chiefs of Staff have advised us that the United States Proclaimed and British Statutory Lists should be adopted by your Government as a preliminary to direct trade between Italy and those countries to which such lists have been applied.

I am gratified by the establishment of the new exchange control agency, the Ufficio Italiano dei Cambi, and I hope it will proceed to an effective control of Italian external assets as soon as possible.

As regards paragraph 5 (a), I may say that we are in full agreement concerning the effective functioning of the Italian customs service. As far as we are aware, the customs service is operating at all ports and on all frontiers, except at those ports or portions of ports which are being used for Allied military or naval traffic. On the initiative of the Allied authorities the customs services in Allied Military Government territory have been reestablished and are functioning under normal Italian laws and regulations. The customs organizations now functioning in Allied Military Government territory

08

Further, I am in agreement with the suggestion made in your paragraph 3 that a list of items, of which an exportable surplus exists, should be prepared. Therefore, I suggest that your Government submit such a list to this Headquarters, so that it may be reviewed and, if possible, an overall clearance given.

While you will be the first to appreciate, my dear Prime Minister, the necessity for maintaining control over the movement of these commodities which are in world short supply, I have every hope and reason to believe that, with the final cessation of hostilities, the list of such commodities will gradually be reduced.

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With reference to the question of transport raised in your paragraph 5 (b), a control has not been set up to deal with the very involved question of world transport facilities, in order that all nations may receive their fair share of the availability. This controlling body is known as the United Maritime Authority (U.M.A.).

All applications for shipping should be submitted by the appropriate Italian authority to the Shipping Employment Policy Committee, Berkeley Square, London, with copy to United Maritime Authority Zone 3 Committee, Navy House, Naples. It is essential however, that all applications for shipping made on United Maritime Authority through Shipping Employment Policy Committee, London, should be coordinated by one Central Italian Organization.

I am very gratified to learn of the time which are being prepared by your Government for the furtherance and control of Italy's foreign trade and I shall be very interested to see them when they are completed.

In my letter of 31 July, I presumed that the Italian Government authority which would be responsible for carrying on import activities would be your Istituto Nazionale per il Commercio Estero. Your letter to which I am now replying leads me to believe that perhaps this assumption was not entirely correct. In any case, I feel it my duty to draw your attention to the fact that the Istituto Commercio Estero has not been, in the past, as fully effective as might have been desired, due perhaps to the very heavy burden which was placed upon it. I am sure your Government will bear this in mind when considering its reorganization plans.

Rest assured, my dear Mr. Prime Minister, that my assistance or advice which the Allied Commission can render toward a happy solution of the foreign trade problems will be readily given.

Very truly yours,

/s/ Willy W. Stone

WILLY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Lami
President of the Council of Ministers
Italian Government
Rome

Distribution:

Office of the Chief Commissioner
Office of the Executive Commissioner
Economic Section

Supply Division
Production Division
Requisition Branch
Price Control Branch
Agriculture S/C
Commerce S/C (S)

Food S/C (S)

AMG Livorno Zone
AMG Ancona Command
AC Liaison Officer Bari
AC Liaison Officer Catania
Political Adviser (A) AC
Political Adviser (E) AC
US POLAD, AFPA
UK POLAD, AFPA
AMR G-5 Section (S)

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Very truly yours,
/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Janni
President of the Council of Ministers
Italian Government
Rome

Distribution:

Office of the Chief Commissioner
Office of the Executive Commissioner
Economic Section

Supply Division
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Agriculture S/C
Commerce S/C (5)
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Labor S/C

Public Works & Utilities S/C
Transportation S/C (5)
Civil Affairs Section
Communications S/C
Legal S/C

Public Relations
Public Safety S/C
Regional Commissioner

" " Lombardy Region
" " Piemonte Region
" " Liguria Region
" " Venetia Region
" " Venezia Giulia Region
" " Dalmia Region

AMC Naples Command
Allied Commission, Liaison Officer, Palermo
Allied Forces Local Resources Section (5)
USMRA HQ AFM (5)

AMC Livorno Zone
AMC Ancona Command
AC Liaison Officer Bari
AC Liaison Officer Catania
Political Adviser (A) AC
Political Adviser (B) AC
US POLAD, AFM
UK POLAD, AFM
AFM 3-5 Section (5)
U. S. Embassy
U. K. Embassy
Soviet Representative to AC
French Representative to AC

Spares (25)

Only One Consignment to be Shown in Each Bid

RICHIEDUTA PER TRASPORTO VIA MARE

Ogni Richiesta Serve per Una Sola Spedizione

Serial No. of Bid

b. della Richiesta _____

1 UNITED MARITIME AUTHORITY

Zone 3 Committee, Navy House, Naples

A request is made for shipping space to be provided for the undermentioned cargo:

Si richiede l'assegnazione di spazio a bordo per il sottoelaborato carico:

[illegible]

Trails of heavy lifts over 5 tons, if any:

Attagli di eventuali colli di peso superiore alle 5 tonn.:

by other special remarks:

Altre osservazioni speciali:

This statement is approved

* approva il presente trasporto

Name _____
 Mailing _____

Rank
Grado

Sub-Commission
Sotto-Commissione

2. Submission of this bid does not guarantee the allotment of shipping space.

L'adempimento della presente richiesta non comporta garanzia di approvazione.

REQUEST FOR SEA TRANSPORTATION
Only One Consignment to be Shown on Each Bill
RICHIESTA PER TRASPORTO VIA MARE
Ogni Richiesta Serve per Una Sola Spedizione

Date _____
 Dain _____

to be provided for the undermentioned cargo:
a bordo per il sottoelencato carico:

Signed _____
Firma _____

as the allotment of shipping space.
Sopporta garanzia di assicurazione.

HEADQUARTERS ALLIED COMMISSION

APO 394

COMMERCE SUB-COMMISSION
Foreign Trade Division

BBG/ram

401411
Tel. : 245

22 August 1945

Ref. : AC/5127/A/Commerce

SUBJECT: Termination of Export Activities of the Allied
Commission

TO : The Ministry of Foreign Affairs -
Italian Government

4-6A

1. Reference is made to the letter addressed by the Chief Commissioner to the President of the Council of Ministers dated 31 July with regard to the above subject.
2. Particular reference is made to paragraph (1) in which it was stated that the activities of the Allied Commission with respect to Italy's exports would terminate as from 31 July 1945, both in territory which has already been returned to the jurisdiction of the Italian Government and in the territory which is at present under Allied Military Government.
3. In order that there may be no misunderstanding, we wish to point out that "disputed areas" such as Venezia-Giulia do not come within the terms of the above statement.
4. It is requested that the above clarification be communicated by you to the interested Ministries and Departments of the Italian Government.

401411
H. A. GENT
Major
Director
Commerce Sub-Commission

Distribution

Office of the Chief Commissioner
Office of the Executive Commissioner
Economic Section
Regional Commissioners
Lombardia Region
Piemonte

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4. It is requested that the above clarification be communicated by you to the interested Ministries and Departments of the Italian Government.

Major A. GENT

Major

Director

Commerce Sub-Commission

Distribution

Office of the Chief Commissioner

Office of the Executive Commissioner

Economic Section

Supply Division

Production Division

Requisition Branch

Price Control Branch

Agriculture S/C

Commerce S/C

Finance S/C (3)

Food S/C (3)

Industry S/C (3)

Labor S/C

Public Works & Utilities S/C

Transportation S/C (3)

Civil Affairs Section

Communications S/C

Legal S/C

Public Relations

Public Safety S/C

Regional Commissioners

Lombardia Region

Piemonte "

Liguria "

Venezia "

Venezia Giulia "

Emilia "

AMS Naples Commune

AC, Liaison Off., Palermo

AFHQ (5)

UNRRA HQ AFHQ (5)

AMS Livorno Zone

AMS Ancona Commune

AC Liaison Officer Bari

AC Liaison Officer Catania

Political Adviser (A) AC

Political Adviser (B) AC

US POLAD, AFHQ

UK POLAD, AFHQ

AFHQ G-5 Section (3)

U. S. Embassy

U. K. Embassy

Soviet Rep. to AC

French Rep. to AC

Spares (25)

28 JUL 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-SUBMISSION

/rlp.
14 August 1945.

AC/4011/11/1.

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

TO : Commerce S/C.

1. The documents forwarded in your No. AC/5127/Commerce of 11 inst. are returned herewith.

2. Full examination of these six bundles of documents is not necessary, as no legal question appears to be raised. The goods in question were requisitioned by the Army, and the fact that they were the property of a neutral owner does not in any way affect the legal position.

3. If the 300 tons of tin bands and the 5 tons of pure tin are still in the Cantieri Metallurgici, and are not required by the military authorities, they should be returned to the firm from whom they were requisitioned upon the express condition that the goods are returned solely to enable the firm to complete its contract by delivering them to the Swiss owners.

4. If it is not possible to return the goods, no doubt arrangements will be made for the payment of compensation in the normal way.

Handwritten signature
MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incls.

76

4014/11

[Handwritten signature]

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUB-COMMISSION
Foreign Trade Division

47A

ERG/ram

Tel. : 245 11 August 1945
Ref. : AC/5127/Commerce
SUBJECT: Swiss Firm "S. A. Columeta" of Basle
TO : Legal Sub-Commission

1. Attached are the following documents:
- 1 Nota Verbale No. C4 del 9 aprile
 - Documentazione No. 1 (Columeta)
 - " No. 2 (Sindacato delle Fabbriche Sviz-
tere di conserve)
 - " No. 3 (Ass. fabb. sv. di imballaggi di
latta)
 - " No. 4 (Societa' Bernese latte delle
Alpi)
 - " No. 5 (Corrispondenza Columeta/Cant.
Met. Castellaumare)
 - " No. 6 (Riassunto)
 - Memorandum No. 6/1254/582 dtd 12 June 1945
 - Memorandum No. 6/785/350 dtd 19 October 1944

together with letter to Economic Section from Liaison Divi-
sion of the Office of the Executive Commissioner.

2. The attached documents have been studied by this
Sub-Commission and it would appear that the question is one
which should be passed to AFHQ. We are not forwarding the
documents direct as it is thought that perhaps you would
wish to express a legal opinion on the matter and we would
appreciate if you would forward to AFHQ with any comments
which you may wish to make.

LEGAL SUB-COMMISSION	
→ CLO	
DCLO	
Chief Counsel	
Enclosures	
11 3 AUG 1945	

H. A. GENT
H. A. GENT
Major
Director
Commerce Sub-Commission

75

4019/11
HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUB-COMMISSION
Foreign Trade Division

467
ERG/ram

Tel. : 245

31 July 1945

Ref. : AC/5127/A/Commerce

SUBJECT: Termination of Export Activities of the
Allied Commission - Tam 640

TO : See Distribution List Attached

1. Attached is copy of a letter sent by the
Chief Commissioner to the President of the Council
of Ministers on 31 July 1945, for your guidance and
whatever action may be necessary.

Halpern Major
H. A. GENT
Major
Director
Commerce Sub-Commission

Attachment

	COMMISSION
→ CLO	<i>ln</i>
→ DCLO	
→ Chief Counsel	<i>ML</i>
→ CJO	
→ Finance Section	<i>+</i>
→ RKS	

76.
2 AUG 1945

HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

31 July 1945

C O P Y

My dear Mr. Prime Minister:

1. I wish to inform you that after 31 July 1945, the activities of the Allied Commission with respect to Italy's exports, will terminate. This decision refers equally to the territory which has already been returned to the jurisdiction of the Italian Government and to the territory which is at present under Allied Military Government. This means that the Allied Commission will no longer act as a channel of communication for export orders or for matters referring to the procurement or implementation of such orders.

2. Insofar as concerns the application of the decision which I now communicate to you in respect to territory under the Allied Military Government the appropriate Italian authority (which I presume will be the Istituto Commercio Estero) will carry on all export activities as a unit but, though acting as principal, will be subject to Allied Military Government control. Details of procedure will be worked out with your appropriate Ministry.

3. There are certain controls which it will be necessary for the Allied Commission to continue to retain, over Italy's export activities:

(a) In order that the Allied military and civilian supply program may not be impaired by conflicting export activities, the Allied Commission will continue to screen all declarations of exportable surpluses, will require monthly statistics of exports effected after 31 July 1945, and will have access to all other relevant data.

(b) The Allied Commission will continue to be responsible for insuring that those commodities which have been declared exportable by your Government and which fall under Category "A" (as defined in a letter written under reference AC/5127/A/Commerce dated 18 April 1945 and addressed to your Minister of Industry & Commerce) are reported to the appropriate Allied authorities and are subsequently exported to the country which such authorities shall specify.

73

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3. There are certain controls which it will be necessary for the Allied Commission to continue to retain, over Italy's export activities:

(a) In order that the Allied military and civilian supply program may not be impaired by conflicting export activities, the Allied Commission will continue to screen all declarations of exportable surpluses, will require monthly statistics of exports effected after 31 July 1945, and will have access to all other relevant data.

(b) The Allied Commission will continue to be responsible for insuring that those commodities which have been declared exportable by your Government and which fall under Category "A" (as defined in a letter written under reference AC/5127/A/Commerce dated 18 April 1945 and addressed to your Minister of Industry & Commerce) are reported to the appropriate Allied authorities and are subsequently exported to the country which such authorities shall specify.

Details of procedure to insure the implementation of sub-paragraphs (a) and (b) above will be worked out with your appropriate Ministry by Foreign Trade Division, Commerce Sub-Commission.

4. Export Operations

I refer to my letter to you No. 13432/F of 18 July, and particularly to paragraph 6 thereof. It is expected that your Government will institute an effective foreign exchange control and will adopt such trade controls as are necessary to support the economic warfare objectives of the Allied Governments. The details of such objectives are to be communicated to you in the near future by the British and American Embassies in Rome. I would mention here specifically the importance of the adoption by your Government of the U. S. Proclaimed and British Statutory Lists and the prohibition of trade communications or financial relations with persons named in either of these two lists. Action on this matter has been repeatedly requested by Finance Sub-Commission in correspondence with the Ministry of Treasury.

5. However, within the framework of the essential controls and regulations which your Government is expected to create and operate (controls which, I may remark in passing, are general controls imposed by all liberated countries) all countries are now free to deal directly with the appropriate Italian export authority, or with Italian private traders on a Government basis, or on a private basis, as you consider best, and through whatever channels your Government may decide.

6. Contracts and Proceeds

As from 31 July 1945, your Government will be responsible for all export contracts and further, will assume responsibility for and carry out any uncompleted contracts concluded prior to that date. This Commission will not be responsible or accountable for exports even relating to uncompleted contracts signed prior to 31 July 1945. Your Government will be responsible for making arrangements for payment of Italian exports and also for the collection of the proceeds of such exports.

7. Information regarding the accounting for export operations concluded prior to 31 July 1945, is being obtained from the recipient countries and agencies, by the Finance Sub-Commission of this Headquarters.

8. Communications and Negotiations

The U. S. Commercial Corporation, in accordance with the offer previously made to and accepted by your Government, is expected to act as your agent in the United States as from 1 August 1945, as an interim measure, pending full restoration of private trade and, for this purpose, it is expected that the U. S. Commercial Corporation will open a liaison office in Rome. From 1 August 1945, the United Kingdom Government will conduct its government buying through the British Embassy who will deal direct with the appropriate Italian authority. Other purchases will be made by private United Kingdom traders who will deal direct with that authority and contract as principals in accordance with the procedure outlined in paragraph 4, (ii) a), b), c), d) of letter AC/5127/A/Commerce dated 6 July 1945 to your Ministry of Industry & Commerce.

9. Copies of this memorandum are being issued to all Departments of the Allied Commission and to all outside interested Agencies, for compliance. You will, therefore, appreciate that immediate action by your Government is required to set up your own channels of communication and to develop the organization necessary to carry out its new and heavy responsibilities.

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10. I shall appreciate, therefore, if you will inform me, as quickly as possible, of the action your Government has taken.

Sincerely,

(Signed) ELLERY W. STONE
Rear Admiral, USNR

Professor Ferruccio Parri
President of the Council of Ministers
Italian Government
Rome

See Distribution attached

Office of the Chief Commissioner
Office of the Executive Commissioner

Economic Section

Supply Division

Production Division

Requisition Branch

Price Control Branch

Agriculture S/C

Commerce S/C

Finance S/C (3)

Food S/C (3)

Industry S/C (3)

Labor S/C

Public Works & Utilities S/C

Transportation S/C (3)

Civil Affairs Section

Communications S/C

Legal S/C

Public Relations

Public Safety S/C

Regional Commissioner

Lombardia Region

Piemonte Region

Liguria Region

Venezia Region

Venezia Giulia Region

Emilia Region

AMG Naples Commune

Allied Commission, Liaison Officer, Palermo

Allied Forces Local Resources Section (5)

UNRRA HQ AFHQ (5)

AMG Livorno Zone

AMG Ancona Commune

AC Liaison Officer Bari

AC Liaison Officer Catania

Political Adviser (A) AC

Political Adviser (B) AC

US POLAD, AFHQ

UK POLAD, AFHQ

AFHQ G-5 Section (3)

U. S. Embassy

U. K. Embassy

Soviet Representative to AC

French Representative to AC

Spares (25)

11-

HEADQUARTERS ALLIED COMMISSION
APO 594
LEGAL SUB-COMMISSION

USA

AC 1014/11/L.

WBR/ps.
21 Jun 45.

SUBJECT : Camera di Commercio Perugia.

TO : Commerce Sub-Commission.

1. It is to be observed that both the decrees of the Prefect of Arezzo and that of the Prefect of Perugia are illegal.
2. These decrees purport to impose general taxation within the Provinces concerned. The only authority for such taxation is Testo Unico delle leggi sui Consigli Provinciali dell'Economia Corporativa, approved by R.D. 2011 of 20 Oct 1934, which provides by Art. 52 and 53 that taxes may be imposed to supply the necessary income for the Consigli (which under Arts. 2 and 6 of D.L. 315 of 21 Sept 1944 are now replaced by Camere di Commercio) but that such taxes require a Royal Decree issued by the Ministers of Corporations (Industry Labour and Commerce) and Finance.
3. Strictly therefore there was no justification for the issue of either of these prefectural orders at the very least they should have been, and stated that they were, issued under the express authority of AMG.
4. It is a question of policy, with which I am not concerned, whether the taxes are approved in principle.
5. If it is desired to approve the tax in the case of the Perugia decree, it is necessary, since it is no longer possible to issue an AMG order, to write an official letter to the Prefect of Perugia "confirming" that on the date in question he was authorized by AMG to issue the order in question.

W.F. HARRIS,
Colonel
Chief Legal Advisor.

Papers Returned

4014/11

44A

HEADQUARTERS ALLIED COMMISSION
APO 394

Tel. Ext. 556 COMMERCE SUB-COMMISSION

JO/ro

Ref. AG/5020/Commerce

19 June 1945

SUBJECT: Tobacco and Matches

- To: (Economic Section
(Civil Affairs Section
(Finance Sub-Commission
(Labour " "
(Food " "
(Transportation Sub-Commission
(Agriculture " "
(Legal " "

It is notified for information that all matters concerning tobacco and matches, with which this Sub-Commission formerly dealt, have been turned over to Industry Sub-Commission.

for
W. P. EVANS
Colonel/
Director
Commerce Sub-Commission

69

Copy to Industry S/C

SUB COMMISSION	
CLO	W ←
DCLO	
Chief Counsel	
CJO	
Public Relations	
QU RKS	
20 JUN 1945	

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

43A

AC/4014/11/L.

WEB/ap.
28 March 1945.

SUBJECT : Control of POL.

TO : Commerce Sub-Commission.

1. The questions raised by your AC/5145/11/Commerce/POL. 12 of 21 March 45 relate exclusively to Italian law and the construction of Italian decrees. I have accordingly taken the opinion of my Italian legal advisers and the following observations, which incidentally appear to me to be sound, are based upon the opinions received from them.

2. The rights of ENAC are based upon D.L.L. No. 183 of 17 Aug 1944, which purports to confer upon ENAC and the Ministry of Communications the sole competency for the distribution of fuel among the members of ENAC.

3. It is, however, clear from the decree that members should properly be registered with ENAC in respect only of vehicles engaged in the commercial transport of goods. In so far as ENAC claims to enforce the registration of members in respect of other vehicles, and to distribute fuel for such vehicles, ENAC is exceeding its scope.

4. The above observations appear to answer the questions raised by your letter. As to the course of action to be adopted if you desire to support the contentions of the Minister of Industry Commerce and Labour you might submit the point to the President of the Council and request him to settle the controversy. He should be asked, if he agrees, to instruct the Ministry of Communications to limit ENAC's functions in the distribution of fuel to such vehicles as are deemed to be within the true scope of ENAC and to entrust to the Ministry of Industry Commerce and Labour the distribution in respect of all other vehicles.

W. E. BEHRENS, Colonel,
Deputy Chief Legal Advisor.

4014/11

42A

~~File~~

MEMORANDUM FOR THE SECRETARY OF THE ARMY
SUBJECT: CONTROL OF POL - Italian Government

Ref. 12/11/45 11/45 11/45 11/45 11/45

Ref. 12/11/45 11/45 11/45 11/45 11/45

21 March 1945

SUBJECT: Control of POL - Italian Government

1. : Issue 3rd-Commission

1. Until recently when UNAC began to set up its series of control within the Italian Government was working satisfactorily under the general control of the International Committee for Liquid Fuel (under the Ministry of Industry, Commerce & Labour) the allocation of fuel for automotive purposes was in the hands of the Local Fuel Control Office (LFIO).
2. Recently however there have been signs that UNAC was out to upset this arrangement. Their first move being to have the Minister of Communications (who are controlled by that Ministry) issue instructions that every truck registered by UNAC had in a condition to operate would automatically be issued with a circulation permit. It had previously been laid down that only vehicles whose operation justified the issue of fuel ration after approval by LFIO would be given Circulation Permits. Since Motorists who have Circulation Permits are controlled by the Ministry of Communications and we were not consulted the change was effected without our knowledge or approval of the Ministry of Industry, Commerce & Labour.
3. There have recently been signs that UNAC was out to secure control over supply of POL for all trucks registered with it in spite of the fact that many of them are not under their operational control and as a result the supply of the fuel for the trucks was cut down by a third causing a protest from AC Security Officer at Naples.
4. Attached are copies of correspondence between the Minister of Industry, Commerce & Labour and the Minister of Communications, a copy of our AC/11-2/2 of 14 March 1945 concerning with LFIO and the translation of Decree 135, 136 and 137 which are relevant, and AC/24/1/2 of 15 March 1945 in reply.

67

5. An opinion is sought whether SWAC would be likely to succeed in a contention that allocation and control of Petroleum Supplies for all vehicles registered with them was legally their responsibility and should be transferred from the Ministry of Transport, Commerce and Labour to the Ministry of Communications.

6. Alternatively and where any legal arguments for the ownership of the fuel is considered desirable by the Sub-Commission in the interests of efficient allocation and control of fuel for supplies of which the British Government is entirely dependent on the United States and which must all be imported.

A. Brinkley
 W. P. SWANE
 General
 Director
 Commerce Sub-Commission

10 Encls. (as para 10 +)

LEGAL SUB-COMMISSION	
CLO	
DELO	
Chief Counsel	
CLO	
Legal Section	
C. L. RIS	
22 MAR 1948	

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

41A

AC/4014/11/L.

PC/pa.
7 Mar 45.

SUBJECT : Commercial Agreements.

TO : Mr. Livingood, Counsellor for Economic Affairs
American Embassy.

1. With reference to Miss Fogarty's enquiries on your behalf please find hereunder the particulars you requested on the question of publicity of commercial agreements under existing Italian law :

- (i) At present all foreign commerce is controlled by the Government. Private transactions and agreements affecting international commerce are not operative at present; they may, however, be concluded freely on condition that they will become operative only when - and if - governmental control will cease.
- (ii) In general, these agreements need not be disclosed publicly. Articles 2602 and followings of the Civil Code deal with agreements entered into by several manufacturers in order to coordinate their activities through a common agency. Such agreements must be made in writing, but are not subject to any registration or disclosure. Only if they affect the general market must such agreements be approved by the Government (Art. 2618, C.C.).

65

G. G. HANN FORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Copy to : AC/4005/L.

(1) Existence of laws, decrees or administrative devices, either currently or recently enforced by Italian Government, which would require the public disclosure of agreements or contracts whose main provisions provide for:

- (a) allocation of markets; *(subcontracted)*
- (b) price fixing;
- (c) production quotas;
- (d) exchange of technology with restrictions on use, production, and distribution.

(2) Existing legal or administrative procedures requiring the registration or disclosure of corporate relationships, marketing arrangements, or terms of business practices, particularly as they relate to foreign commerce, now in effect at the direction of Italian Government.

any available
(3) Background information on reason for existence or non-existence of such public disclosures or registrations.

Tel. 478234-5-6
Rt. 62

*Mr. Livingood, Counselor for
Economic Affairs
American Embassy*

c/o Miss Fogarty

~~File~~

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

40A

AC/4014/11/L.

/mt.
4 March 1945.

SUBJECT : MAGALDI Trading.

TO : Commerce Sub-Commission.

1. We refer to our letter of 8 Feb 45 AC/4014/11/L and your reply of 3 March AC/5158/Commerce.

2. In view of the further facts submitted it seems clear that the transaction between MAGALDI and the Industria Meridionale Pelami was unlawful and that a case can be established for violations of the law freezing transactions in hides. (See paragraphs 2 and 3 of our memorandum of 8 Feb 45).

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E. L. PALMIERI,
Major,
Acting Chief Counsel,
for Chief Legal Advisor.

4014/11
HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION
Materials Division

39A

TEL: 478703

CAM/lc

REF: AC/5158/Commerce

3 March 1945

SUBJECT: Magaldi Trading.

TO : Legal Sub-Commission.

35A

1. Your AC/4014/11/L of 8 February refers.
2. As regards para 1 (a) of your letter the following facts have been submitted by Southern Region:-

" Magaldi who has been interviewed by this Sub-Division, states that on or about the 15th December 1944 he made a verbal agreement with the Industria Meridionale Pellami S/A, Naples, for the purchase on his account 2 Qls of chrome salt at a price of Lt.4,500 = per Kg. Industria Meridionale Pellami S/A to tan the leather and to deliver it to Magaldi at Lit. 1,100 = per Kg. A part of the 20 Qls. of leather to be produced has already been collected by Magaldi, the balance is still to be delivered."

3. Para 1 (b). Magaldi is a firm which produces a special type of chrome leather belting. This is the only firm in liberated Italy which undertakes work of this kind. He has undertaken orders-up to the time that the availability of chrome salts ceased- placed by Simoncini.

Simoncini was formerly director of the Govt. Experimental station for skins and hides in Naples. In his hands was the entire responsibility for manufacturing - thru factories under his control - all leather belting.

Scotti is the Govt. Official at the head of the ufficio provinciale Naples. He would be responsible for declaring availability of hides to Simoncini, receiving civilian demands for belting and arranging with Simoncini for orders to be manufactured.

- 2 -

4. Any further ruling which you can give as to necessary action will be appreciated.

J. P. Evans
J. P. EVANS
Colonel
Director
Commerce Sub-Commission.

Wm. H. H. H.
Wm. H. H. H.

LEGAL SUB-COMMISSION	
CIO	
DCIO	
Chief Counsel	
CIO	
Legal Section	
GL SKS	
<i>W. H. H.</i>	
4 MAR 1945	

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40, 12/11. *WLP*

HEADQUARTERS ALLIED COMMISSION
APO 334
WASHINGTON 25-D-Case Italian

38A

sub/arb

Ref: 478823
25 February 1943

Ref. no. 244/7/Commerce/PO. 7

SUBJECT: POL Fees

TO: Regional Commissioner
Piemonte Region

1. Your FIN/Com/10/A of 3 February 43, refers.

2. Whilst we are in agreement that the 35 centesimi per liter of POL should be levied, it for no other reason than to insure universality when the Italians take over, we are not so sure that it would be available, as you suggest, as revenue for operating truck pools, and we suggest you consult Finance sub-Commission on this aspect. It would be our opinion that the moneys should be turned over to cover the expenses of the public or other allocating authority exactly the same way as is done under Italian government jurisdiction with possibly a deduction of the 20 cents which is normally resitted to the Italian government central administration.

3. As regards the legality of the charge, it is covered by paragraph 12 of Executive Memorandum No. 21, dated 21 April 1943, which reads in part: "We will be entitled to levy the charges authorized under existing Italian law." The charge itself is covered by 100, No. 106, articles 3 and 16, dated 13 April 43, and the method of collection is given in Ministry of Industry, Commerce, and Labor Circular No. 21 (copy attached).

4. With regard to accounting, you are referred to exhibit "A" attached to Executive Memorandum 21, of which a copy is also attached. Whilst this deals with the 3 lire leviable for the circulation permits, it could presumably be applied also to the 35 centesimi per liter of POL promote allocated by U.S. as mentioned in paragraph 2 above, but we are not at all certain that the latter form an AEC revenue.

For the Chief Commissioner.

W. J. Evans
Colonel
Director
Commerce sub-Commission

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Enclosures: As of para 4 above.

Legal 4/0 (Attn. Col. Hametson) (with enclosure FIN/Com/10/A) *WLP*

1. Your LTR/COM/10/A of 9 February 45, refore.

2. Whilst we are in agreement that the 35 centesimi per liter of POL should be levied, if for no other reason than to insure universality when the Italians take over, we are not so sure that it would be available, as you suggest, as revenue for operating truck pools, and we suggest you consult Finance Sub-Commission on this aspect. It would be our opinion that the moneys should be turned over to cover the expenses of the NFBU or other allocating authorities exactly the same way as is done under Italian government jurisdiction with possibly a deduction of the 20 cents which is normally remitted to the Italian government central administration.

3. As regards the legality of the charge, it is covered by paragraph 12 of Executive Decree No. 11, dated 21 April 1944, which reads in part: "There will be entitled to levy the charges authorized under existing Italian law." The charge itself is covered by RIL No. 109, articles 9 and 10, dated 17 April 44, and the method of collection is given in Ministry of Industry, Commerce, and Labor Circular No. 11 (copy attached).

4. With regard to accounting, you are referred to exhibit "A" attached to Executive Decree No. 11, of which a copy is also attached. Whilst you deal with the 35 lire leviable for the circulation permits, it would presumably be applied also to the 35 centesimi per liter of POL products allocated by RIL as mentioned in paragraph 2 above, but we are not at all certain that the latter forms an add revenue.

For the Chief Commissioner:

THE CHIEF COMMISSIONER

W. P. GIBBS
Colonel
Director
Commerce Sub-Commission

60.

Enclosure: as of para 4 above.

~~copy sent~~ Legal S/O (Attn. Col. Mansford) (with enclo for LTR/COM/10/A) ~~Amended~~

Finance S/O
Public S/O
10/5/45

X

C O P Y

HEADQUARTERS
PERMANENT REGION
ALLIED MILITARY GOVERNMENT
APO 394

FMR/eia

Tel. 409

File: FILE/CC-10/A.

SUBJECT: P.O.L. fees

9 February 1945

TO: Commerce Sub-Commission, Hq AC

1. In conversation with your P.O.L. officers some time ago it was deemed advisable to initiate the fee of 35 centesimi per liter or kilograms of P.O.L. products issued to vehicular users. This is in accordance with circular No. 21 of the Ministry of Industry, Commerce and Labor, dated 19 December 1944, applicable to liberated (L.O.) territory. These monies would be available for the operation of transport pools prior to the establishment of M.A.A.C.

2. Col. Hainsford, Major S/C, Hq. AC, advised that the collection of this fee is based upon decree No. 133 published in the Gazzetta Ufficiale, No. 31, Anno 25, dated 27 May 1944. This decree was never endorsed for implementation in AMG areas.

3. A means of supervision of these monies, collected on P.O.L., has not been set up for AMG territory, as the Finance S/C cannot recommend that AMG Provincial Finance Officers assume any responsibility for accounting since this fee is not an official tax.

4. To collect this fee an official order would be required, establishing the legality in AMG areas, similar to Ex. Memo No. 31. An accounting procedure must be established. Such an order should be initiated by Commerce S/C.

5. Therefore, unless otherwise advised, Finance Region cannot undertake to collect these P.O.L. fees during its AMG operations.

For the Regional Commission:

59

/s/ J. A. Ketter
J. A. Ketter, Lt. Col.
Commerce Officer

1. In conversation with your P.O.L. officers some time ago it was deemed advisable to initiate the fee of 35 centimes per liter or kilogram of P.O.L. products issued to vehicular users. This is in accordance with Circular No. 21 of the Ministry of Industry, Commerce and Labor, dated 17 December 1944, applicable to liberated (MO) territory. These moneys would be available for the operation of transport pools prior to the establishment of E.N.A.C.

2. Col. Mansford, Regal S/O, HQ. MO, advised that the collection of this fee is based upon Decree No. 133 published in the Gazzette Officielle, No. 24, Anno 45, dated 27 May 1944. This Decree was never endorsed for implementation in AME areas.

3. A means of supervision of these moneys, collected on P.O.L., has not been set up for AME territory, as the Finance S/O cannot recommend that AME Provincial Finance Officers assume any responsibility for accounting since this fee is not an official tax.

4. To collect this fee an official order would be required, establishing the legality in AME areas, similar to Ex. Memo No. 51. An accounting procedure must be established. Such an order should be initiated by Cameroon S/O.

5. Therefore, unless otherwise advised, Picante Region cannot undertake to collect these P.O.L. fees during its AM operations.

For the Regional Commissioner:

/s/ P. H. Reiter
P. H. Reiter, Lt. Col.
Commerce Officer

Copy to:

Regional Transportation Officer, Picante Region
Regional Finance " "
Regional Legal " "

HEADQUARTERS ALLIED COMMISSION
AFC 394
LEGAL SUB-COMMISSION

AC/4024/11/L.

21 February 1945. ^{GOH/mt.}

SUBJECT : P.O.L. Procedures Vehicular.
TO : Commerce Officer, PIEMONTE Region.

Reference your Pie/com/10/A of 13 Feb 45.

1. There is no comment this Sub-Commission wishes to make on the text of the directive submitted by you.

2. As far as the tax of 35 cent. per litre is concerned, if circular No. 21 of the Ministry of Industry and Commerce is based on legislation passed by the legitimate Italian Government and existing before 5 May 1944, the collection of the tax is legal and valid in AMG territory.

3. If on the contrary this circular was issued pursuant to the provisions of R.D.L. 133 of 5 May 44, this tax cannot be collected legally in territories under AMG because this decree was never implemented.

The same remark applies to the 50 lire fee for circulation permits.

4. If such is the case and you feel that the collection of both tax and fee is desirable, you should request that a general order to that effect be issued on R.D.L. 133 implemented.

5. If R.D.L. 133 was implemented it would not be operative in regions of N W Italy until these territories were handed over to AMG administration. During that period its provisions would have to be made effective in PIEMONTE Region by Regional Order.

By command of Rear Admiral STONE:

G. G. HANNAFORD, 58
Lt. Col.,
Officer i/o Italian Branch,
for Chief Legal Advisor.

HEADQUARTERS
RRAR, PIEMONTE REGI
ALLIED MILITARY GOVERNMENT
APO 394

Tel. 409

FMR/cr

File: Pio/Com/10/A.

13 February 1945

SUBJECT: P.O.L. Procedures, Vehicular
TO : Addressees named in par. 1a

1. As per request of the Regional Commissioner, Piemonte, a further reading and concurrence or remarks is requested from the following:

a.	Piemonte Regional	Public Safety Officer	_____
b.	"	"	Transportation _____
c.	"	"	Legal _____
d.	For the Director,	Commerce S/C	_____
e.	"	"	Legal S/C _____
f.	"	"	Transportation S/C _____
g.	"	"	Public Safety S/C _____

2. Legality of the charge of 35 cent. in AMG areas was questioned by Col. Hanneford Legal S/C. Commerce S/C was asked to initiate directive for collection of this fee under authority of Circular N°21, Ministry of Industry, Commerce, and Labour if such authority is not granted, paragraphs relating to this 35 cent. charge will be stricken out.

For the Regional Commissioner:

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F.M. REITER, Lt.Col.
Commerce Officer

Incl. P.O.L. Procedures.

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

FMS/cc

7 February 1945

File: Pie/Com/10/A

SUBJECT: Procedures in Obtaining Circulating Permits and/or
P.O.L. by Civilians for Vehicular Use.

TO : Provincial Commissioners, Piemonte Region.

1. General

a. No civilians will approach AMG personnel or
issuing agencies for circulating permits or P.O.L.
b. Agencies receiving applications from and meeting
civilians will be separated from agencies issuing circulating
permits, and P.O.L. coupons authorizations.

2. Applications for vehicular permits and P.O.L.

a. P.A.C.I., will be reactivated at once by the
Provincial Public Safety officer as the civilian agency to
receive all applications for circulating permits and P.O.L.
for autovehicular use. Attached is a list of the addresses
and names of directors of their Offices in Piemonte Region.

b. P.A.C.I. is the official government organism for
the issuance of Italian librettes, for collecting vehicular
fees, and for maintaining the Public Register. They will be
under the supervision of the Provincial Public Safety officers.

c. Civilians will apply to the nearest P.A.C.I. office
for circulating permits and P.O.L. using form ACC- PNT as
described in Provincial P.O.L. Instruction No. 1. Three ⁵⁶ copies
of the form will be filled out.

d. P.A.C.I. will forward a copy of each application
to the Ispettorato Compartimentale Motorizzazione Civile (ICMC)
at its office at Turin, or to the nearest office which the Ispet-
torato may establish within the Region.

(1) The ICMC is responsible for checking the
safety and roadability of vehicles as well as testing the ability
of drivers. The ICMC will be under the supervision of the
Regional Public Safety Officer.

(2) The ICSC sends inspectors to all Provinces periodically for the purpose of making these inspections.

a. R.A.C.I. will check the applications against librettos and other documents presented by the applicant and with their records, and make proper notation on the back of all application forms or attach their own certification of legality and compliance with Italian law.

(1) If irregular, copy will be at once despatched to the nearest Public Safety officer for action.

3. Load carrying vehicles.

a. Two copies of the form AGS-FMT 1 completely filled out, with annotations, libretto, and supporting documents for all load carrying vehicles is despatched to the Provincial Transport Officer. The applicant is told to report to this officer in person on the following day.

b. The Provincial Transport Officer endorses the applications for circulating permit, temporary or permanent, and makes an assignment thereon to the appropriate pool or agency.

(1) He forwards one copy with annotation, libretto, etc., to the Provincial Public Safety Officer for the latter's cognizance.

(2) He advises the applicant to report to the assigned station for instructions and permit.

4. Passenger cars, non-load carrying vehicles.

a. R.A.C.I. forwards two copies of the form AGS-FMT 1 completely filled out, with annotations, libretto and supporting documents for these vehicles to the Chamber of Commerce. RACI also directs the applicant to report to the chamber next day.

b. The Chamber of Commerce has been reactivated from the old Consiglio Provinciale dell'Economia (CPE) by the Provincial Supply Officers.

c. The Chamber serves as the civilian screening agency for these vehicles by:

(1) Examination of the applicant and the application with its supporting documents;

(2) Advice of civilian bodies concerned, such as Genio Civile, Medico Provinciale, Ispettorato Agrario, U.D.A., etc.;

(3) They make full recommendations for approval or denial and quantity of P.O.L. to be allotted.

d. They collate applications by AMO Provincial Officer categories, Public Health, Public Works, etc., and forward both copies, with recommendations and attached documents to the respective AMO officers concerned for final decision. They advise the applicant to return to RAOI for response libretto, etc.

e. Upon action, by the AMO officers, all papers are despatched to the Provincial Public Safety Officer for the latter's cognisance. The AMO officers concerned may indicate priorities.

5. Issuance of Permits and P.O.L. Coupons.

a. The Provincial Public Safety Officer takes whatever action deemed advisable upon all applications for vehicular permits.

- (1) Those approved are forwarded to U.P.C.I.
- (2) Disapproved applications for load carrying vehicles are returned to transportation officer for transmittal to RAOI and to applicant.
- (3) Disapproved applications for non-load carrying vehicles are returned directly, to RAOI and to applicant.
- (4) RAOI completes their records accordingly.

6. Ufficio Provinciale del Commercio ed Industria (UPCI)

a. This responsible government official, representative of the Ministry of Industry, Commerce and Labor, is appointed by the prefect. He displaces the former Ufficio Provinciale della Economia and functions in close coordination with the Chamber of Commerce.

b. UPCI will be responsible for all issuance of P.O.L., keeping full records thereof, estimating requirements, making reports, as outlined in Provincial P.O.L. Instruction N° 2.

c. U.P.C.I. will also be the issuing agency for circulating permits in accordance with the recommendations from the Provincial AMO officers as noted on the application forms.

d. U.P.C.I. will attach the required circulating permits and P.O.L. coupons for non-load carrying vehicles, and forward them directly to RAOI for the applicant.

e. For vehicles (load carrying) assigned to pools UPCI will attach circulating permits only and forward to the pool designated for disposition. U.P.C.I. will issue bulk authorizations (Form ACC-PET 2a) to these pools in accordance with approved demands submitted on Form P-POL-4 (in duplicate).

- (1) These pools will issue their own trip-tickets with P.O.L. stubs or coupon books against their bulk allotment.
- (2) Responsibility for proper utilization of P.O.L. will rest with the pool officer.

(3) Pool officers return copy of Form ACC-PET 1, completed with final disposition, to RAOI for their record.

- 4 -

f. UPCI will prenotate coupons and bulk authorizations for purchase at assigned C.I.P. station.

7. Collection of fees.

a. RACI will collect the following fees

- (1) Circulating permit fee of 50 lire upon the delivery of the permit. See Provincial Instruction No. 1 for details.
- (2) P.O.L. fee of 35 centesimi for each liter of liquid P.O.L. and for each kilogram of solid P.O.L. ^{coupons attached.} See Provincial Instruction No. 2 for details.

b. The responsible official of each pool will collect the 50 lire fee for each circulation permit and the 35 centesimi fee for P.O.L. in accordance with the instructions indicated in par. 7 a. above.

8. In later transition to complete civilian control, upon the establishment of confidence in their competence, the functions of the AMG officers can be taken over by the Chamber of Commerce, under the supervision and responsibility of UPCI. The Provincial non subsistence supply Officer will supervise the operation of the Chamber of Commerce and the Provincial Public Safety officer the operations of RACI and ICMS. Disposition of collected funds will be under the guidance of the Provincial Finance Officer.

For the Regional Commissioner:

F.M. WEISS, Lt. Col.
Regional Commerce Officer

Incl.

Flow Chart.

Forms ACC-RET 1 F-POL 4

List of RACI offices.

Copy to: Regional Commissioner, Piemonte Region.
Piemonte Regional Officers: Transportation, Public Safety, Public Health, Engineer, Finance, Food and others concerned.
Provincial Officers: Non-subsistence, Food, Public Safety, Transportation and others as requested.
Commerce S/C Hq. AC.
Transportation S/C, Hq. AC.

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LIST OF RACI OFFICERS IN PIEMONTE REGION

<u>PROVINCIAL</u>	<u>HEADQUARTERS</u>	<u>OFFICES</u>	<u>Direttore</u>
		<u>Indirizeo</u>	
ALESSANDRIA		Via Plena 4	Giubilei Achille
AOSTA		V. Addis Auba 14	Minici Ippolito
ASTI		P.za Medici 4	Stocardi Angelo
CUNEO		Corso Nizza 2	Dalmastro Benedetto
NOVARA		P.za Vitt.Em.5	Cortinovis Mario
TORINO		V. Carlo Alberto 56	Gigante Raffaele
VERCELLI		C.so Carlo Alb. 73	De Ferrari Attilio
<u>SECTIONAL OFFICES</u>			
IVREA, Turin Prov.		P.za Carlo Alberto 6	Minici (?)
BIELLA, Cuneo Prov.		Viale Regina Margherita 13	Not Certain
<u>REGIONAL HEADQUARTERS</u>			
TURIN		Via Carlo Alberto 73	Not Certain

LIST OF RACI OFFICERS IN PIEMONTE REGION

<u>PROVINCIAL</u>	<u>HEADQUARTERS</u>	<u>OFFICES</u>	<u>Direttore</u>
		<u>Indirizzo</u>	
ALESSANDRIA		Via Flana 4	Giubilei Achille
AOSTA		V. Addis Abeba 14	Minici Ippolito
ASTI		P.za Medici 4	Sicoardi Angelo
CUNEO		Corso Nizza 2	Dalmastro Benedetto
NOVARA		P.za Vitt.Em.5	Cortinovis Mario
TORINO		V. Carlo Alberto 56	Gigante Raffaele
VERCELLI		C.so Carlo Alb. 73	De Ferrari Attilio
<u>SECTIONAL OFFICES</u>			
IVREA, Turin Prov.		P.za Carlo Alberto 5	Minici (?)
BIELLA, Cuneo Prov.		Viale Regina Margherita 13	Not Certain
<u>REGIONAL HEADQUARTERS</u>			
TURIN		Via Carlo Alberto 73	Not Certain

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HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

FMR/ee

File: Pie/Com/10/A

14 February 1945

SUBJECT: Procedures in Obtaining Bulk P.O.L.

TO : Provincial Commissioners Piemonte Region.

1. General

a. These procedures for obtaining bulk P.O.L. complement the procedures used in obtaining circulating permits and vehicular P.O.L. The same agencies and routine is followed. See Chart and Memo. Pie/10/Com/A dated 7 Feb. 45.

b. Bulk P.O.L. is needed by industrial work, Diesel power units, operation of truck pools whose organization issues trip-tickets and individual P.O.L., military units, for agricultural and road machinery, contractors pools, or other operations wherein no coupons are originally issued.

2. Civilians desiring bulk P.O.L. go directly to the local Chamber of Commerce, and fill out appropriate forms in triplicate:

a. For agricultural uses Form ACC-PET 3

b. For others (non-vehicular) Form ACC-PET 2

3. The Chamber of Commerce screens these applications by consultation with appropriate agencies, Ispettorato Agrario for agricultural seeds, Genio Civile for Public Works, industry groups of associations for industrial applications.

a. The Chamber puts its recommendation on the back of the form, as to approval or denial, quantity of P.O.L. deemed advisable for the period (maximum-one month), etc.

b. The Chamber forwards two copies to the AMG Officer concerned, provincial or Regional, who put their approval and stamp, or denial or remarks thereon, and return to Provincial P.O.L. officer, who transmits them to U.P.C.I.

4. UPCI is the issuing agency for bulk P.O.L. They know the total allotment of P.O.L. for each category of use for the current and following month. They have maintained complete records of allocations received and issues made. They are in weekly contact with C.I.P. and know the status of P.O.L. throughout the Province.

a. UPCI, based upon recommendations of Chamber of Commerce and AMG, makes out form ACC-FET 2a (triplicate form) and attach copies 1 and 2 to application, making complete record thereof.

b. UPCI sends original application form with copies of ACC-FET 2a attached to Chamber of Commerce for delivery to applicant.

c. If for vehicular use, a charge of 35 centesimi is collectible for each liter of liquid or kilogram of solid P.O.L. so used, so that declaration should be made thereof and payment made to the Chamber of Commerce.

(1) If for Ufficio Trasporti, or other pools who collect the 35 cent. charge through their own channels, Chamber of Commerce will not collect fee but will so mark their applications.

(2) No charges will be made on military or vehicles legally exempted from taxation.

5. Applicant will take his ACC-FET 2a to prenotated station of C.I.P. (or to Provincial Office of C.I.P. for conversion to their coupon form) and purchase P.O.L.

For the Regional Commissioner:

P. M. REITER
Lt. Colonel,
Regional Commerce Officer

Copy to : Regional Commissioner,
Piemonte Region.

Piemonte Regional Officers: Transportation, Public Safety, Public Health, Engineer, Finance, Food and others concerned.

Provincial Officers: Non-subsistence, Food Public Safety, Transportation and others as requested.

Commerce S/C Hq. AC.

Transportation S/C, Hq. AC.

49

HEADQUARTERS ALLIED COMMISSION IN
APO 394
LEGAL SUB-COMMISSION

35A

JWI/pa.
8 Feb 45.

AC/4014/11/L.

SUBJECT : Magaldi Trading.
TO : Commerce Sub-Commission.

1. It is suggested that the investigation of the facts be completed in the following respects :-

- a) the date and terms of the transaction between Magaldi and the I.M.P. Company of Naples;
- b) the exact nature of the connection between Magaldi, on the one hand, and Scotti and Simonsini on the other.

2. We believe it can be established that the I.M.P. transaction as well as the offer by Magaldi to Carelli, were in violation of the law freeing transactions in hides (R.L.L. 344 -Gazzetta Ufficiale No. 69 of 16 Oct 1944) and would come within the penalties provided for by R.D. 245, Gazzetta Ufficiale No.95 of 24 April 1945.

3. Specifically the I.M.P. transaction was made, presumably, in disregard of the control regulations applicable thereto. The I.M.P. Company would be subject to Art. 1 of the R.D. 245 for withholding the merchandise from the amaseo; and Article 4, for having dealt in such merchandise. Magaldi would come within the terms of Art. 6, of this law for acquiring this merchandise from the I.M.P. Co and Art. 18 thereof for the offer of sale to Carelli in excess of the officially established price.

4. While the transaction between Magaldi and the I.M.P. Company of Naples would be subject to the provisions of Proclamation No. 1 Art.V, paragraph 44, and therefore amenable to the jurisdiction of the Allied Military Courts; there appears to be no reason to divest the Tribunale of its jurisdiction in the case.

5. Correspondence returned herewith.

W. E. Behrens
W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

34A

AC/4014/11/L

ART/mt.
20 January 1945.

SUBJECT : Silk.

TO : Commerce Sub-Commission.

1. References to your AC/5737/Commerce dated 17 Jan 45 and to draft Ministerial Decree returned herewith.

2. Examination as to form prompts two suggestions as follows:

Article 1, first para, at end after word "proprietary" add "e del luogo in cui tali prodotti sono depositati".
Article 1, second para, for word "trasmessa" substitute the phrase "spedita all'ufficio competente".

3. The places for suggested modifications are marked in pencil on the draft.

Incl: Draft Decree.

cc
A. R. THACKER,
Lt. Col.,
Italian Branch,
For Chief Legal Advisor.

47

(avv. Farli n. 20/1/45)

Draft of Ministerial Decree: "Purchase and
sale of raw silk".

33A

V to add: "e del luogo in cui tali
prodotti sono depositati"

< — > instead of: "traspressa"

to put: "spedita all'Ufficio
competente"

14044/11

32A

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUB-COMMISSION
Foreign Trade Section

WVH/mdv

Tels: 478900
478487
489081 Ext. 611

Ref. AC/5137/Commerce

17 January 1945

SUBJECT : Silk
TO : Legal Sub-Commission ✓

1. Please find attached draft of a Ministerial Decree intended to regulate the purchase and sale of Raw Silk.
2. This Decree has been prepared by the Ministry of Industry, Commerce & Labour at our instigation and covers our requirements.
3. May we please be advised if its form is correct?

Encl. 1 as per para 1

W. P. Evans
W. P. EVANS *W. P.*
Colonel,
Director
Commerce Sub-Commission

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	✓
CL RKS	
18 JAN 1945	

45

HEADQUARTERS ALLIED COMMISSION

APR 3/4

LEGAL SUB-COMMISSION

ART/mt.
13 January 1945.

AC/4014/11/L

SUBJECT : Silk.

TO : Commerce Sub-Commission, AC.
Foreign Trade Section.

1. Reference your AC/1137/A Commerce dated 3 January 45
and further letter dated 9 Jan. 45.

2. From a perusal of the documentation submitted with the
above letter the determining factors of this case appear to be as
follows:

Early in May 44 five quintals of silk were openly and
lawfully shipped by Agostinelli of Jesi (Ancona) to Vanfretti in
Rome.

On 16 Oct 44 a blocking order was served on Agostinelli
too late to affect the shipment in question which was already in
circulation, having left Jesi in May 1944 for Vanfretti in Rome.

On 16 Oct 44 (letter No. 1 on file) "Vitalpros" of Rome
offered a quantity of silk to "FLAS" Welfare Branch of the Army
at L. 12,000 a kilo (approx 6 times the market price). On 23
Oct by letter "AFLAS" requested the above-named vendor to "hold
stock available for purchase".

On 24 Oct vendor agreed to hold silk subject to immediate
payment of one third of purchase price.

According to Document "B" a sample of the silk was
submitted and approved by the Purchasing Office (AFRAS), the
vendor stating that the purchase could be financed through a Bank.
On Nov 16, 44 the vendor was informed in answer to his
written enquiry of Nov 14 that instructions had been received
from the Quarter Master General to purchase the silk.

On 17 Nov arrangements were made to take delivery of the
silk and the vendor actually delivered to AFAS Office 5 quintals,
the quantity then available being in effect the original Vanfretti
shipment.

The essential elements constituting a contract of sale
binding upon the Purchaser under Italian law were hereby completed.

3. Replying to the points raised in your Sub-Commission's
letters on the basis of the above analysis of the facts, the
following conclusions arrived at by this Sub-Commission are at

variance with those stated in para 6 of the letter dated 1 Jan namely that

- (a) the silk in question was not effectively blocked, and
- (b) an obligation to purchase it was entered into by the AFLOS Office.

In regard to (b) it is certainly true that by reason of the immunity of AFLOS from the jurisdiction of the Italian Courts, the vendor is without remedy at law, unless AFLOS should authorize proceedings in an Italian Court.

Whereas, it is also true, that this silk considered as a munition of war, could have been (and still can be) the object of requisition at its fair market value, it would seem that by electing to negotiate for its purchase the AFLOS impliedly waived its right to proceed by way of requisition; and furthermore that as a consequence of this attitude on the part of "AFLOS" the vendor contracted financial obligations in order to deliver the silk.

- 4. On the facts and for the reasons above set out we are of opinion that the contract of sale should be performed in accordance with the terms which were voluntarily agreed between the parties. We have no doubt that any other course would be a flagrant breach of obligation freely incurred.

W. T. BARRERS,
Colonel,
Deputy Chief Legal Advisor.

401K / 11.
a.

30A

HEADQUARTERS ALLIED COMMISSION
APO 394

COMMERCE SUBCOMMISSION
Foreign Trade Section

WWH/16

Tels: 478900
478487
489081 Ext. 611

9 January 1945

Ref. AC/5137/Commerce

SUBJECT: Silk

TO : Legal Subcommittee

28A

1. Your AC/4014/11/2 of 7 January refers.
2. Silk and Silk products were blocked by the Fascist Government by Ministerial Decree in date 10 June 1942. It is not known whether new orders were issued by the German Authorities or the Fascist Republican Government. AMG/AC authorities blocked Silk and Silk products in Marche-Abruzzi and Toscana Region in October 1944.

Stafes. hain
for W.F. EVANS
Colonel,
Director
Commerce Subcommittee
42

LEGAL SUB COMMISSION	
CIO	
DCIO	
Chief Counsel	
CIO	
Isolation Section	
G. RKS	
11 JAN 1945	

✓
H 5 14 11
ADQUARTERS ALLIED COMMISS. N

APC 394

(29A)
WHD/lg

Tels: 478900

COMMERCE SUBCOMMISSION

Foreign Trade Section

3 January 1945

478487

489081 Ext. 611

Ref. AC/5137/A/Commerce

SUBJECT: Silk

TO : Legal Subcommittee ✓

1. This Subcommittee, being in charge of Italian exports, was informed by the Ministry of Supply, London, that raw silk is urgently needed in U.K. for the production of parachutes and other war essential goods and that efforts should be made to obtain all available raw silk.

2. We were notified by AFHQ in their communication S-15 dated 13 November 1944 (Enclosure A) of an offer of 5 Quintals of raw silk made by the Firm "Italpros" in Rome to the AFHQ, Welfare Branch, Rome. In October 1944 3 tons of silk were stolen in transit from Reggio Calabria to Naples and it was suspected that the silk offered by "Italpros" might be part of that stolen silk. For this reason and because of the need of silk for export, Major Robertson, assigned to this Subcommittee, consulted "Italpros", in spite of the fact that the price asked for this silk was approximately 6 times the market value. Major Robertson's actions and the circumstances which led to the requisitioning of the 500 kilos of silk are outlined in a summary prepared by the Firm "Italpros". Copy and translation of this summary are attached (Enclosures B and C).

3. The result of investigations regarding the origin of the silk (Enclosure D) showed the correctness of the assertion that the silk was not stolen but purchased in May 1944 in Jesi (Ancona Province).

4. We intend to buy the 500 kilos of silk, which at present are stored at this Headquarters, at a reasonable price which we consider to be approximately Lire 2,500 per kilo.

5. We are buying silk at the present moment at Lire 1,950 per kilo in Calabria and may be able to purchase silk in Central Italy at Lire 1,450 per kilo. The Ministry of Supply agreed recently to purchase another lot at Lire 2,600 per kilo but mentioned that "this offer is accepted on the understanding that" this is a special case but consider that the price is unduly high!

6. We are of the opinion that silk was blocked and therefore any purchase illegal; that furthermore the letter HF/OC22/H dated 23 October 1944 from the Welfare (L.R.S.) (Enclosure B, letter II) does not represent a regular order and cannot be construed to be an obligation to purchase at the price of Lire 12,000 per Kilo. It may further be noted that in no case were regular invoices with "tasse di scambio" made out.

7. Will you be good enough to advise us what course should be followed in order to purchase the 5 Quintals of silk at a price as outlined in para 4 above or whether the Italian Government are authorized to requisition this lot.

4 Encls: as above

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
5 JAN 1945	

W.F. EVANS
Colonel,
Director
Commerce Subcommittee

← *Col Thaddeus*

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(28A)

AC/4614/11/L

ART/mt.
7 January 1945.

SUBJECT : Silk.

TO : Commerce Sub-Commission A.C.
Foreign Trade Section.

1. Reference your AC/5737/A/ Commerce dated 3 Jan. 45.
2. A perusal of the documents submitted has failed to disclose clearly whether a blocking order, or other form of control, was in force at all times material to the transactions in question which would have had the effect of restricting either the marketing or price of this specific shipment of silk, whereas para 5 of your letter implies the existence of some such restrictions. Would you kindly furnish precise information on this point so that we may be enabled to complete our opinion.

B.F. 14/1

sep
A. R. THACKERAN,
Lt. Col.,
Italian Branch,
for Chief Legal Advisor.

39

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

27A

AC/ 4014/P/L.

ART/mt.
4 December 1944.

SUBJECT : Patent etc. Rights.

TO : Commerce S/O (Attn. Deputy Director).

1. Ref. the attached book-slip dated 30 Nov. 44 the writer has today seen the D/Director of Property Control and handed to him for information the two basic communications addressed to your Sub-Commission by the Italian Ministry of Commerce and Labour.

2. The D.P.C. in accord with the views expressed by this Sub-Commission, and also with those of higher authority, will contact the Italian Ministry of Commerce in order that the matter be followed up without further delay and appropriate measures taken to ensure all possible protection for the property rights of United Nations Nationals in this field.

3. We trust you will concur in this action and you will be advised in due course of progress in this matter.

38

Deef

A. R. THACKRAH,
Lt. Col.,
Italian Branch,
for Chief Legal Advisor.

Enc.

4014/11

Copy for the Legal Subcommission
2611

PROTECTION OF PATENT RIGHTS

The "Ufficio Centrale dei Brevetti per invenzioni, modelli e marchi" which is a part of the General Direction of Industry and Mines at the Ministry of Industry, Commerce and Labour is quite aware of the necessity and urgency of drafting the proper legislation for the protection of patent and trademark rights of belligerent and their nationals concerned.

Some meetings were held at the said Ministry but the drafting of a legislative decree met considerable difficulties both for the necessity of coordinating its provisions with those already adopted by other countries which are members of the International Convention of Madrid and for the fact that most of the material belonging to the archives of the Ufficio Brevetti was transferred to Bergamo by the Ministry of Corporative Economy of the so-called Italian Social Republic.

Another difficulty is due to the fact that England and the U.S.A., are not members of the above mentioned International Convention; so their nationals may enjoy in Italy only the protection assured by the Italian legislation.

Now an internal agreement has been reached, according to which the Ministry of Foreign Affairs, through its legal Commission working on post-war problems, will provide for studying and discussing the question in connection with the Peace Conference. On the other hand the Ufficio Brevetti will draft a legislative decree to establish a provisional discipline in order to prevent foreign rights from lapsing because of non-payment of renewal fees.

This decree will declare a moratorium to avoid the unauthorized use of trademarks and patents until such time as normal relations have been reestablished between the Allied countries and the Italian Government.

Some experts, under the presidency of Mr. Pennetta, high magistrate of the Court of Cassation, are working on drafting this decree. They hope that Commerce Subcommission may have the definitive text of the decree within this month of December.

Min

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This decree will declare a moratorium to avoid the unauthorized use of trademarks and patents until such time as normal relations have been reestablished between the Allied countries and the Italian Government.

Some experts, under the presidency of Mr. Pennetta, high magistrate of the Court of Cassation, are working on drafting this decree. They hope that Commerce Subcommission may have the definitive text of the decree within this month of December.

Rome, 2 December 1944

Man.

Col. H.R. Thacker
for review
in the future

(25A)

Memorandum on Allied Trade Marks
and Patents.

Trade Marks.

The Oil companies in Italy belonging to Allied interests registered before the war a number of trade marks.

All properties, funds and staff of these foreign Oil companies have been transferred to the AGIP and whilst the companies may still legally exist, they have no officials or funds. The fees for these trade marks cannot therefore at present be paid and unless steps are taken they will lapse.

Other trade marks are owned direct by the foreign Oil companies in Great Britain, U.S.A. and other Allied countries. The owners are prevented from making the necessary payments to the Italian Government under the trading with the enemy acts.

Patents.

A similar situation exists with regard to patents which in the majority of cases are owned directly by the parent companies of the foreign Oil companies in Italy and here again no fees can at present be paid to keep these patents alive and to prevent unauthorized use by others.

It is advisable in order to protect Allied interests that the Italian Government is instructed to declare a moratorium which will prevent the lapsing and unauthorized use of trade marks and patents until such time as normal relations have been re-established between the Allied countries and the Italian Government.

16/11/45

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

24A
WES/pdg.

Ref. AG/5124/Commerce

6 November 1944

SUBJECT: Protection of Patents Rights.

TO : Ministry of Industry, Commerce and Labour

1. It will be greatly appreciated if some indication as to the action taken on the letter of this Subcommittee dated 26 September 1944, on the above subject, could be given.

For The Acting Chief Commissioner:

Copy to Legal S/C, HQ AG

W. E. SCOTTISH
Major, M.I.S.
Acting Director
Commerce Subcommittee

35

C O P Y

HEADQUARTERS ALLIED COMMISSION

AFC 394

COMMERCE SUB-COMMISSION

WES/jfl/lp

28 September 1944

Ref. AC/5124/Commerce

SUBJECT: Transmittal of letter re Patent Rights

TO : Legal Subcommittee HQ AC

1. There is transmitted herewith for your information and guidance copy of a letter addressed by this Subcommittee to the Ministry of Industry, Commerce and Labor, dated 26 September 1944 ref. AC/5124/Commerce together with inclosure thereto.

/I/ W.E. EVANS
Colonel
Director
Commerce Subcommittee

1 Incl. as above

C O P Y

C O P Y

HEADQUARTERS ALLIED COMMISSION
AIC 394
COMMERCE SUB-COMMISSION

WES/jfl/mr

Ref. AC/5124/Commerce

26 September 1944

SUBJECT: Protection of Patents Rights

TO : Ministry of Industry, Commerce and Labour.

1. There is transmitted herewith a copy of a memorandum dated 21 Sept. 44 prepared by the Collegio Italiano dei Consulenti per la Proprietà Industriale for your consideration with a view to proposing necessary legislation for the protection of patent and trademark rights of belligerent and other nationals concerned.

2. While this Subcommittee does not regard the terms set forth therein as necessarily final and definitive insofar as such rights are concerned, nor the remedies proposed for their protection as necessarily adequate, it suggests that these will no doubt require considerable amplification, and that they may serve as a point of departure for the preparation of a draft decree which it will be pleased to examine in due course.

For the Acting Chief Commissioner:

/1/

W.E. EVANS
Colonel
Director
Commerce Sub-Commission

1 Incl.: (as per par. 1)

C O P Y

4014/11
7/11
23A

HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUB-COMMISSION
APO 194

A33/hp

Ref. AGO/5146/ Commerce/Pol 30

27 October 1944

SUBJECT: Taxation - INT

TO : Trans ~~action~~ ~~sub-Commission~~

1. Attached is a copy of GIP Memo No 31 of 25 October 1944 and Enclosure thereto.
2. We cannot ourselves see any grounds on which INT can claim that they are an allied agency or not subject to normal taxation.
3. Will you please advise us if this view is correct and would hold in the case of ENAC also.

W. P. Evans
W. P. EVANS
Colonel
Director
Commerce Sub-Commission

2 Encls. as para 1 refers.

Copy to : Ref. 3/c. AFHQ, RAAG
Legal Sub-Commission
GIP, 1/1 Via del Tritone - Rome.

32

LEGAL SUB COMMISSION	
CLO	
CJO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
29 OCT 1944	
100-100	

238

Copy

C.I.P.

Rome 25 October 1944

Memorandum No. 39

SUBJECT: Exemption from payment of
taxes, imposts, duties for I.R.I.

TO : AGO, Commerce Sub-Commission

1. The Regional Zone of Palermo informs us that it has received a communication from the above Istituto Nazionale Trasporti stating that the aforesaid Istituto (the property of A.O.C.) is free from payment of taxes, imposts of whatsoever kind or nature.
2. Will Commerce Sub-Commission please give CIP clarifications in this respect. The following is the information we require:
 - i. The nature of the exemptions to be applied to the I.R.I.
 - ii. If agreements have been reached with the Italian Ministries concerned.
 - iii. If the withdrawal of products must be or not considered as effected directly by the Allies.
3. Attached is copy of letter sent by the above Istituto to the Regional Zone of Palermo, and we are awaiting your reply in order to give the necessary instructions to our Offices.

31

COMITATO ITALIANO PETROLI CIP
The President

A. de Graan

1 Encl.

Roma, 24 Oct. 1944

TRANSLATION

22/15

MINISTRY OF INDUSTRY,
COMMERCE AND LABOUR

Prot. 209

TO: ALLIED COMMISSION
Commerce S/C

R. G. L. E.

SUBJECT : Protection of patent rights.

Acknowledging the receipt of the memorandum of the Italian College of advisors on industrial property transmitted with the above referred to letter, this Ministry wishes to state as follows:

the questions envisaged in the memorandum of the above college directed to the A.C. and concerning the protection of the patent rights, which for reasons of war have already or shall in the future in any way expire, have already received the attention of this Administration and the matter is now under careful examination of the competent officials of the Ministry.

The complexity of the situations in point of law and facts as well as the necessity to coordinate the eventual provisions with the prevailing international agreements on this subject render it imperative to undertake a thorough preliminary study of various questions before proceeding with drafting the appropriate legislative rules.

On the other hand this Ministry fully agrees with the last part of the Allied Commission's aforesaid letter in that the questions envisaged in the memorandum of the Advisors on industrial property and the remedies therein proposed for their solution may not be considered as an adequate settlement of the various problems relating to the revival of the patent rights expired for reasons arising out of the state of war.

Finally we wish to assure you that this Ministry shall not fail to transmit the Allied Commission the draft of the provisions which in due course will be proposed for the solution of the afore-mentioned problems.

THE MINISTER

s/ Gronchi

Wrote to Commerce S/C (back slip) 20/11/44

asking them to press for vigorous action -

[Signature]

401419

Copy for the Legal Subcommittee

HEADQUARTERS ALLIED COMMISSION

APO 394

COMMERCE SUBCOMMISSION

W ES/AL/ec

Tel. 556

Ref. AC/5124/Commerce

23 Novembre 1944

AL MINISTERO DELL'INDUSTRIA
COMMERCE E LAVORO

Direzione Generale dell'Industria

R o m a

OGGETTO: Protezione dei diritti di brevetto

Con riferimento al foglio di codesto Ministero n.209 del 24 Ottobre scorso, si prega di voler far conoscere a questa Sottocommissione l'azione finora svolta in materia di tutela dei diritti di brevetto che, per cause connesse con lo stato di guerra, sono venute o verranno nel futuro a decadere.

Questa Sottocommissione esprime il suo vivo desiderio che la questione possa essere risolta e che i necessari provvedimenti legislativi possano essere elaborati ed adottati con cortese urgenza.

Si resta quindi in attesa di comunicazioni al riguardo.

LEGAL SUBCOMMISSION	
CIO	
DOLO	
Chief Counsel	

W. P. EVANS
Colonel
Director
Commerce Subcommittee

(21A)

23 Novembre 1944

AL MINISTERO DELL'INDUSTRIA
 COMMERCIO E LAVORO-
 Direzione Generale dell'Industria

R o m a

OGGETTO: Protezione dei diritti di brevetto

Con riferimento al foglio di codesto Ministero n. 209 del 24 Ottobre scorso, si prega di voler far conoscere a questa Sottocommissione l'azione finora svolta in materia di tutela dei diritti di brevetto che, per cause connesse con lo stato di guerra, sono venute o verranno nel futuro a decadere.

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Si resta quindi in attesa di comunicazioni al riguardo.

LEGAL SUB COM	7
CIO	
CIO	
Chief Counsel	
CIO	

24 NOV 1944

W. P. EVANS
 Colonel
 Director
 Commerce Subcommission

HEADQUARTERS
ALLIED COMMISSION COMMISSION
Liaison Division
Office of Chief of Staff
APO 394

20 A 20A
19 October 1944

SUBJECT: Sale of WD Goods

TO : Salvage Branch
QM Section, HQ Com Zone
APO 750 - US Army
(Attn: Capt S.L. Melville)

1. Regarding sale of WD goods as per phone conversation the following information is given:

- a) Original purchasers: Pasquale Chiapetta, Via Antonio Ranzani 54, Naples and Ugo Merretti, Corso Novare, Naples. Goods were resold to Ferelli Celestino, Foggia.
- b) Goods were sold by 555 QM Supply Depot and 61 QM Base Depot.
- c) Goods in question are now in possession of the a/n Celestino at Foggia.
- d) Quantity given as substantial.
- e) Samples furnished do not represent general type of merchandise bought but indicate that such goods were sold as reg. 28
- f) The name of 1st Lt C.M. Vaughn QM 61 QM Supply Depot was mentioned as the individual who handled the transaction.

2. Further information could be obtained from Provincial Legal Officer Foggia Province.

EB/ac

BRIAN BROWN,
1st Col

19A

Memo to Col Behrens - Legal P/C

I have been asked by NATIOWSA to obtain from your office the following information in re the W D goods

1. Name of purchaser
2. Where the material was caught
3. Quantity involved
4. Where material is now located
5. Are samples furnished indication of general condition of goods caught

The officer who called me stated that he had been unable to contact the legal officer at Lucca and stated that the above information would save a great deal of time if your office could furnish it to him.

Enoch Brown
Lt Col

4A. 5A. 8A. 11C. 17A.

HEADQUARTERS
ARMED CONTROL COMMISSION
ARMY SUB-COMMISSION
APO 394.

184.

ACQ/AM/11/1.

30 September 1944.

SUBJECT : Release of War Department Property.

TO : Maltese Division, HQ, AMC. (Attn. Lt. Col. Frank Brown)

1. It is understood that you are dealing with A.F.M.Q. the question of the sales of W.D. property by 61 G.M. Base Depot, and 555 G.M. Supply Depot, to a certain Italian civilian.

2. This Sub-Commission is interested in the case because the Italian civilian who is now in possession of these goods has been ordered by the Regional Commissioner to refrain from parting with them in any way and is, therefore, not in a position to recover any part of the expense to which he has been put in acquiring the goods.

3. This Sub-Commission is satisfied from information received that the Italian civilian was at all times acting in complete good faith in the purchase of these articles and, indeed, it is understood that the Commanding Officers of the depots concerned maintain that they were perfectly entitled to sell the articles.

4. The situation obviously is unsatisfactory and it appears to us that either the property was properly sold by the depots, in which case the Italian civilian should be permitted to re-sell the articles which he purchased and the Regional Commissioner should be advised accordingly; or alternatively the sales from the depots were illegal, in which case the property can, of course, be recovered from the Italian civilian but it is felt that he should be reimbursed for all the expense which he has incurred.

5. It would be appreciated if you would ascertain from A.F.M.Q. if they agree with the foregoing and if so which of the two courses they desire to follow.

RICHARD H. WINTER.
Colonel, AMC.
Chief Legal Officer.

WRB/vcm.

Copy to : General Sub-Commission (Lt. Harkow)

✓
4014/11
7(1)
HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUBCOMMISSION
APC 394

17A
IWH/mev

Ref. ACC/5134/Com

12 September 1944

SUBJECT: Release of Government Goods

TO : HQ. Allied Control Commission
Liaison Div.
(Attn: Lt. Col. Enoch Brown)

1. Pursuant to verbal conversation of even date and transfer of articles of clothing forwarded from ACC. Foggia Province to you from this Subcommittee, the following facts pertinent to this matter are herewith described.

2. On the 1 August this Subcommittee received a signal EP 2 from Foggia Province asking if sale of discarded Allied clothing and boots to civilians was a legal transaction.

3. This Subcommittee contacted the Liaison Div. Lt. Col. Enoch Brown endeavouring to ascertain legality of sale of Government clothing.

4. A further signal from Foggia Province to the Legal S/C was brought to our attention. This signal stated that sale of clothing to Italian civilians made position of the Italian Judicial Authorities impossible, in that they were being frustrated in their efforts to prevent civilians from wearing Allied military clothing, because of the sale of clothing to civilians by the Quarter-master.

5. Col. Wilmer of the Legal S/C advised A/Head Adm. Section, letter 16 August 1944, of the situation as explained to Col. W.E. Behrens of that Subcommittee by Lt. I.W. Harkow of the Commerce S/C, who quoted letter 70th QM. Depot Salvage & Reclamation Div., 4 August 1944, signed W.E. Barrett col. Q.M.C., which stated: "Release of American Army Clothing and textile equipment was not authorized to ACC. for sale to civilians. S.O.S. NATOUSA".

6. On the 15th of August 1944 this Subcommittee advised Foggia Province: "Pursuant to telephone conversation Col. H.L. Brown

Q.M. P.B.S. - Lt. Harkow the following statement was made by Col. Brown: 'Lt. Col W. E. Elia C.O. 555 Q.M. Supply Depot sold only - rags - to private parties, that anything resembling - clothing - was turned over to Army S/C HQ. ACC. NMIA.'

7. On the 21st August 1944, this Subcommittee received letter AAI/923/DCAO from Administrative Echelon HQ. AAI. signed A. L. Hamblen, Brig. Gen. U.S.A. in answer to ACC/5134/ Com dated 3 August 1944, which stated: "Investigation discloses that U.S. Salvage Depot Naples has disposed of Army Materials to civilians. The details of what has been sold, to whom sold and the authority under which sold are unknown at Headquarters Allied Armies in Italy at present. It is probable, however, that any clothing sold was in the form of rags. Before inquiries are made, it is requested that you state in details your objections, if any, with reasons therefore. If information is going to be sought in the future, it is desired to point out that salvage sales are normally decentralized, and made to the highest bidder. The bulk of the items would normally be listed as rags and scrap in pounds, so that information would be of slight value".

8. In answer to our letter of 15 August, Foggia Province sent a letter FF/5029, 28 August giving full particulars of sale and sent samples of clothing (which are now in your possession). These items are definitely "clothing", not "rags"; they were bought by Pasquale Chiappetta, Via Antonio Ranieri 54 Naples and resold to Ferello Celestino of Foggia, a "merchant of honest dealing and good repute." In this letter the name of C.M. Vaughan 1st Lt. QMC, 61 QM Base Depot was brought to attention, as being the individual who handled the transaction.

9. The Commerce S/C files with all data and letters pertaining to this matter are at your disposal, if further advice is required.

W. P. EVANS
Colonel + Director
Commerce Subcommittee

Copy to:
Legal S/C —

40144/11.
62

(16A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUBCOMMISSION
APO 394

WES/Jfl/1p

28 September 1944

Ref. ACC/5124/Commerce

SUBJECT: Transmittal of letter re Patent Rights

TO : Legal Subcommittee HQ ACC ✓

1. There is transmitted herewith for your information and guidance copy of a letter addressed by this Subcommittee to the Ministry of Industry, Commerce and Labor, dated 26 September 1944 ref. ACC/5124/Commerce together with inclosure thereto.

for
W. B. EVANS
Colonel
Director
Commerce Subcommittee
W. B. Evans

23

1 Incl. as above

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☐
Chief Counsel	☐
CJO	☐
Italian Section	☐
CL RKS	☐
	☐
	☐

HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUBCOMMISSION
APO 394

(143)
WES/381/4

Ref. AOC/3124/Commerce

26 September 1944

SUBJECT: Protection of Patents Rights

TO : Ministry of Industry, Commerce and Labor

1. There is transmitted herewith a copy of a memorandum dated 21 Sept. 44 prepared by the Collegio Italiano dei Consulenti per la Proprieta' Industriale for your consideration with a view to proposing necessary legislation for the protection of patent and trademark rights of belligerent and other nationals concerned.

2. While this Subcommittee does not regard the terms set forth therein as necessarily final and definitive insofar as such rights are concerned, nor the remedies proposed for their protection as necessarily adequate, it suggests that these will no doubt require considerable amplification, and that they may serve as a point of departure for the preparation of a draft decree which it will be pleased to examine in due course.

For the Acting Chief Commissioner:

22

W.P. EVANS
Chief
Director
Commerce Subcommittee

1 Incl.: (as per par. 1)

Copy to: Legal A/C

COPY

COLLEGIO ITALIANO
DEI CONSULENTI PER LA PROPRIETA' INDUSTRIALE

Roma, 21 Settembre 1944.

IL PRESIDENTE

MEMORIA

1.- Dall'inizio della guerra, e per causa di guerra, numerosi diritti di proprieta' industriale (marchi, brevetti e modelli) appartenenti a proprietari stranieri sono venuti a scadere in Italia per il trascorrimento dei termini legali.

2.- Cio' ha particolare importanza per i brevetti, le cui tasse annuali non furono potute pagare per l'interruzione delle relazioni commerciali e per i marchi dei titolari anglosassoni, i quali, non facendo parte della Convenzione Internazionale di Madrid, non godono in Italia che della protezione loro accordata dalla legge italiana. La legge italiana ha prescritto nel 1942 la decadenza di tutti i marchi, per i quali, entro un breve termine, non fosse richiesta la rinnovazione.

3.- La maggior parte degli Stati belligeranti ed alcuni Stati neutri hanno concesso una moratoria per tutti i termini riguardanti la Proprieta' industriale, mentre l'Italia, per ragioni e criteri che qui non si discutono, si e' astenuta da un tale provvedimento.

4.- Si ritiene che sia urgente provvedere alla emanazione di un decreto di moratoria su tutti i termini venuti a scadere durante la guerra in materia di proprieta' industriale, nell'interesse dei titolari di brevetti, marchi e modelli in Italia. Si tenga presente, che ogni giorno di ritardo alla emanazione della moratoria puo' dar luogo al sorgere di "diritti di terzi", che diverrebbero in seguito vere e proprie servitu' d'uso sui brevetti e sui marchi, che potrebbero tardivamente essere sinesati in vigore.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

15A
RHW/pa.
22 Sept 44.

ACC/ 4014/11/L.

SUBJECT : Payment of fees for and protection of interests in Trademarks
and Patents owned by Foreign Oil Companies in Italy.
TO : Commerce Sub-Commission.

1. Reference this Sub-Commission's letter ACC/4014/11/L dated 20 Sept 44.
2. I enclose herewith a letter dated 21 Sept 1944 from Mr. ZANARDO
and his memorandum. I do not think it out of place to ask the Minister in
charge of such matters to prepare a draft of a decree which will remedy the
situation and will afford protection to the rights of nationals of the United
Nations (including France). When such draft is presented to you I will be
glad to have it examined in this Sub-Commission.

Incls. 2 copies.

20
RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Officer.

Ing. Burzani & Zanardo
Studio Tecnico Legale

Brevetti d'Invenzione
e Marchi di Fabbrica

17, VIA IN LUCINA 14, VIA S. SPIRITO
ROMA MILANO

INDIRIZZO TELEGRAFICO: ZANARDO
TELEFONO INT. ROMA 60.609 - MILANO 71.428

COMM. Z/E.-

TO COL. WILLIOT
A.C.C. Legal Department
Rome

Dear Sir,

With reference to our interview I beg to
enclose a memorandum of the desiderata that the Institute
of Italian Patent attorneys are going to submit to the
Italian Minister.

Respectfully



158

Palazzo Fiume
19, Via in Lucina

Roma, September 21st, 1944

COLLEGIO ITALIA O
DEI CONSULENTI PER LA PROPRIETÀ INDUSTRIALE

IL PRESIDENTE

ROMA, 21 settembre 1944
17, VIA IN LUCINA - TELEF. 60.809

M E M O R I A

1.- Dall'indizio delle guerre, e per cause di guerra, numerosi diritti di proprietà industriale (marchi, brevetti e modelli) appartenenti a titolari stranieri sono venuti a cadere in Italia per il transcorrenimento dei termini legali.

2.- Ciò ha particolare importanza per i brevetti, in cui tasse annuali non furono potute pagare per l'interruzione delle relazioni commerciali; e per i marchi dei titolari estere, i quali, non avendo parte della Convenzione Internazionale di Madrid, non godono in Italia che della protezione loro accordata dalla legge italiana. La legge italiana ha previsto nel 1942 la decadenza di tutti i marchi, per i quali, entro un breve termine, non fosse richiesta la rinnovazione.

3.- La maggior parte degli Stati belligeranti, alcuni ai quali nessun danno non fosse una moratoria per tutti i servizi riguardanti la Proprietà Industriale, mentre in Italia, per ragioni e criteri che qui non si discutono, si è astenuta da un tale provvedimento.

4.- Si ritiene che sia urgente provvedere alla riunione di un decreto di moratoria su tutti i termini venuti a scadenza durante la guerra in materia di proprietà industriale, nel l'interesse dei titolari di brevetti, marchi e modelli in Italia. Si tenga presente, che ogni giorno di ritardo alla emanazione della moratoria può dar luogo al sorgere di "diritti di terzi", che diverrebbero in seguito vere e proprie servitù d'uso sui bre-

M E M O R I A

1.- Nell'indizio della guerra, e per cause di guerra, numerosi diritti di proprietà industriale (marchi, brevetti e società) appartenenti a titolari stranieri sono venuti a cadere in Italia per il transcorrenza dei termini legali.

2.- Ciò ha particolare importanza per i brevetti, le cui tasse annuali non avendo potuto pagare per l'interruzione della relazioni commerciali e per i marchi dei titolari anglosassoni, i quali, non avendo parte della Convenzione Internazionale di Madrid, non godono in Italia una della protezione loro accordata dalla legge italiana. La legge italiana ha provveduto nel 1942 la decadenza di tutti i marchi, per i quali, entro un breve termine, non fosse richiesto la rinnovazione.

3.- La maggior parte degli Stati nella guerra 1918, dove gli Stati neutrali hanno concesso una moratoria per tutti i termini riguardanti la Proprietà Industriale, mentre l'Italia, per ragioni e criteri che qui non si discutono, si è astenuta da un tale provvedimento.

4.- Si ritiene che sia urgente provvedere alla esigenza di un decreto di moratoria su tutti i termini venuti a scadere durante la guerra in materia di proprietà industriale, nel l'interesse dei titolari di brevetti, marchi e modelli in Italia. Si tenga presente, che ogni giorno di ritardo alla emanazione della moratoria può far luogo al sorgere di "diritti di terzi", che diverrebbero in seguito vano o proprio servizio d'uso sui brevetti e sui marchi, che potessero tardivamente essere rinviati in vigore.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

ACC/4011/11/L.

20 September 1944.

SUBJECT : Payment of Fees for and Protection of Interests in
Trademarks and Patents owned by Foreign Oil
Companies in Italy.

TO : Commerce Sub-Commission.

1. Reference your ACC/4011/Commerce dated 15 September 1944
and this Sub-Commission's ACC/4011/11/L dated 18 September 1944.

2. Yesterday I saw Sig. G. B. LAJARDO who has represented in
the past many British and American firms in connection with patent and
trade mark matters. He told me that he had been endeavouring since he
had last seen me to get an appointment with the Italian Minister or Under-
Secretary in charge of such matters but has not yet received an appointment.
I told him that we might be able to afford some assistance in this matter
and suggested that he let me have a memorandum concerning the status of the
Italian law at the moment and what type of legislation he proposed to
recommend to prevent foreign rights from lapsing because of non-payment of
renewal fees.

3. As soon as I have something tangible in this regard I will
let you know.

RICHARD H. WINGER.
Colonel, CSC.
Chief Legal Officer.

RHW/vew.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

13A

18 September 1944.

ACC/4011/11/L.

SUBJECT : Payment of Fees for and Protection of Interests in
Trademarks and Patents Owned by Foreign Oil
Companies in Italy.

TO : Commerce Sub-Commission.

1. Reference your ACC/5421/Commerce dated 15 September 1944.

2. Some weeks ago a local Italian who has specialized in patent work spoke to me about protection of patent and trademark interests in Italy. He was interested in furthering legislation to this end and expected to take it up with the Italian Government and report to me. I have not heard from him and since receiving your letter I am trying to reach him to see what progress he has made.

3. As soon as I secure this information I will let you know. It seems to me that we might join in urging the Government to promulgate some protective legislation.

RICHARD H. WILMER.
Colonel, CAO.
Chief Legal Officer.

16

RHW/waw.

12A

40147/11
2-

HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUBCOMMISSION
APO 394

WES/ec

Ref. ACC/5124/Commerce

15 September, 1944

SUBJECT: Payment of Fees for and Protection of Interests in
Trademarks and Patents Owned by Foreign Oil Companies
in Italy.

TO : (Legal Sub-Commission, HQ ACC)
(Property Controller " ")

1. There is inclosed a memorandum which has been presented to this Subcommittee by Petroleum Section AFHQ with regard to the protection of the interests of foreign oil companies in the patents and trademarks owned by them in Italy.

2. It will be greatly appreciated if you will let this Subcommittee have the benefit of your views on the subject.

LEGAL SUB COMMISSION	
CLO	☒
DCLO	☐
Chief Counsel	☐
CJO	☐
Italian Section	☐
CL RKS	☐
	☐
	☐

for
W. P. EVANS
Colonel
Director
Commerce Subcommittee
W. P. Evans
15

Memorandum on Allied Trade Marks
and Patents.

Trade Marks.

The Oil companies in Italy belonging to Allied interests registered before the war a number of trade marks.

All properties, funds and staff of these foreign Oil companies have been transferred to the AGIP and whilst the companies may still legally exist, they have no officials or funds. The fees for these trade marks cannot therefore at present be paid and unless steps are taken they will lapse.

Other trade marks are owned direct by the foreign Oil companies in Great Britain, U.S.A. and other Allied countries. The owners are prevented from making the necessary payments to the Italian Government under the trading with the enemy acts.

Patents.

A similar situation exists with regard to patents which in the majority of cases are owned directly by the parent companies of the foreign Oil companies in Italy and here again no fees can at present be paid to keep these patents alive and to prevent unauthorized use by others.

It is advisable in order to protect Allied interests that the Italian Government is instructed to declare a moratorium which will prevent the lapsing and unauthorized use of trade marks and patents until such time as normal relations have been re-established between the Allied countries and the Italian Government. - 16

HEADQUARTERS
ARMED COMMERCE COMMISSION
LEGAL SUB-COMMISSION
APO 594

11A

ACC/5014/11/L.

REB/pa.
6 Sept 44.

SUBJECT : Sale of WD Property.

TO : RLO Southern Region (for RLO (thru RO) Foggia Province).
RLO (thru RO) Region 5.

1. The matters raised by Major Boyd-Carpenter in letter PP 3016 of 30 Aug 44 (RA/511/11 of 4 Sept 44) have been under investigation by Commerce Sub-Commission.

2. It is not the intention to legalize possession by civilians of WD property.

3. Samples of the goods sold have recently been received by Commerce Sub-Commission, who are taking the necessary steps to have disciplinary action taken against the persons responsible.

4. This Sub-Commission has already advised Commerce Sub-Commission that as the Italians concerned appear to have acted honestly and in perfect good faith, the procedure should be, on the facts now known, for the property to be returned to 55 and 64 1/2 depots against a refund of all expenses incurred.

RICHARD H. WEAVER,
Colonel, USG,
Chief Legal Officer.

13

Copy to : Commerce Sub-Commission.

4014/11 Legal S/C 1653 (113)

SUBJECT : Sale of Military Property
TO : CLO HQ AOC
FROM : REGION V

R5/511/11

4 Sept. 44

1. The annexed letter from PIO Foggia and Campobasso has been received.
Will you please advise? — 4A
2. The letter referred to in para 2 was not attached. — 4A



10/10/44
J. L. WILLIS
Lt. Colonel,
RLO

12

4437

Ref. F.P. 3016
30th July 1944

SUBJECT: Sale of W.D. property.

TO: R.L.C., Region 5, A.M.G.

FROM: P.L.C., Foggia and Campobasso Provinces.

1. On 3rd August 1944 Supply Officer this HQs. became aware, by reason of the arrival of certain of these articles in this province, that 61 QM Base Depot APO 782 U.S. Army and 35 QM Supply Depot U.S. Army were selling American W.D. clothing to Italian Civilians.

2. As this HQs. was then directly under HQs A.C.C. he reported the fact by message TP 2 of 3/8/1944 direct to Commerce Sub Commission HQs. A.C.C. 7A

3. The dealer in this province who had bought these goods was warned NOT to dispose of them and this HQs message 110901 of 11 August, copy attached, was sent to HQs. A.C.C. for Legal Sub-Commission. 3A

4. Attached is copy letter ACC/5134/Com of 15 August 1944, received by this HQs. from HQs. A.C.C. (Commerce Sub Commission).

5. Meanwhile on the night of August 29-30 a truck containing a further load of approximately 1 ton of American W.D. clothing purchased from 61 QM Base Depot was stopped at a road block in this province.

6. This substantial consignment has been seen, and would not appear to come within the description "rags". It consists partly of articles of American Army clothing and blankets used, and varying in condition from good to poor, and partly of articles of clothing made from and easily recognisable as W.D. material. The first consignment referred to in para 1 hereof ~~also~~ included a number of W.D. boots in poor condition.

7. The dealer in whose possession these articles are, has been warned NOT to dispose of them without further instructions from this HQs. It was ascertained that he had purchased articles from Ugo Ferretti, Corso Movera 38, Naples, the direct purchaser from 61 QM Base Depot, and that sales take place on 25th of each month in Naples.

8. It will be appreciated that the sale of this clothing in this province would render impossible the continued successful prosecution of civilians for possession of American W.D. clothing, since the ~~dealer~~ could hardly be expected to convict civilians for

3. The dealer in this province who had brought these goods was warned NOT to dispose of them and this HQs message 110901 of 11 August, copy attached, was sent to HQs. A.C.C. for Legal Sub-Commission.

8A

4. Attached is copy letter ACG/5134/Com of 15 August 1944, received by this HQs. from HQs. A.C.C. (Commerce Sub Commission).

5. Meanwhile on the night of August 29-30 a truck containing a further load of approximately 1 ton of American W.D. clothing purchased from 61 QM Base Depot was stopped at a road block in this province.

6. This substantial consignment has been seen, and would not appear to come within the description "rags". It consists partly of articles of American Army clothing and blankets used, and varying in condition from good to poor, and partly of articles of clothing made from and easily recognisable as W.D. material. The first consignment referred to in para 1 hereof also included a number of W.D. boots in poor condition.

7. The dealer in whose possession these articles are, has been warned NOT to dispose of them without further instructions from this HQs. It was ascertained that he had purchased articles from Ugo Ferretti, Corso Novara 38, Naples, the direct purchaser from 61 QM Base Depot, and that sales take place on 25th of each month in Naples.

8. It will be appreciated that the sale of this clothing in this province would render impossible the continued successful prosecution of civilians for possession of American W.D. clothing, since the Italian Courts could hardly be expected to convict civilians for possession of property which in most cases could be alleged by accused to have been purchased indirectly from 61 QM Base Depot.

9. The question of policy as to whether it is desired to legalize possession of American W.D. clothing by civilians is, of course, NOW a matter for this HQs. If it is so desired, may this HQs be so informed so that the necessary instructions may be given to the Italian Judicial and Police Authorities. If it is NOT so desired, it is submitted that the most equitable method of dealing with situation would be for 61 QM Base Depot to re-purchase, with allowance for expenses incurred, the clothing sold by it.

10. May early instructions be forwarded.

FRY d-64

Copy to: P.P.S.O.

Major,
Provincial Legal Officer
Foggia and Campobasso
Provinces.

(10A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4014/11/L.

WEB/ap.
24 August 1944.

SUBJECT : Requisitioning and Freezing.

TO : Commerce Sub-Commission.

1. This Sub-Commission has considered your ACC/5030/
Com of 16 Aug 44.

2. Please be advised that in our opinion the answers
to the questions raised are :-

- (a) All legislation in Italian Government territory is handled directly by the Italian Government. ACC is not permitted to take direct action to freeze goods in this territory
- (b) No.
- (c) The power to requisition is specifically reserved to the Allied Forces under the restoration terms. As a matter of policy the requisition must be made by the Italian authorities. See AAI Administration Instruction No. 48, para 3. (Ref AAI/3064/A(5) of 6 Aug 44).
- (d) Subject to (c) above.

I and II. Requisitions of private or municipal property or goods is permitted provided the property or goods requisitioned are really necessary for the army of occupation. Requisition of this class of property or goods is not permitted merely to supply the army's general needs.

III. In strict law there is no "requisition" of national property or goods; in Military Government territory such property and goods can be seized and in Italian Government territory there is a considerable quantity of national property (e.g. Government offices) which

for obvious reasons cannot be taken over. In any particular case when it was necessary to obtain possession of national property or goods no doubt the necessary arrangements would be made with the Italian Government.

- (e) An AMG legislation and orders terminate automatically on handover unless they are reserved by action of the Italian Government. Therefore unless such action be taken, stocks frozen by AMG automatically thaw. The Italian Government can be requested to refreeze them: should it refuse the matter becomes a question of policy to be decided between HQ ACC and the Italian Government since HQ ACC possess the power, if necessary, to enforce their requests.

The question of the level upon which freezing orders are made is a matter of policy. It appears to us that normally such orders would be a matter of over-all policy and we do not think that objection would reasonably be taken to a prefect or sindaco who wished to obtain his superior Italian official's views before issuing an order of this nature.

RICHARD H. WILMER,
Colonel, GAC.,
Acting Chief Legal Officer.

*Capt Mure
Please examine
4014/11
✓ prepare answer
+ let me see it.*

(9A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUBCOMMISSION
APO 394

ERG/mev

Ref. ACC/5030/Com

16 August 1944

SUBJECT: Requisition and Freezing

TO : Legal Subcommittee, HQ, ACC.
(Attn: Lt. Col Grossman)

1. This Subcommittee is seeking clarification of the legal position in territories handed over to Italian Government administration.

2. For this reason, it would be greatly appreciated if answers could be given to the following questions:

a. Is ACC permitted directly to freeze goods in Italian Govt. administered areas, and what is procedure?

b. Is the Army permitted to freeze goods in Italian Govt. administered areas and what is procedure?

c. Is the Army permitted directly to requisition property or goods in Italian Govt. administered areas?

d. Is ACC permitted to requisition:
I. Private property or goods
II. Municipal or Provincial Property or goods
III. National property or goods.

8

e. Do frozen stocks (i.e., frozen by AMG) become unfrozen automatically, upon the change over from AMG to ACC. If so, can the Italian Govt. be instructed to re-freeze? Can ACC Regional or Provincial Officers advise Prefects or Sindaci to freeze directly without reference to higher Italian authority?

W. P. EVANS
Colonel - Director
Commerce Subcommittee

*W. P. Evans
W. P. Evans*

4014/11
✓

8A

HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUBCOMMISSION
APC 394

ITE/mev

Ref. ACC/5134/Com

15 August 1944

SUBJECT: Sale of Government goods

TO : Provincial Commissioner, Foggia Province
(Attn: Provincial Supply Officer).

1. Reference signal PF 2, dated 3 August 1944.

2. Pursuant to telephone conversation Col. H. L. Brown C.M. P.B.S. and Lt. I.W. Harkow of this HQ, of even date, the following statement was made by Col. Brown: "Lt. Col. W. E. Els, Commanding Officer 555 Q.M. Supply Depot sold only "rags" to private parties; that anything which closely resembled "clothing" was turned over to the Army S/O HQ. A.C.C."

3. Suggest that you send as sample to this Subcommission any item of "Clothing or Shoes" which has been offered for sale by the particular merchant in Foggia, alleged to have been obtained by him from 555 QM Supply Depot, Naples.

By order of Captain STONE (JRM)

W. P. EVANS
Colonel - Director
Commerce Subcommission

Copy to:

Regional Commissioner, Region V
(Att: Econ. & Supply Div.)
Legal S/O HQ, ACC.
(Att: Col W.E. Behrens)

LEGAL SUBCOMMISSION	
CLO	
DCLO	☒
Chief Counsel	
CJO	
Italian Section	
CL RKS	

Arm Sec 3074 (7A)

RE AGO FOR LEGAL SUB COMMISSION ON

PROVINCIAL COMMISSIONER FOGGIA PROV.

77/1

AUG 110901



29/15

NOTE

NOTE 15 AUG 1944

NOTE

FURTHER TO MY MESSAGE 77/2 OF 1. ADVISORY COMMISSION FOR COMMISSION. SALE OF DISCARDED U.S. PROPERTY TO ITALIAN CIVILIANS BY 555 DEPOT AND 61 A.M. BASE DEPOT COMPROMISE SYSTEM UNDER WHICH POSSESSION U. S. PROPERTY BY CIVILIANS IS OFFENSE AND MAKES POSITION ITALIAN JUDICIAL AUTHORITIES IMPOSSIBLE. SALE WHOLESALERS THIS PROVINCE SUSPENDED PENDING INSTRUCTIONS. REQUEST THESE SALES BE STOPPED EARLIEST AND PROPERTY RETURNED TO DEPOTS.

6

Legal has been checked. Substantially correct. Sent to the AGO. 16 Aug 44

R.R. Cope

AGC LIST

ACTION	LEGAL (2)
INFO	A/CC
	ECOM SEC
	AIM SEC
	FILE (2)
	FOGAT

602

HEADQUARTERS
CHIEF CONTROL COMMISSION
Legal Subcommittee
APO 394

6A

ACC/4014/11/L
~~XXXXXX~~

RHW/AD
16 Aug 44

SUBJECT : Sales of clothing by 555 Depot and 61 QM Base
Depot.

TO : A/Head Adm Sec

1. The sales of clothing, boots and discarded WD property referred to in signal PP/1 of 11 Aug from PG Foggia Province is being investigated by Commerce Subcommittee. (SA)

2. It is understood that CO 555 Depot claims to have sold nothing but "rage" which he is duly authorized to sell to Italian civilians.

3. If this is so the freezing order in Foggia Province would appear to be out of order, since all that is needed is the institution of some system to distinguish these goods from other WD property - if this has not already been done prior to sale.

4. In any event no further action is possible until more information is available about the circumstances of the sale.

W.D. Jones. W

RICHARD H. WILMER,
Colonel, GAC.,
Acting Chief Legal Officer

Copy to : Commerce Sub-Commission.

See 3A, 4A and 5A.

ALLIED CONTROL COMMISSION
INCOMING MESSAGE

307u
5A

4014/11

TO: HQ ACC FOR LEGAL SUB COMMISSION ON
SIGNAL MESSAGE CENTER No: 29/15
FROM: PROVINCIAL COMMISSIONER ENGLIA PROV. CLASSIFICATION: NONE
REFERENCE No: 11/1 PRECEDENCE: NONE
DATE AND TIME OF ORIGIN: 11.10.2001 OFFICE OF ORIGIN: NONE

4A

FUTHER TO MY MESSAGE PP/2 OF 1. ADDRESSED COMMERCE SUB COMMISSION. SALE OF DISCARDED
W.D. PROPERTY TO ITALIAN CIVILIANS BY 555 DEPOT AND 61 Q.M. BASE DEPOT COMPRISE SYSTEM
UNDER WHICH POSSESSION W. D. PROPERTY BY CIVILIANS IS OFFENCE AND NAMES POSITION ITALIAN
JUDICIAL AUTHORITIES IMPOSSIBLE. SALE WHOLESALERS THIS PROVINCE SUSPENDED PENDING
INSTRUCTIONS. REQUEST THESE SALES BE STOPPED EARLIEST AND PROPERTY RETURNED TO DEPOSITS



ACC DIST

ACTION LEGAL (2)
INFO A/C
ECON SEC
ADM SEC
FILE (2)
FLOAT

CLASSIFICATION: TOP SECRET REFERENCE No: HL/1 PRECEDENCE: NONE
DATE AND TIME OF ORIGIN: AUG 11 0901 OFFICE OF ORIGIN: NONE

4A

FURTHER TO MY MESSAGE FF/2 OF 1. ADDRESSED COMMENCE SUB EMISSION. SALE OF DISCARDED
U.D. PROPERTY TO ITALIAN CIVILIANS BY 555 DEPOT AND 61 Q.M. BASE DEPOT COMPROMISE SYSTEM
UNDER WHICH POSSESSION W. D. PROPERTY IN CIVILIANS IS OFFENSE AND MATES POSITION ITALIAN
JUDICIAL AUTHORITIES IMPOSSIBLE. SALE WHOLESALERS THIS PROVINCE SUSPENDED PENDING
INSTRUCTIONS. REQUEST THESE SALES BE STOPPED EARLIEST AND PROPERTY RETURNED TO DEPOSITS

HEADQUARTERS
15 AUG 1944
A. C. C.

ACC DIST

ACTION LEGAL (2)
INFO A/CC
ECON SEC
ADM SEC
FILE (2)
VICAT

DATE and Time of RECEIPT AUG 15 0950

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1014/911

To: LEGAL (3A)

ACC/5146/0cm

HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

ASB/004

POL INSTRUCTION:

7 August 1944

No. 1.....:

POL For Special Civilian Representatives

1. Requests are being received by Region IV for the issuance of Vehicle Circulation Permits and Petrol Rations for Industrialists and Agriculturists working for the Allied War Effort who are required by ACC to make special EMERGENCY journeys, sometimes involving considerable mileage and petrol allocation equal to many times the standard monthly allowance.
2. These requests are embarrassing to Region IV since petrol supplies are dependent on bids submitted to Petroleum Section before the fifteenth of the month previous and which are only accepted by Pet. Sec. if backed by full justification.
3. It follows that any allocations they make to ACC HQ for the above emergency journeys can only come out of supplies often already cut and earmarked for other purposes, and result in shortages which can only be replaced if full justification is supplied to Pet. Sec.
4. Sub-Commissions who may find themselves obliged to ask for emergency rations for such purposes as visualized in para. 1 above, will, therefore, send a letter in duplicate giving full justification for the journey, details of the car and mileage to be covered to Region IV (Transportation Division) with copies to Command Sub-Commission so that arrangements may be made for the necessary POL supplies. Failure to do so will result in the application being refused.
5. Supplies for contractors and others REGULARLY employed or working for Sub-Commissions should be bid for through the Provincial Supply Officer of the territory in which they reside subject to the proviso that companies with headquarters in Rome requiring numbers of Permits and Rations for their staff will submit details, covered by a letter of justification, to Region IV who will no longer consider individual applications from employees of such companies. Sub-Commissions specially interested in the activities of such firms should provide a duplicate letter of recommendation as in para. 4 above.
6. POL for Italian Government Ministerial use is similarly dealt with by a bulk allocation to the Inter-Administrative Petroleum Committee to whom all applications

sometimes involving considerable mileage and petrol allocation equal to many times the standard monthly allowance.

2. These requests are embarrassing to Region IV where petrol supplies are dependent on Pils submitted to Petroleum Section before the fifteenth of the month previous and which are only accepted by Pet. Sec. if backed by full justification.

3. It follows that any allocations they make to AGO HQ for the above emergency journeys can only come out of supplies often already cut and earmarked for other purposes, and result in shortages which can only be replaced if full justification is supplied to Pet. Sec.

4. Sub-Commissions who may find themselves obliged to ask for emergency ration for such purposes as visualized in para. 1 above, will, therefore, send a letter in duplicate giving full justification for the journey, details of the car and mileage to be covered to Region IV (Transportation Division) with copies to Commerce Sub-Commission so that arrangements may be made for the necessary Pils supplies. Failure to do so will result in the application being refused.

5. Supplies for contractors and others REGULARLY employed or working for Sub-Commissions should be bid for through the Provincial Supply Officer of the territory in which they reside subject to the proviso that companies with Headquarters in Rome requiring numbers of Permits and Rations for their staff will submit details, covered by a letter of justification, to Region IV who will no longer consider individual applications from employees of such companies. Sub-Commissions specially interested in the activities of such firms should provide a duplicate letter of recommendation as in para. 4 above.

6. Pils for Italian Government Ministerial use is similarly dealt with by a bulk allocation to the Inter-Ministerial Petroleum Committee to whom all applications should be referred. No individual allocations can be made by this Headquarters and no individual requests will be received on behalf of particular Ministries or individuals.

For Captain STONE (USAR):

LEC	SUB	CLERKS
→ CLO	DCLO	Chief Counsel
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Italian Section		
CLERKS		

A. G. PAVOLINI
Executive Director
Economic Section

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4014/911

file

To LEGAL
(2A)

HEADQUARTERS
ARMED COVERAGE COMMISSION
COMMERCE SUBCOMMISSION
APO 324

ASE/JFI

Ref. ACC/5146/Com

31 July 1944

SUBJECT: POL Supplies for Ministerial, Vatican and Diplomatic Corps

TO : ALL SUBCOMMISSIONS
THROUGH: Economic Section

1. With the Italian Government concentrated in Rome, it is necessary to put the supply of POL for the above and kindred purposes on a firm basis.

2. By arrangement with Commerce Subcommission and the approval of Petroleum Section, AFM, the Italian Government have appointed an Inter-Ministerial Committee for Petroleum under the Ministry of Industry, Commerce and Labour, who present bids for all Petroleum products for civilian use on behalf of the various Ministries with a separate bid for the requirements of Ministerial Vehicles operated by them.

3. Each Ministry, including those for Air, War and Marine, should therefore now submit their requirements for Ministerial Vehicles to the Petroleum Committee (Avv. ROBERTI) of the Ministry of Industry, Commerce and Labour Inter-Ministerial Committee. Supplies for purely Air Force, Military or Naval purposes should be bid for as before by M.A.I.A.

4. It is requested that Subcommissions who have dealings with the Italian Government Ministries will make known to them these arrangements and impress on them that no requests by individual Ministries or by individuals can be entertained.

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Haworth
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for new
meeting

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CLERKS	

W. P. EVANS
Colonel - Director
Commerce Subcommission

Legal

(1A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
INDUSTRY & COMMERCE SUB-COMMISSION
APO 394

EEA/oda

18 May 1944

Ref. ACC/5157/IC

SUBJECT: Repaired Army Shoes (Ankle Boots) For Issue On Payment To Civilians

TO : All Sub-Commissions.

1. Industry & Commerce Sub-Commission have arranged for the repair of Army footwear, which is beyond economical repair for military purposes, for subsequent issue on payment to civilians.

2. Present rate of production is approximately 12,000 pairs monthly, and it is hoped to increase this to 20/25,000 pairs, provided materials can be obtained. It is appreciated that this only touches the fringe of the footwear problem, in that enquiries have been received by this HQ totalling several hundred thousands of pairs, and therefore only the most urgent priorities can expect early alleviation.

3. This HQ is not in a position to establish relative priorities nor has it machinery for dealing with units direct. It has therefore been decided that allocations will be made in bulk to formations, services, or Sub-Commissions, who will determine their own priorities.

4. HQ A.A.I., Local Resources Section, have undertaken to receive applications made on behalf of employees of, or civilians controlled by, the Allied Forces and will make allocations out of availability in a manner similar to that used in allocating controlled commodities.

5. Applications from AMG 5th and 8th Armies and from Sub-Commissions on behalf of civilians other than employees of the Allied Forces should be made direct to HQ ACC, using for this purpose, ACC Form IAT 10, giving fullest possible justification, as it will be realised that at best only a small fraction of even the most urgent demands can be met.

6. The price of each pair of these repaired boots has been fixed at 150 Lire, and payment for bulk allotments should be made to AMA Region III, by the receiving branch, service, or Sub-Commission, to whose discretion is left the method of issue to and payment by individuals. Some form of registration should, however, be adopted as a safeguard against illicit disposal and also to avoid recipients being picked up by Military Police. An endorsement on the identity or ration card is suggested.

2. Present rate of production is approximately 12,000 pairs monthly, and it is hoped to increase this to 20/25,000 pairs, provided materials can be obtained. It is appreciated that this only touches the fringe of the footwear problem, in that enquiries have been received by this HQ totalling several hundred thousands of pairs, and therefore only the most urgent priorities can expect early alleviation.

3. This HQ is not in a position to establish relative priorities nor has it machinery for dealing with units direct. It has therefore been decided that allocations will be made in bulk to formations, services, or Sub-Commissions, who will determine their own priorities.

4. HQ A.A.I., Local Resources Section, have undertaken to receive applications made on behalf of employees of, or civilians controlled by, the Allied Forces and will make allocations out of availability in a manner similar to that used in allocating controlled commodities.

5. Applications from AUG 5th and 8th Armies and from Sub-Commissions on behalf of civilians other than employees of the Allied Forces should be made direct to HQ AOC, using for this purpose, AOC Form MAT 10, giving fullest possible justification, as it will be realised that at best only a small fraction of even the most urgent demands can be met.

6. The price of each pair of these repaired boots has been fixed at 150 Lire, and payment for bulk allotments should be made to AAA Region III, by the receiving branch, service, or Sub-Commission, to whose discretion is left the method of issue to and payment by individuals. Some form of registration should, however, be adopted as a safeguard against illicit disposal and also to avoid recipients being picked up by Military Police. An endorsement on the identity or ration card is suggested.

7. As A.C.C. has no transport, receiving branches or services should make their own arrangements to collect, and in view of the shortage of warehouse accommodation, it is requested that this be done as soon as possible after notification of an allotment.

Copy To:

HQ AAI, Local Resources Section
R.C. Region III (Attn: E & S Div.)
R.C. Region III (Attn: Finance "
Local Resources Section, I & C S/C. - To See.

LEGAL SUB-COMMISSIO	
CLO	
DCLO	
W. P. Chief Counsel	
Colonel, Industry and	
Commerce Sub-Commission.	
1000 REGUCO	
S. P. S.	
MAY 1944	

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