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DRAFT DECREE
ITALIAN GO
APR., MAY 19

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DRAFT DECREE, CHANGING CONTROL OF PORT OF NAPLES TO
ITALIAN GOV'T
APR., MAY 1944

FILE CLOSED 11 May 1944



PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DELL'URBE
IL COMMISSARIO FEDERALE

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HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. Section
APO 394

11 May 1944

Ref/296/15/CA.

SUBJECT: Independent Port Authority of Naples - Liquidation.

TO : Naval Sub-Commission, SALERNO.

1. There are forwarded to you letter from the Ministero della Marina and copy of 'Outline of the Royal Decree abolishing the separate Port Authority of Naples.'
2. In effect the Independent Port Authority of Naples will be liquidated and all Port concessions and finances go to the State, including the special anchorage tax. All workers will be discharged on a two months notice and will be given an indemnity of 'half of the sum of their last pay for every year of service rendered whether as an employee of the Ente or of the dissolved firms furnishing the port with machines and other equipment'.
3. The proposed decree has been submitted to the various Sub-Commissions interested and the main points of their observations are noted below :

(a) Legal Sub-Commission.

There are no objections on purely legal grounds but there may well be serious practical objections. Control will pass from the Company to the State and may mean some change in personnel directing the port.

(b) Shipping Sub-Commission.

Have no objections but :

- (i) Wish to be advised of the composition of the new body and assume port users will be fully represented.
- (ii) Assume that the funds will be made available through the State for restoration of harbour works and facilities.
- (iii) Consider that serious thought be given to the re-employment by the new authority of discharged employees, especially those who are both desirable from an Allied point of view and who are also experienced in working the Port.

(c) Labour Sub-Commission.

State there will be two groups of employees affected namely, the employees of the Port and the employees of the dissolved firms. They consider :

-2-

- (i) That it would be disadvantageous that the workers who are immediately re-hired as state employees be paid dismissal indemnities and thus lose their future rights to credit for their years of employment with the Para.Statal Port Authority.
- (ii) A clause in the Decree or a separate Order could provide that accrued Insurance Funds and Insurance rights of re-hired workers be retained for them in their status as state employees provided they apply for State employment within a specified period and do not accept a dismissal indemnity.
- (iii) Those not retired would be entitled to payment of dismissal indemnities and any other benefits due to them.
- (iv) The translation of para 2 Art 5 is bad. Does it mean half of the sum of their last pay or half a months pay.

4. The matter as it stands has been very fully considered by the various Sub-Commissions concerned, and on the advice of Legal Sub-Commission Region III have been advised not to follow the Italian Decree.

5. To meet the points raised by the Sub-Commissions the draft Decree requires substantial alteration. I suggest, therefore, that you raise the matter with the Minister of Marine for their consideration. As it is the Decree will have no effect at all when published in the official gazette as the Port of Naples is situated in occupied territory, and it will be for the Allied authorities, if they see fit, to authorise application of the decree in occupied territory. It would be far better to revoke the Decree and delay re-issue until Naples is turned over to the Italian Government.

Alfred C. Bowman
Lt Col.

H. S. LUSE,
Brigadier,
Executive Commissioner.

Copy to: Admin Section - For Legal Sub-Commission.
Econ Section - For Labour and Shipping Sub-Commissions.
Region III - for information.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 394

Ref/298/4CA

9 May 1944

SUBJECT: Independent Port Authority of Naples.

TO : R.C. Region III.

1. Reference your letter of 1 April 1944 the Italian decree concerning the liquidation of the Ente Autonomo of the Port of Naples has been the subject of consideration by various sub-commissions. The draft decree requires substantial alteration before it is acceptable by the sub-commissions concerned and in the circumstances your Headquarters will not follow the Italian Decree.

John A. Fisher Maj.
R.S.7.

NORMAN E. FISHER
Colonel
Deputy Executive
Commissioner

Copy to:
Admin Section (for Legal Sub-Commission) /

LEGAL SUB-COMMISSION	
CLO	
CLERK	
Chief Counsel	
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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

13 April, 1944.

REFERENCE :- ACC/4104/5/L.
SUBJECT : Independent Port Authority of Naples.
TO : Deputy Executive Commissioner.

1. Reference your 298/6/CA dated 4 April 1944.
2. I have considered the proposed decree and in my opinion such decree will not affect the authority of A.M.G. The position is that whereas formerly the Port Authority was an ente or company it will now be operated by the State but being in either event in occupied territory the control still rests with A.M.G.
3. On purely legal grounds, therefore, I see no objection to the decree.
4. I should point out, however, that there may be objections on other grounds. In the first place the control passes from the members of the company ~~and passes~~ to the State and this may mean some change in personnel directing the Port and this matter should receive careful consideration by the Allied authorities. Secondly, the decree envisages the discharge of certain personnel and the giving of an indemnity to them (see Article 5) and this is a matter obviously of great importance which would appear to deserve consideration by the Labour Sub-Commission.
5. To sum up, therefore, although I see no ^{legal} objection to the decree there may well be serious practical objections.
6. You should also point out to the Minister that his decree will have no effect at all when published in the official gazette as the Port of Naples is situate in occupied territory and it will be for the Allied authorities, if they see fit, to republish the decree in occupied territory. Such republication is in fact carried out through the machinery of this Sub-Commission.

GERALD R. UPJOHN.
Colonel,
Chief Legal Officer.

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11 APR 1944 2963 (4)
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Ref/298/7/CA.

10 April 1944.

SUBJECT: Independent Port Authority of Naples.

TO : V.P. Admin. Section - For Legal Sub-Com. (3)

1. Reference our letter 298/6/CA of 4 Apr 44.
2. May we please have a reply to the above referred to letter?

LEGAL SUB-COMMISSIO	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL.RKS	

Norman E. Fiske
Capt
NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

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4104/5
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/298/6/CA.

4 April 1944

SUBJECT: Independant Port Authority of Naples.

TO : V.P. Admin. Section (for Legal Sub-Commission)

1. Herewith are enclose copies of translation of letter and proposed decree changing the control of the port of Naples over to the Italian Government.
2. Region III advises it has no objection to such a decree provided AMG retains its present authority in controlling the port of Naples.
3. Will you please examine this decree and advise us of your disposition in the matter.

Major Humphreys
? Consulted

For *Norman E. Fiske*
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

2 Incls:

Seen by Maj Humphreys
7/4/44

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COPY

TRANSLATION

ROYAL NAVY
General Headquarters of
the Merchant Marine

To: Military Intelligence
Office of A.M.G.

N A P L E S

Naples - Via Gener. Giordano Orsini

SUBJECT: Independent Port Authority of Naples.

The Royal Italian Government has decreed the liquidation of the "Ente Autonomo of the Port of Naples". (Independent Port Authority of Naples).

Such a decree already approved by the Council of Ministers has not been published in the "Gazzetta Ufficiale del Regno" (The Official Gazette of the Kingdom) because its aim being to abolish the Ente which is located in territory which comes under the jurisdiction of Allied Military Government, it would be well to first inquire whether A.M.G. has any objections to the above mentioned decree.

Article 2 of the decree provides that within two months after the date of its publication in the Gazzetta Ufficiale del Regno, the complete liquidation of the Ente must take place and the personnel discharged.

It is the intention of the Royal Government to publish the decree on May 1 in order that all activities within the Ente cease to function before June 30 thereby allowing the workers ample time in which to find another occupation and also to permit the port laborers associations to organize an Ente which would replace the one which is being disbanded.

We take the privilege of transmitting to A.M.G. a copy of the proposed decree hoping that the date in which it becomes effective is delayed until the Royal Government is permitted to publish it in the Gazzetta Ufficiale.

THE MINISTER.

Translated by G02, PBS: N.F.

TRANSLATION

AN OUTLINE OF THE ROYAL DECREE ABOLISHING THE SEPARATE PORT AUTHORITY OF
NAPLES

VICTOR EMMANUEL III

By the Grace of God and by the Will of the Nation
King of Italy

In view of the law No. 500 of May 8, 1940 regarding the constitution of the Independent Port Authority of Naples which was modified by law No. 1046 and considering that due to the condition of the installations and due to the amount of traffic in the port of Naples at the present time it would not be possible to guarantee the smooth functioning of the services of the Ente Autonomo mentioned above; upon the proposal of our Secretary of State for the Navy in agreement with the Minister of Finance, of Public Works, and of Industry, Commerce and Labor.

We have agreed upon and so declare:

Article 1.

The Independent Port Authority of Naples created by law No. 500, modified by the law No. 1046 of August 24, 1941 is liquidated on the date of publication of the present decree in the Gazzetta Ufficiale del Regno.

Article 2.

Within two months of the date referred to in Article 1, the administration of the Ente must complete the liquidation of its personnel and turn over to the state the surplus resulting from its activities in accordance with Article 26 of law No. 500 as of March 6, 1940 which was modified by law No. 1046 of August 24, 1941.

Article 3.

The services of Article 2 of the cited law are given over to the Royal Naval Command of the Port of Naples.

Article 4.

All port concessions and finances after close examination by the Port Command are given over to the state. The special anchorage tax referred to in Article 5 No. 3 of law No. 500 of May 6, 1940 is taken over by the state.

Article 5.

All workers are to consider themselves disengaged two months after publication of the law as defined in Article 2 of this Royal decree. These workers are to be given an indemnity for being discharged, which is to amount to half of the sum of their last pay for every year of service rendered whether as an employee of the Ente or of the dissolved firms furnishing the port with machines and other equipment.

Article 6.

The funds of the Cassa Mutua di Previdenza which the port workers have accrued and those which will eventually become available to them for their benefit will be consigned to the Port Command of Naples and disposed of by this agency according to the above rules.

We order that the present law, etc., etc.

Translated by G-2, PBS: N.F.

