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AUTHORITY TO FORM LIMITED COMPANIES  
MAY - AUG. 1944

CLOSED 2 August 1944

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394.

5A

2 August 1944.

Tel. Ext. 563.

REFERENCE : ACC/4144/L.

SUBJECT : Proposed Engineering Concern.

TO : Acting Regional Legal Officer, (thru R.C.), Region 3.

1. Reference your L-6005 dated 21 July 1944 addressed to The Director, Industry & Commerce Sub-Commission.

2. Inasmuch as you sent in direct to the Director of Industry & Commerce Sub-Commission an application for permission to form a limited company these papers have come back to the Legal Sub-Commission who are not involved in the matter. However, to save further communications I am enclosing a copy of the letter from the Director of the Industry Sub-Commission dated 31 July 1944 from which you will see that the application is not approved. The Acting Director's statement that the papers should have gone to the Finance Sub-Commission is not in accordance with the rule previously laid down.

3. I return all the papers which you submitted in this matter including your letter of the 21st July 1944.

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

RHW/ncw.



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HEADQUARTERS  
REGION 3, ARMS CONTROL COMMISSION  
APO 394, U.S. Army

File (4A)

D-6005

5 June 1944

Subject: Authority to Form Limited Companies.

X To : Industry and Commerce Sub-Commission, A.C.C.

3A folio

1. Under authority of letter of the Deputy Executive Commissioner, Ref. 265/6/CA, 1 June 1944, there is submitted herewith application to form a limited company under the name "Imprese Edilizia e Meccaniche", filed with this Headquarters by Avv. Alfredo Florio, Via Battambrini No. 26, Naples.

2. It is understood that this application, after investigation by your sub-commission, will be transmitted (through channels) to the Ministry of Industry, Commerce and Labour.

For the Regional Commissioner:

JWC/mo

JOHN W. CHAPMAN,  
Colonel, JAGD,  
Regional Legal Officer.

Copies to:

RC & IG Section, Hq ACC,  
Economic Section, Hq ACC,  
Legal Sub-commission, Hq ACC,

Total. Chapman for  
information -

RMC

5

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

Ref/265/6/OA

1 June 1944

SUBJECT: Authority to form limited companies.

TO : R.C. Region III

1. Reference is made to your L 6005 of 8 May 44 addressed to the Legal Sub-Commission and to letter from the Legal Sub-Commission AGC/4144/L dated 24 May 44 addressed to this Headquarters copy to you.

2. For your perusal there is attached the more detailed memorandum referred to in the above quoted letter dated 24 May 44.

3. Economic Section state that they have no objection in principle to the formation of new companies, provided it first examines each case on its merits as to proposed method of financing the company, the product and service, demands on raw material etc.

LEG	
CLO	✓
DCLO	✓
Chief Counsel	
CID	
It. lion Section	
CL RKS	

*John A. Fiske*  
May

NORMAN E. FISKE  
Colonel  
Deputy Executive  
Commissioner

Copy to:

Legal Sub-Commission (Your AGC/4144/L of 24 May 44 refers)

2A

785  
REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

GRU/ep

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ACC/4144/L

24 May 1944.

SUBJECT : Authority to form limited companies.

TO : Executive Commissioner.

1. A copy of a letter from the RLO, Region 3, dated 8 May 1944 is enclosed. The law is substantially as stated in that letter but a more detailed memo is attached for your information.

2. If the Economic Section has no objection in principle to new corporations being organized in occupied territory there would seem to be no reason why requests of this nature might not be received by a RC for transmittal to the Minister of Industry, Commerce and Labor through HQ ACC for the primary examination by the Economic Section before delivery to the Minister.

3. I feel it preferable that RCs should not attempt exercise the authority of approving or disapproving such requests even if an AMG order could validly confer such a power upon them, which I consider at least doubtful under the rules of International law.

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

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Copy to : RLO Region 3 (thru RC)

ACC/4144/L

22 May 1944

MEMORANDUM  
ON ITALIAN COMPANIES

2B

The state of the existing law is substantially as under . For the formation of new limited companies (Societa Anonima) as well as for increases in capital of existing companies to one million lire or over, in addition to the provisions of the Civil Code, the terms of the following decree laws must be observed:

RDL 7 April 1942 No. 322 (Gazzetta Ufficiale 18 April 1942 No. 92) providing for authorization for the formation of companies and the issue of obligations or increase in capital of share companies to 1 million lire and over.

RDL 21 May 1942 No. 520 (Gazzetta Ufficiale 29 May 1942 No. 127) providing that on formation of a new company or an increase of capital of an existing company, 20% of capital so subscribed must be invested in Treasury Bonds.

At the date of the promulgation of RDL No. 322 the authorizing authorities were the Ministries of Corporations and of Finance acting in conjunction, whereas the former has now been abolished and its functions in this respect assumed by the Ministry of Industry, Commerce and Labour.



HEADQUARTERS  
REGION 3, ALLIED CONTROL COMMISSION  
APO 394, U.S. Army

L-6005

8 May 1944.

Subject: Authority to Form Limited Companies.

To : C.L.O. Legal Sub-Commission, A.C.C.

1. Request has been made by an Italian advocate for Regional authority for certain of his clients to organize a limited company. He advances as the reason for his request that under the provisions of RDL 7 April 1942 n.322 the organization of such companies required the approval of the Minister of Corporations (now the Minister of Economics and Commerce).

2. Is the Regional Commissioner authorized to grant such approval ?

For the Regional Commissioner.

JWC/mo

*John W. Chapman*  
JOHN W. CHAPMAN,  
Lt.Col., JAGD ,  
Reg.Legal Officer.

*Let us nig the minister.  
This is NOT a priority matter.*

