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(VOL. 1)

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AGIP & CIP SET-UP
SEPT. 1943 - DEC. 1944

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FILE CLOSED 27 December 1944
SEE VOLUME 2

SECRET.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4175/L.

27 December 1944.

SUBJECT : Refund of C.I.P. Expenses.

TO : C. A. Sec.

1. The question raised by AFHQ Petroleum Section in their PET 30/E/8 of 17 Dec 44 involves consideration of the liability of the Italian Government to supply at their own expense goods and services for the benefit of the Allied Forces. It is clear that the Allied Forces cannot properly escape payment for goods and services supplied by C.I.P. by requiring C.I.P. to recover the expense of those goods and services from the Italian Government unless the goods and services involved fall within the class which the Italian Government is under a liability to supply.

2. At a conference held between Legal Sub-Commission and Petroleum Section as a result of the above mentioned letter, Petroleum Section raised the further point whether particular services, which do not appear to come within the normal scope of C.I.P.'s activities but which nevertheless they are required to and do perform for the Allied Forces, can properly be charged to the Italian motoring public through an increase in the retail price of petrol.

3. This point involves two questions. The first question is whether the services come within the liability of the Italian Government as explained in paragraph 1. If they do it is immaterial from the point of view of the Allied Forces whether the Italian Government discharge their liability through C.I.P. or through some more normal agency. In either case the liability for payment is that of the Italian Government.

4. The second question is whether such services as are within the liability of the Italian Government should be borne by the Italian Government and recovered by them through some general form of taxation, or whether they should be borne by the limited class of petroleum users. This is a purely economic question which is outside the scope of this Sub-Commission. It should be observed however that if the method of general taxation is employed (which prima facie appears more equitable) the proposed decree for the incorporation of C.I.P. will require amendment.

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5. Under the Instrument of Surrender of Italy the Italian Government have bound themselves to comply with the instructions of the Allies in relation to the disposal production and transit of war material; to make available in occupied territory in good condition and with the personnel required for working them oil refineries all transport and intercommunication installations facilities and equipment and all such stocks as may be required together with such other local resources or services as the United Nations may require; to make available in non-occupied territory all transport facilities required and to comply with instructions regarding oil refineries, stocks and such other fuel and power supplies and means of

2.

producing same as the United Nations may specify together with connected repair and construction facilities; to comply with such directions as the United Nations may prescribe regarding restitutions, deliveries, services or payments by way of reparation and payment of the costs of occupation.

6. The instrument does not expressly provide whether the obligations of the Italian authorities indicated above are to be discharged with or without payment from the Allied Forces. In the opinion of this Sub-Commission there can be no doubt that upon the true interpretation of the instrument they are to be discharged without payment. Any other construction involves the implication of payment by the Allies on a reasonable basis for all stocks taken over and all goods facilities and services supplied. Any such implication is contrary to the entire spirit of the instrument and in particular to the financial provisions contained in Article 23. Furthermore the obligations of the Italian Government extend not only to the costs of occupation, but also to reparation. That obligation is not discharged if payment is made for the deliveries or services rendered.

7. On the basis of the foregoing this Sub-Commission is of opinion that all expenses incurred on facilities or services required for the distribution of petrol for the Allied Forces are the liability of the Italian Government.

In occupied territory this liability appears to be specifically stated in the Instrument of Surrender.

In unoccupied territory the liability to provide services is not so specifically stated in Article 21. Nevertheless it appears to be clearly covered by Article 33 which provides, without restriction of territory, that the Italian Government will comply with such directions as the United Nations may prescribe regarding restitutions, deliveries, services or payments by way of reparation and payment of the costs of occupation.

It should be observed that under the terms of restoration of territory the Italian Government have undertaken in unoccupied territory:-

- (a) to make available to the Allied Forces such facilities utilities and installations as may be required for such disposition, use or operation as may be determined
- (b) to treat as part of the costs of occupation all expenses and costs arising from the maintenance of Allied troops or other personnel in unoccupied territory.

8. In general therefore it is the opinion of this Sub-Commission that all expenses incurred in running depots for military accounts whatever arising are the responsibility of the Italian Government and that no payment need be made by the Allied Forces therefor.

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9. If in any particular case C.I.P. is called upon to perform some work which forms no real part of the work of petroleum distribution, the liability of the Italian Government for the expenses involved will have to be considered as an individual item, and no general opinion can be given.

W. E. BEHRENS.

Colonel,

Deputy Chief Legal Advisor.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4175/L.

/rlf.
20 December 1944.

SUBJECT : Refund of CIP Expenses.

T O : AFHQ, Petroleum Sec, Rome Area Allied Command (Attn: Mr. Hofland).

1. Reference your Pet 30/E/8 of 17 December 44, this is to confirm telephone conversation Rehrens - Hofland.

2. It is understood that it is not the intention of your letter to obtain a ruling from the Legal Sub-Commission upon the point whether the Italian Government is liable to meet, as it has been meeting in the past, the general expenses of CIP properly incurred by that organization in the distribution of petrol for the Allied Forces.

3. You stated that difficulties have arisen because expenses had been incurred by CIP as a result of activities which might not appear to be within the normal scope of CIP's organization. It is understood that both CIP itself and the Italian Government entertain some doubt as to whether expenses in connection with these activities should be incurred by CIP and if so whether they should be charged to the Italian Government.

4. Mr. Hofland stated that he would supply a list by categories of the activities and expenses which he had in mind so that the Legal Sub-Commission could advise thereon. Mr. Hofland stated that this list would be forwarded in the course of a few days.

For the Chief Commissioner:

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

Copy to: CA Sec.

AFHQ PETROLEUM SECTION

ROME AIR ALLIED COMMAND

TEL:- ROME 473875

PET 30/E/8

17 Dec. 44

SUBJECT: Refund to CIP of Expenses
Incurred in Operating Depots
for Military Account

Allied Commission, APO 394
(Administrative Vice President)

1. Different methods of reimbursing CIP for direct expenses incurred in running depots for military account are employed according as the depots are under British or American Control.
2. The American Forces refund CIP in cash the monthly expenses incurred. The British adopt the attitude that such services fall under the head of services to be rendered to the Allied Forces by the Italian Government and that CIP therefore should make a claim against the Italian Government accordingly.
3. It is obviously essential that CIP for various reasons including that of providing the figures on which the retail price is settled, should be able to assess its liabilities, and that in view of the possibility of the transference of Ports from U.S. to British control or vice versa, a standard policy should be adopted.
4. It is suggested that, if it be decided that the Allied Forces pay, a form of contract should be adopted and that whatever system be decided is made retroactive.
5. As the matter appears to depend on the interpretation of the Armistice terms it is referred to you for a decision. May such decision be given as early as possible.

B. B. EYLES
Colonel
Petroleum Section

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Copy to: Petroleum Section, AFHQ, APO 512
D.S.T., AFHQ
Financial Advisor, AFHQ
C.G., P.B.S., APO 782
A.C., Legal Sub-Commission
" Finance Sub-Commission
" Commerce Sub-Commission

70 DEC 1944

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 12 DEC 1944
 HEADQUARTERS ALLIED COMMISSION
 APO 894
 ECONOMIC SECTION

12 DEC 1944

AGA/hs

45A

7.00/ES

See Memo

7879

2 Dec 44

SUBJECT: Legal Constitution of C.I.P.

TO : Minister of Industry, Commerce and Labor.

1. Attached hereto is a revised draft of the proposed Decree on the legal constitution of C.I.P. in accordance with agreements reached at a conference on 23 November 1944 between officials of this Commission and the Italian Government.

2. Further, a draft letter is appended hereto for approval by the Minister of Industry, Commerce and Labor which is intended for signature by the Prime Minister on behalf of the Italian Government.

3. The point established in Paragraph 1 of the draft letter enclosed may be regarded as a concession by AC and C.I.P. This Commission is prepared to agree to the terms of the subject letter if they are acceptable to the Italian Government.

4. Certain known concerns dealing in petroleum products have been specified in Paragraph 3 of the draft letter. This should not imply the exclusion of other worthy establishments which, from time to time, as operations expand, may be found acceptable by agreement between C.I.P. and the Italian Government.

5. Additional comment is made on Paragraph 3 of our communication ES/7.00 dated 22 October 1944, quoted herewith:

"3) CIP shall be administered by a managing committee of five, appointed by the Italian Government in agreement with the Allied Authorities. The committee shall elect its own President. (It is understood that there is to be no change in the composition of the present managing committee unless requested by the Supreme Allied Command, Mediterranean Theater of Operations.)"

6. With reference to this paragraph quoted above and our discussions thereon, should the Italian Government intend any changes in the personnel of the committee, this Commission will welcome prior discussions concerning them.

7. Your continuing cooperation in expediting the legal status of C.I.P. is appreciated. May we have your prompt notification of the coordination and completion of action on the proposed Decree and draft letter enclosed.

For the Chief Commissioner:

A. G. ANTOLINI
Acting Head
Economic Section

2 Enclosures:
Revised draft of Decree
Draft ltr for signature of
Prime Minister

Distribution:
Legal S/C
✓Commerce S/c
AFHQ Petroleum Section (2)
Mr. Hofland
Mr. West

SECRET

45B

Novembre 1944

ALLA COMMISSIONE ALLEATA

R O M A

Con riferimento al decreto sostitutivo del C.I.P. e alle intese verbalmente intercorse in merito, la Commissione Alleata ha richiesto che venga precisato quanto segue:

1. La parola "esconderei", inclusa nella lettera (a) dell'Art. 2 del decreto, sta ad indicare il gas inteso.

Il' inteso che, rispetto al gas inteso, il C.I.P. provvedeva a tutte le operazioni descritte nel decreto fin tanto che il gas stesso venne usato come carburante per autoveicoli.

Quindi il Governo Italiano, d'accordo con le competenti autorità Alleate, Decise di destinare il gas inteso ad altri usi, i compiti del C.I.P. si limitarono all'approvvigionamento delle unità che avevano indicato dal Governo Italiano.

2. Con riferimento alla lettera (b) dell'Art. 2 del decreto, e' inteso che il C.I.P. provvedeva alla distribuzione dei prodotti indicati nella lettera (a) dell'articolo stesso secondo le disposizioni delle autorità Alleate. Inoltre per quanto riguarda le esigenze belliche il C.I.P. era stato creato dal Governo d'Alleanza con la Commissione Alleata.

l' inteso che, rispetto al gas naturale, il C.I.P. provvederà a tutte le operazioni descritte nel decreto finché il gas stesso verrà usato come carburante per autoveicoli.

Come il Governo Italiano, d'accordo con le competenti autorità Alleate, deciderà di destinare il gas naturale ad altri usi, i compiti del C.I.P. si limiteranno all'approvvigionamento delle usanze che saranno indicate dal Governo Italiano.

2. Con riferimento alla lettera (b) dell'art. 2 del decreto, e' inteso che il C.I.P. provvederà alla distribuzione dei prodotti indicati nella lettera (a) dell'articolo stesso secondo le disposizioni delle autorità Alleate il cui scopo per quanto riguarda le esigenze belliche **116** secondo il piano prestabilito dal Governo d'intesa con la Commissione Alleata per quanto riguarda gli usi civili.

3. Con riferimento all'art. 3 del decreto, e' inteso che il C.I.P. avrà facoltà di utilizzare, secondo le proprie esigenze, gli impianti, l'organizzazione e le attrezzature delle seguenti aziende nazionali:

- Azienda Nazionale Industrie Petroli (A.N.I.P.)
- Soc. An. S.F.I.P.A.
- Soc. A.I.P.A.
- S.A. Petrolio
- S.A. Aquila

S.A. Petrolea

Ditta Tagliabue

A.P.I.P.

C.I.P.S.A.

S.A. Carburanti Italia

Soc. Romana Petroli

Beniani & Giorgio

Raffineria Genovese

Carbol

Lombarda Petroli

e le altre aziende che si occupano della lavorazione, manipolazione e distribuzione di prodotti petroliferi come sare' concordato di volta in volta fra il C.I.P. ed il Governo Italiano.

Il Governo Italiano, su semplice richiesta del C.I.P., adotta immediatamente le misure necessarie perche' le aziende summenzionate adempiano tutte le obbligazioni previste nel decreto stesso.

L'eventuale utilizzazione degli impianti, dell'organizzazione e delle attrezzature delle aziende non comprese nell'elenco che precede, formera' oggetto di apposite trattative fra il Governo Italiano e il C.I.P.

4. E' inteso che il Governo Italiano adottera' i provvedimenti previsti nell'Art. 1, comma 4; nell'Art. 3, comma 2; nell'Art. 6, comma 1; nell'Art. 7, comma 2; nell'Art. 10, comma 2 e nell'Art. 12, previa intesa con la Commissione Allente e con quell'ente, o con quelli enti, che ~~la~~

e le altre aziende che si occupano della lavorazione, manipolazione e distribuzione di prodotti petroliferi come sara' concordato di volta in volta fra il C.I.P. ed il Governo Italiano.

Il Governo Italiano, su semplice richiesta del C.I.P., adottera' immediatamente le misure necessarie perche' le aziende summenzionate adempiano tutte le obbligazioni previste nel decreto stesso.

L'eventuale utilizzazione degli impianti, dell'organizzazione e delle attrezzature delle aziende non comprese nell'elenco che precede, formera' oggetto di apposite trattative fra il Governo Italiano e il C.I.P.

4. E' inteso che il Governo Italiano adottera' i provvedimenti previsti nell'Art. 1, comma 4; nell'Art. 3, comma 2; nell'Art. 6, comma 1; nell'Art. 7, comma 2; nell'Art. 10, comma 2 e nell'Art. 12, previa intesa con la Commissione Alleata o con quell'ente, o con quegli enti, che sara' eventualmente sostituiti.

Il Governo Italiano ha l'onore di dichiararsi d'accordo su quanto precede.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4014/9/L.

WEB/r1p.
26 November 1944.

SUBJECT : CIP.

TO : VP, Econ Sec.

1. Herewith are submitted:

a. Three copies of revised draft of the proposed decree in accordance with agreements reached at the conference.

b. A draft letter for submission to H.E. Gronchi. When the letter is finally approved it should, of course, be signed by the Prime Minister on behalf of the Government.

2. Mr. Hofland telephoned me and wishes to see the letter before it is submitted to H.E. Gronchi. I think he feels that paragraph 3 will have to be changed. This paragraph has been drafted in accordance with the agreement reached at the conference in which I understood that Mr. Hofland concurred; it now appears that the number of firms to be listed is too large for inclusion in the letter and Mr. Hofland is therefore considering an alternative phraseology for the paragraph which will eliminate the necessity for enumerating the firms.

3. The point contained in paragraph 1 of the draft letter is in effect a concession by AC and CIP and it should be made clear to H.E. Gronchi that the AC will agree to the terms of that letter if they are acceptable to the Italian Government.

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

2 Incls,

- 1 - Revised draft of proposed decree (3 copies);
- 2 - Draft letter to H.E. Gronchi. (3 copies)

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SCHEMA DI DECRETO DEL COMITATO ITALIANO
PERICOLO - COMPLESSIVITÀ E DI CILINDRO, DURANTE IL PERICOLO DI EMERGENZA, DEL
L'ASSEMBLAMENTO, L'AVVIO, L'AVVIO E DISTRIBUZIONE DEI PRODOTTI IN
TUTTI I RACCOMANDATI PER LE FORZE ARMATE ALLENATE E PER IL PAESE.

UMBERTO LE SANOLA ELETTORE DI FIANCHI

INNOVAMENTO E BRANCO DEL REGNO

In virtù dell'autorità a noi delegata:

VISTO il R.D. Legge 2 settembre 1933, No. 1731, che disciplina l'istituzione,
la lavorazione, il deposito e la distribuzione degli oli minerali e dei car-
buranti, convertita dalla legge 8 febbraio 1944, n. 567;

VISTO il R.D.I. 6 aprile 1944, n. 106, che detta norme per la ripartizione, l'as-
segnazione e la distribuzione dei combustibili liquidi destinati agli usi civili;
VISTO il D. Regio Decreto 25 giugno 1944, n. 151;
VISTA la deliberazione del Consiglio dei Ministri;

Considerato la necessità di guerra che impone di regolare in via straordi-
naria l'approvvigionamento, la lavorazione, la manipolazione e la distribu-
zione dei prodotti petroliferi e succedanei per le superiori esigenze militari,
e per quelle civili della Nazione;

SULLA proposta del Ministero per l'Industria, il Commercio ed il Lavoro, d'intesa
col Ministero per le Finanze e per il Tesoro

ABBINNO SANZIONARIO E PUNIZIONE QUANTO SEGUE:

ARTICOLO 1

113

E' costituito con sede in Roma, il Comitato Italiano Petroli (C.I.P.), allo

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branti, convertita nella legge 8 settembre 1944, n. 367;

VISTO il R.D.L. 6 aprile 1944, n. 106, che detta norme per la ripartizione, l'assegnazione e la distribuzione dei combustibili liquidi destinati agli usi civili;

VISTO il D. Delegato n. 25 giugno 1944, n. 151;

VI SA la deliberazione del Consiglio dei Ministri;

Considerata la necessità di guerra che impone di regolare in via straordinaria l'approvvigionamento, la lavorazione, la manipolazione e la distribuzione dei prodotti petroliferi e succedanei per le superiori esigenze militari, e per quelle civili delle Nazioni;

SULLA proposta del Ministro per l'Industria, il Commercio ed il Lavoro, d'intesa coi Ministri per le Finanze e per il Tesoro

ABBIAMO SANZIONATO E PARMILIAMO QUESTO STATO :

ARTICOLO 1

113

E' costituito con sede in Roma, il Comitato Italiano Petroli (C.I.P.), allo scopo di coordinare e disciplinare l'approvvigionamento dei prodotti petroliferi e loro succedanei per le esigenze delle Forze Armate Italiane ed Alleate e per gli usi civili.

Il C.I.P. ha personalità giuridica e non persegue fini di lucro. Esso e' posto sotto la vigilanza dei Ministri dell'Industria, Commercio e Lavoro, del Tesoro e delle Finanze.

La durata del C.I.P. e' fissata ad un anno dopo la liberazione del territorio italiano dall'occupazione tedesca.

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In relazione alle esigenze belliche tale durata potrà essere ridotta o prorogata con decreto interministeriale dei Ministri dell'Industria, Commercio e Lavoro, del Tesoro e delle Finanze.

ARTICOLO 2

Il C.I.P. provvede:

- (a) al ricevimento, alla lavorazione e al deposito dei prodotti petroliferi e loro succedanei;
- (b) alla distribuzione dei prodotti stessi per usi militari e civili.

ARTICOLO 3 (per tot.)

" Per il conseguimento dei suoi scopi il C.I.P. ha facoltà di utilizzare secondo le proprie esigenze gli impianti, l'organizzazione e le attrezzature di aziende nazionali esistenti nel territorio dello Stato, che gli saranno ceduti in temporaneo uso dal Governo. Il C.I.P. ha inoltre facoltà di utilizzare le navi ed pertinenze dello stesso."

" All'uopo le aziende predette, su richiesta del Ministero dell'Industria, Commercio e Lavoro, sono obbligate a mettere a disposizione e a cedere in temporaneo uso del C.I.P., in tutto o in parte, gli impianti, l'organizzazione, le attrezzature e le navi verso un corrispettivo da determinarsi d'accordo tra le parti o, in mancanza di accordo, dal Ministro dell'Industria, Commercio e Lavoro, il quale, sentite le parti, deciderà con decreto non soggetto ad alcun gravame né in via amministrativa né in via giudiziaria."

Per il conseguimento dei suoi scopi il C.I.P. ha per sua natura di utilizzazione secondo le proprie esigenze gli impianti, l'organizzazione e le attrezzature di aziende nazionali esistenti nel territorio dello Stato, che gli servono come in temporaneo uso del Governo. Il C.I.P. ha inoltre raccolta di utilizzazione le merci di pertinenza delle aziende stesse.

All'atto lo stesso predetto, su richiesta del Ministero dell'Industria, Commercio e Lavoro, sono obbligate a mettere a disposizione o a cedere in temporaneo uso del C.I.P., in tutto o in parte, gli impianti, l'organizzazione, le attrezzature e lo stesso verso un corrispettivo da determinarsi d'accordo tra le parti o, in mancanza di accordo, dal Ministro dell'Industria, Commercio e Lavoro, il quale, sentite le parti, deciderà con decreto non soggetto ad alcun gravame in via amministrativa ma in via giudiziaria.

In attesa della decisione il C.I.P. corrisponderà a titolo provvisorio e salvo consiglio il governo da esso determinato.

ARTICOLO 4

Le aziende menzionate nell'Art. 3 sono tenute a compiere, su richiesta del C.I.P., tutte le operazioni indicate nell'Art. 2 e, per le operazioni belliche, anche altre operazioni che sono attuabili negli impianti da essa posseduti.

Le condizioni tecniche e il corrispettivo saranno stabiliti d'accordo fra le parti o, in mancanza, dal Ministro dell'Industria, Commercio e Lavoro a norma del comma secondo dell'Art. 3.

Si applica in questo caso il comma 3 dell'Art. 3.

ARTICOLO 5

Tutte le controversie di qualunque natura che possono sorgere fra il C.I.P. e le predette aziende sono deferite al Ministro dell'Industria, Commercio e Lavoro, il quale decide a norma del comma secondo dell'Art.3.

ARTICOLO 6

I prezzi di vendita dei prodotti petroliferi e loro succedanei destinati al consumo civile sono, su proposta del C.I.P., stabiliti dal Ministro dell'Industria Commercio e Lavoro.

An tali prezzi e' compresa un'aliquota per provvedere alle spese di organizzazione e di funzionamento del C.I.P. e ai compensi da corrispondersi alle aziende di cui all'Art.3. L'aliquota e' determinata in via provvisoria all'inizio dell'esercizio del C.I.P. e puo' essere riveduta al termine di ogni trimestre in relazione alle spese effettivamente sostenute dal C.I.P.

ARTICOLO 7

Sono organi dell'Ente :

(a) Il Consiglio Direttivo

(b) Il Collegio dei revisori dei conti.

Il consiglio direttivo amministra il C.I.P. ed e' composto di cinque membri, nominati con decreto del Ministro dell'Industria Commercio e Lavoro d'intesa con i Ministri del Tesoro e delle Finanze.

X Il Consiglio direttivo elegge fra i suoi membri il presidente.

Il Collegio dei revisori dei conti e' composto di tre membri nominati

con decreto del Ministro dell'Industria Commercio e Lavoro d'intesa con i

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all'inizio dell'esercizio del C.I.P., e puo' essere riveduta al termine di ogni trimestre in relazione alle spese effettivamente sostenute dal C.I.P.

ARTICOLO 7

Sono organi dell'Ente :

- (a) Il Consiglio Direttivo
- (b) Il Collegio dei revisori dei conti.

Il consiglio direttivo amministra il C.I.P. ed e' composto di cinque membri, nominati con decreto del Ministro dell'Industria Commercio e Lavoro d'intesa con i Ministri del Tesoro e delle Finanze.

X Il Consiglio direttivo elegge fra i suoi membri il presidente. 111

Il Collegio dei revisori dei conti e' composto di tre membri nominati con decreto del Ministro dell'Industria Commercio e Lavoro d'intesa con i Ministri del Tesoro e delle Finanze.
I membri del Consiglio Direttivo e del Collegio dei Revisori dei Conti durano in carica un anno e possono essere confermati.

ARTICOLO 8

La rappresentanza legale dell'Ente spetta al Presidente del Consiglio Direttivo o, in caso di suo impedimento, congiuntamente a due membri del Consiglio.

ARTICOLO 9

Alla fine di ogni esercizio il C.I.P. redige il rendiconto dello entrate e delle spese che, corredato della relazione del Consiglio Direttivo e del Collegio dei Revisori dei Conti, deve essere sottoposto all'approvazione dei Ministri dell'Industria Commercio e Lavoro, del Tesoro e delle Finanze.

Ogni esercizio ha la durata di un anno. Il primo si chiude il 31 Dicembre 1944.

ARTICOLO 10

Gli eventuali saldi attivi del conto spese e proventi di ciascun esercizio saranno destinati dal C.I.P. al perfezionamento della sua gestione fatta nel pubblico interesse.

Le disposizioni relative alla devoluzione del patrimonio del C.I.P. al termine del suo funzionamento saranno stabilite dallo Stato.

ARTICOLO 11

Il rapporto di impiego fra il C.I.P. e il personale da esso direttamente assunto e' regolato, in difetto di speciali patti di lavoro, dalle norme di legge vigenti sul contratto di impiego privato.

ARTICOLO 12

Lo statuto del C.I.P. sarà approvato con decreto del Ministro dell'Industria Commercio e Lavoro, d'intesa con i Ministri del Tesoro e delle Finanze.

ARTICOLO 13

fatta nel pubblico interesse.

Le disposizioni relative alla devoluzione del patrimonio del C.I.P.

ai termini del suo funzionamento saranno stabilite dallo Stato.

ARTICOLO 11

Il rapporto di impiego fra il C.I.P. e il personale da esso direttamente assunto e' regolato, in difetto di speciali patti di lavoro, dalle norme di legge vigenti sul contratto di impiego privato.

ARTICOLO 12

Lo statuto del C.I.P. sarà approvato con decreto del Ministro dell'Industria Commercio e Lavoro, d'intesa con i Ministri del Tesoro e delle Finanze.

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ARTICOLO 13

Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno-- Carlo Emanuele.

MINUTA

1944

43c

ALLA COMMISSIONE ALLIATA

R O L L A

Con riferimento al decreto istitutivo del C.I.P. e alle intese verbali intercorse in merito, la Commissione Alleata ha richiesto che venga precisato quanto segue:

- 1) - La parola "sucedaneei", inclusa nella lettera (a) dell'Art. 2 del decreto, sta ad indicare il gas metano.

E' inteso che, rispetto al gas metano, il C.I.P. provvederà a tutte le operazioni descritte nel decreto fintanto che il gas stesso verrà usato come carburante per autoveicoli.

Qualora il Governo Italiano, d'accordo con le competenti Autorità Alleate, decidesse di destinare il gas metano ad altri usi i compiti del C.I.P. si limiteranno all'approvvigionamento delle aziende che saranno indicate dal Governo Italiano.

- 2) - Con riferimento alla lettera (b) dell'Art. 2 del decreto, e' inteso che il C.I.P. provvederà alla distribuzione dei prodotti indicati nella lettera (a) dell'Articolo stesso secondo le disposizioni delle Autorità Militari Alleate per quanto riguarda le esigenze belliche; e secondo

autoveicoli.

Qualora il Governo Italiano, d'accordo con le competenti Autorità Alleate, decidesse di destinare il gas metano ad altri usi i compiti del C.I.P. si limiteranno all'approvvigionamento delle aziende che saranno indicate dal Governo Italiano.

2) - Con riferimento alla lettera (b) dell'Art. 2 del decreto, è inteso che il C.I.P. provvederà alla distribuzione dei prodotti indicati nella lettera (a) dell'Articolo stesso secondo le disposizioni delle Autorità Militari Alleate per quanto riguarda le esigenze belliche; e secondo il piano prestabilito dal Governo d'intesa con la Commissione Alleata per quanto riguarda gli usi civili.

3) - Con riferimento all'Art. 3 del decreto, è inteso che il C.I.P. avrà facoltà di utilizzare, secondo le proprie esigenze, gli impianti, l'organizzazione e le

..

attrezzature delle seguenti aziende nazionali:

Il Governo Italiano, su semplice richiesta del C.I.P., adotterà immediatamente le misure necessarie perché le aziende summenzionate adempiano tutte le obbligazioni previste nel decreto stesso.

La eventuale utilizzazione degli impianti, dell'organizzazione e delle attrezzature delle aziende non comprese nell'elenco che precede, formerà oggetto di apposite trattative fra il Governo Italiano e il C.I.P.

4) - E' inteso che il Governo Italiano adotterà i provvedimenti previsti nell'Art. 1, comma 4; nell'Art. 3, comma 2; nell'Art. 6, comma 1; nell'Art. 7, comma 2; nell'Art. 10, comma 2 e nell'Art. 12, previa intesa con la Commissione Allentea o con quell'ente, o quegli enti, che ad essa eventualmente siano sostituiti.

Il Governo Italiano ha l'onore di dichiararsi d'accordo su quanto precede.

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4) - 3 Inteso che il Governo Italiano adotterà i provvedimenti previsti nell'Art. 1, comma 4; nell'art. 3, comma 2; nell'art. 6, comma 1; nell'Art. 7, comma 2; nell'Art. 10, comma 2 e nell'Art. 12, previa intesa con la Commissione Allenta o con quell'ente, o quegli enti, che ad essa eventualmente siano sostituiti.

Il Governo Italiano ha l'onore di dichiararsi d'accordo
su quanto precede.

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ART I

The Comitato Italiano Petroli (C.I.P.), with its seat in Rome, is hereby constituted, with the purpose of coordinating and controlling the supply of petroleum products and their substitutes for the requirements of the Italian and Allied Armed Forces and for civilian use.

The C.I.P. shall be a juridical person and shall not be a profit-making concern. It shall be subject to the supervision by the Minister of Industry Commerce and Labor, by the Minister of the Treasury and by the Minister of Finance.

The duration of the C.I.P. shall be until one year after the liberation of the Italian territory from German occupation.

The duration may be reduced or extended, depending on military exigencies, with an interministerial Decree of the Minister of Industry Commerce and Labor, of the Minister of the Treasury and the Minister of Finance.

ART 2

The C.I.P. shall provide for:

- stitutes:
- a) the receipt, processing and storage of petroleum products and sub-
 - b) the distribution of these products for military and civilian use.

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The duration may be reduced or extended, depending on military exigencies, with an interministerial Decree of the Minister of Industry Commerce and Labor, of the Minister of the Treasury and the Minister of Finance.

ART 2

The C.I.P. shall provide for:

- a) the receipt, processing, and storage of petroleum products and substitutes;
- b) the distribution of these products for military and civilian use.

ART 3 (New Text)

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For carrying out its purpose the C.I.P. shall have the power to use, according to its needs, the plants, the organization and the equipment belonging to national concerns existing in the territory of the State, which will be yielded ~~to~~ temporarily to it by the Government. The C.I.P. ~~may~~ shall have moreover the power to use the merchandise belonging to these concerns.

For this purpose the afore-mentioned concerns shall upon request of the C.I.P., be in duty bound to place at the C.I.P.'s disposal and to concede for temporary use by the C.I.P. the whole^{of} part of their plants, organization, equipment and goods against ~~the~~ a compensation to be agreed upon by the parties concerned. In the absence of such an agreement the Minister of Industry Commerce and Labor, after having heard the parties

- 2 -

concerned, shall decide the dispute by decree not subject to any appeal either through administrative or judiciary channels.

Pending the decision the C.I.P. shall pay a provisional compensation fixed by itself, which shall be subject to final settlement.

ART 4

The concerns mentioned in art 3 shall be bound ~~to carry out on request of the C.I.P. all the operations described in art 2, and if the military exigencies demand, also all those other operations which can be carried out in their plants.~~

The technical conditions and the compensation shall be established by mutual agreement. If such an agreement is not reached, the matter shall be decided by the Minister of Industry Commerce and Labor in accordance with art 3, para 2.

Provisions of art 3, para 3 shall apply to this case.

ART 5

All controversies, of whatever nature, which may arise between the C.I.P. and the afore-mentioned concerns shall be referred to the Minister of Industry Commerce and Labor, who shall decide according to the provisions of art 3, para 2.

ART 6

The sale prices of petroleum products and substitutes intended for civilian consumption shall upon proposal of the C.I.P. be established by the Minister of Industry Commerce and Labor.

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ART 6

The sale prices of petroleum products and substitutes intended for civilian consumption shall upon proposal of the C.I.P. be established by the Minister of Industry Commerce and Labor.

In fixing such prices a proportional part (aliquota) shall be included to provide for the ~~expenses~~ C.I.P.'s organizational and operational expenses and for compensations payable to the concerns mentioned in art 3. The proportional part shall be fixed provisionally at the beginning of the C.I.P.'s fiscal year and may be reviewed at the end of every three months with regard to the expenses actually incurred by the C.I.P.

ART 7

The constituent organs of the body shall be: -

- a) Managing Council.
- b) College of accounting supervisors.

The Managing Council shall administer the C.I.P. and shall be composed of 5 members, appointed by decree of the Minister of Industry Commerce and Labor in agreement with the

- 3 -

Ministers of Treasury and of Finance.

The Managing Council shall elect its president from among its members.

The College of the Accounting supervisors shall be composed of 5 members appointed by decree of the Minister of Industry Commerce and Labor in agreement with the Ministers of Treasury and Finance.

Members of the Managing Council and of the College of Accounting supervisors shall hold their office for one year and may be confirmed.

ART 8

The President of the Managing Council and, if impeded, two members of the Council jointly, shall act as legal representative of the body.

ART 9

At the end of each fiscal year the C.I.P. shall prepare an account of income and expenditures with a report of the Managing Council and of the College of Accounting Supervisors and submit them for approval to the Ministers of Industry Commerce and Labor, of Treasury and of Finance.

Each fiscal year shall last one year. The first fiscal year shall terminate on December 31, 1944.

ART 10

The eventual active balance of the income - expenditures account shall be set apart by the C.I.P. for the improvement of its operations conducted for public interest.

The State shall issue the provisions for the disposal of the assets of the C.I.P. at the termination of its existence.

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ART 11

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In absence of special labor contracts the prevailing laws on private employment contract shall govern the employment relation between the C.I.P. and the personnel directly employed by it.

ART 12

The character (Statuto) of the C.I.P. shall be approved by a decree of the Minister of Industry Commerce and Labor, in agreement with the Ministers of Treasury and of Finance.

ART 13

The present decree shall become effective the day after its publication in the Official Gazette of the Kingdom - special series.

At the end of each fiscal year the C.I.P. shall prepare an account of income and expenditures with a report of the Managing Council and of the College of Accounting Supervisors and submit them for approval to the Ministers of Industry Commerce and Labor, of Treasury and of Finance.

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HEADQUARTERS ALLIED COMMISSION
ECONOMIC SECTION
APO 394

Legal S/C

(41A)

88/13.05

WBB/ep.
14 November 1944.

SUBJECT : Legal Constitution of C. I. P.

TO : The Ministry of Industry Commerce and Labour.

1. I have considered the draft decree for the constitution of C. I. P. which was enclosed with your letter ref. P. 1033 of 10 Nov 1944.

2. There are certain points upon which the draft does not entirely meet the requirements mentioned in my letter of 22 Oct 1944. In particular I draw your attention to the following points:-

- a. The decree does not recognize the interests of C. I. P. in locally produced fuels or substitute fuels.
- b. It does not specifically place refining under C. I. P. control.
- c. It provides for the appointment of the Managing Committee of C. I. P. without reference to the Allied Commission, and
- d. It curtails the proposed life of C. I. P.

3. There are various other points in the draft which seem to require clarification and there are certain aspects in which it appears to me that the general form of the decree could be improved;

4. I am therefore attaching a revised draft of the decree which, I should be glad if you will consider. You will see from the notes with the draft that much of the new text is incorporated from your draft.

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5. I should like to discuss this revised draft and the whole question with you at an early date, and I should be glad if you could come to a conference here on Monday 20 November at 1030 hours. Will you please confirm that this is convenient to you.

6. At the conference I should like to discuss, among other matters, the question of the method to be adopted for calculating the price of fuel. The principle proposed by you (and retained in the revised draft) is to include in the price to the consumer the full expenses of C. I. P. These include expenses incurred in operations for the Allied Forces which have to be borne by the Italian Government. It would reduce the price of fuel if these expenses were recovered by the Government through some general taxation on the community rather than through an increase in the price of fuel which falls exclusively upon the consumers of that fuel.

A. G. ANTOLINI
Acting Vice-President
Economic Section

Copy to: Commerce S/C
Legal S/C
Petroleum Sec -AYHO

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(418)

SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE - COSTITUZIONE
DEL COMITATO ITALIANO PETROLI - COORDINAMENTO DISCIPLINA
DURANTE IL PERIODO DI EMERGENZA, DELL'APPROVVIGIONAMENTO,
LAVORAZIONE, DEPOSITO E DISTRIBUZIONE DEI PRODOTTI PETROLI-
FERI E SUCCEDANEI PER LE FORZE ARMATE ALLEATE E PER IL PAESE.

UMBERTO DI SAVOIA PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

VISTO il R. D. Legge 2 Novembre 1933, N° 1741, che
disciplina l'importazione, la lavorazione, il deposito e
la distribuzione degli oli minerali e dei carburanti, con-
vertito nella legge 3 febbraio 1944, N° 367;

VISTO il R. D. L. 6 aprile 1944, N° 106, che detta norme
per la ripartizione, l'assegnazione e la distribuzione dei com-
bustibili liquidi destinati agli usi civili;

VISTO il D. Luogotenenziale 25 giugno 1944, N° 151;

VISTA la deliberazione del Consiglio dei Ministri;
Considerate le necessità di guerra che impongono di re-
golare in via straordinaria l'approvvigionamento, la lavorazione,
la manipolazione e la distribuzione dei prodotti petroliferi e
sucedanei per le superiori esigenze militari e per quelle
civili della Nazione;

SULLA proposta del Ministro per l'Industria, il Commercio
ed il lavoro d'intesa coi Ministri per le Fi-

vertito nella legge 8 febbraio 1944, N° 106, che detta norme

VISTO il R. D. L. 6 aprile 1944, N° 106, che detta norme per la ripartizione, l'assegnazione e la distribuzione dei combustibili liquidi destinati agli usi civili;

VISTO il D. Luogotenenziale 25 giugno 1944, N° 151;

VISTA la deliberazione del Consiglio dei Ministri;

Considerate le necessità di guerra che impongono di regolare in via straordinaria l'approvvigionamento, la lavorazione, la manipolazione e la distribuzione dei prodotti petroliferi e succedanei per le superiori esigenze militari e per quelle civili della Nazione;

SULLA proposta del Ministro per l'Industria, il Commercio ed il Lavoro d'intesa coi Ministri per le Finanze e per il Tesoro

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Tesoro

ABBIAMO SANZIONATO E PROMULGHIAMO

QUANTO SEGUE :

ART. 1

E' costituito con sede in Roma, il Comitato Italiano Petroli (C.I.P.), allo scopo di coordinare e disciplinare l'approvvigionamento dei prodotti petroliferi e loro succedanei per le esigenze delle Forze Armate Italiane e Alleate e per gli usi civili.

Il C.I.P. ha personalità giuridica e non persegue fini di lucro. Esso è posto sotto la vigilanza dei Ministri dell'Industria, Commercio e Lavoro, del Tesoro e delle Finanze.

La durata del C.I.P. è fissata fino ad un anno dopo la liberazione del Territorio Italiano dall'occupazione tedesca.

In relazione alle esigenze belliche tale durata potrà essere ridotta o prorogata con decreto interministeriale dei Ministri dell'Industria Commercio e Lavoro, del Tesoro e delle Finanze, d'intesa con la Commissione Alleata.

ART. 2

Il C.I.P. provvede:

(a) al ricevimento, alla lavorazione e al deposito dei prodotti petroliferi e loro succedanei;

(b) alla distribuzione dei prodotti stessi, secondo le disposizioni delle Autorità Militari Alleate per quanto riguarda le esigenze belliche, e secondo il piano prestabilito dal Governo d'intesa con la Commissione Alleata per quanto riguarda

gli usi civili.

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essere ridotta o prorogata con decreto interministeriale dei Ministri dell'Industria Commercio o Lavoro, del Tesoro e delle Finanze, d'intesa con la Commissione Alleata.

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- (b) alla distribuzione dei prodotti stessi, secondo le disposizioni delle Autorità Militari Alleate per quanto riguarda le esigenze belliche, e secondo il piano prestabilito dal Governo d'intesa con la Commissione Alleata per quanto riguarda gli usi civili.

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ART. 3

Per il conseguimento dei suoi scopi il C.I.P. ha facoltà di utilizzare secondo le proprie esigenze gli impianti, l'organizzazione, le attrezzature e le merci di pertinenza di aziende nazionali esistenti nel Territorio dello Stato.

All'uopo le aziende predette su richiesta del C.I.P. sono obbligate a mettere a disposizione e a cedere in temporaneo uso in tutto o in parte, gli impianti, l'organizzazione, le attrezzature e le merci verso un corrispettivo da determinarsi d'accordo

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fra le parti e, in mancanza di accordo, dal Ministro dell'Industria, Commercio e Lavoro, il quale, sentite le parti e d'intesa con la Commissione Ailenta, deciderà con decreto non soggetto ad alcun gravame nè in via amministrativa, nè in via giudiziaria.

In attesa della decisione il C. I.P. corrisponderà a titolo provvisorio e salvo conguaglio, il compenso da esso determinato.

ART. 4

Le aziende menzionate nell'art. 3 sono tenute a compiere, su richiesta del C.I.P., tutte le operazioni indicate nell'art. 2 e, per le necessità belliche, anche altre operazioni che sono attuabili negli impianti da essa posseduti.

Le condizioni tecniche e il corrispettivo saranno stabiliti d'accordo fra le parti e, in mancanza, dal Ministro dell'Industria Commercio e Lavoro e norma del comma secondo dell'art. 3.

Si applica in questo caso il comma 3° dell'art. 3.

ART. 5

Tutte le controversie di qualunque natura che possono sorgere fra il C.I.P. e le predette aziende sono deferite al Ministro dell'Industria, Commercio e Lavoro, il quale decide e norma del comma secondo dell'art. 3.

ART. 6

I prezzi di vendita dei prodotti petroliferi e loro succedanei destinati al consumo civile sono, su proposta del C.I.P.,

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Commercio e Lavoro a norma del comma secondo dell'art. 3.
Si applica in questo caso il comma 3° dell'art. 3.

ART. 5

Tutte le controversie di qualunque natura che possono sorgere fra il C.I.P. e le predette aziende sono deferite al Ministro dell'Industria, Commercio e Lavoro, il quale decide a norma del comma secondo dell'art. 3.

ART. 6

I prezzi di vendita dei prodotti petroliferi e loro succedanei destinati al consumo civile sono, su proposta del C.I.P., stabiliti dal Ministro dell'Industria, Commercio e Lavoro d'intesa con la Commissione Alleata.

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In tali prezzi è compresa un'aliquota per provvedere alle spese di organizzazione e di funzionamento del C.I.P. e ai com-pensi da corrispondersi alle aziende di cui all'art. 3. L'aliquota è determinata in via provvisoria all'inizio dell'esercizio del C.I.P. e può essere riveduta al termine di ogni trimestre in relazione alle spese effettivamente sostenute dal C.I.P.

ART. 7

Sono organi dell'Ente:

(a) il Consiglio Direttivo

(b) il Collegio dei revisori dei conti.

Il Consiglio direttivo amministra il C.I.P. ed é composto di cinque membri, nominati con decreto del Ministro dell'Industria, Commercio e Lavoro d'intesa con i Ministri del Tesoro e delle Finanze e con la Commissione Allentea.

Il Consiglio direttivo elegge fra i suoi membri il Presidente.

Il Collegio dei revisori dei conti é composto di tre membri nominati con decreto del Ministro dell'Industria, Commercio e Lavoro d'intesa con i Ministri del Tesoro e delle Finanze.

I membri del Consiglio Direttivo e del Collegio dei revisori dei conti durano in carica un anno e possono essere confermati.

ART. 8

La rappresentanza legale dell'Ente spetta al Presidente del Consiglio direttivo o, in caso di suo impedimento, congiuntamente a due membri del Consiglio.

ART. 9

Alla fine di ogni esercizio il C.I.P. redige il rendiconto delle entrate e delle spese che, corredato dalla relazione del Consiglio direttivo e del Collegio dei revisori dei conti, deve

Il Lavoro del Consiglio Direttivo e del Collegio dei revisori dei conti durano in carica un anno e possono essere confermati.

ART. 8

La rappresentanza legale dell'Ente spetta al Presidente del Consiglio direttivo e, in caso di suo impedimento, congiuntamente a due membri del Consiglio.

ART. 9

Alla fine di ogni esercizio il C.I.P. redige il rendiconto delle entrate e delle spese che, corredato dalla relazione del Consiglio direttivo e del Collegio dei revisori dei conti, deve essere sottoposto all'approvazione dei Ministri dell'Industria, Commercio e Lavoro, del Tesoro e delle Finanze.

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Ogni esercizio ha la durata di un anno. Il primo si chiude

il 31 dicembre 1944.

ART. 10

Gli eventuali saldi attivi del conto spese e proventi di ciascun esercizio saranno destinati dal C.I.P. al perfezionamento

././.

della sua gestione fatta nel pubblico interesse.

Le disposizioni relative alla devoluzione del patrimonio del C.I.P. al termine del suo funzionamento saranno stabilite dallo Stato, d'intesa con la Commissione Alleata od il suo successore.

ART. 11

Il rapporto di impiego fra il C.I.P. e il personale da esso direttamente assunto é regolato, in difetto di speciali patti di lavoro, dalle norme di legge vigenti sul contratto di impiego privato.

ART. 12

Lo Statuto del C.I.P. sarà approvato con decreto del Ministro dell'Industria, Commercio e Lavoro, d'intesa con i Ministri del Tesoro e delle Finanze e con la Commissione Alleata.

ART. 13

Ai fini del presente decreto l'espressione "Commissione Alleata" comprende anche quegli Enti che ad essa eventualmente siano sostituiti.

ART. 12

Lo Statuto del C.I.P. sarà approvato con decreto del Ministro dell'Industria, Commercio e Lavoro, d'intesa con i Ministri del Tesoro e delle Finanze e con la Commissione Alleata.

ART. 13

Ai fini del presente decreto l'espressione "Commissione Alleata" comprende anche quegli enti che ad essa eventualmente siano sostituiti.

ART. 14

Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno - Serie Speciale.

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APPUNTI SULLO SCHEMA DI DECRETO PROPOSTO DALLA COMMISSIONE ALLIATA

ART. 1.

I primi due commi riproducono le disposizioni del comma 1° e 3° dell'art. 1 dello schema proposto dal Ministero.

Gli ultimi due commi riproducono le disposizioni dell'art. 2 dello schema proposto dal Ministero.

Sono stati apportati solo degli emendamenti di forma, salvo per quanto attiene alla durata del C.I.P.

ART. 2.

Riproduce, con gli emendamenti relativi ai punti (a) e (b) del n. 2 della lettera della C.A. in data odierna, le disposizioni dell'art. 3 dello schema proposto dal Ministero.

ART. 3.

Il primo comma riproduce, e definisce con maggiore chiarezza anche in relazione alle richieste della C.A., le disposizioni dell'art. 1, comma 2° e dell'art. 3, lettera a, seconda parte, dello schema proposto dal Ministero.

I comma 2° e 3° riproducono, con modifiche formali, l'art. 4

ART. 2.

Riproduce, con gli emendamenti relativi ai punti (a) e (b) del n. 2 della lettera della C.A. in data odierna, le disposizioni dell'art. 3 dello schema proposto dal Ministero.

ART. 3.

Il primo comma riproduce, e definisce con maggiore chiarezza anche in relazione alle richieste della C.A., le disposizioni dell'art. 1, comma 2° e dell'art. 3, lettera a, seconda parte, dello schema proposto dal Ministero.

I comma 2° e 3° riproducono, con modifiche formali, l'art. 4 dello schema ministeriale.

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ART. 4.

Riproduce, con lievi modifiche di forma, l'art. 6 dello schema ministeriale.

././.

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ART. 5.

Riproduce, con le opportune modifiche, l'art. 5 dello schema proposto dal Ministero, rispetto al quale testo non era del tutto chiara la portata della dizione "controversie di natura non economica"

ART. 6.

Riunisce in un solo articolo le disposizioni che attingono alla determinazione del prezzo dei carburanti per consumo civile.

Le modifiche apportate non sono definitive in relazione alle considerazioni esposte nel numero 6 della lettera della C.A. in pari data .

ART. 7 e 8.

Riproducono gli articoli 8 e 9 dello schema ministeriale.

La diversa distribuzione della materia è suggerita da criteri logici.

Le modalità della nomina dei membri del Consiglio direttivo sono in relazione alla lettera (c) del n. 2 della lettera della C.A. in pari data.

Il numero di 5 revisori dei conti è sembrato eccessivo; perciò si è ridotto a 3

ART. 7 e 8.

Riproducono gli articoli 8 e 9 dello schema ministeriale.

La diversa distribuzione della materia é suggerita da criteri logici.

Le modalità della nomina dei membri del Consiglio direttivo sono in relazione alla lettera (c) del n. 2 della lettera della C.A. in pari data.

Il numero di 5 revisori dei conti é sembrato eccessivo; perciò si é ridotto a 3

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ART. 9.

Riproduce, con lievi modifiche formali, l'art. 11 dello schema ministeriale.

ART. 10.

Modifica l'art. 12 dello schema ministeriale in relazione alle esigenze immediate del C.I.P.

3/43

- 3 -

ART. 11.

Riproduce l'art. 13 dello schema ministeriale.

ARTICOLI 12 e 13.

Contengono disposizioni di natura tecnica intese a colmare due lacune riscontrate nello schema ministeriale.

~~Law 11~~
Text proposed by Chironenti to C.I. Dobson
ART. 1

(407)

E' costituito, con sede in Roma, il Comitato Italiano Petroli (C.I.P.), allo scopo di coordinare e disciplinare l'approvvigionamento dei prodotti petroliferi e loro succedanei per le esigenze delle Forze Armate Italiane ed Alleate e per gli usi civili.

Il C.I.P. ha personalità giuridica e non persegue fini di lucro. Esso è posto sotto la vigilanza dei Ministri dell'Industria Commercio e Lavoro, del Tesoro e delle Finanze.

La durata del C.I.P. è fissata fino ad un anno dopo la liberazione del territorio italiano dall'occupazione tedesca.

In relazione alla esigenze belliche tale durata potrà essere ridotta o prorogata con decreto interministeriale dei Ministri dell'Industria Commercio e Lavoro, del Tesoro e delle Finanze.) ~~d'intesa con la commissione alleate~~

ART. 12.

Il C.I.P. provvede:

- (a) al ricevimento, alla lavorazione e ~~alla~~ ~~immissione~~ deposito dei prodotti petroliferi e loro succedanei;
- (b) ~~alla distribuzione~~ ~~alla~~ ~~distribuzione~~ dei prodotti ~~per usi militari e civili~~, secondo le disposizioni delle autorità militari Alleate per quanto riguarda le esigenze belliche; e secondo il piano prestabilito dal governo d'intesa con la commissione Alleata per quanto riguarda gli usi civili.

ART. 12.

Il C.I.F. provvede:

- (a) al ricevimento, alla lavorazione e alla ~~immissione~~ deposito dei prodotti petroliferi e loro succedanei;
- (b) ~~alla distribuzione dei prodotti~~ ~~per usi militari e civili.~~ alla distribuzione dei prodotti stessi, secondo le disposizioni delle autorità militari Alleate per quanto riguarda le esigenze belliche; e secondo il piano prestabilito dal Governo d'intesa con la ~~Commissione Al-~~ ~~leata per quanto riguarda gli usi civili.~~

ART. 3

~~Per il conseguimento dei suoi scopi il C.I.F. ha facoltà di utilizzare secondo le proprie esigenze gli impianti, l'organizzazione, le attrezzature di pertinenza di aziende nazionali esistenti nel territorio dello Stato.~~

~~All'uopo le aziende prefette su richiesta del C.I.F. sono obbligate a mettere a disposizione e a cedere in tempo-
neo uso in tutto o in parte, gli impianti, l'organizzazione~~

Le Lanari

9 e le merci

le attrezzature verso un corrispettivo da determinarsi d'accordo fra le parti e, in mancanza di accordo, dal Ministro dell'Industria, Commercio e Lavoro, il quale, sentite le parti ~~in attesa con la Commissione Alleata~~, deciderà con decreto non soggetto ad alcun gravame nè in via amministrativa, nè in via giudiziaria.

in attesa della decisione il C.I.P. corrisponderà a titolo provvisorio e salvo conguaglio, il compenso da esso determinato

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ART. 4.

Le aziende menzionate nell'art. 3 sono tenute a compiere, su richiesta del C.I.P., tutte le operazioni indicate nell'art. 2 e, per le necessità belliche, anche altre operazioni che sono attuabili negli impianti da essa posseduti.

Le condizioni tecniche e il corrispettivo saranno stabiliti d'accordo fra le parti e, in mancanza, dal Ministro dell'Industria Commercio e Lavoro a norma del comma secondo dell'art. 3

Si applica in questo caso il comma 3° dell'art. 3.

ART. 5

Tutte le controversie di qualunque natura che possono sorgere fra il C.I.P. e le predette aziende sono deferite al Ministro dell'Industria, Commercio e Lavoro, il quale decide a norma del comma secondo dell'art. 3

ART. 6

I prezzi di vendita dei prodotti petroliferi e loro succedanei destinati al consumo civile sono, su proposta del C.I.P., stabiliti dal Ministro dell'Industria, Commercio e Lavoro, d'intesa ~~con~~ ~~gli~~ ~~am-~~ ~~mini-~~ ~~stri~~ ~~del~~ ~~fisco~~ ~~e~~ ~~della~~ ~~Finanze~~ ~~e~~ ~~con~~ ~~la~~ ~~Commissione~~ ~~alle~~ ~~stesse~~

Art. 2

Art. 5, with some amendments
Tutte le controversie di qualunque natura che possono sorgere fra il C.I.P. e le predette aziende sono deferite al Ministro dell'Industria, Commercio e Lavoro, il quale decide a norma del comma secondo dell'art. 3

Revised by the old project

Art. 6

Art. 7 and 10, with the amendments requested by C.I.P.
I prezzi di vendita dei prodotti petroliferi e loro succedanei destinati al consumo civile sono, su proposta del C.I.P., stabiliti dal Ministro dell'Industria, Commercio e Lavoro, ~~in attesa del parere del Tesoro e delle Finanze e con la Commissione Allestata~~
In tali prezzi ~~sono compresi~~ ^{è compresa} un'aliquota ~~adizionale~~ per provvedere alle spese di organizzazione e di funzionamento del C.I.P. e ai congrui da corrispondersi alle aziende di cui all'art. 3. L'aliquota ~~adizionale~~ ^è determinata in via provvisoria all'inizio dell'esercizio e può essere riveduta al termine di ogni trimestre in relazione alle spese effettivamente sostenute dal C.I.P.

A tal C.I.P.

///.

ART. 7

Sono organi dell'Ente:

(a) il Consiglio Direttivo

(b) il Collegio dei revisori dei conti.

Il Consiglio direttivo amministra il C.I.P. ed è composto di cinque membri, nominati con decreto ^{del Ministro} dell'Industria, Commercio e

Lavoro d'intesa con i Ministri del Tesoro e delle Finanze. ~~è con la~~

~~Commissione Aliquota~~

Il Consiglio direttivo elegge fra i suoi membri il presidente.

Il Collegio dei revisori dei conti è composto di cinque membri ⁵ ~~con decreto del Ministro dell'Industria, Commercio e Lavoro~~ ~~nominati a norma del comma secondo dell'articolo 11 del presente articolo.~~

I membri del Consiglio Direttivo e del Collegio dei Revisori dei Conti durano in carica un anno e possono essere confermati.

ART. 8

La rappresentanza legale dell'ente spetta al Presidente del Consiglio Direttivo o, in caso di suo impedimento, congiuntamente a due membri del Consiglio.

ART. 9

Alla fine di ogni esercizio il C.I.P. redige il rendiconto delle entrate e delle spese che, corredato dalla relazione del

I membri del Consiglio Direttivo e del Collegio dei Revisori dei Conti durano in carica un anno e possono essere confermati.

ART. 8

La rappresentanza legale dell'ente spetta al Presidente del Consiglio Direttivo o, in caso di suo impedimento, congiuntamente a due membri del Consiglio.

ART. 9

Alla fine di ogni esercizio il C.I.P. redige il rendiconto delle entrate e delle spese che, corredato dalla relazione del Consiglio Direttivo e del Collegio dei Revisori dei Conti, deve essere sottoposto all'approvazione dei Ministri dell'Industria, Commercio e Lavoro, del Tesoro e delle Finanze.

Ogni esercizio ha la durata di un anno. Il primo si chiude il 31 dicembre 1944

Art. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Art. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

ART. 10

Gli eventuali saldi attivi del conto a esse e proventi di ciascun esercizio saranno destinati dal C.I.P. al perfezionamento della sua gestione fatta nel pubblico interesse.

Le disposizioni relative alla devoluzione del patrimonio del C.I.P. al termine del suo funzionamento saranno stabilite dallo Stato, d'intesa con la Commissione Alleata ed il suo ~~successore~~.

ART. 11

Il rapporto di impiego fra il C.I.P. e il personale da esso direttamente assunto è regolato, in difetto di speciali patti di lavoro, dalle norme di legge vigenti sul contratto di impiego privato.

ART. 12

Lo statuto del C.I.P. sarà approvato con decreto del Ministro dell'Industria, Commercio e Lavoro, d'intesa con i Ministri del Tesoro e delle Finanze, e con la Commissione Alleata.

ART. 13

Commissione

di impianto privato.

ART. 12

Lo Statuto del C.I.P. sarà approvato con decreto del Ministro dell'Industria, Commercio e Lavoro, d'intesa con i Ministri del Tesoro e delle Finanze. ~~e con la Commissione Alleata.~~

ART. 13

~~Al fini del presente decreto le espressioni "Commissione Alleata" comprende ~~anche~~ ~~quelli~~ ~~enti~~ ~~che~~ ~~ad~~ ~~essa~~ ~~eventualmente~~ ~~sono~~ ~~costituiti~~.~~

ART. 14

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Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno - Serie Speciale.

1909
10/1/9 Translation of text proposed by the...
ART. 1

(391)
The Comitato Italiano Petroli (C.I.P.), with seat in Rome, shall hereby be constituted, with the purpose of coordinating and controlling the supply of petroleum products, and substitutes for the wartime requirements of the Italian and Allied Armed Forces and for civilian use.

C. I. P. shall be a juridical person and shall not be a profit-making concern. It shall be subject to supervision by the Minister of Industry Commerce and Labour by the Minister of the Treasury and by the Minister of Finance.

The duration of C.I.P. shall be until one year after the liberation of Italian territory from German domination. With regard to the exigencies of the war such duration may be reduced or extended after consultation with the A.C. by interministerial Decree of the Minister of Industry Commerce and Labour, of the Minister of the Treasury and the Minister of Finance,

ART. 2

C.I.P. shall provide for :

- a. receipt, processing (lavorazione) and storage of petroleum products and substitutes;
- b. ~~processing (manipolazione)~~ and distribution of such products according to the instructions of the Allied Military authorities as far as the war requirements are concerned; and according

400519 *Translation of text proposed by them* (39A)
ART. 1

The Comitato Italiano Petroli (C.I.P.), with seat in Rome, shall hereby be constituted, with the purpose of coordinating and controlling the supply of petroleum products, and substitutes for the wartime requirements of the Italian and Allied Armed Forces and for civilian use.

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ART. 2

C.I.P. shall provide for :

- a. receipt, processing (lavorazione) and storage of petroleum products and substitutes;
- b. ~~Processing (manipolazione)~~ and distribution of such products according to the instructions of the Allied Military authorities as far as the war requirements are concerned; and according

or extended after consultation with the A.C. by interministerial Decree of the Minister of Industry Commerce and Labour, of the Minister of the Treasury and the Minister of Finance.

ART. 2

C.I.P. shall provide for :

- a. receipt, processing (lavorazione) and storage of petroleum products and substitutes;
- b. processing (~~manipolazioni~~) and distribution of such products according to the instructions of the Allied Military authorities as far as the war requirements are concerned; and according to the scheme agreed upon by the Government and the A.C., as far as civilian use is concerned.

ART. 3

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For carrying out its purpose C.I.P. shall have the power to use, according to its needs, the plants, the organization, and the equipment belonging to national petrol concerns existing in the territory of the State.

P and the goods

For ^{this} ~~its~~ purpose the above mentioned concerns shall upon request of C.I.P., be in duty bound to put at C.I.P.'s disposal and to concede for temporary use the whole or part of their plants, organization, ~~and~~ ^{and goods} equipment, against a compensation to be mutually agreed upon. If such an agreement cannot be reached the Minister for Industry Commerce and Labour, after hearing both parties and in agreement with the A.C., shall decide (the dispute) by Decree not subject to any appeal either through administrative or judiciary channels.

Pending the decision C.I.P. shall pay a provisional compensation fixed by itself, which shall be subject to final settlement.

- 3 -

ART. 4

Concerns mentioned in Art. 3 shall be bound to carry out on the request of C.I.P. all operations described in Art. 2 and if the war exigences to require also all those other operations which can be carried out in their plants.

Technical conditions and the compensation shall be mutually agreed. If such an agreement cannot be reached the matter shall be decided by the Minister of Industry Commerce and Labour in accordance with the provisions of Art. 3, Para 2.

Provisions of Art. 3, Para 3, shall apply to this case.

ART. 5

All controversies, of whatever nature, which may arise between C.I.P. and the above mentioned concerns, shall be referred to the Minister of Industry, Commerce and Labour, who shall decide according to the provisions of Art. 3, Para 2.

ART. 6

The sale-prices of petroleum products and substitutes destined for civilian consumption shall on proposal of C.I.P. be fixed by the Minister of Industry Commerce and Labour in accordance with ~~the Minister of Treasury, the Minister of Finance and the Allied Commission.~~

^{fixing} In such prices a ^{proportional part shall be included} ~~surcharge shall be added~~ to provide for the expenses of C.I.P.'s organization and operation and for the compensations payable to the concerns mentioned in Art. 3 - The ^{proportional part a/m.} ~~surcharge~~ shall be fixed provisionally at the beginning of the business year ^{of C.I.P.} and may be reviewed at the end of every three ⁸¹ months with regard to expenses actually incurred by C.I.P.

ART. 7.

The constituent organs of the body shall be :-

(a) Managing Council.

(b) College of accounting supervisors.

The Managing Council shall administer the C.I.P. and shall be composed of 5 members, appointed by ^{by decree of} the Minister of Industry, Commerce and Labour in agreement with the Ministers of Treasury and of Finance and with the Allied Commission.

The Managing Council shall elect its president from among its members.

The College of the Accounting supervisors shall be composed of 5 members ^{by decree of the Minister of Industry, Commerce and Labour in agreement with the Ministers of Treasury and Finance.} appointed in accordance with para.2 of this article.

Members of the Managing Council and of the College of Accounting supervisors shall hold their office for one year and may be confirmed (for further terms).

ART. 8.

The President of the Managing Council and, if impeded, two members of the Council jointly, shall act as legal representative of the body.

ART. 9.

At the end of each business year C.I.P. shall prepare an account of income and expenditures with a report of the Managing Council and of the College of Accounting Supervisors and submit them for approval to the Ministers of Industry, Commerce and Labour, of Treasury and of Finance.

Each business year shall last one year. The first business year shall

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appointed in accordance with para. 2 of this article. *Secretary and Finance.*

Members of the Managing Council and of the College of Accounting supervisors shall hold their office for one year and may be confirmed (for further terms).

ART. 8.

The President of the Managing Council and, if impeded, two members of the Council jointly, shall act as legal representative of the body.

ART. 9.

At the end of each business year C.I.P. shall prepare an account of income and expenditures with a report of the Managing Council and of the College of Accounting Supervisors and submit them for approval to the Ministers of Industry, Commerce and Labour, of Treasury and of Finance.

Each business year shall last one year. The first business year shall terminate on December 31, 1944.

ART. 10.

The eventual active balance of the income - expenditures account shall be set apart by C.I.P. for the improvement of its operations conducted for public interest.

The State in agreement with the Allied Commission shall issue the provisions for the disposal of the assets of C.I.P. at the termination of its existence.

ART. 11.

In absence of special labour contracts the prevailing laws on private employment contract shall govern the employment relation between C.I.P. and the personnel directly employed by it.

ART. 12.

The character (Statuto) of the C.I.P. shall be approved by a decree of the Minister of Industry, Commerce and Labour, in agreement with the Ministers of Treasury and of Finance and with the Allied Commission.

ART. 13.

For the purposes of this decree the term "Allied Commission" shall comprise any body which might eventually substitute such Commission.

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has been proposed by C.I.P. (387)

SCHEMA DI DECRETO LEGISLATIVO INOGGETTENZIALE - COSTITUZIONE
DEL COMITATO ITALIANO PETROLI - COORDINAMENTO E DISCIPLINA,
DURANTE IL PERIODO D'EMERGENZA (BELICO), DELL'APPROVVIGIONAMENTO,
LAVORAZIONE, DEPOSITO E DISTRIBUZIONE DEI PRODOTTI PETROLIERI
E SUCCESSANEE (~~INOGGETTENZIALE~~ ESTERNO) PER LE FORZE ARMATE ALLEATE
E PER IL PAESE.

UMBERTO DI SAVOIA PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;
VISTO il R.D. Legge 2 novembre 1933, n. 1741, che disciplina l'im-
portazione, la lavorazione, il deposito, e la distribuzione degli
oli minerali e dei carburanti, convertito nella legge 8 febbraio
1944, n. 367;

VISTO il R.D.L. 6 aprile 1944, n. 105, che detta norme per la ri-
partizione, l'assegnazione e la distribuzione dei combustibili
liquidi destinati agli usi civili;

VISTO il D. Luogotenenziale 25 giugno 1944, n. 151;

VISTA la deliberazione del Consiglio dei Ministri;

Considerate le necessità di guerra che impongono di recolare in
via straordinaria l'approvvigionamento, la lavorazione, la mani-
polazione e la distribuzione dei prodotti petroliferi e successanei
per le superiori esigenze militari, e per quelle civili della
Nazione;

SULLA proposta del Ministro per l'Industria, il Commercio ed il
Lavoro d'intesa coi Ministri per le Finanze e per il Tesoro

1944, n. 367;

VISTO il R.D.B. 6 aprile 1944, n. 106, che detta norme per la ripartizione, l'assegnazione e la distribuzione dei combustibili liquidi destinati agli usi civili;

VISTO il D. Luogotenenziale 23 giugno 1944, n. 151;

VISTA la deliberazione del Consiglio dei Ministri;

Considerate le necessità di guerra che impongono di regolare in via straordinaria l'approvvigionamento, la lavorazione, la manutenzione e la distribuzione dei prodotti petroliferi e successivamente per le superiori esigenze militari, e per quelle civili della

Nazione;

SULLA proposta del Ministro per l'Industria, il Commercio ed il Lavoro d'intesa coi Ministri per le Finanze e per il Tesoro

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

E' costituito, con sede in Roma, il Comitato Italiano Petroli (C.I.P.), che ha il compito di coordinare e disciplinare l'approvvigionamento di prodotti petroliferi e succedanei per ⁸ esigenze (belliche) delle forze armate alleate e italiane e per gli usi civili.

A tale scopo il Comitato ha facoltà di utilizzare gli impianti esistenti nel territorio nazionale che gli sono concessi

/in

in temporaneo uso per assicurare il ricevimento, lavorazione, deposito, manipolazione e distribuzione dei prodotti petroliferi e succedanei.

Il Comitato è un ente dotato di personalità giuridica e non ha fini di lucro. Esso è posto sotto la vigilanza dei Ministri dell'Industria, Commercio e Lavoro, del Tesoro e delle Finanze.

Art. 2

La durata del C.I.P. è fissata fino a un anno (sei mesi) dopo la liberazione del territorio italiano dall'occupazione tedesca. Tale durata potrà essere rifatta o prorogata d'intesa con la Commissione Alleata, od il suo sucessore, in relazione alle esigenze belliche.

Art. 3

Il C.I.P. provvede:

- a) al ricevimento, alla lavorazione ed al ~~deposito~~ ^[manipolazione] deposito dei prodotti petroliferi e succedanei (forniti dai Governi alleati), (valendosi degli impianti delle aziende (petrolifere) nazionali [temporaneamente ceduti a tale scopo dal Governo Italiano], delle loro organizzazioni, ed) attrezzature e prodotti.
- b) (alle (normali) operazioni di manipolazione ed) alla distribuzione secondo le disposizioni delle Autorità Militari Alleate per quanto riguarda le esigenze di guerra; e secondo un piano prestabilito di intesa fra il Governo Italiano e la A.C. per ciò che riguarda gli usi civili.

Art. 4

Nell'esercizio dei suoi compiti e nelle operazioni di cui

regola il procedimento

a) al ricevimento, alle lavorazioni ed alla
dei prodotti petroliferi e succedanei (forniti dai governi alleati),
< valendosi degli impianti delle aziende (petrolifere) nazionali
[temporaneamente ceduti a tale scopo dal Governo Italiano, delle
loro organizzazioni, (ed) strutture e prodotti.
b) (alle (normali) operazioni di ripartizione ed alla distribu-
zione secondo le disposizioni delle Autorità Militari Alleate per
quanto riguarda la esigenza di guerra; e secondo un piano pre-
stabilito di intesa fra il Governo Italiano e la A.C. per ciò
che riguarda gli uni civili.

Art. 4

Nell'esercizio dei suoi compiti e nelle operazioni di cui
all'articolo precedente il C.I.P. seguirà di norma il procedimento
della lavorazioni per proprio conto. In corrispettivo, il C.I.P.
corrisponderà alle aziende petrolifere di cui utilizza tempora-
neamente gli impianti e le attrezzature, un compenso che sarà
fissato d'accordo fra le parti.

In mancanza di tale accordo, la vertenza sarà deferita al ⁸¹
Ministro Industria Commercio e Lavoro il quale, sentito le due
parti e d'intesa con la Commissione Alleata, deciderà con proprio
decreto non soggetto ad alcun gravame né la via amministrativa né
in via giudiziaria.

In mancanza della risoluzione della vertenza la azienda petro-
/liferi

Infere sono tenute ad eseguire le prestazioni richieste dal C.I.P. dietro un compenso che questo corrisponderà a titolo provvisorio e salvo congruagli a definizione della vertenze.

Art. 5

Al Ministro Industria Commercio e Lavoro sono pure deferite le altre eventuali vertenze contrattuali che non fossero di natura economica. Id il Ministro procederà con proprio decreto alla risoluzione della controversia, con la procedura indicata nell'articolo precedente.

Art. 6

Per le necessità belliche il C.I.P. potrà richiedere alle singole aziende petrolifere anche altre operazioni oltre a quelle indicate nell'art. 3, sempre che esse siano attuabili negli impianti e previa pattuizione fra le parti delle condizioni tecniche e finanziarie.

In caso di dissenso fra le parti, decide il Ministero Industria Commercio e Lavoro con la procedura indicata nell'art. 4.

Anche in questo caso, però, le aziende dovranno eseguire senza alcun ritardo le operazioni richieste dal C.I.P. dietro un compenso provvisorio di questo, da congruagliare a vertenza definitiva.

Art. 7

Le (alle) spese per l'organizzazione ed il funzionamento del C.I.P. ed il (al) compenso concordato con le aziende petrolifere nazionali incidono sui prezzi (si provvederà con un'aliquota addizionale al prezzo) di vendita che verranno stabiliti (verrà stabilito) per i prodotti secondo l'art. 10.

L'aliquota da includersi nei prezzi per la spese ed il con-

Commercio e lavoro con la procedura
Anche in questo caso, però, le aziende dovranno eseguire senza alcun ritardo le operazioni richieste dal C.I.P. dietro un compenso provvisorio di questo, da congruagliare a vertenza definite.

Art. 7

Le (alle) spese per l'organizzazione ed il funzionamento del C.I.P. ed il (al) compenso concordato con le aziende petrolifere nazionali incidono sui prezzi (si provvederà con un'aliquota addizionale al prezzo) di vendita che verranno stabiliti (verrà stabilito) per i prodotti secondo l'art. 10.

L'aliquota da includersi nei prezzi per le spese ed il compenso di cui al comma precedente (tale aliquota) sarà determinata in via provvisoria all'inizio dell'esercizio annuale, e sarà soggetta a congruaglio al termine di ogni trimestre, in rapporto ed a copertura delle spese effettivamente sostenute dal C.I.P.

Art. 8

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Sono organi dell'Ente:

(a) - Il Presidente)

(b) a - Il Consiglio Direttivo

(c) b - Il Collegio dei Revisori dei Conti.

Il Consiglio Direttivo amministra il C.I.P. ed è composto (dal Presidente e) da cinque (quattro) membri nominati con /Decreto

Decreto del Ministro dell'Industria Commercio e Lavoro, d'intesa coi Ministri delle Finanze e del Tesoro e con la Commissione Alleata, od il suo successore.

Il Consiglio Direttivo elegga fra i suoi membri un Presidente.

Essi durano in carica un anno e possono essere riconfermati.

La rappresentanza legale dell'Ente è conferita al Presidente del Consiglio Direttivo o, nel caso di suo impedimento, a due membri del Consiglio.

Art. 9

3

Il Collegio dei Revisori dei Conti è composto da cinque membri nominati con decreto del Ministro per l'Industria Commercio e Lavoro, d'intesa coi Ministri delle Finanze e del Tesoro, e con la Commissione Alleata od il suo successore.

Essi durano in carica un anno e possono essere riconfermati.

Art. 10

I prezzi di vendita dei prodotti petroliferi e succedanei destinati al consumo civile del Paese saranno, su proposta del C.I.P., esaminati e definitivamente stabiliti dal Ministro dell'Industria Commercio e Lavoro, d'intesa con la Commissione Alleata od il suo successore per la loro applicazione sul mercato nazionale.

Art. 11

A fine di ogni esercizio finanziario il C.I.P. compila un rendiconto generale delle entrate e delle spese che, corredato delle relazioni del Consiglio Direttivo e del Collegio dei Revisori dei Conti, sarà sottoposto all'approvazione dei Ministri dell'Industria, delle Finanze e del Tesoro.

Il primo esercizio finanziario si chiude il 31 dicembre 1944.

1926

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Il primo esercizio finanziario si chiude il 31 dicembre 1944.

Art. 12

Gli eventuali utili di bilancio risultanti alla chiusura di ogni esercizio finanziario saranno destinati alla costituzione di un fondo di riserva che al termine del funzionamento del C.I.P. sarà devoluto allo Stato per scopi da determinare.

81

Art. 13

Il rapporto d'impiego fra il C.I.P. ed il personale da esso direttamente assunto, in difetto di speciali patti di lavoro, è regolato dalle norme di legge vigenti sul contratto d'impiego privato.

Art. 14

Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno - Serie Speciale.

1927

785016

19014/9

Handwritten initials

HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUB-COMMISSION
APO 394

LEGAL - S/C
PETROLEUM SECTION
Date: 27 1944
File: Legal Sub Comm
ADVANCED A.F.H.O.

(35A)

AMB/29

Ref. AGO/5146/2/Commerce/ POL 9

24 October 1944

SUBJECT: Petroleum Industry and Italian Government

TO : PETRO, AFHQ, RAAC.

NR. *Handwritten*

25 OCT 1944
C.C.

1. Your Pet 30/C/10 of 20 September 1944 and conversation Colonel King- Major Drereton refers.

2. A reply to the Italian Government's letter N°139 of 20 September 1944 along the lines of your Pet 30/C/10 of 20 Sept. 1944 as held up pending the conference between Mr Antolini and Sig. Gronchi.

3. We have now however had instructions to advise the Italian Government that it is our intention to handle the distribution of Lethane Gas through CIP in AMG Territory and to request that the Italian Government establish a similar plan in their territory.

4. On reading over the correspondence returned to us by the Economic Section we find ourselves somewhat embarrassed by seeing for the first time your Pet 30/E/1 of 3 October 1944 addressed to Economic Section of which no copy was sent to us and also a Memorandum of a conference on 4 October 1944 between Petroc representatives and AGO Legal Sub-Commission of which we were unaware. We understand that there have also been other conferences at this Headquarters of which we were unaware and at which this Sub-Commission was not represented.

5. Whilst we appreciate that this was no doubt an oversight we think you will agree that if this Sub-Commission is to perform efficiently its functions it must be kept fully in the picture even if the delicate state of the negotiations with the Italian Government concerning Oil Interests have reached the stage where

./.

- 2 -

a decision becomes a matter of high policy and calls for direct action by the Economic Section.

6. A copy of our AGO/5145/6/Commerce to the Italian Government on Methane Gas is attached.

For the Acting Chief Commissioners:

A. B. B. B.

W. F. EVANS

Colonel

Director

Commerce Sub-Commission

1 Encl. as para 6 refers. *

To follow.

Copy to: Economic Section
Legal Sub-Commission

LEGAL SUB COMMISSION	
CLO	
DCLO	✓
Chief Counsel	✓
CLO	
Italian - Section	
CLERKS	
30 OCT 1944	

to note!

ADMINISTRATIVE
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO # 394

AGA/msh

1317.00

22 October 1944

SUBJECT: Legal Constitution of C.I.P.
Appointment of C.I.P. as Managing Committee as
Commissario of ACP and ARIC.

TO : The Minister of Industry, Commerce and Labor.

The suggestions contained in your letter of 20 October 1944 do not, in some substantial respects, meet with what are considered essential requirements as pointed out in your conference with Mr. Antolini and Colonel Wilner of this Commission.

In order that we may come to the point of definite agreement I request that you prepare and submit to us a proposed form of decrees creating CIP as an Ente di Gestione embodying in it the following provisions:

- 1) CIP will be the Ente di Gestione for all petroleum activity in liberated Italy. It shall be responsible for the coordination of all phases of supply, processing and distribution of petroleum products and substitute carburetors for both civilian and military uses, including operation of petroleum plants as required by the Supreme Allied Command, Mediterranean Theater of Operations.
- 2) CIP shall have the right to use plants, equipment and personnel of the Italian petroleum industry as may be necessary for the above purpose.
- 3) CIP shall be administered by a managing committee of five, appointed by the Italian Government in agreement with the Allied Authorities. The committee shall elect its own President. (It is understood that there is to be no change in the composition of the present managing committee unless requested by the Supreme Allied Command, Mediterranean Theater of Operations.)

Col. Wilner
Legal S. C.

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- 4) CIP shall remain in existence for one year after the liberation of Italy from German occupation or for such shorter or longer period as the Supreme Allied Command, Mediterranean Theater of Operations or its successor may, in view of the military exigencies, fix.
- 5) At the time of liquidation, all assets shall be disposed of in agreement with the Supreme Allied Command, Mediterranean Theater of Operations, or its designated successor.

It is essential that this situation be regularized as quickly as possible, both from the standpoint of the military exigencies and from the standpoint of civilian requirements. Therefore, CIP must be promptly constituted as above set forth. If there is any delay interim action must be taken whereby the present CIP Managing Committee shall act as Commissario for AGIP and AMIL.

- 2 -

Minister of Industry, Commerce and Labor
22 October 1944

After CIP has been so legally constituted, the Italian Government may provide for the management and administration, including the appointment of a Commissioner, of each of those companies subject to the approval of the Supreme Allied Command, Mediterranean Theater of Operations.

A. G. ATTOLINI
Acting Vice-President
Economic Section

cc:

Colonel Wilmer
PRT Sec
Economic Sec
Acting Chief Commissioner

1932

77

cc: Colonel Wilmer
PAT Sec
Economic Sec
Acting Chief Commissioner

LEGAL SEC COMMISSION	
CLO	
DCLO	✓
Chief Counsel	✓
CFO	



21 OCT 1944

SECRET

MEMORANDUM

Copy 33B

FROM : Legal and Financial Sub-Commission.

TO : Brigadier General Julius Holmes, Military Government
Section, A.F.H.Q.

SUBJECT : Proposed contract with A.N.I.C. oil refinery at Bari.

DATE : 20th October, 1943.

1. The Chief Financial Officer of the Allied Commission was informed on 19th October, at a meeting in Major General Gale's office and at a subsequent meeting with Brigadier Dunlop, that it is proposed by officers of the British Army presently at Bari to enter into a contract with an oil refinery (A.N.I.C.) for storage facilities, and that an advance equivalent to 1,600,000 lire is urgently needed.

2. The Chief Financial Officer stated that he preferred to defer discussion of entering into a contract with a firm in unoccupied territory and he also stated that he was not entirely familiar with the policy with reference to requisitioning which was to be followed in either occupied or unoccupied Italian territory now that Italy has been accorded the status of co-belligerent. He agreed, in the meantime, to propose to the responsible officials of AMFA the making of an emergency advance of 1,600,000. An appropriate cable was drafted and handed to MGS for approval.

3. The contract with A.N.I.C. which is under consideration may be taken as typical of a large number which may be drafted if the Allied Commission or the Armies use this method of obtaining from Italian enterprises and individuals in unoccupied Italy the performance of services and delivery of goods required for the Allied war effort or by the Allied Commission. The considerations of costs, rates of compensation, and other terms which the drafting of such contracts will involve will require the Allied Commission greatly to increase its legal and accounting staffs, to employ the services of Italian lawyers, and so on. This method of operation may also give

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4. It is suggested that the whole policy of Allied Commission as conceived in the Armistice Terms is not to enter into a series of individual contracts but to obtain its war material and such other supplies and services as may be required by the method of ordering the Italian Government to produce them. Thus it is suggested that resort be had to appropriate provisions of the Armistice Terms, by which the Italian Government may be required to provide the Allied Forces with supplies and facilities. In particular, Article, 21 (B) provides that the Italian authorities "will make available in non/occupied Italian territory all transport facilities required by the United Nations ... and will comply with instructions issued by the Allied Commander-in Chief regarding the use and control of airfields, ports, shipping, inland transport systems, vehicles, intercommunication systems, power stations

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and public utility services, oil refineries, stocks and such other fuels and power supplies and means of producing same, as United Nations may specify, together with connected repair and construction facilities."

Thus in the present case there seems no difficulty in ordering the Italian Government to make arrangements with A.N.I.C. for the storage of the required amount of oil and for the refining of the oil to be brought to it and this is primarily a matter for attention by the Industry & Commerce Sub-Commission. The manner in which the Italian Government carries out these orders, whether by requisition or contract, is not the concern of Allied Commission. This procedure will relieve the Military Authorities and the Allied Commission of all such contractual arrangements.

5. Under this procedure the Italian Government would discuss with the contracting firms all questions of financing. The Allied Commission would be concerned in these matters primarily only: (a) in the course of its scrutiny of the Italian budget and current expenditures and (b) to the extent that AM lire advances are needed by the Italian Government.

Col. Upjohn, Legal.

DISTRIBUTION: Col. Evans, Industry & Commerce.
JOS, JACS, AMG (P), E & F.

1936

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DISTRIBUTION: Col. Evans, Indiantown, E & P.
JCS, JACS, AMG (P), E & P.

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SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

32A

MEMO

11 p.
5 October 1944.

TO : Mr. Antolini, Econ Sec.

On instructions of Brig. Upjohn, forwarded herewith are minutes of meeting held on 3 October 1944 at Brig. Upjohn's office.

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

1 Incl.
Copy to: Brig. Upjohn.

1938

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

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SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

32A

MEMO

3 October 1944.

TO : Mr. Antolini, Room Sec.

On instructions of Brig. Upjohn, forwarded herewith are minutes of meeting held on 3 October 1944 at Brig. Upjohn's office.

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

1 Incl.
Copy to: Brig. Upjohn.

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SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4014/9/L.

/rlp.
4 October 1944.

MINUTES OF CONFERENCE HELD AT BRIGADIER URJO HM'S OFFICE
3 OCTOBER 1944.

PRESENT: Brig. G. R. Upjohn, K.C.
Colonel R. H. Wilmer
Colonel W. E. Behrens
Lt. Col. A. R. Thackrah
Mr. Frothingham
Mr. Holland

Mr. Frothingham referred to a conference held with Mr. Antolini on 2nd October and said that he and Mr. Holland had been disturbed by the statement made there by Colonel Wilmer to the effect that ACC did not regard the English and American oil interests in Italy as Allied interests to be protected by ACC. Colonel Wilmer stated that he had always given the advice which he had repeated to Mr. Antolini at the conference which was to the effect that the assets concerned had been nationalized by a valid Italian law and that in his opinion the property was now Italian owned. The Allied interests which required protection were confined to the bank accounts which could, if necessary, be blocked. Any question of other compensation must be determined through the peace treaty.

Brig. Upjohn stated that this had been the position adopted in Sicily. At that time, the Director of Property Control had taken oil properties in Sicily into custody, but on the footing that they were enemy state properties and not because they were Allied properties. When Italy became a belligerent the policy of taking custody of enemy state property as such had ceased. Later, on instructions by AFHQ, the property had been handed over to Petroleum Section and since that date the Property Controller had no interest therein. At a conference in February between himself as CIO and the Director of Property Control, and Messrs. Frothingham and Holland, it had been agreed that the Director of Property Control would refrain from concerning himself in Petrol companies.

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32B

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Mr. Frothingham then stated that the petroleum companies had very considerable interests which the Allied governments required to be protected. In particular, their personnel was most important to them. AFIP, 80% of whose interest consisted in Allied interests nationalized as above, was in a position to do considerable harm to the interests of the Petroleum company. In fact, they had already dismissed several of their employees. It was essential that a commissario be appointed for AFIP, and the most satisfactory solution for this commissario appeared to him to be the appointment of the CIP committee.

Brig. Upjohn enquired, precisely what advice he was being asked to give and Mr. Frothingham then asked whether ACC concerned themselves with Allied interests. Brig. Upjohn answered that the question was too general. That the only direct protection of Allied property with which ACC was concerned was organized through the Director of Property Control, but the DPC, as stated, had agreed not to take custody of petrol companies, as the entire matter was being handled by Petroleum Section, AFHQ.

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Mr. Frothingham referred to the position adopted by Mr. Antolini to the effect that his function was limited by the requirement of military necessity. Brig. Upjohn replied that as far as he knew, ACC had no directive on the point, but that the matter was for the decision by the Economic Section. If a directive was received from AFHQ, ACC would, of course, act on it.

Mr. Frothingham then asked whether ACC was not in a position to contact the Italian Government to enforce the appointment of the committee of CIP. Brig. Upjohn pointed out that the Legal Sub-Commission and the Civil Affairs (formerly Administrative) Section were only concerned with the purely legal aspect. They had advised and would stand by that advice, that under the Armistice terms there was a right to force this appointment on the government; the desirability of doing so was a matter of policy, which lay outside the sphere, in this particular case, of the Civil Affairs Section, ACC. Brig. Upjohn pointed out that Messrs. Frothingham and Howland were on the staff of AFHQ and they should consult that body with regard to the question of policy.

Copies to: Brig. Upjohn
Mr. Antolini

1942

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

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- 2 -

Copies to: Pres. Upjohn
Mr. Antolini

4014/9

319

ESSENTIAL POINTS TO BE COVERED
BY ITALIAN GOVERNMENT DECREE CONSTITUTING C.I.P.

The C.I.P. (Comitato Italiano Petroli) shall:

- 1) - be the "Ente di Gestione" (Entity for Management) of all petroleum activity in liberated Italy - responsible for the co-ordination of all phases of the supply, processing and distribution of petroleum products and substitute carburants for both civilian and military use, including operation of petroleum installations for the Allied Authorities;
- 2) - have the right to use whatever plant, equipment and personnel of the Italian petroleum industry may be necessary for the above purpose;
- 3) - be administered by a Managing Committee of five, appointed by the Italian Government in agreement with the Allied Control Commission or its successor; the Committee to elect its own President;

(NOTE: Although presumably not to be specified in the Decree, it should be clearly understood by the Italian Government that 3 members of the Managing Committee shall be representatives of Allied petroleum interests).

- 4) - cease to exist two years after the liberation of Italian territory from ~~enemy~~ occupation, but on request of the Managing Committee shall be dissolved at any time within that period by the Italian Government, in agreement with the Allied Control Commission or its successor. At the time of liquidation, any assets or plus balances shall be disposed of in agreement with the Allied Control Commission or its successor.

29 September, 1944.

1944

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

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File

~~Col. Thackrah~~

30A

R. FROTHINGHAM

AFHQ Petroleum Section

Via XXIII Marzo, 20

19 Sep. 1944

Dear Brigadier Upjohn,

Referring to Holland's note of the 18th Sep. and the general aide-memoire attached thereto, enclosed is a memorandum which comments more specifically on Lt. Col. Thackrah's letter of Aug. 27 on Property Control Policy, as regards the protection of Allied oil properties and interests.

We will discuss this with Lt. Col. Carroll and Lt. Col. Thackrah, but thought you might like to have a copy. We are also handing a copy to Col. Wilmer for his information.

Yours very truly,

Encl.

Col. Wilmer - Will you
furnish me to Lt. Col. Thackrah
for control of the same

Protection of Allied oil properties
and interests in Italy.

Aug. 12, 1944

38

Lt. Col. Shackrah's memorandum of Aug. 27 on Property Control. Policy does not deal, perhaps intentionally, with the case of the Allied oil interests in Italy. These were not left under sequestration and organized property control with any idea of eventual restitution to their rightful owners, but on the contrary were sold outright at a derisory figure to the Government owned oil company AGIP and subsequently absorbed into it, completely losing their identity.

The settlement of the claims of the owners against the Italian Government involves not only the question of compensation for damage done, but also that of the status and treatment of Allied oil interests in the post war Italian petroleum economy. The latter question in turn involves many factors which are indissolubly linked with the international oil policy now in discussion between the British and American Governments and oil interests.

Until it is clear how all these questions are going to be dealt with, it is important that the Italian Government shall not be permitted to disavow its liability in any manner.

In the meantime however the Allied oil interests have no wish to take back their properties (most of those so far encountered have been badly damaged if not destroyed, by bombardment or German demolition) or to accept any form of partial compensation. They do not have properly qualified representatives here to deal with such questions in any case.

It is therefore important that any decrease or measures promulgated by the Italian Government in the sense of paragraph 4 c) I of the memo should not affect or prejudice the position of the Allied oil interests in that respect. Too much is at stake. The Allied oil investments in Italy represent a continuous and cumulative development of over 30 years and were the biggest

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6y

On the other hand, although the fundamental liability of the Italian Government must remain absolute, it is not desirable that it should actually take over the management and operation of the Allied oil properties in the sense of para 4, c) II.

The use and control of all petroleum installations and services is an Allied right under the Armistice. The Allies have set up CIP for that purpose as the coordinating agency for the entire

.../E...

2.

Italian petroleum industry, and all petroleum activity.

In the opinion of the Petroleum Advisers, the most practical and at the same time the most acceptable manner in which the Italian Government can discharge its interim responsibility for the care and maintenance of Allied oil property pending settlement with the owners would be for it:

1. To give CIP whatever legal status may be required under Italian law in order that it may effectively control and coordinate all local petroleum activity including the use and operation of all installations.
2. To make the CIP Managing Committee, three of the five members of which are former local executives of the Allied interests in question, Commissario of AGIP, as A.C.C. already requested in July.

The fact that CIP's activities in a general sense are subject to Allied supervision through the Petroleum Section and A.C.C. seems to provide sufficient guarantees for the Allied interests on the one hand and to the Italian Government on the other.

At the same time should an intervention of the D.P.C. be advisable at some later date in accordance with para 4, c) III, the Petroleum Advisers would be in a position to verify the facts and to recommend action.

Hold in file
AS 4/19

(29)

HQ PETROLEUM SECTION
 ROME ALLIED AREA COMMAND

Tel:- ROME 478875

PTT 30/23/3

25 Sep. 44

Subject: Appointment of Managing Committee
 of C.I.P. as Commissario of
 A.G.I.P. and A.N.I.C.

Col. W.F. EVANS,
 Director, A.C.C.,
Commerce Sub-Commission.

Copy to: Col. Wilmer, Legal Sub-Commission.

1. Memos of September 7 and September 15 already in your possession. List the reasons why it is necessary to the Allied programme that the Managing Committee of C.I.P. be made Commissario of A.G.I.P. and A.N.I.C. respectively.
2. Attached is a further memo dated ^{Sept} ~~August~~ 22 which sums up this question for purposes of discussion with the Italian Government.
3. In the case of the A.G.I.P. Commissario you will note that the substitution of a Government Representative for one of the two Italian Industry Representatives on the Committee is envisaged as a compromise to give satisfaction to the Italian Government if it presses for direct representation on this Commissario as owner of the shares.
4. In this Section's view, such a change will not be prejudicial granted that it does not imply any change in the composition of the C.I.P. Management Committee as such, but for the reasons already explained to you, this Section does not feel that any further changes should be envisaged or discussed.
5. In the case of the A.N.I.C. no change in the composition of the Committee is proposed, since a member of the A.N.I.C. Management already sits on it.

H. B. Eyles
 H. B. EYLES
 Colonel
 Petroleum Section

67

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

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HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUB-COMMISSION
APO 394

ASB/hp

Ref. ACC/5146/2/Commerce

25 September 1944

SUBJECT : Comitato Italiano Petroli (CIP)/

TO : Legal Sub-Commission ✓

1. Attached is a copy of Pet.Sec. Pet 30/E/1 of 20 Sept. 1944 with enclosures thereto (our only copies).
2. Should any clarification be needed in the light of para 5 we shall be glad to arrange a conference.
3. Will you please advise on the text as per para 4.

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

Copy to : Pet.Sec. AFHQ , Rome Allied Area Command

Encls: ~~Ltr~~ Pet.Sec.30/E/1 of 20 Sept.44 and eclosures
(as para 1 refers)

(26A)

AFHQ PETROLEUM SECTION
ROME ALLIED AREA COMMAND

SUBJECT: Italian Government
decree for constitution
of CIP.

Tel:- ROME 478896

PET 30/E/4

20 Sep 44

A.C.C. Commerce Sub-Commission.

Copy to A.C.C. Legal Sub-Commission.

1. Discussions with the previous Italian Gov.t of the draft decree giving CIP legal status were interrupted in May and have since remained in suspense because of the change in the Gov.t and the transfer to Rome.
2. In the opinion of the Petroleum Advisers it is preferable that discussions with the present Gov.t should start from an entirely fresh draft because numerous modifications have been found necessary in the meantime to take account of new problems affecting the organization of civilian distribution of POL, due to the great extension of liberated territory and the much greater number of firms and interests involved.
3. The Petroleum Advisers have accordingly put together "informally" a fresh draft which appears to take care of the main points it is necessary to cover both from the point of view of CIP operations and the safeguarding of Allied interests (see particularly Articles 2, 8, 12). Attached are copies of the Italian text and an English translation.
4. May the Italian text please be referred to A.C.C. Legal Sub Commission for approval from that point of view and particularly of course, as regards its wording for purposes of Italian law.
5. The Petroleum Advisers will be glad to supply any clarifications that may be desired.

H. B. Eyles
H. B. EYLES
Colonel
Petroleum Section

65

Encl.

26B
I to 1

SCHEMA di Provvedimento Legislativo per
la Costituzione di il Funzionamento del-
l'Ente di Gestione per l'Attività Petro-
lifera nell'Italia Liberata.

Visto l'Art. 13 della Legge 19 Gennaio 1939, n. 129,

Ritenuto che si versa in istato di necessità per causa
di guerra,

Sentito il Consiglio dei Ministri,

Sulle proposte del Ministro per l'Industria, il Commercio
ed il Lavoro, di concerto con quello delle Finanze,

Abbiamo decretato e decretiamo:

Art. 1.

E' costituito, d'intesa con la Commissione Alleata di
Controllo, il Comitato Italiano Petroli (CIP) - Ente di gestione
dell'attività petrolifera nell'Italia Liberata, avente perso-
nalità giuridica di diritto pubblico, e con sede a Roma.

Art. 2.

I compiti del CIP sono:

- di coordinare in via esclusiva tutte le fasi del-
l'approvvigionamento, lavorazione e distribuzione per usi mili-
tari e civili di prodotti petroliferi e succedanei di ogni tipo,
o direttamente o utilizzando i stabilimenti, le attrezzature,
il personale e le scorte delle Aziende petrolifere.
- di servire le Autorità Alleate in tutte le maniere che
ad esse possono essere utili, mediante il coordinamento del-
l'esercizio degli stabilimenti, delle attrezzature, del perso-
nale e delle risorse dell'industria petrolifera Italiana.

Art. 1.

è costituito, d'intesa con la Commissione Alleata di Controllo, il Comitato Italiano Petroli (CIP) - Ente di gestione dell'attività petrolifera nell'Italia liberata, avente personalità giuridica di diritto pubblico, e con sede a Roma.

Art. 2.

I compiti del CIP sono:

- di coordinare in via esclusiva tutte le fasi dell'approvvigionamento, lavorazione e distribuzione per un mili-tari e civili di prodotti petroliferi e succedanei di ogni tipo, o direttamente o utilizzando i stabilimenti, le attrezzature, il personale e le scorte delle Aziende petrolifere.
- di servire le Autorità Alleate in tutte le maniere che ad esse possono essere utili, mediante il coordinamento dell'esercizio degli stabilimenti, delle attrezzature, del perso-nale e delle risorse dell'industria petrolifera italiana.

Art. 3.

Al fine di attuare l'approvvigionamento e la distribuzione
6.1
di cui all'Art. precedente, spetta all'Ente:

a) Di ricevere dalle Autorità Alleate e di rendere conto alle medesime di tutte le quantità di prodotti petroliferi rilasciategli per uso civile e di provvedere, sempre con esclu-sive, alla importazione o distribuzione dei suddetti prodotti e a tutte le altre eventuali forme di raccolta dei prodotti petroliferi o succedanei.

b) In quanto sia determinato conveniente dall'Ente, di ordinare lavorazione di materie petrolifere presso raffinerie o altre aziende industriali aventi attrezzature idonee per

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tale lavoro, le quali hanno l'obbligo di eseguirle nei termini e con le modalità che verranno prescritte.

Art. 4.

All'Ente è riservata in via esclusiva, la trattazione, conclusione ed esecuzione di qualsiasi affare concernente l'attività petrolifera nel confronto del Governo Italiano, degli Alleati e dei terzi.

Art. 5.

L'Ente può richiedere il temporaneo passaggio alla sua disposizione di qualunque personale delle Aziende petrolifere. Tale personale continuerà a dipendere dalle Aziende di provenienza, nei confronti delle quali conserverà lo stato giuridico, il trattamento economico e tutte le altre garanzie assicurate dai rispettivi regolamenti collettivi, aziendali o individuali.

Art. 6.

L'uso fatto delle Autorità Alleate di impianti petroliferi attraverso l'Ente ed i servizi resi da quest'ultimo alle medesime, a norma dell'art. no. 2, faranno oggetto di un contratto fra l'Ente ed il Governo Italiano nel quale saranno stabiliti i compensi dovuti all'Ente per ogni tipo di operazione e le modalità di pagamento.

Art. 7.

Qualora per fatto delle Aziende si incontrassero difficoltà nell'utilizzazione degli stabilimenti, delle attrezzature, del personale o delle scorte a norma dell'art. 2, ovvero nell'esecuzione degli ordini previsti nella lett. b) dell'art. No. 3, l'Ente ha facoltà di chiedere al Ministero dell'Industria, del Commercio e del Lavoro la requisizione in uso degli stabilimenti delle aziende petrolifere.

Art. 8.

Art. 6.

L'uso fatto dalle Autorità Alleate di impianti petroliferi attraverso l'ente ed i servizi resi da quest'ultimo alle medesime, a norma dell'art. no. 2, faranno oggetto di un contratto fra l'ente ed il Governo Italiano nel quale saranno stabiliti i compensi dovuti all'ente per ogni tipo di operazione o le modalità di pagamento.

Art. 7.

Qualora per fatto delle Aziende si incontrassero difficoltà nell'utilizzazione degli stabilimenti, delle attrezzature, del personale o della scorte a norma dell'art. 2, ovvero nell'esecuzione degli ordini previsti nella lett. b) dell'art. No. 3, l'ente ha facoltà di chiedere al Ministero dell'Industria, del Commercio e del Lavoro la requisizione in uso degli stabilimenti delle aziende petrolifere.

Art. 8.

L'ente è amministrato da un Comitato Direttivo composto di cinque membri nominati dal Ministro per l'Industria, Commercio e Lavoro, previ accordi con la Commissione Alleata di Controllo⁶³ od il suo successore.

Il Comitato Direttivo elegge fra i suoi membri il Presidente ed il Vice Presidente.

Art. 9.

Al Comitato Direttivo spettano tutti i poteri per il funzionamento dell'ente, con facoltà di delegare alcune delle proprie mansioni ad uno o più dei suoi membri od anche a propri funzionari direttivi.

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3.

La rappresentanza legale dell'Ente è conferita congiuntamente a due membri del Comitato Direttivo specificamente designati dallo stesso Comitato.

Art. 10.

I proventi della gestione, degli oneri dell'esercizio e le spese generali e di amministrazione sono registrati nel conto spese e proventi.

Il bilancio di ciascuno esercizio, che si chiude al 31 dicembre, deve essere depositato presso il Ministero dell'Industria, Commercio e Lavoro e presso la Commissione Alleata di Controllo entro il 31 marzo dell'anno successivo.

Gli eventuali saldi attivi del conto spese e proventi di ciascun esercizio saranno destinati dall'Ente al perfezionamento della sua gestione fatta nel pubblico interesse.

Art. 11.

Tutti gli atti e contratti dell'Ente godono della esenzione dalle imposte di bollo e di registro e dell'imposta sull'entrata.

Art. 12.

La durata dell'Ente è fissata al compimento di due anni dalla liberazione di tutto il territorio dell'Italia dall'occupazione nemica. Tuttavia, dietro motivata richiesta del Comitato Direttivo, ^{che} potrà essere solto in qualunque momento entro questo termine con decreto del Ministero dell'Industria, Commercio e Lavoro, previ accordi con la Commissione Alleata di Controllo od il suo successore.

Con lo stesso decreto sarà disposta la messa in liquida-

di controllo entro il 31 marzo 1944.

Gli eventuali saldi attivi del conto spese e proventi di ciascun esercizio saranno destinati dall'ente al perfezionamento della sua gestione fatta nel pubblico interesse.

Art. 11.

Tutti gli atti e contratti dell'ente godono della esenzione dalle imposte di bollo e di registro e dell'imposta sull'entrata.

Art. 12.

La durata dell'ente è fissata al compimento di due anni dalla liberazione di tutto il territorio dell'Italia dall'occupazione nemica. Tuttavia, dietro motivata richiesta del Comitato Direttivo, ^{che} potrà essere accolto in qualunque momento entro questo termine con decreto del Ministero dell'Industria, Commercio e Lavoro, previ accordi con la Commissione Alleata di Controllo od il suo successore.

Con lo stesso decreto sarà disposta la messa in liquidazione dell'ente. Le disposizioni relative alla devoluzione del suo patrimonio saranno stabilite d'intesa con la suddetta Commissione od il suo successore.

62

19 Sett. 1944.

TRANSLATION.

Draft of Legislative measure for the constitution and the functioning of the Entity for the Management of Petroleum Products in liberated Italy.

Having seen Article 3 of the law no. 129 of Jan. 19, 1939.

Considering that a state of necessity exists because of the war.

Having heard the Council of Ministers.

On the proposal of the Minister for Industry, Commerce and Labor, in agreement with the Minister of Finance.

We have decreed and do decree:

Art. 1.

There is constituted, in agreement with the Allied Control Commission, the Comitato Italiano Petroli (CIP) - Entity for the Management of petroleum activities in liberated Italy, having the legal status of an enterprise of public interest and with head offices at Rome.

Art. 2.

CIP shall be responsible for:

- the exclusive coordination of all phases of the supply, processing and distribution of petroleum products and substitute carburants of all types for military and civil use, either directly or utilizing the plants, equipment, personnel and stocks of the petroleum companies.

- serving the Allied Authorities in whatever manner the coordination of

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We have decreed and do decree:

Art. 1.

There is constituted, in agreement with the Allied Control Commission, the Comitato Italiano Petroli (CIP) - Entity for the management of petroleum activities in liberated Italy, having the legal status of an enterprise of public interest and with head offices at Rome.

Art. 2.

CIP shall be responsible for:

- the exclusive coordination of all phases of the supply, processing and distribution of petroleum products and substitute carbureants of all types for military and civil use, either directly or utilizing the plants, equipment, personnel and stocks of the petroleum companies.
- serving the Allied Authorities in whatever manner may be required by them, through the coordination of the operation of the plants, equipment, personnel and the resources of the Italian petroleum industry.

61

Art. 3.

In order to carry out the supply and distribution mentioned in the preceding article, will be for the Entity:

- a) to receive from the Allied Authorities and to account to them for all the quantities of petroleum products released to it for civil consumption and, always with exclusivity, to arrange the importation and distribution of the aforementioned products, and all other means of gathering together petroleum products or substitute carbureants.
- b) to the extent that it may be found opportune by the Entity, to order petroleum products to be processed at

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refineries or other industrial establishments having the necessary equipment for such work, it being obligatory upon such firms to carry out the work within the time limits and in accordance with the conditions that will be fixed.

Art. 4.

The Entity shall have the exclusive right to negotiate, conclude and carry out all transactions pertaining to petroleum products vis-a-vis the Italian Government, the Allies and third parties.

Art. 5.

The Entity can request the temporary passage under its control of any personnel of the petroleum companies. Such personnel will continue to belong to those companies and will retain vis-a-vis them the legal status, the economic treatment and all other guarantees assured by the collective, company or individual contracts in force.

Art. 6.

The use made by the Allied Authorities of petroleum installations through the intermediary of the Entity and the services rendered them by it as referred to in Article 2 shall be the subject of a contract between the Entity and the Italian Gov. t which contract will stipulate the compensation due the Entity for each type of operation, and the conditions of payment.

Art. 7.

Should difficulties be made by any firms regarding the use of their plants, equipment, personnel or stocks as provided in Art. 2, or the execution of the orders foreseen in Section b) of Article 3, the Entity shall have the right to request the

control of any personnel of the petroleum companies and will personnel will continue to belong to those companies and will retain vis-a-vis them the legal status, the economic treatment and all other guarantees assured by the collective, company or individual contracts in force.

Art. 6.

The use made by the Allied Authorities of petroleum installations through the intermediary of the Entity and the services rendered them by it as referred to in Article 2 shall be the subject of a contract between the Entity and the Italian Gov.t which contract will stipulate the compensation due the Entity for each type of operation, and the conditions of payment.

Art. 7.

Should difficulties be made by any firms regarding the use of their plants, equipment, personnel or stocks as provided in Art. 2, or the execution of the orders foreseen in Section b) of Article 3, the Entity shall have the right to request the Ministry of Industry, Commerce and Labor to requisition the plants of the firms in question for use by the Entity.

60

Art. 8.

The Entity shall be administered by a Managing Committee composed of 5 members nominated by the Ministry for Industry, Commerce and Labor after agreement with the Allied Control Commission or its successor.

The Managing Committee shall elect a President and a Vice President from its own members.

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Art. 9.

The Managing Committee shall have the fullest powers for the running of the Entity, with the faculty of delegating any of its proper functions to one or more of its members or also to its own managerial employees.

The legal representation of the Entity shall be delegated conjointly to two members of the Managing Committee specifically designated by that Committee.

Art. 10.

The operating income, the operating expenses, the general and administrative expenses shall be recorded in an expenses and income account.

The balance sheet for each period, closing Dec. 31, must be deposited with the Ministry of Industry, Commerce and Labor and with the Allied Control Commission by the 31st day of March of the following year.

Any eventual plus balance of the expenses and income account for each yearly accounting period shall be destined by the Entity to the improvement of its management, carried out in the public interest.

Art. 11.

All acts and contracts of the Entity are exempt from stamp tax and the turnover tax.

Art. 12.

The Entity shall cease to exist 2 years after the liberation of all Italian territory from enemy occupation. However upon reasonable request of the Managing Committee, it can be

and income account.

The balance sheet for each period, closing Dec. 31, must be deposited with the Ministry of Industry, Commerce and Labor and with the Allied Control Commission by the 31st day of March of the following year.

Any eventual plus balance of the expenses and income account for each yearly accounting period shall be destined by the Entity to the improvement of its management, carried out in the public interest.

Art. 11.

All acts and contracts of the Entity are exempt from stamp tax and the turnover tax.

Art. 12.

The Entity shall cease to exist 2 years after the liberation of all Italian territory from enemy occupation. However upon reasonable request of the Managing Committee, it can be dissolved at any moment within that period by decree of the Ministry of Industry, Commerce and Labor, after agreement with the Allied Control Commission or its successor.

The same decree will provide for the liquidation of the Entity. The arrangements for the disposal of its assets will be decided in agreement with the aforesaid Commission or its successor.

Cap. 20, 1944.

Ch.D.

(258)

I stopped reading this
seriously when I see it is
a draft prepared by the
PetSec & not the Galt.

Can't they state quite
briefly what they want
CIP to do & let the
Galt produce a draft.

Galt 58

HEADQUARTERS

21 SEP 1944

A. C. C.

4014/9

Legal 8958

AFHQ PETROLEUM SECTION

HOME ALLIED AREA COMMAND

Tel:-- ROME 478896

PRT 30/1/1

20 Sep 44

SUBJECT: Italian Government
decree for constitution
of CIP.

A.C.C. Commerce Sub-Commission.

Copy to A.C.C. Legal Sub-Commission.

1. Discussions with the previous Italian Gov.t of the draft decree giving CIP legal status were interrupted in May and have since remained in suspense because of the change in the Gov.t and the transfer to Rome.
2. In the opinion of the Petroleum Advisers it is preferable that discussions with the present Gov.t should start from an entirely fresh draft because numerous modifications have been found necessary in the meantime to take account of new problems affecting the organization of civilian distribution of POL, due to the great extension of liberated territory and the much greater number of firms and interests involved.
3. The Petroleum Advisers have accordingly put together "informally" a fresh draft which appears to take care of the main points it is necessary to cover both from the point of view of CIP operations and the safeguarding of Allied interests (see particularly Articles 2, 6, 12). Attached are copies of the Italian text and an English translation.
4. May the Italian text please be referred to A.C.C. Legal Sub Commission for approval from that point of view and particularly of course, as regards its wording for purposes of Italian law.
5. The Petroleum Advisers will be glad to supply any clarifications that may be desired.



H. B. FYLES
Colonel
Petroleum Section

Encl.

TRANSLATION.

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Draft of legislative measure for the constitution and the functioning of the Entity for the Management of Petroleum Products in liberated Italy.

Having seen Article 3 of the law no. 129 of Jan. 19, 1939.

Considering that a state of necessity exists because of the war.

Having heard the Council of Ministers.

On the proposal of the Minister for Industry, Commerce and Labor, in agreement with the Minister of Finance.

We have decreed and do decree:

Art. 1.

There is constituted, in agreement with the Allied Control Commission, the Comitato Italiano Petroli (CIP) - Entity for the Management of petroleum activities in liberated Italy, having the legal status of an enterprise of public interest and with head offices at Rome.

Art. 2.

CIP shall be responsible for:

- the exclusive coordination of all phases of the supply, processing and distribution of petroleum products and substitute carburants of all types for military and civil use, either directly or utilizing the plants, equipment, personnel and stocks of the petroleum companies.

under the Allied Authorities in whatever

Commerce and Labor, in agreement with the Ministry of

We have decreed and do decree:

Art. 1.

There is constituted, in agreement with the
7, Allied Control Commission, the Comitato Italiano Petroli (CIP)
- Entity for the management of petroleum activities in liberat-
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interest and with head offices at Rome.

Art. 2.

CIP shall be responsible for:

- the exclusive coordination of all phases of the supply, processing and distribution of petroleum products and substitute carbureants of all types for military and civil use, either directly or utilizing the plants, equipment, personnel and stocks of the petroleum companies. 56
- serving the Allied Authorities in whatever manner may be required by them, through the coordination of the operation of the plants, equipment, personnel and the resources of the Italian petroleum industry.

Art. 3.

In order to carry out the supply and distribution mentioned in the preceding article, will be for the Entity:

- a) to receive from the Allied Authorities and to account to them for all the quantities of petroleum products released to it for civil consumption and, always with exclusivity, to arrange the importation and distribution of the aforesaid products, and all other means of gathering together petroleum products or substitute carbureants.
- b) to the extent that it may be found opportune by the Entity, to order petroleum products to be processed at

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refineries or other industrial establishments having the necessary equipment for such work, it being obligatory upon such firms to carry out the work within the time limits and in accordance with the conditions that will be fixed.

Art. 4.

The Entity shall have the exclusive right to negotiate, conclude and carry out all transactions pertaining to petroleum products vis-a-vis the Italian Government, the Allies and third parties.

Art. 5.

The Entity can request the temporary passage under its control of any personnel of the petroleum companies. Such personnel will continue to belong to these companies and will retain vis-a-vis them the legal status, the economic treatment and all other guarantees assured by the collective, company or individual contracts in force.

Art. 6.

The use made by the Allied Authorities of petroleum installations through the intermediary of the Entity and the services rendered them by it as referred to in Article 2 shall be the subject of a contract between the Entity and the Italian Gov.t which contract will stipulate the compensation due the Entity for each type of operation, and the conditions of payment.

Art. 7.

Should difficulties be made by any firms regarding the use of their plants, equipment, personnel or stocks as provided in Art. 2, or the execution of the orders foreseen in Section b) of Article 3, the Entity shall have the right to request the

control of any personnel of the petroleum companies. Such personnel will continue to belong to these companies and will retain vis-a-vis them the legal status, the economic treatment and all other guarantees assumed by the collective, company or individual contracts in force.

Art. 6.

The use made by the Allied authorities of petroleum installations through the intermediary of the Entity and the services rendered them by it as referred to in Article 2 shall be the subject of a contract between the Entity and the Italian Gov.t which contract will stipulate the compensation due the Entity for each type of operation, and the conditions of payment.

Art. 7.

Should difficulties be made by any firms regarding the use of their plants, equipment, personnel or stocks as provided in Art. 2, or the expropriation of the orders foreseen in Section b) of Article 3, the Entity shall have the right to request the Ministry of Industry, Commerce and Labor to requisition the plants of the firms in question for use by the Entity. 5)

Art. 8.

The Entity shall be administered by a Managing Committee composed of 5 members nominated by the Ministry for Industry, Commerce and Labor after agreement with the Allied Control Commission or its successor.

The Managing Committee shall elect a President and a Vice President from its own members.

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Art. 9.

The Managing Committee shall have the fullest powers for the running of the Entity, with the faculty of delegating any of its proper functions to one or more of its members or also to its own managerial employees.

The legal representation of the Entity shall be delegated conjointly to two members of the Managing Committee specifically designated by that Committee.

Art. 10.

The operating income, the operating expenses, the general and administrative expenses shall be recorded in an expenses and income account.

The balance sheet for each period, closing Dec. 31, must be deposited with the Ministry of Industry, Commerce and Labor and with the Allied Control Commission by the 31st day of March of the following year.

Any eventual plus balance of the expenses and income account for each yearly accounting period shall be destined by the Entity to the improvement of its management, carried out in the public interest.

Art. 11.

All acts and contracts of the Entity are exempt from stamp tax and the turnover tax.

Art. 12.

The Entity shall cease to exist 5 years after the liberation of all Italian territory from enemy occupation. However, upon reasonable request of the Managing Committee, it can be

and administrative expenses shall be recorded in an expenses and income account.

The balance sheet for each period, closing Dec. 31, must be deposited with the Ministry of Industry, Commerce and Labor and with the Allied Control Commission by the 31st day of March of the following year.

Any eventual plus balance of the expenses and income account for each yearly accounting period shall be destined by the Entity to the improvement of its management, carried out in the public interest.

Art. 11.

All acts and contracts of the Entity are exempt from stamp tax and the turnover tax.

Art. 12.

The Entity shall cease to exist 2 years after the liberation of all Italian territory from enemy occupation. However, upon reasonable request of the Managing Committee, it can be dissolved at any moment within that period by decree of the Ministry of Industry, Commerce and Labor, after agreement with the Allied Control Commission or its successor.

The same decree will provide for the liquidation of the Entity. The arrangements for the disposal of its assets will be decided in agreement with the aforesaid Commission or its successor.

Sup. 20, 1944.

SCHEMA di Provvedimento Legislativo per la Costituzione ed il Funzionamento dell'Ente di Gestione per l'Attività Petroli-fera nell'Italia Liberata.

Visto l'Art. 18 della Legge 19 Gennaio 1939, n. 129,

Ritenuto che si verca in istato di necessità per causa di guerra,

Sentito il Consiglio dei Ministri,

Sulla proposta del Ministro per l'Industria, il Commercio ed il Lavoro, di concerto con quello delle Finanze,

Abbiamo decretato e decretiamo:

Art. 1.

E' costituito, d'intesa con la Commissione Alleanza di Controllo, il Comitato Italiano Petroli (CIP) - Ente di gestione dell'attività petrolifera nell'Italia Liberata, avente personalità giuridica di diritto pubblico, e con sede a Roma.

Art. 2.

I compiti del CIP sono:

- di coordinare in via esclusiva tutte le fasi dell'approvvigionamento, lavorazione e distribuzione per usi militari e civili di prodotti petroliferi e succedanei di ogni tipo, o direttamente o utilizzando i stabilimenti, le attrezzature, il personale e le scorte delle Aziende petrolifere.
- di servire le Autorità Alleate in tutte le maniere che ad esse possono essere utili, mediante il coordinamento dell'esercizio degli stabilimenti, delle attrezzature, del personale e delle risorse dell'industria petrolifera italiana.

Art. 1.

E' costituito, d'intesa con la Commissione Alleata di controllo, il Comitato Italiano Petroli (CIP) - Ente di gestione dell'attività petrolifera nell'Italia liberata, avente personalità giuridica di diritto pubblico, e con sede a Roma.

Art. 2.

I compiti del CIP sono:

- di coordinare in via esclusiva tutte le fasi dell'approvvigionamento, lavorazione e distribuzione per uso militari e civili di prodotti petroliferi e succedanei di ogni tipo, o direttamente o utilizzando i stabilimenti, le attrezzature, il personale e le scorte dello Aziondo petrolifero.
- di servire le Autorità Alleate in tutto le maniere che ad esse possono essere utili, mediante il coordinamento dell'esercizio degli stabilimenti, delle attrezzature, del personale e delle risorse dell'industria petrolifera italiana.

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Art. 3.

Al fine di attuare l'approvvigionamento e la distribuzione di cui all'Art. precedente, spetta all'Ente:

- a) Di ricevere dalle Autorità Alleate e di rendere conto alle medesime di tutte le quantità di prodotti petroliferi rilasciategli per uso civile e di provvedere, sempre con esclusiva, alla importazione e distribuzione dei suddetti prodotti, e a tutte le altre eventuali forme di raccolta dei prodotti petroliferi o succedanei.
- b) In quanto sia determinato conveniente dall'Ente, di ordinare lavorazione di materie petrolifere presso raffinerie o altre aziende industriali aventi attrezzature idonee per

.../2...

2.

tale lavoro, le quali hanno l'obbligo di seguirlo nei termini e con le modalità che verranno prescritte.

Art. 4.

All'ente è riservata in via esclusiva, la trattazione, conclusione ed esecuzione di qualsiasi affare concernente l'attività petrolifera nei confronti del Governo Italiano, degli alleati e dei terzi.

Art. 5.

L'ente può richiedere il temporaneo passaggio alla sua disposizione di qualunque personale delle Aziende petrolifere. Tale personale continuerà a dipendere dalle Aziende di provenienza, nei confronti delle quali conserverà lo stato giuridico, il trattamento economico e tutte le altre garanzie assicurate dal rispettivi regolamenti collettivi, aziendali o individuali.

Art. 6.

L'uso fatto dalle autorità alleate di impianti petroliferi attraverso l'ente ed i servizi reati da quest'ultimo alle medesime, a norma dell'art. no. 2, faranno oggetto di un contratto fra l'ente ed il Governo Italiano nel quale saranno stabiliti i compensi dovuti all'ente per ogni tipo di operazione e le modalità di pagamento.

Art. 7.

Qualora per fatto delle Aziende si incontrassero difficoltà nell'utilizzazione degli stabilimenti, delle attrezzature, del personale o delle scorte a norma dell'art. 2, ovvero nell'esecuzione degli ordini previsti nella lett. b) dell'art. no. 3, l'ente ha facoltà di chiedere al Ministero dell'Industria, del Commercio e del Lavoro la requisizione in uso degli stabilimenti delle aziende petrolifere.

Art. 8.

L'ente è amministrato da un Comitato direttivo composto di

Art. 6.

L'uso fatto dalla Autorità Alleata di impianti petroliferi attraverso l'ente ed i servizi suoi da quest'ultimo alle medesime, e norma dell'art. no. 2, faranno oggetto di un contratto fra l'ente ed il Governo Italiano nel quale saranno stabilite i compensi dovuti all'ente per ogni tipo di operazione e le modalità di pagamento.

Art. 7.

Qualora per fatto delle Aziende si incontrassero difficoltà nell'utilizzazione degli stabilimenti, delle attrezzature, del personale o delle scorte a norma dell'art. 2, ovvero nell'esecuzione degli ordini previsti nella lett. b) dell'art. No. 3, l'ente ha facoltà di chiedere al Ministero dell'Industria, del Commercio e del Lavoro la requisizione in uso degli stabilimenti delle aziende petrolifere.

Art. 8.

L'ente è amministrato da un Comitato Direttivo composto di cinque membri nominati dal Ministro per l'Industria, Commercio e Lavoro, previ accordi con la Commissione Alleata di Controllo ed il suo successore.

Il Comitato Direttivo elegge fra i suoi membri il Presidente ed il Vice Presidente.

Art. 9.

Al Comitato Direttivo spettano tutti i poteri per il funzionamento dell'ente, con facoltà di delegare alcune delle proprie mansioni ad uno o più dei suoi membri od anche a propri funzionari direttivi.

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3.

La rappresentanza legale dell'ente è conferita congiuntamente a due membri del Comitato Direttivo specificamente designati dallo stesso Comitato.

Art. 10.

I proventi della gestione, degli oneri dell'esercizio e le spese generali e di amministrazione sono registrati nel conto spese e proventi.

Il bilancio di ciascuno esercizio, che si chiude al 31 dicembre, deve essere depositato presso il Ministero dell'Industria, Commercio e Lavoro e presso la Commissione Allentata di Controllo entro il 31 marzo dell'anno successivo.

Gli eventuali ricavi attivi del conto spese e proventi di ciascun esercizio saranno destinati dall'ente al perfezionamento della sua gestione fatta nel pubblico interesse.

Art. 11.

Tutti gli enti e contratti dell'ente godono della esenzione dalle imposte di bollo e di registro e dall'imposta sull'entrata.

Art. 12.

La durata dell'ente è fissata al compimento di due anni dalla liberazione di tutto il territorio dell'Italia dall'occupazione nemica. Tuttavia, dietro motivata richiesta del Comitato Direttivo, potrà essere sciolto in qualunque momento entro questo termine con decreto del Ministero dell'Industria, Commercio e Lavoro, previ accordi con la Commissione Allentata di Controllo ed il suo successore.

Con lo stesso decreto sarà disposta la spesa in liquida-

Gli eventuali soldi attivi del conto spese e proventi di ciascun esercizio saranno destinati dall'ente al perfezionamento della sua gestione fatta nel pubblico interesse.

Art. 11.

Tutti gli atti e contratti dell'ente godono della esenzione dalle imposte di bollo e di registro e dall'imposta sull'entrata.

Art. 12.

La durata dell'ente è fissata al compimento di due anni dalla liberazione di tutto il territorio dell'Italia dall'occupazione nemica. Tuttavia, dietro motivata richiesta del Comitato Direttivo, potrà essere sollecito in qualunque momento, entro questo termine con decreto del Ministero dell'Industria, Commercio e Lavoro, provvi accordi con la Commissione Alleata di Controllo od il suo successore.

Con lo stesso decreto sarà disposta la messa in liquidazione dell'ente. Le disposizioni relative alla devoluzione del suo patrimonio saranno stabilite d'intesa con la suddetta Commissione od il suo successore.

51

29 sett. 1944.

AIDE - MEMOIRE

Sep. 22, 1944

1. AGIP Commissario.

The Allies requested the appointment of the Managing Committee of CIP as Commissario of AGIP in July. This is in accordance with their rights under the Armistice.

CIP operations are an essential part of the Allied petroleum supply program. AGIP is not only the biggest single factor in CIP but actually comprises more Allied interests than Italian.

It is therefore entirely appropriate that the CIP Managing Committee, itself appointed by the Allies and on which are three former executives of the Allied interests in question, should be the Commissario of AGIP.

The Allies made a point of naming also two representatives of Italian interests to the Managing Committee of CIP and these are considered to be the best two petroleum operating executives available for that job who are at the same time politically acceptable.

It is understood however that the Italian Government feels it should be represented in the AGIP Commissario.

If the Italian Government desires to nominate a direct representative of the Government (civil servant) to replace one of the above two for the purposes of the Commissario of AGIP, this can be agreed.

This will not of course affect the composition of the CIP Managing Committee as such.

It is therefore entirely appropriate that the CIP Managing Committee, itself appointed by the Allies and on which are three former executives of the Allied interests in question, should be the Commissario of AGIP.

The Allies made a point of naming also two representatives of Italian interests to the Managing Committee of CIP and these are considered to be the best two petroleum operating executives available for that job who are at the same time politically acceptable.

It is understood however that the Italian Government feels it should be represented in the AGIP Commissario.

If the Italian Government desires to nominate a direct representative of the Government (civil servant) to replace one of the above two for the purposes of the Commissario of AGIP, this can be agreed.

This will not of course affect the composition of the CIP Managing Committee as such.

2. CIP: Constitution and Managing Committee.

As already pointed out, CIP operations are an essential part of the Allied petroleum supply program. The Allies sponsored its formation at Naples in Nov. 1943 and have appointed the Managing Committee they considered the most representative and best qualified by practical experience to carry out the responsibilities placed upon it.

The formal constitution of CIP under Italian law was already in discussion with the preceding Government at Salerno and the Allies are ready to resume these discussions as soon as the present Government is ready to.

2.

3. ANIC Commissario.

There can be no ANIC activity which is not directly connected with the Allied petroleum supply program. Control is an Allied right under the Armistice.

The Bari and Leghorn plants are being used for military purposes as ocean installations. Should crude be made available for refining at Bari to reduce the importation of finished products, this would also be part of the Allied program.

CIP is responsible for the coordination of all such activities.

Since a Commissario is to be appointed for ANIC, the Allies have requested the appointment of the Managing Committee of CIP. An executive of ANIC already sits on that Committee.

Whatever assurances may be given to the contrary, it is the opinion of the Petroleum Advisers, based on observations up to the present, that this is the most effective, and perhaps the only way of ensuring the complete collaboration of ANIC with CIP.

1 9 8 0

CIP is responsible for the coordination of all such activities.

Since a Commissario is to be appointed for ANIC, the Allies have requested the appointment of the Managing Committee of CIP. An executive of ANIC already sits on that Committee.

Whatever assurances may be given to the contrary, it is the opinion of the Petroleum Advisers, based on observations up to the present, that this is the most effective, and perhaps the only way of ensuring the complete collaboration of ANIC with CIP.

49

Phone 478896



File APP-CIP 11 30
(23A)

Col Walker:

Col Evans still away - expected back tonight
Col Todd also away - expected back Friday

Holland & I have been over the proposal
with Major Seaton and subsequently
with Mr. Langham and Major Mydans
of Industry, etc. (Seaton present)

The position is now clear to all of them.
Major Mydans wrote the letter - a proposal
in the time - agreed by Col Todd but
not discussed with him.

Major Mydans had no idea of all the
was involved.

Monoteer Hovochi is coming to Jackson
SP for discussion this afternoon. Major
Mydans wants to tell him that
the position is now clear to all of them.

of including the. (discovery of the)
 The problem is now clear to all of them.
 Mydan wants the letter - a proposal
 in the form of a signed by Col Ford but
 not discussed with him.

Mydan Mydan has no idea of all that
 was involved.

Minister Gromchi is coming to Washington
 this afternoon. Mydan

Spe for discussion to 18 him then 48

Mydan wants to 18 him then 48

After we will then 48

what had already been agreed and

ask for it in turn. So you have any

dejection, do you think it might involve

a discussion that would be untimely in

as we are to have

of the discussion we are to have

see for it? Will you please not have

nothing but

Mydan

Conto corrente con la Posta

Anno 84° — Numero 204

GAZZETTA



UFFICIALE

PARTE PRIMA
DEL REGNO

D'ITALIA

SI PUBBLICA TUTTI I GIORNI
MENO I FESTIVI

Roma - Giovedì, 2 settembre 1943

DIREZIONE E REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI -- TELEFONI: 54-107 - 50-633 - 53-911

CONDIZIONI DI ABBONAMENTO

ALLA PARTE PRIMA E SUPPLEMENTI ORDINARI		ALLA PARTE SECONDA	
Nel Regno	Abb. annuo L. 100 semestrale " 50 trimestrale " 25 (Un fascicolo " 2)	Nel Regno (Abb. annuo L. 60 semestrale " 30 trimestrale " 15 (Un fascicolo " 2)	Abb. annuo L. 120 semestrale " 60 trimestrale " 30 (Un fascicolo " 4)
Al solo « BOLLETTINO DELLE ESTRAZIONI » (sorteggio titoli, obbligazioni, cartelle)		Abb. annuo L. 100 - (Un fascicolo " 2)	
Nel Regno e Colonia		Abb. annuo L. 100 - (Un fascicolo " 2)	

Per gli annunci da inserire nella « Gazzetta Ufficiale », veggansi le norme riportate nella testata della parte seconda

La « Gazzetta Ufficiale » e tutte le altre pubblicazioni ufficiali sono in vendita al pubblico presso i negozi della Libreria dello Stato in Roma, Via XX Settembre, nel palazzo del Ministero delle Finanze; Corso Umberto, 234 (angolo Via Marco Minghetti, 23-24); in Milano, Galleria Vittorio Emanuele, 8; in Napoli, Via Chiaia, 5; e presso le Librerie depositarie di Roma e di tutti i Capoluoghi delle provincie del Regno.
Le inserzioni nella Parte II della « Gazzetta Ufficiale » si ricevono: in ROMA - presso l'Ufficio « Inserzioni », della Libreria dello Stato - Palazzo del Ministero delle Finanze, L'Agenzia della Libreria dello Stato in Milano (Galleria Vittorio Emanuele, 3), è autorizzata ad accettare solamente gli avvisi consegnati a mano ed accompagnati dal relativo importo.

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VITTORIO EMANUELE III
PER GRAZIA DI DIO E PER VOLONTÀ DELLA NAZIONE
RE D'ITALIA E DI ALBANIA
IMPERATORE D'ETIOPIA

Visto l'art. 18 della legge 19 gennaio 1939, n. 129;
Ritenuto lo stato di necessità derivante da causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, Primo Ministro Segretario di Stato;
Abbiamo decretato e decretiamo:
Art. 1.

L'autorità governativa, nell'esercizio della vigilanza sugli Enti pubblici, può sciogliere, in deroga alle leggi e norme di legge, di regolamento o dell'ordinamento

La « Gazzetta Ufficiale » e tutte le altre pubblicazioni ufficiali sono in vendita al pubblico presso i negozi della tipografia di Stato in Roma, Via XX Settembre, nel palazzo del Ministero delle Finanze; Corso Umberto 192/193, e nelle provincie del Regno.

Le inserzioni nella Parte II della «Gazzetta Ufficiale» si ricevono: in ROMA presso il Ministero delle Finanze, Palazzo del Ministero delle Finanze, l'Amministrazione è autorizzata ad accettare ad ogni condizione le offerte di deposito di denaro, titoli, gioielli, orologi, in Napoli, Via Chiaia, 5; e presso le Librerie depositarie di Roma e di tutti i Capoluoghi delle provincie del Regno.

è autorizzata ad accettare solamente gli avvisi consegnati a mano ed accompagnati dal relativo importo.

LEGGI E DECRETI

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VITTORIO EMANUELE III
PER GRAZIA DI DIO E PER VOLONTÀ DELLA NAZIONE
RE D'ITALIA E DI ALBANIA
IMPERATORE D'ETIOPIA

Visto l'art. 18 della legge 19 gennaio 1930, n. 129;
Ritenuto lo stato di necessità derivante da causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, Primo Ministro
Segretario di Stato;
Abbiamo decretato e decretiamo:

Art. I.

L'autorità governativa, nell'esercizio della vigilanza sugli Enti pubblici, può scegliere, in deroga alle leggi interne, di legge, di regolamento o dell'ordinamento interno, gli organi deliberativi degli Enti stessi e procedere alla nomina di commissari straordinari.

Art. 2.

Il provvedimento previsto nel precedente articolo è adottato dalla autorità competente a procedere alla nomina del presidente dell'Ente.

Art. 3.

Il presente decreto ha applicazione fino a sei mesi po la cessazione dello stato di guerra.

Art. 4.

Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella *Gazzetta Ufficiale* del Regno e sarà presentato alle Assemblee legislative per la conversione in legge.

Il Capo del Governo, Primo Ministro Segretario di Stato, è autorizzato alla presentazione del relativo disegno di legge.

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserito nella Raccolta ufficiale delle leggi e dei decreti del Regno d'Italia, mandando a chiunque spetti di osservarlo e di farlo osservare.

Dato a Roma, addì 21 agosto 1943

VITTORIO EMANUELE

BADOGLIO

Visto, *il Guardasigilli*: AZZARITI
Registrato alla Corte dei conti, addì 10 settembre 1943.
Atti del Governo, registro del. foglio 1. — MANCINI

DECRETO MINISTERIALE 20 agosto 1943.

Assegnazione del comune di Como alla classe D agli effetti dell'applicazione delle imposte di consumo e delle tasse.

IL MINISTRO PER LE FINANZE

Vista la legge 22 giugno 1943, n. 664, con la quale i comuni di Albate, Breccia, Brunate, Cannago Volta e Caviglio sono stati aggregati al comune di Como;

Visto l'art. 11 del testo unico per la finanza locale approvato col R. decreto 14 settembre 1931, n. 1175, che, agli effetti dell'applicazione delle imposte di consumo e delle tasse, ripartisce i Comuni in nove classi, in base alla popolazione legale risultante dall'ultimo censimento ufficiale del Regno;

Visto l'art. 2 del regolamento per la riscossione delle imposte di consumo approvato col R. decreto 30 aprile 1936, n. 1138;

Ritenuto che secondo i dati ufficiali dell'ultimo censimento del 21 aprile 1936, approvato col R. decreto 25 marzo 1937, n. 462, i suaccennati Comuni avevano una popolazione residente legale così distinta:

Como, abitanti 53.210;
Albate, abitanti 3.714;
Breccia, abitanti 1.299;
Brunate, abitanti 845;
Cannago Volta, abitanti 611;
Caviglio, abitanti 490;

per il che il nuovo comune di Como, risultando di una complessiva popolazione legale di 60.168 abitanti, deve essere conseguentemente assegnato alla classe D;

DECRETO MINISTERIALE 25 agosto 1943.

Trasferimento dell'azienda « Ufficio Marconi » alla Compagnia Italiana Marconi, con sede in Genova.

IL MINISTRO PER L'INDUSTRIA

IL COMMERCIO E IL LAVORO

DI CONCERTO CON

IL MINISTRO PER LE FINANZE

Vista la domanda presentata in data 14 febbraio 1942 dalla Società San Giorgio, società industriale per azioni, con sede in Genova, intesa ad ottenere il trasferimento dell'Ufficio Marconi di Roma, e del pacchetto azionario di maggioranza della Società Radio Marittima, con sede in Roma, in favore della Compagnia Italiana Marconi, con sede in Genova;

Ritenuto che nei riguardi dell'Ufficio Marconi possa essere disposto il trasferimento ai sensi dell'art. 18 della legge 17 luglio 1942, n. 1100, ricorrendo agli estremi richiesti;

Ritenuto che nei riguardi della cessione del pacchetto di maggioranza delle azioni della Società Italiana Radio Marittima sarà provveduto ai sensi degli articoli 12 e seguenti della citata legge;

Sentito il sequestrario dell'azienda da trasferire; Visto che la Compagnia Italiana Marconi ha provveduto a dare esecuzione alle disposizioni impartite per il versamento della somma a garanzia del pagamento del prezzo;

Vista la lettera del 18 corr. con la quale la Compagnia Italiana Marconi ha dichiarato di accettare le condizioni e le modalità stabilite per il trasferimento della citata azienda;

Vista la legge 17 luglio 1942, n. 1100;

Decreta:

Art. 1.

L'Ufficio Marconi, con sede in Roma, è trasferito alla Compagnia Italiana Marconi al giusto prezzo da determinarsi dal Collegio degli esperti ai sensi dell'art. 20 della legge 17 luglio 1942, n. 1100.

Art. 2.

Il sequestrario dell'Ufficio Marconi resta in carica per effettuare le consegne ai normali organi amministrativi della Compagnia Italiana Marconi e per gli ulteriori adempimenti.

Il presente decreto sarà pubblicato nella *Gazzetta*

Dato a Roma, addì 21 agosto 1943

VITTORIO EMANUELE

BADOGLIO

Visto, *il Guardasigilli*: AZZARITI
Registrato alla Corte dei conti, addì 1° settembre 1943.
Atti del Governo, registro del foglio 1. — MANCINI

DECRETO MINISTERIALE 20 agosto 1943.

Assegnazione del comune di Como alla classe D agli effetti dell'applicazione delle imposte di consumo e delle tasse.

IL MINISTRO PER LE FINANZE

Vista la legge 22 giugno 1943, n. 664, con la quale i comuni di Albate, Breccia, Brunate, Cannago Volta e Clivio sono stati aggregati al comune di Como;

Visto l'art. 11 del testo unico per la finanza locale approvato col R. decreto 14 settembre 1931, n. 1175, che, agli effetti dell'applicazione delle imposte di consumo e delle tasse, ripartisce i Comuni in nove classi, in base alla popolazione legale risultante dall'ultimo censimento ufficiale del Regno;

Visto l'art. 2 del regolamento per la riscossione delle imposte di consumo approvato col R. decreto 30 aprile 1936, n. 1138;

Ritenuto che secondo i dati ufficiali dell'ultimo censimento del 21 aprile 1936, approvato col R. decreto 25 marzo 1937, n. 462, i suaccennati Comuni avevano una popolazione residente legale così distinta:

Como, abitanti 53.210;
Albate, abitanti 3.511;
Breccia, abitanti 1.299;
Brunate, abitanti 845;
Cannago Volta, abitanti 611;
Clivio, abitanti 490;

per il che il nuovo comune di Como, risultando di una complessiva popolazione legale di 60.166 abitanti, deve essere conseguentemente assegnato alla classe D;

Decreta:

Il comune di Como è assegnato alla classe D agli effetti dell'applicazione delle imposte e delle tasse di cui al testo unico per la finanza locale summenzionato.

Il Prefetto della provincia di Como è incaricato della esecuzione del presente decreto, che sarà pubblicato nella *Gazzetta Ufficiale* del Regno.

Roma, addì 20 agosto 1943

Il Ministro: BARTOLINI

(2788)

strumento dell'Ufficio Marconi di Roma, e del pacchetto azionario di maggioranza della Società Radio Marittima, con sede in Roma, in favore della Compagnia Italiana Marconi, con sede in Genova;

Ritenuto che nei riguardi dell'Ufficio Marconi possa essere disposto il trasferimento ai sensi dell'art. 18 della legge 17 luglio 1942, n. 1100, ricorrendo gli estremi richiesti;

Ritenuto che nei riguardi della cessione del pacchetto di maggioranza delle azioni della Società Italiana Radio Marittima sarà provveduto ai sensi degli articoli 12 e seguenti della citata legge;

Sentito il sequestratario dell'azienda da trasferire; Visto che la Compagnia Italiana Marconi ha provveduto a dare esecuzione alle disposizioni impartite per il versamento della somma a garanzia del pagamento del prezzo;

Vista la lettera del 18 corr. con la quale la Compagnia Italiana Marconi ha dichiarato di accettare le condizioni e le modalità stabilite per il trasferimento della citata azienda;

Vista la legge 17 luglio 1942, n. 1100;

Decreta:

Art. 1.

L'Ufficio Marconi, con sede in Roma, è trasferito alla Compagnia Italiana Marconi al giusto prezzo da determinarsi dal Collegio degli esperti ai sensi dell'art. 20 della legge 17 luglio 1942, n. 1100.

Art. 2.

Il sequestratario dell'Ufficio Marconi resta in carica per effettuare le consegne ai normali organi amministrativi della Compagnia Italiana Marconi e per gli ulteriori adempimenti.

Il presente decreto sarà pubblicato nella *Gazzetta Ufficiale* del Regno.

Roma, addì 25 agosto 1943

Il Ministro per l'Industria, commercio e lavoro

PICCARDI

Il Ministro per le finanze

BARTOLINI

(2788)

2743

2-IX-1943 - GAZZETTA UFFICIALE DEL REGNO D'ITALIA - N. 204

DECRETO MINISTERIALE 1° settembre 1943.

Temporaneo trasferimento della sede di Uffici giudiziari di Foggia (Corte di appello di Bari).

IL GUARDASIGILLI

MINISTRO PER LA GRAZIA E GIUSTIZIA

D'INTESA CON

I MINISTRI PER L'INTERNO E PER LE FINANZE

Visto il R. decreto legge 10 maggio 1943, n. 369;

Decreta:

Art. 1.

La sede del Tribunale di Foggia, della Procura del Re Imperatore presso il Tribunale medesimo e della Corte di assise della stessa città è trasferita temporaneamente nel comune di Lucera.

La sede della Pretura di Foggia è trasferita temporaneamente nel comune di Orta Nova.

Art. 2.

La data di inizio dell'attività dei singoli uffici nelle nuove sedi sarà stabilita con decreto del Primo presidente della Corte di appello di Bari.

A tale decreto sarà data pubblicità mediante avvisi affissi negli Uffici giudiziari del distretto e diffusi al pubblico a mezzo della stampa locale e del Bollettino ufficiale del Ministero di grazia e giustizia.

Art. 3.

Il Primo presidente della Corte di appello di Bari è autorizzato a modificare la composizione delle sezioni del Tribunale di Foggia, destinando a ciascuna di esse i magistrati, i funzionari di cancelleria, gli ufficiali giudiziari ed il personale subalterno occorrente per il funzionamento delle sezioni, e a limitare il numero delle udienze e delle cause da trattare.

I provvedimenti indicati nel comma precedente possono essere sempre modificati in relazione alle esigenze del servizio.

Art. 4.

Il presidente del Tribunale e il pretore di Foggia daranno, di ufficio o ad istanza di parte, i provvedimenti opportuni per il compimento degli affari civili e penali, con facoltà di prorogare qualunque termine processuale anche perentorio o di rimettere in termine la parte che ne è decaduta, quando essa provi che non può usufruire di detto termine o ne è decaduta per causa dello spostamento della sede.

I detti provvedimenti, in materia civile, saranno comunicati agli interessati con biglietto di cancelleria, a norma dell'art. 136 del Codice di procedura civile.

DECRETO MINISTERIALE 1° settembre 1943.

Temporaneo trasferimento della sede di Uffici giudiziari di Terni (Corte di appello di Roma).

IL GUARDASIGILLI

MINISTRO PER LA GRAZIA E GIUSTIZIA

D'INTESA CON

I MINISTRI PER L'INTERNO E PER LE FINANZE

Visto il R. decreto legge 10 maggio 1943, n. 369;

Decreta:

Art. 1.

La sede del Tribunale di Terni, della Procura del Re Imperatore presso il Tribunale medesimo, della Corte di assise e della Pretura della stessa città è trasferita temporaneamente nel comune di Acquasparta.

La data d'inizio dell'attività in questa nuova sede sarà determinata con decreto del Primo presidente della Corte d'appello di Roma.

A detto decreto sarà data pubblicità mediante avvisi affissi negli Uffici giudiziari del distretto e diffusi al pubblico a mezzo della stampa locale e del Bollettino ufficiale del Ministero di grazia e giustizia.

Art. 2.

Il Primo presidente della Corte d'appello di Roma è autorizzato a limitare il numero delle udienze e delle cause da trattare davanti al Tribunale e alla Pretura di Terni.

I provvedimenti indicati nel comma precedente possono essere sempre modificati in relazione alle esigenze del servizio.

Art. 3.

Il presidente del Tribunale e il pretore di Terni daranno, di ufficio o ad istanza di parte, i provvedimenti opportuni per il compimento degli affari civili e penali, con facoltà di prorogare qualunque termine processuale anche perentorio o di rimettere in termine la parte che ne è decaduta, quando essa provi che non può usufruire di detto termine o ne è decaduta per causa dello spostamento della sede.

I detti provvedimenti, in materia civile, saranno comunicati agli interessati con biglietto di cancelleria, a norma dell'art. 136 del Codice di procedura civile.

Art. 4.

DECRETO MINISTERIALE 1° settembre 1943.

Temporaneo trasferimento della sede di Uffici giudiziari di Foggia (Corte di appello di Bari).

IL GUARDASIGILLI
MINISTRO PER LA GRAZIA E GIUSTIZIA

D'INTESA CON

I MINISTRI PER L'INTERNO E PER LE FINANZE

Visto il R. decreto-legge 10 maggio 1943, n. 360;

Decreta:

Art. 1.

La sede del Tribunale di Foggia, della Procura del Re Imperatore presso il Tribunale medesimo e della Corte di assise della stessa città è trasferita temporaneamente nel comune di Lucera.

La sede della Pretura di Foggia è trasferita temporaneamente nel comune di Orta Nova.

Art. 2.

La data di inizio dell'attività dei singoli uffici nelle nuove sedi sarà stabilita con decreto del Primo presidente della Corte di appello di Bari.

A tale decreto sarà data pubblicità mediante avvisi affissi negli Uffici giudiziari del distretto e diffusi al pubblico a mezzo della stampa locale e del Bollettino ufficiale del Ministero di grazia e giustizia.

Art. 3.

Il Primo presidente della Corte di appello di Bari è autorizzato a modificare la composizione delle sezioni del Tribunale di Foggia, destinando a ciascuna di esse i magistrati, i funzionari di cancelleria, gli ufficiali giudiziari ed il personale subalterno occorrente per il funzionamento delle sezioni, e a limitare il numero delle udienze e delle cause da trattare.

I provvedimenti indicati nel comma precedente possono essere sempre modificati in relazione alle esigenze del servizio.

Art. 4.

Il presidente del Tribunale e il pretore di Foggia daranno, di ufficio o ad istanza di parte, i provvedimenti opportuni per il compimento degli affari civili e penali, con facoltà di prorogare qualunque termine processuale anche perentorio o di rimettere in termine la parte che ne è decaduta, quando essa provi che non può usufruire di detto termine o ne è decaduta per causa dello spostamento della sede.

I detti provvedimenti, in materia civile, saranno comunicati agli interessati con biglietto di cancelleria, a norma dell'art. 136 del Codice di procedura civile.

Art. 5.

DECRETO MINISTERIALE 1° settembre 1943.

Temporaneo trasferimento della sede di Uffici giudiziari di Terni (Corte di appello di Roma).

IL GUARDASIGILLI
MINISTRO PER LA GRAZIA E GIUSTIZIA

D'INTESA CON

I MINISTRI PER L'INTERNO E PER LE FINANZE

Visto il R. decreto-legge 10 maggio 1943, n. 360;

Decreta:

Art. 1.

La sede del Tribunale di Terni, della Procura del Re Imperatore presso il Tribunale medesimo, della Corte di assise e della Pretura della stessa città è trasferita temporaneamente nel comune di Acquasparta.

La data d'inizio dell'attività in questa nuova sede sarà determinata con decreto del Primo presidente della Corte d'appello di Roma.

A detto decreto sarà data pubblicità mediante avvisi affissi negli Uffici giudiziari del distretto e diffusi al pubblico a mezzo della stampa locale e del Bollettino ufficiale del Ministero di grazia e giustizia.

Art. 2.

Il Primo presidente della Corte d'appello di Roma è autorizzato a limitare il numero delle udienze e delle cause da trattare davanti al Tribunale e alla Pretura di Terni.

I provvedimenti indicati nel comma precedente possono essere sempre modificati in relazione alle esigenze del servizio.

Art. 3.

Il presidente del Tribunale e il pretore di Terni daranno, di ufficio o ad istanza di parte, i provvedimenti opportuni per il compimento degli affari civili e penali, con facoltà di prorogare qualunque termine processuale anche perentorio o di rimettere in termine la parte che ne è decaduta, quando essa provi che non può usufruire di detto termine o ne è decaduta per causa dello spostamento della sede.

I detti provvedimenti, in materia civile, saranno comunicati agli interessati con biglietto di cancelleria, a norma dell'art. 136 del Codice di procedura civile.

Art. 4.

Il presente decreto sarà presentato per la registra-

sarà determinata con decreto del Primo presidente della Corte d'appello di Roma.

A detto decreto sarà data pubblicità mediante avvisi affissi negli Uffici giudiziari del distretto e diffusi al pubblico a mezzo della stampa locale e del Bollettino ufficiale del Ministero di grazia e giustizia.

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I detti provvedimenti, in materia civile, saranno comunicati agli interessati con biglietto di cancelleria, a norma dell'art. 136 del Codice di procedura civile.

Art. 4.

Il presente decreto sarà presentato per la registrazione alla Corte dei conti e sarà pubblicato nella *Gazzetta Ufficiale* del Regno.

Roma, addì 1° settembre 1943

Il Ministro per la grazia e giustizia: Azzariti

Il Ministro per l'interno: Ricci

Il Ministro per le finanze: Bartolini

(2804)

Art. 2.

La data di inizio dell'attività dei singoli uffici nelle nuove sedi sarà stabilita con decreto del Primo presidente della Corte di appello di Bari.

A tale decreto sarà data pubblicità mediante avvisi affissi negli Uffici giudiziari del distretto e diffusi al pubblico a mezzo della stampa locale e del Bollettino ufficiale del Ministero di grazia e giustizia.

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I provvedimenti indicati nel comma precedente possono essere sempre modificati in relazione alle esigenze del servizio.

Art. 4.

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I detti provvedimenti, in materia civile, saranno comunicati agli interessati con biglietto di cancelleria, a norma dell'art. 136 del Codice di procedura civile.

Art. 5.

Il presente decreto sarà presentato per la registrazione alla Corte dei conti e sarà pubblicato nella *Gazzetta Ufficiale* del Regno.

Roma, addì 1° settembre 1943

Il Ministro per la grazia e giustizia: Azzariti

Il Ministro per l'interno: Ricci

Il Ministro per le finanze: Bartolini

(2803)

DISPOSIZIONI E COMUNICATI

MINISTERO DELL'AGRICOLTURA E DELLE FORESTE

Riduzione della superficie della zona venatoria di ripopolamento e cattura di Sassocorvaro (Pesaro)

Con decreto Ministeriale 14 agosto 1943 la zona venatoria di ripopolamento e cattura di Sassocorvaro (Pesaro), già oggetto dei provvedimenti di cui alle premesse, resta così delimitata:

partendo dalla località « Madonna del Mozzicone » si segue la strada per Cà Braccio fino all'incrocio del fosso dei Guicchi e fosso S. Maria. Dal fosso S. Maria si segue la strada poderalo, Camposanto di S. Maria e strada che conduce a Ca Braccio. Da qui la strada fino al Pianello Zingari, fosso degli Orti, fosso Legonda e fosso Giandrateo, si segue il corso del fosso Giandrateo fino alla località « Madonna del Mozzicone ».

Estensione ettari 500.

I fondi che, in forza del quanto si dispone col presente decreto, cessano di far parte della suddetta zona di ripopolamento e cattura, vengono restituiti alla libera caccia.

(2781)

Ampliamento del comprensorio del Consorzio di bonifica della bassa valle del Trigno nelle provincie di Chieti e Campobasso.

Con decreto Reale 2 ottobre 1942, registrato alla Corte dei conti il 13 gennaio 1943, foglio n. 1, foglio n. 1279 il territorio del Consorzio per la bonifica della bassa valle del fiume Trigno, nelle provincie di Chieti e Campobasso, è ampliato, estendendo il perimetro, in destra del Trigno, fino a farlo coincidere con quello di bonifica.

Per procedere alla riforma dello statuto, resa necessaria dall'ingressiva modifica del territorio dell'Ente, sarà provveduto in mezzo di commissario incaricato, a cui spetterà di curare la gestione dell'Ente in luogo dell'ordinaria amministrazione, in attesa dell'approvazione del nuovo statuto e della ricostituzione degli organi normati dal Consorzio.

(2785)

MINISTERO DELLE COMUNICAZIONI

Soppressione di servizio telefonico

Si comunica che dall'8 agosto 1943 nella ricevitoria di Treviso il servizio telegrafico è stato trasformato in telegrafico.

(2786)

ISPettorato per la difesa del risparmio e per l'esercizio del credito

Conferma in carica dei presidenti e dei vice presidenti dei Monti di credito su pegno di Bologna Veneta (Verona), Palmanova (Udine), Pordenone (Udine), Sacile (Udine), Schio (Vicenza) e Bagnacavallo (Ravenna).

IL GOVERNATORE DELLA BANCA D'ITALIA CAPO DELL'ISPettorato PER LA DIFESA DEL RISPARMIO E PER L'ESERCIZIO DEL CREDITO

Veduto il R. decreto legge 12 marzo 1938, n. 275, sulla difesa del risparmio e sulla disciplina della funzione creditizia, modificato con le leggi 7 marzo 1938, n. 141, 7 aprile 1938, n. 636, e 10 giugno 1940, n. 983;

Vedute le leggi 10 maggio 1938, n. 745, sull'ordinamento dei Monti di credito su pegno, e il R. decreto 25 maggio 1939, n. 1029, per l'attuazione di essa;

Veduti gli statuti dei Monti di credito su pegno di Bologna Veneta, Palmanova, Pordenone, Sacile, e Schio, approvati con decreti del Capo del Governo, Primo Ministro Segretario di Stato, Presidente del Comitato dei Ministri per la difesa del risparmio e per l'esercizio del credito, rispettivamente in data 3 agosto 1942, 15 aprile 1941, 25 maggio 1941, 3 agosto 1942 e 21 ottobre 1941.

Veduto lo statuto del Monte di credito su pegno di Bagnacavallo, approvato con decreto del Capo del Governo, Primo Ministro Segretario di Stato, Presidente del Comitato dei Ministri per la difesa del risparmio e per l'esercizio del credito, in data 15 aprile 1941, successivamente modificato con decreto in data 5 giugno 1943.

Disponsi:

Sono confermati nelle rispettive cariche, per il quadriennio 1943-1946:

1) il dott. Vittorino Mazzoni e il dott. Cornelio Parzani, presidente e vice presidente del Monte di credito su pegno di Bologna Veneta, con sede in Bologna Veneta (Verona);

2) il cav. dott. Giacomo Bertoni e il signor Fausto Pessoni, presidente e vice presidente del Monte di credito su pegno di Palmanova, con sede in Palmanova (Udine);

3) il dott. Gerardo Toscani e il signor Ludovico Bulfoni, presidente e vice presidente del Monte di credito su pegno di Pordenone, con sede in Pordenone (Udine);

4) il dott. Ruggero Fabio e il signor Gio. Battista De Carlo, presidente e vice presidente del Monte di credito su pegno di Sacile, con sede in Sacile (Udine);

5) il cav. uff. avv. Ruggero Rizzoli e il geom. Giuseppe Pozzer, presidente e vice presidente del Monte di credito su pegno di Schio, con sede in Schio (Vicenza);

6) il cav. dott. Francesco Longanesi Cattani e il signor Mario Ercolani, presidente e vice presidente del Monte di credito su pegno di Bagnacavallo, con sede in Bagnacavallo (Ravenna).

Il presente provvedimento sarà pubblicato nella *Gazzetta Ufficiale* del Regno.

Roma, addì 28 agosto 1943

V. AZEGLINI

(2791)

214
ADM. HOFLAND

AMHQ Petroleum Section

20 Via Ruffi Marso

4th Floor.

E.A.A.C.

C.E.F.

15 Sep. 1944

Dear Brigadier Upjohn,

With reference to the discussion of Saturday last with you, Frothingham and myself, I attach hereto an aide-memoire giving some information on the question of Allied oil interests.

Lt. Col. Carroll has sent me a copy of Lt. Col. Thackerah's memorandum "Policy as to Function of Property Control".

As you will see from the attached aide-memoire, the 21 Allied oil companies were originally sequestered, but subsequently -- by decree of the 10th July 1942 -- transferred to A.C.I.F. in which they were absorbed, completely losing their identity, although the foreign oil companies apparently continued to exist under Italian law, without however any assets or staff.

The arrangement suggested by Lt. Col. Thackerah does not cover the case of oil companies, whose properties are not in the hands of sequestrators but in the hands of AGIP. Hence our insistence that the "Commissioner of the AGIP should be appointed in accordance with the Allied wishes.

The memorandum raises many important points which Frothingham and I are studying, but at first sight it seems desirable to us, that when those matters are taken up with the Italian Government, it is made quite clear to them, that for the reasons mentioned above the oil companies are

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Allied oil interests.

Lt. Col. Carroll has sent us a copy of Lt. Col. Thacker's memorandum "Policy as to function of Property Control".

As you will see from the attached side-memoire, the 21 Allied oil companies were originally sequestered, but subsequently -- by decree of the 30th July 1942 -- transferred to A.E.I.F. in which they were absorbed, completely losing their identity, although the foreign oil companies apparently continued to exist under Italian law, without however any assets or staff.

The arrangement suggested by Lt. Col. Thacker does not cover the case of oil companies, whose properties are not in the hands of sequestrators but in the hands of AGIP. Hence our insistence that the "Commissioner" of the AGIP should be appointed in accordance with the Allied wishes.

The memorandum raises many important points which Frothingham and I are studying, but at first sight it seems desirable to us, that when those matters are taken up with the Italian Government, it is made quite clear to ⁴⁶ that for the reasons mentioned above the oil companies are a different case which will be dealt with separately.

We will contact Lt. Col. Carroll and Thacker on the matter.

Yours very sincerely,

Encl.

ALICE - MEMOIRE.

CIP was formed upon request of the Allies as a military necessity and the Allied authorities have a primary interest in its smooth working.

CIP's activities are those of an Italian group in Italy and to fulfill its task properly it seems necessary to have CIP constituted under Italian law, instead of it remaining only an Allied military creation.

It has become abundantly clear that in constituting CIP under Italian law great care has to be taken that the already heavily damaged Allied oil interests in Italy are fully protected against the intrigues of Italian oil interests.

Allied oil interests are by far the largest Allied investment in Italy and these interests have been treated by the Italian Fascist Government far worse than similar interests have been treated in other enemy countries like Germany, Hungary, Roumania, etc. Whilst in these countries the Allied oil companies have continued to exist under the management of their own national directors, the Fascist Government dismissed all Italian directors and many of the senior staff of the Allied oil companies.

The management was taken over by sequestrators which were taken ~~exclusively~~ from the managers and senior staff of the Government owned competitive oil company AGIP.

At a later date all Allied oil companies were transferred to the AGIP in a manner which cannot be described other than as farcical.

The total book value of the Allied oil companies was about L. 2.500 million (at the pre war rate of exchange 125 million dollars). Italian "experts" estimated in 1942 the ~~book~~ value at L. 1.240 million. AGIP bringing forward a number of ill-founded reasons, finally managed to get the value reduced to 340 million lire of which however only 490 million lire (at present rate of exchange \$ 4.900.000) was to be paid to the foreign share holders, whereas 350 million lire were to be paid to Italian Government for the value of the licenses which the Italian Government had granted in the past to the Allied oil

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At a later date all Allied oil companies were transferred to the AGIP in a manner which cannot be described other than as forcible.

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Whereas the Italian Gov.t has not pursued during the war a policy of nationalisation of the oil industry - other Italian oil companies like Pernolio, Aquila, ANIC, Petrolesq etc., continue to exist side by side with the AGIP - it has been the predominant and openly stated policy of the AGIP management to liquidate and smash forever the Allied competitors.

The interests of the Allied oil companies before the war can be divided in three categories:

- a) The parent companies in the Allied countries supplied oil products to their subsidiary companies in Italy.

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- b) The Italian subsidiaries had large distributing organizations and a large share in the distributing market.
- c) The Italian subsidiaries built large refineries in Italy for which their parent companies supplied the necessary capital.

Interests mentioned under a) cannot at present come under discussion since supplies to Italy will be determined by the Allied nations and the Italians will have little or no say in the matter. The interests under b) and c) are those for which full indemnification has to be made for damages done and which have to be protected from further damage. It is difficult if not impossible to assess the actual damages done to Allied interests. Not only have many refineries, installations, depots and other physical assets been entirely destroyed but organizations which have been carefully built up during many years have been liquidated or scattered to the four winds.

The Italian Gov.t have not only made this possible but have actively pursued such a policy through the AGIP.

Of these two entirely Fascist and autarchic organizations AGIP and ANIC, the present Italian Gov.t owns the ANIC entirely and has large measure of control in the AGIP.

The AGIP in turn owns such physical assets of Allied companies as still exist whereas the ANIC owns the only undamaged oil refinery in Italy.

Whereas the Italian Gov.t will eventually be free to decide on its own internal policy, it is on the other hand logical that the Allied authorities should see to it that any Italian policy will not add to the reparation which the Italian Gov.t will have to make for the damage already done to Allied oil interests.

Sooner or later the following two questions must be the subject of discussion between the Italian Government and the Allies:

1. In which way shall the Italian Gov.t indemnify the Allied

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Sooner or later the following two questions must be the subject of discussion between the Italian Government and the Allies:

1. In which way shall the Italian Gov.t indemnify the Allied oil interests?

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a) for the destruction of physical properties;

b) for the damage done to the organizations of the Allied oil companies.

2. In which way does the Italian Gov.t intend to ensure the protection of Allied interests in the Italian oil industry after the war.

The Italian Gov.t must be made to realize that these are the terms of the problem it will eventually have to face, and should be thinking about, but that until such time as they can be settled - which is certainly not now - such questions as the form and scope of oil, the composition of the managing committee, the control of the two companies AGIP and ANIC (through commissari) must be dealt with in accordance with Allied requirements, not only from the military point of view but also as regards the protection of Allied interests.

Why the Management Committee of CIP
should be the Commissario for ANIC

Sep. 15, 1944

1. CIP is the sole agency recognized by the Allies for the coordination of all petroleum activity in Italy. It was formed for that specific purpose at Allied request, and functions under Allied supervision (A.F.H.Q. Petroleum Section and A.C.C.).
2. The Allies are satisfied with CIP's performance in the face of notable operating problems and have confidence in the experience and capability of its Management Committee.
3. ANIC's relation to CIP and to the Allied program is this:
 - Both the Bari and the Leghorn plants are being used by the Allies for military purposes as ocean terminals and, in the case of Bari, for certain special services (repair of petroleum equipment, package reconditioning, filling, etc).
 - When no longer required for military purposes they will be used by CIP for civilian distribution to the extent necessary and must therefore be under CIP's control.
 - The fact that ANIC was primarily a refining company is of no significance. There is little likelihood of refining in Italy for an indefinite period (recent requests to ANIC for data on the processing of Albanian crude at Bari for eventual civilian petroleum requirements are not to be misconstrued in that sense).
 - But if there were to be refining in Italy while under Allied occupation or subject to Allied control, the Allies would want that activity, like all other petroleum activity, controlled and coordinated with the general petroleum situation by CIP.
4. The Head Office of ANIC is in German-occupied Italy. Furthermore, under legislation already reported approved in principle

the Allies for certain special services (refueling, in the case of Bari, for certain special services (refueling, of petroleum equipment, package reconditioning, filling, etc).

- When no longer required for military purposes they will be used by CIP for civilian distribution to the extent necessary and must therefore be under CIP's control.
- The fact that ANIC was primarily a refining company is of no significance. There is little likelihood of refining in Italy for an indefinite period (recent requests to ANIC for data on the processing of Albanian crude at Bari for eventual civilian petroleum requirements are not to be misconstrued in that sense).
- But if there were to be refining in Italy while under Allied occupation or subject to Allied control, the Allies would want that activity, like all other petroleum activity, controlled and coordinated with the general petroleum situation by CIP.

4. The Head Office of ANIC is in German-occupied Italy. Furthermore, under legislation already reported approved in principle by the Council of Ministers, the existing Boards of Directors of companies in which the State has financial interests are to be dissolved and Commissari appointed to operate them. Moreover the name of ANIC's president, Senator Jacobini, appears in the published list of those who are to be investigated because of their connection with Fascism.

5. It is difficult to see what more appropriate Commissario could be appointed for the management of ANIC under these conditions than an officially recognized group of experienced petroleum executives operating under Allied supervision - all the more so as this group includes a senior executive of ANIC itself.

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6. Notwithstanding however that a representative of ANIC has been on the Managing Committee of CIP since the very beginning in November 1943 - sufficient proof of the attitude of both CIP and the Allies toward ANIC - ANIC has frequently manifested an attitude toward CIP which may be termed independent if not uncollaborative. There are indications that ANIC has been doing considerable lobbying with the present Government in a sense unfavourable to CIP and with the apparent idea of having itself excluded from CIP control on the ground that it is a refining company (i.e. an industrial undertaking) and not a distributing company. It also appears that ANIC is trying to get itself considered as the Government's advisor on Italian petroleum interests.

7. If it is the policy of the ANIC management (Jacobini) to try for reasons of its own to undermine or to weaken CIP's position as the agency for the coordination of all Italian petroleum activity which touches the Allied program, it is all the more important to clarify and reinforce CIP's position. Making the Managing Committee of CIP Commissario for ANIC, as for AGIP, would tend to keep out questions of private or privileged interests or of political manoeuvring.

MEMORANDUM

SECRET

SUBJECT: A.G.I.P.

TO: C.L.O.

1. It is proposed that the Italian Government be required to take the necessary steps under RUL No. 8/B of 15 November 1943 or other appropriate legislation to appoint as Commissario of A.G.I.P. persons from time to time constituting the managing committee of C.I.P. (without naming the personnel thereof).
2. The question propounded is whether the foregoing action legally can be required of the Italian Government.
3. In my opinion this question can be categorically be answered in the affirmative.
4. The right to require the desired action of the Italian Government is in my opinion clearly conferred by the Terms of Surrender and Document A of the Restoration Reservations.
5. The Terms of Surrender, paragraph 21 (b) provide as follows :-
 "The Italian Government will make available in unoccupied territory and will comply with instructions issued by the Allied Commander in Chief regarding the use and control of public utility services, oil refineries, stocks and such other fuel and power supplies and means of producing same as the United Nations may specify"
6. The Terms of Surrender, paragraph 13, provide as follows :-
 "The Italian Government will comply with any directions given by the United Nations for the manufacture production or construction and the import, export or transit of war material (the term war material denotes a material specified in such list or definitions as may from time to time be issued by the Allied Control Commission).
7. Document A, paragraph A provides as follows :-
 "There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined."
8. If it be argued that the objective of the foregoing provisions is merely to make available public utilities, oil refineries, fuel supplies and the like and that such accomplishment would involve the actual taking over and

the language I think is that the language

5. The Terms of Surrender, paragraph 13, provide as follows :-
 "The Italian Government will make available in unoccupied territory
 and will comply with instructions issued by the Allied Commander in
 Chief regarding the use and control of public utility
 services, oil refineries, stocks and such other fuel and power supplies
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6. The Terms of Surrender, paragraph 13, provide as follows :-
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 Nations for the manufacture production or construction and the import,
 export or transit of war material (the term war material
 denotes a material specified in such list or definitions as may from time
 to time be issued by the Allied Control Commission).

7. Document A, paragraph A provides as follows :-

"There will be made available to the Allied Forces such facilities,
 utilities and installations as may be required by the Allied Commander
 in Chief or his agents for such disposition, use or operation as may be
 determined."

8. If it be argued that the objective of the foregoing provisions is
 merely to make available public utilities, oil refineries, fuel supplies and the
 like and that such accomplishment would involve the actual taking over and
 operation thereof by the Allied Forces, the answer, I think, is that the language
 of the document itself and the other provisions of the Terms of Surrender make
 clear the fact that the real end so to be attained was to place these various
 properties under the control of the Allied Forces by such means and mechanism
 as the Allied Forces should determine.

I base this conclusion :

- (a) On the language of the document itself.
- (b) The right to requisition private and public property is specifically
 reserved in Document A, paragraph 8. This right to
 requisition public and private property was specifically
 reserved, I believe, because it goes beyond and is different from
 the powers of control which are covered by the various parts of
 the Terms of Surrender which I have cited.

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(c) The provision that "the Italian Government will take in force such legislation and other measures as may be necessary for the execution of the present instrument" and that "Italian military and civil authorities will comply with any instructions by the Allied Commander in Chief for the same purpose" (Terms of Surrender, paragraph 36) and the provision that "The Italian Government will carry out promptly and efficiently all orders given by the United Nations (Terms of Surrender, paragraph 22) leave no doubt in my mind that with respect to all matters of control it was intended that the Allied Forces be given the utmost flexibility concerning means and methods.

9. The provisions of the Terms of Surrender cited in the foregoing paragraph (paragraphs 22 and 36 of the Terms of Surrender) would of themselves, it seems to me, require an affirmative answer with respect to the question of whether the Italian Government can be legally required to take the desired action. To base this right solely on these two provisions, however, might appear high handed and peremptory whereas I believe the other provisions which I have cited leave no doubt that it was mutually intended by the parties to the Terms of Surrender that the Allied Forces be given such control over petroleum products and in such manner and by such devices as they should decide upon.

10. It might further be argued that since the title of A.G.I.P. to the properties of the United Nations transferred to it might well be challenged and their status meanwhile protected, the Italian Government ^{SAVED} ~~will~~ be required to take the desired action under paragraph 32 (c) of the Terms of Surrender which reads as follows :-

"The Italian Government will take such steps as the United Nations may direct to safeguard the persons of foreign nationals and property of foreign ⁴⁰ nationals and property of foreign states and nationals".

I recognise that this argument is applicable only if the word foreign means foreign so far as the Italian Government is concerned and therefore includes the United Nations.

11. Insofar as A.G.I.P. owns property in military Government Territory or in territory as it becomes Military Government Territory there is another provision of the Terms of Surrender which might well be applicable to wit paragraph 19 thereof which reads as follows :-

"In the territories or areas referred to in Article 18 (occupied territory) all oil refineries, public utility services all facilities and equipment and such other installations or facilities and all such stocks as may be required by the United Nations will be made available in good condition by the competent Italian authorities with the persons required for working them. The Italian Government will make

given such control over petroleum products and in such manner and by such devices as they should decide upon.

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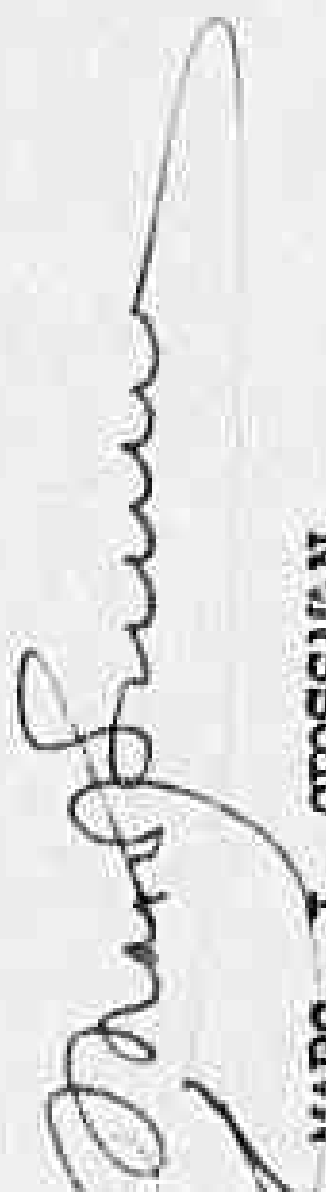
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It is to be noted that this provision is limited to occupied territory whereas the other provisions which I have cited are not.



MARC. J. GROSSMAN.
Lieutenant-Colonel,
Chief Counsel,
Legal Sub-Commission.

Hoffman
TELEPHONE NUMBERS OF MESSRS. PROTHINGHAM & WEST.

Petroleum Section - 496540-1.

Prothingham - Ext. 194
West - Ext. 195

They may also be found at the offices of CIP - 681951-2-3.

477896

4516

66531

C.I.P. - A.C.I.P.

Why it is important to the Allied program that the Managing Committee of CIP should be Commissario of ACIP.

Sept. 7, 1944

Control of all petroleum operations in Italy through CIP is essential to the Allied program for the following reasons:

1. Military operations.

The Allies require operation of petroleum installations by civilians for military account wherever possible in order to release military personnel.

The Allies require numerous special services which, while incidental, are none the less important; repairs to petroleum equipment, package cleaning, filling etc.

2. Civilian operations.

The Allies have accepted responsibility for making available the essential petroleum requirements of the Italian civilian economy; determination of requirements, importation and release from military stocks, over-riding control of consumption and distribution.

Distribution is a tremendous problem under present conditions and will remain so for a long time. It will presumably get even more difficult as military requirements, supply points and facilities decrease.

For both of these operations the Allies must:

1. Have a single body through which to deal with all aspects of the problem and which can in turn control and coordinate all Italian petroleum activity to this end.

Follow on such a body to ensure effi-

18A
Copy handed to the
by Mr. Gutterman Pet Sec
9/7/44 RHP

release military personnel.

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Distribution is a tremendous problem under present conditions and will remain so for a long time. It will presumably get even more difficult as military requirements, supply points and facilities decrease.

For both of these operations the Allies must:

1. Have a single body through which to deal with all aspects of the problem and which can in turn control and coordinate all Italian petroleum activity to this end.
2. Be able to count fully on such a body to assure efficiency, complete cooperation, absolute dependability and trustworthiness whether in the operation of installations for military account or in the distribution of civilian requirements. Impartiality and incorruptibility are essential.

Note that in all areas not under Italian administration these questions are the direct responsibility of the Allies (particularly of A.C.C.) and the indirect responsibility even in these areas turned back to Italian administration.

Such is the general picture of CIP. But in CIP the biggest single integer, having the greatest number of coastal installations, depots, equipment of all types and personnel is A.C.C.

2.

(by virtue of having taken over all Allied properties and interests during the war).

It is therefore obvious that to discharge its responsibility to the Allies CIP must have completely under its control all AGIP installations, equipment etc. and moreover be in a position to control AGIP's activities and operations in every way that touches the Allied program.

That AGIP as a Fascist Government company was a sink of iniquity and corruption is public knowledge. The present Government would probably be the first to admit that. Its general management went north with the Fascist Government. There are no AGIP men of managerial rank in Rome who are acceptable, politically or operationally.

The appointment of the Managing Committee of CIP as Commissario of AGIP in the absence of a capable or suitable Management of its own is entirely logical from the Allied point of view considering all that is involved. The men who were chosen for the CIP Committee as representing the best petroleum management experience available in liberated Italy are certainly the ones who are best qualified to run AGIP - *particularly* as CIP is more AGIP than anything else.

What is the Italian Government's objection? What are the legal difficulties referred to? What is the particular significance of the reference to the Italian Government's financial interest in AGIP?

AGIP contains today more Allied property in Italy than was its own before the war. Who, what type of person is the Italian Government thinking of appointing in accordance with the last paragraph of their letter? What will he know about managing a petroleum company? What guarantees will this give CIP and the Allies of good management, of operation in complete collaboration and in complete harmony with Allied desires and Allied responsibility?

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Another consideration - separate but not unrelated - The appointment of the CIP Committee as Commissioner under present conditions supplies an element of of those Allied properties and interests which AGIP's hands and must remain there until the compensation and settlement has been agreed.

Lacking this supervisory control, what the protection of these British and A.C.C. propose.

RF/mba

✓
4014/9.

HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUB-COMMISSION
APO 394

ASS/ hp

Ref. AGC/5146/2/Com

SUBJECT: Commissario for A.N.I.C. (AZIENDA NAZIONALE IDROGENAZIONE COMBUSTIBILI).

TO : ~~Ministry of Industry, Commerce and Labour - Rome.~~

1. It was reported in the Italian Press of 11 August 1944 that at a Council of Ministers held on 10 August 1944 the Finance Minister had submitted proposals that the Boards of Directors of Companies financed or guaranteed by the State or in which the State is a shareholder should be dissolved and a Commissario appointed in lieu.

2. This proposal is reported to have been approved by the Council of Ministers.

3. A.N.I.C. is considered by the Allies to form an essential part of their arrangements for the handling of Petroleum products under CIP and it is accordingly requested if it is intended to appoint a Commissario for A.N.I.C. the Managing Committee of CIP be nominated and that they be referred to as "The duly appointed Managing Committee of CIP".

For Captain STONE (USNR) :

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

As. Burton 36
W.P. EVANS
Colonel-Director
Commerce Sub-Commission

Copy to Legal Sub-commission
" Pet. Sec. AFHQ, HQ AAI

4014/9

Lt Col Prossman

Is this a matter which has
ever been before you, as to funeral
Capt. Irvine order etc?

Sir, No! ing 30/7/44 Th.

Col Wilmer enquires
why we have a copy of this
letter sent to us?

I have no idea! 4014/9
Thompson

Col Thackrah

Major Kihur tells
me he sent us this as a
result of a recent
conversation with you
concerning implementation of
Italian decree in ~~the~~ N.G.
territory. But he does
not want any action
from us.

Thence.

Capit

Seen.

AR Thackrah
30/7/44.

30/7/44.

So that this submission
may consider them as such
for future planning?

VI (see my letter 4023/2/L of 20/7/44); and Capt E. M. ^{Hill} and Capt.

(see para 7 (d) above)

Miller in Region VIII. I repeat the request, which has been made on many

previous occasions, that all officers so employed should be definitely

assigned as legal officers.

As they are performing these functions
why not actually give them the classification of legal officers.

11. Possible new assignments.

Following are the names of officers with legal experience (some
already with A.C.C.) whom it is thought could be added to our legal
strength.

May it please be arranged for as many as possible of them

HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCE SUBCOMMISSION
APO 394

ASH/jil

Ref. AGC/3146/2/Com

21 July 1944

SUBJECT: Appointment of Commissario for AGIP (Azienda Generale
Italiana Petroli)

TO : Ministry of Industry, Commerce and Labor

1. AGIP head offices have been moved North with the Fascist Government and no member of the AGIP management acceptable to the Allies is presently available. It is accordingly requested that the Italian Government will take the necessary steps under RLL No. 8/B of 15 Nov. 43 to appoint as Commissario of AGIP the same committee which has been named by the Allies to manage the Comitato Italiano Petroli (CIP) as notified to you by separate letter of even date.

2. It is requested that individual names should not be indicated but that reference should be made to "the duly appointed managing committee of CIP" since changes in the composition of that committee may be desired by the Allies from time to time.

3. Urgent action is asked for. It is further requested that a draft copy of the proposed decree making this appointment be submitted to this HQ for approval before publication.

33

By order of Captain STONE (USNR):

W. P. EVANS
Colonel - Director
Commerce Subcommission

Copy to: ~~Ref. Sec.~~, ~~Adv. Sec.~~, ~~AGIP~~, ~~CIP~~
Legal S/C
Property Controller

SUBCOMMISSION	
O	
Chief Counsel	See
CL RKS	

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

13A

15 July 1944.

ACC/L014/9/T.

SUBJECT : Relationship between CIP and AGIP.

TO : Acting Head Admin Sec.

1. This morning I had a conference with Messrs. Frothingham and West of the Petroleum Section with respect to the relationship between CIP and AGIP.

2. As you will recall, when the armies progressed certain Petroleum industries of one kind or another were found without Acting Heads, branches being cut off from the parent outfit. It was customary to have a commissario appointed by Italian authorities to manage the affairs of any such branch. The commissario appears to be the equivalent of what we know is a receiver. CIP, of course, gives the necessary directions as to what these various branches would do.

3. Now that we are in Rome the Board of Directors of AGIP are no longer here, having fled to the north. I am advised that in the AGIP outfit here there are no persons who would be considered suitable to be appointed as commissario of AGIP. It is therefore suggested that, without naming them, those persons who from time to time constituted the Management Committee of CIP be appointed as Commissari of AGIP to take the place of the Board of Directors now absent.

4. Inasmuch as AGIP, I am advised, is a 100% Italian Government owned Corporation it would seem that ACC might make the appointment. On the other hand it would seem more advisable that the Italian Government should do so itself. The Management Committee of CIP consists of Italians except one Dutch citizen formerly connected with Asiatic Petroleum Co. who was found hiding in Rome.

5. I would appreciate your views on the question - first whether as a matter of policy ACC should make the appointment, which would involve the dismissal of the old board of directors for what that may be worth, or the Italian Government should be forced to do so and secondly whether this is a matter which ACC should handle direct with the Ministers of Finance and Industry and Commerce or the Petroleum Section should do so. It is my feeling that the Italian Government should be requested to issue the order and that the Industry & Commerce Sub-Commission, assisted to the extent necessary by Legal Sub-Commission, should approach the above mentioned Ministers in this regard.

31

- 2 -

6. The matter is urgent because before the Republican Fascist Government left Rome, AGIP sacked some 400 employees who refused to go and many of them would be extremely useful in AGIP at the present time. Obviously there are other matters ~~it should be possible for~~ ^{which} AGIP ~~should~~ ^{get on} with under the direction of CIP *as quickly as possible*

7. I should add that if the above is worked out the persons who constitute the management of CIP will really serve in two capacities - one on the management of CIP and one as Receivers of AGIP.

Richard H. Wilmer

RICHARD H. WILMER.
Colonel CAC.
Acting Chief Legal Officer.

RHW/wcw.

*Decided that under RDL 15 Nov 43 NS/B
(in file 4034/2/- a representative of
Industry & Commerce Sub-com should see
Minister of Industry & Commerce & request appt.
in accordance para 3 above under 30 para. 7
Art. 2 of the above RDL. Legal Sub. Com
undertakes in proper time to see that
RDL 15 Nov 43 is in force in Rome so
Minister can properly act. ~~It~~ 30
RHW 20 July 1944*

4 July/9

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

ASB/rj

Ref. ACC/5146/IC

12 July 1944

SUBJECT: CIP Setup

TO : Legal Sub-Commission

1. Attached are copies of Pet. Sec. PET 19/15 of 7 June 1944, 3 and 6 July 1944.

2. As you will see therefrom Pet. Sec. wish to have the Italian Government notified of their appointment of a new Managing Committee and the transfer of CIP Head Office from Naples to Rome.

3/ They wish simultaneously to take this opportunity to request that, since no acceptable representative of AGIP in whose control the Allies are vitally interested is presently available, the Management Committee of CIP be appointed to manage AGIP.

4. Pet. Sec. inform us that they have consulted their legal advisers and that the appointment of a Committee or institution to manage the affairs of an industrial concern is in line with Italian practice.

5. Before however we take the matter further we shall be glad to have your comments and opinion as to what action if any is required by the Italian Government to give effect to Pet. Sec's action and wishes with regard to paras. 2 and 3 above.

6. If we are in a position to dictate it might be better, in view of the vital interests involved not only in the smoother working of AGIP but in the sequestered Allied properties under their control, to present the Italian Government with a "fait accompli".

W. P. Evans

W. P. EVANS
Colonel,
Director, Industry &
Commerce Sub-Commission.

29

3 Incls: as per para. 1.

Copy to:

Property Controller.
Pet. Sec. Adv. AFHQ, HQ AAI, CME.

13/7/44
Hold. Col Evans is say to have
Col Eyles & Pet. Sec. all me & is say
to make a pet. RAN

C O P Y

12B

ADVANCED AFHQ
Petroleum Section
C.M.F.
A.P.O. 400

PET 19/15
7 June 1944

SUBJECT: Formation of C.I.P.

TO: Allied Control Commission
Industry & Commerce Sub-Commission APO 394

1. Col. Crump has passed to this Section the last draft of the decree forming the Comitato Italiano Petroli as proposed for publication by the Ministry of Industry, Commerce and Labor, along with the Minister's comments in his letter of 6 June 1944.

2. The Ministry has seen fit to make some rather substantial changes in the draft as it was agreed between this Section and the A.C.C., these changes appearing particularly in Articles 1 and 3 of the proposed decree.

3. The changes as proposed by the Ministry are so material as possibly to affect the operation of C.I.P. as it has been conceived by this Section. By a copy of this letter Col. Crump is being requested to advise both the Ministries of Industry, Commerce and Labor and the Ministry of Finance temporarily to suspend any action toward the publication of this decree till further notice from the Civilian Advisors of this Section. These Advisors will be in touch with Col. Crump and the Minister for further discussions of the decree in about 10 days' time.

4. Meanwhile, it is understood that C.I.P. will continue its active functions as it has been doing in the past, and the questions of the nomination of "commissari", etc., which is further to be discussed need not interfere with C.I.P.'s physical functions.

28

F.to M. B. EYLES
Colonel
Petroleum Section

CC: Col. Crump

C O P Y

AFHQ PETROLEUM SECTION
MAIN HQ A.A.I.
C.M.F.

PET/19/15
3 July 1944

SUBJECT: Transfer of C.I.P. Headquarters to Rome,
Appointment of New Managing Committee.

TO : HQ. A.C.C., Industry and Commerce Sub-Commission,
APO 394, U.S. Army.

1. The head offices of C.I.P. have been transferred from Naples to Rome where they are established in the AGIP building, Via del Tritone, 131.

2. The zone office of C.I.P. at Naples will continue to function at the previous address, Via Cesare Battisti, 15.

3. In view of the transfer of headquarters, the managing committee at Naples has resigned and new committee has been appointed by this Section to manage CIP operations from Rome.

4. The members of this new committee are:

Albert de Graa, Presidente
Enrico Incon
Mario Petrucci
Silvio Balvi
Alberto Velani

5. The new committee will naturally work in the closest cooperation with ACC/AMS, and desires to make contact with the Industry and Commerce Sub-Commission as soon as your offices are established in Rome.

6. Since it will henceforth be the new committee at Rome that will deal with the Italian Government on matters of common interest, it is requested that you inform the Italian Government through your usual channels of its appointment.

(Signed) H. B. EYLES
Colonel

Petroleum Section

C O P Y

AFHQ PETROLEUM SECTION
MAIN HQ. A.A.I.
C.M.F.

PET/19/15
6 July 1944

SUBJECT: C.I.P. Operations - Management of AGIP.

TO : Headquarters A.C.C., Industry and Commerce Sub-Commission,
APO 394, U.S. Army.

1. This Section's letter, PET 19/15 dated 3 July notifying A.C.C. of the appointment of a new managing committee for C.I.P. at Rome refers.

2. In C.I.P. the Azienda Generale Italiana Petroli (AGIP) itself created and completely controlled by the Fascist Government, is the biggest single integer because it now includes the plants, equipment, and personnel of the former British and American owned oil companies which were transferred (sold) to it by the Fascist Government during the war.

3. Since C.I.P. operations form part of the Allied war program in Italy, the Allies must be able to count completely on the management of AGIP and its efficient operation along whatever lines may be required.

4. The only members of the general management of AGIP^{found} at Rome are not acceptable to this Section because of their association with the past and, therefore, with the intrigues and mismanagement under Fascist control which are now notorious.

5. After careful examination of all aspects of the question, this Section has concluded that Allied interest will best be safeguarded by entrusting the management of AGIP in liberated Italy to the same committee which this Section has appointed to manage C.I.P. as a whole. If action by the Italian Government is considered necessary in this connection, will A.C.C. please arrange it.

6. As a matter of information, this Section has learned that other approaches have recently been made to the Italian Government with a view to the appointment of a "commissario" for AGIP for local reasons and considerations not related to the war effort. This Section does not know what action, if any, the Italian

./.

How has
this been
done
before?

- 2 -

Government may be contemplating but assumes that the Italian Government would not act on such a matter without consulting A.C.C. In any case the recommendation of this Section is that contained in 5 above.

H.B. EYLES
Colonel
Petroleum Section

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

ASB/rj

Ref. ACC/5146/IC

9 July 1944

SUBJECT: Credit Sales - CIP

TO : Finance Sub-Commission, HQ ACC-

1. Our ACC/5146/IC of 27 June, copy to you refers, also conversation Col. Crowshaw - Maj. Brereton on which the letter was based.

2. Attached is a copy of PET 19/3/4 and enclosure there-
to from which you will see that Pet. Sec. are still pressing for
some assurance that CIP will be guaranteed against bad debts
they incur when effecting credit sales on our instructions.

3. Could you please state more specifically whether our
arrangements with the Italian Government would enable us to
charge such debts to them and refund cash to CIP in cases where
we had not been successful in assisting CIP to recover.

4. For example, if a small contractor defaults or goes
bankrupt can we settle CIP's account and charge it to the Ital-
ian Government without process of law?

John S. Roden
W. P. EVANS Col
Colonel,
Director, Industry &
Commerce Sub-Commission

1 Incl:
Copy PET 19/3/4/ of 2 July (with
incls.)

Copy to:
Legal S/C
Pet Sec. Adv. AFHQ, CMF.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Legal Section	
CL RKS	

*Col Evans stated
this was sent for
information only
not for action unless
Bureau wants some legal assurance*

AFHQ PETROLEUM SECTION
MAIN HQ A.A.I.
C.M.F.

PET 19/3/4
2 JULY 1944

SUBJECT: POL Sales Newly Liberated Areas
TO : HQ A.C.C.
Ind and Commerce Subcommission
A.P.O. 394

1. Reference Pet 19/3/4 dated 23 June 44 and your reply ACC 5146/lc dated 27 June 44.

2. In regards to the funds mentioned your par 8 these were deposited with ACC to be available against billing for product received since Nov. 1943. Billing is only complete through Feb. 1944 and these funds are rapidly being depleted.

3. It is not the interest of this section to add any work to ACC, all accounting will be handled by CIP but, as indicated in previous letter, there is no allowance in present price structure for bad debts. As product and takes are paid by CIP before delivery to customers a means of securing an offsetting credit for bad debts is desired. The suggest billing of the Consorzio Agrario for deliveries made for agricultural purposes has been passed on to CIP as can be noted by the attached copy of our letter to CIP THE ABOVE SUBJECT.

H .R. CARRUTHERS
Lt. Col. RASC

for Colonel
Petroleum Section

AFHQ PETROLEUM SECTION
MAIN HQ A.A.I.
C.M.F.

PET 19/3/4

2 July 1944

SUBJECT: POL Sales - Newly Liberated Areas.

TO : CIP Rome

1. The matter of credit sales in newly liberated areas has been discussed with ACC and the following conclusions have been reached.

(a) No credit deliveries will be made without written instructions from AMG.

(b) Signed receipts must be secured from Consignee.

(c) Sales for agricultural purposes to be treated as sales to the Consorzio Agrario. Payment to be deducted from moneys due the farmer from grain delivered.

H. R. CARRUTHERS

Lt. Col. RASC

for Colonel

Petroleum Section

Cppy to: HQ. ACC

Ind. and Commerce Sub-Comm.

A.P.O. 394

10A

HEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4014/3/L.

rlp
16 March 1944

SUBJECT : Minutes of Meeting on 7 Feb 44 re C.I.F.
TO : D. D. Petroleum. AFHQ, Adv Adm Echelon.

Thank you for your PET/19/15 dated 7 March 44 the contents of which I have considered with Col. Harris. We are in agreement with your revised minutes.

GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

21

2027

REMARKS:

I see no objection
to the revised minutes do you?
If you are in agreement. Bill

Send a formal acknowledgment.

John P. [Signature]

John P. [Signature] C.A.
12-3-66

AFHQ ADV. AIM. ECHELON
Petroleum SectionPET 19/15
7 March 1944SUBJECT: Minutes of Meeting on 7 February 1944
re. CIPTO : Rear Headquarters Allied Control Commission
Legal Sub-Commission, APO 394
Att: Col. G. R. Upjohn, K.C.Ref 4014/3/c
Copy sent to RC

1. With reference to your letter of 24 February 1944, enclosed for your records is a revised copy of the minutes in question. The original date has been kept, but is followed by an (R). It is felt that the changes made to give effect to your comments will be satisfactory to you.

Paragraph 1. has been altered as suggested by you.

Paragraph 2. The text has been revised as you have suggested except for the last two lines which read "since petroleum activities appeared already subject to Allied control through other channels", instead of "if they were under proper Allied controlled management already". It seems to this Section that the words suggested by you might give the impression that the former British and American oil properties were subject to direct Allied management control. This is not the case. Those companies and properties are still legally AGIP's and while AGIP is part of CIP in Southern Italy, CIP is not managed by Petroleum Section, nor is it this Section's function to do so. This Section has simply sponsored the formation of a group which could represent all petroleum activities and installations vis-a-vis the Allied Authorities insofar as distributing and other services are concerned. This Section is in close touch with CIP's activities in that sense but this does not mean that it is controlling or entering into the management either of CIP or of particular interests.

Paragraph 3. The deletion you proposed has been made without, however, substituting the wording you suggested. This is for the same reason outlined under 2 above, and it is believed you will find this satisfactory.

2. Another small point for the record: this Section does not think it is quite correct to refer to Lt. Col. Harris' action in Sicily as giving up AGIP's property to CIP under an order of AFHQ. Rather, Lt. Col. Harris was requested to release his custodianship which had the effect of returning the property to AGIP. AGIP properties come under CIP control through AGIP's participation in the pooling which has been carried out for the purpose of putting all installations, resources and activities at the disposal of the Allied Forces.

3. This Section would like to express its appreciation of the interest taken in this question by Col. Upjohn and Lt. Col. Harris, and the courtesies they have extended to its civilian advisers at Salerno.

H. B. MYLES
Colonel
D.D. Petroleum

transferred by decree law to the government-owned oil company A.O.I.P., thus, when the Allied Forces arrived in Naples all major petroleum activities in the South of Italy, with the exception of the Anic refinery at Bari, were in the hands and in the name of Agip.

Gen. Alexander's Proclamation No. 6 abrogated all measures taken by the Italian Government to sequester, confiscate or otherwise discriminate against property owned by nationals of the United Nations or in which they had any interest. The precise effect of this on the status of the former British and American petroleum interests, (which were in the form of Italian incorporated companies), was not clear. Practically, it could hardly constitute more than an affirmation of the rights of the original shareholders. It did not put these companies into a position to start operations again for their own account since all personnel, cash, bank accounts, stocks, etc., were still Agip's under Italian law.

In any case, Gen. Alexander's Proclamations applied only to occupied territories and would have to be implemented or replaced by decrees of the Italian Government in the regions controlled by it or to which its control might be extended.

In November 1943, the Comitato Italiano Petroli (C.I.P.), had been formed at the request of the Allied Forces as a voluntary grouping of all petroleum facilities, irrespective of identity or ownership, for the purpose of carrying out the program of the Allied Forces in respect of their own requirements and of those quantities released for civilian distribution.

CIP was constituted informally by common accord among the interested parties and as yet has no legal status. It is now necessary, however, to give CIP legal status so that it can properly carry out the functions assigned to it among which will be the conclusion of a contract with the Italian Government covering all operations performed for the Allied Forces, those being under the terms of the Armistice for the account of the Italian Government.

Before giving CIP legal status, it is necessary to clear up the status of the former British and American owned companies both in regard to their own property interests and in regard to their eventual participation in CIP.

This question had been discussed with the Italian Minister of Industry and Commerce, S.E. Corbino. His view was that with the transfer of these local

companies to Agip in 1942 they had ceased to exist under Italian law and that before there could be any question of their participating in DIP it would be necessary to re-orient them juridically. This would require a decree law of the present government revoking the acts and laws of the Fascist Government relating to the sequestration, liquidation or transfer of Allied property interests and reconstituting the Italian companies to question with full powers and activities, (and, therefore, responsibilities), under Italian law. This done, it would then be possible for the Italian Government to appoint "commissari" for the former British and American owned companies in the same way as would be done for Agip and Aso or any other Italian companies whose head offices and general managements were on the other side of the lines.

Messrs. Prothingham and Holland desired to have the views of the legal and the Property Control Sections of A.C.C. and to know how the problem outlined fitted into the general program of those sections with regard to the immediate protection and the eventual recovery of Allied properties.

The views expressed by Col. Upjohn and Lt. Col. Harris may be summed up as follows:-

- 1 - With regard to Allied Property in unoccupied territory the administrative powers of the D.P.C. will be defined by an Italian decree now being worked out by A.C.C. and the Government.
Proclamation 6 may be amended in some particulars so far as occupied territory is concerned.
- 2 - The D.P.C. could of course undertake the management of property in Italy of companies incorporated under the laws of one of the United Nations who had property in occupied territory but there were few if any such companies. The D.P.C. could also undertake the management of an Italian company, the shareholding of which was entirely United Nations owned. For administrative reasons, however, the D.P.C. would prefer not to manage or be responsible for oil companies since petroleum activities appeared already subject to Allied control through other channels.
- 3 - Under Proclamation No 6 as first published in Sicily, the Property Controller could take over Agip's properties as enemy state property, (which he actually did for a time in Sicily), but it is not envisaged to do so on the

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- 4 - Granted that Cip activities are subject to the control of Petroleum Section Hq. ACMP and embrace all installations and properties, including Agip's, (and therefore, those of the former British and American companies), this would seem to provide adequate protection for these interests from the point of view of management.
- 5 - If this is so, the only immediate problem appears to be that connected with the legal status of CIP, i.e., whether the former British and American companies should be represented therein, inasmuch as that would apparently necessitate the legal re-constitution of these companies.
- 6 - Any action for the re-constitution of former companies or the recovery of British and American properties is considered premature under present conditions. The simplest and probably the best solution seems to be to leave

- 3 -

everything under the name and responsibility of Agip until it will be possible to see more clearly what is ahead, including the question of a more permanent Government.

7 - As far as the constitution of CIP is concerned, this would mean that it would be composed largely of the commissari of Agip and Anic, (there can presumably be more than one for each company if desired), and in view of the considerations mentioned in 4 above, this does not appear to comport any prejudice for the former American and British interests now included under Agip's name.

RF:TP

2034

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

785016

17

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmr

24 February 1944.

ACC/4014/3/L

To R. Frothingham Esq.
Petroleum Section, AFHQ.

Dear Mr. Frothingham:

Thank you so much for your letter enclosing draft Minutes of our meeting on 7 Feb. I enclose herewith a letter suggesting certain amendments.

G. R. UPJOHN
Colonel
Chief Legal Officer.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

7A

24 February 1944.

ACC/A014/3/L

SUBJECT: Minutes of Meeting on 7 Feb 44 re C.I.P.

TO : R. Frothingham Esq.
Petroleum Section AFHQ, Naples.

With reference to the draft Minutes of our meeting on 7 Feb with Messrs Frothingham and Holfand, Petroleum Advisors, AFHQ, we have the following comments to make on the paragraphs numbered 1-7 expressing our views, and make the following suggestions for amendments so as to express more exactly our views.

Para 1. Delete whole paragraph and substitute the following:

"With regard to Allied Property in unoccupied territory the administrative powers of the D.P.C. will be defined by an Italian decree now being worked out by A.C.C. and the Government."

"Proclamation 6 may be amended in some particulars so far as occupied territory is concerned."

Para 2. Delete whole paragraph and substitute the following:

"The D.P.C. could of course undertake the management of property in Italy of companies incorporated under the laws of one of the United Nations who had property in occupied territory but there were few if any such companies. The D.P.C. could also undertake the management of an Italian company, the shareholding of which was entirely United Nations owned. For administrative reasons, however, the D.P.C. would prefer not to manage or be responsible for oil companies if they were under proper Allied controlled management already."

Further Col. Upjohn would like to place on record the fact that he expressly dissented from some views expressed about the application of the Trading with the Enemy Acts.

15

Para 3. Delete from incl. "cobelligerent" to end of sentence and substitute "arrangements already made by AFHQ for the management of these properties".

Further Lt. Col. Harris would like to place on record the fact that he has given AGIP's property in Sicily to CIP under an order

AFHQ.

Para 4. Agreed

Para 5. Agreed

Para 6. Delete the last sentence starting with "In any case". We fear you are under a misapprehension in thinking we had in mind any proposal to insert in the decree of the Italian Government any special provisions with regard to these oil companies. What we pointed out was that under the decree the D.P.C. will have, as part of his general powers, the power to take into custody United Nations shareholdings of oil companies but no more. It must be exceedingly doubtful how far such shareholding can influence the management of AGIP or ANIC. The D.P.C. does not envisage any intervention in the management by CIP which is the responsibility solely of AFHQ.

Para 7. Agreed.

We shall be glad to hear that you are in agreement with our amendments.

Colonel
Chief Legal Officer

Lt. Col.
Director of Property Control.

9 February 1944

6A

LEGAL CONSTITUTION OF C.I.P. AND THE POSITION OF BRITISH AND AMERICAN
PETROLEUM INTERESTS IN RELATION THERETO

Memorandum of Discussion on February 7th with Representatives of the
Legal and the Property Control Sections of A.S.C.

(Col. Upjohn, Chief of Legal Section ACC (Salerno))
(Lt. Col. Harris, " " Property Control Section ACC (Salerno))
(" " Glenn, Property Control Section ACC (Salerno))
Present: - (Maj. Ranneford, Legal Section ACC Naples)
(Mr. Robert Frothingham) - Petroleum Advisors, AFHQ
(Mr. Arnold Hofland)

Messrs. Frothingham and Hofland explained how British and American petroleum interests in Italy had first been sequestered and then, in July 1942, completely transferred by decree law to the government-owned oil company AGIP. Thus, when the Allied Forces arrived in Naples all major petroleum activities in the South of Italy, with the exception of the Anic refinery at Bari, were in the hands and in the name of Agip.

Gen. Alexander's Proclamation No. 6 abrogated all measures taken by the Italian Government to sequester, confiscate or otherwise discriminate against property owned by nationals of the United Nations or in which they had any interest. The precise effect of this on the status of the former British and American petroleum interests, (which were in the form of Italian incorporated companies), was not clear. Practically, it could hardly constitute more than an affirmation of the rights of the original shareholders. It did not put these companies into a position to start operations again for their own account since all personnel, cash, bank accounts, stocks, etc., were still Agip's under Italian law.

In any case, Gen. Alexander's Proclamations applied only to occupied territories and would have to be implemented or replaced by decrees of the Italian Government in the region controlled by it or to which its control might be extended.

In November 1943, the Comitato Italiano Petroli (C.I.P.), had been formed at

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In any case, Gen. Alexander's Proclamations applied only to occupied territories and would have to be implemented or replaced by decrees of the Italian Government in the region controlled by it or to which its control might be extended.

In November 1943, the Comitato Italiano Petroli (C.I.P.), had been formed at the request of the Allied Forces as a voluntary grouping of all petroleum facilities, irrespective of identity or ownership, for the purpose of carrying out the program of the Allied Forces in respect of their own requirements and of those quantities released for civilian distribution.

CIP was constituted informally by common accord among the interested parties and as yet has no legal status. It is now necessary, however, to give CIP legal status so that it can properly carry out the functions assigned to it. It is the conclusion of a contract with the Italian Government, which will be the conclusion of a contract with the Allied Forces, these being under covering all operations performed for the Allied Forces, these being under the terms of the Armistice for the account of the Italian Government.

Before giving CIP legal status, it is necessary to clear up the status of the former British and American owned companies both in regard to their own property interests and in regard to their eventual participation in CIP.

This question has been discussed with the Italian Minister of Industry and Commerce, S. G. Corbino. His view was that with the transfer of these local

- 2 -

companies to Agip in 1942 they had ceased to exist under Italian law and that before there could be any question of their participating in CIP it would be necessary to re-create them juridically. This would require a decree law revoking the acts and laws of the Fascist Government relating to the sequestration, liquidation or transfer of Allied property interests and reconstituting the Italian companies in question with full powers and activities, (and, therefore, responsibilities), under Italian law. This done, it would then be possible for the Italian Government to appoint "commissari" for the former British and American owned companies in the same way as would be done for Agip and Anic or any other Italian companies whose head offices and general managements were on the other side of the lines.

Messrs. Frothingham and Hofland desired to have the views of the Legal and the Property Control Sections of A.C.C. and to know how the problem outlined fitted into the general program of those Sections with regard to the immediate protection and the eventual recovery of Allied properties.

The views expressed by Col. Upjohn and Lt.Col. Harris may be summed up as follows:-

1 - Gen. Alexander's proclamations will be replaced by Italian Government decrees, now in preparation, for those regions controlled by the latter. Moreover, in the light of experience gained, it was unlikely that Proclamation No. 6 as published in Sicily and Naples would again be published in the same form in other territories occupied by the Allies.

2 - The Property Controller could take over physical properties owned by American and British nationals for protection, or the stock of companies for safekeeping. He could therefore intervene as might be necessary but could not take on the management of companies, nor be responsible for such management. He could arrange, if that were desired, to appoint Messrs. Frothingham, Hofland and West as his representatives to manage

The views expressed by Col. Upjohn and Lt.Col. Harris may be summed up as follows:-

- 1 - Gen. Alexander's proclamations will be replaced by Italian Government decrees, now in preparation, for those regions controlled by the latter. Moreover, in the light of experience gained, it was unlikely that Proclamation No. 6 as published in Sicily and Naples would again be published in the same form in other territories occupied by the Allies.
- 2 - The Property Controller could take over physical properties owned by American and British nationals for protection, or the stock of companies for safekeeping. He could therefore intervene as might be necessary but could not take on the management of companies, nor be responsible for such management. He could arrange, if that were desired, to appoint Messrs. Frithingham, Hofland and West as his representatives to manage the respective properties. (It was pointed out that there could be absolutely no question of this in view of their official capacity as Petroleum Advisors of APH; moreover that unless the Trading with the Enemy Acts of both countries had been modified, it is not possible for American or British nationals or companies to have any dealings with Italian nationals or companies).
- 3 - Under Proclamation No. 6 as first published in Sicily, the Property Controller could take over Agip's properties as enemy state property, (which he actually did for a time in Sicily), but it is not envisaged to do so on the Italian mainland in view of the controversial status of the Italian Government of the liberated area.
- 4 - Granted that Cip activities are subject to the control of Petroleum Section APH and embrace all installations and properties, including Agip's, (and therefore, those of the former British and American companies), this would seem to provide adequate protection for those interests from the point of view of management.

./.

- 3 -

- 5 - If this ~~xxx~~ ^{is} so, the only immediate problem appears to be that connected with the legal status of CIP, i.e., whether the former British and American companies should be represented thereon, inasmuch as that would apparently necessitate the legal re-constitution of those companies.
- 6 - Any action for the re-constitution of former companies or the recovery of British and American properties is considered premature under present conditions. The simplest and probably the best solution seems to be to leave everything under the name and responsibility of Agip until it will be possible to see more clearly what is ahead, including the question of a more permanent Government. [In any case, the decrees destined to replace Gen. Alexander's Proclamations will be prepared by the Italian Government in collaboration with A.C.C. and in view of this discussion provision will be made in the decree replacing Proclamation No. 6 so that the Property Controller can intervene and exercise his powers on behalf of American and British interests if needed.]
- 7 - As far as the constitution of CIP is concerned, this would mean that it would be composed largely of the commissari of Agip and Anic, (there can presumably be more than one for each company if desired), and in view of the considerations mentioned in 4 above, this does not appear to comport any prejudice for the former American and British interests now included under Agip's name.

RF:TP

7 - As far as the constitution of the commissari of Agip and Anic, (there it would be composed largely of the commissari of Agip and Anic, and in view can presumably be more than one for each company if desired), and in view of the considerations mentioned in 4 above, this does not appear to comport any prejudice for the former American and British interests now included under Agip's name.

RF:TP

11

R. FROTHINGHAM
PETROLEUM SECTION
A.F.H.Q.

12 February 1944

Col. G.E. Upjohn, Chief Legal Section
ACC Headquarters

Dear Col. Upjohn:

This is just a personal note to send you the enclosed draft memorandum of our recent discussion.

Before sending you an official copy which you may wish to have in your files, Hofland and I would be glad if you and Lt. Col. Harris would look this over and say if you feel any changes are necessary.

With kind regards,

R. Frothingham

RF:TP

Encl: Draft memorandum

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 384.

GRU/gmf

5A

21 February 1944.

ACC/4014/3/E

SUBJECT: Memorandum on C.I.P. and British and American Petroleum Interests.

TO : Director of Property Control.

1. My observations on attached draft Memorandum are:

(a) Para one of our views: This is stating the position rather broadly. I suggest the following:

"1. With regard to Allied Property in unoccupied territory the administrative powers of the D.P.C. will be defined by an Italian decree now being worked out by A.C.C. and the Government."

Proclamation 6 may be amended in some particulars so far as occupied territory is concerned.

(b) Para two of our views: Add the following:

The D.C.P. could of course undertake the management of companies incorporated under the laws of one of the United Nations who had property in occupied territory but there were few if any such companies. The D.C.P. could also undertake the management of an Italian company, the shareholding of which was entirely United Nations owned. For administrative reasons, however, the D.C.P. would prefer not to manage or be responsible for oil companies if they were under proper Allied controlled management already.

Delete the sentence about trading with the enemy.

(c) Para three of our views: Surely it was not the status of cobelligerency which influenced your views?

(d) Para four of our views: Agreed.

(e) Para one of our views: This is stating the position rather broadly. I suggest the following:

"1. With regard to Allied property in unoccupied territory the administrative powers of the D.P.C. will be defined by an Italian decree now being worked out by A.C.C. and the Government."

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Delete the sentence about trading with the enemy.

(c) Para three of our views: Surely it was not the status of cobelligerency which influenced your views?

(d) Para four of our views: Agreed.

(e) Para five of our views: Agreed.

(f) Para six of our views: No special provision was, as I understood the position, contemplated. The D.C.P. will have powers under the general decree dealing with his administrative powers so far as British and American shareholdings are concerned but no more.

(g) Para seven of our views: Agreed.

2. Will you let me know when you are ready to discuss this please.

G. H. URQUHART
Colonel
Chief Legal Officer.

Copy

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512

4A

15 January 1944

SUBJECT: A.G.I.P. Properties

TO : Property Controller

1. You are hereby directed to release forthwith from your control the properties of A.G.I.P. formerly taken into your control by virtue of the provisions of Proclamation No. 6. Upon effecting such release and in the absence of further directions, your Subcommand will have no further responsibilities with respect to such properties. This includes all petroleum products now on hand.

2. The foregoing does not apply to any accumulated funds, which will be dealt with separately.

CHARLES M. SHOFFORD
Colonel, G.S.C.
D.C.C.A., AMG HQ

*See starred * folio*

Shofford

8

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

FJ/14

31 December 43

SUBJECT: DELIVERY OF CERTAIN ASSETS BY PROPERTY CONTROLLER TO C.I.P.
TO : PROPERTY CONTROL SUB-COMMISSION

Without passing upon the propriety of or the policy involved
in the requested transfer we advise that such transfer, if it is decided
upon, should be upon the order of AFHQ directed to Colonel Charles
Spefford as Deputy Chief Civil Affairs Officer

Maro J. Grossman
Major
Acting Chief Legal Officer

3A

HB - MG

Property Control Sub. Commission

(2A)

Dec 30, 1943

To: Legal Sub-Commission

Subject: Delivery of Director of Property Control of Assets
and bank accounts of A.G.I.P.

1. Upon War's outburst war and peace America Italian Govt appropriated the oil properties and assets of S.A.I.P. - an American owned concern affiliated with Standard Oil of N.Y. and N.A.S.T.A., a British & Dutch owned concern affiliated with Shell oil Co. These properties and assets were then sold for stock consideration to A.G.I.P. an Italian oil Co who thereupon operated the same properties as part of its own plant and system by commingling with these assets.

2. Inasmuch as A.G.I.P. held these assets of B & Am companies which could not be segregated the Control of Property AMGOT in Sicily took custody and control of A.G.I.P. in Sicily and appointed managers who thereafter ran the business, pursuant to Proclamation No 6 and Administrative Instructions No 10 AMGOT. All funds were deposited in Bank of Sicily subject to

H.G.I.P. an Italian oil co. who themselves operated the same properties as part of its own plant and system by communicating with these agents.

2. Intocomak as A.G.I.P. held three assets of B & C. Companies which could not be segregated. The Controller of Property A.M.G.O.T. in Sicily took custody and control of A.G.I.P. in Sicily and appointed an agent with the name of the business, pursuant to Resolution No. 6 and Administrative Instructions No. 10. A.M.G.O.T. All funds were deposited in Bank of Sicily subject to the technical supervision of C.I.P. There is no word on hand in excess of million lire to account A.G.I.P.

3. Subsequent to taking custody and on Nov 10 - H.G. Advance b Administrative Resolution A.F.H.G. issued an order - copy

attached - prohibiting any armor since from carrying or possessing properties and facilities of Italian C.I.P. Petroleum Companies without approval Petroleum Section

H.F.H.G.; certain regulatory and coordinating powers were given this Section. (See attached). As a result C.I.P. did not make custody of H.G.I.P. on number which as we understand is being operated by C.I.P. subject to supervision of Petroleum Section H.F.H.G.

4. C.I.P. is a voluntary new proprietorship set up by Petroleum Section and under its immediate control. It has on its board of managers representatives of all the oil industries and agencies in Italy and is directing the operations and management of these concerns in Italy.

5. Lt Col King - Chief Civil Affairs Unit - Petroleum Section AFHQ Admin. Division has approved C.P. AMG with request that ACIP properties and bank accounts in Sicily now in custody of C.P. be turned over to C.I.P. for operation and management in order that our unified policy and plan may be adopted and enforced throughout Italy + Sicily. It will mean that the bank account of ACIP is of considerable interest to C.I.P.

6. C.P. has taken position that Resolution No 6 AMGOT imposed on C.P. responsibility to care for and preserve Allied properties in Sicily and that the management, operations and assets can only be turned over to C.I.P. at request of Petroleum Section upon proper Order of higher authority properly relieving C.P. from his responsibilities for the S/AF and AFAT4 interests as Allied properties imposed under the Resolution.

7. Lt Col King has indicated that he will contact Medley, Government Section AFHQ in an effort to procure from it an order directing C.P. to ~~it~~ to direct himself a custody of ACIP and turn over the management and all assets including bank account to C.I.P.

(9)

5

properties in Denver and that the same were
and agents can only be turned over to C.I.P. at request of
Retroleum Station upon proper order of higher authority
properly relieving C.I.P. from his responsibilities for the
S/A P and M.A.F.T.A. interests as called properties involved under
the Reservation.

1. Lt Col King has indicated that he will conduct Mark Day
Government Section A.F.H.G. in an effort to remove from
it an order directing C.I.P. to ~~be~~ to direct himself
of custody of M.G.I.P. and turn over the management and
all assets including bank account to C.I.P.

2. C.I.P. is willing and agreeable to such action provided
he is assured that such order has been received from
proper authority and properly relieves him from further
responsibility and authorizes him to turn over assets
of advice is requested from Major S. L. Cunningham whether
such order issued by M & S - A.F.H.G. 195 ¹⁹⁵⁵ applicable &
under proper for the purpose.

James M. Leonard
Lt Major A.C.
Chief Control of Property.

2053

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

785016

~~4. W. Col King - Chief Civil Affairs Officer - Petroleum Section~~
~~AF HQ General Counsel - 4000 Randolph Blvd~~
~~Property # 1116~~

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(1A)

HEADQUARTERS ADV. ADMINISTRATION SECTION

A.F.M.S.

4/5 ES

10 November 1943

COM. NO. _____

ATTN: ADV. ADM. SECTION AM. INSTRUCTIONS NO. 6

Dealing with Italian Civilian Petroleum Companies.

1. Petroleum Section, Advanced Administrative Section, AFM, is designated as the coordinating office for contact with Italian Civil Petroleum industry.
2. Petroleum Section, Advanced Administrative Section, AFM, will:
 - a. Review all future contracts to be made with the various components of the Italian Civil Petroleum industry, either individually or collectively, before consummation thereof.
 - b. Review all contracts presently outstanding with the various components of the Italian Civil Petroleum industry, either individually or collectively.
 - c. Make recommendations as to changes, alterations, or amendments to these contracts which are indicated as necessary to regularize the contracts with regard to established petroleum practices in Italy.
3. Properties and facilities belonging to the Italian Civil Petroleum Companies will not be requisitioned, occupied, or requested by any or services other than petroleum operating personnel without prior reference to Petroleum Section, AFM.

1. Petroleum Section, Advanced Administrative Section, AMU, will coordinate the coordination office for contact with Italian Civil Petroleum industry.
2. Petroleum Section, Advanced Administrative Section, AMU, will:
 - a. Review all future contracts to be made with the various companies of the Italian Civil Petroleum Industry, either individually or collectively, before consummation thereof.
 - b. Review all contracts presently outstanding with the various companies of the Italian Civil Petroleum Industry, either individually or collectively.
 - c. Make recommendations as to changes, alterations, or amendments to those contracts which are indicated as necessary to regularize the contracts with regard to established petroleum practices in Italy.
3. Properties and facilities belonging to the Italian Civil Petroleum Companies will not be requisitioned, occupied, or sequestered by arms or services other than petroleum or related personnel without prior reference to Petroleum Section, FM 50.

DISTRIBUTION

See other side

Major General,
Deputy Chief Administrative Officer.

/over

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Draft

SUBJECT:

TO : Allied Commission, Legal Sub-Commission.

1. Reference this Section's letter FET 30/E/8 of the 7th December and telephone conversation Col. Behrens - Mr. Hofland.

2. The services which are rendered by CIP to the Allies can be classified in the following categories:

a) Installations belonging to Italian oil companies are put at the disposal of the military forces and are entirely operated by military personnel. CIP pays to the owner companies a rent covering interest and amortisation on the capital invested.

b) Similar installations as mentioned under a) are operated ~~operat~~ by Italian civilian personnel entirely or partly by the Allied armed forces. Apart from the rent payable, CIP incurs expenses for wages, salaries, electric current, etc. etc.

c) On the request of the Allied forces, CIP has made additions to installations consisting of storage sheds, loading racks, etc. Such additions in the majority of cases are of no use to the owners of the installations at the end of the military operations. The work is executed by personnel paid by CIP and with materials partly ex Italian oil company stocks, ~~and~~ partly supplied by the Allied military, and partly bought by CIP from other Italian sources.

d) On the request of the military, CIP is repairing petroleum equipment not belonging to Italian oil companies, e.g. rail tank-cars, drums, cans, etc. Such repairs are also being made to material belonging to CIP but used entirely by the military. The work is done the same as under c).

e) On the request of the military, CIP is filling drums and

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e) On the request of the military, CIP is filling drums and cans etc. The work is done the same as under c).

f) On the request of the military, CIP is rendering services which have nothing to do with the oil industry, such as repairs and repainting of oil drums etc. The work is done the same as under c).

g) On the request of the military, CIP has taken over the operation of W.D. petrol points. In exceptional cases these petrol points are situated in depots belonging to the Italian oil industry and are operated by CIP personnel. In the majority of cases, however, the petrol points have been established by the military and were until recently run by staff engaged direct

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by the military. They have now been handed over to CIP, who have been asked to meet all the expenses incurred.

3. The only guidance this Section has as to how payment has to be made for the various services rendered is contained in the attached letter of the 25th March 1944 of C.A.O. - HQ AAI. Reference is also made to Petroleum Section's letter to ACC - HQ dated 15th February 1944 (PET 19/13), which was discussed at the time with Lt. Col. Miller and Capt. Timmons.

4. Until recently it has always been assumed that CIP would enter into a contract with the Italian Government to obtain payment for the services rendered to the Allies, but you are aware of the provision which has been made in the draft decree constituting CIP, Clause , according to which the CIP would recover all expenditure incurred by rendering services to the Allies in accordance with the armistice terms through an adequate quota of the sales price of petroleum products. It is however important to know the exact liability of the Italian Government under the armistice terms to render services to the Allies, because only such expenses could be included in the sales price, whereas any other which are not the liability of the Italian Government will have to be paid for by the Allies direct to CIP.

5. The ruling of the C.A.O. was that expenditure incurred under categories c), d), e) and f) should be met from military funds until AFHQ Administrative Memorandum 95 would be fully implemented. Services rendered under categories a) and b) should not be paid by the Allies and CIP should recuperate these in the way mentioned in paragraph 4.

6. However, as indicated in letter PET 27th Dec. '43, the American forces refund CIP in cash the monthly expenses incurred for actual operating, so that in all installations for the military CIP's only liability is the rent for the installation payable to the owner. The British forces do not pay anything and CIP has to assume the full liability and include all these expenses in the sales price.

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7. With regard to services rendered under g), this Section has already taken up the matter with S. & T., as it feels that those expenses should be made ex military funds. Some complication may however occur in cases where the petrol points have been established at oil companies' installations.

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COMPTON SUBCOMMISSION

ROUTING SLIP

16/10/14

(Date)

FROM _____ TO _____

Director: _____

Col. W. F. EVANS _____

Director: _____

✓ Capt. W. E. SCOTT _____

Assistant: _____

Lieut. F. S. COLE _____

Materials Division:

✓ Lt. Col. F. M. REITER _____

✓ Maj. R. R. GREEN _____

✓ Maj. L. C. WOOD _____

✓ Capt. L. O. A. MACGIZIE _____

✓ Capt. J. W. G. SQUAIR _____

✓ 1st Lt. I. W. HARRIS _____

✓ Lieut. B. NOBLE _____

Foreign Trade Section:

✓ Maj. H. A. GENT _____

✓ Maj. A. H. DOWD _____

✓ Capt. H. C. NELSON _____

✓ 1st Lt. W. W. HASE _____

Fuel Section:

✓ Maj. A. S. BRIDGTON _____

Prices Section:

✓ Capt. F. C. MURPHY _____

Chief Clerk

Electronic Section _____

FOI:

✓ Necessary Action _____

Investigation and Report _____

Recommendation and Remark _____

Information _____

Approval _____

To note & return/pass on

Ad. H. A. GALT
Ad. A. H. MORTON
Capt. H. C. NELSON
Capt. W. W. HAASE
For Section: *[Signature]*
Ad. A. S. DREYER
Prices Section:
Capt. F. G. MURPHY

Chief Clerk
Economic Section
FOR: ☒ Necessary Action
Investigation and Report
Recommendation and Remark
Information
Approval
To note & return/pass on
Signature
Discuss
File
B/T

Remarks: *Don't you think
this has better be investigated
to Econ. Sec. They seem
to have taken it out of
our hands.*

May Section
*I have discussed the prob
of CIP abt with Col Swann. Still
to Patent Rights (See memo) in file.*

4/29/47 - O'Rourke to New

2065