

N° 1278.

ITALIE ET POLOGNE

Convention concernant le règlement financier des compagnies italiennes d'assurance qui exerçaient leur activité sur le territoire appartenant actuellement à la République de Pologne. Signée à Rome, le 22 juillet 1925.

ITALY AND POLAND

Convention regarding the Financial Regulation of Italian Insurance Companies carrying on Business in Territory at present belonging to the Republic of Poland. Signed at Rome, July 22, 1925.

¹ TRADUCTION. — TRANSLATION.

No. 1278. — CONVENTION ² BETWEEN THE KINGDOM OF ITALY AND THE REPUBLIC OF POLAND REGARDING THE FINANCIAL REGULATION OF ITALIAN INSURANCE COMPANIES CARRYING ON BUSINESS IN TERRITORY AT PRESENT BELONGING TO THE REPUBLIC OF POLAND. SIGNED AT ROME, JULY 22, 1925.

French official text communicated by the Polish Delegate accredited to the League of Nations and by the Italian Minister for Foreign Affairs. The registration of this Convention took place August 25, 1926.

THE REPUBLIC OF POLAND and THE KINGDOM OF ITALY, with a view to determining in a friendly manner the financial regulation of Italian insurance companies carrying on business in territory at present belonging to the Republic of Poland, have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

M. Henryk GRUBER, Doctor of Laws, Director of the State Office for the Supervision of Insurance at the Ministry of Finance ;

HIS MAJESTY THE KING OF ITALY :

His Excellency Amadeo GIANNINI, Minister Plenipotentiary, Honorary Councillor of State ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions :

Article I.

POLISH PORTFOLIO.

1. Italian insurance companies carrying on business in territory at present belonging to the Republic of Poland shall form a special portfolio of life assurance contracts and of contracts for annuities expressed in terms of Austro-Hungarian crowns, German marks, Polish marks and Russian roubles, entered into with persons who, at the date of the coming into force of the present Convention, are Polish nationals and who paid their last premium before January 1, 1925, to the Polish agencies of the said companies.

2. For six months reckoned from the date of the coming into force of the present Convention, Polish nationals whose contracts cannot be included in the Polish portfolio under the provisions of the preceding paragraph of the present Article, but who have been domiciled in the territory of the Polish Republic, at least since January 1, 1925, shall be entitled to require that their contracts

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place June 26, 1926.

be included in the Polish portfolio and transferred to the office of the Agent of the Italian Company, recognised by the Polish Government, if the said contracts were concluded before January 1, 1919.

Article II.

VALORISATION.

Insurance contracts included in the Polish portfolio under the terms of Article I, shall be valorised in zloty according to the provisions of the present Convention.

Article III.

The valorisation in zloty of insurance contracts entered into before January 1, 1919, shall be effected at the following rates :

1 Austro-Hungarian crown	0.15 zloty
1 Polish mark	0.100 »
1 German mark	0.176 »
1 Russian rouble	0.381 »

on condition that the Italian companies are treated as favourably as possible by the Polish Government.

Article IV.

INSURANCE CONTRACTS ENTERED INTO BEFORE JANUARY 1, 1919.

1. Insurance contracts entered into before January 1, 1919, which have not fallen due or been cancelled in virtue of the conditions of the contract before the date of the coming into force of the present Convention, shall, at the option of the party to the contract (the insured party) be kept in force, or reduced or redeemed. The cancellation of contracts by the companies shall only be valid if the party to the contract is at fault.

2. To maintain in force their insurance contracts, insured parties shall be required to pay without interest all premiums due since January 1, 1919, valorised in zloty according to the provisions of Article III, with a deduction of 1 % of the amount of the premiums paid converted into zloty at the annual mean rate of exchange shown in the table in Article VIII.

Premiums paid since January 1, 1923, shall be converted at the rate of one zloty per 1,800,000 Polish marks or 2,570,000 German marks or 830,000 Russian roubles.

3. The contracting party shall be given a period of six months from the date of the coming into force of the present Convention in which to pay the premiums due by him. The companies shall transmit to every contracting party a notice requiring payment of the premiums.

Should the premiums due under the previous provisions not be paid within the period of six months, the contracts shall be converted into reduced capital insurance free from payment of premiums, or shall be redeemed at the request of the contracting party.

The reduced capital and the prices of redemption shall be established according to the terms of the contracts, taking as the basis of calculation the actuarial reserves as at December 31, 1918. The amounts thus established shall be valorised in zloty at the rates laid down in Article III. In respect of premiums paid since December 31, 1918, the persons entitled shall also be allowed 1 % of their amount converted into zloty at the mean annual rates of exchange as shown in the table in Article VIII.

Premiums paid since January 1, 1923, shall be dealt with in conformity with sub-paragraph 2 of paragraph 2 of the present Article.

4. Capital amounts insured under contracts entered into before January 1, 1919, which have already fallen due or which will fall due within six months from the date of the coming into force of the present Convention shall be valorised in zloty according to the provisions of Article III, with a deduction, however, of 1 % of the amount of the premiums paid since January 1, 1919, converted into zloty according to the provisions of paragraph 2 of the present Article.

5. Contracts reduced in accordance with their terms before January 1, 1919, shall be valorised in zloty at the rates fixed in Article III.

6. Companies shall have the right to liquidate, without interest, amounts owed by them on account of maturing, redemption or loans, after three years as from July 1, 1926. The amounts due in consequence of the death of the insured person, with the exception of fixed term insurance, shall be liquidated without delay.

Article V.

INSURANCE CONTRACTS ENTERED INTO SINCE JANUARY 1, 1919.

Insurance contracts entered into since January 1, 1919, shall be converted into zloty at the rate of 1 zloty for 1,800,000 Polish marks, 2,570,000 Austro-Hungarian crowns or 830,000 Russian roubles.

The persons entitled thereto shall be allowed 1 % of the amount of the premiums paid, converted at the mean annual rate of exchange shown in the table in Article VIII, if these premiums were paid before January 1, 1923, no account being taken of the maturing or the cancellation of the contracts.

Premiums paid since January 1, 1923, shall, be dealt with in conformity with the second sub-paragraph of paragraph 2 of Article IV.

Article VI.

PAYMENTS MADE BEFORE THE DATE OF THE COMING INTO FORCE OF THE CONVENTION.

Exceptions shall only be allowed against payments made by the Italian companies before the date of the coming into force of the present Convention on contracts entered into before January 1, 1919, in those cases in which such payments were accepted with a reservation as to the right to claim the difference resulting from the valorisation of the sum due. In such cases the companies shall pay the amount valorised according to the provisions of Article III with the deduction of the amount already liquidated, calculated at the rate of exchange laid down in Article VIII in conformity with the date of its liquidation. As regards premiums paid since January 1, 1919, the provisions of Article IV shall apply.

Article VII.

LOANS ON INSURANCE CONTRACTS.

1. Loans on insurance contracts shall be :

(a) Valorised according to the provisions of Article III, if they were paid to the contracting parties before January 1, 1919 ;

(b) Converted at the rates of exchange laid down in Article VIII, if they were paid to the contracting parties since January 1, 1919.

2. The interest on loans shall only be due from the date of the coming into force of the present Convention.

3. The valorised or converted amount of the loans on insurance contracts may not exceed the reserve as at December 31, 1918, valorised according to Article III, or the allowance, if any, provided for in Article V.

Article VIII.

RATES OF EXCHANGE SINCE JANUARY 1, 1919, TO DECEMBER 31, 1922.

One zloty is equal to :		Russian Roubles	Austro-Hun- garian Crowns	German Marks	Polish Marks
January	1919	1.10	2.90	1.8	1.50
February	»	1.35	3.20	2.0	1.75
March	»	1.50	4.00	2.0	2.00
April	»	2.00	4.75	2.0	2.25
May	»	2.25	5.50	2.1	2.50
June	»	2.50	5.75	2.1	2.75
July	»	3.75	6.20	2.4	3.25
August	»	4.25	8.00	2.8	4.25
September	»	5.75	11.00	3.3	6.00
October	»	6.55	14.00	4.2	7.50
November	»	8.50	17.00	5.5	10.00
December	»	10.50	22.00	7.0	14.00
January	1920	12	28	9	19
February	»	13	35	11	23
March	»	13	35	12	25
April	»	13	35	12	25
May	»	14	35	11	30
June	»	13	30	11	31
July	»	13	—	11	34
August	»	13	—	11	40
September	»	14	—	11	45
October	»	17	—	11	60
November	»	19	—	11	80
December	»	23	—	11	100
January	1921	25	—	11	120
February	»	30	—	11	130
March	»	35	—	11	145
April	»	40	—	11	140
May	»	55	—	11	150
June	»	80	—	11	200
July	»	120	—	11	300
August	»	200	—	11	400
September	»	—	—	14	425
October	»	—	—	18	450
November	»	—	—	23	450
December	»	—	—	25	450
January	1922	—	—	28	450
February	»	—	—	31	500
March	»	—	—	40	550
April	»	—	—	46	600
May	»	—	—	48	650
June	»	—	—	50	750
July	»	—	—	70	850
August	»	—	—	120	1,000
September	»	—	—	180	1,200
October	»	—	—	320	1,400
November	»	—	—	750	1,800
December	»	—	—	950	2,500

Article IX.

INSURANCE CONTRACTS EXPRESSED IN CURRENCIES OTHER THAN THOSE MENTIONED IN ARTICLE I.

Amounts due on insurance contracts expressed in currencies other than those mentioned in Article I, or entered into under the gold payments clause, shall be liquidated in conformity with the terms of the contract in the currency and for the amount stated therein.

Article X.

SECURITY RELATING TO CONTRACTS SUBJECT TO VALORISATION.

The Italian companies shall furnish as security in Poland cover for the actuarial reserves corresponding to the Polish portfolio valorised according to the provisions of the present Convention.

This security shall be invested in conformity with the regulations in force in Poland as to the securities and investments of foreign insurance companies.

Article XI.

SECURITY RELATING TO CONTRACTS NOT SUBJECT TO VALORISATION.

Securities deposited in Poland by Italian insurance companies as cover for liabilities resulting from insurance contracts not subject to valorisation may not be employed as cover for liabilities connected with the Polish portfolio mentioned in Article I.

Article XII.

COMPETENT TRIBUNAL.

Any disputes which may arise between Italian insurance companies and the contracting parties or their heirs or assigns with regard to insurance contracts appertaining to the Polish portfolio mentioned in Article I shall be decided by the competent judicial authority of the place in which the Office of the Agent of the Italian Company recognised by the Polish Government is situated, even if the contract provides otherwise.

Article XIII.

RATIFICATION.

The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

The date of the exchange of ratifications shall also be that of the coming into force of the present Convention.

In faith whereof, the above-named Plenipotentiaries have signed the present Convention.

Done at Rome on July 22, 1925, in French, in two copies, one of which shall be given to each of the Signatory States.

For Poland :
(Signed) H. GRUBER.

For Italy :
(Signed) A. GIANNINI.