

N° 1896.

ITALIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES

Accord intégratif des dispositions concernant le trafic de frontière contenues dans l'annexe E au Traité de commerce et de navigation, signé à Belgrade, le 14 juillet 1924. Signé à Nettuno, le 20 juillet 1925.

ITALY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES

Agreement supplementing the Provisions relating to Frontier Traffic contained in Annex E to the Treaty of Commerce and Navigation, signed at Belgrade, July 14, 1924. Signed at Nettuno, July 20, 1925.

¹ TRADUCTION. — TRANSLATION.

No. 1896. — AGREEMENT² BETWEEN THE KINGDOM OF ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES, SUPPLEMENTING THE PROVISIONS RELATING TO FRONTIER TRAFFIC CONTAINED IN ANNEX E TO THE TREATY OF COMMERCE AND NAVIGATION³ SIGNED AT BELGRADE JULY 14, 1924. SIGNED AT NETTUNO, JULY 20, 1925.

French official text communicated by the Italian Minister for Foreign Affairs and the Permanent Delegate of the Kingdom of the Serbs, Croats, and Slovenes accredited to the League of Nations. The registration of this Agreement took place December 19, 1928.

HIS MAJESTY THE KING OF ITALY and HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES, being desirous of supplementing the provisions of Annex E to the Treaty of Commerce and Navigation signed at Belgrade on July 14, 1924, have resolved to conclude a special agreement for the purpose, and have with this object appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

M. Benito MUSSOLINI, Member of Parliament, Prime Minister and Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

M. Voislav ANTONIEVITCH, His Envoy Extraordinary and Minister Plenipotentiary accredited to His Majesty the King of Italy ;

M. Ottokar RYBÁR, Envoy Extraordinary and Minister Plenipotentiary ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :

Article 1.

The commission provided for in Article 29 of Annex E to the Treaty of Commerce and Navigation concluded between the High Contracting Parties at Belgrade on July 14, 1924, will be able to take the necessary steps to ensure that Article 10 of the said Annex shall also apply to the transport of timber from the Italian frontier zone to the Logatec and Planina stations, provided that the said timber be despatched to Italy by rail from the said stations. The commission shall likewise determine the places on the frontier through which the timber may be transported from the one country to the other.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Rome, November 14, 1928.

³ Vol. LXXXII, page 257, of this Series.

Article 2.

The inhabitants of the frontier zone of either High Contracting Party who are referred to under Article 8 (*a*) of the Annex mentioned in the preceding Article may, as regards affairs relating to their lands situated in the frontier zone, proceed to the authorities and courts of first instance of the other High Contracting Party having their seat outside the frontier zone, and shall for such purpose only require to be in possession of the frontier cards provided for in Article 7 of the aforesaid Annex.

Article 3.

The competent administrations of the High Contracting Parties shall be entitled to conclude special agreements concerning the supply of electric current by power stations, at present existing or to be constructed hereafter within the territory of either High Contracting Party, to consumers resident in the frontier zone of the other Party or to public establishments situated in the said zone, including Zara.

In such cases the administrations may by common agreement grant concessions for the exploitation of hydraulic power even to companies belonging to the High Contracting Party within whose territory the consumers reside.

Such agreements may be concluded and such concessions granted notwithstanding the provisions in force.

The price and the method of control and payment of the power thus supplied shall be fixed by agreement between the supplier and consumer.

The said price shall be free from any consumption tax, imposed by the State or the Municipality, to which the inhabitants of the country of residence of the supplier are not likewise subject, or from which the consumption of the electric power is exempted in foreign countries.

Article 4.

The aqueduct of the commune of Planina shall remain the exclusive property of that commune.

The Government of the Kingdom of Italy undertakes not to execute or cause to be executed within the sector of the said aqueduct and its immediate surroundings, which have been allotted to the aforesaid Kingdom, any works or operations which might adversely affect in any way whatsoever the volume and quality of the water of the commune of Planina, or render the derivation of such water more difficult.

The Government of the Kingdom of Italy grants to the commune of Planina the right to carry out in the sector of the said aqueduct and in its immediate neighbourhood the works and operations required to supply it with the necessary water should the latter for any reason whatsoever prove to be inadequate.

The Government of the Kingdom of Italy undertakes to guarantee to the commune of Planina full liberty to execute in the surrounding lands all work which may be necessary to maintain the hydraulic capacity of the aqueduct without interfering with local requirements, and to allow the technical experts and workmen who are to carry out such work unhindered access for that purpose.

Any costs of compensation to be paid to the owners of the said lands shall be borne by the commune of Planina.

The inhabitants in the neighbourhood of the aqueduct in Italian territory shall retain the right to obtain a supply from this aqueduct on the present scale, provided they observe the regulations regarding consumption in force for inhabitants of Serb-Croat-Slovene territory and provided they pay the same prices as the inhabitants of Serb-Croat-Slovene territory.

Should a tax be necessary to meet the costs of upkeep and reconstruction of the aqueduct and should the tax be demanded by the administration, the competent Prefect of the Kingdom

of Italy shall fix, in agreement with the Prefect of the Kingdom of the Serbs, Croats and Slovenes whose district includes the commune of Planina :

- (a) The part of the tax payable by the inhabitants of the territory of the Kingdom of Italy ;
- (b) The mode of payment of such tax, and
- (c) The persons liable to pay the tax.

Article 5.

The provisions of Articles 2 and 3 of the Agreement signed this day concerning the use of the Drenova (Fiume) cemetery by certain parts of the frontier communes of the Kingdom of the Serbs, Croats, and Slovenes, and the conveyance of corpses between Fiume and Susak, shall also apply *mutatis mutandis* to the conveyance of corpses from the frontier zone of the one High Contracting Party to that of the other.

Article 6.

Should any dispute arise between the High Contracting Parties with regard to the interpretation or application of the present Agreement, and should either of them request that the dispute be submitted for decision to a Court of Arbitration, the other Party shall consent to this course, even as regards the prior question whether the dispute is such that it can be laid before a Court of Arbitration.

The Court of Arbitration shall be constituted for each dispute in such a way that each of the High Contracting Parties will appoint one of its nationals as arbitrator, the two Parties choosing for the third arbitrator a national of a third friendly Power.

The High Contracting Parties reserve the right to select jointly in advance and for a specified period the person who, if a dispute arises, is to act as third arbitrator. The decision of the arbitrators shall be binding.

Article 7.

The present Agreement shall be ratified and the ratifications shall be exchanged at Rome. It shall come into force one month after the exchange of the ratifications and shall remain in force for the whole term of validity of the Treaty of Commerce and Navigation referred to in Article 1, except for the provisions of Article 4, which shall remain in force indefinitely.

In faith whereof the Plenipotentiaries have signed the present Agreement and have thereto affixed their seals.

Done at Nettuno in duplicate, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.