

N° 2713.

ALLEMAGNE ET ITALIE

Accord concernant l'Institut de biologie marine de Rovigno, entérinant la Convention signée à Berlin, le 25 février 1930, ici reproduite. Signé à Rome, le 11 octobre 1930.

GERMANY AND ITALY

Agreement regarding the Institute of Marine Biology at Rovigno, confirming the Convention signed at Berlin, February 25, 1930, here reproduced. Signed at Rome, October 11, 1930.

TEXTE ITALIEN. — ITALIAN TEXT.

N° 2713. — ACCORDO¹ TRA IL REGNO D'ITALIA E IL REICH GERMANICO PER L'ISTITUTO DI BIOLOGIA MARINA IN ROVIGNO. FIRMATO A ROMA, II OTTOBRE 1930.

Textes officiels allemand et italien communiqués par le ministre des Affaires étrangères d'Italie et le Consul général d'Allemagne à Genève. L'enregistrement de cet accord a eu lieu le 23 mai 1931.

SUA MAESTA' IL RE D'ITALIA e IL PRESIDENTE DEL REICH GERMANICO :

Vista la Convenzione conclusa in Berlino il 25 febbraio 1930 tra i Rappresentanti autorizzati del Regio Comitato Talassografico italiano e della Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften per la creazione ed il funzionamento di un Istituto di Biologia Marina in Rovigno ;

Desiderando convalidare tale intesa anche per quanto essa comporti provvedimenti riservati ai poteri di Stato delle due Alte Parti contraenti ;

Hanno deciso di concludere il seguente accordo che viene firmato dal rispettivo Plenipotenziario :

Articolo 1.

E' approvata la Convenzione conclusa a Berlino il 25 febbraio 1930 tra i Rappresentanti autorizzati del Regio Comitato Talassografico italiano e la Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften, per la creazione e per il funzionamento di un Istituto di Biologia Marina in Rovigno.

Articolo 2.

Le due Alte Parti contraenti s'impegnano a riconoscere detta Istituzione e ad osservare gli obblighi rispettivamente conseguenti dalla Convenzione medesima, i cui testi italiano e tedesco sono qui allegati.

Articolo 3.

Il presente Accordo sarà ratificato e le ratifiche saranno scambiate in Roma al più presto possibile.

¹ L'échange des ratifications a eu lieu à Rome, le 17 avril 1931.
Entré en vigueur le 17 avril 1931.

TEXTE ALLEMAND. — GERMAN TEXT.

Nr. 2713. — ABKOMMEN¹ ZWISCHEN DEM DEUTSCHEN REICH UND DEM KÖNIGREICH ITALIEN ÜBER DAS INSTITUT FÜR MEERESBIOLOGIE IN ROVIGNO. GEZEICHNET IN ROM, AM 11. OKTOBER 1930.

German and Italian official texts communicated by the Italian Minister for Foreign Affairs and the German Consul-General at Geneva. The registration of this Agreement took place May 23, 1931.

DER DEUTSCHE REICHSPRÄSIDENT und S. M. DER KÖNIG VON ITALIEN:

Haben nach Einsicht des in Berlin am 25. Februar 1930 zwischen den ermächtigten Vertretern der Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften und des Königlich Italienischen Talassographischen Komitees geschlossenen Abkommens über die Schaffung und den Betrieb eines Instituts für Meeresbiologie in Rovigno;

Von dem Wunsche geleitet, dieses Abkommen zu bestätigen, auch insofern es Massnahmen vorsieht, die der Staatsgewalt der beiden vertragschliessenden Parteien vorbehalten sind,

Beschlossen das folgende Abkommen zu schliessen, das durch ihre beiderseitigen Bevollmächtigten unterzeichnet wird:

Artikel 1.

Das am 25. Februar 1930 in Berlin zwischen den ermächtigten Vertretern der Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften und des Königlich Italienischen Talassographischen Komitees abgeschlossene Abkommen über die Schaffung und den Betrieb eines Instituts für Meeresbiologie in Rovigno wird bestätigt.

Artikel 2.

Die beiden vertragschliessenden Parteien verpflichten sich, die genannte Gründung anzuerkennen und die Verpflichtungen zu beobachten, die sich für sie aus diesem Abkommen ergeben, dessen deutscher und italienischer Wortlaut hier beigefügt sind.

Artikel 3.

Dieses Abkommen wird ratifiziert werden, und die Ratifikationsurkunden werden sobald als möglich in Rom ausgetauscht werden.

¹ The exchange of ratifications took place at Rome, April 17, 1931.
Came into force April 17, 1931.

¹ TRANSLATION.

No. 2713. — AGREEMENT BETWEEN THE GERMAN REICH AND THE KINGDOM OF ITALY REGARDING THE INSTITUTE OF MARINE BIOLOGY AT ROVIGNO. SIGNED AT ROME, OCTOBER 11, 1930.

HIS MAJESTY THE KING OF ITALY and THE PRESIDENT OF THE GERMAN REICH,

Having regard to the Convention concluded at Berlin on February 25, 1930, between the authorised representatives of the Royal Italian Oceanographical Committee (*Regio Comitato Talassografico italiano*) and the *Kaiser Wilhelm Gesellschaft zur Förderung der Wissenschaften*, regarding the creation and operation of the Institute of Marine Biology at Rovigno ;

Being desirous of confirming this Convention, even so far as it provides for measures which can only be taken on the Governments of the High Contracting Parties,

Have decided to conclude the following Agreement, which is signed by their respective Plenipotentiaries :

Article 1.

The Convention concluded at Berlin on February 25, 1930, between the authorised representatives of the *Regio Comitato Talassografico italiano* and the *Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften*, regarding the creation and operation of an Institute of Marine Biology at Rivigno, is approved.

Article 2.

The two High Contracting Parties undertake to recognise this Institute and to observe the obligations involved for them respectively in the Convention aforesaid, of which the Italian and German texts are attached.

Article 3.

The present Agreement shall be ratified, and the instruments of ratification shall be exchanged at Rome as soon as possible.

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

ROME, *October 11*, 1930.

For Italy :
(L. S.) GRANDI.

For Germany :
(L. S.) SMEND.

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

CONVENTION

BETWEEN THE REGIO COMITATO TALASSOGRAFICO ITALIANO AND THE KAISER WILHELM-GESELLSCHAFT ZUR FÖRDERUNG DER WISSENSCHAFTEN REGARDING THE INSTITUTE OF MARINE BIOLOGY AT ROVIGNO.

Dr Friedrich GLUM, Director-General of the Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften, acting as official representative thereof and Professor Giovanni MAGRINI, Secretary-General of the National Research Council, Vice-President of the Regio Comitato Talassografico italiano acting as official representative thereof, duly authorised by their respective Governments, have prepared the following draft agreement, which is binding as from the present on the two contracting bodies, but which does not become operative until it is converted into a formal Convention between the two Governments.

Article 1.

A Consortium shall be set up between the Regio Comitato Talassografico italiano of Rome, represented by its President, and the Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften of Berlin, also represented by its President, with the object of providing for the working of the Institute of Marine Biology at Rovigno (Istria), in the interests of the two Institutes concerned, and of scientists in both countries,

The Consortium shall be called the " Italo-German Institute of Marine Biology at Rovigno (Italy) ", and shall have its official seat at Rovigno.

The Consortium shall be constituted by Royal Decree promulgated by the Italian Government as an independent corporation with a clearly defined legal status.

Article 2.

The Royal Italian Government shall transfer free of charge to the Consortium the full ownership of the Institute of Marine Biology at Rovigno, which shall enjoy the same fiscal treatment as at present. The ownership of all the property of the Regio Comitato Talassografico at present assigned to the Institute shall likewise pass to the Consortium.

Expenditure for the installation and working of the Institute shall be borne equally by the Regio Comitato Talassografico and the Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften. Expenditure in respect of the permanent scientific staff of the Institute, however, shall be known by the Contracting State of which such persons are nationals. The salaries of the staff shall be fixed by the Board of Directors referred to in the following Article, due regard being paid to acquired rights.

Article 3.

The authorities of the Consortium shall be: (1) The Board of Directors; (2) the Managing Directors; (3) the Auditors.

Article 4.

The Consortium shall be managed by a Board of ten Directors, of whom four shall be nominated by the Regio Comitato Talassografico, four by the Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften, one by the Italian Government, and one by the German Government. A President of the Board shall be nominated by the Italian Government; he must not be one of its members, and must be *persona grata* to the German Government. The Board shall elect from among its

own members two vice-presidents, two Managing Directors for scientific matters, a Treasurer and a Secretary. One of the Vice-Presidents and one of the Managing Directors shall be of Italian nationality, the other in each case being of German nationality ; the same rule shall apply to the posts of Treasurer and Secretary.

Article 5.

The meetings of the Board, whether ordinary or extraordinary, shall be convened by the President.

An ordinary meeting shall take place, if possible, in April of each year.

The members shall be convened for both ordinary and extraordinary meetings by registered letters dispatched thirty days before the date of the meeting ; these letters shall contain the agenda of the meeting.

The President shall convene an extraordinary meeting whenever not less than three members request him to do so.

Six members, of whom at least two must be German, shall form a quorum.

If the matters to be discussed by the Board are of vital importance to the Institute, decisions must be taken unanimously.

The following subjects particularly shall be regarded as of vital importance : any decisions regarding their drafting of the internal regulations of the Institute and the passing of the Budget.

Should a unanimous decision not be reached, the President shall endeavour to arrive at a compromise acceptable to all parties ; if necessary, he shall submit the question to the two Governments for examination.

Decisions on all other matters of current administration shall be valid only if voted by a majority of those present.

Article 6.

The governing body of the Institute shall be the Board, which shall be responsible in particular for :

1. The appointment of staff ; 2. The Drafting of the budget on the proposal of the two Managing Directors in agreement with the Treasurer ; 3. The examination and approval of the annual report on the work of the Institute, which shall be prepared by the Managing Directors and of the Auditors' report ; 4. The drafting of the internal regulations of the Institute.

Article 7.

The President shall represent the Board in its relations with third parties.

Article 8.

The Secretary shall draw up the minutes of the meetings, and shall settle in agreement with the President all questions concerned with the summoning of the Board and the relations of the Board with its own members and with other bodies, public or private, provided these questions are not within the competence of the managing Directors.

Article 9.

The Treasurer shall be responsible for managing the funds of the Institute and supervising the keeping of the accounts. He shall keep an account of the Institute's financial position, and also an inventory.

Article 10.

The two Managing Directors shall direct the scientific activities of the Institute.
The Italian managing Director shall be the executive authority, and shall be responsible for all administrative and disciplinary matters.
The German Managing Director shall be consulted on all important questions.

Article 11.

As the smooth working of the Institute obviously depends on complete agreement between the two Managing Directors, the President shall endeavour to reconcile the parties in the event of any dispute between them and the matter shall if necessary be referred to the Board. In the absence of the Italian delegate, the executive authority shall be exercised by the German delegate, if present.

Article 12.

The permanent scientific staff of the Institute shall be appointed by the Board of Directors, and shall in every case be equally divided between the Italian and German nationalities.

Within the limits fixed by the aims of the Institute and by the budgetary position, the scientific staff shall be free from interference in the pursuit of their own scientific studies.

Article 13.

The two Governments shall appoint annually two Auditors, one Italian and one German, who shall hold office for one year. The auditors shall thoroughly inspect the accounting service, and furnish a report thereon to the Board, examine the books and documents, and go over the annual budget. They shall report to the Board and to the two Governments on the management of the funds and on the budget submitted.

Article 14.

The Consortium shall be dissolved on denunciation by one of the two Governments. A period of two years shall intervene between denunciation and dissolution.

Article 15.

The Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften hereby renounces the rights to compensation in respect of the Institute at Rovigno which it enjoys in virtue of the Italo-German Agreement on the liquidation of German property in the new Italian provinces under the Decree of December 12, 1926, published in the *Gazzetta Ufficiale*, No. 47, of February 26, 1927.

Nevertheless, in the event of the dissolution of the Consortium, the Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften reserves its freedom to claim the rights which it enjoys under the Italo-German Agreement on the liquidation of German property in the new Italian provinces and under the Decree of December 12, 1926, already referred to. Two expert valuations of the Institute shall be made : the first shall be carried out by one or two experts, chosen by agreement, to determine the value at the time of the conclusion of the Convention between the two Governments ; the second shall be made by one or more experts, chosen by agreement, to determine its value at the time of the decision to dissolve the Consortium. in making their valuation the experts shall

pay due regard to the cost price and to the state of repairs and scientific importance of the Institute at the time of the valuation. The sum to be paid by the Italian Government to the Kaiser Wilhelm-Gesellschaft zur Förderung der Wissenschaften shall be 85 % of the value fixed by the first valuation, after deducting the value of the cement basins recently constructed by the Comitato Talassografico and the value of the land recently granted to the Institute by the Commune of Rovigno ; plus 50 % of the difference between the valuation fixed by the experts in the first estimate and that fixed at the time of the dissolution of the Consortium.

Article 16.

Any difference of opinion regarding the interpretation of the present Convention shall be submitted to an arbitral tribunal composed of three members ; one German, one Italian, and a neutral President. The two Governments shall agree as to the choice of the President. Failing agreement, the President of the Swiss Confederation shall be asked to nominate the President.

Article 17.

TEMPORARY PROVISIONS.

The staff at present employed at the Institute of Marine Biology at Rovigno shall retain their positions and acquired rights.

Done in two original copies, in German and Italian.

BERLIN, *February 25, 1930.*

Giovanni MAGRINI,
*Vice-President of the Regio Comitato
Talassografico italiano.*

Friedrich GLUM,
*Director-General of the Kaiser Wilhelm
Gesellschaft zur Förderung der Wissenschaften.*