

No. 1357

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**NETHERLANDS**  
and  
**ITALY**

**Note by which the Government of the Netherlands, in pursuance of article 44 of the Treaty of Peace with Italy, signed at Paris on 10 February 1947, notified the Italian Government of those pre-war bilateral treaties between the two countries which the Netherlands desires to keep in force or revive. Rome, 16 August 1949**

*Official text: French.*

*Registered by the Netherlands on 13 August 1951.*

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**PAYS-BAS**  
et  
**ITALIE**

**Note par laquelle le Gouvernement des Pays-Bas a notifié au Gouvernement italien, conformément à l'article 44 du Traité de paix avec l'Italie, signé à Paris le 10 février 1947, les traités bilatéraux conclus antérieurement à la guerre entre les deux pays et dont les Pays-Bas désirent le maintien ou la remise en vigueur. Rome, 16 août 1949**

*Texte officiel français.*

*Enregistrée par les Pays-Bas le 13 août 1951.*

## TRANSLATION — TRADUCTION

No. 1357. NOTE<sup>1</sup> BY WHICH THE GOVERNMENT OF THE NETHERLANDS, IN PURSUANCE OF ARTICLE 44 OF THE TREATY OF PEACE WITH ITALY,<sup>2</sup> SIGNED AT PARIS ON 10 FEBRUARY 1947, NOTIFIED THE ITALIAN GOVERNMENT OF THOSE PRE-WAR BILATERAL TREATIES<sup>3</sup> BETWEEN THE TWO COUNTRIES WHICH THE NETHERLANDS DESIRES TO KEEP IN FORCE OR REVIVE. ROME, 16 AUGUST 1949

Rome, 16 August 1949

Your Excellency,

I have the honour to draw your attention to the terms of article 44 of the Treaty of Peace with Italy, ratified by the Netherlands on 17 February 1949, and to inform you that Her Majesty's Government is desirous of continuing in force or revalidating the undermentioned bilateral treaties which were concluded with Italy before the war :

1. 24 November 1863, Turin  
Treaty<sup>4</sup> of commerce and navigation.
2. 11 April 1868, The Hague  
Convention<sup>5</sup> to regulate reciprocally the position of joint-stock (limited liability) companies and other associations, with protocol annexed, and exchange of explanatory notes dated 12 January and 2 February 1869.
3. 3 August 1875, The Hague  
Consular convention.<sup>6</sup>
4. 3 August 1875  
Convention<sup>7</sup> to regulate the admission of Italian consuls to the principal ports of the Netherlands colonies.
5. 9 January 1884, The Hague  
Convention<sup>8</sup> to regulate the eligibility of indigent subjects of both

<sup>1</sup> Deemed to be effective on 16 August 1949, date of the notification to the Italian Government.

<sup>2</sup> United Nations, *Treaty Series*, Vols. 49 and 50.

<sup>3</sup> The texts of treaties and agreements which have been kept in force or revived by the above note are published herein unless previously registered with the League of Nations. In respect of treaties so registered, references are made in footnotes to the relevant volumes of the League of Nations *Treaty Series*.

<sup>4</sup> See p. 65 of this volume.

<sup>5</sup> See p. 68 of this volume.

<sup>6</sup> See p. 71 of this volume.

<sup>7</sup> See p. 77 of this volume.

<sup>8</sup> See p. 82 of this volume.

countries for the benefit of free assistance before the courts and to exempt them from the requirement to deposit security for costs.

6. 28 May 1897, The Hague  
Convention<sup>1</sup> for the extradition of offenders.
7. 9 July 1900—15 January 1901, Rome  
Exchange of notes constituting an agreement<sup>2</sup> concerning the reciprocal recognition of tonnage measurement certificates of ships.
8. 20 November 1909, Rome  
General treaty<sup>3</sup> of arbitration.
9. 28 June 1927, Rome  
Exchange of notes constituting an agreement<sup>4</sup> relating to the mutual recognition of the laws regulating navigation and of the certificates relating thereto.
10. 17 December 1929, Rome  
Exchange of notes<sup>5</sup> concerning the reciprocity to be observed by diplomatic and consular agents in giving effect to letters rogatory.
11. 11 May-23 June 1931, Rome  
Exchange of notes<sup>6</sup> to simplify the formalities previously observed in connexion with visits by warships.
12. 26 October 1938, Rome  
Exchange of notes<sup>7</sup> to simplify the formalities for private air traffic.
13. 30 October 1939, Rome  
Arrangement<sup>8</sup> to regulate the trade in medicinal products.

Her Majesty's Government considers that the communication of this list in no way prejudices the right of both Governments to propose the revision of any of the treaties or conventions mentioned above. It is further understood that any provision of these treaties or conventions which is incompatible with the Treaty of Peace shall be without effect.

I have the honour to be, etc.

R. B. VAN LYNDEN  
Acting Chargé d'Affaires

His Excellency Count Carlo Sforza  
Minister of Foreign Affairs  
Rome

<sup>1</sup> See p. 84 of this volume.

<sup>2</sup> See p. 91 of this volume.

<sup>3</sup> See p. 93 of this volume.

<sup>4</sup> League of Nations, *Treaty Series*, Vol. LXVIII, p. 203.

<sup>5</sup> See p. 96 of this volume.

<sup>6</sup> See p. 97 of this volume.

<sup>7</sup> League of Nations, *Treaty Series*, Vol. CXCIV, p. 75.

<sup>8</sup> See p. 99 of this volume.

I. TREATY<sup>1</sup> OF COMMERCE AND NAVIGATION BETWEEN THE NETHERLANDS AND ITALY. SIGNED AT TURIN, ON 24 NOVEMBER 1863

His Majesty the King of the Netherlands and His Majesty the King of Italy, being equally desirous of strengthening and extending so far as possible the relations of friendship, commerce and navigation which so happily exist between their respective States, have resolved to conclude a treaty for this purpose and have appointed as their plenipotentiaries :

HIS MAJESTY THE KING OF THE NETHERLANDS : Mr. Maurice Heldewier, his Resident-Minister accredited to His Majesty the King of Italy, Chevalier of the Order of the Netherlands Lion and of the Oak Crown of Luxembourg, etc., etc.;

HIS MAJESTY THE KING OF ITALY : Mr. Giovanni Manna, Grand Officer of His Order of Saint Maurice and Saint Lazarus, Senator of the Kingdom, Minister-Secretary of State for Agriculture, Industry and Commerce;

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

*Article 1*

The respective subjects of both High Contracting Parties shall be treated on exactly the same footing as nationals in all matters connected with the exercise of trade, industry or professions, the payment of taxes, public worship, the right to acquire and to dispose of movable and immovable property of any kind by purchase, sale, donation, exchange, testamentary disposition and succession *ab intestato*.

They shall in every other respect be treated as regards their personal status on exactly the same footing as the subjects of the most favoured nation.

*Article 2*

Products of the soil or manufactured goods of the Kingdom of the Netherlands and of its colonies, whatever their source, and all goods, whatever their origin, arriving from the Kingdom of the Netherlands and its colonies shall be admitted into Italy on the same terms as and without being subject to other or higher duties, howsoever described, than those applied in Italy to similar products of the most favoured nation.

Conversely, products of the soil or manufactured goods of the Kingdom of Italy, whatever their source, and all goods, whatever their origin, arriving from the Kingdom of Italy shall be admitted into the Netherlands and its

<sup>1</sup> Came into force on 12 November 1864, by the exchange of instruments of ratification, in accordance with article 7.

colonies on the same terms as and without being subject to other or higher duties, howsoever described, than those applied in the Netherlands and its colonies to similar products of the most favoured nation.

The two High Contracting Parties likewise undertake to grant each other most-favoured-nation treatment in all matters respecting transit and exportation

#### *Article 3*

It is reciprocally guaranteed that, in all matters respecting the craft or their cargo, the vessels of the two High Contracting Parties shall be treated, in every respect and in all circumstances, and whether in the Kingdom of the Netherlands and its colonies or in the Kingdom of Italy, on the same terms as vessels flying the national flag.

#### *Article 4*

It is understood that, in view of the exceptional legislation in force in the Netherlands colonies, the advantages stipulated in article 1, the last two paragraphs of article 2 and in article 3 shall not be applicable in the said colonies to the subjects, products, goods or the flag of the Kingdom of Italy except in so far as these advantages have been or hereafter may be extended in the Netherlands colonies to any non-Asiatic foreign nation of the Eastern Archipelago.

#### *Article 5*

The consuls and other consular agents of the Netherlands in the Kingdom of Italy, and the consuls and consular agents of the Kingdom of Italy in the Netherlands, shall enjoy the same privileges, exemptions and immunities as are enjoyed by the consuls and other agents of equal rank of the most favoured nation.

#### *Article 6*

If any seaman deserts from a vessel of one of the High Contracting Parties while in a port of the other High Contracting Party, the respective consuls and other consular agents may secure his arrest and his return either aboard ship or to his country.

For this purpose, they shall apply in writing to the competent local authorities and shall produce the original or a certified true copy of the ship's register or the muster-roll of the crew or other official documents, as evidence to show that the person claimed was a member of the crew in question. If the application is duly substantiated as aforesaid, they shall receive every assistance in the apprehension and arrest of the deserter, including his detention and custody in gaols of the country on the request and at the expense of the consuls or other consular agents until the latter find an opportunity for arranging his departure.

Should such arrangements not have been made within two months from the date of the arrest, then the deserter shall be released and may not be arrested again for the same offence.

It is understood that this provision shall not apply to any seaman who is a subject of the other Party unless he is a naturalized citizen of the other country.

If the deserter has committed an offence he shall not be placed at the disposal of the consul or consular agent until after the competent court has given judgment and the judgment has been carried out.

#### Article 7

The present Treaty shall remain in force for ten years from the date of the exchange of instruments of ratification. If neither of the High Contracting Parties notifies the other twelve months before the end of the said term of its intention to terminate the Treaty, it shall remain binding until the expiration of one year from the date on which either of the High Contracting Parties denounces it.

The present Treaty shall be ratified and the instruments of ratification exchanged at Turin within six months or sooner, if possible.

IN WITNESS WHEREOF the plenipotentiaries have signed this Treaty and affixed their seals thereto.

DONE in duplicate, at Turin, on 24 November 1863.

[L. S.] M. HELDEWIER

[L. S.] G. MANNA

#### PROTOCOL

The undersigned, being thereunto duly authorized by their respective Governments, have agreed upon the following :

1. The denunciation by the Italian Government of the Treaty of Commerce and Navigation between the Netherlands and Italy is withdrawn and considered null and void.

2. Accordingly, the Treaty of Commerce and Navigation concluded between the Netherlands and Italy on 24 November 1863 will continue to be fully operative.

DONE in duplicate in Rome, on 22 May 1876.

WESTENBERG

MELEGARI

2. CONVENTION<sup>1</sup> BETWEEN THE NETHERLANDS AND ITALY TO REGULATE RECIPROCALLY THE POSITION OF JOINT-STOCK (LIMITED LIABILITY) COMPANIES AND OTHER ASSOCIATIONS. THE HAGUE, 11 APRIL 1868

His Majesty the King of the Netherlands and His Majesty the King of Italy, being desirous of regulating reciprocally in their States the position of joint-stock (limited liability) companies and of other commercial, industrial and financial associations, have appointed for this purpose as their plenipotentiaries :

HIS MAJESTY THE KING OF THE NETHERLANDS : Jules Philippe Jacques Adrien, Count de Zuylen de Nyevelt, Chevalier Grand Cross of the Order of the Netherlands Lion, etc., etc., His Minister for Foreign Affairs; and Mr. Guillaume Wintgens, His Minister of Justice;

HIS MAJESTY THE KING OF ITALY : Mr. Dominique Carutti de Cantogno, Grand Officer of the Order of Saint Maurice and Saint Lazarus and Chevalier of the Civil Order of Savoy, Commander of the Order of the Netherlands Lion, etc., etc., His Envoy Extraordinary and Minister Plenipotentiary accredited to His Majesty the King of the Netherlands;

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

*Article 1*

The High Contracting Parties hereby declare that they mutually recognize the joint-stock (limited liability) companies and other commercial, industrial and financial associations, constituted and authorized under the respective laws of one of the two countries, as being entitled to exercise their rights and to appear before the courts as plaintiffs or defendants throughout the European States of the other Power, the only condition being the observance of the laws and regulations which are or may henceforth be in force in the said States.

*Article 2*

It is understood that the foregoing provision shall apply to jointstock (limited liability) companies and associations whether constituted and authorized before or after the signing of the present Convention.

*Article 3*

The present Convention shall remain in force indefinitely. However, either High Contracting Party may cause it to become inoperative by denouncing

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<sup>1</sup> Came into force on 27 May 1869, in accordance with article 4.

it one year in advance. The High Contracting Parties furthermore reserve the right to amend the present Convention by common consent in any way that may appear advisable in the light of experience.

#### Article 4

The present Convention shall be ratified by His Majesty the King of the Netherlands as soon as it has been approved by both Chambers of the States-General and shall be published immediately after the exchange of the instruments of ratification.

It shall enter into force on the twentieth day following its promulgation in the manner prescribed by the legislation of the two countries.

IN WITNESS WHEREOF the respective plenipotentiaries have signed it and have thereto affixed their seals.

DONE in duplicate, at The Hague, on 11 April 1868.

CARUTTI

DE ZUYLEN DE NYEVELT

WINTGENS

#### PROTOCOL

On signing the Convention negotiated between the Governments of the Netherlands and of Italy respecting commercial, industrial and financial companies of the two countries, the respective Plenipotentiaries have agreed, with a view to preventing any misunderstanding, to record in the present protocol that the word : " the only condition being the observance of the laws and regulations which are or may henceforth be in force in the said States ", which appear at the end of article I are not to be construed as requiring the said companies lawfully constituted in either of the two countries to apply for and obtain the prescribed royal authorization in the other country before they can enjoy the status of bodies corporate in the country in which they were originally established; they are designed merely to make it quite clear that companies constituted in either country are nevertheless required, in exercising their rights in the other country, to comply with the procedural and other legislation in force in the latter.

It remains understood, with regard to the Netherlands colonies, that Italian companies, like Netherlands companies, are required, as in the past, to obtain prior authorization from the Government of the colony before they can exercise any rights whatsoever in the colony, and that the same requirement will apply in Italy to Netherlands companies having their head offices in these colonies.

CARUTTI

DE ZUYLEN DE NYEVELT

WINTGENS



## EXCHANGE OF NOTES

## I

The Hague, 12 January 1869

Sir,

The Second Chamber of the States-General, in its report on the bill to approve the Convention between the Netherlands and Italy respecting limited liability and other companies, has expressed doubts concerning the scope of the expression "authorized" as used in article 1 of the Convention in the passage referring to "joint-stock (limited liability) companies ... constituted and authorized".

The Second Chamber assumes that the Convention would *ipso facto* cease to be applicable if, owing to amendments to the legislation of one country or of both, a limited liability company were no longer required to obtain the royal authorization which, under the legislation now in force in the Netherlands and in Italy, has to be obtained by any such company before it can be lawfully constituted.

His Majesty's Government takes the view that the word "authorized" is intended merely to make the authorization necessary in so far as the legislation of the country in which the company is constituted requires it. This view seems hardly open to doubt, for the words "constituted and authorized under the respective laws of one of the two countries" apply not only to limited liability companies, which at present require the royal authorization, but also to other commercial, industrial and financial associations which do not require it in order to be lawfully constituted. It follows that the word "authorized" can apply only to companies for which the respective legislation of one of the two countries requires prior authorization. Accordingly, in the view of the Netherlands Government, the word applies only to cases where and in so far as the royal authorization is required under the respective legislation of one of the two countries; it does not necessarily follow that the Convention would *ipso facto* cease to be applicable if this authorization, which is now mandatory for limited liability companies, ceased to be required either under Netherlands or under Italian legislation.

While I have no doubt, Sir, that you Government shares this view I have the honour to request you, in order to confirm that no doubt exists in the matter between the contracting Governments, to be so good as to communicate the contents of this letter to the Minister of Foreign Affairs of His Majesty the King of Italy and to advise me, without undue delay if possible, of the view of the Italian Government.

I have the honour to be, etc.

(Signed) ROEST VAN LIMBURG

Envoy of Italy

## II

The Hague, 2 February 1869

Your Excellency,

In reply to the note which you were kind enough to address to me on 12 January last, the purpose of which was to determine the scope of the word "authorized" as used in article 1 of the Convention between Italy and the Netherlands relating to limited liability companies, I have the honour to inform you that I am authorized officially to advise you that the Italian Government agrees with the Netherlands Government's interpretation of the word "authorized".

Accordingly, the provisions of the Convention are to apply not only to limited liability companies which are now required to obtain the royal authorization but also to companies which, through a change in the legislation of the two countries, may no longer require this authorization.

By the words "authorized" and "constituted" as used in article 1 of the Convention the two Governments reciprocally stipulate that the companies must be lawfully in existence in the one or other State, and it is consequently sufficient that the companies are constituted in conformity with the legislation in force in each of the two countries.

I have the honour to be, etc.

(Signed) CARUTTI

His Excellency Mr. Roest van Limburg  
Minister of Foreign Affairs

### 3. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE NETHERLANDS AND ITALY. SIGNED AT THE HAGUE, ON 3 AUGUST 1875

His Majesty the King of the Netherlands and His Majesty the King of Italy, being equally desirous of precisely determining the reciprocal rights, privileges and immunities of the respective consular agents, as well as their functions and the obligations to which they shall be subject in both countries, have resolved to conclude a consular convention and have for this purpose appointed as their plenipotentiaries :

HIS MAJESTY THE KING OF NETHERLANDS :

Mr. Peter Joseph August Marie van der Does de Willebois, Commander of the Order of the Netherlands Lion, Grand Officer of the Order of the Oak Crown of Luxembourg, etc., etc., His Minister of Foreign Affairs, and Baron Constant Theodore van Lynden van Sandenburg, Chevalier of the Order of the Netherlands Lion, etc., etc., His Chamberlain and Minister of Justice; and

<sup>1</sup> Came into force on 18 July 1876, in accordance with article XVI.

HIS MAJESTY THE KING OF ITALY :

Cavaliere Joseph Bertinatti, Grand Officer of the Order of Saint Maurice and Saint Lazarus and of the Crown of Italy, etc., etc., His Envoy Extraordinary and Minister Plenipotentiary accredited to the Court of His Majesty the King of the Netherlands;

Who, having exchanged their full powers, found in good and due form, have agreed on the following articles :

#### *Article I*

Each of the two High Contracting Parties agrees to admit consuls-general, consuls, vice-consuls and consular agents of the other to all its ports, towns and places, except localities where it would be undesirable to admit such agents.

This reservation shall not, however, be applied to one of the High Contracting Parties unless it is similarly applied to every other Power.

#### *Article II*

The consuls-general, consuls, vice-consuls and consular agents of either of the High Contracting Parties may not exercise their functions or enjoy the immunities attaching thereto until they have presented credentials in the form adopted in their country. The territorial Government of each of the High Contracting Parties shall deliver to them, free of charge, the exequatur necessary for the exercise of their functions and on production of this document they shall enjoy the rights, prerogatives and immunities conferred by the present Convention.

The Government granting the exequatur shall be entitled to withdraw it, in which case it shall state the reasons for which it sees fit to withdraw it.

#### *Article III*

The consuls-general, consuls, vice-consuls and consular agents of each of the High Contracting Parties shall reciprocally enjoy, within the States of the other Party, all the privileges, exemptions and immunities enjoyed by the agents of equal rank of the most favoured nation.

If they are citizens of the State which appointed them, they shall be exempt from billeting and from any service both in the regular army or navy and in the national or civil guard or militia.

So long as they do not carry on any trade or industry they shall likewise be exempt from personal taxes and from all other public taxes of a direct or personal nature levied on behalf of the State, provinces or municipalities, though this immunity may in no case be extended to include Customs duties or excise or similar dues or indirect taxes.

It is understood that any taxes to which an agent might be liable by reason of the possession of real property in the country where he exercises his functions shall on no account be covered by the exemption mentioned above.

#### Article IV

If a consul-general, consul, vice-consul or consular agent of one of the two countries is to give evidence before a judicial body of the other High Contracting Party, then, if he is a citizen of the State which appointed him and does not carry on any trade or industry, the said body shall invite him in writing to appear before it, or, if he is prevented from doing so, may ask him for a written deposition, or may proceed to his private residence or chancellery to take evidence from him in person.

Consequently, for the purpose of citing any consular agent as witness before a judicial body of the country in which he resides, the interested party, in a civil case, or the defendant in a criminal case, shall be required to apply to the judge dealing with the case, who shall invite the agent in the manner described in the first paragraph of this article to make his deposition.

The said agent shall comply with this invitation, though he may not be compelled to do so by the ordinary procedure.

#### Article V

A consul-general, consul, vice-consul or consular agent shall be entitled to place above the outer door of his chancellery or residence the coat of arms of his country, with the inscription: "Consulate-General", "Consulate", "Vice-Consulate" or "Consular Agency", "of Italy" or "of the Netherlands", as the case may be.

He may also fly the flag of his country on the said buildings.

#### Article VI

The consular archives shall be inviolable at all times, and the local authorities may not on any pretext whatsoever examine or seize any papers forming part thereof.

#### Article VII

In the absence or upon the decease of a consul-general, consul, vice-consul or consular agent, or should he for any reason be unable to perform his duties, his assistant or secretary, whose official capacity shall have been previously communicated to the Ministry of Foreign Affairs at The Hague or in Rome, shall be authorized as of right to conduct the business of the consulate *ad interim* and shall enjoy, while acting in this temporary capacity, and in so far as he qualifies as an alien not carrying on any trade as stipulated in article III, all the rights, privileges and immunities granted the titular official.

*Article VIII*

A consul-general or a consul may, with the approval of his Government, appoint vice-consuls or consular agents in the towns, ports and places situated in his consular district.

Such agents may be selected without distinction from among nationals of Italy, the Netherlands or of other countries. They shall be provided with the usual credentials and shall enjoy the privileges stipulated in this Convention for agents in the consular service, subject to the exceptions provided for in article III.

*Article IX*

A consul-general, consul, vice-consul or consular agent of either of the High Contracting Parties shall be entitled to apply to the national, provincial or local authorities throughout his consular district in order to make claims for any breach of the treaties and conventions in force between the Netherlands and Italy, and to safeguard the rights and interests of the nationals of his country.

If the said authorities refuse to entertain such claims, he may apply, in the absence of a diplomatic agent of his country, to the Government of the State in which he resides.

*Article X*

A consul-general, consul, vice-consul or consular agent shall be entitled to receive, in his chancellery, or at his private residence, or at the private residence of any of the parties, or on board ship, statements from the master or members of the crew of any vessel of his country, or from passengers who are on board, or from any other citizen of his country.

He may translate and legalize any deed or document whatsoever issued by any authority or official of his country, and any such translation, when duly legalized by a consul-general, consul, vice-consul or consular agent and bearing his official seal, shall have the same force and value as if it had been prepared by a sworn interpreter of the country.

*Article XI*

The respective consuls-general, consuls, vice-consuls or consular agents shall, at the request of the master or substituting officer, be solely responsible for the maintenance of internal order on board merchant vessels of their country.

They shall, to the exclusion of all other authorities, deal with any dispute that may have arisen at sea or that may arise in port between the master, officers and members of the crew, including disputes relating to the settlement of wages and the performance of reciprocal undertakings. The courts or other authorities

of the country shall not be entitled to intervene in such disputes for any reason, unless the dispute is likely to cause a breach of the peace ashore or in the harbour, or unless persons not members of the crew are involved.

#### *Article XII*

If any seaman deserts from a vessel of one of the High Contracting Parties while in a port of the other High Contracting Party, the respective consuls-general, consuls, vice-consuls or consular agents may secure his arrest and his return either aboard ship or to his country.

For this purpose, they shall apply in writing to the competent local authorities and shall produce the original or a certified true copy of the ship's register or of the muster-roll of the crew or other official documents, as evidence to show that the person claimed was a member of the crew in question.

If the application is duly substantiated as aforesaid, they shall receive every assistance in the apprehension and arrest of the deserter, including his detention and custody in gaols of the country on the request and at the expense of consuls-general, consuls, vice-consuls or other consular agents, until the latter find an opportunity for arranging his departure.

Should such arrangements not have been made within two months from the date of the arrest, then the deserter shall be released and may not be arrested again for the same offence.

It is agreed that this provision shall not apply to any seaman who is a subject of the other Party.

If the deserter has committed some offence, he shall not be placed at the disposal of the consul until after the competent court has given judgment and the judgment has been carried out.

#### *Article XIII*

Save as otherwise agreed among shipowners, shippers, and insurers, any damage suffered at sea by vessels of the two countries, whether the said vessels put into port voluntarily or through stress of weather, shall be settled by the consuls-general, consuls, vice-consuls or consular agents of the respective countries.

If, however, inhabitants of the country, or subjects or citizens of a third country should be affected by the said damage and if the parties should be unable to come to an amicable settlement, they shall be entitled to have recourse to the competent local authority.

#### *Article XIV*

All operations connected with the salvage of Netherlands vessels which suffer shipwreck on the coast of Italy shall be carried out under the direction of the consuls-general, consuls, vice-consuls or consular agents of the Netherlands, and likewise the consuls-general, consuls, vice-consuls or consular agents

of Italy shall direct operations connected with the salvage of their country's vessels which suffer shipwreck or run aground on the Netherlands coast.

The local authorities of the two countries shall not intervene except to keep order, to protect the interests of salvors if they are not members of the shipwrecked crews, and to ensure the observance of regulations concerning the inward and outward movement of salvaged goods. In the absence and until the arrival of consuls-general, consuls, vice-consuls or consular agents, the local authorities shall take all necessary measures for the protection of persons and the conservation of the property involved in the shipwreck.

It is further agreed that salvaged goods shall not be liable to any customs duty, unless they are admitted for consumption within the country.

#### *Article XV*

In the event of decease of a subject of one of the High Contracting Parties within the territory of the other, if no known heir is present or represented, or if no executor has been appointed by the deceased, or, the heirs being minors, if there is no guardian, the competent authorities shall immediately advise the nearest consul-general, consul, vice-consul or consular agent so that he may notify interested parties of the decease.

Until the heirs of the deceased or the executors appointed by him or the guardians are present or duly represented, the consular agent shall be entitled in such cases, for the protection and administration of the estate, to take whatever action the law of the country in which he resides authorizes executors of will to take in the interests of heirs or creditors.

#### *Article XVI*

The present Convention, which is not applicable to the Netherlands colonies, shall not come into force until the twentieth day after its promulgation in the form prescribed by the laws of the two countries.

It shall be ratified as soon as possible and shall remain in force until 1 January 1878. Unless either of the High Contracting Parties gives notice, twelve months before the expiry of this period, of its intention to terminate it, the Convention shall continue to remain in force for another year, and so on from year to year, until the expiry of one year from the date on which either Party denounces it.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the Convention and affixed their seals thereto.

DONE in duplicate, at The Hague, on 3 August 1875.

P. D. DE WILLEBOIS

VAN LYNDEN VAN SANDENBURG

J. BERTINATTI

4. CONVENTION<sup>1</sup> BETWEEN THE NETHERLANDS AND ITALY TO REGULATE THE ADMISSION OF ITALIAN CONSULS TO NETHERLANDS COLONIES. SIGNED AT THE HAGUE, ON 3 AUGUST 1875

His Majesty the King of the Netherlands, being desirous of strengthening the ties of friendship existing between the Kingdom of the Netherlands and the Kingdom of Italy and of ensuring the broadest possible development of the commercial relations so happily established between the two countries, has agreed, with a view to attaining this object and in deference to a desire expressed by the Government of His Majesty the King of Italy, to admit Italian consuls to the principal ports of the Netherlands colonies, subject to the reservation, however, that this concession shall form the subject of a special convention describing in clear and precise terms the rights, duties and immunities of such consuls in the said colonies.

For this purpose,

HIS MAJESTY THE KING OF THE NETHERLANDS

Has appointed Mr. Peter Joseph August Marie van der Does de Willebois, Commander of the Order of the Netherlands Lion, Grand Officer of the Order of the Oak Crown of Luxembourg, etc., etc., His Minister of Foreign Affairs, and Baron Willem von Goltstein, Chevalier of the Order of the Netherlands Lion, etc., etc., His Chamberlain and Minister of the Colonies; and

HIS MAJESTY THE KING OF ITALY

Has appointed Cavaliere Joseph Bertinatti, Grand Officer of the Orders of Saint Maurice and Saint Lazarus and of the Crown of Italy, etc., etc., His Envoy Extraordinary and Minister Plenipotentiary accredited to the Court of His Majesty the King of the Netherlands;

Who, having exchanged their full powers, found in good and due form, have agreed on the following articles :

*Article I*

Italian consuls-general, consuls, vice-consuls and consular agents shall be admitted to all ports in the Netherlands overseas possessions or colonies which are open to the vessels of all nations.

*Article II*

Italian consuls-general, consuls, vice-consuls and consular agents shall be considered commercial agents, protectors of the sea-borne trade of their nationals in the ports situated within the area of their consular districts.

<sup>1</sup> Came into force on 3 December 1875, by the exchange of instruments of ratification, in accordance with article XV.



They shall be subject to the civil and criminal law of the country in which they reside, save in so far as this convention grants them more favourable treatment.

### *Article III*

The consuls-general, consuls and vice-consuls may not exercise their functions or enjoy the immunities attaching thereto until they have presented credentials drawn up in due form to the Government of His Majesty the King of the Netherlands.

After having obtained the exequatur, which shall be countersigned by the Government of the colony as promptly as possible, the said consular officials of whatever rank shall be entitled to the protection of the Government and to the assistance of local authorities for the purpose of freely performing their functions.

In granting the exequatur, the Government reserved the right to withdraw it or to cause the Governor of the colony to withdraw it, in which case the reasons for the withdrawal shall be stated.

### *Article IV*

The consuls-general, consuls or vice-consuls shall be entitled to place above the outer door of their premises the coat of arms of their Government, with the inscription "Consulate" or "Vice-Consulate", "of Italy".

It is understood that the display of the emblem may on no account be regarded as giving the right of asylum or as capable of rendering the premises or the persons residing therein immune from judicial proceedings by the territorial authorities.

### *Article V*

It is understood, nevertheless, that the archives and documents relating to consular business shall enjoy immunity from search and that no judicial or other authority may in any way or on any pretext whatsoever examine, seize or ask for particulars concerning such documents.

### *Article VI*

The consuls-general, consuls, vice-consuls or consular agents shall not have diplomatic status.

Any request to the Netherlands Government shall be made through the diplomatic agent resident at The Hague.

In the absence of the latter and in case of urgency, the consul-general, consul or vice-consul may himself apply to the Governor of the colony, with evidence to show that the case is urgent and stating the reasons why the request

could not be made to the subordinate authorities, or else with evidence showing that requests previously addressed to these authorities have remained without effect.

#### *Article VII*

The consuls-general or consuls shall be entitled to appoint consular agents in the ports mentioned in article I.

Netherlands subjects or Italian nationals or nationals of any other country, without distinction, who are residents or who may be allowed under the local laws to establish residence in the port where a consular agent is to be appointed, may be appointed consular agents. The consular agents, whose appointment requires the approval of the Governor of the colony, shall be provided with letters of appointment by the consul under whose orders they are to perform their duties.

The Governor of the colony may in all cases withdraw the approval referred to above from consular agents, in which case the consul-general or the consul shall be notified of the reasons for the withdrawal.

#### *Article VIII*

A passport, delivered or visaed by a consular official of any rank, shall in no way exempt the bearer from the duty to be in possession of all the documents required under local laws for the purpose of travelling or settling in the colonies. The right to deny permission to reside in the colony to, or to order the departure from the colony of, a person to whom a passport has been delivered shall remain within the discretion of the Governor.

#### *Article IX*

If an Italian vessel should be wrecked along the coast of any Netherlands colony, the consul-general, consul, vice-consul or consular agent present at the scene of the wreck or salvage shall, in the absence of the master or with his consent, take all necessary and suitable measures to salvage the vessel, its cargo and everything pertaining thereto.

In the absence of the consul-general, consul, vice-consul or consular agent the Netherlands authorities shall adopt whatever measures are prescribed by the laws of the colony.

#### *Article X*

The consuls-general, consuls, vice-consuls and consular agents may request the local authorities to assist them in capturing, arresting and imprisoning deserters from Italian merchant vessels or warships, in so far as the extradition of deserters from such vessels has been provided for by treaty; for this purpose they shall claim the said deserters by applying in writing to the proper local

authorities, proving from the ship's papers, the muster-roll of the crew or any other authentic documents that the persons claimed were members of the crew in question. Such evidence having been offered in support of claim, extradition shall be granted.

The local authorities shall be bound to employ all the means at their disposal to capture the deserters. The arrested deserters shall be placed at the disposal of the consular officials and may be confined in public prisons at the request and expense of the persons claiming them pending their return aboard their vessel or other vessels of the same country. If, however, such deserters should not be sent back within three months of their capture, they shall be released and shall not be liable to further arrest on the same charge.

It is understood, however, that if a deserter has committed any crime, offence or contravention his extradition may be postponed until the court dealing with the case has passed sentence and until such sentence has been carried out.

#### *Article XI*

If an Italian national should die without leaving known heirs or without appointing executors by will, the Netherlands authorities responsible under the laws of the colony for the administration of estates shall notify the consular officials of the death so that these may communicate the necessary particulars to interested parties.

#### *Article XII*

The consuls-general, consuls, vice-consuls and consular agents of Italy shall have the right, in their official capacity and in so far as Italian law permits, to be appointed arbitrators in disputes which may arise between the masters and crews of Italian vessels, for which purpose the local authorities need not be consulted unless the conduct of the master or of the crew was likely to disturb public peace and security in the country, or unless the consuls-general, consuls, vice-consuls or consular agents request the assistance of said authorities to enforce their decisions or to uphold the authority thereof.

It is understood, however, that this special decision or arbitral award shall not deprive the parties to the dispute of the right to appeal, upon their return, to the judicial authorities in their own country, if such right of appeal is permitted under the legislation of that country.

#### *Article XIII*

In so far as consuls-general, consuls, vice-consuls or consular agents of the Netherlands in Italy enjoy the same privileges, the consuls-general, consuls, vice-consuls and consular agents, not being Netherlands subjects, who at the time of their appointment are not settled residents of the Kingdom of the

Netherlands or its colonies and who do not hold any office or carry on any profession or trade other than their consular functions, shall be exempt from compulsory billeting, from all personal taxes and, moreover, from all public or municipal taxes considered to be of a personal character.

This exemption may in no case extend to Customs duties or other indirect or property taxes.

Any consul-general, consul, vice-consul or consular agent who, even if not a native or recognized subject of the Netherlands, carries on, concurrently with his consular functions, any profession or trade, shall be required to defray and to pay the charges, taxes and duties, on the same terms as Netherlands subjects and other inhabitants.

Any consul-general, consul, vice-consul or consular agent who, being a Netherlands subject, has been authorized to exercise consular functions under an appointment by the Italian Government, shall be required to pay all taxes and duties howsoever described.

#### *Article XIV*

The consuls-general, consuls, vice-consuls and consular agents of Italy shall enjoy in the Netherlands colonies all the other privileges, exemptions and immunities which may hereafter be granted to the officials of equal rank of the most-favoured nation.

#### *Article XV*

The present Convention shall remain in force for five years from the date of the exchange of instruments of ratification, which shall take place within four months or sooner if possible.

Unless either of the High Contracting Parties notifies the other twelve months before the expiration of the said five-year period of its intention to denounce it, the Convention shall remain in force for another year from the date on which it is denounced by either Party.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present Convention and have affixed their seals thereto.

DONE at The Hague, on 3 August 1875.

G. VON GOLTSTEIN  
P. D. WILLEBOIS  
C. Joseph BERTINATTI

5. CONVENTION<sup>1</sup> BETWEEN THE NETHERLANDS AND ITALY TO REGULATE THE ELIGIBILITY OF INDIGENT SUBJECTS OF BOTH COUNTRIES FOR THE BENEFIT OF FREE ASSISTANCE BEFORE THE COURTS. SIGNED AT THE HAGUE, ON 9 JANUARY 1884

His Majesty the King of the Netherlands and His Majesty the King of Italy, being equally desirous of concluding a Convention to regulate the eligibility of indigent subjects of each of the two Contracting Parties for the benefit of free assistance before the courts of the other and to exempt them from the requirement to deposit security for costs, have appointed for this purpose as their plenipotentiaries :

HIS MAJESTY THE KING OF THE NETHERLANDS :

Jonkheer Peter Joseph August Marie van der Does de Willebois, Chevalier, first class, of the Luxembourg Order of the Gold Lion of the House of Nassau, Commander of the Order of the Netherlands Lion, Grand Officer of the Order of the Oak Crown of Luxembourg, Grand Cross of the Order of the Crown of Italy, His Minister of Foreign Affairs; and Baron Marc Guillaume du Tour de Bellinchave, Commander of the Order of the Oak Crown of Luxembourg and of the Order of Leopold of Belgium, His Grand Master of Ceremonies and Minister of Justice;

HIS MAJESTY THE KING OF ITALY :

Count Henri della Croce de Dojola, Grand Officer of the Order of Saint Maurice and Saint Lazarus and of the Crown of Italy, Grand Cross of the Order of the Oak Crown of Luxembourg, His Envoy Extraordinary and Minister Plenipotentiary accredited to His Majesty the King of the Netherlands,

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

*Article 1*

Netherlands nationals in Italy and Italian nationals in the Netherlands shall reciprocally enjoy the benefit of judicial assistance in the same manner as the nationals of these countries in accordance with the law of the country in which assistance is requested.

*Article 2*

In all cases the certificate of indigence shall be issued to the alien who requests assistance by the authorities of his habitual place of residence.

<sup>1</sup> Came into force on 22 November 1884, by the exchange of the instruments of ratification, in accordance with article 5.

If the alien does not reside in the country in which the request is made, the certificate of indigence shall be approved and legalized free of charge by the diplomatic agent of the country in which the certificate is to be produced.

If the alien resides in the country in which the request is made, inquiries may also be addressed to the authorities of the country of which he is a national.

#### *Article 3*

Netherlands nationals in Italy and Italian nationals in the Netherlands who are eligible for the benefit of judicial assistance shall be exempted as of right from any security or deposit howsoever designated which may, under the legislation of the country in which proceedings are instituted, be required to be furnished by aliens who sue nationals.

#### *Article 4*

If any difficulty should arise in connexion with the interpretation of this Convention, the two High Contracting Parties undertake to refer the matter to a commission of arbitration.

This commission shall be composed of an equal number of arbitrators chosen by the High Contracting Parties and of one arbitrator chosen by the commission itself.

#### *Article 5*

The present Convention is concluded for five years from the date of the exchange of instruments of ratification.

If neither of the two High Contracting Parties gives notice one year before the expiry of the said term of its intention to terminate the operation of the Convention, the Convention shall remain in force until the expiry of one year from the date on which one of the Parties denounces it.

The present Convention shall be ratified by His Majesty the King of the Netherlands as soon as it has been approved by the two Chambers of the States-General, and by His Majesty the King of Italy as soon as possible.

The instruments of ratification shall be exchanged at The Hague.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present Convention and have thereto affixed their seals.

DONE in duplicate, at The Hague, this ninth day of January 1884.

VAN DER DOES DE WILLEBOIS  
DU TOUR DE BELLINCHAVE  
E. DELLA CROCE

6. CONVENTION<sup>1</sup> BETWEEN THE NETHERLANDS AND ITALY FOR THE EXTRADITION OF OFFENDERS. SIGNED AT THE HAGUE, ON 28 MAY 1897

Her Majesty the Queen of the Netherlands and in her name Her Majesty the Queen-Regent of the Kingdom and His Majesty the King of Italy having agreed to conclude a new convention for the extradition of offenders, have for this purpose appointed the following as their plenipotentiaries :

HER MAJESTY THE QUEEN-REGENT OF THE KINGDOM OF THE NETHERLANDS :

Jonkheer Joan Röell, Chevalier of the Order of the Netherlands Lion, etc., etc., Minister of Foreign Affairs; Mr. Guillaume van der Kaay, Chevalier of the Order of the Netherlands Lion, etc., etc., Minister of Justice, and Mr. Jacques Henri Bergsma, Commander of the Order of the Netherlands Lion, etc., etc., Minister of the Colonies;

HIS MAJESTY THE KING OF ITALY :

Count Alexandre Zannini, Commander of the Order of Saint Maurice and Saint Lazarus, Grand Officer of the Order of the Crown of Italy, etc., etc., His Envoy Extraordinary and Minister Plenipotentiary accredited to the Court of the Netherlands;

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

*Article 1*

The Government of the Netherlands and the Government of Italy undertake to surrender to each other, in accordance with the rules laid down in the following articles and in so far as their extradition is permitted under the laws of the two countries, persons who have been convicted of, or who are charged with, any of the offences hereinafter enumerated, if committed outside the territory of the State from which extradition is requested :

1. Wilful homicide or murder, whether the crime was committed against the Sovereign, the Heir to the Throne, the Head of a friendly State or any other person;
2. Threats made in writing and laying down definite conditions;
3. Abortion, whether procured by the pregnant woman or by others;
4. Assault and battery, or wilful injury to health, if leading to grievous bodily harm or to death or if committed with malice aforethought; aggravated maltreatment;

<sup>1</sup> Came into force on 10 November 1897, in accordance with article 18.

5. Rape, indecent assault committed with violence or threats; extra-marital sexual relations with a woman, or any other sexual offence, committed by the offender knowing that the person with whom he commits the offence has fainted or is unconscious or where the age of that person by itself renders the act a punishable offence;

6. Corruption of minors by inciting them to commit or to submit to immoral acts or to have extra-marital sexual relations with another person; incitement of minors to commit immoral acts, and any act calculated to encourage the corruption of minors;

7. Bigamy;

8. Abduction, concealment, concealment of birth or substitution of a child or setting up a suppositious child;

9. Abduction of minors;

10. Counterfeiting or defacing coinage or paper currency committed with the intention of uttering or causing to be uttered such coinage or paper currency as authentic and undefaced, or wilful putting into circulation counterfeit or defaced coinage or paper currency;

11. Counterfeiting or forgery of stamps and State seals or of trademarks required by law;

12. Forgery of documents and the wilful use of forged or falsified documents; possession or introduction from abroad of notes of a lawfully constituted bank of issue with intent to place them in circulation as authentic and undefaced notes where the offender knew at the time of receiving them that they were forged or counterfeit;

13. Perjury;

14. Corruption of public officials; extortions; embezzlement committed by officials or by persons considered as such;

15. Arson which may endanger property or human life; arson with intent to procure for the offender or some other person an unlawful profit to the prejudice of the insurer or of the lawful holder of a bottomry bond;

16. Unlawful and malicious destruction of a building belonging wholly or partly to another person, or of a building or construction, when the said act may endanger property or human life;

17. Joint acts of violence committed in public against persons or property;

18. Any wilful unlawful act committed with the intention of sinking, stranding or destroying a vessel or rendering it unfit for use or damaging it, when the said act may endanger human life;

19. Mutiny of the passengers on board a vessel against, or refusal to obey, the captain and mutiny of the crew against, or refusal to obey, their officers;



20. Maliciously endangering a railway train;

21. Theft; swindling; misuse of a signed but incomplete document; embezzlement; breach of trust;

22. Fraudulent bankruptcy;

The foregoing provisions cover attempts to commit and complicity in the commission of any of these offences if punishable under the laws of the country from which extradition is requested.

In any case, extradition shall not take place :

1. In the case of convicted persons, if the sentence is less than six months' imprisonment;

2. In the case of persons charged with offences, if under the laws of the country requesting extradition the offence in question is punishable by not more than two years' imprisonment.

#### *Article 2*

Extradition shall not take place :

1. If the act was committed in a third country and the Government of that country requests extradition;

2. If the request relates to an act for which the person whose extradition is requested has been tried in the country from which extradition is requested, the proceedings having led to conviction, exoneration or acquittal;

3. If, under the laws of the country from which extradition is requested, immunity from prosecution or punishment has been acquired by lapse of time before the arrest of the person claimed or, if the arrest has not yet taken place, before he has been summoned before the court for a hearing.

#### *Article 3*

Extradition shall not take place so long as the person applied for is being proceeded against for the same offence in the country from which extradition is requested.

#### *Article 4*

If the person claimed is being proceeded against or is serving a sentence for some offence other than that which gave rise to the request for extradition, his extradition shall not be granted until the conclusion of the proceedings in the country to which the request for extradition is made and, in the event of conviction, until the sentence has been served or he has been reprieved. Nevertheless, if under the laws of the country requesting the extradition this delay might cause prosecution to be barred by lapse of time, his extradition shall

be granted, unless special circumstances render such extradition inadvisable, on the condition that the person extradited shall be returned immediately after the conclusion of the proceedings in that country.

#### *Article 5*

The person extradited may not be proceeded against or punished in the country to which extradition has been granted for any punishable offence whatsoever unless the offence is covered by the present Convention and was committed previous to extradition, nor may he be extradited to a third State without the consent of the State which granted extradition unless he has had freedom to leave the aforesaid country again for a period of one month after the trial and, in case of conviction, after serving the sentence or after acquittal.

Nor may he be proceeded against or punished for an offence covered by the present convention, committed previous to extradition, without the consent of the Government which surrendered the person extradited and which may, if it deems fit, require production of one of the documents mentioned in article 7 of the present convention. Nevertheless, this consent shall not be required if the person under summons has volunteered to be tried or to serve his sentence or if he has not left the territory of the country to which he was surrendered, within the aforementioned time-limit.

#### *Article 6*

The provisions of the present treaty shall not apply to political offences. Accordingly, in the State to which extradition was granted a person extradited for any of the offences under ordinary law mentioned in article 1 may not in any case be proceeded against or punished for a political offence committed previous to extradition or for an act connected with such a political offence unless he has had freedom to leave the aforesaid country again for a period of one month after trial and, in case of conviction, after serving the sentence or after acquittal.

Extradition shall be granted in cases where the act for which it is requested essentially constitutes an offence under ordinary law even if the offender should plead a political motive or purpose.

#### *Article 7*

Extradition shall be requested through the diplomatic channel and shall only be granted upon production of the original or of a certified copy either of a judgement convicting the person in question, or of an order of committal for trial or directing the institution of criminal proceedings under a warrant for arrest, or of a warrant for arrest, issued in conformity with the legislation of the State requesting the extradition, setting forth sufficient particulars of the act

in question to enable the State to which the request is made to determine whether, under its legislation, it contributes a case covered by the present convention and also what penal provision is applicable thereto.

#### *Article 8*

Any articles seized on the person claimed shall be delivered to the State requesting the extradition if the competent authorities of the State to which the request is made order them to be surrendered.

#### *Article 9*

Pending the request for extradition through the diplomatic channel, the provisional arrest of a person whose extradition may be applied for pursuant to this convention may be requested: for the Netherlands, by judicial officer or examining magistrate (a judge sitting in bankruptcy cases); for Italy, by a Crown Prosecutor.

The provisional arrest shall respect the forms and rules prescribed by the legislation of the country to which the request is made.

#### *Article 10*

If an alien is provisionally arrested under the terms of the preceding article and if his continued arrest is not warranted for other reasons, he shall be released if the request for extradition is not transmitted through the diplomatic channel, together with the documents prescribed in the present Convention, within twenty days from the date of the warrant for provisional arrest.

#### *Article 11*

If, in the course of criminal proceedings for an offence other than an offence covered by article 6, one of the Governments deems it necessary to take evidence in the territory of the other country from an expert or from persons charged or from witnesses, letters rogatory shall for this purpose be sent through the diplomatic channel and shall be given effect in accordance with the laws of the country in which the experts, persons charged or witnesses are invited to appear. Any costs incurred through the taking of expert evidence shall be defrayed by the requesting State. In case of urgency, however, letters rogatory may be addressed directly by the judicial authorities of one State to those of the other.

Any letters rogatory to take evidence from witnesses shall be accompanied by a translation in French.

#### *Article 12*

If, in a criminal case of a non-political character, the appearance of a witness in the other country should be necessary or desirable, his Government shall

call upon him to comply with the request and, if he consents to appear, he shall receive travelling and subsistence expenses at the rates and according to the rules in force in the country in which the hearing is to take place, unless the Government making the request feels that it should grant the witness a higher rate of compensation.

No witness, whatever his nationality, who is summoned in either country and voluntarily attends in the courts of the other country, may be proceeded against or detained in the territory of the latter for previous offences or convictions or on the ground of complicity in the offence which is the subject of the case in which he is to appear as witness.

#### *Article 13*

If, in a criminal case of a non-political character, it should be considered necessary or desirable to obtain the personal attendance of offenders detained in the other State or the communication of evidence or documents in the hands of the authorities of the other country, a request to that effect shall be made through the diplomatic channel and, unless special circumstances render such a course undesirable, shall be complied with, subject to the duty to return the offenders and the evidence.

#### *Article 14*

The conveyance in transit through the territory of either Contracting State of a person who is surrendered by a third Power to the other Party and who is not a national of the country of transit shall be granted on the mere production of the original or of a certified true copy of one of the court or other orders mentioned in article 7, provided that the act which led to the extradition is covered by the present convention and does not come under the provisions of articles 2 and 6, and provided that, as regards escort, the person is conveyed with the assistance of officials of the country which authorized transit across its territory.

The cost of transit shall be defrayed by the State requesting the extradition.

#### *Article 15*

The two Governments undertake not to claim from each other the reimbursement of subsistence, transport and other costs incurred within their respective territories as a result of the extradition of persons charged, accused or convicted, or the cost of taking evidence under letters rogatory, or of conveying or returning criminals to be heard in person, or of forwarding or returning evidence and documents.

Where transport by sea is considered preferable, the person to be extradited shall be conveyed to the port designated by the diplomatic or consular agent of the Government making the request, the costs of the passage by sea to be defrayed by the said Government.

*Article 16*

Each of the two Governments undertakes to notify the other of any sentences, relating to any offences whatsoever, passed by the tribunals on nationals of the other State.

The manner in which it shall so notify the other shall be to transmit the final judgment through the diplomatic channel, in the form to be agreed upon, to the Government of the State of which the person convicted is a national.

*Article 17*

The stipulations of the present Convention shall apply to the colonies and overseas possessions of both High Contracting Parties, save in so far as otherwise provided by any special legislation in force in the said colonies or possessions.

If an offender takes refuge in a colony or overseas possession of the other Party, the request for his extradition may also be addressed directly to the governor or senior officer of the colony or possession by the governor or senior officer of the other colony or possession, if in either case the colonies or overseas possessions are situated in Asia or East Africa.

The said governors or senior officers shall have the option of either granting the extradition or of referring the request to their Government.

The time limit for the release of the offender as provided in article 10 shall be sixty days.

*Article 18*

The present Convention shall come into force four days after the exchange of instruments of ratification.

Upon its coming into force, the Conventions of 20 November 1869 and 26 July 1886<sup>1</sup> shall cease to be in effect and shall be superseded by the present Convention which shall continue in force until six months have elapsed after either Government has notified the other of its intention to terminate the Convention.

It shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed the present Convention and affixed their seals thereto.

DONE in duplicate, at The Hague, on 28 May 1897.

[L. S.] J. RÖELL

[L. S.] VAN DER KAAJ

[L. S.] BERGSMÄ

[L. S.] ZANNINI

<sup>1</sup> De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome XIII, p. 704.

7. EXCHANGE OF NOTES<sup>1</sup> CONSTITUTING AN AGREEMENT BETWEEN ITALY AND THE NETHERLANDS CONCERNING THE RECIPROCAL RECOGNITION OF TONNAGE MEASUREMENT CERTIFICATES OF SHIPS. ROME, 9 JULY 1900 AND 15 JANUARY 1901

## I

*The Minister of Foreign Affairs of Italy  
to the Netherlands Minister in Rome*

Rome, 9 July 1900

Your Excellency,

In reply to the note which you were good enough to send me on 10 May last, I have the honour to inform you that His Majesty's Department of Marine, recognizing that the new Netherlands regulations for the measurement of the tonnage of ships are in conformity with the regulations in force in Great Britain and Germany, has no objection to a special arrangement being concluded between Italy and the Netherlands for the reciprocal recognition of tonnage measurement certificates on the basis of the similar arrangements concluded between His Majesty's Government and those two States.

His Majesty's Department of Marine believes, however, that it would suffice if it were agreed to send, simultaneously, identical instructions to the competent authorities informing them of this arrangement and inviting them to comply with it.

These instructions should be drafted in accordance with the model enclosed.

I should appreciate it if you would be so good as to inform me whether the Netherlands Government shares this view and, if so, to advise me at what date it wishes this agreement to enter into force. This note and your reply would be sufficient evidence of the conclusion of the arrangement between our Governments.

I have the honour to be, etc.

MALVANO  
(for the Minister)

<sup>1</sup> Came into force on 15 January 1901, by the exchange of the said notes.

## ANNEX

*INSTRUCTIONS to Harbour Masters in connexion with the new agreement with the Government of the Netherlands for the reciprocal recognition of tonnage measurement certificates of merchant ships.*

The Government of the Netherlands having, by Royal Decree dated 18 September 1899, which entered into force on 20 October following, adopted new rules relating to the tonnage measurement of merchant ships, it has been agreed with the said Government as follows :

I. In Italian harbours, regular tonnage measurement certificates respecting Netherlands ships issued after 20 October 1899 shall be recognized without further measurement of verification; nevertheless, for the purpose of levying harbour dues there shall be added to the net tonnage as stated therein, the following areas to be calculated according to the particulars contained in the said tonnage measurement certificates, or, when that is not possible, to be determined by measurement :

(a) The master's quarters;

(b) The crew's quarters, in so far as they exceed 5 per cent of the vessel's gross tonnage;

(c) The areas used for handling the rudder, for the capstan, for manipulating the anchors, for keeping the charts, signals and navigating instruments and for the boatswain's stores;

(d) The space occupied by the donkey engine and its boiler, if these are connected with the main pumps;

(e) In sailing ships only, the places for storing the sails, to a maximum of 2.5 per cent of the vessel's gross tonnage;

(f) If the vessel has a double bottom made of structures superimposed on the plate timbers which, under the Netherlands regulations, is not included in the gross tonnage, whereas under the Italian regulations it is, the following should be added :

either the volume of the space as determined by measurement;

or, if such measurement cannot be made or is not requested,

5 per cent of the total gross tonnage as stated in the tonnage measurement certificate.

II. In Netherlands harbours the regular tonnage measurement certificates of Italian vessels shall be recognized without further measurement or verification; nevertheless, for the purpose of levying harbour dues, the spaces referred to in section I, paragraphs (a) to (f), shall be deducted from the net tonnage stated in the certificates.

The volume of these spaces shall be taken, if possible, from the Italian tonnage measurement certificate; failing that, it shall be determined by measurement.

III. If any Netherlands ship in Italian harbours or any Italian ship in Netherlands harbours presents a special tonnage measurement certificate issued by the respective Government and drawn up in accordance with the regulations in force in the other State, it shall be recognized by the competent maritime authority for all purposes of harbour fees and port dues.

IV. If for the purposes of sections I and II, it should be necessary to carry out any partial measurement on board ship, it shall be limited to what is strictly necessary,

and the relevant surcharge shall be paid only for the spaces actually measured, according to the rules in force in the two States.

V. These instructions shall enter into force on 1 February 1901.  
Harbour masters will acknowledge receipt of these instructions (a).

(a) These instructions were circulated on 23 January 1901.

## II

### *The Netherlands Minister in Rome to the Minister of Foreign Affairs of Italy*

Rome, 15 January 1901

Your Excellency,

In reply to your note, I have the honour to inform you that I have just been advised that my Government approves the proposal of the Italian Ministry of Marine regarding the tonnage measurement of ships which was appended to its note of 9 July.

Accordingly, His Excellency the Minister of Finance at The Hague will submit to Her Majesty as soon as possible a draft regulating this matter so far as the Netherlands are concerned and proposes to put the regulation into force on 1 February next.

I am directed at the same time to ask the Italian Government, for its part, to put into force the corresponding instructions to be given by it on or before 1 February, and to note that the Royal Decree of 18 September 1899 (*Journal officiel*, No. 208) containing the new system for the tonnage measurement of sea-going ships did not become operative in the Netherlands until 20 October 1899 and that, accordingly, that date should be mentioned in the instructions to be given in Italy.

I have the honour to be, etc.

WESTENBERG

## 8. GENERAL TREATY<sup>1</sup> OF ARBITRATION BETWEEN THE NETHERLANDS AND ITALY. SIGNED AT ROME, ON 20 NOVEMBER 1909

Her Majesty the Queen of the Netherlands and His Majesty the King of Italy, being guided by the principles of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on 29 July 1899<sup>2</sup> and

<sup>1</sup> Came into force on 26 August 1910, by the exchange of the instruments of ratification, in accordance with article 8.

<sup>2</sup> De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome XXVI, p. 920.



being desirous of confirming in particular the principle of obligatory arbitration in their mutual relations by a general agreement of the nature described in article 19 of the said Convention, have resolved to conclude a Treaty for this purpose and have appointed as their plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Jonkheer Henri de Weede, Envoy Extraordinary and Minister Plenipotentiary accredited to His Majesty the King of Italy;

HIS MAJESTY THE KING OF ITALY :

His Excellency Mr. Tommaso Tittoni, Senator of the Kingdom, His Minister Secretary of State for Foreign Affairs,

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

*Art. 1.*—The High Contracting Parties undertake to submit to the Permanent Court of Arbitration any dispute arising between them which cannot be settled through the diplomatic channel, even though the dispute should arise out of events which occurred before the conclusion of the present Convention.

*Art. 2.*—In each particular case the High Contracting Parties shall sign a special act (*compromis*) clearly defining the subject of the difference, the extent of the powers of the arbitrator or of the tribunal of arbitration, the manner of their appointment, the place of session, the language they shall use and the languages permitted to be employed before them, the amount of the sum to be deposited by each Contracting Party in advance in respect of costs, as well as the rules which are to govern the formalities and time limits to be observed in the proceedings and, generally, any other conditions which may be agreed between them.

*Art. 3.*—If attempts to reach agreement in the matter should be unsuccessful, one of the Parties alone may request the Permanent Court of Arbitration to draw up the *compromis*.

In that case the *compromis* shall be drawn up by a commission of five members, designated in the manner described in article 24, paragraphs 3, 4 and 5 of the Hague Convention for the Pacific Settlement of International Disputes of 29 July 1899 and in article 45, paragraphs 3, 4, 5 and 6 of the Hague Convention of 18 October 1907,<sup>1</sup> after the latter Convention has become operative between the Contracting Parties.

The fifth member shall be *ex officio* President of the commission.

This commission shall itself act as the tribunal of arbitration.

<sup>1</sup> De Martens, *Nouveau Recueil général de Traités*, troisième série, tome III, p. 360. League of Nations, *Treaty Series*. Vol. LIV, p. 435, and Vol. CXXXIV, p. 453.

*Art. 4.*—If it should prove impossible to reach agreement for the purposes of the second paragraph of the preceding article, the appointment of a single arbitrator or of a tribunal of arbitration shall, on the request of one or both of the Parties, be referred to His Majesty the King of Sweden.

The arbitrators shall be chosen from the list of Members of the Permanent Court of Arbitration, other than Members designated by the Parties and not being nationals of either of the Parties.

The tribunal or the arbitrator may not sit in the territory of either of the Parties; it or he shall adjudicate on the basis of the claims submitted to it or him.

*Art. 5.*—An application for the revision of the award shall be receivable in accordance with the provisions of article 55, paragraphs 2 and 3 of the Convention for the Pacific Settlement of International Disputes, 1899, as reproduced in article 83, paragraphs 2 and 3 of the Convention on the same subject of 18 October 1907, within the time limit to be prescribed by the tribunal or the arbitrator.

*Art. 6.*—In questions which are within the jurisdiction of the national judicial authorities under municipal law the Contracting Parties shall have the right not to submit the dispute to arbitration until the competent national judiciary has given a final judgment, except in cases of denial of justice.

*Art. 7.*—Save as provided above, the arbitration procedure shall be governed by the provisions of the Hague Convention for the Pacific Settlement of International Disputes of 29 July 1899 and of the Convention of 18 October 1907 after the latter Convention has become operative between the Contracting Parties.

*Art. 8.*—The present Treaty shall be ratified as soon as possible and the instruments of ratification shall be exchanged at Rome.

It shall remain in force for ten years from the exchange of instruments of ratification.

If it is not denounced six months before its expiration, it shall be automatically renewed for a period of six years, and so on indefinitely.

DONE in Rome, in duplicate, on 20 November 1909.

(Signed) DE WEEDE

(Signed) TITTONI

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9. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT RELATING TO THE MUTUAL RECOGNITION OF THE LAWS REGULATING NAVIGATION AND OF THE CERTIFICATES RELATING THERETO. ROME, 28 JUNE 1927<sup>1</sup>

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<sup>1</sup> League of Nations, *Treaty Series*, Vol. LXVIII, p. 203.

10. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE NETHERLANDS AND ITALY CONCERNING THE RECIPROCITY TO BE OBSERVED BY DIPLOMATIC AND CONSULAR AGENTS IN GIVING EFFECT TO LETTERS ROGATORY. ROME, 17 DECEMBER 1929

## I

*The Minister of Foreign Affairs of Italy  
to the Netherlands Legation in Rome*

No. 262371-70

## NOTE VERBALE

Rome, 17 December 1929

The Legation of Her Majesty the Queen of the Netherlands was good enough to apply some time ago to His Majesty's Minister of Foreign Affairs for the purpose of enquiring whether the Italian Government was prepared to authorize the use of the diplomatic and consular channel for the purpose of giving effect to letters rogatory pursuant to the provisions of article 15 of the Convention relating to civil proceedings concluded at The Hague on 17 July 1905.<sup>2</sup>

The Italian Government indicated that it was prepared, subject to reciprocity, to permit Netherlands diplomatic and consular agents to give effect to letters rogatory on its territory, provided, however, that they gave effect thereto without any form of coercion.

This view was accepted in principle by Her Majesty's Government which, through Her Majesty's Legation, declared itself ready to agree to this reciprocity, subject, of course, to the limitations of the above proviso.

In summarizing in these terms the understandings already reached, His Majesty's Ministry of Foreign Affairs has the honour to inform Her Majesty's Legation that the Italian Government will regard the agreement as final and valid as soon as Her Majesty's Legation is so good as to transmit an intimation of the Netherlands Government's assent.

<sup>1</sup> Came into force on 20 December 1929, by the exchange of the said notes.

<sup>2</sup> De Martens, *Nouveau Recueil général de Traités*, troisième série, tome II, p. 243. Société des Nations, *Recueil des Traités*, Vol. L, p. 180; Vol. LIV, p. 434; Vol. XCII, p. 420, et Vol. C, p. 265.

## II

*The Netherlands Legation in Rome  
to the Ministry of Foreign Affairs of Italy*

No. 2549

## NOTE VERBALE

Rome, 20 December 1929

With reference to the *note verbale* No. 262371-70 of His Majesty's Ministry of Foreign Affairs dated 17 December last, and pursuant to the *note verbale* No. 2220 dated 22 October last, the Legation of Her Majesty the Queen of the Netherlands has the honour, on instructions from its Government, to inform His Majesty's Ministry of Foreign Affairs that Her Majesty's Government accepts the reciprocity proposed by the Italian Government to be observed by diplomatic and consular agents in giving effect to letters rogatory.

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- II. EXCHANGE OF NOTES<sup>1</sup> BETWEEN THE NETHERLANDS AND ITALY TO SIMPLIFY THE FORMALITIES PREVIOUSLY OBSERVED IN CONNEXION WITH VISITS BY WARSHIPS. ROME, 11 MAY AND 23 JUNE 1931

## I

*The Netherlands Minister in Rome  
to the Minister of Foreign Affairs of Italy*

Rome, 11 May 1931

No. 1143

Your Excellency,

On instructions from my Government, I have the honour to bring the following matter to your attention :

Some time ago, the Netherlands Government entered into arrangements with the Governments of Great Britain, Germany, Sweden and Turkey with the object of limiting, on either side, the expenses connected with the receptions which take place on the occasion of visits by warships to each other's ports.

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<sup>1</sup> Came into force on 23 June 1931, by the exchange of the said notes.

In order to be able to extend a similar treatment to Italian warships, the Netherlands Government would be glad to come to an agreement with His Majesty's Government with regard to simplifying formalities on the occasion of visits by Netherlands warships to Italian ports. Simplification might be achieved by distinguishing between "formal" and "informal" visits.

In the case of "informal" visits, the formalities would be restricted to the usual salutes and courtesy calls, whereas in the case of "formal" visits an official reception with full ceremonial would take place.

A visit would only be regarded as "formal" if paid by invitation of the Government of the country to which the port belonged or on some special occasion. All other visits would be regarded as "informal".

The requests for permission to visit the ports of either country should state whether the visit is to be "formal" or "informal".

Naturally the arrangement described above would not in any manner alter the rules governing the admission of foreign warships.

Accordingly, and likewise on my Government's instructions, I have the honour to request you to be so good as to inform me whether His Majesty's Government is prepared to conclude with Her Majesty's Government, by exchange of notes, an arrangement such as I have outlined.

I have the honour to be, etc.

PATIJN

## II

*The Minister of Foreign Affairs of Italy  
to the Netherlands Minister in Rome*

Rome, 23 June 1931-IX

No. 3112-8.

Your Excellency,

His Majesty's Government, desirous of simplifying the formalities previously observed on the occasion of visits by warships, welcomes the Netherlands Government's suggestion to observe by common agreement, on these occasions, the rules which I specify below :

1. The visits of warships shall be divided into two categories, formal and informal.

Visits shall only be regarded as formal if paid by invitation of the Government of the country to which the port belongs or on some special occasion.

The request for permission to visit the port shall, however, always state whether the visit is to be formal or informal.

2. The formalities for informal visits shall be restricted to the usual salutes and courtesy calls; in the case of formal visits, there will be a reception with full ceremonial.

3. The foregoing shall not in any manner alter the rules governing the admission of foreign warships.

With this note, which is the reply to your note No. 1143 dated 11 May last, the agreement between the Government of the Netherlands and His Majesty's Government in this subject shall be deemed to be concluded.

I have the honour to be, etc.

(Signed) GRANDI

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12. EXCHANGE OF NOTES TO SIMPLIFY THE FORMALITIES FOR PRIVATE AIR TRAFFIC. ROME, 26 OCTOBER 1938<sup>1</sup>

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13. ARRANGEMENT<sup>2</sup> BETWEEN THE GOVERNMENT OF THE NETHERLANDS AND THE GOVERNMENT OF ITALY TO REGULATE THE TRADE IN MEDICINAL PRODUCTS. SIGNED IN ROME, ON 30 OCTOBER 1939

The Government of the Netherlands and the Government of Italy, recognizing that for the purpose of protecting public health it is necessary to lay down regulations, to supersede the rules contained in the notes exchanged between the two countries on 3 and 4 January 1910,<sup>3</sup> governing the importation of medicinal products and, in particular, of proprietary medicines from the Netherlands into Italy and from Italy into the Netherlands, have agreed upon the following articles :

1. The Government of Italy consents to the free import into Italy of medicinal products and proprietary medicines originating in and consigned from the Netherlands, subject to the observance of the rules and conditions prescribed by Italian legislation.

2. The Government of the Netherlands consents to the free import into the Netherlands of medicinal products and proprietary medicines originating in and consigned from Italy, subject to the observance of the rules and conditions prescribed by Netherlands legislation.

3. Generally, medicinal products imported from one of the two countries into the other shall not receive less favourable treatment than that accorded to domestically produced medicinal products.

<sup>1</sup> League of Nations, *Treaty Series*, Vol. CXCIV, p. 75.

<sup>2</sup> Came into force on 29 November 1939, in accordance with article 8.

<sup>3</sup> De Martens, *Nouveau Recueil général de Traités*, troisième série, tome VI, p. 874.

4. Serums, vaccines, viruses, biological and similar products and organo-therapeutic products shall be subject only to the statutory provisions which are or which are to be in force in each country.

5. Each of the two Contracting Parties reserves the right, in particular cases where the protection of the public health so requires, to prohibit the import of products within the scope of this Arrangement, provided that in any such case it immediately notifies the other Contracting Party of its decision.

6. With the consent of the highest public health authorities, proprietary medicines may be imported for the sole use of hospitals before they have been registered; such consent shall be given promptly.

7. Applications for registration shall be considered and acted upon within a period not exceeding six months; in case of refusal, the applicant shall be informed of the reasons.

8. This Arrangement shall come into force thirty days after signature. The foreign firms concerned shall be allowed a time limit of one year in which to apply for the registration of foreign proprietary medicines already on the market in the Kingdom of Italy, in so far as the said medicines are not already registered at the time when this Arrangement comes into force. So long as no ruling has been given with respect to an application for registration, the proprietary medicine shall not be subject to any restriction.

9. The provisions contained in sections 6 and 7 and those contained in the last two paragraphs of section 8 shall come into force in respect of imports into the Netherlands as soon as statutory provisions have been enacted concerning the registration and subsequent import of proprietary medicines into the Netherlands.

10. This Arrangement may be denounced at any time, subject to three months notice in advance.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Arrangement.

DONE in duplicate, in Rome, on 30 October 1939.

For the Government  
of the Netherlands :  
J. B. HUBRECHT

For the Government  
of Italy :  
G. CIANO