

No. 1964

NETHERLANDS
and
ITALY

**Agreement for the settlement of certain questions arising
from the economic provisions of the Treaty of Peace
between the Allied and Associated Powers and Italy.
Signed at Rome, on 15 June 1951**

Official text: French.

Registered by the Netherlands on 1 December 1952.

PAYS-BAS
et
ITALIE

**Accord pour le règlement de certaines questions découlant
des clauses économiques du Traité de paix entre les
Puissances alliées et associées et l'Italie. Signé à Rome,
le 15 juin 1951**

Texte officiel français.

Enregistré par les Pays-Bas le 1^{er} décembre 1952.

[TRANSLATION — TRADUCTION]

No. 1964. AGREEMENT¹ BETWEEN THE NETHERLANDS AND ITALY FOR THE SETTLEMENT OF CERTAIN QUESTIONS ARISING FROM THE ECONOMIC PROVISIONS OF THE TREATY OF PEACE² BETWEEN THE ALLIED AND ASSOCIATED POWERS AND ITALY. SIGNED AT ROME, ON 15 JUNE 1951

The Government of the Kingdom of the Netherlands and the Government of the Republic of Italy,

Desirous of reaching a final and friendly settlement of certain questions still outstanding between the two countries and arising from the economic provisions of the Treaty of Peace² between the Allied and Associated Powers and Italy, which came into force with respect to the Netherlands on 17 February 1949, hereby declare :

The Netherlands Government, in view of the cordial relations existing between the Netherlands and Italy, is prepared to waive some of the rights granted it under articles 74 and 79 of the Treaty of Peace ;

The Italian Government wishes, with respect to the Netherlands and its nationals, to ensure that articles 75 and 78 and annexes XIV, XV, XVI and XVII of the Treaty of Peace are implemented with the utmost dispatch ;

And agree on the following provisions :

Article 1

The Italian Government undertakes to consider not later than 31 December 1951, the claims presented by the Netherlands Government or Netherlands nationals under articles 75, 76, paragraph 2, second sentence, and 78 of the Treaty of Peace and to notify the Netherlands Government within that period of the claims accepted and those partially or totally rejected by the Italian Government ; in the case of the latter, the Italian authorities shall inform the parties concerned, through the Netherlands Legation in Rome, of all the reasons for their decision.

With respect to claims submitted under article 78 of the Treaty of Peace after the signing of this Agreement, the period referred to in the first paragraph of this article shall expire on 31 May 1952, it being understood that the Italian Government shall not be bound to consider any claim presented after 31 August 1951.

¹ Came into force on 15 June 1951, as from the date of signature, in accordance with article 13.

² United Nations, *Treaty Series*, Vols. 49 and 50.

Article 2

In presenting a claim for compensation under article 76, paragraph 2, or article 78 of the Treaty of Peace, the Netherlands nationals concerned may apply, either personally or by proxy, to the appropriate office of the Italian Ministry of Finance to support their claims, to supply the necessary documents and other evidence and to request payment of the amount of damages awarded them.

With respect to any other matters, the Netherlands Government shall communicate with the Italian Ministry of Foreign Affairs.

Article 3

The Italian Government shall not reject a claim made under article 1, solely on the grounds that it was not accompanied by adequate evidence, without giving the party concerned the opportunity to submit supplementary evidence within three months through the Netherlands Legation in Rome.

Netherlands nationals shall be allowed to produce evidence of the existence of the property, title to the property and damages sustained, on the terms granted by the Italian Government to the nationals of the most favoured nation.

Should evidence be inadequate, the representatives of the two Governments on the Conciliation Commission may adopt the principle of settlement on the basis of an agreed sum.

Article 4

Decisions under article 1 shall be communicated by the Italian Ministry of Finance to the claimant directly or through the Netherlands Legation in Rome.

If the claimant is satisfied with the decision, the Italian Government undertakes to execute it forthwith and, if compensation is due, to pay the agreed sum within sixty days. Payment shall be made in Italy to the claimant or to the bank designated by him. If a Netherlands national is entitled to compensation under annex XVII B, the Italian Government shall ensure payment thereof within a reasonable period after review of the judgment.

Article 5

If the claimant is not satisfied with a decision of the Italian Government, the Netherlands Government may refer the dispute to the Italian-Netherlands Conciliation Commission referred to in article 7 of this Agreement, provided the Commission has jurisdiction under article 83 of the Treaty of Peace.

Article 6

The Italian Government declares that it will not refuse to act on a claim on the grounds that it relates to Netherlands property in Italy which was not treated as enemy property.

Article 7

The two Governments undertake to establish a Conciliation Commission in accordance with article 83 of the Treaty of Peace within two months of the signing of this Agreement.

Article 8

Claims presented by Netherlands nationals under the Treaty of Peace but not covered by this Agreement shall be the subject of later negotiation. Such claims must be presented not later than 31 August 1951.

Article 9

(a) Subject to paragraph (d) of this article, the Netherlands Government, if it has not already done so, undertakes to withdraw any measures applied to Italian property, rights and interests in the Netherlands or its overseas territories as enemy property, rights and interests.

(b) Should Italian property, rights and interests be under the effective administration of the Netherlands State owing to application of the measures referred to in the foregoing paragraph, the Netherlands Government shall restore them to the parties concerned.

(c) The aforesaid property, rights and interests shall be restored as they were on 15 November 1950, allowing for any necessary measures adopted to preserve them, free of all charges other than those imposed by the decrees of the Netherlands Ministry of Justice (Official Gazette of 18 September 1945, No. 70 ; of 17 October 1945, No. 91 ; of 2 May 1947, No. 85, and of 17 July 1947, No. 136) and subject to any rights acquired by third parties with respect to the said property, rights and interests and to any rights which the Italian parties concerned may invoke in respect of third parties.

(d) The restitution to the Italian Government of the sum of one million florins deposited pursuant to the exchange of notes of 6 December 1949 between the Italian Government and the Netherlands Government will be the subject of later negotiation.

(e) The Netherlands Government shall forthwith adopt the necessary measures, under paragraphs (a), (b) and (c) of this article, to enable the administrative authorities to begin the restitution of Italian property, rights and interests within three months of the signing of this Agreement and to conclude said restitution not later than 31 December 1951.

Claims for restitution shall be submitted to the appropriate Netherlands authorities through the Italian Legation at The Hague.

If the parties concerned have not claimed their rights and if restitution could not therefore be made within the aforesaid time limit, the Netherlands Government shall so inform the Italian Government. The status of such property shall be settled by the two Governments by mutual agreement.

Article 10

The Netherlands Government shall not oppose the transfer of Italian property released under this Agreement, provided the sums involved are transferable under the Payments Agreement in force between the two countries.

Article 11

The two Governments undertake to settle the transfer of the debts referred to in article 81 of the Treaty of Peace.

Article 12

Subject to the provisions of annex XV of the Treaty of Peace, the Italian Government and the Netherlands Government undertake to enter into a special agreement at the earliest opportunity in order to settle any questions concerning industrial, literary or artistic property arising from the measures taken following the existence of a state of war. The said agreement shall be based on the principles generally adopted in international conventions on industrial, literary and artistic property.

Article 13

This Agreement shall enter into force on the day of its signature.

DONE at Rome, in duplicate, on 15 June 1951.

For the Government
of the Kingdom
of the Netherlands :

(Signed) W. VAN BYLANDT

For the Government
of the Republic
of Italy :

(Signed) SFORZA