

No. 1974

**YUGOSLAVIA
and
ITALY**

Agreement (with exchange of letters) concerning the transfer of optants' movable property. Initialled at Belgrade, on 18 August 1948, and signed at Rome, on 23 December 1950

Official text: French.

Registered by Yugoslavia on 11 December 1952.

**YOUGOSLAVIE
et
ITALIE**

Accord (avec échange de lettres) concernant le transfert des biens meubles des optants. Paraphé à Belgrade, le 18 août 1948, et signé à Rome, le 23 décembre 1950

Texte officiel français.

Enregistré par la Yougoslavie le 11 décembre 1952.

[TRANSLATION — TRADUCTION]

No. 1974. AGREEMENT¹ BETWEEN THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND THE REPUBLIC OF ITALY CONCERNING THE TRANSFER OF OPTANTS' MOVABLE PROPERTY. INITIALLED AT BELGRADE, ON 18 AUGUST 1948, AND SIGNED AT ROME, ON 23 DECEMBER 1950

Article 1

The provisions hereinafter set out shall apply to persons who have opted or who in future opt for Italian or Yugoslav nationality, as the case may be, or who have acquired Yugoslav nationality pursuant to article 19 of the Treaty of Peace,² whether or not they are at present resident in Yugoslavia or Italy, and who take their movable property with them, or wish, if they have already left, to transfer such property to the country of which they have become nationals.

The transfer shall take place, in the case of persons opting for Italy, within one year from the date of option; nevertheless, this time-limit may in no case expire until six months after the provisions of this Agreement are first given practical effect or until six months after the date of notification of the decree of option.

In the case of persons opting for the Federal People's Republic of Yugoslavia, the transfer shall take place within one year from the date on which the Italian Government is notified that the optants have been accepted as nationals of the Federal People's Republic of Yugoslavia; in the case of persons who acquired Yugoslav nationality pursuant to article 19 of the Treaty of Peace, this time-limit shall expire six months after the provisions of this Agreement are first given practical effect.

For the purposes of this Agreement, movable property shall be deemed to be property which does not belong to industrial, commercial or agricultural enterprises.

Article 2

The persons referred to in article 1 may transfer to the other country the following movable property, if legally acquired by them:

1. Personal effects (e.g., linen, clothing, furs, outfits, etc.);
2. Personal and family papers;

¹ Came into force on 23 December 1950, by signature. Article 9 of this Agreement as well as the letters relating to article 9 have been replaced by the Agreement which appears on p. 191 of this volume.

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

3. Household furniture (including silver, carpets, etc.) ;
4. Jewelry and gold objects for personal use. Gold objects for household use shall be subject to the provisions of the second paragraph of article 3 ;
5. Objects for personal and domestic use (e.g., cameras, binoculars, gramophones, sewing machines, typewriters, electrical household appliances, kitchen ranges, gas-stoves, coal, oil or wood-burning stoves, electric stoves, etc.) ;
6. Collections of various kinds (e.g., numismatic, philatelic, natural science, etc.) ;
7. Artistic objects and collections, archeological objects ;
8. Private and professional office furniture ;
9. Wireless sets and radio-gramophones ; pianos ;
10. Accordions and other musical instruments ;
11. Sporting guns ;
12. Bicycles and tricycles ;
13. Private libraries and archives ;
14. Motorcycles, with or without side-cars, automobiles ; animal-drawn carriages ;
15. Domestic and farm-yard animals (e.g., dogs, poultry, rabbits, etc.) ;
16. Foodstuffs not exceeding normal domestic quantities ;
17. Hand-operated, pedal-operated or motor-driven objects, instruments, tools and utensils habitually used by the optant in his craft, profession or trade (e.g., surgical, radio-technical, optical or musical instruments ; measurement equipment, scales, cash registers, express coffee machines, ice-making machines, planes, braces, saws ; looms and knitting machines ; nets and other fishing implements ; receptacles in general, including casks not exceeding 1 hectolitre in capacity ; hand-operated farm implements, not including grape-crushing equipment, wine and oil presses, etc.).
18. Trucks, motor vans, motor-trains ;
19. Rowboats, sailboats or motor-boats ; fishing craft, sail or motor-driven, used in their professional activities by the persons referred to in article 1 ; pleasure barges and boats ;
20. Livestock, within the limits specified in article 4 ;
21. Animal-drawn carts, handcarts ;
22. Securities, shares and bonds issued by the State, the Provinces or the Communes or by private companies in the country to which the persons referred to in article 1 are proceeding, including depositors' savings books, postal orders, etc.

Article 3

The articles listed under items 9, 11, 14, 18 and 19 of article 2 may be transferred only if they were in the possession of the persons referred to in article 1 on the date of the entry into force of the Treaty of Peace (15 September 1947). Nevertheless, this restriction shall not apply to articles acquired after that date to replace other objects of the same kind which were already in the possession of the persons referred to in article 1. Permission to transfer the articles described under the remaining items of article 2 may be withheld if, having been acquired after 15 September 1947, the articles clearly represent a standard of living substantially higher than that of the persons referred to in article 1.

Gold objects for household use may not be transferred except under a special permit issued by the competent authorities. The permit shall be issued if the persons referred to in article 1 furnish proof that the objects belong to their families and were not acquired for purposes of speculation.

Objects to which the legislative provisions of the two countries concerning the protection of cultural and artistic monuments and natural curiosities apply may not be transferred except in conformity with those provisions.

Article 4

A transfer permit may be withheld in the case of cattle and horses. A permit may also be withheld in any case involving the transfer of more than five sheep or goats, or of more than one donkey, one mule or one pig, belonging to a single family farm. Within these limits the various animal species indicated above may be transferred cumulatively.

Article 5

Any articles, goods or livestock the transfer of which is not permitted may be freely sold by the persons referred to in article 1. If they cannot or may not be sold in this manner, they shall be purchased by the competent official agencies or by the State economic enterprises at market prices.

Article 6

Transfer permits shall be issued by the competent authorities on the basis of lists to be submitted to them, through the local authorities, by the persons referred to in article 1; the lists shall include all the movable property which the said persons wish to transfer. The local authorities will issue a receipt for the lists and the permits shall be granted as soon as possible.

Before permitting transfer, the authorities may require the persons referred to in article 1 to satisfy them that they have paid any taxes and debts to the State for which they may be liable in the ceded territories or in Italy, as the case

may be, personally or on behalf of dependent persons who opt with them and, further, that no criminal or civil proceedings have been instituted against them. If one of these impediments exists or if any summons has been issued against them, the competent authorities shall decide whether the permit should be withheld until the impediment in question has been removed, or should be issued against deposit of a surety.

Where the competent authorities suspect that the property was unlawfully acquired they shall take the necessary steps to have the matter examined and settled immediately. Similarly, where it is suspected that one of the cases specified in the first paragraph of article 3 is involved, the matter shall be examined and settled immediately.

Article 7

Any administrative measures (detention, sequestration) adopted by the Italian or Yugoslav authorities with respect to property to be transferred, shall be revoked if, having regard to the provisions of this Agreement, the reason for their adoption no longer exists.

Article 8

To facilitate the application of this Agreement, the Italian Government shall appoint a representative to be attached to its Consulate-General at Zagreb, and the Government of the Federal People's Republic of Yugoslavia shall appoint a representative to be attached to the Consular Section of its Legation in Rome.

The Italian representative at Zagreb shall be entitled to approach a representative of the Yugoslav Government in that city, to be designated by the said Government for the purpose, with a view to settling any question to which the application of this Agreement may give rise. Reciprocally, the Yugoslav representative in Rome shall be entitled to approach a representative of the Italian Government designated for the same purpose.

Where necessary, the two officials at Zagreb and the two officials in Rome shall agree as to the desirability of proceeding together to seek a solution on the spot of whatever problems may have arisen.

Article 9

The proceeds of sales, if any, of movable property, as well as any other sums in cash in the possession of the persons referred to in article 1, shall be deposited by the latter, in Yugoslavia, in a non-interest-bearing "Special Dinar Account" to be opened by the National Bank of the Federal People's Republic of Yugoslavia in favour of the Ufficio Italiano dei Cambi, and in Italy, in a non-interest-bearing "Special Lira Account" to be opened by the Ufficio Italiano dei Cambi in favour of the National Bank of the Federal People's Republic of Yugoslavia.

The method of utilizing and clearing these accounts shall be regulated by subsequent agreements to be concluded between the two Governments.

For the Federal People's Republic
of Yugoslavia :
(Signed) IVEKOVIC

For Italy :
(Signed) SFORZA

EXCHANGE OF LETTERS

I

Belgrade, 18 August 1948

Sir,

With reference to the Agreement concerning the transfer of optants' movable property which we have just initialled, I have the honour to inform you that the Yugoslav Government, without awaiting signature of the Agreement itself, will instruct its competent authorities to give immediate effect to the provisions of said Agreement, which will thus come into force not later than 25 August 1948.

I have the honour to be, etc.

(Signed) D. CERNEJ

His Excellency Gaetano Vecchiotti
Minister Plenipotentiary and Envoy Extraordinary
Head of the Italian Delegation
to the Belgrade Conference

II

Belgrade, 18 August 1948

Sir,

By your letter of today's date you informed me of the following :

[See letter I]

I have the honour to assure you that the Italian Government will similarly instruct its own authorities to give immediate effect to the provisions of this Agreement, which will come into force not later than 25 August 1948.

I have the honour to be, etc.

(Signed) VECCHIOTTI

His Excellency Darko Cernej
Ambassador and Head of the Yugoslav Delegation
to the Belgrade Conference

III

Belgrade, 18 August 1948

Sir,

With reference to article 9 of the Agreement concerning the transfer of optants' movable property which we have just initialled, I have the honour to confirm that, pending a solution of the question of the rate of exchange between the lira and the dinar, the Ufficio Italiano dei Cambi will open a non-interest-bearing "Special Lira Account" in favour of the Yugoslav National Bank and will pay into this account the sums deposited by optants for Yugoslavia. At the same time the Yugoslav National Bank will open a non-interest-bearing "Special Dinar Account" in favour of the Ufficio Italiano dei Cambi and will pay into this account the sums deposited by optants for Italy.

Sums relating to other payments on which agreement is reached between the two Governments will also be paid into the said "Special accounts".

As regards the immediate transfer of a limited portion of the funds deposited by the optants, the Italian delegation will give a final reply to the latest Yugoslav proposal at the earliest possible date.

I have the honour to be, etc.

(Signed) VECCHIOTTI

His Excellency Darko Cernej
Ambassador and Head of the Yugoslav Delegation
to the Belgrade Conference

IV

Belgrade, 18 August 1948

Sir,

I have the honour to acknowledge the receipt of your letter of today's date reading as follows :

[See letter III]

In taking note of your communication, I have the honour to inform you that I am in agreement with its contents.

I have the honour to be, etc.

(Signed) D. CERNEJ

His Excellency Gaetano Vecchiotti
Minister Plenipotentiary and Envoy Extraordinary
Head of the Italian Delegation
to the Belgrade Conference