

No. 4113

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**UNITED STATES OF AMERICA, FRANCE  
and UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
ITALY**

**Memorandum of Understanding (with exchange of notes)  
regarding German assets. Signed at Rome, on 29 March  
1957**

*Official texts of the Memorandum: English, French and Italian.*

*Official texts of the notes: English and Italian.*

*Registered by the United States of America on 18 December 1957.*

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**ÉTATS-UNIS D'AMÉRIQUE, FRANCE  
et ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
ITALIE**

**Mémorandum d'accord (avec échange de notes) relatif aux  
avoirs allemands. Signé à Rome, le 29 mars 1957**

*Textes officiels du Mémorandum: anglais, français et italien.*

*Textes officiels des notes: anglais et italien.*

*Enregistré par les États-Unis d'Amérique le 18 décembre 1957.*

No. 4113. MEMORANDUM OF UNDERSTANDING<sup>1</sup> REGARDING GERMAN ASSETS BETWEEN THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNITED STATES OF AMERICA, ON THE ONE HAND, AND THE GOVERNMENT OF THE ITALIAN REPUBLIC, ON THE OTHER HAND. SIGNED AT ROME, ON 29 MARCH 1957

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With reference to Article 77, paragraphe 5, of the Treaty of Peace with Italy,<sup>2</sup> and the Memorandum of Understanding signed at Washington on 14th August, 1947,<sup>3</sup>

and taking into account the waiver of claims of the Government of Italy against Germany described in Article 77, paragraph 4, of the Treaty of Peace, the Government of Italy on the one hand and the Governments of the French Republic, of the United Kingdom of Great Britain and Northern Ireland, and of the United States of America (hereinafter referred to as "the Three Governments") on the other hand have entered into the following understanding with respect to German assets of whatsoever nature in Italy, and in territories under the administration of the Government of Italy, and the proceeds from the sale of such assets.

1. The Committee on German assets in Italy, established pursuant to the Memorandum of Understanding of 14th August, 1957 (hereinafter referred to as the Committee) shall cease to exercise its functions from the date of the coming into force of this Memorandum. All powers and functions previously held by the Committee under the Memorandum of 14th August, 1947 shall henceforth be exercised by the Government of Italy in respect of assets not yet disposed of by the Committee.

2. Subject to the provisions of paragraph 3 of the present Memorandum, the Three Governments transfer to the Government of Italy the remaining German assets of whatsoever nature in Italy, and in territories under the administration of the Government of Italy, and the proceeds of German assets already liquidated or in process of liquidation pursuant to the decisions of the Committee.

3. The Government of Italy undertakes to set aside from these funds the sum of 1,224 million lire and immediately to place the sums set out in the attached schedule<sup>4</sup> at the disposal of the Governments of the countries therein listed.

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<sup>1</sup> Came into force on 29 March 1957, the date of signature, in accordance with paragraphe 9.

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

<sup>3</sup> United Nations, *Treaty Series*, Vol. 138, p. 111.

<sup>4</sup> See p. 142 of this volume.

4. The disposal of German trademarks has been the subject of a separate Memorandum of Understanding.<sup>1</sup>

5. With regard to German assets which have yet to be disposed of, the Government of Italy shall respect the exceptions in paragraph 2 of the Memorandum of Understanding of 14th August, 1947 and shall give adequate protection to non-German interests in such assets, legitimately acquired prior to 16th September, 1947.

6. The Government of Italy shall provide for the prompt execution of the decisions previously made by the Committee.

7. All charges, such as reimbursements pursuant to the exceptions set forth in paragraph 2 of the Memorandum of Understanding of 14th August, 1947, previously decided by the Committee or authorized by the Italian Government under the powers entrusted to it by paragraph 1 of the present Memorandum, and the administrative expenses heretofore or hereafter incurred in connection with the administration of German assets, shall be paid by the Government of Italy, from the German assets or from the proceeds transferred to it by the provisions of paragraph 2 of the present Memorandum.

8. The parties to this Memorandum of Understanding agree to interpret Article 77, paragraph 5, of the Treaty of Peace, the Memorandum of Understanding of 14th August, 1947, and the present Memorandum as not applying to assets acquired by Germany or German nationals subsequent to 15th September, 1947. With respect to patents belonging to German nationals, the above mentioned date shall be 30th November, 1946.

9. This Memorandum of Understanding shall enter into force on the date of signature. Such provisions of the Memorandum of Understanding of 14th August, 1947, as are not consistent with the present Memorandum are hereby superseded.

DONE in quadruplicate at Rome this 29th day of March, 1957, in the English, French and Italian languages, each text being equally authoritative.

For the Government  
of the French Republic :  
J. FOUQUES DUPARC

For the Government  
of the Italian Republic :  
Vittorio BADINI

For the Government  
of the United Kingdom of Great  
Britain and Northern Ireland :  
Ashley CLARKE

For the Government  
of the United States of America :  
J. D. ZELLERBACH

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<sup>1</sup> United Nations, *Treaty Series*, Vol. 258, p. 371.

## SCHEDULE REFERRED TO IN PARAGRAPH 3

<i>Country</i>	<i>Amount (Lire)</i>
Albania . . . . .	4,000,000
Australia . . . . .	32,000,000
Belgium . . . . .	61,000,000
Canada . . . . .	245,000,000
Greece . . . . .	187,000,000
India . . . . .	57,000,000
New Zealand . . . . .	29,000,000
Pakistan . . . . .	29,000,000
Czechoslovakia . . . . .	138,000,000
Yugoslavia . . . . .	442,000,000

EXCHANGE OF NOTES BETWEEN THE GOVERNMENTS  
OF THE UNITED STATES OF AMERICA AND ITALY

I

*The Italian Undersecretary of State for Foreign Affairs to the American Ambassador*

[ITALIAN TEXT — TEXTE ITALIEN]

MINISTERO DEGLI AFFARI ESTERI

Roma, lì 29 marzo 1957

Signor Ambasciatore,

riferendomi al Memorandum d'Intesa firmato in data odierna a Roma fra i Governi della Repubblica Francese, del Regno Unito di Gran Bretagna e dell'Irlanda del Nord e degli Stati Uniti d'America da una parte ed il Governo della Repubblica Italiana dall'altra in ordine ai beni tedeschi in Italia, ho l'onore di informare V.E. che ho provveduto ad inviare in data odierna ad ognuno dei Rappresentanti in Roma dei Paesi descritti nell'elenco allegato al Memorandum d'Intesa anzidetto una lettera del seguente tenore :

« in base al Memorandum d'Intesa firmato in data odierna a Roma fra i Governi della Repubblica Francese, del Regno Unito di Gran Bretagna e dell'Irlanda del Nord e degli Stati Uniti d'America da una parte ed il Governo della Repubblica Italiana dall'altra in ordine ai beni tedeschi in Italia, il Governo italiano si è impegnato ad accantonare ed a rimettere al Governo . . . la somma di Lire . . . »

Il pagamento di cui sopra sarà effettuato in Italia non appena il Memorandum anzidetto verrà pubblicato sulla Gazzetta Ufficiale della Repubblica Italiana. Il ritiro della somma suaccennata e la sua libera disposizione in Italia non verranno subordinati a restrizioni di sorta.

Il Governo italiano rimane in attesa di conoscere dal Governo . . . le modalità secondo le quali il Governo stesso desidera che il pagamento della somma in parola venga effettuato ».

Le parti in bianco si riferiscono al Paese destinatario ed alla somma che spetta al Paese stesso come da elenco allegato al Memorandum d'Intesa in parola.

Voglia gradire, Signor Ambasciatore, gli atti della mia più alta considerazione.

Vittorio BADINI

A S.E. il Signor James David Zellerbach  
Ambasciatore degli Stati Uniti d'America  
Roma

## [TRANSLATION — TRADUCTION]

MINISTRY OF FOREIGN AFFAIRS

Rome, 29 March 1957

Excellency,

[See note II]

Accept, etc.

Vittorio BADINI

His Excellency James David Zellerbach  
Ambassador of the United States of America  
Rome

## II

*The American Ambassador to the Italian Undersecretary of State for Foreign  
Affairs*

Excellency :

I have the honor to acknowledge receipt of your letter dated March 29, 1957 which states :

“ With reference to the Memorandum of Understanding signed on this date in Rome between the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on the one hand, and the Government of the Italian Republic on the other hand, regarding German assets in Italy,<sup>1</sup> I have the honor to inform Your Excellency that on this date I have sent to each Representative in Rome of the Countries described in a list attached to the abovementioned Memorandum of Understanding a letter of the following tenor :

‘ Pursuant to the Memorandum of Understanding signed on this date in Rome between the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the one hand, and the Government of the Italian Republic on the other hand, regarding German assets in Italy, the Italian Government has undertaken to set aside and to remit to the . . . Government the sum of . . . lire.

<sup>1</sup> See p. 138 of this volume.

‘ The abovementioned payment will be effected in Italy as soon as the said Memorandum of Understanding will be published in the Official Gazette of the Italian Republic. The withdrawal of the abovementioned sum and its free disposition in Italy will not be subject to any restriction whatsoever.

‘ The Italian Government is waiting to hear from the . . . Government the manner in which the Government wishes that the payment of the sum in question be made. ’

“ The blank spaces refer to the name of the addressee Country and to the sum due to that Country in accordance with the list attached to the Memorandum of Understanding in question. ”

I have taken note of the foregoing.

Accept, Excellency, the assurances of my highest consideration.

James David ZELLERBACH  
American Ambassador

His Excellency Vittorio Badini Confalonieri  
Undersecretary of State for Foreign Affairs  
Ministry of Foreign Affairs  
Rome

[TRADUCTION — TRANSLATION]

ÉCHANGE DE NOTES ENTRE LES GOUVERNEMENTS  
DES ÉTATS-UNIS D'AMÉRIQUE ET DE L'ITALIE

I

*Le Sous-Secrétaire d'État aux affaires étrangères d'Italie à l'Ambassadeur des États-Unis*

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

Rome, le 29 mars 1957

Monsieur l'Ambassadeur,

Me référant au Mémoire d'accord relatif aux avoirs allemands en Italie qui a été signé ce jour entre les Gouvernements de la République française, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et des États-Unis d'Amérique, d'une part, et le Gouvernement de la République italienne, d'autre part<sup>1</sup>, j'ai l'honneur de vous faire savoir que j'ai adressé aujourd'hui même à chacun des représentants à Rome des pays figurant sur la liste annexée au Mémoire d'accord susmentionné, une lettre ainsi conçue :

« Comme suite au Mémoire d'accord relatif aux avoirs allemands en Italie qui a été signé ce jour à Rome entre les Gouvernements de la

<sup>1</sup> Voir p. 139 de ce volume.