

No. 4481

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
ITALY**

**Memorandum of Understanding regarding claims by British
nationals under article 78 of the Treaty of Peace with
Italy. Signed at Rome, on 29 March 1957**

Official texts: English and Italian.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 3 September 1958.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ITALIE**

**Mémorandum d'accord relatif aux demandes d'indemnisation
présentées par des ressortissants britanniques en vertu
de l'article 78 du Traité de paix avec l'Italie. Signé à
Rome, le 29 mars 1957**

Textes officiels anglais et italien.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 3 septembre 1958.*

No. 4481. MEMORANDUM OF UNDERSTANDING¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF ITALY REGARDING CLAIMS BY BRITISH NATIONALS UNDER ARTICLE 78 OF THE TREATY OF PEACE WITH ITALY.² SIGNED AT ROME, ON 29 MARCH 1957

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Italy being desirous of expediting the settlement of all outstanding claims by nationals of the United Kingdom under Article 78 of the Treaty of Peace with Italy,² have entered into the following understanding.

1.—(i) The Government of the United Kingdom of Great Britain and Northern Ireland will not present to the Government of the Republic of Italy through the diplomatic channel any further claims by nationals of the United Kingdom under Article 78 of the Treaty of Peace with Italy after the 28th day of September, 1957.

(ii) Appropriate publicity will be given to the provisions of this Memorandum of Understanding by each of the two Governments.

(iii) The Government of the United Kingdom of Great Britain and Northern Ireland will reserve the right to present to the Government of the Republic of Italy within the time limit indicated above any claim by a national of the United Kingdom under Article 78 of the Treaty of Peace with Italy which is in an incomplete state or lacking the necessary documentation provided that the Government of the United Kingdom of Great Britain and Northern Ireland are satisfied that for good reason it was not possible for the claimant to ascertain the loss or damage suffered or to compile the necessary documentation to accompany the claim, within the prescribed time limit, and that the loss or damage which form the subject matter of the claim fall within the terms of Article 78. In such case the documentation or the final claim must be presented to the Italian Government within six months of the said time limit, *i.e.*, not later than the 28th day of March 1958.

2. The Government of the Republic of Italy will :

(i) use their best endeavours to expedite the communication to Her Majesty's Embassy in Rome of the decisions of the appropriate Italian authorities in

¹ Came into force on 29 March 1957, upon signature, in accordance with paragraph 7.

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

respect of all claims under Article 78 already presented to the Government of the Republic of Italy by or on behalf of nationals of the United Kingdom at the date of this Memorandum of Understanding and will in any event ensure that the appropriate Italian authorities will have reached decisions on all the aforesaid claims and that all such decisions will have been communicated in writing to Her Majesty's Embassy by the 28th day of March 1958.

- (ii) ensure that the appropriate Italian authorities will reach decisions as quickly as possible on any claims or claim presented, with the necessary documentation, between the date of this Memorandum of Understanding and the 28th day of September, 1957, and in any event will communicate these decisions in writing to Her Majesty's Embassy within twelve calendar months from the date of presentation of such claim or claims or, in the cases to which paragraph 1 (iii) hereof relates, from the date on which the documentation has been presented.

3. If the decision of the appropriate Italian authorities communicated in accordance with paragraph 2 (i) and (ii) hereof is an absolute rejection of the claim on legal or factual grounds, or a partial rejection on the grounds that no decision can be given in the present state of the documentation or on other grounds, the Government of the United Kingdom of Great Britain and Northern Ireland may request the appropriate Italian authorities, within six months from the date of the communication, to re-examine the claim if possible, in the light of the fresh documentation produced by the claimant or for other good cause, and the Government of the Republic of Italy will communicate to Her Majesty's Embassy the decision of the appropriate Italian authorities on such re-examination within six months of the receipt by the appropriate Italian authorities of the request for re-examination.

4. The Government of the Republic of Italy will :

- (i) pay the amount of compensation awarded by appropriate Italian authorities and accepted by a claimant within 120 days of the receipt by the Ministry of the Treasury of the appropriate acceptance documents duly completed by or on behalf of the claimant ;
- (ii) in the case of awards of compensation made by the Anglo-Italian Conciliation Commission, pay the compensation so awarded within 90 days of the date of receipt by the Ministry of the Treasury of the appropriate acceptance documents duly completed by or on behalf of the claimant ;
- (iii) notify Her Majesty's Embassy in writing of the issue of the payment warrants for the compensation money in favour of the claimants or their duly authorised agents.

5. Nothing in this Memorandum of Understanding will affect in any way the provisions of paragraph 8 of Article 78 and Article 83 of the Treaty of Peace.

6. Any disputes which may arise between the two Governments as to the application or interpretation of this Memorandum of Understanding will be deemed to be disputes to which Article 83 of the Treaty of Peace with Italy applies and shall be referred to the Anglo-Italian Conciliation Commission accordingly.

7. This Memorandum of Understanding will enter into force upon the date on which it is signed.

DONE in duplicate at Rome this 29th day of March, 1957, in the English and Italian languages both texts being equally authoritative.

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

Ashley CLARKE

For the Government
of the Republic of Italy :

Vittorio BADINI