

No. 13211

AUSTRIA
and
ITALY

Agreement for the settlement of financial and property questions (with annexes and exchanges of notes). Signed at Rome on 17 July 1971

Authentic texts: German and Italian.

Registered by Austria on 1 April 1974.

AUTRICHE
et
ITALIE

Accord relatif au règlement de questions financières et patrimoniales (avec annexes et échanges de notes). Signé à Rome le 17 juillet 1971

Textes authentiques : allemand et italien.

Enregistré par l'Autriche le 1^{er} avril 1974.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE ITALIAN REPUBLIC FOR THE SETTLEMENT OF FINANCIAL AND PROPERTY QUESTIONS

The Republic of Austria and the Italian Republic,
Having regard to the friendship which exists between the two States and desiring to settle identified financial and property questions,
Have agreed as follows:

Article 1. (1) For the purposes of settlement in full of the reciprocal property and financial claims listed in annex 1, the Italian Republic shall pay to the Republic of Austria an amount in cash of 480 million lire.

(2) The Italian Republic further undertakes to secure the transfer to the Republic of Austria of a clear title to the real property listed in annexes 2 and 3 and the enterprises pertaining thereto, together with all such appurtenances as are at present, in fact and in law, in the possession of the Donau-Save-Adria-Eisenbahn-Gesellschaft (Danube, Save and Adriatic Railway Company) (DOSAG, formerly the Südbahn-Gesellschaft (Southern Railway Company)). The Italian Republic shall assume all financial obligations to the aforementioned company arising in this connexion and shall hold the Republic of Austria harmless in this respect.

Article 2. (1) Upon full performance of the acts agreed to in article 1, all the reciprocal claims listed in annex 1 shall be deemed to be finally settled.

(2) If, at any time prior to the entry into effect of paragraph (1), the Italian Republic or an Italian natural or juridical person is required, pursuant to a final decision by a competent Italian authority, to make any payment in respect of a claim the settlement of which is deemed to have been effected by this Agreement (annex 1), the payment to be made by the Italian Republic to the Republic of Austria in accordance with article 1, paragraph (1), shall be reduced by an equivalent amount.

Article 3. Any acquisitions of real property by the Republic of Austria and the Italian Republic which may be necessary in connexion with the implementation of the provisions of this Agreement shall be exempt from all duties and taxes under Austrian federal law and from all duties and taxes under Italian law.

Article 4. (1) The Italian Republic shall, within 90 days from the date of entry into force of this Agreement, carry out the terms agreed to in article 1 by:

- (a) Making payment of the amount of 480 million lire in favour of the Republic of Austria to an account of the Austrian National Bank with the Banca d'Italia;
- (b) Delivering the documents and declarations which are required under Austrian law for registration of the title of the Republic of Austria to all the real property listed in annexes 2 and 3 for continued operation of the enterprises pertaining thereto, and a declaration by DOSAG certifying that all financial obligations to DOSAG arising out of the transfer to the Republic of Austria of a clear title to the property have been discharged in full by the Italian Republic and that the Republic of Austria is released from any liability in this respect.

¹ Came into force on 18 January 1974, i.e. 60 days after the exchange of instruments of ratification, which took place at Vienna on 19 November 1973, in accordance with article 6.

(2) The Republic of Austria shall, within 60 days from the date of signature of this Agreement, elect either to assume the ownership of the real property listed in annex 3 or to accept payment by the Italian Republic of an additional amount in cash of 25 million lire. If the Republic of Austria prefers the latter option, the Italian Republic shall pay the aforementioned amount of 25 million lire to the Republic of Austria within the period specified in paragraph (1).

(3) In the event of alienation by the present owner (DOSAG) to third parties of the property specified in annex 2 prior to performance of the obligation under paragraph (1) (b), or in the event of failure to transfer the title thereto in due time for any other reason, the Italian Republic shall pay to the Republic of Austria an amount of 125 million lire in the manner provided for in paragraph (1).

Article 5. The two Contracting States shall furnish to each other such information as may be necessary for the clarification of questions connected with the implementation of this Agreement.

Article 6. This Agreement shall be ratified. The exchange of instruments of ratification shall take place at Vienna. The Agreement shall enter into force 60 days after the exchange of instruments of ratification.

IN WITNESS THEREOF the duly authorized plenipotentiaries have signed this Agreement and have thereto affixed their seals.

DONE at Rome, on 17 July 1971 in two original copies, in the German and Italian languages, both texts being equally authentic.

For the Republic of Austria:
RUDOLF KIRCHSCHLÄGER

For the Italian Republic:
ALDO MORO

ANNEX 1

LIST OF PROPERTY CLAIMS AND FINANCIAL CLAIMS DEEMED TO BE SETTLED IN ACCORDANCE WITH ARTICLE 1 OF THE AUSTRO-ITALIAN AGREEMENT OF 19 JULY 1971

(1) Compensation of Austrian natural and juridical persons for losses sustained as a result of the following Italian decrees:

- Royal Decree of 30 January 1939, No. 1115, published in the *Gazzetta Ufficiale* of 19 June 1939;
- Royal Decree of 30 January 1939, No. 1156, published in the *Gazzetta Ufficiale* of 20 June 1939;
- Royal Decree of 30 January 1939, No. 1157, published in the *Gazzetta Ufficiale* of 20 June 1939;
- Royal Decree of 30 January 1939, No. 1158, published in the *Gazzetta Ufficiale* of 20 June 1939;
- Royal Decree of 30 January 1939, No. 1159, published in the *Gazzetta Ufficiale* of 20 June 1939;
- Royal Decree of 6 March 1939, No. 2961, published in the *Gazzetta Ufficiale* of 6 July 1939;
- Royal Decree of 30 March 1939, No. 2979, published in the *Gazzetta Ufficiale* of 8 July 1939.

(2) Compensation of Austrian members of farming associations in the Valcanale for the loss, as a result of resettlement, of rights deriving from membership in such associations (so-called *Anteilsrechte*, so-called *usi civici*).

(3) Italian extra-relief credits (Agreement concerning Financial Questions concluded at Vienna on 24 November 1930, article 6).

(4) Pensions of former pensioners of the Südbahn (Agreement concerning Financial Questions concluded at Vienna on 24 November 1930, article 6).

(5) Compensation for returnable Italian movable property which was not restored to Italy after the last World War.

(6) Refund of compensation paid by Austria to Italian nationals for war damage in Austria.

(7) Balance of the diplomatic clearing account, 1946-1949.

(8) Italian indebtedness for pensions pursuant to the Austro-Italian Joint Protocol of Rome of 25 July 1953.

(9) Credit claim against the Italian State by the Innsbruck branch of DUT.

ANNEX 2

SÜDBAHN HOTEL, SEMMERING

SUMMARY

	<i>Land without buildings m²</i>	<i>Building lots m²</i>	<i>Total m²</i>
Ia. Hotel grounds	40,744	7,226	47,970
I. Gold-course, including farm	159,102	3,786	162,888
II. Woods and laundry, as far as Sonnhof	102,240	2,123	104,363
III. Park between farm and Hahnstrasse	59,184	100	59,284
IV. Park between farm path and Hahnstrasse ...	41,480	—	41,480
V. Villa Sofie Park	13,657	873	14,530
VI. Villa Schüler Park	9,286	—	9,286
VII. Land above and below Hahnstrasse	10,775	18	10,793
VIII. Land below Südbahnstrasse	18,606	—	18,606
IX. Pinkenkogel (lower Austria and Styria)	51,734	—	51,734
X. Roads and paths	8,025	—	8,025
TOTAL	514,833	14,126	528,959
Lower Austria land register	502,999 m ²		
Styria land register	25,960 m ²		
TOTAL	528,959 m ²		

<i>Description</i>	<i>Entry No.</i>	<i>Lot</i>	<i>Land without buildings ha a m²</i>	<i>Building lots ha a m²</i>	<i>Notes</i>
I. Golf-course, including farm	174	B 87/1		33 01	No. 75, stables
	174	B 87/2		3 60	No. 122, sports, guest- house, farm
	174	B 87/3		1 25	No. 123, Stöckl
	174	957/1	1 26 97		

Description	Entry No.	Lot	Land without buildings			Building lots			Notes
			ha	a	m ²	ha	a	m ²	
	174	966/1	3	17	05				
	174	962/1	1	07	66				
	174	968/1		1	23				
	174	968/3		9	70				
	174	968/4			06				
	174	969/1		71	89				
	174	969/2		9	44				
	174	969/4		44	24				
	174	969/5			05				
	175	946/3		1	48				
	175	948/2	2	92	45				
	175	948/2	2	66	52				
	175	948/9		33	90				
	175	948/15			39				
	175	948/16		26	40				
	175	971/14		1	36				
	181	971/4		48	14				
	184	971/6		64	30				
	226	962/2	1	05	67				
	226	968/3		5	33				Schwarzwald meadows
	226	969/3		37	46				
	226	971/3		19	33				
Land lots			15	91	02				
Building lots						37	86		
TOTAL								162,888 m ²	
Ia. Hotel grounds	171	B 172/1				15	11		No. 22, garage
	171	B 172/2				1	07		No. 36, stables
	171	B 177				39	33		No. 1, hotel building
	171	B 182				5	60		No. 27, Koppensteiner House
	171	B 204				8	50		No. 40, Waldhof
	171	B 272				2	65		No. 78, fire station
	171	816/1	1	06	95				
	171	823/2		40	67				
	171	809/18		22	13				
	171	809/4		18	24				
	171	816/2		24	36				
	171	823/17		2	92				
	171	823/18		5	71				
	171	823/25		2	91				
	171	809/37		41	30				
	171	809/34		91	92				
	177	922/11		18	77				
	177	922/2		8	01				
	171	809/112		23	55				
Land lots			4	07	44				
Building lots						72	26		
TOTAL								47,970 m ²	

Description	Entry No.	Lot	Land without buildings		Building lots		Notes
			ha	a m ²	ha	a m ²	
II. Woods from Laundry to Sonnhof							
	171	828/6	74	05			
	171	831/36	12	73			
	175	B 88					
	175	B 96			21	23	No. 133, laundry
	175	904/1		39 32			
	175	904/2	1	10 17			
	175	831/38		7 80			
	175	948/12	6	41 22			
	175	956/2		14 01			
	175	956/3		29 83			
	175	948/11		91 29			
	175	956/13		1 98			
Land lots			10	22 40			
Building lots					21	23	
TOTAL			104,363 m ²				
III. Park between farm road and Hahnstrasse ...							
	172	B 175			1	00	No. 30, waiters' quarters
	172	832/2		17 18			
	175	917		83 29			
	29	922/7	4	91 37			
Land lots			5	91 84			
Building lots					1	00	
TOTAL			59,284 m ²				
IV. Park between farm path and Hahnstrasse ...							
	29	922/6	4	14 80			
Land lots			4	14 80			41,480 m ²
V. Villa Sofie Park							
	28	B 181			6	19	No. 25 Villa Sofie
	28	B 215			2	54	No. 144 Weiser House
	28	809/5		78 83			
	28	811/4		54 40			
		811/10		3 34			
Land lots			1	36 57			
Building lots					8	73	
TOTAL			14,530 m ²				
VI. Villa Schüler Park ...							
	176	809/1		18 51			No. 23 Villa Schüler
	176	811/1		62 03			
	176	811/12		12 32			
Land lots			92	86			
TOTAL			9,286 m ²				

Description	Entry No.	Lot	Land without buildings		Building lots		Notes
			ha	a m ²	ha	a m ²	
VII. Land above and below Hochstrasse	171	B 431			18		Tobacco kiosk, owner Kurt Hofer, Semmering 241
	171	809/38	39	73			
	171	809/32	68	02			
Land lots			1	07	75	18	
		TOTAL					10,793 m ²
VIII. Land below Süd-bahnstrasse	180	786/5	41	23			
	171	807/1	1	44	83		
Land lots			1	86	06		
		TOTAL					10,606 m ²
IX. Pinkenkogel	183	956/9	2	02	73		Lower Austria
	183	957/5		55	01		Lower Austria
	34	119/3	2	59	60		Styria
Land lots			5	17	34		
		TOTAL					51,734 m ²
X. Roads and paths	171	809/35	4	36			Road in front of restaurant area
	171	809/60	8	17			Entry to hotel near Holzer House
	171	809/61	10	94			Entry to Park near Klein-Hans
	171	1115/5	7	03			Road to Wolfsbergkogel near waiters' quarters, Nr. 30
	173	1123/2		75			Path to Wolfsbergkogel station
	174	966/2	9	52			Road to farm and golf-course
	175	1114/4	5	49			Path below Villa Dunz
	175	1114/6	5	67			Golf-course and farm road
	175	1115/4	8	84			Drive to laundry
	175	1115/6	1	63			Wolfsbergkogel steps
	175	1115/2	2	34			Wolfsbergkogel steps
	176	811/11	15	51			Villa Schüler garage road
Land lots			80	25			
		TOTAL					8,025 m ²

ANNEX 3

INDIVIDUAL PROPERTIES

<i>Entry No.</i>	<i>Lot</i>	<i>Area in m²</i>
	1. Cadastral commune of Vienna-Margarethen entered in Central Vienna District Court land register	
2,287	1531/6 Garden	114
	1528/1 Garden	3
	1031/23 Meadow	<u>414</u>
		<u>531</u>
	2. Cadastral commune of Liesing entered in Liesing District Court land register	
643	109/14 Field	<u>23</u>
	3. Cadastral commune of Rodaun entered in Liesing District Court land register	
290	262/1 Garden	<u>626</u>
	4. Cadastral commune of Bruck a/Mur entered in Bruck a/Mur District Court land register	
289	867/1 Meadow, field	<u>29,603</u>
	5. Cadastral commune of Diemlach entered in Bruck a/Mur District Court land register	
17	77/4 Meadow	<u>2,468</u>
	6. Cadastral commune of Unterschwarza entered in Mureck District Court land register	
210	262 Field	<u>985</u>
	7. Cadastral commune of Wietersfeld entered in Mureck District Court land register	
331	176/36 Field	1,764
	176/39 Meadow	<u>1,450</u>
		<u>3,214</u>
	8. Cadastral commune of Mureck entered in Mureck District Court land register	
273	1091/2 Field, including meadow	<u>542</u>
	9. Cadastral commune of Halbenrain entered in Radkersburg District Court land register	
182	181/2 Field	<u>608</u>
	10. Cadastral commune of Diepersdorf entered in Mureck District Court land register	
112	351/3 Field	<u>731</u>
	11. Cadastral commune of Gersdorf entered in Leibnitz District Court land register	
130	1049 Field	162
	1050 Field	683
	1053 Meadow	457
	1056 Field	147
	1059 Woods	140
	1060 Woods	133
	1057 Field	<u>79</u>
		<u>1,801</u>

Entry No.	Lot	Area in m ²
369	12. Cadastral commune of Lichendorf entered in Mureck District Court land register	
	2/236 Meadow	762
	2/342 Field	<u>464</u>
		<u>1,226</u>
72	13. Cadastral commune of Unter Loibach entered in Bleiburg District Court land register	
	77/2 Pasture	13,282
	77/7 Pasture	406
	77/8 Woods	<u>1,669</u>
		<u>15,357</u>
44	14. Cadastral commune of Wölfnitz entered in Klagenfurt District Court land register	
	812/2 Field	<u>4,100</u>
10	15. Cadastral commune of Krumpendorf entered in Klagenfurt District Court land register	
	343/2 Meadow	<u>169</u>
104/II	16. Cadastral commune of Görtschach-Gödnach entered in Lienz District Court land register	
	563 Field	<u>737</u>
45/II	17. Cadastral district of Leisach entered in Lienz District Court land register	
	792/2 Field	3,482
	793/2 Field	755
	794/2 Field	<u>925</u>
		<u>5,162</u>
68/II	18. Cadastral commune of Vomp entered in Schwaz District Court land register	
	3450 Pasture	<u>3,777</u>
872/II	19. Cadastral commune of Hall i/Tirol entered in Hall i/Tirol District Court land register	
	673/1 Field	<u>811</u>

SUMMARY

Individual properties

<i>Cadastral commune</i>	<i>Entry No.</i>	<i>Area in m²</i>
1. Vienna-Margarethen	2,287	531
2. Liesing	643	23
3. Rodaun	290	626
4. Bruck a/Mur	289	29,603
5. Diemlach	17	2,468
6. Unterschwarza	210	985
7. Weitersfeld	331	3,214
8. Mureck	273	452
9. Halbenrain	182	608
10. Diepersdorf	112	731
11. Gersdorf	130	1,801
12. Lichendorf	369	1,226

<i>Cadastral commune</i>	<i>Entry no.</i>	<i>Area in m²</i>
13. Unter Loibach	72	15,357
14. Wölfnitz	44	4,100
15. Krumpendorf	10	169
16. Görtschach-Gödnach	104/II	737
17. Leisach	45/II	5,162
18. Vomp	68/II	3,777
19. Hall i/Tirol	872/II	811
	TOTAL	72,381

EXCHANGES OF NOTES

I a

Rome, 17 July 1979

Sir,

In the course of the negotiations which led to the signing this day of the Austro-Italian Agreement for the settlement of financial and property questions, the Austrian Government expressed the desire, in the economic interest of Austrian farming associations in the Gail valley, to achieve satisfactory treatment of questions relating to pasturing, cutting of wood, provision of water and watering of cattle, driving of cattle and erection and maintenance of fences by such farming associations on lands owned by the Ente Nazionale delle Tre Venezie.

The Italian Government took note of this desire as a recommendation and will not fail to use its good offices to that end, whenever possible, with the Ente Nazionale delle Tre Venezie.

Accept, Sir, etc.

RUDOLF KIRCHSCHLÄGER

H. E. Prof. Aldo Moro
Minister for Foreign Affairs
Rome

II a

Rome, 17 July 1979

Sir,

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

[See note I a]

I have the honour to confirm that the Italian Government agrees with the foregoing.

Accept, Sir, etc.

ALDO MORO

H. E. Dr. Rudolf Kirchschräger
Federal Minister for Foreign Affairs
of the Republic of Austria

I b

Rome, 17 July 1971

Sir,

In the course of the negotiations which led to the signing this day of the Austro-Italian Agreement for the settlement of financial and property questions, the Austrian side expressed the desire that the Austrian heirs of Italian nationals who suffered losses in respect of property abandoned or confiscated in Yugoslavia and in Zone B as referred to in the London Memorandum of Understanding of 5 October 1954,¹ and persons who possessed Italian nationality at the time when such losses occurred but subsequently acquired Austrian nationality, should be brought within the scope of the Italian compensation scheme.

The Italian side gives an assurance that Austria's desire will be communicated to the competent Italian authorities with a view to its receiving the most sympathetic consideration possible under the applicable Italian legislation.

Accept, Sir, etc.

RUDOLF KIRCHSCHLÄGER

H. E. Prof. Aldo Moro
Minister for Foreign Affairs
Rome

II b

Rome, 17 July 1971

Sir,

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

[See note I b]

I have the honour to confirm that the Italian Government agrees with the foregoing.

Accept, Sir, etc.

ALDO MORO

H. E. Dr. Rudolf Kirchschräger
Federal Minister for Foreign Affairs
of the Republic of Austria

I c

Rome, 17 July 1971

Sir,

In the negotiations which concluded with the Agreement signed this day, consideration was also given to a claim by the Tiroler Gebietskrankenkasse für Arbeiter und Angestellte, Innsbruck, formerly the Allgemeine Arbeiter-, Kranken- und Unterstützungskasse, Innsbruck, against the Ente Nazionale Assistenza Lavoratori in respect of the property registered under No. 449 in the cadastral commune of Bolzano.

¹ United Nations, *Treaty Series*, vol. 235, p. 99.

This claim, which remains outside the scope of the Agreement, might be settled through direct negotiations between the Tiroler Gebietskrankenkasse and the Ente Nazionale Assistenza Lavoratori, which will be recommended to give sympathetic consideration to it.

Accept, Sir, etc.

RUDOLF KIRCHSCHLÄGER

H. E. Prof. Aldo Moro
Minister for Foreign Affairs
Rome

II c

Rome, 17 July 1971

Sir,

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

[*See note I c*]

I have the honour to confirm that the Italian Government agrees with the foregoing.

Accept, Sir, etc.

ALDO MORO

H. E. Dr. Rudolf Kirchschräger
Federal Minister for Foreign Affairs
of the Republic of Austria
