

ITALIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES

Conventions et accords conclus pour régler certaines questions dans lesquelles se trouvent également intéressés les ressortissants italiens et les ressortissants serbes, croates et slovènes et particulièrement certaines questions découlant de l'exécution des traités de paix, signés à Nettuno, le 20 juillet 1925, avec annexes A, B, C, D, E, F, G, H et I, échange de notes et protocole final général.

ITALY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES

Conventions and Agreements concluded for the purpose of settling certain Questions affecting both Italian and Serb-Croat-Slovene Nationals, and in particular certain Questions arising out of the Execution of the Treaties of Peace, signed at Nettuno, July 20, 1925, including Annexes A, B, C, D, E, F, G, H and I, Exchange of Notes and General Final Protocol.

¹ TRADUCTION. — TRANSLATION.

No. 1888. — CONVENTIONS AND AGREEMENTS ² BETWEEN THE KINGDOM OF ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES CONCLUDED FOR THE PURPOSE OF SETTling CERTAIN QUESTIONS AFFECTING BOTH ITALIAN AND SERB-CROAT-SLOVENE NATIONALS, AND IN PARTICULAR CERTAIN QUESTIONS ARISING OUT OF THE EXECUTION OF THE TREATIES OF PEACE. SIGNED AT NETTUNO, JULY 20, 1925.

French official text communicated by the Italian Minister for Foreign Affairs and the Permanent Delegate of the Kingdom of the Serbs, Croats and Slovenes accredited to the League of Nations. The registration of these Conventions and Agreements took place December 19, 1928.

HIS MAJESTY THE KING OF ITALY and HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES, being desirous of settling certain questions affecting the nationals of both countries, and in particular certain questions arising out of the execution of the Treaties of Peace, have decided to conclude a number of special conventions and agreements for this purpose and have appointed with that object as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

M. Benito MUSSOLINI, Member of Parliament, Prime Minister and Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

M. Voislav ANTONIEVITCH, His Envoy Extraordinary and Minister Plenipotentiary accredited to His Majesty the King of Italy ;

M. Ottokar RYBÁR, Envoy Extraordinary and Minister Plenipotentiary ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions :

Article I.

The provisions contained in the conventions and agreements annexed hereto are adopted by the two High Contracting Parties as governing the relations between the two States with reference to the matters dealt with in the said conventions and agreements as specified below :

Annex A. — Convention concerning debts and claims ;

Annex B. — Agreement concerning contracts ;

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Rome, November 14, 1928.

- Annex C.* — Agreement concerning requisitions ;
Annex D. — Agreement concerning the refund of expenses of hospital treatment ;
Annex E. — Agreement concerning workmen ;
Annex F. — Convention concerning various agreements on matters relating to social insurance ;
Annex G. — Agreement concerning the Garibaldi Co-operative Society Limited ;
Annex H. — General agreement concerning reciprocity in social insurance matters ;
Annex I. — Convention concerning the prosecution and punishment of offences committed in frontier forests.

Article 2.

The conventions and agreements referred to in Article 1 shall be ratified and the ratifications shall be exchanged at Rome as soon as possible.

They shall enter into force one month after the exchange of the ratifications unless the date for the entry into force of a convention or agreement should be fixed otherwise by the convention or agreement itself.

In faith whereof the Plenipotentiaries have signed the above-mentioned conventions and agreements at the same time as the present instrument, to which they have affixed their seals.

Done in duplicate at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

BENITO MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX A.

CONVENTION

CONCERNING DEBTS AND CLAIMS.

Article 1.

Obligations of every kind expressed in Austro-Hungarian crowns, even if contracted after November 3, 1918, between natural, or juridical persons (including commercial and civil companies and public legal entities) who, at the time of the signing of the present Convention, have the principal seat of their business or interests or their habitual residence on the one hand in the territory of either of the High Contracting Parties and on the other hand in the territory of the other High Contracting Party, shall be settled by debtors residing in the territory of the Kingdom of Italy and by debtors residing in the territory of the Kingdom of the Serbs, Croats and Slovenes in dinars at the rate of exchange of 25 (twenty-five) dinars per 100 (one hundred) Austro-Hungarian crowns.

Article 2.

As an exception to the provisions of the previous Article, it is agreed that :

- (1) Debts and claims between the persons referred to in Article 1 who had their residence on April 10, 1919, in the territories of the former Austro-Hungarian Monarchy

which have been transferred to the Kingdom of Italy, with the exception of Zara, Lagosta and Fiume (*ex corpus separatum*), shall respectively be paid and discharged in Italian lire at the rate of exchange of 40 (forty) lire per 100 (one hundred) Austro-Hungarian crowns, where the creditors or debtors have transferred their residence after that date to the territory of the Kingdom of the Serbs, Croats, and Slovenes.

(2) For the purpose of determining a rate of exchange higher than 40 (forty) lire per 100 (one hundred) Austro-Hungarian crowns, the provisions of the Royal Italian Decree No. 2227, dated November 27, 1919, shall be valid in the relations referred to in the previous paragraph, in so far as these provisions are applicable to the particular cases in question, and in so far as they refer to nationals of either High Contracting Party who, having at present their residence in the territory of the Kingdom of the Serbs, Croats and Slovenes, still had their habitual residence on the date of publication of the said Decree (December 4, 1919) in the territories transferred to the Kingdom of Italy, with the exception of Zara, Lagosta and Fiume (*ex corpus separatum*).

(3) Persons who on February 24, 1924, had their residence on the former territory of Fiume (*ex corpus separatum*) which has been assigned to the Kingdom of Italy, must pay, in Italian lire, their debts in crowns to creditors residing on that date in the present territory of the Kingdom of Italy, and shall be entitled to collect in Italian lire debts contracted in crowns from their debtors residing at the time mentioned above in the same territory. The conversion shall take place at the rate of exchange which would be applicable under the same conditions according to the Royal Decree No. 235, dated February 24, 1924, concerning the conversion of crowns at Fiume, even where such persons had transferred their residence to the territory of the Kingdom of the Serbs, Croats and Slovenes.

Article 3.

Should a debtor prove that in consequence of the application of the rate of exchange referred to in the previous Article, he would be unable to discharge his obligations and would be reduced to insolvency, he shall be entitled to apply to the competent judge for a reduction of his debt.

The judge may, after hearing both parties in the presence of each other, reduce the rate of conversion in accordance with the principles of equity, but only if no adjustment by set-off is necessary, and only in the case of :

(a) A debt arising out of the cession or the constitution as pledge to the creditor in question, of debts contracted towards the Austrian, or Hungarian, or Austro-Hungarian Governments, or their administrations, in connection with a purchase effected during the war by the said State administrations, or

(b) A debt arising out of the purchase by the debtor of Austrian or Hungarian war loan bonds, or a debt secured by such bonds.

In the case of a secured debt, the provisions of the present Article shall only be applied with respect to that part of the debt which is not secured.

Article 4.

Until such time as repayment has actually been made and in the absence of any stipulation to the contrary between the parties concerned, the sums resulting from the conversion referred to above shall bear interest at the legal rate without deduction as from the original due date.

Where judgment has been given by a Court, interest shall be paid in accordance with the provision of the previous paragraph, without taking the prescription of interest in arrears into account.

Article 5.

For the purpose of the present Convention, branch establishments existing at the date of the signature thereof or on November 3, 1918, in the territory of either of the High Contracting Parties and belonging to persons, companies and enterprises whose head firm is situated in the territory of the other High Contracting Party, shall be considered as establishments having their principal seat in the territory of the State in which such branch is situated.

Branch establishments in the territories of the High Contracting Parties belonging to companies or undertakings the head firm of which is situated in the territory of a third State shall also be considered as establishments having their seat in the territory of the State in which the branch is situated, provided that no provision to the contrary is contained in any special agreement between the State in which the head firm is situated and the State of which the debtor or creditor of the branch establishment is a national.

Article 6.

All obligations dealt with in the present Convention shall be settled in accordance with the provisions thereof without reference to their date of maturity.

This Convention applies in particular also to money deposited in savings accounts and on current account with banks and savings banks, mortgages, acknowledgments of debt, bonds, mortgage bonds (landed property bonds) and dividends expressed and payable in Austro-Hungarian crowns.

Bonds which have not been drawn or the repayment of which did not fall due before January 27, 1924, and coupons which did not mature before that date, as also savings deposit books which the establishment in question is entitled to pay to bearer also, shall nevertheless be refunded or paid as the case may be in accordance with the relevant provisions in force for nationals in the State where the issuing establishment has its seat.

A special agreement shall be concluded with respect to bonds issued by the Dalmatian mortgage credit bank.

This Convention does not apply to bonds of the Austrian and Hungarian Public Debt, nor to the bonds and loans of the provinces and communes which are governed by the Treaties of Peace of Saint-Germain and Trianon.

Obligations arising out of private or social insurance contracts are excluded from this Convention in so far as they are governed by special agreements.

Debts in Austro-Hungarian crowns for pension allowances, cost of living bonuses or grants shall be paid by all the natural or juridical persons liable therefor, residing in the territory of either of the High Contracting Parties to the beneficiaries who are nationals of the other Party, in accordance with the provisions which govern the question in the internal relations of the particular territory where the debtor resides and which are binding on the nationals of that territory.

Article 7.

Notwithstanding the provisions of paragraph 2 of the previous Article, debts in Austro-Hungarian crowns secured on immovable property situated in the territory of the High Contracting Parties shall be paid to the creditor, except in the case of special agreements, in accordance with the general law for the conversion of Austro-Hungarian currency in force in the country in which the immovable property is situated.

This provision does not apply to secured debts due to mortgage establishments that have their seat in the Kingdom of the Serbs, Croats and Slovenes and have issued mortgage bonds on landed property. These debts shall be repaid in accordance with the general provisions of Article 1.

If in the case of a sale by auction after compulsory expropriation, a creditor coming under the provisions of paragraph 1 is not paid in full on the distribution of the proceeds of one or more

immovable properties situated in the territory of either of the High Contracting Parties and encumbered in favour of the said creditor, the amount or balance of the debt in Austro-Hungarian crowns, in so far as it is not admitted in its due order and is not secured by other immovable property situated in the territory of the same State, shall be repaid by the debtor residing in the territory of the other High Contracting Party in accordance with the general provisions of Article 1.

Article 8.

In regard to payment or the conversion of mortgage bonds or secured debts, treatment on an equal footing with nationals is assured to the subjects of both High Contracting Party.

Article 9.

The present Convention is applicable with retrospective effect to all cases where a debt has been paid after November 3, 1918, by means of a deposit in court or with an administration, in a currency the value of which had depreciated at the time of the deposit more than the currency referred to in Articles 1, 2 and 7 as the case may be, on condition that the deposit was not made under a judgment or judicial decision given without appeal before the date of the signature of the present Convention.

Article 10.

Where a judgment has been given without appeal before the date of the signature of the present Convention, the Convention shall be applicable if the judgment is annulled on any grounds under the local law.

Article 11.

This Convention does not apply to payment, made or to be made in future, of a debt in Austro-Hungarian crowns, between persons referred to in Article 1 if the conditions and procedure of payment have been settled in a currency other than Austro-Hungarian crowns under an agreement or friendly arrangement.

Article 12.

Any prohibition to pay the debts referred to above, and any provisions concerning a moratorium with regard to these debts shall be abrogated in the territories of the High Contracting Parties.

Article 13.

With regard to the debts and claims referred to in the present Convention, the periods for prescription, foreclosure or limitation of right of action, and also the periods for the presentation of interest or dividend coupons or for the repayment of securities drawn for repayment or repayable on any other ground shall be regarded as suspended as from November 3, 1918, without prejudice to any previous suspension arising out of local legislation or the Treaties of Peace.

These time limits shall begin to run again at the end of three months (90 days) as from the date of the entry into force of the present Convention.

The provisions of the present Article do not apply to bills of exchange and promissory notes when the acceptor or, if there has been no acceptance, the drawer or the maker resides in the territory of a third State in which the suspension or prolongation of the time limit referred to above have no effect.

In the same manner the provisions of this Article do not apply to the other obligations where the action for security against the person ultimately liable is excluded on the grounds provided in the previous paragraph.

Article 14.

If claims referred to in the present Convention have, at the time of the assessment of the patrimony, income or profits of a natural or juridical person, been considered as liable to payment at a different rate of exchange or in a currency other than that in which they have already been repaid or are to be repaid to the persons entitled under the terms of the present Convention or a special arrangement, and if the taxpayer has lodged an appeal or sought redress against the taxation assessed on the above-mentioned basis, each of the High Contracting Parties shall allow to the nationals of the other a revision of the assessment of the taxes and charges imposed on this income or the amount collected or to be collected with respect to the claims concerned, even where the appeal or redress has been rejected before the entry into force of the present Convention.

Each of the High Contracting Parties shall establish a time limit of not less than three months from the date of the entry into force of the present Convention for submitting the application for revision.

Article 15.

This Convention does not apply to hospital debts and claims. The settlement of these debts and claims shall constitute the subject of a special agreement.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

BENITO MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

DR. RYBÁR.

FINAL PROTOCOL.

Both High Contracting Parties reserve the right to have recourse to the procedure laid down in Article 215 of the Treaty of Saint-Germain where one of the Parties has to grant to any third State whatever conditions more favourable than the treatment given to nationals with respect to the settlement or the conversion of mortgage bonds or secured debts and where the two Governments are unable to come to an agreement regarding such a dispute.

This provision shall be put into force even if the settlement or the conversion has taken place in virtue of an international convention, of an arbitral award or of any law or order.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

BENITO MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

DR. RYBÁR.

ANNEX B.

AGREEMENT CONCERNING CONTRACTS.

Article 1.

If the execution of a contract made before November 3, 1918, and still in force between natural or juridical persons, residing at the time the contract was made, on the one hand, in the present territory of one of the High Contracting Parties, and on the other, in the present territory of the other High Contracting Party, involves considerable hardship to one of the parties to the contract in consequence of changed trade conditions, the judicial authority may, on the application of the party concerned and according to circumstances, pronounce the contract null and void or amend its conditions. Should the contract be annulled, the judicial authority in question may grant equitable compensation.

Article 2.

The provisions of the preceding Article do not apply to :

- (a) Contracts having for their object the transfer of estates or of movable or immovable property when the ownership therein has passed or the object has been delivered ;
- (b) Debts or claims ;
- (c) Contracts of mortgage, pledge or lien ;
- (d) Contracts of insurance and re-insurance ;
- (e) Contracts not entered into by persons now nationals of the High Contracting Parties where any such national became a party to the contract only by virtue of substitution, cession or succession occurring subsequent to November 3, 1918.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX C.

AGREEMENT CONCERNING REQUISITIONS ¹.*Article 1.*

Nationals of either High Contracting Party (natural persons and legal entities including companies) whose property has been seized, taken away or damaged in consequence of any regular or irregular requisition by the authorities or regular troops belonging to the other High Contracting

¹ See Exchange of Notes, page 229, of this Volume.

Party in territories occupied by such troops, whether transferred or not to the said occupying High Contracting Party, shall be entitled to demand from that High Contracting Party compensation similar to that which would be due by the State to its own nationals in the case of a regular requisition.

Article 2.

This compensation shall be fixed by the authorities in the same way and in accordance with the procedure laid down in Articles 63 and 64 of the Convention on general agreements¹ signed by the High Contracting Parties at Rome on October 23, 1922.

Article 3.

The claims referred to in Article 1 must be submitted within three months from the entry into force of this Agreement through the Ministry of Foreign Affairs of the State of which the claimant is a national, to the Ministry of Foreign Affairs of the State liable.

Article 4.

The Ministry of Foreign Affairs of the State liable must, within six months from the date on which the claim was filed with it, give a definitive reply, on the basis of the results of the procedure followed in accordance with Article 2, to the claims it has received. Nevertheless, should a reply based on the decisions of the authorities referred to in Article 2 not be given within that time limit, or if the High Contracting Party is not satisfied on receipt of the reply, the ordinary Courts of the State which has to pay compensation shall take cognizance of the disputes on the application of the person interested after hearing the parties concerned in each other's presence. This application must be submitted within three months from the expiry of the period of six months mentioned above. No objection based on prescription shall be admissible.

Article 5.

If in the procedure referred to in the previous Articles the parties do not agree as to facts which can be proved by witnesses, evidence as to such facts shall be admitted even if these facts, in accordance with the provisions in force, must be proved in writing.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

¹ Vol. XVIII, page 461, of this Series.

FINAL PROTOCOL.

It is understood that the provisions of the Agreement concerning requisitions shall not have the effect of modifying the provisions of Chapter XVIII of the Convention on general agreements signed at Rome on October 23, 1922, with regard to requisitions made in the territories referred to in the said Convention.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX D.

AGREEMENT

CONCERNING THE REFUND OF EXPENSES OF HOSPITAL TREATMENT.

Article 1.

The claims of hospitals belonging to communes, provinces and special legal entities situated in the territory of either High Contracting Party for arrears of hospital treatment and burial expenses incurred with respect to the nationals of the other High Contracting Party, shall be liquidated and assessed for the period from January 1, 1921, until the date of entry into force of the Agreement regarding assistance to persons in receipt of public relief, in accordance with the prices, rates and charges established by the competent authorities of the place where the hospital in question is situated and in force during the period when the patient was under treatment at the establishment.

The above-mentioned expenses for the period previous to the above date shall be adjusted reciprocally by set-off between the two High Contracting Parties and their nationals.

Article 2.

The liquidation of the claims shall be effected in the currency of the country in which the hospital is situated.

The liquidation of claims in crowns shall be made in the present currency of the above-mentioned country ; the conversion of the currency shall be made at the rate of exchange fixed by the local law for claims which have arisen during that period.

Article 3.

The amount due under the liquidation terms referred to in the previous Article shall be fixed by the Legation of the State liable for the payment in agreement with the Ministry of Foreign Affairs of the State in which the hospital is situated.

Article 4.

Payment of the sums assessed in accordance with the above Articles shall be made within six months after the amount of the debt or of a part of the debt has been fixed.

The State whose nationals were treated in the creditor hospital is liable for payment in the first instance, without prejudice to the right to recover such sums from the natural or juridical persons who must subsequently make repayment.

Article 5.

Payment shall be made in the currency of the country in whose territory the creditor hospital is situated.

Fluctuations in the rate of exchange shall not be taken into consideration.

Article 6.

Should a dispute arise between the High Contracting Parties concerning the interpretation or application of the present Agreement and should one of the High Contracting Parties request that the dispute should be referred to an arbitral tribunal for decision, the other Party must consent thereto, even as regards the prior question whether the dispute is of a nature to be submitted to the arbitral tribunal.

The arbitral tribunal shall be constituted for each dispute by each of the High Contracting Parties appointing one of its nationals as arbitrator and both Parties choosing a national of a third friendly Power as third arbitrator.

The High Contracting Parties reserve the right to come to an agreement in advance and for a specified period as to the person who shall, in case of dispute, fulfil the duties of third arbitrator.

The decision of the arbitrators shall be binding.

Article 7.

The present Agreement does not in any way affect the particular agreements which have been made or which may be made in future as regards the repayment of the advances granted to the hospitals in Dalmatia, it being understood that the questions relating thereto shall constitute the subject of a special arrangement in accordance with the Convention regarding general agreements signed by the High Contracting Parties at Rome on October 23, 1922.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX E.

AGREEMENT CONCERNING WORKMEN.

Article 1.

In the territory of the Kingdom of Italy and in the territory of the Kingdom of the Serbs, Croats and Slovenes, workmen and employees who are nationals of one of the High Contracting Parties may be engaged by factories, undertakings, industries, establishments or private persons having their seat or a branch establishment in the territory of the other High Contracting Party in accordance with the provisions of the law in force in its territory.

The limitations and restrictions in force with regard to foreigners in the territory of either High Contracting Party affecting the right freely to engage workmen and employees or to hire out one's services for a fixed period of time or for any specified undertaking, shall not apply in these territories to workmen and employees of any kind who, being nationals of the other High Contracting Party, were at any time between January 1st, 1920, and January 1st, 1925, in the actual employment therein of private persons, undertakings or other establishments of any nature whatever.

This exemption shall not apply to any workman or employee who, being a national of either High Contracting Party, left the territories of the other State, after the entry into force of the present Agreement, with the obvious intention not to return.

Further, this exemption shall not apply to workmen and employees in State establishments.

The present Agreement shall not, as regards the hiring of labour, in any way affect the rights conferred by existing treaties on the nationals of either High Contracting Party who, in virtue of a right of option as regards nationality, enjoy a right of residence in the territory of the other.

Article 2.

Each of the High Contracting Parties undertakes to facilitate the passage through its territory of workmen and employees of every kind who, being nationals of the other High Contracting Party, are proceeding across the said territory to any European country whatever for the purpose of taking up employment in that country.

Each of the High Contracting Parties also undertakes to facilitate the passage of emigrants in transit who are nationals of the other Party and are proceeding to ports in its territory with a view to embarking on board ship, or who are returning through the said ports, by granting them the same treatment as would be given to emigrants conveyed under the national flag or under the flag of the nation most favoured in this respect.

The High Contracting Parties undertake in particular to reduce to one gold franc the cost of visas on the passports of emigrants in transit; to transport emigrants without interruption of their journey and as quickly as possible; to simplify Customs formalities at the frontier as much as possible, and finally, to curtail health measures at the frontier in view more particularly of the sanitary precautions and enquiries carried out in the ports of embarkation.

Article 3.

The present Agreement shall remain in force for the same period as the Treaty of Commerce and Navigation signed by the High Contracting Parties at Belgrade on July 14, 1924, but in any case for a minimum period of five years from the date of its entry into force.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX F.

CONVENTION

CONCERNING VARIOUS AGREEMENTS ON MATTERS RELATING TO SOCIAL INSURANCE.

I. — TRIESTE INDUSTRIAL ACCIDENTS INSURANCE INSTITUTE FOR THE LITTORAL, CARNIOLA AND DALMATIA.

Article 1.

The Kingdom of the Serbs, Croats and Slovenes assumes liability for all pensions and all other obligations of the former "Industrial Accidents Insurance Institute for the Littoral, Carniola and Dalmatia", at Trieste, arising out of accidents which occurred up to December 31, 1918, inclusive, with respect to all the persons entitled for whom the said Institute was liable and who are specified in Articles 2, 3 and 5.

Article 2.

The Kingdom of the Serbs, Croats and Slovenes assumes liability for all the persons entitled to a pension in the case of whom it can be proved that their ordinary place of residence was in the territory of the said Kingdom on December 31, 1922. With regard to the pensioners whose right to the pension lapsed before December 31, 1922, and with regard to those who emigrated before that date from the territory of the two High Contracting Parties, their last ordinary place of residence after January 1st, 1919, shall be taken into account for the purpose of determining to which State they shall become chargeable.

Article 3.

In the case of a person whose death was due to an industrial accident and who left more than one person entitled to a pension, liability for these latter persons shall, if they had their ordinary place of residence on December 31, 1922, in different States, be assumed by the State where the widow had her ordinary place of residence; if there was no widow on December 31, 1922, entitled to a pension, then liability shall be assumed by the State where the youngest son entitled to the pension had his ordinary place of residence. If neither the surviving spouse nor a son be included among the persons entitled, then the deciding factor shall be the last place of residence, successively, of the father or the mother entitled to the pension, or of the grandfather, the youngest nephew or the youngest brother or sister entitled to the pension respectively.

Article 4.

Subsequent changes in residence or in the person entitled to the pension whose place of residence determines the liability of one or other of the High Contracting Parties shall not be taken into consideration.

Article 5.

In the case of persons entitled to pensions whose last place of residence between January 1, 1919, and December 31, 1922, cannot be established, or of persons who can only at some future

date enforce their claims to compensation for accidents which occurred on or before December 31, 1918, the State of which they are nationals shall be liable. If these persons entitled have not acquired the nationality of either High Contracting Party, the State in whose territory the establishment where the accident occurred had its principal seat shall be liable.

If a person satisfying the conditions laid down above acquires rights arising out of an accident in connection with which pensions have already been paid to other persons, the pension due to the new person entitled shall be chargeable to the State which assumed responsibility for the other pensions.

Article 6.

The Kingdom of Italy and on its behalf the " National Industrial Accidents Insurance Institute for Julian Venetia and Zara " at Trieste shall hand over within one month from the entry into force of the present Convention to the Kingdom of the Serbs, Croats and Slovenes and on its behalf to the " Central Workers Insurance Institute " at Zagreb all the files concerning the persons entitled for whom the said Kingdom has become liable in virtue of Articles 2 and 3. In the same manner all the files concerning the establishments that have their seat in the territory of the Kingdom of the Serbs, Croats and Slovenes shall be handed over to the said Institute.

The files of the persons entitled referred to in Article 5 shall also be handed over within the same period if the persons entitled are nationals of the Kingdom of the Serbs, Croats and Slovenes.

If in the case of certain specified persons entitled or of certain specified establishments it should be impossible to hand over the files owing to their being essential to the work of the Insurance Institute whose duty it is to surrender them, the other Insurance Institute shall be entitled to copy the documents concerned.

Article 7.

With reference to the liabilities attaching to the Kingdom of the Serbs, Croats and Slovenes, the Kingdom of Italy, and on its behalf the National Industrial Accidents Insurance Institute at Trieste, shall pay to the Kingdom of the Serbs, Croats and Slovenes, and on its behalf to the Central Institute at Zagreb, within one month from the entry into force of the present Convention the sum, finally fixed by common agreement, of four hundred and sixty-two thousand three hundred and eighty lire, fifty-eight centesimi (L.462,380.58).

Furthermore, the National Industrial Accidents Insurance Institute at Trieste makes over in their entirety to the Central Institute at Zagreb its claims for contributions in arrears for the period previous to December 31, 1918, arising out of insurance against accidents in the territories of the Kingdom of the Serbs, Croats and Slovenes.

The two High Contracting Parties mutually renounce any eventual claims as between the two above-mentioned Institutes existing at the date of the entry into force of the present Convention.

Article 8.

The payment of the sum specified in the previous Article and the surrender of the files referred to in Article 6 shall constitute a final and complete settlement of all the relations between the two High Contracting Parties with respect to the former " Industrial Accidents Institute for the Littoral, Carniola and Dalmatia ".

The National Accidents Insurance Institute at Trieste shall be released with retrospective effect as from January 1st, 1919, from any obligation with respect to the persons entitled for whom the Kingdom of the Serbs, Croats and Slovenes has become liable in accordance with the provisions of Articles 2, 3 and 5.

Article 9.

The two High Contracting Parties shall take steps to ensure that the National Industrial Accidents Insurance Institute at Trieste and the Central Institute at Zagreb shall co-operate free of charge, except for the repayment of any expenses actually incurred, in assessing the consequences of the accidents referred to in the previous Articles and in Article 10 and in paying the pensions relating thereto.

The said Institutes may correspond with each other direct on the above matters without the intervention of the administrative authorities of the State.

II. — PROVISIONAL MANAGEMENT OF SOCIAL INSURANCE ACCOUNTS IN DALMATIA
AND IN THE OTHER OCCUPIED TERRITORIES.

Article 10.

The provisional management of the accounts of the " National Industrial Accident Insurance Institute for Julian Venetia and Zara " at Trieste with respect to insurance in unstamped crowns and of the " Employees Pensions Fund " at Trieste with respect to insurance in unstamped crowns and in lire in the territory of the Kingdom of the Serbs, Croats and Slovenes, previously occupied by the Kingdom of Italy, shall be taken over with all assets and liabilities by the " Central Workers Insurance Institute " at Zagreb and by the " Employees Pensions Institute " at Ljubljana, respectively.

By way of final and inclusive settlement of the above accounts the following amounts fixed finally and by common agreement shall be paid within one month from the entry into force of the present Convention :

(a) The National Accident Insurance Institute at Trieste shall pay to the Central Institute at Zagreb the sum of twenty-five thousand eight hundred and twenty-two lire, sixty-four centesimi (L. 25,822.64).

(b) The Employees Pensions Institute at Trieste shall pay to the Employees Pensions Institute at Ljubljana the sum of eleven thousand and eighty-six lire, forty-three centesimi (L. 11,086.43).

Further, the National Accident Insurance Institute at Trieste shall hand over to the Central Institute at Zagreb the deposits lying at the Tax Offices at Sibenik (Sebenico) to an amount of three thousand four hundred and nineteen unstamped crowns, ninety-seven hellers (C. 3,419.97), and at Starigrad (Cittavecchia) to an amount of one thousand nine hundred and fourteen unstamped crowns (C. 1,914).

The surrender of the files concerning the said insurance shall be effected within the period set forth in the second paragraph of the present Article.

Article 11.

The management of the lire account for accident insurance in the territory of the Kingdom of the Serbs, Croats and Slovenes previously occupied by the Kingdom of Italy shall be considered for all the purposes of the Austrian Accident Insurance Law of December 28, 1887, No. I ex 1888, effected as legally for the account of the National Industrial Accident Insurance Institute at Trieste.

Article 12.

The payment of the sums, the surrender of the deposits and the delivery of the files referred to in Article 10, shall constitute a final and complete settlement of all the relations between the

two High Contracting Parties with respect to the accounts of the National Industrial Accident Insurance Institute at Trieste and the Employees Pensions Institute at Trieste referred to in the same Article 10.

The National Industrial Accident Insurance Institute at Trieste shall be released with retrospective effect as from January 1st, 1919, from any obligation with respect to the persons entitled for whom the Kingdom of the Serbs, Croats and Slovenes has become liable in virtue of Article 10.

The Employees Pensions Institute at Trieste is also released from any obligation with respect to the insurance referred to in the same Article 10.

III. — INDUSTRIAL ACCIDENT AND HEALTH INSURANCE IN THE TERRITORY OF FIUME.

Article 13.

The Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes and on their behalf the Social Insurance Institutes respectively competent assume liability for the obligations arising out of industrial accidents occurring in the territory under the jurisdiction of the Social Insurance Fund at Fiume between January 1, 1919, and March 1, 1924, the former with respect to accidents occurring to nationals of Italy or of a third State and the latter with respect to accidents occurring to Serb-Croat-Slovene nationals.

Article 14.

The Kingdom of Italy and on its behalf the " National Industrial Accident Insurance Fund " at Rome shall, within one month from the entry into force of the present Convention, surrender to the Kingdom of the Serbs, Croats and Slovenes and on its behalf to the " Central Workers Insurance Institute " at Zagreb, all the files concerning the obligations assumed by the Kingdom of the Serbs, Croats and Slovenes in virtue of the previous Article and all those concerning the employers in the territory transferred to the said Kingdom.

Copies only shall be surrendered in the case of files which are essential for the above-mentioned Fund.

Article 15.

The share due to the Kingdom of the Serbs, Croats and Slovenes of the total proceeds of the management of the account referred to in Article 13 shall be fixed finally and by common agreement at twenty-four thousand eight hundred and thirty-three lire (L. 24,833). From this amount shall be deducted the sum of three thousand six hundred and twenty-four lire (L. 3,624) due by Serb-Croat-Slovene employers to the insurance institutes, which shall be collected direct by the " Central Workers Insurance Institute " at Zagreb.

Interest at the rate of 5 % (five per cent) per annum as from March 1, 1924, shall be added at the time of payment to the balance of twenty-one thousand two hundred and nine lire (L. 21,209), but that part of the pensions (to which interest as above has been added) which was due after March 1, 1924, and paid to the persons entitled for whom the Kingdom of the Serbs, Croats and Slovenes has become liable under Article 13 shall be deducted therefrom.

Payment shall be made by the " National Industrial Accident Insurance Fund " at Rome also for the account of the former " Industrial Insurance Fund " at Fiume to the " Central Workers Insurance Institute " at Zagreb within one month from the entry into force of the present Convention.

Article 16.

The Kingdom of Italy renounces the right to demand that the Kingdom of the Serbs, Croats and Slovenes should participate in covering the deficit arising out of the management of the health insurance accounts between January 1st, 1919, and March 1, 1924, and the Kingdom of the Serbs, Croats and Slovenes undertakes in its turn not to claim any share in the assets which the Kingdom of Italy may subsequently receive under Article 258 of the Treaty of Peace of Trianon.

The said renunciation by the Kingdom of Italy shall hold good only in so far as the assets which Italy may subsequently receive under the said Article 258 are assessed on the basis of the original territory under the jurisdiction of the Fiume District Fund (*Cassa distrettuale*).

IV. INSURANCE OF SEAMEN ON INTER-ALLIED VESSELS FORMERLY AUSTRO-HUNGARIAN PROPERTY.

Article 17.

The Government of the Kingdom of the Serbs, Croats and Slovenes recognises the right of the " Merchant Marine Disablement Fund " at Rome and the " Employees Pensions Fund " at Trieste to collect all contributions due by shipowners both for their own account and for the account of the seamen with respect to the social insurance of members of crews on board former Austro-Hungarian vessels during the period of the Italian management of the said vessels.

Article 18.

Sums due to the Serb-Croat-Slovene shipowners by way of compensation for requisition or on any other ground shall be determined as soon as possible by the Italian Government and paid to the persons entitled after deduction of the sums due by the several shipowners to the " Merchant Marine Disablement Fund " at Rome and the " Employees Pensions Fund " at Trieste.

Article 19.

Sums due by the Italian Government to the Serb-Croat-Slovene shipowners by way of compensation for requisition or on any other ground which are at present under sequestration on the application of the " Merchant Marine Disablement Fund " shall be paid immediately by the Italian Government to the " Merchant Marine Disablement Fund " at Rome and to the " Employees Pensions Fund " at Trieste up to the total amount of the claims of the said Institutes for social insurance contributions.

The sums due by the Serb-Croat-Slovene shipowners to the said Institutes which are not covered by the payments referred to in the previous paragraph shall be paid by the Serb-Croat-Slovene shipowners through the Government of the Kingdom of the Serbs, Croats and Slovenes to the said Institutes one month after the Government of the Kingdom of Italy has made the said payments.

The Serb-Croat-Slovene shipowners shall not be liable for interest on any of the sums they may have to pay to the above-mentioned insurance Institutes whether such payment be effected through the agency of the Italian Government under the terms of the first paragraph or whether it be made direct by the shipowners themselves under the terms of the second paragraph.

As soon as they have obtained payment of their claims the above-mentioned Institutes shall arrange for the release of the sequestrated funds in so far as these relate to their claims and for the discontinuance of the judicial measures in progress.

The expenses relating thereto shall be deemed to be reciprocally set-off.

Article 20.

As a matter of equity and in view of the social aims that the Government of the Kingdom of the Serbs, Croats and Slovenes has under consideration in favour of its own seamen, the contributions referred to in the following paragraphs which have been or may in future be paid by way of insurance for Serb-Croat-Slovene seamen to the " Merchant Marine Disablement Fund " at Rome and the " Employees Pensions Institute " at Trieste, shall be handed over without interest to the said Government or to the social insurance institute designated by the said Government respectively, namely :

(a) Seamen's contributions which have been paid or may in future be paid with respect to the Serb-Croat-Slovene crews on board former Austro-Hungarian vessels assigned to the Kingdom of the Serbs, Croats and Slovenes under the Trumbic-Bertolini Agreement ;

(b) Shipowners' contributions that have been paid or may in future be paid with respect to the above-mentioned crews on board the vessels mentioned under (a) ;

(c) Seamen's contributions that have been paid or may in future be paid with respect to the Serb-Croat-Slovene crews on board former Austro-Hungarian vessels assigned to the Kingdom of Italy under the said Trumbic-Bertolini Agreement.

Article 21.

The contributions referred to in paragraphs (a), (b) and (c) of the previous Article³ relate to the period between November 3, 1918, and July 28, 1921, (the date of the ratification of the Trumbic-Bertolini Agreement by the Reparation Commission) in the case of former Austro-Hungarian vessels assigned to Italy, and to the period between November 3, 1918, until their actual surrender in the case of former Austro-Hungarian vessels assigned to the Kingdom of the Serbs, Croats and Slovenes.

Article 22.

The Government of the Kingdom of the Serbs, Croats and Slovenes shall provide the Government of the Kingdom of Italy and, on its behalf, the " Merchant Marine Disablement Fund " at Rome and the " Employees Pensions Institute " at Trieste respectively with :

(1) Proof of the Serb-Croat-Slovene nationality of the seamen with regard to whom it claims the handing over of the contributions ; this proof may be given in the form of a declaration by the Serb-Croat-Slovene political authorities ;

(2) Proof that the above-mentioned seamen were on board such vessels during the periods mentioned above ; such proof shall be furnished by submitting the seamen's identity books or, in the absence thereof, an extract from the shipowners' registers, duly certified correct by the competent maritime authorities, or else an extract from the muster rolls of the crews.

The above-mentioned documents shall be supplied not later than one year from the entry into force of the present Convention.

The Italian Government shall facilitate the collection of the said evidence in so far as it depends upon the Italian authorities and shipowners.

The transfer of the sums in question shall be effected in so far as the shipowner concerned has fulfilled the conditions referred to in Articles 17 and 19 within three months of submitting the said evidence.

Article 23.

It is agreed that as an exception to the provisions of Article 20, the " Employees Pensions Institute " at Trieste shall not hand over the contributions received in respect of the insurance

of Serb-Croat-Slovene nationals who, at the date of the entry into force of the present Convention, are still insured with the above Institute or who or whose families were or are in receipt of pensions granted by the said Institute.

Article 24.

The documents of every kind necessary for the application of Chapter IV of the present Convention shall be issued free of charge and shall be exempt from any duties and fees both in the Kingdom of Italy and in the Kingdom of the Serbs, Croats and Slovenes.

V. — PII FONDI DI MARINA.

Article 25.

The possessions of the two pious foundations " Pio Fondo di Marina per Fiume e Senj " and " Pio Fondo dei Pescatori " which were administered by the Royal Hungarian Maritime Government at Fiume, remain the property of the Kingdom of Italy.

Nevertheless, the said pious foundations shall, in view of their objects, pay through the Italian Government out of their funds to the Government of the Kingdom of the Serbs, Croats and Slovenes within six months from the entry into force of the present Convention the sum of six hundred thousand lire (L. 600,000) as the contribution due to Serb-Croat-Slovene seamen.

It is agreed that in consequence of the payment of the said sum of 600,000 lire the nationals of the Kingdom of the Serbs, Croats and Slovenes may not claim any rights with respect to the said pious foundations, which shall remain finally and exclusively Italian Institutes.

Article 26.

The Kingdom of the Serbs, Croats and Slovenes and the Kingdom of Italy recognise as being finally and definitively set-off the assets and liabilities of the two maritime pious foundations " Austro-Illirico " and " Dalmato ", which consequently continue to belong to the Kingdom of Italy, it being understood that, as a result of this set-off, the nationals of the Kingdom of the Serbs, Croats and Slovenes may not claim any rights with respect to the said pious foundations, which remain finally and exclusively Italian Institutes.

VI. — MUTUAL ASSISTANCE FUND OF THE STATE MINES AT RAIBL
AND THE ZINC FOUNDRY AT CELJE.

Article 27.

The Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes respectively assume liability for the pensions and the contingent claims to pensions of the " Mutual Assistance Fund (*Cassa fratellanza*) of the State mines at Raibl and the zinc foundry at Celje attached thereto " existing on December 31, 1918, the former with respect to the part concerning the workmen and the members of their families at the State mines at Raibl and the undertakings connected therewith under the terms of the Statutes of the above-mentioned Fund and situated in Italian territory, and the latter with respect to the part concerning the workmen and the members of their families in the zinc foundry at Celje and the undertakings connected therewith under the terms of the Statutes of the above-mentioned Fund and situated in Serb-Croat-Slovene territory.

Article 28.

The Kingdom of Italy and, on its behalf, the above-mentioned Fund shall, within one month from the entry into force of the present Convention, hand over to the Kingdom of the Serbs, Croats and Slovenes, or to such Institute as it may appoint, the files concerning the liabilities which, in virtue of the previous Article, are taken over by the Kingdom of the Serbs, Croats and Slovenes.

Copies only shall be handed over in the case of files which may be essential for the Kingdom of Italy.

Article 29.

The distribution of the possessions of the above-mentioned Fund shall be effected by creating a single fund out of the assets of the pensions fund and the assets of the health fund both of the Raibl State Mines and the Celje Foundry.

The share due to the Kingdom of the Serbs, Croats and Slovenes out of the single fund thus constituted shall be finally fixed by common agreement as follows :

(a) Austrian 4 % Bonds for a nominal total value of two hundred and eight thousand five hundred crowns (C. 208, 500), chosen proportionally in accordance with the date of issue of these securities ;

(b) Austrian 5 ½ % War Loan bonds for a nominal value of forty-eight thousand seven hundred crowns (C. 48, 700) ;

(c) A cash sum of one hundred and twenty-eight lire (L. 128), which the Government of the Kingdom of Italy and on its behalf the above-mentioned Fund shall transfer, within one month after the entry into force of the present Convention, to the Kingdom of the Serbs, Croats and Slovenes or to the Institute designated by that Government.

All other assets shall remain finally the property of the Kingdom of Italy, including deposits with credit establishments abroad, wherever they may be, with the exception of funds and claims within the Kingdom of the Serbs, Croats and Slovenes ; these latter shall remain the property of that Kingdom.

VII. SICK FUNDS AT VOLOSCA, LUSSINPICCOLO, ZARA, LOGATEC AND RADOVLJICA.

Article 30.

The Kingdom of the Serbs, Croats and Slovenes and the Kingdom of Italy recognise as being finally and definitely set-off the shares which would fall on the one hand to the Kingdom of the Serbs, Croats and Slovenes out of the possessions of the Sick Funds (*Casse distrettuali per ammalati*) at Volosca, Lussinpiccolo and Zara, and on the other hand to the Kingdom of Italy out of the possessions of the Sick Funds at Logatec and Radovljica and they thereby reciprocally renounce all rights in regard to the said Funds.

All the assets of the said Funds at Volosca, Lussinpiccolo and Zara, wherever they may be, consequently remain the property of the Kingdom of Italy, and all the assets of the said Funds at Logatec and Radovljica remain the property of the Kingdom of the Serbs, Croats and Slovenes.

VIII. FEDERATION OF SICK FUNDS AT TRIESTE.

Article 31.

The possessions of the former Federation of Sick Funds (*Casse distrettuali per ammalati*) in the area of operations of the " Industrial Accident Insurance Institute for the Littoral, Carniola

and Dalmatia " at Trieste shall be divided among the various Sick Funds in proportion to the total amount of the contributions for which the said Funds were made liable by the Federation. The " National Industrial Accident Insurance Institute for Julian Venetia and Zara " at Trieste shall, within one month after the entry into force of the present Convention, pay to the " Central Workers Insurance Institute " at Zagreb the sum of nine hundred and seventy-five lire (L. 975) as final settlement of all the relations between the High Contracting Parties with respect to the said Federation.

IX. LLOYD TRIESTINO AND BANCA COMMERCIALE TRIESTINA.

Article 32.

It is agreed that employees of the Lloyd Triestino Steam Navigation Company and the Banca Commerciale Triestina, being nationals of the Kingdom of the Serbs, Croats and Slovenes, who were discharged or voluntarily left their employment during the years 1914 to 1923 and who were not yet entitled to a retiring grant, are entitled, subject to their being resident in the Kingdom of the Serbs, Croats and Slovenes and insured in accordance with the Serb-Croat-Slovene Pensions Insurance Law, to claim from the company concerned their share in the premiums reserve under the terms of Article 39 of the Statutes of the Lloyd-Triestino Pensions Institute or Articles 29 and 35 of the Statutes of the Banca Commerciale Triestina Pensions Institute, respectively, provided that application therefor is made not later than one year from the entry into force of the present Convention by the parties concerned through the " Employees Pensions Institute " at Ljubljana and that the Institute, in case of doubt, supplies the companies with proof that these parties satisfy the above-mentioned conditions.

On payment of the above the companies in question shall be released with respect to their former employees previously mentioned from their obligations arising out of the Austrian Pensions Law (Law of December 16, 1906 ; Imperial Legal Gazette No. 1 ex 1907, amended by Imperial Order, dated June 25, 1914, Imperial Legal Gazette No. 138).

X. — GENERAL PROVISIONS.

Article 33.

Until such time as the questions relating to social insurance have been settled by a special convention to be concluded between the High Contracting Parties, each of the High Contracting Parties shall accord to the nationals of the other the same treatment as that enjoyed by its own nationals with respect to the payment of pensions, increased grants, cost of living bonuses and remarriage allowances payable under the terms of local laws and regulations concerning compulsory social insurance for invalidity, old age and accidents. The payment of pensions, increased grants and cost of living bonuses shall not be suspended or redeemed by the Institutes of either High Contracting Party on the ground that the person entitled resides in the territory of the other Party.

Nevertheless, with respect to the pensions to be paid after the date of signature of the present Convention, this reciprocity shall be valid only as concerns portions of pensions falling due on or before January 1st, 1927, unless a convention to be concluded in the future between the High Contracting Parties provides for a prolongation.

Arrears due after November 3, 1918, and payable under the terms of the first paragraph of the present Article to the nationals of either High Contracting Party shall be paid by the debtor Institute to the persons entitled within three months from the entry into force of the present Convention.

This reciprocity is also applicable under the above-mentioned conditions to the supplementary payments provided as an increase to the pensions compulsorily payable in virtue of the social insurance laws and to the accessory benefits payable under the same laws.

Article 34.

Should a dispute arise between the contracting States concerning the interpretation or application of the present Convention and should either Party request that the dispute should be referred to an arbitral tribunal for decision, the other Party must consent thereto, even as regards the prior question whether the dispute is of a nature to be referred to an arbitral tribunal.

The arbitral tribunal shall be constituted for every dispute by each of the two States appointing one of its nationals as arbitrator and both States choosing a national of a third friendly State as third arbitrator.

The Contracting States reserve the right to come to an agreement in advance and for a specified period as to the person who shall in case of dispute, fulfil the duties of third arbitrator. The decision of the arbitrators shall be binding.

Article 35.

The present Convention shall come into force on the first day of the month following that of the exchange of ratifications.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX G.

AGREEMENT

CONCERNING THE GARIBALDI COOPERATIVE SOCIETY, LIMITED.

Article 1.

The Government of the Kingdom of Italy, without waiting for the fulfilment of the conditions laid down in Articles 11 and 13 of the Statutes of the " Garibaldi Cooperative Society, Limited ", agrees to antedate for account of the said cooperative society the repayment of the sums paid to that society on capital account between November 3, 1918, and July 28, 1921, (the date of the ratification of the Bertolini-Trumbic Agreement by the Reparation Commission), by Serb-Croat-Slovene seamen on board the former Austro-Hungarian vessels assigned to Italy, and between November 3, 1918, and the date of the actual handing over of the vessels to the Kingdom of the Serbs, Croats and Slovenes by Serb-Croat-Slovene seamen on board the former Austro-Hungarian vessels assigned to the Kingdom of the Serbs, Croats and Slovenes.

Article 2.

The said sums on capital account shall be paid by the Government of the Kingdom of Italy or by an Institute designated by that Government to the Serb-Croat-Slovene Institute designated

by the Government of the Kingdom of the Serbs, Croats and Slovenes for an amount fixed in accordance with conditions considered by the High Contracting Parties to be reasonable and by taking into consideration the authorised capital as it probably existed at the date of maturity, the yield thereon, the proportionate length of the different periods of payment, the average date of payment of the refunds due on relinquishment of a seafaring life, the average age and the death-rate of the seamen, and the rate of discount.

The High Contracting Parties agree that, as a result of applying the method of assessment indicated above, the antedated payments referred to in Article 1 will amount to 37.50 lire per 100 lire paid on capital account by Serb-Croat-Slovene seamen. This sum shall be repaid in accordance with the following procedure :

(a) Four-fifths, viz., 30 lire per 100 lire paid on capital account shall be handed over within three months after presentation of the documents referred to in Article 3 ;

(b) One-fifth, viz., 7.50 lire per 100 lire paid on capital account shall be handed over under the conditions set forth in Article 4.

Article 3.

The Government of the Kingdom of the Serbs, Croats and Slovenes shall submit to the Government of the Kingdom of Italy within one year from the entry into force of the present Agreement the list of seamen who claim the refund in question, together with the necessary documentary evidence relating to the payments made to the Garibaldi Cooperative Society and a deed of cession duly executed in favour of the Government of the Kingdom of Italy or the Institute designated by that Government.

Article 4.

The Institute designated by the Government of the Kingdom of the Serbs, Croats and Slovenes must notify and furnish proof to the Italian Government or the Institute designated by that Government of the deaths and quinquennial returns of persons relinquishing a seafaring life as soon as the returns are checked.

The Government of the Kingdom of Italy or the institute which it may designate shall immediately upon the receipt of the above-mentioned documents hand over to the said Serb-Croat-Slovene Institute the balance of 7.50 lire per 100 lire paid on capital account referred to in Article 2 paragraph (b).

Interest at the rate of 5 % per annum from the date of payment referred to in Article 2, paragraph (a) shall be added to the said balance of 7.50 lire.

Article 5.

Serb-Croat-Slovene seamen who, on the basis of the present Agreement, obtain the ante-dated refund of the payments made on capital account shall have no further claim against the said Garibaldi Cooperative Society Limited, whereas other Serb-Croat-Slovene seamen shall retain all their rights with respect to the said Garibaldi Cooperative Society.

Article 6.

The documents of every kind necessary for the application of the present Agreement shall be issued free of charge and shall be exempt from all taxes and dues both in the Kingdom of Italy and in the Kingdom of the Serbs, Croats and Slovenes.

Article 7.

The present Agreement shall enter into force on the first day of the month following upon that of the exchange of ratifications.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX H.

GENERAL AGREEMENT

CONCERNING RECIPROCITY IN SOCIAL INSURANCE MATTERS.

THE KINGDOM OF ITALY and THE KINGDOM OF THE SERBS, CROATS AND SLOVENES ;

Being each desirous of conferring to the greatest possible extent on nationals of the other State the benefits arising out of social insurance ;

Being further desirous of applying in social insurance matters the provisions of paragraph 6 of the Final Protocol of the Convention regarding conditions of residence and business and consular matters¹, signed at Belgrade on August 21, 1924, concerning the protection of workers ;

In conformity with the recommendations of the International Conference on Emigration and Immigration held at Rome in 1924 ;

Have agreed on the following provisions :

Article 1.

The Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes undertake to apply to one another's nationals the treatment accorded to their own nationals in all matters relating to rights and obligations under laws concerning social insurance, in cases of sickness and maternity, accidents (except accidents to agricultural workers not assimilated to industrial workers), invalidity, old age and death.

Equality of treatment shall be accorded in both States, in conformity with the supplementary provisions laid down in the following Articles.

Article 2.

Any modifications that may be introduced in either State in the system of social insurance mentioned in the preceding Article shall be applied automatically to nationals of the other State.

¹ Vol. LXXXII, page 445, of this Series.

The equality of treatment laid down in the present Agreement shall, by means of special agreements to be concluded between the Ministry of National Economy, for the Kingdom of Italy, and the Ministry of Social Affairs, for the Kingdom of the Serbs, Croats and Slovenes, be extended, subject to the conditions specified therein, to other branches of social insurance, as soon as the relevant laws in the two States have reached the same point of development.

The said equality of treatment shall similarly be accorded in all matters relating to optional social insurance connected with compulsory insurance. Nevertheless, a person to whom compulsory insurance applies in either of the States may take out or prolong an optional insurance contract in the other State only in so far as the laws of the latter State permit of the co-existence of optional and compulsory insurance in the case in question.

SPECIAL PROVISIONS CONCERNING HEALTH INSURANCE.

Article 3.

For all purposes of benefits due by insurance Institutes in case of sickness, the insurance of nationals of either State with the Institutes of one of the two States shall be deemed to be a continuation of insurance with the Institutes of the other State, provided that not more than three months have elapsed between the termination of the first insurance and the beginning of the new insurance. The interval between the two shall not be considered to be an insurance period.

Nevertheless, in the case of maternity benefit the law of the insuring State shall alone be applicable.

An insured person entitled simultaneously to benefit from Institutes of both States shall be permitted to claim only the benefit due by the Institute with which he was last insured.

Article 4.

Persons insured against sickness working in the frontier zone of one State as fixed by the agreements in force, but resident in the adjacent frontier zone of the other State, shall be entitled to receive from the insuring Institute at their place of residence the benefit (more particularly medical assistance, medicaments, allowances) due to nationals resident in the territory of the insuring State. Such benefit shall be due also to the insured person's family if resident in the frontier zone of either State.

For this purpose, medical officers, midwives and employees of the competent insuring Institute shall be permitted to pursue their activities in the matter of assistance, investigation and supervision in the territory of the other State in which the persons entitled are living. The insuring Institute shall be bound to furnish at any moment, on application by the competent political authority, a list of such medical officers, midwives and employees. The said authorities may raise objections for valid reasons to any given person. Such objections shall be duly taken into consideration.

The aforesaid medical officers shall have the right to make out their prescriptions in the frontier zone of the other State and to have them made up in the pharmacies affiliated to the Institute in that State at the prices fixed for the latter but at the cost of the insuring Institute.

Article 5.

If a national of one State insured against sickness in the other State moves, after having fallen ill, to the State of which he is a national, he shall be entitled in the same way to allowances and other benefit provided that the insuring Institute is in possession of the necessary guarantees and can pay out the said benefit and enforce supervision as provided in its statutes.

Such supervision shall be carried out, on the application of the insuring Institute by the insurance Institutes established in the territory to which the insured person moves. These Institutes shall also furnish medical and pharmaceutical benefit at reduced prices but at the cost of the insuring Institute.

SPECIAL PROVISIONS CONCERNING ACCIDENT INSURANCE.

Article 6.

The foregoing provisions concerning health insurance shall also apply to accident insurance throughout the period for which the insured person is entitled to medical assistance under the laws of the insuring State.

Article 7.

The initial medical enquiries in regard to accidents, prior to the first compensation payment or the first decision of the insuring Institute, shall be made by that Institute even if the victim has his residence in the territory of the other State.

Subsequent medical enquiries into the consequences of the accident in the case of insured persons who are resident in the territory of the Kingdom of Italy but for whom the Serb-Croat-Slovene insurance Institutes are responsible shall be made by the "National Institute for Insurance against Industrial Accidents for Julian Venetia and Zara", at Trieste, if the insured persons reside within the area of that Institute, and by the "National Fund for Insurance against Industrial Accidents", at Rome, if they reside in any other part of the territory of the Kingdom of Italy.

Medical enquiries in the case of insured persons who are resident in the territory of the Kingdom of the Serbs, Croats and Slovenes but for whom Italian insurance Institutes are responsible shall be made by the "Central Institute for Workers' Insurance", at Zagreb.

Nevertheless, the insuring Institute shall have the right to require the insured person to submit to the medical enquiries referred to in paragraphs 2 and 3 above, at that Institute or to send one of its own medical officers to examine him. In either case, the expenditure incurred shall be borne by the insuring Institute.

Article 8.

If the accident forms the subject of a judicial or administrative enquiry, the competent consular authority of the State of which the insured person is a national shall be informed without delay when such enquiry is being instituted.

If the accident has resulted in the victim's death, or if it appears from the first findings that it may cause death or disability of a permanent character or extending over a period of not less than ten weeks, the above-mentioned consular authority shall have the right to the same extent as the persons entitled, to consult and copy the documents relating to the enquiry.

SPECIAL PROVISIONS CONCERNING INSURANCE AGAINST INVALIDITY, OLD AGE AND DEATH.

Article 9.

As regards annuities for old age and invalidity, nationals of either State who, having been insured for not less than fifteen years both with Italian and Serb-Croat-Slovene Institutes and having satisfied the other conditions laid down by the laws of the two States, have at the same time acquired the right to invalidity and old age annuities from the Institutes of both of them, shall be entitled to both annuities, one being payable by the Italian Institutes and the other by the Serb-Croat-Slovene Institutes to the amount fixed by law in the two States.

Article 10.

Nationals of either State who have been insured for not less than thirty years and have satisfied the other conditions vis-à-vis the insurance Institutes of one of the two States only, shall be entitled to receive from those Institutes the annuity in respect of invalidity or old age to the amount established by the law of the State to which the said Institutes belong.

Such nationals shall be entitled to a partial annuity under the provisions of Article 12 *et seq.* payable by the Institutes of the other State in regard to which the aforesaid conditions have not been fulfilled.

Article 11.

If the insured person fulfils neither the conditions laid down in Article 9 nor those laid down in Article 10, but has notwithstanding been registered for a certain period with Institutes in the Kingdom of Italy, and during another period with Institutes in the Kingdom of the Serbs, Croats and Slovenes, the two insurance periods shall be added together for the purposes of the waiting period necessary to acquire the right to an annuity in the case of invalidity or old age, and also for the purpose of assessing the amount of that annuity.

Article 12.

Assured persons, nationals of either State, to whom the conditions mentioned in the last paragraph of Article 10 and in Article 11 apply, shall be entitled in case of invalidity or old age to an annuity made up of two separate parts, namely :

- (a) One part due by the Italian insuring Institutes ;
- (b) One part due by the Serb-Croat-Slovene Institutes.

Article 13.

In order to determine the above-mentioned parts making up the annuity, the debtor Institute shall determine, on the basis of the total insurance period, calculated in accordance with the provisions of Article 11, the amount of the total annuity which would be payable to the insured person if he had been registered throughout the whole period with that Institute. The part in question shall then be calculated by taking a part of the above-mentioned total pension proportionate to the actual period of insurance with the said Institute.

If, however, the part in question is payable by the National Fund for Social Insurance or the Invalidity Fund of the Mercantile Marine, at Rome, it shall be assessed on the basis of the premiums paid into the Fund concerned, according to the ratio between the periods during which such premiums were paid and the total period mentioned in Article 11.

Article 14.

If, after adding together the two insurance periods as provided in Article 11, all the conditions necessary for the payment of the annuity, as for example, age, state of invalidity, duration of marriage, etc., are fulfilled in relation to the Institutes of one of the two States only, the right to the fractional part of the annuity due by those Institutes shall alone be deemed to have been acquired. This fractional part shall be assessed according to the rules laid down in the foregoing Articles.

If, and in so far as, independently of adding the years of insurance, the right to the annuity is acquired in one of the two States only, the fractional part of the pension mentioned in the preceding paragraph shall not be less than the amount which would be payable independently of the present Agreement.

The right to the total definitive annuity which might possibly ensue from a revision of the fractional part mentioned in the foregoing paragraphs, shall be deemed to have been acquired directly the relevant conditions have been fulfilled even in relation to the Institutes of the other State.

The fractional part mentioned in the first two paragraphs of the present Article shall continue to be paid to the insured person up to the amount originally fixed, until such time as the said person shall have acquired the right to the total annuity, which shall be paid only as from that date.

Article 15.

In order to determine the waiting period for insurance benefits in respect of invalidity and old age, the time spent in each of the two States shall be counted as a fraction of such waiting period in the respective States. The insured person shall be entitled to the annuity only as from the date when the sum of the two fractional periods amounts to not less than the period required.

Article 16.

For the purpose of the application of the provisions contained in the first paragraph of Article 13, if the insured person has been registered with the same Institute under different wage categories, there shall first be established :

(a) The proportional fractional part mentioned in the first paragraph of Article 133 the basis taken being the last wage category ;

(b) The annuity to which the insured person has become entitled, the basis taken being the actual period of insurance and the last wage category under which the said person was insured with the Institute concerned.

The fractional annuity in question shall be determined by multiplying the amount of the annuity to which the person would be entitled from the Institute with which he is insured on the basis of his actual insurance and actual wages by the quotient obtained by dividing annuity (a) and annuity (b) above.

If the waiting period with the Institute in question is not complete, the basis taken for the calculation shall be the fractional annuity proportionate to the actual period of insurance due to the insured person after the completion of such waiting period.

Article 17.

All periods of a week, a fortnight or a month exceeding six months in all during which premiums have been paid to Italian or Serb-Croat-Slovene Institutes shall be counted for the purposes of Articles 9, 10 and 11, even if denunciation or other formalities required under the laws of either State on penalty of prescription or forfeiture have been omitted or delayed in all good faith by the persons concerned, with the exception of insurance periods not counted under the provisions of the insuring State relating to interruption of insurance.

Nevertheless, periods during which the insured person has been registered with an Institute of the other State or has received sickness or unemployment benefit shall not be deemed to constitute an interruption of insurance involving the reduction, suspension or forfeiture of acquired rights or acquired contingent rights. Similarly, if suspended rights or contingent rights are revived in virtue of new compulsory insurance they shall be so revived even if compulsory insurance is with an Institute of the other State. For the purposes of the present Article, periods of voluntary insurance in either State shall also be counted as periods of voluntary insurance in the other State, in conformity with the laws of the latter.

Article 18.

For the purposes of the foregoing Articles, if a person has been insured against invalidity and old age with a number of Institutes in succession in the same State, all periods of insurance with such Institutes shall be counted, in conformity with the law of the insuring State and Article 17 of the present Agreement.

Article 19.

For the purposes of the foregoing Articles, there shall be counted, for the Institutes of either State, only such periods of insurance as are subsequent to the date of the entry into force of the Serb-Croat-Slovene law of May 14, 1922, concerning the insurance of workers, in regard to the part relating to insurance against invalidity and old age, without prejudice to more extensive rights which might ensue under the law of either of the States independently of the provisions of the present section.

Nevertheless, for persons registered with the Employees Pensions Institutes at Trieste and Ljubljana, periods of insurance as from January 1, 1919, shall also be counted. Periods of insurance prior to that date shall be counted only as provided in the domestic legislation of either State and shall be without effect as regards the application of the provisions of the present section.

Article 20.

The above-mentioned pensions and fractional parts of pensions shall be borne separately by the insurance Institutes in the two States. They shall be payable in the currency of the Institute from which they are due. The Institutes in the two States shall conclude the necessary agreements in order that payment of pensions and fractional parts due by either of them may be made only by the Institute of the State in which the person concerned is resident, in the event of failure to effect the transfer, under the terms of Article 31, of the covering capital corresponding to the pension or fractional part in question.

Article 21.

When the law of either of the States provides that the insured person shall be entitled to reimbursement of premium payments or to special benefits in the event of interruption of the insurance, such reimbursement or benefits shall not apply if the insurance is continued in the other State.

Nevertheless, payments which may be made contrary to the foregoing provision shall be deemed to have been regularly made and shall involve the effects laid down in the laws of the respective States.

Article 22.

The equality of treatment referred to in the present Agreement shall not extend to cases in which, under the law of either of the States, an insured person has the right to demand that, on payment of the necessary premiums, the periods during which there was no actual insurance shall be counted in calculating benefits in respect of insurance against invalidity and old age.

Article 23.

As regards the special pension allowances due by the State, which do not form the subject of reciprocal treatment under the present Agreement, the two States undertake to conclude further agreements as soon as the Kingdom of the Serbs, Croats and Slovenes shall have fixed the amounts and conditions of the said special allowances for its own nationals.

Article 24.

The provisions of Article 7 shall apply also to insurance against invalidity and old age, with due reference to the provisions laid down in the following paragraphs.

When the insured person is entitled to the annuity in one of the two States only, the medical enquiries shall be made by the Institute responsible for the above-mentioned insurance in the territory in which such person resides.

If the insured person is entitled to an annuity or fractional part of an annuity in both States, the enquiries in question shall be made by the debtor Institute of the State in which such person resides.

Article 25.

The foregoing provisions shall apply also to all other benefits in respect of insurance against invalidity, old age and death.

Benefits established by one of the two States only shall be borne exclusively by that State up to the amount and in accordance with the conditions laid down in its own laws, independently of the provisions of the present section.

VARIOUS PROVISIONS.

Article 26.

The administrative authorities and insurance Institutes in the two States shall grant one another, even in case of investigation, the assistance which they are required to furnish for the purpose of the application of their national laws concerning social insurance.

Assistance as between insurance Institutes in the two States shall apply more particularly to the payment of grants, pensions and annuities, supervision, and assistance to persons who are sick or are the victims of accidents or are disabled, and their entry into sanatoria.

This mutual assistance shall be given free of charge, except for the reimbursement of expenditure actually incurred and general expenditure on medical assistance and medicaments. The Institutes concerned shall conclude special agreements for the reimbursement of such general expenditure.

Article 27.

Special contracts or agreements relating to privileges concluded between medical practitioners, midwives, hospitals, sanatoria, health institutions and pharmacies, of the one part, and an insurance Institute in either of the States, of the other part, in respect of benefits which are due or furnished by the latter to persons insured with it, or by which the insured persons themselves are entitled to benefit in any way, shall apply also to benefits which the Institute is bound to grant in virtue of the present Agreement to persons insured with Institutes in the other State.

The foregoing provision shall apply also to contracts and agreements in respect of entry into or treatment in establishments for functional re-education, or in respect of attendance at the patient's home, therapeutic treatment or the supplying of orthopaedic apparatus.

Should there be only limited accommodation in such hospitals, sanatoria, health institutions and establishments for functional re-education, nationals of the other State shall be entitled to a certain proportion of the vacancies available.

Article 28.

For the purpose of the repatriation of sick seamen, including victims of accidents, as provided in the laws of the two States concerning social insurance, seamen, nationals of one of the two

States, who are insured with social insurance Institutes in the other State, shall be entitled to be taken back to the port selected by them in the insuring State or in the State to which they belong.

Article 29.

Insurance Institutes and organs in the two States shall be free to correspond with one another direct, without employing the diplomatic channel.

Without prejudice to the provision laid down in Article 30, correspondence concerning the payment of pensions and annuities shall pass as a rule through the Institute mentioned in Articles 7 and 24.

Communications made by or to that Institute shall be deemed to possess the same value as if they had been made by or to the person concerned.

Article 30.

When Serb-Croat-Slovene Institutes and authorities are required, under their national laws concerning social insurance, to give notification of prescription to Italian nationals residing outside the territory of the Kingdom of the Serbs, Croats and Slovenes who are not yet in receipt of an annuity or pension from an Italian Institute, the said Institutes and authorities shall be bound, whenever the place of residence is known, to serve the notices in question through the Italian consular authorities.

Within one week after the receipt of the notice to be served, the said consular authority shall forward to the Institute or authority by which the document was sent a receipt showing that it has been despatched by post.

If the consular authority is unable to serve the notice, or if the postal authorities return it without having delivered it to the addressee, the said consular authority shall be bound to return it without delay to the Institute or authority concerned, and to send with it, if necessary, a declaration from the postal authorities. When the Serb-Croat-Slovene Institute or authority has applied without effect to the consular authority to have a notice served, it shall take other legal steps to this end.

The Institutes and authorities of the Kingdom of Italy shall be reciprocally bound to employ the same procedure and shall have the same obligations as regards Serb-Croat-Slovene nationals residing outside the territory of the Kingdom of Italy.

Article 31.

Unless otherwise agreed between the Institutes concerned, the reimbursement of expenditure, sickness grants and annuity or pension instalments paid in virtue of the present Agreement by Institutes of one of the two States on behalf of an Institute in the other State, shall be effected within ten days after the end of each quarter, in the currency in which payment has been made or in the currency of the other State at the rate of exchange on the last day of the quarter.

In case of delay, the debtor Institute shall pay interest at the rate of 1 % per month.

Article 32.

Italian nationals returning to Italy and Serb-Croat-Slovene nationals resident in Italy for not less than three consecutive years previously, who are entitled to an annuity or fractional part of an annuity or to a pension, may demand that the Serb-Croat-Slovene insurance Institute from which the benefit in question is due shall transfer to one of the Italian insurance Institutes mentioned in Article 33 the covering capital corresponding to that benefit.

In the case of a transfer of covering capital corresponding to an annuity payable to the victim of an accident, the said Institutes shall decide in each case as to the expediency of effecting the transfer and the amount of the sum to be transferred, whilst for other cases they shall establish every five years general bases for assessing the sums to be transferred. These shall be paid in the currency in which the annuity or pension is payable.

Once the transfer has been effected, the Serb-Croat-Slovene Institute shall be released from all obligations ; the Italian Institute shall take over all its rights and obligations, including revision, and shall become responsible for paying the annuity or pension in lire at the rate of exchange taken for the capital which was transferred to it.

Serb-Croat-Slovene insured persons returning to Serb-Croat-Slovene territory, and Italian insured persons resident for not less than three consecutive years previously in the territory of the Kingdom of the Serbs, Croats and Slovenes, shall similarly possess the same right, and be subject to the same conditions in regard to Italian insuring Institutes.

Article 33.

The transfer of covering capital corresponding to annuities or pensions, as provided in the preceding Article, shall be made to the insuring Institutes in either State which, according to the particular branch of insurance in which they are engaged, are competent under the provisions of Articles 7 and 24 to carry out the medical enquiries.

Article 34.

The insuring Institutes of one State may not pay to insured persons nationals of the other State a lump sum in lieu of annuities and fractional parts of annuities, pensions or supplementary pension allowances and cost of living bonuses relating thereto, even with the consent of the insured person, or suspend payment of the aforesaid benefits by reason of the fact that the insured persons or the persons entitled in their place reside in or remove their residence to the territory of the other State.

Article 35.

The following shall not be subject to the social insurance laws of the State in which they may happen to be :

(a) Nationals of either State working with diplomatic or consular authorities or in offices of the railways or Customs administrations in the territory of the other State ;

(b) Persons employed by public transport undertakings of either State who pass through or are temporarily in the territory of the other State.

Such persons shall continue to be subject to the social insurance laws and to the laws concerning the employer's civil liability in case of accident in force in the State to which the aforesaid diplomatic and consular authorities, administrations or undertakings belong.

The Ministry of National Economy, for the Kingdom of Italy, and the Ministry of Social Affairs, for the Kingdom of the Serbs, Croats and Slovenes, shall have power to establish, by common agreement, exceptions other than those named above and to provide for exemption in special cases.

Article 36.

No national of either State shall be called upon to belong to administrative or jurisdictional insurance organs in the other State.

Article 37.

Provisions concerning exemption and facilities for the payment of charges and duties laid down by either State in the matter of social insurance shall also apply in that State for insured persons and insurance Institutes belonging to the other State.

FINAL PROVISIONS.

Article 38.

The two States agree that as soon as they have given effect to the conventions referred to in Article 275 of the Treaty of Saint-Germain and in Article 258 of the Treaty of Trianon, they will proceed, on the basis of the nationality of the persons concerned and through the ministries mentioned in Article 39, to allocate the assets and liabilities of the former Austro-Hungarian social insurance Institutes which were competent in the territories transferred to one or other of the two States, with the exception of annuities and pensions current on the date of the signature of the present Agreement.

For the purposes of such allocation the principles laid down in the conventions referred to in the first paragraph shall be employed in assessing the assets and liabilities arising out of insurance benefits.

A similar procedure shall be adopted for the allocation of assets and liabilities, on the basis of the nationality of the insured persons, for former Austro-Hungarian Institutes which, having their seat in the territory of one of the two contracting States, are not governed by conventions already concluded or to be concluded in execution of the aforesaid articles of the Treaties of Peace, with the exception of the supplementary Institutes of the "Lloyd Triestino" and the "Banca Commerciale Triestina".

Article 39.

The Ministry of National Economy, for the Kingdom of Italy, and the Ministry of Social Affairs, for the Kingdom of the Serbs, Croats and Slovenes, shall establish, by common consent, such rules as may be required for the execution of the present Agreement, more particularly rules for the application of the provisions concerning insurance for invalidity, old age and death.

Article 40.

The present Agreement may be denounced wholly or in part by either State at any moment, but it shall nevertheless remain in force for one year after its denunciation.

Claims to an annuity or pension acquired when the present Agreement was in force shall be paid in accordance with the principles laid down in the Agreement until the natural extinction of the rights in question.

Article 41.

If a dispute should arise between the contracting States as to the interpretation or application of the present Agreement and if one of them requests that the dispute shall be submitted to an arbitral tribunal for decision, the other shall consent thereto, even as regards the prior question as to whether the dispute is such that it can be submitted to the arbitral tribunal.

The arbitral tribunal shall be constituted for each dispute by each of the two States appointing as arbitrator one of its own nationals and the two States together choosing as third arbitrator a national of a third friendly State.

The Contracting States reserve the right to agree beforehand, for a specified period, on the person to perform the duties of third arbitrator in case of dispute. The decision of the arbitrators shall be binding.

Article 42.

The present Agreement shall come into force on the first day of the month following that of the exchange of ratifications.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

BENITO MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

FINAL PROTOCOL.

On proceeding to sign the General Agreement concerning reciprocity in social insurance matters concluded this day between the two High Contracting Parties, the Delegation of the Kingdom of the Serbs, Croats and Slovenes, referring to Article 17 of the said Agreement, declares, by order and on behalf of its Government, that it has agreed that periods during which unemployment benefit was paid shall not be deemed to constitute an interruption of insurance, in so far as the Kingdom of Italy grants unemployment benefit, under the Italian law, to Serb-Croat-Slovene nationals. The Delegation of the Kingdom of Italy, by order and on behalf of its Government, takes note of this declaration.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

BENITO MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

ANNEX I.

CONVENTION

CONCERNING THE PROSECUTION AND PUNISHMENT OF OFFENCES COMMITTED IN FRONTIER FORESTS.

Article 1.

The prosecution and punishment of offences committed in forests in the frontier zone in the territory of one of the High Contracting Parties by persons residing in the territory of the other shall come within the competence of the authorities in the place on which the offence was committed. Nevertheless, such authorities may apply direct to the competent authorities in the territory in which the offender resides and request such authorities to prosecute and punish the offence.

Article 2.

The Kingdom of Italy undertakes that its authorities shall prosecute and punish offences committed by persons resident in its territory in forests situated in the frontier communes of the Kingdom of the Serbs, Croats and Slovenes, and the latter assumes the same obligation as regards offences committed, by persons resident in its territory, in forests situated in frontier communes of Italy, as soon as the said Italian or Serb-Croat-Slovene authority has been informed of the offence and received the request mentioned in Article 1. The offence shall be prosecuted and punished in accordance with the laws applicable to offences committed in the territory of the State to which the authority in question belongs.

Article 3.

If the offence is reported direct to the authority in the place of residence of the offender, that authority shall have power to take proceedings and shall duly inform the authority in the place in which the offence was committed. In such cases the authority before whom the matter first came shall be competent to deal with it.

When judgment has been given by a competent authority in one State, the authority in the other State shall not have power to give judgment subsequently.

Article 4.

Compromises in regard to fines or damages arrived at by conciliation shall have the force of a judgment.

Article 5.

The authorities and public organs of the two High Contracting Parties shall accord one another, for the application of the present Convention, such support and assistance as may be compatible with the laws of their respective countries, with a view to prosecuting and punishing the above-mentioned offences as speedily as possible.

Article 6.

Fines inflicted, less the proportion that may be payable to informers, and also the costs of the case, shall be collected by the authorities of the State in which judgment is given. The amount of the damages shall be paid to the injured party.

Article 7.

The reports and assessments of the competent authorities and public organs of either of the High Contracting Parties, in so far as these relate to the present Convention, shall, in the territory of the other, have the same value as evidence as documents drawn up by the authorities and public organs of the latter.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at Nettuno, the twentieth day of July, one thousand nine hundred and twenty-five.

For the Kingdom of Italy :

Benito MUSSOLINI.

For the Kingdom of the Serbs, Croats and Slovenes :

V. ANTONIEVITCH.

Dr. RYBÁR.

EXCHANGE OF NOTES.

NETTUNO, *July 20, 1925.*

MONSIEUR LE MINISTRE,

I understand that, at the time of initialling the general agreement concerning the compensation to be paid by either State in respect of military requisitions made by the regular force of the armies of the two countries, it appeared that certain nationals of the Kingdom of the Serbs, Croats and Slovenes had claims on account of such requisitions made on them at Fiume.

Being desirous of establishing relations of perfect cordiality between the Italian and Serb-Croat-Slovene populations of Fiume and the environs of Fiume, and with a view to furnishing proof of its sentiments, the Government of His Majesty the King of Italy has taken steps to ensure without delay the liquidation and payment of the sums due to Serb-Croat-Slovene nationals on account of the said requisitions. It has entrusted this task to the Commission responsible for the liquidation and payment of the sums due to Italian nationals in respect of like requisitions.

In accordance with the information it has received, the Royal Government has placed at the disposal of the aforesaid commission the sum of 3,500,000 (three million five hundred thousand) lire in order to reimburse nationals of the two States having in Fiume property, rights or interests forming the subject of requisitions covered by the aforesaid Agreement. In the case of compensation payable to Serb-Croat-Slovene nationals, the Royal Government will be very glad to take into consideration any suggestions which the Government of His Majesty the King of the Serbs, Croats and Slovenes may care to make.

The Government of His Majesty the King of Italy would be very grateful to you if it could receive an assurance from the Government of His Majesty the King of the Serbs, Croats and Slovenes to the effect that, without prejudice to the rights attributable to nationals of the two States who are entitled to receive moneys in respect of requisitions which have been made in other territories of the two countries or which already form the subject of a special liquidation, all the Serb-Croat-Slovene nationals entitled who had property in Fiume and are creditors of the Royal administrations will, by means of allocations made by the commission from the above sum, be paid in full and unreservedly and have no further claims on this account.

It is understood that the administrations of the Kingdom of Italy will thereby be relieved of all responsibility on any ground whatever towards the persons entitled.

I am, etc.

B. MUSSOLINI.

His Excellency

M. Voislav Antonievitch,

Envoy Extraordinary and Minister Plenipotentiary

of His Majesty the King of the Serbs, Croats and Slovenes,
Rome.

YOUR EXCELLENCY,

NETTUNO, *July 20, 1925.*

In a note bearing this day's date you were good enough to draw my attention to the fact that, at the time of initialling the general agreement concerning the compensation to be paid by either State in respect of military requisitions made by the regular forces of the armies of the two countries, it appeared that certain nationals of the Kingdom of the Serbs, Croats and Slovenes had claims on account of such requisitions made on them at Fiume.

You further informed me that, being desirous of establishing relations of perfect cordiality between the Italian and Serb-Croat-Slovene populations of Fiume and the environs of Fiume, and with a view to furnishing-proof of its sentiments, the Government of His Majesty the King of Italy has taken steps to ensure that the liquidation and payment of the sums due to Serb-Croat-Slovene nationals on account of the said requisitions, should be paid in that town without delay by the Commission responsible for the liquidation and payment of the sums due to Italian nationals in respect of like requisitions.

I also learn from your note that, in accordance with the information it has received, the Royal Government has placed at the disposal of the aforesaid commission the sum of 3,500,000 (three million five hundred thousand) lire in order to reimburse nationals of the two States having in Fiume property, rights or interests forming the subject of a requisition covered by the aforesaid Agreement.

In taking note of this communication and of the invitation to forward to the Royal Government suggestions concerning the compensation payable out of this sum to Serbe-Croat-Slovene nationals, I have the honour to inform you that my Government highly appreciates the step taken by the Royal Government, which will undoubtedly exercise a most favourable influence on the relations of perfect cordiality which the two Governments desire to see established between their respective nationals at Fiume. At the same time I would give Your Excellency the assurance that, without prejudice to the rights attributable to nationals of the two States who are entitled to receive moneys in respect of requisitions which have been made in other territories of the two countries or which already form the subject of a special liquidation, all the Serb-Croat-Slovene nationals entitled who had property in Fiume and are creditors of the Royal administrations will, by means of allocations made by the commission from the above sum, be paid in full and unreservedly and have no further claims on this account.

It is understood that the administrations of the Kingdom of Italy will thereby be relieved of all responsibility to the said persons entitled on account of the debts in question.

I am, etc.

V. ANTONIEVITCH.

His Excellency
M. Benito Mussolini,
Prime Minister and Minister for Foreign Affairs
of His Majesty the King of Italy,
Rome.

NETTUNO, *July 20, 1925.*

MONSIEUR LE MINISTRE,

The Government of His Majesty the King of the Serbs, Croats and Slovenes was good enough to forward to me in a Note dated the 16th instant a list of the corporations and natural persons sustaining losses in Trieste as a result of removal or other acts under the conditions and during the period referred to in the Convention concerning the restitution of property, rights and interests, signed at Belgrade on August 12, 1924.

Although this Convention has not yet been ratified, the Royal Government, having every reason to believe that ratification will take place in the near future, has ascertained the conditions under which the said losses occurred. The persons who might be required to restore the state of affairs as it was before the occurrence of the acts in question have denied the existence of conditions under which responsibility could be fixed in respect of the restitutions or reparation requested. In order, however, to remove all cause of dispute and to meet the desire of the Royal Government to promote any practical solution which may be contemplated for the settlement of outstanding questions, an offer of a friendly arrangement has been made. The sum of 5,300,000 (five million three hundred thousand) lire has been proposed with a view to excluding any claim or liquidation in regard to damages for any injury done to the property, rights and interests of nationals of the

Kingdom of the Serbs, Croats and Slovenes at Trieste during the period following the Armistice.

Should this proposal be accepted, the Government of His Majesty the King of Italy will pay the aforesaid sum to the Government of His Majesty the King of the Serbs, Croats and Slovenes within three months from the receipt of confirmation that the aforesaid Convention has been ratified.

I am, etc.,

B. MUSSOLINI.

His Excellency

Voislav Antonievitch,

Envoy Extraordinary and Minister Plenipotentiary
of His Majesty the King of the Serbs, Croats and Slovenes,
Rome.

YOUR EXCELLENCY,

NETTUNO, July 20, 1925.

You were good enough to forward to me in a note of this day's date the reply to the note of the 16th inst. in which my Government had the honour to forward to you a list of the corporations and natural persons sustaining losses in Trieste as a result of removal or other acts under the conditions and during the period referred to in the Convention concerning the restitution of property, rights and interests, signed at Belgrade on August 12, 1924.

You informed me that, although this Convention has not yet been ratified, the Royal Government, having every reason to believe that ratification will take place in the near future, has ascertained the conditions under which the said losses occurred. You further communicated to me that the persons who might be required to restore the state of affairs as it was before the occurrence of the acts in question have denied the existence of conditions under which responsibility could be fixed in respect of the restitutions or reparation requested.

I learn from your note that, however, in order, to remove all cause of dispute and to meet the desire of the Royal Government to promote any practical solution which may be contemplated for the settlement of outstanding questions, an offer for a friendly arrangement has been made. As indicated by Your Excellency, the sum of 5,300,000 (five million three hundred thousand) lire has been proposed with a view to excluding any claim or liquidation in regard to damages for any injury done to the property, rights or interests of nationals of the Kingdom of the Serbs, Croats and Slovenes at Trieste during the period following the Armistice.

As Your Excellency has further given me the assurance that the Government of His Majesty the King of Italy will pay the aforesaid sum to the Government of His Majesty the King of the Serbs, Croats and Slovenes within three months from the receipt of confirmation that the aforesaid Convention has been ratified, I take note of this communication and have the honour to inform you that my Government finds these proposals adequate.

I therefore desire in my turn to give Your Excellency the assurance that my Government is in complete agreement on this question and that it accepts the proposals referred to.

I am, etc.,

V. ANTONIEVITCH.

His Excellency,

M. Benito Mussolini,

Prime Minister and Minister for Foreign Affairs
of His Majesty the King of Italy,
Rome.

NETTUNO, *July 20, 1925.*

YOUR EXCELLENCY,

As the Agreement concerning the engagement of workmen signed this day by the Kingdom of the Serbs, Croats and Slovenes and the Kingdom of Italy merely regulates, on the basis of reciprocity, the engagement of employees and workmen who were employed in the two countries during the period specified in the said Agreement, the Government of His Majesty the King of Italy, acting through its Delegation, expressed a desire during the negotiations that further facilities should also be granted in regard to the replacement of the Italian workmen referred to in the second paragraph of Article 1 of the afore-mentioned Agreement, this being essential for the regular operation of the Italian industrial establishments in Dalmatia.

Being desirous of strengthening the economic ties with Italy, the Government of His Majesty the King of the Serbs, Croats and Slovenes authorises me to inform you that in all cases where, within the former Kingdom of Dalmatia, the above-mentioned workmen and employees, being Italian nationals and qualified by holding certificates from vocational schools or indentures of apprenticeship, leave their employment for any reason whatsoever, it will permit them to be replaced by other workmen or employees who are Italian nationals and similarly qualified, no previous agreement being required for this purpose.

Since this authorisation has been granted on the assumption of reciprocity, due regard being had to the different requirements of the two countries, I trust that you will be good enough to give me an assurance that the Government of His Majesty the King of Italy will permit, without the need for previous agreement on its part, the replacement in their services at Fiume of all Serb-Croat-Slovene employees occupied in Fiume on the present day by other employees who are Serb-Croat-Slovene nationals and reside at Fiume or in the Kingdom of the Serbs, Croats and Slovenes, as well as the replacement of all Serb-Croat-Slovene workmen also employed at Fiume on the present day and having their residence within the adjacent territory of the Kingdom of the Serbs, Croats and Slovenes by other workmen who are Serb-Croat-Slovene nationals and reside within the same territory, it being understood that in the event of any such substitution the workers thus replaced cannot claim any exceptions to the general provisions.

It is understood that the aforesaid undertaking shall be valid for as long as the Agreement concerning workmen signed this day, to which it relates, shall remain in force.

I have the honour to be, etc.

V. ANTONIEVITCH.

His Excellency,
M. Benito Mussolini,
Prime Minister and Minister for Foreign Affairs
of His Majesty the King of Italy,
Rome.

NETTUNO, *July 20, 1925.*

MONSIEUR LE MINISTRE,

As the Agreement concerning the engagement of workmen signed this day by the Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes merely regulates, on the basis of reciprocity, the engagement of employees and workmen who were employed in the two countries during the period specified in the said Agreement, the Government of His Majesty the King of Italy, acting through its Delegation, expressed a desire during the negotiations that further facilities

should also be granted in regard to the replacement of the Italian workmen referred to in the second paragraph of Article 1 of the afore-mentioned Agreement, this being essential for the regular operation of the Italian industrial establishments in Dalmatia.

Your Excellency informed me that the Government of His Majesty the King of the Serbs, Croats and Slovenes, being desirous of strengthening the economic ties with Italy, authorised you to state that in all cases where, within the former Kingdom of Dalmatia, the above-mentioned workmen and employees, being Italian nationals and qualified by holding certificates from vocational schools or indentures of apprenticeship, should leave their employment for any reason whatsoever, it will permit them to be replaced by other workmen or employees who are Italian nationals and similarly qualified, no previous agreement being required for this purpose.

You also informed me that you had obtained this authorisation on the assumption of reciprocity, regard being had, however, to the different requirements of the two countries.

In taking note of this communication, I have the honour to give you the assurance that the Government of His Majesty the King of Italy will accordingly permit, without the need of previous agreement on its part, the replacement in their services at Fiume of all Serb-Croat-Slovene employees occupied in Fiume on the present day by other employees who are Serb-Croat-Slovene nationals and reside in Fiume or in the Kingdom of the Serbs, Croats and Slovenes, as well as the replacement of all Serb-Croat-Slovene workmen also employed at Fiume on the present day and having their residence within the adjacent territory of the Kingdom of the Serbs, Croats and Slovenes by other workmen who are Serb-Croat-Slovene nationals and reside within the same territory, it being understood that in the event of any such substitution the workers thus replaced cannot claim any exceptions to the general provisions.

It is understood that the aforesaid undertaking shall be valid for as long as the Agreement concerning workmen signed this day, to which it relates, shall remain in force.

I am, etc.

B. MUSSOLINI.

His Excellency,
M. Voislav Antonievitch,
Envoy Extraordinary and Minister Plenipotentiary
of His Majesty the King of the Serbs, Croats and Slovenes,
Rome.

ROME, July 21, 1925.

YOUR EXCELLENCY,

In a Note dated the 20th instant I had the honour to confirm to you that the Commission responsible for liquidating and paying the sums due to nationals of the Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes on account of requisitions made at Fiume by Royal regular troops will not require to take into consideration claim, in respect of requisitions made in other territories or already forming the subject of a special liquidation, the rights of the nationals concerned to the corresponding indemnity not being prejudiced in this respect.

In order to avoid all ambiguity, I would inform you that the aforesaid reservations refer only to nationals of the two States and that, in consequence, the claims submitted for liquidation by the Commission must also include claims for compensation in respect of damage consequent on requisitions of property or articles now belonging to the Serb-Croat-Slovene State, namely, the railway system and buildings of the Serb-Croat-Slovene railway administration on the Brajdica and along the line from Susak to Saint-Cosmo, the Brajdica warehouse for telegraph and telephone material and the Martinsica Lazaret.

I have furthermore the honour to inform you that the amount of the damages due for the said requisitions has been definitively fixed at a lump sum of one million lire.

The above-mentioned Commission should be required to take into consideration the aforesaid claims. Furthermore, the above-mentioned compensation claims pending with the authorities responsible for special liquidation proceedings shall be regarded as satisfied by the payment of one million lire to be included in the allocations provided for in the above-mentioned Note and to be paid over by the said Commission.

I am, etc.,

His Excellency,
M. Benito Mussolini,
Prime Minister and Minister for Foreign Affairs
of His Majesty the King of Italy,
Rome.

V. ANTONIEVITCH.

MONSIEUR LE MINISTRE,

ROME, July 21, 1925.

I have received your Note of to-day's date in which you confirmed to me that the Commission responsible for liquidating and paying the sums due to nationals of the Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes on account of requisitions made at Fiume by Royal regular troops will not require to take into consideration claims in respect of requisitions made in other territories or already forming the subject of a special liquidation, the rights of the nationals concerned to the corresponding indemnity not being prejudiced in this respect.

In order to avoid all ambiguity, I would confirm to you that the aforesaid reservations refer only to nationals of the two States and that, in consequence, the claims submitted for liquidation by the Commission must also include claims for compensation in respect of damage consequent on requisitions of property or articles now belonging to the Serb-Croat-Slovene State, namely, the railway system and buildings of the Serb-Croat-Slovene railway administration on the Brajdica and along the line from Susak to Saint-Cosmo, the Brajdica warehouse for telegraph and telephone material and the Martinsica Lazaret.

I have also the honour to confirm to you that the value of the amount of the damages due for the said requisitions has been definitively fixed at a lump sum of one million lire.

The above-mentioned Commission will take into consideration the aforesaid claims. Furthermore the aforesaid compensation claims pending with the authorities responsible for special liquidation proceedings shall be regarded as satisfied by the payment of one million lire to be included in the allocations provided for in the above-mentioned Note and to be paid over by the said Commission.

I am, etc.,

His Excellency
M. Voislav Antonievitch,
Envoy Extraordinary and Minister Plenipotentiary
of His Majesty the King of the Serbs, Croats and Slovenes,
Rome.

B. MUSSOLINI.

GENERAL FINAL PROTOCOL.

See page 83, of this Volume.