

N° 1879.

ITALIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES

Conventions et accords spéciaux
comportant les annexes A, B, C,
D, E et F. Signés à Belgrade, le
12 août 1924.

ITALY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES

Special Conventions and Agreements,
including Annexes A, B, C, D,
E and F. Signed at Belgrade,
August 12, 1924.

¹ TRADUCTION. — TRANSLATION.

No. 1879. — SPECIAL CONVENTIONS ² AND AGREEMENTS BETWEEN THE KINGDOM OF ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES. SIGNED AT BELGRADE, AUGUST 12, 1924.

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, in accordance with the provisions of Article 265 of the Treaty of Saint-Germain, certain questions of equal concern to both States, have resolved to conclude special Conventions and Agreements for this purpose and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

His Excellency General Alessandro BODRERO, Grand Cross of the Order of the Crown of Italy, Officer of the Order of Saints Maurice and Lazarus, Grand Cross of the Order of St. Sava and Commander of the White Eagle with Swords, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty The King of the Serbs, Croats and Slovenes ;

M. Lodovico LUCIOLLI, Grand Cross of the Orders of Saints Maurice and Lazarus and of the Crown of Italy, Grand Cross of the Order of St. Sava, Councillor of State, and

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

His Excellency Dr. Otokar RYBÁR, Grand Cross of the Crown of Italy, Envoy Extraordinary and Minister Plenipotentiary ;

M. Sava KOUKITCH, Grand Officer of the Order of St. Sava and Grand Officer of the Order of the Crown of Italy, former Director-General of Customs ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :

Article I.

The provisions contained in the annexed Conventions and Agreements shall be adopted by the two High Contracting Parties in so far as concerns the relations between the two States regarding the matters dealt with in the said Conventions and Agreements and specified below :

Annex A. — Convention regarding the Restitution of Property, Rights and Interests ;

Annex B. — Convention regarding Foundations and the Property of Associations and Public Corporations ;

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 regarding Private Insurance Companies ;
 Annex D. — Agreement regarding Bankruptcy ;
 Annex E. — Agreement regarding Assistance to Persons in receipt of Public Relief ;
 Annex F. — Agreement regarding Industrial Enterprises, Commercial Companies and other Associations.

Article 2.

The Conventions and Agreements mentioned in Article 1 shall be ratified together or separately, and the ratifications shall be exchanged at Belgrade as soon as possible. They shall come into force on the date of the exchange of ratifications.

In faith whereof the Plenipotentiaries have signed the above Conventions and Agreements at the same time as the present instrument, to which they have affixed their seals.

Done in duplicate at Belgrade on August 12, 1924.

(L. S.) (*Signed*) BODRERO. (L. S.) (*Signed*) Dr. RYBÁR.
 (L. S.) (*Signed*) L. LUCIOLI. (L. S.) (*Signed*) S. R. KOUKITCH.

ANNEX A.

CONVENTION

REGARDING THE RESTITUTION OF PROPERTY, RIGHTS AND INTERESTS.

Article 1.

The provisions of Articles 65, 66 and 67 of the Treaty¹ signed at Rome by the High Contracting Parties on October 23, 1922, shall likewise apply to any exceptional measure taken during or after the war in the territory of the former Austro-Hungarian Monarchy annexed to the territory of one of the High Contracting Parties and relating to the seizure, sequestration, administration or use of the property, rights and interests of nationals of the other Party, including nationals who acquired their nationality under the Treaties of Peace.

The said provisions shall also apply in the above-mentioned territory of each of the High Contracting Parties to companies and associations in which persons are interested who, on November 3, 1918, were nationals of one of the High Contracting Parties or who have since resumed that nationality or have acquired it under the Treaties of Peace, to the extent of the interests belonging to them on November 3, 1918, or such interests as they may have subsequently acquired from a person against whom, according to the Treaties of Peace, no seizure or liquidation may be effected in the transferred territories.

The property, rights and interests in question shall be restored to their owners.

Article 2.

Each of the High Contracting Parties undertakes to ensure the reciprocal restitution of the property, rights and interests belonging to natural and juridical persons who are nationals of the other Party, including nationals who acquired the nationality of the other Party under the Treaties of Peace, should such property, rights and interests have been seized or confiscated for political or other reasons or requisitioned, whether regularly or irregularly without compensation by order

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

of the authorities of the former Austrian, Hungarian or Austro-Hungarian Governments or by an authority of the High Contracting Parties in the territories referred to in Article 1, or in the invaded territories, whenever it is possible to identify them in their territory.

In particular, the High Contracting Parties undertake to ensure that deposits, title deeds, securities, savings bank books, material and objects of all kinds exported during or after the war from territory now belonging to a High Contracting Party and in the possession of natural or juridical persons, including companies of all kinds, residing in territory of the other High Contracting Party, shall be restored by those possessors who are under their jurisdiction.

Restitution shall not be effected should the owner's claim not be admitted by the Courts, against the *bona fide* possessor whose right to the articles is covered by the provisions in force on July 1, 1923, in the territories referred to in Article 1.

Article 3.

The restitution provided for in the preceding Articles shall be effected by administrative means, free of all taxes or deductions of any kind whatsoever; the expenses incurred by private persons in respect of the purchase, maintenance and administration of the property shall be refunded by the claimant to the persons entitled thereto, in accordance with the laws now in force in the transferred territories.

The rights of third parties to the reimbursement of sums so paid, in so far as they are not excluded by special conventions, shall not be impaired.

Article 4.

Should the property, rights or interests mentioned in the preceding Articles and belonging to a company or an undertaking in which nationals of either of the High Contracting Parties are interested, have been liquidated, it is understood that, when the proceeds of the liquidation are distributed, the nationals of either High Contracting Party referred to in the second paragraph of Article 1 shall in no case be treated less favourably than the nationals of the other High Contracting Party referred to in the second paragraph of Article 1.

Article 5.

Each of the High Contracting Parties undertakes within 6 (six) months of the coming into force of the present Convention to make a statement and declaration in respect of all titles, securities, documents, valuables and goods despatched either by post or by rail or by any other means from former Austro-Hungarian territory transferred to the other High Contracting Party and which are at present in its territory either on account of sequestration at the frontier or beyond the Armistice line or because, for some other reason, they have not been delivered to the consignees.

The restitution of the above-mentioned objects shall be effected by the two High Contracting Parties in accordance with the provisions of the preceding Articles.

Article 6.

In order to give effect to the present Convention, each of the High Contracting Parties undertakes to transmit to the other through the diplomatic channel within six months of the coming into force of the said Convention, a list of claims and the declaration mentioned in the previous Article.

The nationals of each of the High Contracting Parties may carry out the necessary investigations in the territory of the other, through the authorities having jurisdiction over that territory. The

authorities of one of the High Contracting Parties shall likewise give every assistance to the lawful representatives of the authorities of the other High Contracting Party in charge of these investigations, which shall in every case be carried out locally.

The High Contracting Parties shall give a definite reply in regard to claims for restitution within four months of their receipt. Should no reply be given within this period or if the High Contracting Party receiving this reply is not satisfied with it, the matters in dispute shall, at the request of the interested Party, be brought before the ordinary Courts.

Article 7.

The present Convention shall not apply to maritime and river craft.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at Belgrade on August 12, 1924.

(Signed) BODRERO.

(Signed) L. LUCIOLLI.

(Signed) DR. RYBÁR.

(Signed) S. R. KOUKITCH.

ANNEX B.

CONVENTION

REGARDING FOUNDATIONS AND THE PROPERTY OF ASSOCIATIONS AND PUBLIC CORPORATIONS.

Article 1.

For the purposes of Article 266, last paragraph, of the Treaty of Saint-Germain and of Article 249, paragraph 6, of the Treaty of Trianon, the systematisation of foundations, etc., and for the purposes of Article 273 of the Treaty of Saint-Germain, and of Article 256 of the Treaty of Trianon, the division of the property of associations or public corporations carrying on their functions in territory divided between two or more successor States, shall be regulated between the High Contracting Parties in accordance with the following provisions.

Article 2.

Institutions established for the benefit of the inhabitants of territory wholly annexed to the territory of one of the High Contracting Parties only shall without delay transfer their seat to that territory.

Article 3.

Systematisation or division shall be effected in the first place with due regard for the following, and for the special circumstances of each individual case :

(a) The statutes ;

(b) The benefits which each population or certain classes of the population are called upon to enjoy ;

(c) The number of inhabitants of the territories in question as shown by the statistics of the Civil Registers for 1910, subject to the limitations and privileges laid down in the statutes ;

(d) The contribution to the formation of an endowment fund and to the annual revenue of the institution.

The division of the property may not be precluded by clauses relating to forfeiture or reversion

Article 4.

In cases where division would interfere with the continuity of the work or would considerably reduce its scope, the property of an institution shall remain intact.

Such institutions shall be assigned to the State in which they have their seat, on condition that equitable compensation is accorded in these cases to the inhabitants of the territories concerned by the Commission provided for in Article 6.

Article 5.

Institutions undertaking works in the common interest and which cannot be divided, for instance, hydraulic associations, shall continue to exist in accordance with the present regulations, subject to any modifications which may be introduced by the Commission provided for in Article 6.

The present provisions shall not affect the stipulations contained in Articles 309 and 310 of the Treaty of Saint-Germain and in Articles 292 and 293 of the Treaty of Trianon.

Article 6.

With a view to the application of the present Convention, a Commission shall be set up within two months of ratification. Each of the High Contracting Parties shall appoint two Delegates for this purpose.

The Governments of the High Contracting Parties shall jointly select a Chairman.

Should they fail to agree, the Chairman of the Commission shall be appointed by the President of the Swiss Confederation.

The Chairman's office shall be honorary.

Article 7.

The Chairman shall notify the High Contracting Parties of the appointment of the Commission and shall invite them to notify him of their claims within three years of the appointment of the Commission.

Article 8.

Each of the High Contracting Parties may formulate within the period mentioned in Article 7 its definite claims based on Articles 266, last paragraph, and 273 of the Treaty of Saint-Germain, and on Articles 249, paragraph 6, and 256 of the Treaty of Trianon.

Claims submitted after the expiry of this period shall not be considered by this Commission, but shall form the subject of diplomatic negotiations.

Article 9.

The Delegates of the High Contracting Parties may take note of all claims at the first meeting, which shall be convened within two months of the appointment of the Commission; the Commission's procedure shall be drawn up by unanimous agreement.

Should the Commission fail to agree, the procedure shall be determined by the Chairman.

Article 10.

The Commission, at the request of each of the Delegates, shall apply for information to the competent central authorities of the High Contracting Parties, who undertake to attend to each request as soon as possible.

Without prejudice to the question whether a foundation comes under the provisions of Article 266, last paragraph, of the Treaty of Saint-Germain and Article 249, paragraph 6, of the Treaty of Trianon, and whether foundations in general come under the provisions of Article 273 of the Treaty of Saint-Germain and Article 256 of the Treaty of Trianon, the High Contracting Parties shall furnish to the Commission upon request the existing registers concerning all foundations held by the central authorities or by the provincial Governments.

Article 11.

If the Delegates of the States concerned are in agreement as regards outstanding claims, the Chairman of the Commission shall take note of this agreement.

Should they fail to agree, an arbitrator shall decide.

Article 12.

The arbitrator shall be appointed at the request of the Chairman of the Commission in agreement with the Contracting Parties.

Should they fail to agree upon the choice of the arbitrator, he shall be appointed by the President of the Swiss Confederation.

Article 13.

For special reasons, the High Contracting Parties may agree to appoint a special arbitrator.

Article 14.

The arbitration procedure shall be drawn up by the arbitrator himself.

The arbitrator may make any enquiries he considers necessary and may communicate direct with the central authorities of each of the High Contracting Parties, who shall be required to give effect to the arbitrator's letters of request as soon as possible.

Each of the High Contracting Parties shall have the right to appoint a Delegate to take part in the proceedings.

Article 15.

The arbitrator shall decide whether a foundation, etc., an association or public corporation does or does not come under the above-mentioned Articles of the Treaties and the manner in which the systematisation or division or other arrangement is to be carried out.

The decision of the arbitrator shall have the force of a final judgment in the territory of the High Contracting Parties and shall be enforceable by the Court.

Article 16.

Office expenses, hire of premises, etc., shall be allocated by the general arbitrator (Article 12). The expenses of the general arbitrator and the special arbitrator (Article 13) shall be settled by agreement, and in the absence of agreement they shall be settled and allocated *ex aequo et bono* by the general arbitrator.

Article 17.

The present Convention shall not affect the separate agreements concluded between the High Contracting Parties on this matter.

Article 18.

The two High Contracting Parties agree that the Austrian Republic may accede to the present Convention, for which purpose the Italian Government shall transmit a copy thereof to the Austrian Government, notifying it of the date on which the said Convention will come into force.

The accession of Austria shall be notified by the Italian Ministry of Foreign Affairs to the Serb-Croat-Slovene Ministry of Foreign Affairs.

In that case the Commission, with the addition of two Delegates of the Austrian Government, shall sit in Vienna and shall act in accordance with the provisions of Article 6 et seq.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at Belgrade on August 12, 1924.

(Signed) BODRERO.

(Signed) L. LUCIOLI.

(Signed) DR. RYBÁR.

(Signed) S. R. KOUKITCH.

ANNEX C.

AGREEMENT

REGARDING PRIVATE INSURANCE COMPANIES.

Article 1.

Insurance Companies now under the jurisdiction of one of the High Contracting Parties and which, before the War, had their principal seat in territories of the former Austro-Hungarian Monarchy assigned to the said High Contracting Parties, shall have the right for a period of ten years to carry on their activities in the said territories under the same conditions as insurance companies under the jurisdiction of the Power which has sovereignty over those territories.

During the above-mentioned period, the insurance companies and their property, rights and interests may not be subject in the territories in question to any higher tax or charge than those imposed upon national insurance companies. There shall be no encroachment upon their property in any of the territories in question, unless this applies equally to the property, rights and interests of national insurance companies and unless adequate compensation is granted in every case.

If it is not denounced one year at the latest before the expiry of the above-mentioned period, the present engagement shall be extended for a further period of ten years.

Article 2.

As regards personal insurance (i. e., in respect of life, accidents, etc.), including life annuities and reinsurance, a portfolio of policies shall be established for each of the High Contracting Parties embracing all the insurance companies belonging to either of the High Contracting Parties, operating in territory of the former Monarchy now assigned to one or other of the said High Contracting Parties.

The allotment of insurance policies to the portfolios of the High Contracting Parties shall be effected in accordance with the principles laid down in the following Articles 3, 4, and 5.

Article 3.

The following provisions shall be observed with regard to the allotment to the portfolios of the High Contracting Parties of insurance policies expressed in Austro-Hungarian crowns :

(a) Policies concluded with juridical and natural persons whose principal place of business or habitual residence on December 31, 1918, was in territory of the former Austro-Hungarian Monarchy now forming part of the territory of one of the High Contracting Parties, shall be allotted to the portfolio of the High Contracting Party to whose territory the territory in question has been annexed ;

(b) Insurance policies concluded in the territory of the former Austro-Hungarian Monarchy with insured persons whose principal place of business or habitual residence on December 31, 1918, was outside the territory of the former Austro-Hungarian Monarchy, shall be allotted to the portfolio of the territory in which is situated the agency to which was paid the last insurance premium or the last annuity instalment prior to December 31, 1918 ;

(c) If the agency mentioned in paragraph (b) is situated outside the territory of the former Monarchy, policies concluded with persons of nationalities other than those of the Succession States of Austria-Hungary shall be allotted to the portfolio for the Republic of Austria.

Article 4.

Insurance policies expressed in Austro-Hungarian crowns and allotted to the portfolios of the High Contracting Parties shall be payable, as from the introduction of a separate currency, in each of the States, in the currency of the State concerned, namely, in the case of policies allotted to the portfolio for the Kingdom of Italy in lire at the rate of 60 centesimi to one Austro-Hungarian crown and in the case of policies allotted to the portfolio for the Kingdom of the Serbs, Croats and Slovenes in Serbian dinars or Yugoslav crowns at the rate of one Yugoslav crown and one dinar respectively to one and four Austro-Hungarian crowns.

Policies concluded in Austro-Hungarian crowns in the territories annexed to the Kingdom of Italy, between the companies mentioned in Article 2 that have their seat or branches in the said territories and nationals of the Kingdom of the Serbs, Croats and Slovenes who, as from April 20, 1919, have paid their premiums in Italian lire, shall also be payable in Italian lire at the rate of 60 centesimi to one Austro-Hungarian crown, even if, after one or more payments in lire, premiums have been paid in dinars or in Serb-Croat-Slovene crowns, it being understood that, in this case, the insured person must complete the payments in lire.

The same rules shall also apply to the payment of premiums after the reorganisation of the monetary system in each of the States concerned.

Article 5.

Insurance policies expressed in foreign currencies (other than the Austro-Hungarian crown) which were included on December 31, 1918, in the portfolio for the territory of the former Austro-Hungarian Monarchy, shall be allotted :

(a) In the case of policies concluded with insured persons whose principal place of business or habitual residence on December 31, 1918, was in territory of the former Austro-Hungarian Monarchy now forming part of the territory of one of the High Contracting Parties, to the portfolio of the High Contracting Party to whose territory the territory in question has been annexed ;

(b) In any other case, to the portfolio of the State in whose territory is situated the agency to which was paid the last insurance premium or the last annuity instalment prior to December 31, 1918.

As regards insurance policies concluded in a foreign currency, as provided for in the present Article, payments shall be made in the respective foreign currency.

Article 6.

The High Contracting Parties may require the insurance companies mentioned in Article 3 to establish, not later than December 31, 1924, sufficient actuarial reserves for each State to meet its obligations in respect of the insurance policies included in the portfolio allotted to the State concerned.

The actuarial reserves must be expressed in the currency of the contracting States, in accordance with the foregoing rules, and shall be constituted as at December 31, 1918, on the basis of the demographic and financial assumptions already employed by the companies and in conformity with the special regulations which were in force on that date as regards national companies in the respective States.

The High Contracting Parties in whose territories the principal seats of the said insurance companies are situated, undertake to compel the companies, by all the administrative means which are open to them in virtue of the laws concerning the supervision of insurance companies, to establish, as soon as possible, cover for the above-mentioned actuarial reserves, in accordance with the following Articles.

Each State shall be entitled to require that the cover for the reserves be transferred to the State concerned, deposited and secured in favour of the insured persons, in accordance with the national laws relating to foreign companies.

Article 7.

The actuarial reserves (premium reserves, deferred premiums, reserves in respect of capital sums which have fallen due and accident claims) as at December 31, 1918, must be distinguished from the actuarial reserves established by the companies after that date, which must be completely covered according to the laws in force in the State concerned. In no case shall assets acquired by the companies after the above-mentioned date be taken into account.

The actuarial reserves as at December 31, 1918, of the portfolio allotted to each State shall be covered — arrears of interest being included — by the following assets :

(1) Bonds issued by the State concerned at their stock exchange value, with the exception of the bonds mentioned in paragraphs 6 and 7 ;

(2) Loans on life insurance policies allotted to the portfolio of the State concerned ;

(3) Immovable property situated in the territory assigned to the State concerned, at the value given in the balance sheet dated December 31, 1918. At the request of either of the Contracting States, an official valuation may be made ;

(4) Mortgage loans on immovable property situated in the territory assigned to the State concerned ;

(5) Mortgage bonds, provincial and communal bonds, railway bonds and other bonds of the same kind, issued by public or private companies or corporations of the country concerned, and qualified to rank among the securities which, under the law in force at the time of the dismemberment of the former Monarchy, were allowed to be employed as cover for the reserves of insurance companies.

These bonds, when expressed in Austro-Hungarian crowns, shall be assessed in the currency of the country concerned at their stock exchange or market value in that country, at the same rate of exchange as stipulated in respect of the insurance policies mentioned in Article 4 ;

(6) Bonds of Austria, Hungary or of the former Monarchy which are secured on property transferred to the State in question and for which it must assume responsibility under Article 203 (1) of the Treaty of Saint-Germain and Article 186 (1) of the Treaty of Trianon.

These bonds shall be assessed at their stock exchange or market value in the country concerned at the rate of exchange stipulated in Article 203 of the Treaty of Saint-Germain and in Article 186 of the Treaty of Trianon.

If there is a surplus cover, the insurance companies shall be free to make their choice between the categories 1 to 6 inclusive ;

(7) Bonds of the pre-war unsecured Public Debt of Austria or Hungary or of the former Monarchy, other than the bonds mentioned under 6, provided that they have not yet been finally stamped by another Succession State and may therefore be properly included in the amount of the bonds held in the territory of the State concerned, in accordance with Article 203, Annex, paragraph 2, of the Treaty of Saint-Germain and Article 186 of the Treaty of Trianon. These bonds shall be assessed at their stock exchange or market value, at the rate of exchange fixed in the above-mentioned Treaties of Peace.

Should the above-mentioned assets not be sufficient to cover the actuarial reserves, the deficit shall be met by war loan bonds of Austria and Hungary, provided that the utilisation of the said loans is permitted by the national law of the State concerned in the case of its own nationals, or by special provisions concerning national insurance companies, and provided in every case that the companies fulfil all the conditions required for the utilisation of the loans under the said municipal law.

The value of war loan bonds may not — even within the limits of the deficit to be covered — in any case exceed the proportionate share of war loan bonds in the hands of the companies ; this proportionate share shall be determined by taking as a basis the distribution of the actuarial reserves of the company, calculated in Austro-Hungarian paper crowns, among the portfolios of all the Succession States.

The Companies must prove that they were in possession of the war loan bonds on November 3, 1918.

These bonds shall be valued in accordance with the general laws in force in each State.

Insurance companies shall enjoy all the rights accorded to nationals as regards the utilisation of the war loans, without reference, however, to the regulations concerning the expiration of time-limits or the stamping already carried out in the place where the bonds are at present deposited.

If, when the final decision was made under the laws of the High Contracting Parties with regard to the valuation of war loans or at latest on December 31, 1924, there was still a deficit, i. e., if all the above-mentioned assets were insufficient to cover entirely the actuarial reserves relating to the portfolio of the State in question, such deficit shall be covered by any other assets, excluding in any event the assets intended to cover actuarial reserves in other branches (in the case of companies undertaking various types of insurance) and assets intended to secure the obligations of the companies in foreign States outside the former Austro-Hungarian Monarchy, and excluding finally, assets acquired by the companies since December 31, 1918.

Failing such available assets, the State concerned may take such measures as appear to it to be desirable in the interest of its nationals, in order to establish equilibrium.

Article 8.

As regards life insurance policies connected with the Austro-Hungarian war loans, each State may take steps to regulate the contractual relations incident thereto in the interest of its nationals, taking into account the funds available for this purpose.

Bonds bought in advance by insurance companies for the sole purpose of meeting their future liabilities in respect of insured persons included in the portfolio allotted to the States concerned, shall be allotted to the same portfolios of the High Contracting Parties in proportion to the amount of capital insured.

The utilisation of these bonds by the said States shall be subject to the same conditions as those laid down in Article 7 in respect of war loans.

Article 9.

Should an agreement already concluded or which may be concluded hereafter between one of the High Contracting Parties and a third State embody the principles laid down in Articles 3 and 4 of the present Agreement, as regards branch offices of insurance companies belonging to the third State in question and operating in territories of the former Austro-Hungarian Monarchy assigned to the other High Contracting Party, the latter shall recognise as binding the clauses in the said agreement corresponding to Articles 3 and 4 mentioned above, and shall carry them out so far as lies in its power.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Belgrade on August 12, 1924.

(Signed) BODRERO.

(Signed) L. LUCIOLI.

(Signed) Dr. RYBÁR.

(Signed) S. R. KOUKITCH.

ANNEX D.

AGREEMENT

REGARDING BANKRUPTCY.

Article 1.

Should a trader or commercial company be adjudged bankrupt by the judicial authorities of one of the High Contracting Parties in accordance with Article 4 of the present Agreement, the adjudication shall be recognised as valid in the territory of the other Party in conformity with the following provisions, provided that the conditions concerning publicity required by the laws in force in the above territory are fulfilled.

A trader or commercial company shall be recognised as such when a declaration to this effect has been made by the authority adjudging the said trader or company bankrupt.

The same rules shall be followed, so far as they are applicable, should a moratorium, composition to avoid bankruptcy or composition subsequent to the adjudication of bankruptcy be granted or approved by the competent authority, with the formalities required by the law of the State in which the bankruptcy proceedings were opened.

Article 2.

An adjudication of bankruptcy by the competent court of one of the High Contracting Parties against a company, whether registered or not, or against a natural or juridical person not covered by Article 1, shall also be recognised, provided that such companies or persons may also be adjudged bankrupt in the territory of the other High Contracting Party, according to the laws in force therein.

Otherwise, an adjudication of bankruptcy by the foreign court is not enforceable in the territory in question ; it does not involve the relinquishment by the bankrupt of the administration of the property, rights and interests mentioned above. In this case, as regards movable and immovable property situated in the territory of the State in which the adjudication of bankruptcy is invalid, proceedings may be instituted and execution levied by means of the seizure of movable or immovable property, by creditors residing in the territory of one of the High Contracting Parties or nationals of that Party, without any distinction.

Article 3.

The immovable property situated in the territory of one of the High Contracting Parties shall not be included in the bankruptcy proceedings when bankruptcy is adjudged in the territory of the other Contracting Party.

An adjudication of bankruptcy by the competent authorities of one of the High Contracting Parties, which is recognised in accordance with the provisions of the preceding Articles, in so far as immovable property is concerned shall in the territory of the other High Contracting Party have merely the following effects :

1. The registration of the transfer of the property and the creation of mortgages or any other charges after the competent court of the State in which the property is situated has been notified that the debtor has been adjudged bankrupt, or after a petition has been presented proposing composition to avoid bankruptcy, shall be null and void as far as the creditors are concerned.

Registration as mentioned above effected after the date for the suspension of payments fixed by the authority competent to adjudge the debtor bankrupt, but prior to the date on which the above-mentioned court was notified of the adjudication, shall be valid only provided this would also be the case if, according to the laws in force in the territory in which the immovable property is situated, the debtor had been adjudged bankrupt by the local authority.

Registration shall be pronounced null and void in conformity with the said laws.

2. The surplus proceeds of the realisation of immovable property remaining after distribution among creditors and other persons having preferential claims or debts secured by mortgages, shall be assigned to the general estate for the payment of simple contract debts.

Article 4.

The authority competent to adjudge a debtor bankrupt is the authority of the country in which the debtor has his principal place of business or, in the case of a commercial company, the authority of the country in which the company has its legal seat.

The whole of the proceedings and any action resulting therefrom shall be heard by the authority competent to adjudge the debtor bankrupt.

All proceedings concerning immovable property must be brought before the competent authority of the State in which the said property is situated. At the trustees request, the said authority shall order the property to be sold in accordance with the provisions relating to sale by auction in force in the country, and at the request of the authority competent to adjudge the debtor bankrupt, it shall declare the bankruptcy proceedings closed.

The entries required by the local laws shall be made in the register kept at the Office for the Registration of Mortgages at the place where the property is situated, in respect of that portion of the property which is in the area of the said Office.

If steps have not been taken for the sale by auction of the immovable property before the date stipulated in No. 1 of Article 3, or if it has not been sold by a creditor who is a pledgee or who has preferential rights in respect of the property, the cost of the liquidation of the property shall be charged to the estate assigned for payment of simple contract debts.

Article 5.

Movable property situated in the territory of one High Contracting Party, including the surplus proceeds of the liquidation of immovable property, belonging to a bankrupt residing in the territory of the other Party shall, provided the conditions stipulated in Article 1 or in the first paragraph of Article 2 are fulfilled, be placed at the disposal of the competent authority by whom the debtor was adjudged bankrupt, without prejudice to pledges, retaining liens or preferential rights relating to the movable property in question.

Article 6.

As regards property belonging to the estate, the trustee in bankruptcy or other administrator has the power to take or to cause to be taken in the territory of the High Contracting Parties any conservatory and administrative measures which he may consider advisable, and which are permitted by the laws of the place in which the property is situated.

He may not, however, proceed to carry out a judgment or measure unless, at his request or at the request of any interested party, the said judgment or measure has become enforceable in accordance with the Convention concerning the execution of judgments, concluded between the High Contracting Parties.

Article 7.

Mortgage and preferential rights relating to immovable property are governed by the law of the place in which this property is situated; pledges or preferential rights in respect of movable property acquired prior to the adjudication of bankruptcy, are governed by the law of the place in which the movable property was situated when this adjudication was made.

Article 8.

The judicial authorities and courts of the High Contracting Parties are entitled to communicate with each other direct.

Article 9.

Each of the High Contracting Parties reserves the right at any moment to denounce the present Agreement, which shall remain in force until six months after the date on which it is denounced.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Belgrade on August 12, 1924.

(Signed) BODRERO.

(Signed) DR. RYBÁR.

(Signed) L. LUCIOLLI.

(Signed) S. R. KOUKITCH.

FINAL PROTOCOL.

On proceeding to sign the Agreement regarding Bankruptcy concluded this day between the Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes, the undersigned Plenipotentiaries have made the following declaration :

It is understood that the provisions of the first paragraph of Article 2 of the Agreement regarding Bankruptcy shall be applied not only in virtue of the special laws now in force in certain territories of the same State, but also in the case of any subsequent amendments to the said laws.

Done at Belgrade on October 12, 1924.

(Signed) BODRERO.

(Signed) L. LUCIOLI.

(Signed) Dr. RYBÁR.

(Signed) S. R. KOUKITCH.

ANNEX E.

AGREEMENT

REGARDING ASSISTANCE TO PERSONS IN RECEIPT OF PUBLIC RELIEF.

Article 1.

Each of the High Contracting Parties undertakes to grant in its territory to the nationals of the other, the assistance of every kind accorded to its own nationals under the laws concerning public relief, until such time as it is possible to repatriate the assisted persons to the frontier of the State of which they are nationals, without injury to their own health or to the health of others.

Article 2.

Applications for the repatriation of sick persons, lunatics, foundlings and poor persons who, for any reason whatsoever, have been in receipt of public relief, shall be made through the consular channel, unless otherwise stipulated in other agreements.

Article 3.

The reimbursement of the cost of assistance and transport provided for in the preceding Articles, and of burial expenses, may not be claimed from the State, province, department or commune of the country to which the assisted persons belong.

Article 4.

The reimbursement of the expenses referred to in the previous Article may be claimed from the persons in whose interest the expenditure was incurred, from their heirs or from the persons or institutions responsible, in accordance with the law or special conventions, for their maintenance.

The High Contracting Parties undertake to lend each other the assistance permitted by their respective laws, with a view to obtaining the reimbursement of the expenses in question from the persons liable or in order, if necessary, to prove by official documents the indigence of such persons and their families.

Article 5.

If within three months of the date of the application for repatriation, this has not been authorised by the State of origin of the poor person, the said State shall be required to refund the cost of assistance for the period starting from the expiry of the three months until the said authorisation is received.

Article 6.

Italian nationals who acquired their nationality under Article VII, No. 2, of the Treaty of Rapallo¹ shall be treated by the Government of the Serbs, Croats and Slovenes on the same footing as its own nationals, in respect of the assistance provided for by the laws of the Kingdom concerning public relief. The cost of assistance of every kind given to the said nationals by the Government of the Serbs, Croats and Slovenes shall be refunded by the Italian Government.

Article 7.

In all cases where one of the High Contracting Parties is required to refund the expenses referred to in the preceding Articles or in Article 21, No. 12, of the Agreement concluded at Rome on October 23, 1922, between the High Contracting Parties, the public relief authorities concerned shall inform the competent consuls of the admission and repatriation of sick persons and of the relief in cash or in some other form granted to the nationals of the other High Contracting Party.

The scales on the basis of which the above-mentioned expenses are to be refunded and any alteration in the charges of hospitals or similar establishments shall also be communicated without delay, if a claim for reimbursement is to be made.

The reimbursement of expenses shall be claimed at the end of each year, through the competent consuls, from the central authorities of the two States, so that the balance in favour of the Party which happens to be the creditor may be offset or liquidated.

Article 8.

Each of the High Contracting Parties reserves the right at any moment to denounce the present Agreement, which shall cease to have effect one year after the date of denunciation.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Belgrade on August 12, 1924.

(Signed) BODRERO.

(Signed) L. LUCIOLLI.

(Signed) DR. RYBÁR.

(Signed) S. R. KOUKITCH.

¹ Vol. XVIII, page 387, of this Series.

PROTOCOL.

On proceeding to sign the Agreement regarding Assistance to Persons in receipt of public relief, concluded this day between the Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes, the undersigned Plenipotentiaries, duly authorised for this purpose by their Governments, have made the following declaration.

The two High Contracting Parties reserve the right to regulate by means of a special Agreement to be concluded within three months after the entry into force of the Agreement regarding Assistance to Persons in receipt of public relief, signed this day, all questions concerning hospital charges borne by the Parties before the above-mentioned date.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done in duplicate at Belgrade on August 12, 1924.

(Signed) BODRERO.

(Signed) L. LUCIOLLI.

(Signed) DR. RYBÁR.

(Signed) S. R. KOUKITCH.

ANNEX F.

AGREEMENT

REGARDING INDUSTRIAL ENTERPRISES, COMMERCIAL COMPANIES AND OTHER ASSOCIATIONS.

Article 1.

The branches and agencies of commercial companies and firms which, on May 24, 1915, or on November 1, 1918, were registered in the territory of one of the High Contracting Parties and carried on their trade or industry therein, and whose head offices were registered on that same date in the territory of the other High Contracting Party may, provided they conform to the requirements of the local laws, continue or, as the case may be, freely resume their activities, should those activities have been suspended by order of the Government of one of the High Contracting Parties or of the former Austrian or Hungarian Government.

Article 2.

Industrial and commercial enterprises which, on November 1, 1918, had their seat in territory now belonging to one of the High Contracting Parties and establishments in territories now belonging to each of the High Contracting Parties, shall have the right to separate them so that the establishment or establishments situated in the territory of the High Contracting Party in which the seat of the enterprise is not situated, and also any establishments in the territory of a third State, may be transferred to a national of the High Contracting Party in question, or to a company or other juridical person already established or to be established and having a legal seat in the territory of that Party. The transferred establishments situated in the territory of one of the High Contracting Parties shall be regarded by it as national establishments.

Article 3.

Decisions necessary to the exercise of the rights mentioned in Article 2 which are valid in accordance with the provisions of the law in force in the territory of the High Contracting Party in which the actual seat of a commercial company is at present situated shall, provided they were taken in proper form, likewise be valid in the territory of the other High Contracting Party.

Article 4.

No taxes of any kind, additional taxes or charges shall be levied in respect of the formation of a new company or the increase in the capital of a company already established, when this is necessary for the execution of the decisions referred to in Articles 2 and 3, or in respect of the transfers incident thereto.

In none of the cases mentioned in the previous paragraph shall liquidation be required ; consequently, no industrial tax shall be imposed in respect of liquidation profits. Taxes shall be levied without taking into account any profits which may result from transactions connected with the separation and with the conversion of the currency, when the assets and liabilities are valued.

The provisions of Article 3 and of the second paragraph of the present Article shall also apply to the transfer of the seat of a company, commercial firm or industrial enterprise to which the stipulations of Article 37 of the Agreements signed at Rome on October 23, 1922, are applicable.

Firms or companies desirous of benefiting by the above-mentioned facilities must submit their applications within one year from the coming into force of the present Agreement, to the authorities of the two States, who shall authorise the separation or transfer within three months of the receipt of the application, provided proof is furnished that the conditions required by the preceding Articles are fulfilled.

Article 5.

Associations having a cultural, educational and charitable purpose, which were established prior to May 24, 1915, in territories of the former Austro-Hungarian Monarchy now assigned to one of the High Contracting Parties, and which have their seat in the territory of one of the High Contracting Parties and establishments or branches in the territory of the other, may transfer these establishments and branches to a juridical person having a similar purpose and already established or to be established in the latter territory, free of transfer and registration charges and any other duty leviable either in respect of the establishment of the new juridical person or of the respective registration.

Article 6.

The present Agreement shall come into force as from the date of signature.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done in duplicate at Belgrade on August 12, 1924.

(Signed) BODRERO.

(Signed) L. LUCIOLLI.

(Signed) Dr. RYBÁR.

(Signed) S. R. KOUKITCH.