

N° 2068.

AUTRICHE ET ITALIE

- Accord relatif à l'exécution des articles 266 (dernier alinéa) et 273 du Traité de Saint-Germain, signé à Rome, le 22 décembre 1927, et échange de notes y relatif de la même date.
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AUSTRIA AND ITALY

Agreement concerning the Execution of Articles 266 (Last Paragraph) and 273 of the Treaty of Saint-Germain, signed at Rome, December 22, 1927, and Exchange of Notes relating thereto of the same date.

¹ TRANSLATION.

No. 2068. — AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND THE KINGDOM OF ITALY CONCERNING THE EXECUTION OF ARTICLES 266 (LAST PARAGRAPH) AND 273 OF THE TREATY OF SAINT-GERMAIN. SIGNED AT ROME, DECEMBER 22, 1927.

THE KINGDOM OF ITALY and THE REPUBLIC OF AUSTRIA, desirous of settling in a friendly spirit the questions arising out of Articles 266 (last paragraph) and 273 of the Treaty of Saint-Germain,

And setting aside all questions of principle or legal interpretation in connexion with the provisions of the aforesaid Treaty of Saint-Germain,

Have decided to conclude an Agreement, and have for this purpose appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

Dr. Amedeo GIANNINI, Envoy Extraordinary and Minister Plenipotentiary, Councillor of State ;

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

Dr. Karl SCHÖNBERGER, Ministerial Counsellor at the Federal Ministry of Finance ;

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

Article I.

The Austrian Republic will place at the disposal of the Kingdom of Italy the legacies, donations and funds of every description (all described in the present Agreement under the general designation " trusts ") given or established in the former Austro-Hungarian Monarchy for the benefit of nationals of the former Austrian Empire, so far as the funds in question are in the territory of the Austrian Republic and are intended exclusively for the benefit of persons who are now nationals of the Kingdom of Italy. In effecting the said transfer, account shall be taken of payments properly made for the purpose of the trusts.

The property of trusts given or established before July 28, 1914, shall be transferred in the condition in which it was on the said date. Interest accruing after July 28, 1914, and not employed in regular payments shall be transferred in the condition in which it was at the signature of the present Agreement. Any interest employed in irregular payments shall be made good and paid in Italian lire at the rate of 60 Italian centesimi for every Austro-Hungarian crown.

If the trust was given or established after July 28, 1914, and before November 3, 1918, its property shall be transferred in the condition in which it was at the signature of the present Agreement.

Bonds, securities and specie shall be transferred in the form of bonds, securities and specie of the same kind and denomination, on the understanding that pre-war annuity bonds shall be handed

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

over unstamped or with the stamp cancelled. Other property shall be transferred in kind; failing this, a sum shall be paid in Italian lire corresponding to the present value of the property, account being taken of the condition of that property on the aforesaid dates.

The Austrian Republic undertakes to transfer to the Kingdom of Italy the trust deeds and all deeds and documents relating to the establishment and administration of the trusts, whether in the possession of Austrian public authorities or of corporations or individuals domiciled in the territory of the Austrian Republic.

The transfer of property under the terms of the present Article shall be effected within a year following the entry into force of the present Agreement.

Article 2.

Trusts, associations and public corporations domiciled on November 3, 1918, in the territory now belonging to one of the High Contracting Parties shall retain their movable and immovable property situated in the territory of the other Contracting Party.

In the case of a trust not already having under its control the property situated in the territory of the other Contracting Party, such property shall be transferred within three months of application in the condition in which it was on the date of application.

Article 3.

An exception to the provisions of the preceding Article, the High Contracting Parties recognise that all movable and immovable property of military trusts and funds belongs exclusively to the State in whose territory it is situated.

The transfer of the deeds relating to the above-mentioned trusts and funds shall be governed by the provisions of the last paragraph but one of Article 1 of the present Agreement, so far as such deeds are in the possession of the other State.

Article 4.

The Austrian Republic undertakes to transfer to the Kingdom of Italy, unencumbered, within six months of the entry into force of the present Agreement, the ownership of the immovable property of the Golden Cross at Abbazia.

The Austrian Republic undertakes further to transfer the immovable property of the White Cross at Meran, with the charges existing on the conclusion of the present Agreement, to the Kingdom of Italy within six months of the entry into force of the present Agreement if, and so far as, the property in question belongs to the Vienna White Cross.

Article 5.

The Austrian Republic recognises that immovable property belonging to religious funds and situated in the present territory of the Kingdom of Italy is in the ownership of the Italian State, with effect as from November 3, 1918.

The Kingdom of Italy recognises that immovable property belonging to religious funds and situated in the territory of the Austrian Republic is in the ownership of the religious funds of the Austrian Republic.

The charges existing on the said immovable property on the aforesaid date shall be taken over by the owner of the immovable property in question.

The charges under public law — this applies to the rights as well as to the charges attaching to patronage — shall be allocated on the territorial principle; charges under private law shall be governed by the provisions of Article 10 of the Agreements of February 23 and June 24, 1915, for the friendly settlement of interests arising out of the territories of the former Princely County of Tyrol (*Gefürstete Grafschaft Tirol*) and of the former Duchy of Carinthia, respectively.

Each of the High Contracting Parties renounces all other claim to the movable or immovable property of religious funds situated in the territory of the other Contracting Party.

The transfer of deeds and documents relating to the property of the aforesaid funds shall be governed by the provisions of the last two paragraphs of Article 1 of the present Agreement.

Article 6.

The High Contracting Parties agree that all questions concerning the former Organisation of the Austrian Red Cross Society shall be governed by the following provisions :

- (1) Property situated in the territory of either State shall remain in the ownership of the respective Red Cross Organisations ;
- (2) Debts due by the former Central Organisation of the Austrian Red Cross Society, including pensions, if any, and liabilities, arising out of the 1882 and 1916 lotteries, shall be taken over by the new Red Cross Society established in the Austrian Republic.

No claim shall be brought by the High Contracting Parties or by the respective Red Cross Organisations against each other or against the former Austrian Red Cross Society in respect of any damage, loss or other claims arising out of war events subsequent to 1914 which concern the Red Cross services.

Article 7.

The present Agreement shall not apply to ecclesiastical (denominational) trusts.

Article 8.

The High Contracting Parties renounce all other claims against each other under Articles 266 (last paragraph) and 273 of the Treaty of Saint-Germain.

Article 9.

The present Agreement shall in no way modify the provisions already agreed upon between the High Contracting Parties concerning Articles 266 (last paragraph) and 273 of the Treaty of Saitn-Germain.

Article 10.

The deeds required for the execution of the present Agreement shall be exempt from all taxes, stamp duties and dues directly payable.

Article 11.

Disputes which may arise concerning questions dealt with in the present Agreement, and which it may not have been possible to settle amicably within three months notice being given by one of the High Contracting Parties to the other, shall be submitted to an arbitrator selected by the Parties jointly.

Should the High Contracting Parties be unable to agree on the choice of the arbitrator within one month, he shall be appointed, at the request of one of the Parties, by the Permanent Court of International Justice at The Hague.

The arbitrator shall himself lay down the arbitration procedure.

The arbitrator shall have power to carry out such enquiries as he may consider necessary and to apply direct to the central authorities of either of the Contracting Parties, who shall be bound to carry out his requests without delay.

Each of the Contracting States shall have the right to be represented at the arbitration proceedings.

The costs of arbitration shall be settled and allocated *ex aequo et bono* by the arbitrator himself.

The High Contracting Parties undertake to give the arbitrator all necessary assistance in carrying out his duties.

Decisions of the arbitrator shall be binding and without appeal.

Article 12.

The present Agreement shall be ratified, and the instruments of ratification shall be exchanged as soon as possible at Rome.

The Agreement shall come into force on the exchange of the instruments of ratification.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Agreement.

Done at Rome on December 22, 1927, in Italian and in German, both texts being authentic, in two copies, one of which shall be handed over to each of the Signatory States.

For Italy :

(L. S.) Amedeo GIANNINI.

For Austria :

(L. S.) SCHÖNBERGER.

THE ITALIAN PLENIPOTENTIARY TO THE AUSTRIAN PLENIPOTENTIARY.

SIR,

With reference to the Agreement of today's date between the Republic of Austria and the Kingdom of Italy concerning the execution of Articles 266 (last paragraph) and 273 of the Treaty of Saint-Germain, it is understood, from the conversations on the subject, that the Agreement shall not apply to the Teutonic Order.

I have the honour to be, etc.

ROME, December 22, 1927.

Amedeo GIANNINI.

Dr. Karl Schönberger,
Ministerial Councillor at the
Federal Ministry of Finance.

THE AUSTRIAN PLENIPOTENTIARY TO THE ITALIAN PLENIPOTENTIARY.

SIR,

With reference to the Agreement of to-day's date between the Republic of Austria and the Kingdom of Italy concerning the execution of Articles 266 (last paragraph) and 273 of the Treaty of Saint-Germain, it is understood, from the conversations on the subject, that the Agreement shall not apply to the Teutonic Order.

I have the honour to be, etc.,

ROME, *December 22, 1927.*

SCHÖNBERGER.

His Excellency Doctor Amedeo Giannini,
Honorary Envoy Extraordinary and Minister Plenipotentiary,
Councillor of State.
