

(N. 2298)

SENATO DELLA REPUBBLICA

DISEGNO DI LEGGE

approvato dalla Camera dei deputati nella seduta dell'8 aprile 1952 (V. Stampato N. 2487)

presentato dal Presidente del Consiglio dei Ministri
Ministro degli Affari Esteri

(DE GASPERI)

di concerto col Ministro *ad interim* del Tesoro

(VANONI)

e col Ministro del Commercio con l'Estero

(LA MALFA)

TRASMESSO DAL PRESIDENTE DELLA CAMERA DEI DEPUTATI ALLA PRESIDENZA
IL 16 APRILE 1952

Approvazione ed esecuzione degli scambi di Note tra l'Italia e il Canada relativi allo sblocco dei beni italiani nel Canada, effettuati ad Ottawa il 20 settembre 1951

DISEGNO DI LEGGE

Art. 1.

Sono approvati gli scambi di Note tra l'Italia e il Canada relativi allo sblocco dei beni italiani nel Canada, effettuati ad Ottawa il 20 settembre 1951.

Art. 2.

Piena ed intera esecuzione è data agli scambi di Note suddetti.

Art. 3.

All'onere derivante dall'esecuzione della presente legge si farà fronte con gli stanziamenti iscritti al capitolo 479 dello stato di previsione della spesa del Ministero del tesoro per l'esercizio 1951-52.

Il Presidente della Camera dei deputati
GRONCHI.

Ottawa, September 20, 1951

His Excellency the Hon. ALCIDE DE GASPERI
Minister of Foreign Affairs of Italy
at 5 Blackburn Avenue — Ottawa

Excellency,

In order to reach a final settlement, in a spirit of mutual understanding, of matters still pending between Italy and Canada as a result of the Peace Treaty of February 10, 1947, it is proposed that the following agreement be entered into between the Governments of Canada and Italy:

Article 1.

The Italian Government shall, as soon as this Agreement has been approved by the Italian Parliament, pay to the Canadian Government a lump-sum of 290 million lire, for unrestricted use in Italy in the satisfaction of all Canadian claims under the Peace Treaty of February 10, 1947, with the exception of:

- (a) Debts and bonds referred to in article 2 of this Agreement;
- (b) The claims of Aluminium Limited or its Italian subsidiaries and of the Sir Alexander Mackenzie estate, which will be dealt with separately in accordance with the relevant provisions;
- (c) Claims which might have arisen under paragraph 6 of article 78 of the said Peace Treaty.

Such payment shall free the Italian Government of any responsibility towards the Government of Canada and Canadian nationals (individuals, corporations and associations) as regards the above-mentioned claims, excepting those mentioned in (a), (b) and (c) above. This sum, as well as any compensation paid by the Canadian Government to any of its claimants, shall be exempt from any deductions, taxes or other charges imposed by the Italian Government.

Article 2.

Debts and bonds owing by the Italian Government and Italian nationals (individuals, corporations and associations) to the Canadian Government and Canadian nationals (individuals, corporations and associations), incurred before September 15, 1947, and referred to in article 81 of the said Treaty, shall also be paid according to the respective rights of creditors and debtors, and in accordance with the contracts, deeds or relevant documents, in the currency originalli stipulated which shall be made available to the debtors by the Italian Government for the purpose of such payment. The provisions of this article shall also apply to Canadian claims against corporations or associations having « siege social » in the free territory of Trieste, within the limits of practical possibilities.

Article 3.

Upon the signing of this Agreement, the Canadian Government will announce in the *Canada Gazette* the release of all the Italian assets sequestered, seized by or under the control of the Canadian Custodian, the actual release to start immediately and to be effected upon individual application, and to be terminated in the shortest possible time; the Canadian Government taking all necessary measures to this effect.

Article 4.

In the case of a dispute arising between the two Government as to the interpretation and application of this Agreement, which cannot be settled through normal diplomatic channels, such dispute shall be submitted to a neutral arbitrator jointly appointed by the two Governments and, failing agreement, by the Secretary General of the United Nations, and the decision of such arbitrator shall be accepted by both Governments as final and binding.

The cost of arbitration shall be borne in equal shares by the two Governments.

If the Government of Italy accepts these proposals, it is suggested that this note and Your Excellency's reply should be regarded as constituting an agreement between our two Governments.

Accept, Excellency, the assurances of my highest consideration.

L. B. PEARSON

Secretary of State for External Affairs

Ottawa, September 20, 1951

The Hon. L. B. PEARSON

Secretary of State for External Affairs — Ottawa

Sir,

I have the honour to acknowledge receipt of your note of September 20th, 1951 the text of which is transcribed hereafter:

«In order to reach a final settlement, in a spirit of mutual understanding, of matters still pending between Italy and Canada as a result of the Peace Treaty of February 10, 1947, it is proposed that the following agreement be entered into between the Governments of Canada and Italy:

Article 1.

The Italian Government shall, as soon as this Agreement has been approved by the Italian Parliament, pay to the Canadian Government a lump-sum of 290 million lire, for unrestricted use in Italy in the satisfaction of all Canadian claims under the Peace Treaty of February 10, 1947, with the exception of:

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- (c) Claims which might have arisen under paragraph 6 of article 78 of the said Peace Treaty.

Such payment shall free the Italian Government of any responsibility towards the Government of Canada and Canadian nationals (individuals, corporations and associations) as regards the above-mentioned claims, excepting those mentioned in (a), (b) and (c) above. This sum, as well as any compensation paid by the Canadian Government to any of its claimants, shall be exempt from any deductions, taxes or other charges imposed by the Italian Government.

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In the case of a dispute arising between the two Governments as to the interpretation and application of this Agreement, which cannot be settled through normal diplomatic channels, such dispute shall be submitted to a neutral arbitrator jointly appointed by the two Governments, and, failing agreement, by the Secretary General of the United Nations, and the decision of such arbitrator shall be accepted by both Governments as final and binding.

The cost of arbitration shall be borne in equal shares by the two Governments ».

I have the honour to inform you that the Italian Government accepts these proposals and that therefore your note and this reply are regarded as constituting an agreement between our two Governments.

Accept, Sir, the assurances of my highest consideration.

A. DE GASPERI

Minister of Foreign Affairs of Italy

Ottawa, 20 septembre 1951

A l'hon. L. B. PEARSON

Secrétaire d'Etat pour les Affaires Extérieures — Ottawa.

Monsieur le Ministre,

En me référant à l'accord intervenu entre le Gouvernement italien et le Gouvernement canadien, relatif au règlement des questions encore en suspens entre l'Italie et le Canada, découlant du Traité de Paix du 10 février 1947, j'ai l'honneur de porter à votre connaissance que le Gouvernement italien sera reconnaissant au Gouvernement canadien de lui fournir en temps opportun la liste des biens libérés par lui, et la liste des biens non réclamés. Pour ce qui est de ces derniers biens, le Gouvernement italien est désireux d'examiner avec le Gouvernement canadien les mesures propres à retrouver les ayants droit de ces biens ou à en disposer d'une façon définitive. De son côté, le Gouvernement italien est disposé à offrir au Gouvernement canadien de l'aider à retrouver les débiteurs éventuels, soit du Gouvernement canadien, soit de ses ressortissants.

Veillez agréer, Monsieur le Ministre, les assurances de ma très haute considération.

A. DE GASPERI

Ministre des Affaires Etrangères d'Italie

Ottawa, le 20 septembre 1951

Son Excellence l'Hon. ALCIDE DE GASPERI

Ministre des Affaires Etrangères de l'Italie

à 5 Avenue Blackburn — Ottawa.

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de la lettre que Votre Excellence a bien voulu m'adresser ce jour, relativement à l'accord intervenu entre le Gou-

vernement italien et le Gouvernement canadien, en ce qui concerne les questions encore en suspens entre le Canada et l'Italie, découlant du Traité de Paix du 10 février 1947.

Le Gouvernement canadien fournira, en temps opportun, au Gouvernement italien la liste des biens libérés par lui, et la liste des biens non réclamés. Pour ce qui est de ces derniers biens, le Gouvernement canadien et le Gouvernement italien examineront ensemble les mesures propres à retrouver les ayants droit de ces biens ou à en disposer d'une façon définitive.

Par ailleurs, le Gouvernement canadien accueille volontiers la proposition du Gouvernement italien de l'aider à retrouver les débiteurs éventuels, soit du Gouvernement canadien, soit de ses ressortissants.

Veillez agréer, Monsieur le Ministre, les assurances de ma très haute considération.

L. B. PEARSON

Secrétaire d'Etat aux Affaires Extérieures