



ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

ΤΟΥ ΒΑΣΙΛΕΙΟΥ ΤΗΣ ΕΛΛΑΔΟΣ

Ἐν Ἀθήναις τῇ 10 Μαΐου 1946

ΤΕΥΧΟΣ ΠΡΩΤΟΝ

Ἀριθμὸς φύλλου 152

ΝΟΜΟΘΕΤΙΚΑ ΔΙΑΤΑΓΜΑΤΑ

Περὶ κυρώσεως τῆς ἐν Λονδίνῳ τὴν 21ην Μαρτίου 1946 ὑπογραφείσης μεταξὺ τῆς Ἑλληνικῆς Βασιλικῆς Κυβερνήσεως καὶ τῆς Κυβερνήσεως τοῦ Ἡνωμένου Βασιλείου τῆς Μεγάλης Βρετανίας καὶ Βορείου Ἰρλανδίας Συμφωνίας περὶ τῶν περιουσιῶν τῶν εὐρισκομένων εἰς τὸ Ἡνωμένον Βασίλειον καὶ τὴν Ἑλλάδα, αἵτινες ἔχουσιν ὑπαχθῆ εἰς εἰδικὰ μέτρα λόγῳ τῆς ἐχθρικῆς Κατοχῆς ἐν Ἑλλάδι.

ΓΕΩΡΓΙΟΣ Β'

ΒΑΣΙΛΕΥΣ ΤΩΝ ΕΛΛΗΝΩΝ

Προτάσει τοῦ Ἡμετέρου Ὑπουργικοῦ Συμβουλίου, ἀπεφασίσσαμεν καὶ διατάσσομεν :

Ἄρθρον 1.

Κυροῦται καὶ ἔχει πλήρη νόμιμον ἰσχὺν ἡ μεταξὺ τῶν Κυβερνήσεων τῆς Μεγάλης Βρετανίας καὶ τῆς Ἑλλάδος ὑπογραφείσα ἐν Λονδίνῳ τὴν 21ην Μαρτίου 1946 Συμφωνία, ἥς τὸ κείμενον, ἐν τῷ Ἀγγλικῷ Πρωτοτύπῳ καὶ Ἑλληνικῇ μεταφράσει, ἔπεται.

Ἄρθρον 2.

Ἡ ἐκτέλεσις τῆς παραύσης Συμφωνίας ἀνατίθεται διὰ τοῦ παρόντος εἰς τὴν Τράπεζαν τῆς Ἑλλάδος, ἐνεργοῦσαν ὡς ἐντολοδόχον τοῦ Ἑλληνικοῦ Δημοσίου, καὶ συμφώνως πρὸς τὰς παρεχομένας αὐτῇ ὁδηγίας ὑπὸ τοῦ Ὑπουργοῦ τῶν Οἰκονομικῶν.

Ἡ παρὰ τῇ Τραπέζῃ τῆς Ἑλλάδος Ἐπιτροπὴ Συναλλαγμάτων καὶ Ἐλέγχου Τραπεζῶν εἶναι ἀρμοδία πρὸς γνωμάτευσιν ἐπὶ τῶν θεμάτων ἐκτελέσεως τῆς ἐν λόγω Συμφωνίας.

Agreement between the Royal Hellenic Government and the Government of the United Kingdom of Great Britain and Northern Ireland relating to Money and Property situated in the United Kingdom and Greece which have been subjected to Special Measures in consequence of the enemy occupation of Greece.

The Royal Hellenic Government and the Government of the United Kingdom of Great Britain and Northern Ireland, desiring to conclude an Agreement to facilitate the restoration of money and property situated in Greece and the United Kingdom belonging to persons

Τὸ ἄρθρον 11 τοῦ Ἀναγκαστικοῦ Νόμου 800)1937 περὶ συμπληρώσεως τῶν Νόμων περὶ προστασίας τοῦ Ἑθνικοῦ Νομισματος κλπ. ἐφαρμόζεται καὶ ἐν προκειμένῳ.

Ἄρθρον 3.

Ἡ ἰσχὺς τοῦ παρόντος Νομοθετικοῦ Διατάγματος, ὅπερ θέλει ὑποβληθῇ πρὸς κύρωσιν εἰς τὴν μέλλουσαν νὰ συνέλθῃ Βουλὴν, ἀρχεται ἀπὸ τῆς δημοσιεύσεώς του εἰς τὴν Ἐφημερίδα τῆς Κυβερνήσεως.

Ἐν Ἀθήναις τῇ 10 Μαΐου 1946

Ἐν ὀνόματι τοῦ Βασιλέως

Ὁ Ἀντιβασιλεὺς

† Ὁ Ἀθηνῶν ΔΑΜΑΣΚΗΝΟΣ

Τὸ Ὑπουργικὸν Συμβούλιον

Ὁ Πρόεδρος

ΚΩΝΣΤΑΝΤΙΝΟΣ ΤΣΑΛΔΑΡΗΣ

Τὸ Μὲλη

Π. ΧΑΤΖΗΠΙΑΝΟΣ, ΣΤ. ΣΤΕΦΑΝΟΠΟΥΛΟΣ, Ι. ΘΕΟΤΟΚΗΣ, ΣΠ. ΘΕΟΤΟΚΗΣ, ΑΝΤ. ΠΑΠΑΔΗΜΟΣ, Δ. ΧΕΛΜΗΣ, ΣΤ. ΓΟΝΑΤΑΣ, ΑΘ. ΠΕΡΡΩΤΗΣ, ΔΗΜ. ΠΑΠΑΔΗΜΗΤΡΙΟΥ, ΑΘ. ΠΑΠΑΘΑΝΑΣΗΣ, Γ. ΔΑΖΑΝΑΣ, Δ. ΣΤΕΦΑΝΟΠΟΥΛΟΣ, Ν. ΑΒΡΑΑΜ, ΑΝΔΡ. ΣΤΡΑΤΟΣ, Π. ΜΑΥΡΟΜΙΧΑΛΗΣ, Γ. ΠΑΡΑΒΑΝΤΗΣ, Ν. ΜΗΛΑΤΑΤΖΗΣ—ΜΑΥΡΟΚΟΡΔΑΤΟΣ, ΜΙΧ. ΑΙΔΙΑΝΟΣ, ΑΘ. ΑΝΤΩΝΟΠΟΥΛΟΣ, ΔΑΜ. ΒΥΤΑΣΙΑΣ.

Ἐθεωρήθη καὶ ἐτέθη ἡ μεγάλη τοῦ Κράτους σφραγίς.

Ἐν Ἀθήναις τῇ 10 Μαΐου 1946.

Ὁ ἐπὶ τῆς Δικαιοσύνης Ὑπουργός

Π. ΧΑΤΖΗΠΙΑΝΟΣ

who are and have been resident in or carrying on business in the United Kingdom and Greece respectively and which have been subjected to special measures in consequence of the enemy occupation of Greece and to resume normal financial and commercial relations between persons in Greece and the United Kingdom, have agreed as follows:

Part I.

SCOPE AND OBJECT.

Article 1.

(a) In the case of money and property in the United Kingdom the Agreement shall apply to money and property which have been dealt with under the Trading

with the Enemy (Custodian) Order, 1939, as amended (hereinafter called the Custodian Order). In the case of money and property in Greece it shall apply to money and property in Greece which have been subject to special régimes in Greece since the 1st May, 1941.

(b) For the purpose of this Agreement the phrase «Greek persons» is defined as meaning persons whose money and property have been subject to the Custodian Order solely because they are and have been resident or carrying on business in Greece. The phrase «United Kingdom persons» is defined as meaning persons whose money and property have been subject to special régimes solely because they are and have been resident or carrying on business in the United Kingdom.

(c) It is expressly understood that this Agreement does not apply to any settlements to be effected between the contracting Governments or in which one or more Government Departments are concerned except by mutual agreement.

Article 2.

This Agreement does not purport to deal with the position of the money and property of Greek and United Kingdom persons under Revenue or Foreign Exchange Revenue or Foreign Exchange Control legislation in force in the United Kingdom or Greece.

Article 3.

The money and property in the United Kingdom of British subjects resident in Greece which have been subject to the Custodian Order shall be dealt with outside the scope of this Agreement.

PART II. MONEYS

Article 4.

Bank Balances.

Bank balances belonging to Greek and United Kingdom persons shall be placed at the disposal of the original account holders in accordance with arrangements to be settled between the two contracting Governments. Moneys deposited with Building and Friendly Societies and organisations of a like nature shall so far as possible be similarly dealt with.

Article 5.

Moneys paid to the Custodian of Enemy Property. Sterling and other sums at present held by the Custodian of Enemy Property due to Greek persons will be transferred to the Royal Hellenic Government with a view to the satisfaction of the claims of the creditors. Provided that nothing in the foregoing shall prevent the Government of the United Kingdom in cases which in its opinion justify this action from agreeing with the Royal Hellenic Government to the reversal to the person by whom payment was made of moneys now held by the Custodian.

Article 6.

Moneys due from Greek Persons to United Kingdom Persons.

The Royal Hellenic Government recognises that Greek persons who are debtors to United Kingdom persons remain liable to their creditors until the debts are fully discharged in accordance with the terms of the appropriate contracts. In this connexion the Royal Hellenic Government offers to assist United Kingdom creditors to trace and identify their debtors and to take such administrative action as may be possible to facilitate the establishment of the claims of the creditors against the original debtors, their heirs or successors.

PART III.

Property Article 7.

Securities.

Securities belonging to Greek and United Kingdom

persons shall be placed at the disposal of the original holders. Nevertheless, it is recognised that securities held in one country for banks in the other country will only be released on proof that they are not beneficially owned by persons resident or carrying on business in a country with which the Government making the release is at war or incorporated under the laws of such a country.

Article 8.

Movable and Immovable Property.

Greek and United Kingdom persons shall be free to resume the ownership and management of their property.

Article 9.

Industrial, Literary and Artistic Property.

This Agreement does not apply to rights in industrial, literary and artistic property.

Article 10.

Commercial, Financial and Industrial Undertakings.

Any restrictions (other than those which are common to all persons resident in Greece or the United Kingdom) which at present prevent persons in Greece from resuming the management or direction of their undertakings in the United Kingdom, or persons in the United Kingdom from resuming the management or direction of their undertakings in Greece, shall be removed.

PART IV.

General.

Article 11.

Acts of Dispossession.

The Government of Greece will give no less favourable treatment to British subjects than they do to Greek citizens in regard to property situated in Greece which has been the subject of acts of dispossession of the kinds covered by the Inter-Allied Declaration of the 5th January, 1943, or of discriminatory legislation.

Article 12.

Removal of Legal Obstacles.

The contracting Governments agree to consider action for the removal of legal obstacles (including periods of prescription), &c., arising from the war which may prevent an equitable settlement of outstanding indebtedness.

Article 13.

Liquidations in Progress.

The contracting Governments will consult together on outstanding questions arising from liquidations or similar proceedings undertaken under war-time conditions and in the meantime will not, except in agreement, take action to complete proceedings pending.

Article 14.

Estates of Deceased Persons.

In dealing with the estates in the United Kingdom of Greek persons who have died since their money and property became subject to the Custodian order, the terms of the present Agreement shall not be applied until a legal personal representative has been appointed.

Article 15.

Fees.

Fees will not be taken in respect of money and property passing under this Agreement.

Article 16.

British Colonial Empire.

The Government of the United Kingdom undertake to ask the Governments of the British Colonial Dependencies to make analogous arrangements.

Article 17.

Implementation.

The contracting Governments agree to consult

together with a view to settling methods for bringing this Agreement into force.

In witness whereof the undersigned duly authorised by their respective Governments have signed the present Agreement and have affixed thereto their seals.

Done in duplicate in London the 21st day of March, 1946.

Συμφωνία μεταξύ τῆς Ἑλληνικῆς Βασιλικῆς Κυβερνήσεως καὶ τῆς Κυβερνήσεως τοῦ Ἡνωμένου Βασιλείου τῆς Μεγάλης Βρετανίας καὶ Βορείου Ἰρλανδίας ἀφορῶσα εἰς χρήματα καὶ περιουσίας εὐρισκομένας εἰς τὸ Ἡνωμένον Βασίλειον καὶ τὴν Ἑλλάδα ἅτινα ἔχουν ὑπαχθῇ εἰς εἰδικὰ μέτρα λόγῳ τῆς ἐχθρικῆς κατοχῆς ἐν Ἑλλάδι.

Ἡ Ἑλληνικὴ Βασιλικὴ Κυβέρνησις καὶ ἡ Κυβέρνησις τοῦ Ἡνωμένου Βασιλείου τῆς Μεγάλης Βρετανίας καὶ Βορείου Ἰρλανδίας, ἐν τῇ ἐπιθυμίᾳ των, ὅπως καταρτίσουν Συμφωνίαν διευκολύνουσαν τὴν ἀπόδοσιν χρημάτων καὶ περιουσίας, εὐρισκομένων ἐν Ἑλλάδι καὶ τῷ Ἡνωμένῳ Βασιλείῳ καὶ ἀνηκόντων εἰς πρόσωπα τὰ ὅποια διέμεναν ἢ διαμένουν εἰς αὐτάς ἢ ἀσκοῦν ἐπιχείρησιν ἐν τῷ Ἡνωμένῳ Βασιλείῳ καὶ τῇ Ἑλλάδι ἀντιστοίχως καὶ τὰ ὅποια ὑπῆχθησαν εἰς εἰδικὰ μέτρα συνεπείᾳ τῆς ὑπὸ τοῦ ἐχθροῦ καταλήψεως τῆς Ἑλλάδος καὶ τὴν ἀποκατάστασιν κανονικῶν οἰκονομικῶν καὶ ἑμπορικῶν σχέσεων μεταξύ προσώπων ἐν Ἑλλάδι καὶ τῷ Ἡνωμένῳ Βασιλείῳ, συμφώνησαν τὰ ἀκόλουθα.

ΜΕΡΟΣ I.

Σκοπὸς καὶ Ἀντικείμενον.

Ἄρθρον 1.

α) Προκειμένου περὶ χρημάτων καὶ περιουσίας εὐρισκομένων ἐν τῷ Ἡνωμένῳ Βασιλείῳ, ἡ συμφωνία θὰ εἶναι ἐφαρμοστέα διὰ τὰ χρήματα καὶ τὴν περιουσίαν, ἢ ὅποια ὑπῆχθη εἰς τὸ καθεστὼς τοῦ Διατάγματος τοῦ 1939 «Περὶ ἐμπορίας μετὰ τοῦ ἐχθροῦ», ὡς ἐτροποποιήθη (ἐφεξῆς καλούμενου Διατάγματος περὶ Μεσεγγυήσεως). Διὰ τὴν περίπτωσιν χρημάτων καὶ περιουσίας εὐρισκομένων ἐν Ἑλλάδι ἡ συμφωνία αὕτη θὰ ἐφαρμόζεται διὰ τὰ χρήματα καὶ τὴν περιουσίαν, τὰ ὅποια ὑπῆχθησαν εἰς εἰδικὰς διατάξεις ἐν Ἑλλάδι ἀπὸ 1ης Μαΐου 1941.

β) Διὰ τὴν ἐπίτευξιν τοῦ σκοποῦ τῆς συμφωνίας ταύτης διηκρινίσθη, ὅτι ἡ φράσις «πρόσωπα ἐν Ἑλλάδι», ἐννοεῖ πρόσωπα τῶν ὁποίων τὰ χρήματα καὶ ἡ περιουσία ὑπῆχθησαν εἰς τὸ Διάταγμα περὶ Μεσεγγυήσεως μόνον διότι ταῦτα διαμένουν ἢ διέμεναν ἢ ἀσκοῦν ἐπιχείρησιν ἐν Ἑλλάδι. Ἡ φράσις «πρόσωπα ἐν τῷ Ἡνωμένῳ Βασιλείῳ» καθορίζεται ὡς ἐννοῦσα πρόσωπα τῶν ὁποίων τὰ χρήματα καὶ ἡ περιουσία ὑπῆχθησαν εἰς εἰδικὸν καθεστὼς μόνον διότι διαμένουν ἢ διέμεναν ἢ ἥσκησαν ἐπιχείρησιν ἐν τῷ Ἡνωμένῳ Βασιλείῳ.

γ) Ρητῶς ἀποσαφηνίζεται, ὅτι ἡ συμφωνία αὕτη δὲν ἐφαρμόζεται ἐπὶ διακονομισμῶν γενησομένων μεταξύ τῶν συμβαλλομένων Κυβερνήσεων, ἢ ἐπὶ ἐκείνων οἵτινες ἀφορῶσι κυβερνητικὰς ἀρχάς, ἐκτὸς ἐὰν ἐπέλθῃ ἀμοιβαία συμφωνία.

Ἄρθρον 2.

Ἡ συμφωνία αὕτη δὲν ἀφορᾷ τὰ χρήματα καὶ τὰς περιουσίας προσώπων ἐν Ἑλλάδι καὶ τῷ Ἡνωμένῳ Βασιλείῳ, ὡς πρὸς τὴν ὑπαγωγὴν αὐτῶν εἰς τὴν Νομοθεσίαν περὶ εἰσοδήματος καὶ ἐλέγχου ξένου συναλλάγματος, τὴν ἰσχύουσαν ἐν τῷ Ἡνωμένῳ Βασιλείῳ ἢ ἐν Ἑλλάδι.

Ἄρθρον 3.

Τὰ ἐν τῷ Ἡνωμένῳ Βασιλείῳ χρήματα καὶ ἡ περιουσία Βρετανῶν ὑπηκόων διαμενόντων ἐν Ἑλλάδι, τὰ ὅποια ὑπῆχθησαν εἰς τὸ περὶ Μεσεγγυήσεως Διάταγμα, δὲν ὑπάγονται εἰς τὰς διατάξεις τῆς παρούσης Συμφωνίας.

ΜΕΡΟΣ II.

Χρήματα

Ἄρθρον 4.

Τραπεζιτικὰ ὑπόλοιπα :

Ἐπὶ τοῖς λογαριασμῶν παρὰ Τραπεζαίαις ὑπὲρ προσώπων ἐν Ἑλλάδι ἢ τῷ Ἡνωμένῳ Βασιλείῳ θὰ τεθοῦν εἰς τὴν διάθεσιν τῶν ἀρχικῶν δικαιούχων κατὰ τὰ δι' ἰδιαιτέρων συμφωνιῶν μεταξύ τῶν δύο συμβαλλομένων Κυβερνήσεων ὁρισθησόμενα. Χρήματα κατατεθειμένα εἰς οἰκοδομικὰ ἑταιρείας, ἢ ἑταιρείας ἀλληλοβοηθείας καὶ ὁργανισμοὺς παρεμφερεῖς θὰ ὑπαχθῶν, ἐφ' ὅσον εἶναι δυνατόν εἰς τὴν ἰδίαν ρύθμισιν.

Ἄρθρον 5.

Χρήματα καταβληθέντα εἰς τὸν Μεσεγγυοῦχον ἑχθρικῶν Περιουσιῶν.

Λίραι στερλί ναι καὶ ἄλλα ποσὰ κατεχόμενα σήμερον παρὰ τοῦ Μεσεγγυοῦχου ἐχθρικῆς περιουσίας, ὀφειλόμενα δὲ εἰς πρόσωπα ἐν Ἑλλάδι θὰ μεταβιβασθῶν εἰς τὴν Ἑλληνικὴν Βασιλικὴν Κυβέρνησιν πρὸς τὸν σκοπὸν ἱκανοποιήσεως τῶν ἀπαιτήσεων τῶν πιστωτῶν. Ἐννοεῖται ὅτι δὲν καλύπτεται ἐκ τῶν ἀνωτέρω ἡ Κυβέρνησις τοῦ Ἡνωμένου Βασιλείου, εἰς περιπτώσεις, αἱ ὅποια κατὰ τὴν κρίσιν τῆς δικαιολογοῦν τοῦτο, νὰ συμφωνήσῃ μετὰ τῆς Ἑλληνικῆς Βασιλικῆς Κυβερνήσεως διὰ τὴν ἐπιστροφὴν εἰς τὸ πρόσωπον, ὑπὸ τοῦ ὁποίου ἐγένετο ἡ καταβολὴ τῶν χρημάτων ἅτινα ἤδη, κρατοῦνται παρὰ τοῦ Μεσεγγυοῦχου.

Ἄρθρον 6.

Χρηματικαὶ ὑποχρεώσεις προσώπων ἐν Ἑλλάδι πρὸς πρόσωπα ἐν τῷ Ἡνωμένῳ Βασιλείῳ.

Ἡ Ἑλληνικὴ Βασιλικὴ Κυβέρνησις ἀναγνωρίζει ὅτι πρόσωπα ἐν Ἑλλάδι ἅτινα εἶναι ὀφειλέται πρὸς πρόσωπα ἐν τῷ Ἡνωμένῳ Βασιλείῳ, παραμένουν ὑπόχρεα πρὸς τοὺς πιστωτάς των μέχρις ὅτου τὰ χρεῖα καταβληθῶν ὁλοσχερῶς κατὰ τοὺς ὅρους τῶν οἰκείων συμβάσεων. Συναφῶς ἡ Ἑλληνικὴ Κυβέρνησις προσφέρει νὰ βοηθήσῃ τοὺς ἐν τῷ Ἡνωμένῳ Βασιλείῳ πιστωτάς ὅπως ἀνεύρουν καὶ ἐξακριβώσουν τὴν ταυτότητα τῶν ὀφειλετῶν των καὶ νὰ λάβῃ τοιαύτας διοικητικὰς ἐνεργείας, ὥστε κατὰ τὸ δυνατόν νὰ διευκολύνῃ τὴν ἄσκησιν τῶν ἀπαιτήσεων τῶν πιστωτῶν ἐναντίον τῶν ἀρχικῶν ὀφειλετῶν, τῶν κληρονόμων ἢ διαδόχων των.

ΜΕΡΟΣ III.

Περιουσία.

Ἄρθρον 7.

Τίτλοι :

Τίτλοι ἀνήκοντες εἰς πρόσωπα ἐν Ἑλλάδι ἢ ἐν τῷ Ἡνωμένῳ Βασιλείῳ θὰ τεθοῦν εἰς τὴν διάθεσιν τῶν ἀρχικῶν δικαιούχων. Οὐχ' ἤττον ἀναγνωρίζεται ὅτι τίτλοι κρατούμενοι ἐν μιᾷ χώρᾳ διὰ λίσμον Τραπεζῶν ἐν τῇ ἄλλῃ χώρᾳ θὰ ἀποδεσμευθῶν κατόπιν βεβαιώσεως, ὅτι δὲν ἀνήκουν εἰς πρόσωπα διαμένοντα ἢ ἀσκοῦντα ἐπιχείρησιν εἰς χώραν μὲ τὴν ὁποίαν ἡ ἀποδεσμεύουσα Κυβέρνησις εὐρίσκεται εἰς ἐμπόλεμον κατάστασιν ἢ εἰς χώραν, ὑποκειμένην εἰς τὴν νομοθεσίαν τοιαύτης ἐχθρικῆς χώρας.

Ἄρθρον 8.

Κινητὴ καὶ ἀκίνητος περιουσία :

Πρόσωπα ἐν Ἑλλάδι ἢ τῷ Ἡνωμένῳ Βασιλείῳ θὰ εἶναι ἐλεύθερα ν' ἀναλάβουν τὴν κυριότητα καὶ διαχειρίσιν τῶν περιουσιῶν των.

Ἄρθρον 9.

Βιομηχανικὴ, Φιλολογικὴ καὶ Καλλιτεχνικὴ Ἱδιοκτησία.

Ἡ παρούσα συμφωνία δὲν ἐφαρμόζεται ἐπὶ δικαιωμάτων ἐκ τῆς Βιομηχανικῆς, Φιλολογικῆς καὶ Καλλιτεχνικῆς Ἱδιοκτησίας.

