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ENACT-  
MENTS  
AND  
APPROVED  
PAPERS

ALLIED  
CONTROL  
AUTHORITY  
GERMANY

VOL. 2  
JAN. - FEB.  
1946

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Germany (Territory under Allied Occupation,  
" 1945. ) Control Council.

ALLIED CONTROL AUTHORITY

GERMANY

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VOL. 2

Jan. - Feb. 1946

ENACTMENTS AND  
APPROVED PAPERS

R E S T R I C T E D

F O R E W O R D

On 1 February 1946, the Legal Division issued a bound volume containing all enactments and approved papers of the Control Council and Coordinating Committee for the year 1945.

Comments from Military Government authorities indicate that there is a real use for such a compilation and a need for the continued preparation and issuance of these enactments and approved papers periodically,

This volume covers the period from 1 January 1946 through 28 February 1946. It is anticipated that such a compilation will be issued bi-monthly,

Charles Fahy  
Legal Adviser, and  
Director, Legal Division

Berlin

1 April 1946

R E S T R I C T E D

R E S T R I C T E D

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CONTROL COUNCIL

ORDER NO. 2

CONFISCATION AND SURRENDER OF ARMS AND AMMUNITION

In order to disarm the population and to contribute towards public security in Germany the Control Council orders as follows:-

1. The carrying, possession or ownership of arms or ammunition by any person is prohibited.
2. **Any** person, possessing or owning any arms or ammunition, shall surrender the same to the nearest Allied Military Commander within ten days of the publication of this Order.
3. Any person having knowledge of the existence in any place whatsoever of any arms or ammunition which are not under Allied Control, or of any stocks of arms or ammunition, or explosives, or of any installations manufacturing arms, ammunition or explosives, shall declare the same immediately to the nearest Allied Military Commander.
4. The carrying, concealment or ownership of arms or ammunition shall not be deemed to be an offence if such arms or ammunition are surrendered in accordance with the provisions of Paragraph 2 of this Order.
5. Nothing in this Order shall prevent the carrying and possession of arms and ammunition by the German Police under such terms and conditions as have been or may be authorised by the Allied Control Council. All types of firearms issued to the civil police and local authorities will be registered with the local Military Commander.

6, For the purpose of this Order

- (a) the present Order shall include any natural or juristic person or group of persons. It shall not include any military or civilian member of the Allied Forces of Occupation.
- (b) The term "arms and ammunition" shall include firearms of any kind, including sporting guns, ammunition of all types explosive material and side-arms of all types. It shall not include any explosive material the use of which has been authorised by the Allied Military Authorities for demolition or similar work in quarries and mines.

7. Any person failing to comply with this Order shall be liable to criminal prosecution including the death penalty..

Done at Berlin 7 January 1946  
Promulgated 1800 hours, 11 January 1946

s/d B. H. ROBERTSON,  
Lieutenant General

s/d L. KOELTZ,  
General d'Arme

s/d V. D. SOROLOVSKY,  
Army General

s/d LUCIUS D. CLAY,  
Lieutenant General

COORDINATING COMMITTEECONTROL OF ATTENDANCE AT MEETINGS OF THE CONTROL COUNCIL AND  
COORDINATING COMMITTEE

## Memorandum by Allied Secretariat

1. The Allied Secretariat has considered the establishment of a pass-card system for controlling the attendance at meetings of the Control Council and Coordinating Committee.
2. The Allied Secretariat has agreed:
  - (a) That a limited number (30) of pass-cards should be issued to each element of the Allied Secretariat.
  - (b) That each national secretary should be responsible for the authorised presence of representatives of his delegation.
3. It is recommended that the Coordinating Committee approve the proposal of the Allied Secretariat.
4. This memorandum will be considered at the meeting of the Coordinating Committee on 7 January 1946.

H. A. GERHARDT, Colonel

T. N. GRAZEBROOK, Brigadier

J. L. BAUDIER, Consul General

S. M. KUDRIAVTSEV, 1st Sec'y

Allied Secretariat

Approved at Berlin 7 January 1946

(CORC/P(45)215)

COORDINATING COMMITTEE

## TRANSPORT DIRECTORATE

## Rolling Stock Repair in Liberated Countries

## Note by Secretariat

1. At its sixteenth meeting on 15 - 18 December 1945, the Directorate of Transport considered a proposal submitted by the French delegation on the above subject. A copy of this proposal is attached as Appendix "A".

2. The U.S. and British delegations expressed their agreement with the French proposal,

3. The Soviet delegation, however, disagreed with the proposal.

4. The British and French delegations stressed the serious wagon repair position in their respective Zones, and considered that the action proposed in the French paper should be taken forthwith in those Zones which agreed to the proposal.

5. After full discussion, the Directorate, by Conclusion (144) of DTPT/II(45)16 :-

- " a. Decided to submit the French proposal to the Coordinating Committee stating that the U.S. and British delegations were in accord with the French suggestions, and that in view of the serious wagon repair situation in their three zones, the U.S., British and French have given instructions to their zones that the proposal be adopted; and to request the Coordinating Committee to approve this action.



b. Decided that a note of the Soviet objections be attached to the paper when submitted to the Coordinating Committee".

6. The Soviet delegation has since intimated that they do not wish to submit a separate note of their objection, but that they desire this objection to be recorded.

Approved at Berlin, 7 January 1946

CORC/P(46)2

R E S T R I C T E D

1 January 1946

Appendix "A" to  
CORC/P(46)2S.P. 50,352 par BPM 600,  
Berlin 7 December 1945.

French Group Control Council

Transport and Public Works Division

No. 955/TPT

## ROLLING STOCK REPAIR IN LIBERATED COUNTRIES

The work of the Railway Committee has shown that throughout Germany, and not only in one or more zones, there is a lack of facilities for repairing rolling stock (see DTPT/P(45)16, and particularly the impossibility of satisfying the Soviet zone's demands for the repair in other zones of 2,000 locomotives, 9,000 wagons and 1,000 carriages. It will certainly require over a year more to restore almost to their normal condition the railway workshops destroyed by air attack. Not only that, the rolling stock situation is not at present improving, but is deteriorating daily. It would appear impossible to make up even partially the present delay in repairs during 1946; if there are at present 100,000 wagons waiting repair in Germany, there will certainly be at least 100,000 more in a year's time.

Everything that can be done to speed up repairs should therefore be immediately undertaken, and in view of the transport needs of Germany and of Europe, it would be folly not to utilise all the available repair capacity.

Among the rolling stock which exists in Germany awaiting repair, there is certain foreign stock; the countries of origin of this stock (Belgium and France particularly) at

present have repair capacity, and as a result of workshop repairs which have been in hand for a long time. It is, therefore, suggested that the unserviceable rolling stock which is at present in Germany should be sent back to the countries of origin, who can repair it.

This measure would result in a transport improvement in the destination countries. It would also permit to be put at the disposal of Germany, particularly to international traffic (coal, transport of factories), a greater number of foreign wagons than have hitherto been available. It must be pointed out on this subject that by November last, an increased number of foreign wagons was being passed to Germany by the western countries. Doubtless there would not be an exact exchange at any one moment between the wagons to be repaired sent back to the countries of origin and the foreign wagons passing into Germany, but there would be no advantage to the occupying authorities to retain wagons in Germany without being able to repair them. On the other hand, it would be to the advantage of the occupying authorities to improve European transport and, in consequence, German transport.

It is also pointed out, that by point 8 of article VII and point 3 of article VIII of the ECITO agreement, which was signed inter alia by the four occupying powers, is placed on the contracting governments the obligation of sending back to the countries of origin the foreign rolling stock found in enemy territory placed under their authority, with the sole reservation that this return will not prejudice essential traffic. The return from Germany of the rolling stock which is not in service cannot prejudice any traffic; it has just been shown on the contrary that this return should improve traffic in Germany. The return to the countries of origin who were signatories of the ECITO agreement of foreign rolling stock found in Germany and not in service there is, therefore, a strict obligation for the four occupying powers.

To sum up the French Delegation, taking up the ECITO suggestion, proposes that the Directorate of Transport should decide:-

- (a) that the Allied railway services of each zone should give, if they have not already done so, the necessary orders for the return to the countries of origin of rolling stock of foreign origin which is at present in Germany and is not serviceable and which can be moved;
- (b) that these railway services should immediately arrange with the destination countries the practical measures for this return;
- (c) that a count should be maintained, at the German frontier, of the stock thus returned.

Approved at Berlin 7 January 1946

CORC/P(46)2

COORDINATING COMMITTEEDISPOSITION AND PRESERVATION OF THE RECORDS OF THE FORMER  
REICHSSCHULDENVERWALTUNG

In order to preserve the books and records of the former Reichsschuldenverwaltung (Reich Debt Office), it is recommended that:

1. the Allied Kommandatura of Berlin be instructed to take over the control of the books and archives of the former Reichsschuldenverwaltung which are in the city of Berlin;
2. the Allied Kommandatura be instructed to disband the former Reichsschuldenverwaltung and be authorized to pay only that part of the personnel mentioned in "3" below;
3. the Allied Kommandatura be instructed to employ under its control a limited personnel from the former Reichsschuldenverwaltung, whose services may be required and who are politically reliable, to work on the records and documents of the former Reichsschuldenverwaltung;
4. the Allied Kommandatura be instructed to keep an up-to-date register of all former personnel of the Reichsschuldenverwaltung.

Approved at Berlin 7 January 1946

CORC/F(46)3

COORDINATING COMMITTEE  
 DIRECTORATE OF INTERNAL AFFAIRS AND COMMUNICATIONS  
 HEALTH COMMITTEE

Organisation of a Welfare Committee

1. The Health Committee considers that a Welfare Committee should be organized.

2. The following questions should come within the powers of this Committee:

- (i) Financial assistance or assistance in kind to those persons, who due to insufficiency of funds are unable to satisfy their vital needs,

Responsible division within each national element :

United States - Internal Affairs and  
 Communications Division

Great Britain - Internal Affairs and  
 Communications Division

France - Labour Division

Soviet Union - Manpower Division

- (ii) Assistance to certain classes of people, for instance, old people and homeless children, the blind etc.

Responsible division within each national element :

United States - Internal Affairs and  
 Communications Division

Great Britain - Internal Affairs and  
 Communications Division

France - Internal Affairs and

Communications Division

Soviet Union - Manpower Division

- (iii) Assistance, directly connected with war (for instance evacuees, victims of accidents, refugees; communal feeding and billeting.)

Responsible division within each national element:

- United States - Internal Affairs and Communications Division
- Great Britain - Internal Affairs and Communications Division
- France - Internal Affairs and Communications Division
- Soviet Union - Commandant Service Division

- (iv) Special assistance for different group (e.g. poor children, mentally and physically backward).

Responsible division within each national element:

- United States - Internal Affairs and Communications Division
- Great Britain - Internal Affairs and Communications Division
- France - Internal Affairs and Communications Division
- Soviet Union - Manpower Division

- (v) The control of certain institutions (asylums, orphanages, blind homes, etc.)

Responsible division within each national element:

- United States - Internal Affairs and Communications Division
- Great Britain - Internal Affairs and Communications Division
- France - Internal Affairs and Communications Division
- Soviet Union - Manpower Division

- (vi) Supervision and control of youthful delinquents or adult offenders at liberty but under surveillance.

Responsible division within each national element:

United States	- Internal Affairs and Communications Division
Great Britain	- Internal Affairs and Communications Division
France	- Internal Affairs and Communications Division
Soviet Union	- Internal Affairs and Communications Division

3. Although welfare was formerly under the control of the German Ministry of the Interior, a Welfare Subcommittee cannot be organized under the Health Committee as the latter is not empowered to deal with certain of the foregoing questions.

4. Therefore the Health Committee agrees that, since a need does exist for the creation of a Welfare Committee, higher authority be requested to designate the responsible directorate to which the Welfare Committee shall report.

(CORC/M(46)1 - 7 January 1946 - agreed that Welfare Committee should be established on the understanding that it was a sub-committee of the Allied Control Authority and that it was composed of Allied representatives and that the Welfare Committee would report to the Internal Affairs and Communication Directorate.)

CORC/P(46)6



COORDINATING COMMITTEEPRINCIPLES OF VALUATION OF ADVANCE DELIVERIES  
ON ACCOUNT OF REPARATIONS

1. Plant and equipment as declared available for advance deliveries on account of reparations shall be valued at 1938 replacement cost, in Germany in Reichsmark, plus 15 per cent, less depreciation, and less War Damage, if any. Reciprocal deliveries by the Soviet Union shall also be valued at 1938 prices plus 15 per cent. All such prices shall be subject to final quadripartite agreement.

2. "Replacement Cost" shall be taken to mean purchase price as if new in 1938, without delivery or installation expenses.

3. From the 1938 cost, as described above, plus 15 per cent, shall be deducted depreciation at annual rates expressed as a percentage, multiplied by actual age in years, allowing 1.35 years per year of war use. This addition for war-time use is intended to compensate for the additional depreciation due to the increased rate of wear and tear during the war years as well as the wear and tear resulting from the dismantling and movement of machinery and equipment. The annual rates of depreciation will be taken from an agreed schedule to be prepared by a Committee of Engineers reporting to the Economic Directorate.

4. From the 1938 cost plus 15 per cent, shall likewise be deducted war damage. "War Damage" shall include all damage by Allied or German Forces, consequential damage, e.g. exceptional depreciation of plant and machinery due to wind and rain etc., following partial destruction of the premises, or abandonment partially or wholly of the premises for any reason, as well as any broken or missing parts from any cause. The deduction for war damage will be the best approximation that can be made expressed as a percentage of the 1938 cost plus 15 per cent.

5. The resulting figure after deduction of depreciation and war damage is the residual value of each individual plant and equipment. But the residual value shall be applied to the complete Unit of Allocation and shall in no case be set lower than a certain minimum. This minimum shall be 30 per cent of the 1938 cost plus 15 per cent. The Unit of Allocation will be taken to mean an entire factory, a series of machines or, a single machine, as determined by the Economic Directorate in accordance with the decision in CONL/P(45)52(Para B(1)).

Approved at Berlin 7 January 1946  
with the following amendments:

CORC/P(46)8

- (1) That figures for the year 1938 would be used as the basis for calculating value of capital goods ;
- (2) That figures for the year 1938 plus 5 % would be used for determining the value of reciprocal deliveries;
- (3) That on receiving allocation of a plant a Power may, prior to delivery, reject up to 10 % of its value, this amount being deducted from the total value of the plant: the rejected equipment being either destroyed or reallocated for reparations;
- (4) That after all deductions have been made, the residual value of the equipment actually to be delivered shall not be less than 22 %.  
(CORC/M(46)1, Note 13)

CONTROL COUNCILOFFICIAL PRESENTATION OF HEADS OF ALLIED  
MILITARY MISSIONS TO MEMBERS OF CONTROL COUNCIL

## Memorandum by Allied Secretariat

1. The Heads of some of the Allied Military Missions have already arrived in Berlin. Upon arrival they are introduced by the Chief of the Allied Liaison and Protocol Section to the Chief Secretary of the month, to whom they present their credentials. They are subsequently introduced to each of the heads of the national elements of the Allied Secretariat.

2. The normal procedure for diplomatic representatives is to present their credentials to the head of the State to which they are being accredited. In the case of Germany, the Control Council represents the governing authority and it is to the four Commanders in Chief that the heads of the Allied Missions should be officially presented.

3. It is felt that the most suitable occasion for this purpose would be on the day of a Control Council meeting, when the four Commanders in Chief are assembled together in the A.C.A. Building. The heads of the Missions should be introduced by the Chief of the Protocol Section immediately following the conference.

4. It is recommended to have the date of this introduction to be fixed for the second Control Council meeting on 21st January, at 2:00 p.m., by which time most of the heads of the Missions will have established themselves in Berlin.

5. At Appendix "A" is a brief situation report of the Allied Military Missions, giving the names of Heads of Missions or their representatives at present in Berlin.

Approved at Berlin 10 January 1946

CONL/P(46)2

SITUATION REPORT OF ALLIED MILITARY MISSIONS  
as at 2nd January, 1946

		<u>LOCATION</u>
AUSTRALIA	<u>Head of Mission</u> : - Brigadier T.W. White	British Sector
BELGIUM	<u>Head of Mission</u> : - Maj. General Goethals	French Sector
BRAZIL	Not yet arrived.	
CANADA	<u>Head of Mission</u> : - Lt. General Maurice Pope	British Sector
CHINA	<u>Head of Mission</u> : - General Kwei	US. Sector
CZECHOSLOVAKIA	<u>Head of Mission</u> : - Ambassador Eng. V. Palacek	US. Sector
DENMARK	<u>Head of Mission</u> : - Not yet arrived	US. Sector
	Representative - Major H. Wenck	
GREECE	Not yet arrived	
INDIA	<u>Head of Mission</u> : - Not yet arrived	British Sector
	Representative - Major G.M.F. Alston	
LUXEMBOURG	<u>Head of Mission</u> : - Not yet arrived	French Sector
	Representative - Colonel Albert Werrer	
THE NETHERLANDS	<u>Head of Mission</u> : - Vice Admiral Dorman	British Sector
NEW ZEALAND	Not yet arrived	
NORWAY	<u>Head of Mission</u> : - Major General Steffens	British Sector
POLAND	Composition as yet unknown	
SOUTH AFRICA	Not yet arrived	
YUGOSLAVIA	<u>Head of Mission</u> : - Lt. General Avsic	Soviet Sector
	Colonel Lozic	

APPENDIX 'A' to  
CONL/P(46)2

CONTROL COUNCIL

## DIRECTIVE NO. 24

REMOVAL FROM OFFICE AND FROM POSITIONS OF RESPONSIBILITY OF  
NAZIS AND OF PERSONS HOSTILE TO ALLIED PURPOSES

The Control Council directs as follows:

## 1. OBJECT

The Tripartite Conference of Berlin included among the purposes of the occupation of Germany: the removal from public and semi-public office and from positions of responsibility in important private undertakings of all members of the Nazi Party who have been more than nominal participants in its activities, and all other persons, hostile to Allied purposes. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

## 2. DEFINITIONS

- (a) Persons are to be treated as "more than nominal participants in Party Activities" and as "hostile to Allied purposes" when they have:
  - (i) held office or otherwise been active at any level from local to national in the Party anti its subordinate organizations or in organizations which further militaristic doctrines.
  - (ii) authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations,
  - (iii) been avowed believers in Nazism or racial and militaristic creeds; or
  - (iv) voluntarily given substantial moral or material support or political assistance of any kind to the Nazi Party or Nazi officials and leaders.

- (b) The term "public office" shall include all officials, civil servants or employees in governmental and municipal service, and members of governing bodies of political parties, trade unions and other public organizations excepting employment of such minor importance that the incumbent or appointee is not placed in a position to endanger Allied interests or commit acts hostile to Allied principles and purposes by reason of his employment. The effect of this definition is to require as a minimum the investigation of all persons in public employment above that of ordinary labour. By ordinary labour is meant work or service, whether skilled, unskilled, or clerical, in an inferior position in which the worker does not act in any supervisory, managerial or organizing capacity whatsoever, or participate in hiring or discharging others, or in setting employment or other policies.
- (c) The term "semi-public office" and "positions of responsibility in important private undertakings" shall include policy-making or executive positions and personnel officers in:
- (i) civic, economic and labour organizations,
  - (ii) corporations and other organizations in which the German Government, or its subdivisions had a major financial interest.
  - (iii) important industrial, commercial, agricultural and financial institutions, and
  - (iv) the Press, publishing houses and other agencies disseminating news and propaganda.

In the field of private and parochial education, the term shall include teachers as well as policy-making or executive officials in such institutions.

- (d) The terms "important industrial, commercial, agricultural and financial institutions" shall include all such institutions directly supervised, utilized or controlled by Military Government and all industrial, mining, public utility, and commercial enterprises, combines and cartels which, by virtue of their capitalization, number of employees, type of products produced or services rendered, are important factors in the German economy or in the economy of the region or community in which they operate. It is most important to carry out the denazification of industry with the utmost vigour, and the smallness of the enterprise shall be no reason for failure to denazify.

In the discretion of occupational authorities, the removal and exclusion of Nazis and militarists from less important industrial, commercial, agricultural and financial establishments, business, retail shops, occupations, professional practices and licensed trades is authorized.

- (e) The term "removal" as used herein shall mean to discharge the person forthwith and summarily and to terminate his influence and direct or indirect participation in the organization or concern with which he was associated. In the case of a profession or trade, the term "removal" shall mean to disqualify and restrict the individual from practising the profession or trade in other than a private capacity in which he does not act in any supervisory, managerial, or organizing capacity whatsoever or participates in hiring or discharging others or in setting employment or other policies.

- (f) The names of persons removed and the reasons for their removal will be passed at the appropriate level to Property Control Officers (or corresponding Military Government authorities), who will take action in accordance with pertinent Military Government laws and orders, to effect the immediate blocking and control of their property.

Persons removed from public office will not be entitled to the benefit of any pension or other civil service rights.

### 3. SCOPE

The term "removal" in the passage of the Potsdam Declaration here quoted is to be understood to include "exclusion".

The standards to be applied and instructions for action are, therefore to be considered to refer to the exclusion of Nazis and, of other persons hostile to Allied purposes from office and from positions of responsibility no less than to their removal from such office and positions.

### 4. RESPONSIBILITY

The removal and exclusion of Nazis and of other persons hostile to Allied purposes is the general responsibility of the Division or Branch employing the persons concerned or considering them for employment, acting on the advice and with the assistance of Public Safety. The view of Public Safety, recorded after consultation with C.I., shall be decisive and shall override considerations of administrative expediency, convenience or even necessity.

### 5. REVIEW OF CASES

If it is felt that, a mistake has been made in the application of this directive by the removal or exclusion from office of a particular individual, review of his case may be requested by the Branch or Division concerned, and the latter may submit the case for further consideration to Military Government, acting in consultation with Public Safety and C.I., at Zonal H.Q.; in the case of Greater Berlin Area, to the Kommandatura; and in the case of the staffs and employees of Central Agencies, to the Control council.

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WASHINGTON, D. C.



When there is positive evidence, supported by investigation, that an individual is not more than a nominal Nazi and is not a militarist and is not hostile to the Allied Cause, he may be retained in office in spite of the mandatory clauses contained in this directive.

#### 6. DISCRETIONARY REMOVAL AND EXCLUSION

Between those whose removal and exclusion from office and positions of responsibility is laid down as compulsory in paragraph 10 below and those who have not participated at all in my Nazi activity, there is a mass of Germans, the extent and quality of whose association and participation, as well as their past and present motives, are in doubt and require careful investigation.

Discretion to employ such people or to leave them in occupation of their office or position of importance is left to Divisions and Branches acting under the advice of Public Safety, to be recorded after consultation with C.I. The retention of persons in discretionary categories shall be based only on the non-availability of other suitable personnel and will continue only until other suitable personnel will become available. Points for guidance in assessing the respective reliability of such discretionary cases are given in para 11 below.

#### 7. FURTHER REVIEW OF CASES RETAINED OR NEWLY APPOINTED

All retentions of Germans in office or in positions of importance as well as new appointments shall be regarded as provisional only and subject to future review.

This particularly applies to discretionary cases retained in employment. These shall be subject to further scrutiny once the original vetting of serving officials and candidates for new employment have been completed, both in the light of such new records as may have become available and of the individual's attitude and conduct since his retention or appointment.

Even officials whom Military Government may have newly appointed because their freedom from Nazi ideology or hostility to the Nazi regime had been established cannot therefore be regarded as necessarily in sympathy with a continued Allied occupation or its purpose.

Responsibility for such further inquiry rests upon all Divisions and Branches as well as upon Public Safety and C.I.

8. (a) The terms of this directive are subject to immediate implementation so far as any Central German Administration is concerned.
- (b) In the Zones, in view of the urgent necessity for producing rapidly and in maximum quantity such commodities as food, fuel and building material which are required, not only for German economy, but also for that of other European countries, Zone commanders may postpone the immediate removal of an individual providing:-
- (i) the temporary retention of the individual is, in the opinion of the Zone Commander, essential, and
  - (ii) that the individual was not an important member of the Nazi Party and played no more than a nominal part in its activities and is not hostile to the Allied purposes, and that
  - (iii) the individual is removed as soon as practical.
- (c) Individuals retained under sub para (b) above will only be so retained for their specialist knowledge. In no case will an individual be retained who has been appointed to the position he holds purely for political (Nazi Party) reasons.

9. Persons removed from public and semi-public office, or from the governing bodies of political parties, trade unions and other public organizations, or from positions of responsibility in important private undertakings, as defined in the provisions of par 2 of this directive, pursuant to the policies enumerated in this directive, will not be employed in any other Zone of Occupation in any such positions as defined in the provisions of par 2 of this directive, except in cases of revision requested under par 5 above,

a. General and statistical information on denazification in the various zones shall be presented to the Control Council semi-annually, the first report to cover the period to 1 July 1946. These reports shall be submitted within 30 days following semi-annual periods.

#### 10. COMPULSORY REMOVAL AND EXCLUSION CATEGORIES

(1) War Criminals i.e. individuals on the War Crimes List of the United Nations War Crimes Commission, on any special C.I. List, or suspected War Criminals.

#### (2) The NSDAP

- (a) All persons who at any time have been officials or officers of the NSDAP, or who have at any time occupied any post or authority in the NSDAP, from local NSDAP units to the National Headquarters.
- (b) All members of the NSDAP who joined the party or were accepted for membership before compulsory membership in the party was instituted in 1937, or who have otherwise been more than nominal participants in activities of the NSDAP.
- (c) All members of the NSDAP who were selected and transferred to the Party after 4 years service in the Hitler Jugend and upon attaining the age of 18.

(3) Reference sub paragraph (2)(a) above, in particular individuals who have at any time been officials of the Party Organizations named below:

- (i) Party Chancery (Partei Kanzlei) (including Hauptarchiv der NSDAP)
- (ii) Fuehrers's Chancery (Kanzlei des Fuehrers der, NSDAP)
- (iii) National Socialist organization of Germans Abroad (Auslandsorganisation der NSDAP)
- (iv) Offices in Germany of the National Union of German elements abroad (Volksbund fuer das Deutschtum im Ausland)
- (v) Party Scrutiny Commission for the protection of National Socialist Literature (Partei- amtliche Pruefungskommission zum Schutze des Nationalsozialistischen Schrifttums)
- (vi) Office of the Reich Treasurer of the Party (Reichsschatzmeister der NSDAP)
- (vii) Office of the Reich Organization Leader (Reichsorganisationsleiter der NSDAP)
- (viii) Office of the Fuehrers Commissioner for the Supervision of the whole Intellectual and Ideological Training and Education of the Party (Beauftrapter des Fuehrers fuer die Ueberwachung der gesamten geistigen und weltanschaulichen Schulung und Erziehung der NSDAP)
- (ix) Office of the Reich Propaganda Leader of the Party (Reichspropagandaleiter der NSDAP)
- (x) Office of the Reich Leader for the Press (Reichsleiter fuer die Presse) together with the publishing houses such as the Zentralverlag der NSDAP (formerly the Franz Eher Verlag) owned by the Party and controlled by it.

- (xi) Office of the Reich Press Chief of the Party (Reichspressechef der NSDAP).
- (xii) Head office for Public Health (Hauptamt fuer Volksgesundheit).
- (xiii) Head Office for Public Welfare (Hauptamt fuer Volkswohlfahrt).
- (xiv) Reich Office for the Agrarian population (Reichsamt fuer das Landvolk).
- (xv) Head Office for Technology (Hauptamt fuer Technik).
- (xvi) Head Office for Teachers and Educational Personnel (Hauptamt fuer Erzieher).
- (xvii) Head Office for Local Government (Hauptamt fuer Kommunalpolitik).
- (xviii) Head Office for Officials (Hauptamt fuer Beamte).
- (xix) Head Office for all German Folkdom Questions (Hauptamt fuer alle Volkstumfragen).
- (xx) Racial Political Office of the Party (Rassenpolitisches Amt der NSDAP).
- (xxi) Office of Genealogical Research (Amt fuer Sippenforschung)
- (xxii) Colonial Office of the Party (Kolonialpolitisches Amt der NSDAP).
- (xxiii) Foreign Office of the Party (Aussenpolitisches Amt der NSDAP).
- (xxiv) Reichstag Delegation of the NSDAP (Reichstagsfraktion der NSDAP).

- (xxv) Reich Women's Leadership  
(Reichsfrauenfuehrung).
- (xxvi) Head Office for War Victims (Hauptamt fuer Kriegsopfer).
- (xxvii) Reich Youth Administration (Reichsjugendfuehrung).
- (xxviii) Reich Legal Office for the Party  
(Reichsrechtsamt).
- (xxix) Reich Leadership of German Students  
(Reichsstudentenfuehrung)

Formations of the NSDAP

- (4) The Schutzstaffel (SS): Officers and NCOs of the Waffen SS and all members of the other branches of the SS.
- (5) The Sturmabteilungen (SA): Officers and NCOs of the SA at any time and all members who joined the SA prior to 1 April 1933.
- (6) Hitler Jugend (HJ): (Including the Bund deutscher Maedel) Officers and NCOs of the Hitler Jugend and of the Deutsches Jungvolk at any time.

With respect to positions in the field of Education and Information Services - all leaders at any time of the Hitler Jugend and the Deutsches Jungvolk.

- (7) NSD-Studentenbund (NSDStB) - Officers at any time of this formation.
- (8) NSD Dozentenbund (NSDDB) - Officers at any time of this formation.
- (9) NS-Frauenschaft (NSF) - Officers at any time of this formation.

- (10) Das Nationalsozialistische Kraftfahrkorps (NSKK):  
Officers at any time of this organization.
- (11) Das Nationalsozialistische Fliegerkorps (NSFK):  
Officers at any time of this organization.

Affiliated Organizations - All officials at any time of the following organizations:

- (12) Reichsbund der Deutschen Beamten  
(Civil Servants' Organization)
- (13) Deutsche Arbeitsfront (DAF) (German Labor Front), including Gemeinschaft "Kraft durch Freude". The following DAF factory officials will also be removed: Betriebsobmann, Betriebswarte, and Betriebswalter.
- (14) NS-Volkswohlfahrt (NSV) (Welfare Organization), including NS-Reichsbund der Deutschen Schwestern
- (15) NS-Kriegsopferversorgung (NSKOV) (War Victims' Organization).
- (16) NS-Bund Deutscher Technik (NSBDT) (Technicians' Organization).
- (17) NS-Deutscher Aerztebund (NSDAeB) (Doctors' Organization).
- (18) NS-Lehrerbund (NSLB) (Teachers' Organization).
- (19) NS-Rechtswahrerbund (NSRB) (Lawyers' organization).

Supervised Organizations - All officials at any time of the following organizations:

- (20) Deutsches Frauenwerk (Women's Organization)
- (21) Reichsbund Deutscher Familie (League of the German Family)
- (22) NS Reichsbund fuer Leibesuebungen (Physical Training Organization)

- (23) NS Altherrenbund (Old Student's Association)
- (24) Deutsche Studentenschaft (German Students' Organization)
- (25) Deutscher Dozentenbund (Association of German University Professors and Lecturers)
- (26) Reichs Dozentenschaft (Reich organization of German University Professors and Lecturers)
- (27) Deutscher Gemeindetag (Association of Communes)

Other Nazified Organizations

- (28) Der Reichsarbeitsdienst (RAD) (Labor Service) Officers at any time down to and including the ranks of Feldmeister (men) and Maidenfuhrerin (women).

All officials at any time of the following:

- (29) Volksbund fuer das Deutschtum im Ausland (VDA) Association of Germans Abroad
- (30) Reichskolonialbund (Colonial League)
- (31) Reichsluftschutzbund (A.R.P. League)
- (32) Deutsche Jaegerschaft (Hunters' League)
- (33) Reichskulturkammer and subsidiary bodies (Reichsschrifttumskammer, Reichspressekammer, Reichsrundfunkkammer etc.) (Reich Chamber of Culture).
- (34) Institut zur Erforschung der Judenfrage (Institute for the Investigation of the Jewish Question).
- (35) Kameradschaft USA (Comrades' League USA)
- (36) Ibero-Amerikanisches Institut (Iber-American Institute)



- (37) Weltdienst
- (38) Deutscher Fichte Bund (Fichte Association)
- (39) Deutsches Auslandsinstitut (DAI)
- (40) Staatsakademie fuer Rassen- und  
Gesundheitspflege (Academy for Race and  
Health Culture)
- (41) Deutsche Akademie, Munich
- (42) Osteuropaeisches Institut (East European  
Institute)
- (43) Amerika Institut
- (44) Werberat der Deutschen Wirtschaft (Publicity  
Council of German Economy)

#### Nazi Honors

Recipients of the following Party Decorations :

- (45) National Socialist Order of Blood of 9th  
November 1923 (National Sozialistischer  
Blutorden vom 9. November 1923).
- (46) Insignia of Honor of the first 100,000 members  
(Ehrenzeichen fuer Mitglieder unter  
Nummer 100,000) .
- (47) Coburg Badge (Coburger Abzeichen).
- (48) Nuernberg Party Convention badge of 1929  
(Nuernberger Parteitagsabzeichen von 1929).
- (49) Badge of the SA Convention at Braunschweig  
of 1931 (Abzeichen von SA Treffen Braunschweig  
1931).
- (50) Gold Hitler Youth Badge (Goldenes HJ-Abzeichen).

- (54) Heads and their Deputies, Delegates, Commissioners and all other officials or rank higher than "Referent" or its equivalent of the following Reich authorities :

Reich Plenipotentiary for Total War Effort (Reichsbevollmaechtigter fuer den totalen Kriegseinsatz).

Reich Commissioner for Strengthening German Folkedom (Reichskommissar fuer die Festigung Deutschen Volkstums).

Commissioner General for Medical and Health Services (Generalkommissar fuer das Sanitaets- und Gesundheitswesen).

Reich Housing Commissioner (Reichswohnungskommissar).

Reich Commissioner for Security for the German People and/or Commissioner-General for Internal Defence (Generalkommissar fuer die Innere Verteidigung).

Reich Commissioner for Shipping (Reichskommissar fuer See schiffahrt).

Inspector General for Water and Power (Generalinspektor fuer Wasser und Energie).

Inspector General for Motor Transportation (Generalinspektor fuer das Kraftfahrwesen).

Reich Commissioner for Administration of Enemy Property (Reichskommissar fuer die Behandlung feindlichen Vermoegens).

Reich Youth Leader (Reichsjugendfuehrer).

Head of the Reichsstelle fuer Raumordnung (Reich Office for Regional Planning).

Delegates for the Four Year Plan and Division  
Chiefs in the Four Years Plan Office  
(Beauftragte fuer den Vierjahresplan).

Inspector General for German Roads  
(Generalinspektor fuer das Strassenwesen).

Forestry Office (Reichsforstamt).

- (55) Heads and their Deputies and all other officials of a rank higher than "Referent" or its equivalent of the following Reich Institutions:

Reich Committee for Public Health Services  
(Reichsausschuss fuer Volksgesundheit).

Reich Office for Social Insurance  
(Reichsversicherungsamt).

Supreme Court of Honor and Discipline of the  
German Labor Front (Oberster Ehren- und Dis-  
ciplinarhof - DAF).

Reich Archives (Reichsarchiv).

Supreme Auditing Court of the Reich  
(Rechnungshof des Deutschen Reiches).

- (56) All Officials of the Reich Ministry of Public Enlightenment and Propaganda and heads of its regional offices and subsidiary agencies down to and including Kreis level. In addition, all officials of Nazi Agencies who have written propaganda of a primarily political nature.

- (57) High Officials (Minister, Chief Adjutant, State Secretary, Heads and Deputy Heads of Departments and Agencies and all other officials of a rank higher than "Referent" or its equivalent) of the Reich Ministry for Armaments and War Production including Chairmen of the "Hauptausschuesse" and "Ringe".

- (58) Members of the German Reichstag or Preussischer Staatsrat after 1st January 1934.
- (59) Reich Trustees of Labor and ~~Special Trustees of Labor~~ (Reichstreuhaender der Arbeit und Sondertreuhaender der Arbeit).
- (60) The following officials of the Reich Food Estate (Reichsnaehrstand):
- (i) all Landesbauernfuehrer and their Deputies,
  - (ii) all Heads of Central and Regional Marketing Associations (Hauptvereinigungen and Wirtschaftsverbaende)
  - (iii) all Kreisbauernfuehrer and,
  - (iv) all Heads of Landes and Regierungsforsaenter.
- (61) Gau Housing Commissioners (Gauwohnungskommissare) and their Deputies.
- (62) Commissioned Officers and NCOs of the "Stosstruppen" and/or "Werkscharen".
- (63) Rectors of Universities and Curators, Heads of Teachers' Training Colleges and Heads of Institutions of University Level.
- (64) Ministers, State Secretaries and Ministerial Directors of German Laender (States).
- (65) Provincial Presidents (Oberpraesidenten), Reich Governors, (Reichsstatthalter) and their Departmental Heads.
- (66) Regierungspraesidenten or Landeskommissare (in Land Baden).
- (67) Landraete
- (68) ~~All~~ Urban and Rural Mayors (Oberbuergermeister and Buergermeister).

- (69) Police Presidents and Directors (Polizei-praesidenten and Polizeidirektoren)  
Commissioned officers of the Technische Not-  
hilfe (Technical Emergency Corps); Police  
Officers above the rank of Lieutenant or  
equivalent; all members of the Administrative  
Police (Verwaltungspolizei) serving with the  
Secret State Police (Gestapo) and with the SD  
(Security Service of the SS).
- (70) All Officers and other personnel at any time  
of the Militaerisches Amt (formerly Abwehramt)  
and of the Reichssicherheitshauptamt (RSHA) and  
out-stations and dependent organizations, and of  
Uniformed, Criminal, Secret, and other Police  
and related Forces and Services who are subject  
to Mandatory Arrest will be compulsorily removed  
and permanently excluded from office and from posi-  
tions of importance. In addition, all personnel  
employed in foreign countries since 1 January  
1933 by the German Intelligence Service or by  
any organization or outstation dependent upon  
or controlled by it will be removed and excluded  
from office and from positions of importance.
- (71) The Plenipotentiary for the Employment and  
Distribution of Labor (Generalbevollmaechtig-  
ter fuer den Arbeitseinsatz); the Special  
Commissioner for Agricultural Labor; the Reich  
Labor Inspectorate; the Reich Allocation En-  
gineer (Reichseinsatzingenieur).
- (72) Deutsche Reichsbank: President, Vice presidents,  
and all other members of the Reichsbank Direct-  
orate (Direktorium), all members of the Advisory  
Board (Beirat), and all Reichsbank Directors  
(Direktoren).
- (73) Chief Regional Finance Officials  
(Oberfinanzpraesidenten).

- (74) Armament Inspectors: (Ruestungsinspekteure); Armament Commissioners (Ruestungsobmaenner); Army District Deputies (Wehrkreisbeauftragte); District Labor Allocation Engineers (Bezirksarbeitseinsatzingenieure); Building Delegates (Baubevollmaechtigte); Policy-making officials of the Gau Economic Chambers and the Gau Economic Consultants of the NSDAP (Gauwirtschaftsberater).

#### Business Officials

- (75) All individuals who have accepted Nazi Honors (para 45-52 ante) or who have held any of the following positions since 30 January 1933.
- (76) Head of the National Economic Chamber (Reichswirtschaftskammer) and his subordinates down to President or Chairman of a Gau Economic Chamber (Gauwirtschaftskammer) or affiliated Economic Chamber (Wirtschaftskammer).
- (77) Chairman, President, Deputy or Business Manager of a Reichsgruppe (These are Reichsgruppen der Gewerblichen Wirtschaft - National Groups of Industrial Economy - Industry, Handicrafts, Trade, Insurance, Power and the Tourist Industry, representing the whole industrial economy of the country except transport and agriculture), chairman, president, deputy or business manager of the Reichsvereinigungen (Reich Associations) in both cases including Main Committees, Special Committees, Main Rings and Special Rings.
- (78) Chairman, President or Deputy of a National Transport Group (Reichsverkehrsgruppe).
- (79) Chairman, all members of the Board of Directors, and leading executives of a corporation in which the Reich has, or has had at any time since 30 January 1933, an interest representing actual or working control; Chairman, all members of the board of directors and leading executives of a Corporation in which the NSDAP or any of its subsidiary organizations has, or has had at any time since 30 January 1933, an interest representing actual or working control.

- (80) Wehrwirtschaftsfuehrer (War Economy Leader).
- (81) Reich Commissioners having jurisdiction over a raw material or industry (e.g. Reichsbeauftragte fuer Kohle, Reichsbeauftragte fuer Eisen, etc.), as well as policy-making officials of the "Reichsstellen" and "Bewirtschaftungsstellen".

#### Military Service

- (82) Persons who have at any time been members of the German General Staff Corps.
- (83) Persons who have been National Socialist . . . Indoctrination Officers (NS-Fuehrungsoffiziere).

#### Organizations in Occupied Territory

- (84) Persons who have been chiefs of military or of civil administration in countries and territories occupied by Germany, or who have headed main functional or regional divisions thereof, and Military Commandantes and their Deputies in cities and small townships.
- (85) Officials of the RUK (Ruestungs- und Kriegsproduktion. - Reich Ministry of Armaments and War Production),
- (86) Officials of the Rohstoffhandelsgesellschaft (ROGERS - Raw Material. Trading Company).

#### Lawyers

- (87) All persons who have been engaged or employed at any time in any of the following appointments or activities:
- (a) Akademie fuer deutsches Recht;  
President, Vice-President, Directors,  
Treasurer.

- (b) Gemeinschaftslager Hans Kerrl:  
Commandants and all instructors in  
Hauptamte .
  - (c) Volksgerichtshof:  
All judges, the Buerodirector, the  
Oberreichsanwalt and all other  
prosecutors .
  - (d) Sondergerichte :  
All presiding and other permanent  
judges and prosecutors.
  - (e) Party SS and SA Courts:  
All judges, prosecutors and officials.
  - (f) Standgerichte:  
All presiding judges and prosecutors.
- (88) All persons who have been employed or engaged  
in any of the following appointments or activ-  
ities at any time since 1 March 1933:
- (a) Reichsgericht :  
President, judges of the Special Senate  
and all prosecutors.
  - (b) Reichsjustizpruefungsamts:  
President, Vice-President, Leiter and  
Mitglieder im Hauptamte der Pruefungs-  
stelle.
  - (c) Oberlandesgerichte:  
All Presidents, Vice-Presidents and  
Generalstaatsanwaelte.
  - (d) Landgerichte :  
All Presidents and Oberstaatsanwaelte,



- (e) Hereditary Farm Courts :  
President and Vice President of the Reichserbhofgericht and the President and Vice President of the Landeserbhofgericht in CELLE.
- (f) Disciplinary Courts (Dienststrafkammern) for Legal personnel:  
The President of any disciplinary court; the members of the Supreme Disciplinary Senate of the Reichsgericht.
- (g) Reichsverwaltungsgericht:  
President, Vice President and all presidents of Senates.
- (h) Reichsfinanzhof:  
President and Vice President.
- (i) Reichsarbeitsgericht:  
President and Deputy
- (j) Reichsversicherungsamt:  
President and Deputy .
- (k) Reichsversorgungsgesetz :  
President and Vice President
- (l) Reichsehrengerichtshof:  
President and all Judges.
- (m) Professional Chambers :  
The Presidents, Vice Presidents and all officials of the Reichsnotarkammer, Reichspatentanwaltskammer and Reichsrechtsanwaltskammer: all members of the Supreme Honor Courts, relating to these professions; the President of the Notarkasse ,
- (n) Personnel Officials :  
All Personalreferenten at Reichsjustizministerium and all Courts.
- (o) Reichspatentamt:  
President, Vice resident.

- (89) The personnel listed in this sub-paragraph are to be suspended and not re-employed unless there is positive evidence in their favor.
- (a) Ministry of Justice:  
All Ministerialdirigenten (unless they are deputies to the Ministerialdirektoren), and Ministerialraete who have presided over a Department.
  - (b) Pruefungsaemter :  
All members not covered by para 88 (b) above.
  - (c) Disciplinary Courts for Legal personnel:  
All members not covered by para 88 (f) above.
  - (d) All lawzers who have held regular employment in the Legal Advice Bureau of the DAP or have hem admitted to appear before Labor Courts of first; instance.
  - (e) Professional Chambers and Honor Courts relating to Legal personnel:  
All members not covered by para 88 (1) and (a) above.
  - (f) Oberstes Fideikommissgericht (Entailed Estates Court):  
President, Vice President.
  - (g) Oberlandesgerichte: All Oberstaatsanwaelte.
  - (h) Schiffahrt sbergerichte :  
All Presidents, Vice Presidents.
  - (i) Oberprisenhof: President, Deputy President.
  - (j) Amtsgerichts: All Dienstaufsichtfuehrende Richter.

- (k) Hereditary Farm Courts:  
All judges of the Reichserbhofgericht, and the Landeserbhofgericht in CELLE not covered by para 88 (e) above,
  - (l) Reichsverwaltungsgericht: All members not covered by para 88 (g) above.
  - (m) Reichsfinanzhof: Presidents of Senates,
  - (n) Reichsarbeitsgericht:  
Presidents of Senates.
  - (a) Any persons who were either (1) Staatssekretär, Ministerialdirektor, or their deputies, or (2) employed or engaged in the appointment or activities specified in paragraph 88 above during the period between 1 Jan 1933 and 8 May 1945.
- (90) High ranking officials of the Organization Todt (Einsatzleiter and upwards).
  - (91) Any National of any of the United Nations who has committed offences against his national law in support of the German war effort or any such national who has assumed or been granted German citizenship after the date of entry of his former native country into a state of war with Germany.
  - (92) Members of non-German native administrations (Quislings), and members of non-German Nazi or Fascist parties who may have assumed or been granted German citizenship after 1st April 1933.
  - (93) All members of the Staffs of Concentration Camps.
  - (94) Persons who have held the office of Vertrauenslehrer (or Jugendwarter before 1937) in any type of school.

- (95) Persons who have denounced or contributed to the seizure of opponents of the Nazi regime.
- (96) Persons who have instigated or perpetrated acts of violence against political or religious opponent, of the Nazi regime.
- (97) Persons employed in disseminating Nazi or Fascist ideology.
- (98) Persons who have been officials, teachers, or pupils at any time in National Political Educational Institutes (Nationalpolitische Erziehungsanstalten - NAPOLAS or NPEA), Adolf Hitler Schools (Adolf Hitler Schulen) or Ordensburgen.
- (99) Any person who has been previously removed or excluded from office or employment by any Zone Commander.

#### 11. GUIDE TO DISCRETIONARY REMOVALS OR EXCLUSIONS

The eradication of nazism and militarism will require the elimination and exclusion from any positions of control or influence of persons likely to perpetuate an undemocratic tradition. In addition to the persons coming within categories listed in paragraph 10 and therefore subject to compulsory removal, the following types should be closely examined:-

- (a) Career officers of the German Armed Forces including the former Reichswehr.
- (b) Persons who represent Prussian Junker tradition. These persons are difficult to define correctly, information as to any individual, however, which shows him to have been member of an aristocratic Prussian, or East Prussian, Pommeranian, Silesian or Mecklenburg family, or of one which is the owner of extensive property in Prussia, or that he was a member

of any of the elite German University Students' Corps (such as the Bonner Borussen or all corps belonging to the Koesener S. C. ), or a member of any of the East Prussian or Silesian Landesmannschaften, should be given careful consideration; such individuals are likely to merit removal or exclusion as they are likely to perpetuate the German militaristic tradition.

## 12. DISCRETIONARY REMOVAL AND EXCLUSION CATEGORIES

The list given hereunder should be consulted in determining whether or not persons not included under para 10 above or otherwise prescribed fall within the category of strong nazi sympathizers or persons hostile to Allied purposes.

- (a) Members (other than conscripts) of the Waffen SS.
- (b) Persons who have been candidates for membership in any of the branches of the SS.
- (c) Persons who joined the SA on or after 1 April 1933.
- (d) Members of the Hitler Jugend and Bund Deutscher Maedel who joined the HJ before 25 March 1939.
- (e) NCOs of the RAD below the rank of Feldmeister (men) and Maidenfuhrerin (women).
- (f) Nominal members of the NSDAP who joined the Party after 1 May 1937 and persons who have been candidates for membership of the NSDAP.
- (g) Persons who have benefited by acceptance or transfer of property incidental to spoliation of occupied countries, aryanization, or confiscation of property on political, religious or racial grounds.
- (h) Persons who have had exceptionally rapid promotions in civil service, education or the press since 30 January 1933.
- (i) Persons who have been employed in policy-making or executive positions in the military or civil administration of German occupied territories and who are not covered by para 10 above.

- (j) Persons who have made substantial contributions to the Party (sums large in themselves or large in proportion to the means of the individual in question.) In this connection it should be noted that contributions to German political parties, including the NSDAP, were frequently made by companies, cartels, etc., and prominent sympathizers with the Party may have used this method rather than that of personal subscription to support the Party.
- (k) Persons who were members of other political parties or organizations in Germany which ultimately provided support for the National Socialist Party at the time of its coming into power (e.g. Hugenberg's Harzburger Front Group of the Deutschnationale Volkspartei, the Stahlhelm and the Kyffhaeuserbund).
- (l) Persons holding high positions in the German Red Cross, particularly if they were appointed since 1933. Leading posts in this organization have been given only to men and women considered reliable by the Nazis.
- (m) Persons belonging to the "German Christian Movement" (Deutsche Christen Bewegung). This organization consists mainly of Nazis who claim to be Protestant Christians and who have managed, with the help of the NSDAP, to gain a majority control of the administrative machinery of the German Evangelical Church. Membership of this organization indicates Nazi sympathy.
- (n) Persons belonging to the "Neo-Pagan-Movement" (Deutsche Glaubensbewegung). This organization was composed of Nazi sympathizers frank enough to admit that Nazism and Christianity are irreconcilable. Membership of this organization raises strong presumption of Nazi sympathy.
- (o) Members of the NSKK, and the NSFK, NSDStB, NSDoB and NSF.

- (p) Recipients of the Spanish Cross, the Austrian Commemoration Medal, the Sudeten Commemoration Medal, the Memel Commemoration Medal, the Danzig Cross, the SA Military Badge, or Reich Labor Services Badges of Merit.
- (q) Parents who have permitted any of their children to attend National Political Educational Institutes (Nationalpolitische Erziehungsanstalten) - NAPOLAS or NPEA, Adolf Hitler Schools (Adolf Hitler Schulen) or Ordensburgen,
- (r) Persons who have received financial favoritism from the Nazis.
- (s) Persons who through Nazi influence, escaped military service or actual service at the front.
- (t) Lawyers to whom the criteria mentioned in Category 'C' of Appendix 1 of Section 1 of the Technical Manual for Legal and Prison Officers (2nd edition) apply.
- (u) Officials of important industrial, commercial, agricultural and financial institutions having the titles of "Generaldirektor", "Direktor", "Praesident", "Vize Praesident", "Geschaeftsfuehrer", "Betriebsfuehrer", "Betriebsleiter", "Betriebsobmann", "Buerochef", or their equivalents; policy-making technical personnel such as "Chefingenieur", "Oberingenieur", "Betriebsingenieur", etc; all members of the "Vorstand", and "Aufsichtsrat"; all persons with the power to hire and dismiss employees,
- (v) Near relatives of prominent Nazis SHOULD NOT be employed.

13. PRINCIPLES GUIDING DISCRETION IN REMOVING  
AND EXCLUDING INDIVIDUALS

The guiding principle in all these cases must be whether the person under examination has *or has not* been more than a nominal participant in the activities of the Nazi Party, in the light of the definition in paragraph 2 of this directive. In cases of doubt persons will not be employed or left in occupation of their office if others are available who are politically more reliable but administratively somewhat less suitable. Such persons will, wherever possible, be given only posts of minor responsibility until they have proved themselves to be politically reliable. It is essential that the head executive German officials at the levels of Provinz, Regierungsbezirk and Kreis should be confirmed anti-nazis even if this entails the employment of persons less well qualified to discharge their administrative duties.

Done in Berlin on 12 January 1946.

s/d B. H. ROBERTSON  
Lieutenant General

s/d L. KOELTZ  
General d'Armee

s/d V. D. SOKOLOVSKY  
Army General

s/d Oliver P. Echols, Major General  
for LUCIUS D. CLAY  
Lieutenant General, U.S. Army



COORDINATING COMMITTEE

## DISPOSITION OF HEIRLESS PROPERTY IN BERLIN

1. In its meeting of 17 September 1945 the Magistrat of the City of Berlin dealt with the problem of the utilization of heirless property in Berlin and passed the following resolution:

"The decision of the Recess of Kurfuerst Joachim I of 27 December 1508 is hereby abolished. The City of Berlin is designated as the sole heir of all heirless properties in all its districts. The Department of Social Welfare is charged with examining all cases of inheritance."

The Legal Committee of the Allied Kommandatura, in its meeting of 21 November 1945, recommended that this matter be referred to the Allied Control Council without approval, inasmuch as the Control Council alone has the legislative authority to promulgate a law effective throughout Germany.

By letter of 4 December 1945 the Allied Secretariat forwarded the matter to the Chairman of the Legal Directorate for study and recommendation by the Legal Directorate to the Coordinating Committee.

2. The decision of the Magistrat of the City of Berlin is designed to change the local law in the City of Berlin, as it has been in existence since the passing of the so-called Recess of the Elector Joachim I of 27 December 1508.

The Magistrat justifies this action by pointing out that the problem involved has always entailed unnecessary work and led to much litigation and that the time had come to establish a new rule on heirless property in the City of Berlin in view of the antiquated ruling of 1508.

3. The local law on the subject, including the law of the various German communities, was not abolished by the German Civil Code of 1 January 1900. On the contrary, such local law

remained in effect under Article 138 of the Introductory Law to the Civil Code of Germany. The suggested change of the law is not merely local in scope but effects the national law as well.

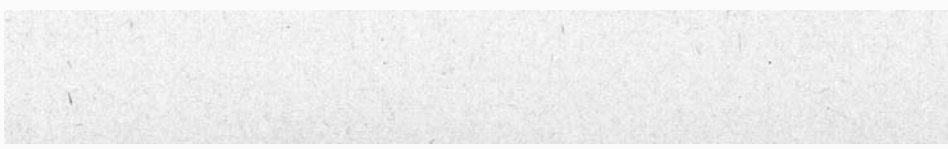
4. The Legal Directorate decided at its Twenty-Fifth Meeting that the decision of the Berlin Magistrat on 17 September 1945 unless approved by the Control Council was without force and effect, In order to avoid unnecessary litigation and conflicting claims to ownership which might result from the Magistrat's decision, the Directorate recommends formal disapproval of the decision, noting that it involved a matter of no present urgency.

5. The Coordinating Committee is recommended to approve the decision contained in paragraph 4 and to authorize the despatch to the Kommandatura of a communication containing this decision.

Approved at Berlin 12 January 1946

CORC/P(46) 11

- T. N. GRAZEBROOK, Brigadier,
  - J. L. BAUDIER, Consul General.
  - S. M. KUDRIAVTSEV, 1st Sec'y
  - H. A. GERHARDT, Colonel.
- Allied Secretariat.



COORDINATING COMMITTEELEGISLATIVE ENACTMENTS TO BE PUBLISHED IN THE OFFICIAL  
GAZETTE OF THE CONTROL COUNCIL FOR GERMANY

(Memorandum by Allied Secretariat)

1. Article 11 of Directive No. 11 of the Control Council, entitled "Official Languages and Publication of Legislation" states that the Control Council Gazette shall contain all proclamations, laws and orders issued by the Control Council, and such directives and instructions as the Control Council or Coordinating Committee may authorize.

2. The Allied Secretariat, bearing in mind that the Control Council Gazette is intended for the use of the German people and of law courts and students of law throughout the world accordingly requests authorization to include in a future issue of the Gazette, the following:

- a. Directive No. 10 - "Control Council Methods of Legislative Action". This will enable all users of the Gazette to differentiate among proclamations, laws, orders, directives, and instructions.
- b. Directive No. 11 - "Official Languages and Publication of Legislation". This is basic to publication of the Control Council Gazette, sets forth which are official languages, and specifies that no one of the Occupying Powers may make additional publication and translation within its own Zone.
- c. Directive No. 14 - "Allied Wage Policy". This directly concerns the German people.
- d. Directive No. 15 - "Adoption of Standard Time Throughout Germany". This is of basic importance in computing official time throughout Germany.

- e. Directive No. 16 - "Re-arming of the German Police".
- f. Directive No. 18 - "Disbandment and Dissolution of the German Armed Forces".
- g. Directive No. 19 - "Concerning Principles for Administration of German Prisons".
- h. Directive No. 23 - "Limitation and Demilitarization of Sport in Germany". This enactment, and those listed as items "e" to "h" inclusive, are directly concerned with various aspects of the government or regulation of the German people.

3. It is further requested that the Coordinating Committee authorize the Allied Secretariat, in consultation with the Legal Directorate, henceforth to decide upon publication in subsequent issues of the Gazette of such directives and instructions as it deem appropriate.

Approved at Berlin 12 January 1946

CORC/P(46)10

T. N. GRAZEBROOK, Brigadier.

J. L. BAUDIER, Consul General,

S. M. KUDRIAVTSEV, 1st Sec'y.

H. A. GERHARDT, Colonel.

Allied Secretariat.

CONTROL COUNCIL

## ORDER NO. 3

REGISTRATION OF THE POPULATION OF EMPLOYABLE AGE,  
REGISTRATION OF UNEMPLOYED AND THEIR PLACEMENT AT WORK

The Control Council orders as follows:

Method of Documentation for Germany as a Whole

1. The registration of employed and unemployed workers and their placement in work shall be carried out by the Labor Offices. All persons capable of work between the ages of 14 to 65 for men and 15 to 50 for women shall be registered.

Registration of Gainfully Occupied Persons

2. All gainfully occupied persons (Erwerbspersonen) shall register at the local Labor Offices. However, those who show proof of having registered since 8 May 1945 need not register again except as directed by the Labor Offices.

3. Registration of gainfully occupied persons shall be carried out by the Labor Offices on the basis of documents establishing their place of work, qualifications, present occupation and other necessary particulars.

4. The Labor Office will give each gainfully occupied person a certificate that he has been registered. Gainfully occupied persons will receive food ration cards on the basis of such certificates. Those who do not possess such certificates shall lose the right to receive food ration cards.

Registration of the Unemployed

5. All unemployed persons of employable age, and all persons seeking work must register at the Labor Offices. Those who show proof of having registered since 8 May 1945 need not register again except as directed by the Labor Offices.

6. The registration of persons referred to in paragraph 5 at the Labor Offices will be carried out upon presentation of appropriate documents showing trade, special qualifications, age, present domicile and other necessary particulars.

7. Each unemployed person registered at a Labor Office will be given a registration card. This card must be presented by the unemployed person periodically at the Labor Office for checking, at such times as the Labor Office may require.

8. When the unemployed person is placed in work, his registration card shall be retained at the Labor Office and, in lieu thereof, a certificate as provided in paragraph 4 issued to him,

9. Unemployed persons will receive food ration cards upon presentation of their registration cards. Unemployed persons who fail to register will lose the right to receive food ration cards.

Registration of Persons Incapable of  
a Exempt from Work

10. All persons within the age limits specified in paragraph 1, who are incapable of work through mental or physical disability, must, either personally or through a representative, present to the Labor Office appropriate documents proving they are incapable of work. Such documents will be retained at the Labor Offices,

11. The decision that a person is temporarily or permanently incapable of work can only be made by a certified doctor. A Medical Commission will give the final decision, if the Labor Offices so direct.

12. All persons capable of work within the age limits specified in paragraph 1 such as University and other students, etc., who are unemployed for reasons outside their control, must, nevertheless, register with the Labor Offices and present appropriate documents establishing their right to a release from working.

13. All persons referred to in paragraphs 10 and 12 above will be given a certificate of release from working by the Labor Office upon presentation of appropriate documents.

14. Persons referred to in paragraphs 10 and 12 above will receive food ration cards upon presentation of the certificate of release from working granted by the Labor Office.

#### Placement of Unemployed in Work

15. The placement of unemployed in work shall be carried out by the Labor Offices according to applications made by employers.

16. All employers requiring labor must apply exclusively to the appropriate Labor Office. The employment of unemployed persons or transfer of employees from one place of work to another is forbidden unless done through the Labor Office.

17. Employers are required to notify the Labor Office of all dismissals on the same day they occur, except that, in case of mass dismissals, the employer must give preliminary notice to the Labor Office in order that that Labor Office may place such workers in other employment.

18. In case of necessity the Labor Office has power to place persons in work by compulsory direction.

19. Unemployed persons who find employment on their own initiative, or employees who transfer from one place of work to another without the permission of the Labor Office, as well as all unemployed persons who disobey compulsory directions to work, will be liable to punishment as provided in this order and to loss of the right to obtain food ration cards.

~~Penalties~~

20, Any person violating or failing to observe any of the provisions of this order shall be liable to criminal prosecution in either German or Military Government Courts and, upon conviction, shall be punished.

a. in the case of employers, by a monetary fine not exceeding 10,000 Marks or imprisonment not exceeding one year, or both, and

b. in the case of all others, by a monetary fine not exceeding 1,000 Marks or imprisonment not exceeding three months, or both,

This Order will become effective upon promulgation.

Done at Berlin on 17 January 1946

Promulgated 100 hours, 22 January 1946

B. H. ROBERTSON  
Lieutenant General

L. KOELTZ  
General de Corps d'Armee

LUCIUS D. CLAY  
Lieutenant General

V. D. SOKOLOVSKY  
Army General



## COORDINATING COMMITTEE

## MEASURES TO BE TAKEN TO FILL TEACHERS POSTS WITH DEMOCRATIC ELEMENTS.

Having considered this question at their seventeenth meeting on 10 January 1946, the Directorate of Internal Affairs and Communications makes the following recommendations :

- (i) That in each Zone of Occupation a system of courses should be established of varying duration, for the preparation of teaching staffs from amongst Persons of other professions who are willing to work as school teachers and whose general education is of a suitable level. These courses should commence as soon as possible,
- (ii) That only persons who are capable of educating youth in a democratic spirit, should be admitted to these courses. It should be strictly prohibited to accept as students former members and candidates of the Nazi party, leaders and active members of the associated Nazi organisations, which were dissolved by order of the Control Council, and also former officers of the German armed forces.
- (iii) That in order to prepare the staff needed to fill the various vacancies in the professional Teachers' Training Institutions, the organisation of special pedagogical faculties, affiliated to universities is considered necessary.
- (iv) That matters of food rationing of and financial aid to such students be handled by the four powers each in its own zone.

Approved at Berlin on 17 January 1946

CORC/P(46)19

COORDINATING COMMITTEE

## TERMS OF REFERENCE OF THE R.D.:R.DIRECTORATE

1, The Reparations, Deliveries and Restitution Directorate will develop measures on the application of the policy established for Reparations on the basis of the instructions from the Coordinating Committee and the Control Council as well as on their own initiative. This will include the determining of a uniform organisation and method, particularly concerning:-

- (a) Directing of inspecting missions to the plants allocated as advanced or reparation deliveries.
- (b) Evaluation of the equipment of such plants.
- (c) Participation in the allocation of this equipment between the Soviet Union and other Allied Nations by means of consultation with the Economic Directorate.
- (d) The relations with the organisations that have to deal with the allocation of reparations between the other Allied Nations referred to above.
- (e) Dismantling.
- (f) Packing and transportation.
- (g) Providing documents and receipts.

- (h) Records dealing with the equipment handed over on account of reparations and goods delivered by the Soviet Union in replacement of value of 15% of the equipment to be received on account of reparations.

2. It will plan and co-ordinate the policy and implementation of the measures on restitution on the basis of the instructions from the Control Council and the Coordinating Committee, as well. as on its own initiative. This will include the definition of restitution and the operational procedure,

Approved at Berlin on 17 January 1946

CORC/P(46)22

COORDINATING COMMITTEEOPERATIONAL PROCEDURES CONCERNING DISMANTLING, PACKING AND  
TRANSPORTATION OF PLANTS SUBJECT TO DELIVERIES ON ACCOUNT  
OF REPARATIONS

The operational procedures concerning the dismantling of equipment declared available for removal from the Western Zones of Germany on account of reparations will be subject to the following main provisions:-

1. After a plant has been allocated to a Government on account of reparations, the country receiving this plant will send a mission of experts of agreed size to advise on dismantling, packing and shipping. It is assumed that the valuation of such plants will be made either before or during these operations. In its work the mission will be subject to the regulations of the Zone Commander. The Commander of the Zone will furnish all possible assistance to the mission. Each country receiving reparations will have a liaison office at the Zone headquarters.

2. Before handing over of any equipment from the plant, subject to deliveries on account of reparations, a complete inventory of the plant and the equipment may be taken by the mission consisting of representatives of the country receiving the equipment. To make this inventory, the Commander of the Zone, from which the equipment will be transferred, may elect or authorise personnel consisting of a sufficient number of competent persons for this work.

3. Upon the inventorying of the plant, the country receiving the equipment has the right to decline part of the equipment (including obsolescent and deteriorated), in accordance with the decision of the Coordinating Committee namely CORC/M(46)1 Conclusion 13, subparagraph (a).

(i) That figures for the year 1938 would be used as the basis for calculating value of capital goods;

(ii) That figures for the year 1938 plus 5% would be used for determining the value on reciprocal deliveries;

- (iii) That on receiving allocation of the equipment of a plant a Power may, prior to delivery, reject up to 10% of the value of this equipment, this amount being deducted from the total value of the equipment of the plant; the rejected equipment being either destroyed or reallocated for reparations;
- (iv) That after all deductions have been made, the residual value of the equipment actually to be delivered shall not be less than 22% of its value.

The final determination of the degree of deterioration of the equipment, and its value, will be made during the evaluation or dismantling operations.

4. The direction to proceed with the operations of dismantling etc. shall be given by the Zone Commander. The order of ~~procedures~~ of dismantling and despatching in complete groups will be determined by the representative of the country receiving the equipment, by agreement with the representative of the Comander of the Zone from which such equipment is to be removed.

5. Dismantling, preservation, over-sea packing (if necessary) and marking of the equipment will be carried out under the supervision of the representative of the Zone Commander of the respective Zone, but with consideration for technical stipulations and scientific advice of the country receiving the equipment. This work will be carried out to the extent feasible in the presence of the representatives of the country receiving the equipment.

6. All technical documents, i.e. certificates, technical specifications concerning dismantling of equipment, assembly blue prints and all material pertaining to the technology of production, as well as technical files of the plant, scientific researches, testing laboratories, and experimental installations of the plant will be handed over by the representative of the Zone Commander to the representative of the country receiving the equipment. In the case of absence of technical documents necessary for the assembling and

exploitation of the equipment at the new place, the Zone Commander will order German specialists working in the plant to prepare all necessary blue prints and other documents as soon as possible.

7. The acceptance of the dismantled equipment will be made at the plant by the representative of the country receiving the equipment, from the representative of the Zone Commander of the respective Zone in charge of dismantling, and will be legalized by an appropriate inspection report subject to mutual signatures and will also contain a list of the allocated equipment which has not been removed by the recipient country.

To this inspection report will be attached detailed specifications covering the equipment and the receipt for it.

The forms of specification, inspection report and receipt will be worked out by the four powers.

8. The Zone Commander of the respective Zone, on whose territory the dismantling is carried out, will appoint German specialists, who had worked at the plant concerned or at other plants of the Zone, to participate in the dismantling operations. The Zone Commander, in agreement with the representatives of the country receiving the equipment, will furnish all possible facilities, in the first instance, German, if necessary for dismantling, packing and transportation of the equipment,

9. Complete groups of equipment should be dismantled and packed for over-sea shipment (if necessary) in a manner convenient for transportation. The clearance gauges will be agreed upon at the place of packing.

10. Every Zone Commander will endeavour to grant satisfactory priority for the transportation of material delivered on account of reparations, in order to effect the transportation of the allocated equipment within the shortest possible period of time as provided by the Potsdam Agreement.

11. The Zone Commander will arrange adequate protection for the property subject to removal during the period of dismantling and transportation within his Zone.

Zone Commanders through whose zone the transportation passes, will furnish necessary guards for the transportation through their zones. If German personnel has been entrusted to guard certain property, the Zone Commander will hold the Germans responsible for such property. The country receiving; the equipment has the right to appoint a supervisor during the period of transportation, but such appointment will not in any way limit the responsibility of the German authorities,

In the case of damages or loss of the equipment to be removed, which may occur as a result of subversive activities on the part of the Germans, they will be responsible in accordance with the military laws and Germany will make good the loss and damage in a manner to be determined by the Allied Control Council in any particular case.

12. The Commander in Chief of the respective Zone on whose territory the dismantling of the plant is being carried out should supply the representatives of the country receiving the equipment with the following:-

- (a) Billeting,
- (b) Feeding
- (c) Liaison
- (d) Petrol, oil and lubricants for motor transportation throughout the stay of these representatives assigned to the dismantling and transfer of equipment.

13. In the places where equipment is being loaded on to trains and ships (sea or inland-waterways), the representatives of the country receiving the equipment should also be present,

14. The costs of all dismantling, packing and transportation to the German border, guarding and the subsistence of the representatives of the country receiving reparations will be borne by Germany.

15, The records of the dismantling and transfer of equipment from each zone will be made by the appropriate authority of the zone where the dismantling is taking place and will be submitted monthly to the R.D. & R. Secretariat.

16, All reparation deliveries of equipment from plants will be subject to policy to be established by the Control Council for restitution.

17. All facilities, guarding of property or other types of assistance to be furnished by the Zone Commander within the meaning of this paper shall be without material or financial liability to the occupying power concerned.

Approved at Berlin 17 January 1946

CORC/P(46)24



CONTROL COUNCIL

## DEFINITION OF THE TERM "RESTITUTION"

1, The question of restitution of property removed by the Germans from Allied countries must be examined, in all cases, in light of the Declaration of January 5th, 1943.

2, Restitution will be limited, in the first instance, to identifiable goods which existed at the time of occupation of the country concerned and which have been taken by the enemy by force from the territory of the country,

Also falling under measures of restitution are identifiable goods produced during the period of occupation and which have been obtained by force.

All other property removed by the enemy is eligible for restitution to the extent consistent with reparations. However, the United Nations retain the right to receive from Germany compensation for this other property removed as reparations.

3, As to goods of a unique character, restitution of which is impossible, a special instruction will fix the categories of goods which will be subject to replacement, the nature of these replacements, and the conditions under which such goods could be replaced by equivalent objects.

4, Relevant transportation expenses within the present German frontiers and any repairs necessary for proper transportation including the necessary manpower, material and organization, are to be borne by Germany and are included in restitutions. Expenses outside Germany are borne by the recipient country,

5, The Control Council will deal on all questions of restitution with the Government of the Country from which the objects were looted,

Approved at Berlin 21 January 1946

Appendix 'A' to  
CONL/P(46)3 (Revise)

CONTROL COUNCIL

Directive No.25

CONTROL OF THE CENTRAL REGISTRY OF WAR CRIMINALS  
AND SECURITY SUSPECTS

In order to provide for the control and regulation of the activities of the Central Registry of War Criminals and Security Suspects (hereinafter referred to as CROWCASS) hitherto assumed by the Governments of the United States of America, Great Britain and Northern Ireland and France which Governments have agreed to transfer such control to the Control Council:

The Control Council directs as follows:-

1. That CROWCASS shall be under the control of the Control Council,
2. That responsibility for CROWCASS shall be placed forthwith on the Legal Directorate.
3. That a Permanent Commission shall be established by the Legal Directorate to implement the policy for the operation of CROWCASS.
4. That the Permanent Commission consist of four members, one to be named by the Chief of the Legal Division of each of the four Powers. These names shall be reported to the Legal Directorate,
5. That the Chairmanship of the Permanent Commission shall be held in rotation in the same manner as the Chairmanship of the Legal Directorate.
6. That the Permanent Commission shall appoint a Director and senior permanent members of the staff who shall be chosen from the four nations and who shall be responsible to the Permanent Commission for the actual day-to-day operation of CROWCASS in accordance with the directions laid down by the Legal Directorate and the instructions given by the Permanent Commission.
7. That CROWCASS shall remain in Paris for the present.

8. The cost of the operation of CROWCASS shall, with effect from the date of this Directive, be borne equally between the Governments of the United States of America, Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and France which Governments shall be entitled to debit such costs against the costs of the occupation of Germany.

Done at Berlin, 23 January 1946

s/d I. S. O. Playfair, Major General  
for B. H. ROBERTSON  
Lieutenant General

s/d L. KOELTZ  
General d'Corps d'Armee

s/d V. D. SOKOLOVSKY  
Army General

s/d Oliver P. Echols, Major General  
for LUCIUS D. CLAY  
Lieutenant General, U.S.A.

COORDINATING COMMITTEENON-ADMITTANCE OF PERSONS WITH FORMER NAZI AFFILIATIONS  
AS STUDENTS TO INSTITUTIONS OF HIGHER LEARNING

The Directorate of Internal Affairs and Communications having considered this question at their Seventeenth Meeting on 10 January 1946 makes the following recommendations:-

Not to accept as students in institutions of higher learning, persons who have been members of the Nazi Party and persons who have been leaders of the Hitler Youth Movement and similar organisations. Candidates for membership in Nazi Party and members of the Hitler Youth Movement not classified as leaders therein will be admitted as students in such institutions only after careful examination and selection by special committees in the Universities composed of democratic elements. Notwithstanding the provisions of the first sentence, former members of the Nazi Party who have not taken an active part in its activities are to be accepted, but only if vacancies exist the numbers of such persons not to exceed 10 % of the total number of students selected, the selection to be made by special committees in the Universities composed of democratic elements. These committees are to be guided by the directives of the Allied Control Authority on Denazification.

Approved at Berlin 23 January 1946

CORC/P(46)18

CONTROL COUNCIL

## Directive No. 26

## REGULATION OF WORKING HOURS

The Control Council directs:

1. The German authorities shall proceed immediately to introduce for all workers the standard of an 8 hour day or a 48 hour week.
2. Exceptions to this standard working period may be made in agriculture and in other work such as heavy, dangerous or intermittent work, the nature of which makes the standard working period inappropriate. Any such exceptions may be granted by the appropriate German authorities, subject to disapproval by Military Government.
3. Military Government may establish in any branch of industry, enterprise or plant hours of work different from the standard working period in the interests of increasing production, decreasing unemployment or promoting any other object of the occupation.
4. No discrimination will be made in the application of this directive or regulations made pursuant thereto relating to hours of work to any person or group of persons on account of race, creed, political affiliation or opinion.
5. Hours of work in excess of the standard working period as defined in Paragraph 1 above, or in excess of any standard permitted under paragraphs 2 and 3 above, shall be compensated at overtime rates in accordance with the policy established in Article 3 of Control Council Directive No. 14.
6. Existing Laws, orders and regulations not in conflict with the provisions of this Directive are maintained in force.
7. The appropriate German authorities are charged with responsibility for carrying out this directive.

8. Trade Unions or other recognized workers' representatives may negotiate with employers or employers' associations when formed concerning adjustments to hours of work that are permitted by the above policies. However, no changes in hours of work shall be made without the approval of the appropriate German authorities.

9. The appropriate German authorities shall form consultative bodies of representative free Trade Unions and employers' associations which now exist or which may come into being to advise on hours of work.

10. Special laws and provisions which granted time off, vacations or other concessions to members of any Nazi militarist group or organization, or provided for specific national socialist holidays are abrogated.

Done at Berlin, the 26th day of January 1946

s/d I. S. O. Playfair, Major General  
for B. H. ROBERTSON  
Lieutenant General

s/d L. F. KOELTZ  
General d'Corps d'Armee

s/d V. D. SOKOLOVSKY  
Army General

s/d LUCIUS D. CLAY  
Lieutenant General, USA

COORDINATING COMMITTEE

Office of the Allied Secretariat

SUBJECT: Return of Austrian Nazis to Austria

TO : Chief Secretary, Allied Commission for Austria

Reference your communication SECA/59 dated 13 th November 1945 and further to this Office's letter ASEC(46)9 dated 10 January 1946.

The Allied Control Authority in Germany has agreed that all Austrians, including Nazis, other than those now detained as war criminals, should be returned to Austria and requests you to accept them back.

J. ST. J. ROTHAM,  
Colonel.  
CHIEF SECRETARY,  
Allied Secretariat,  
Allied Control Authority for GERMANY.

Approved at Berlin 26 January 1946

Appendix 'C' to  
CORC/P(46)29

COORDINATE COMMITTEE

## Increase in Postal Rates

1. The postal operation is reported to be incurring a deficit, German postal rates are reported, to be low, Their postal rates obviously could be increased under present conditions. If not complicated by fractional increases requiring new stamp issues or revision of present rate schedules, such action could be promptly and readily taken. The postal mailing charges are a principal source of revenue. An increase would substantially increase postal revenue. The charge is small even if increased, The user of the service would not be discouraged in its use by an increase. The present low volume and difficulties of operation warrant an increase. An increase in postal mailing rate is a deflationary act, It is essentially a use or transaction tax which can be reduced or eliminated when circumstances make it appropriate,

2. To avoid confusion in operations in establishing a new rate, a simple multiple of existing rates should be used which can be easily applied both through the postal service and by the user and easily accounted for.

3. Therefore, the Directorate of Finance recommends the establishment of postal mailing rates in all classifications at twice the present rate.

Approved at Berlin 26 January 1946

CORC/P(46)34



COORDINATING COMMITTEEREQUEST BY THE OBERBUERGERMEISTER, BERLIN, FOR  
A MORATORIUM APPLYING TO PRIVATE COMMITMENTS

(Note by the Allied Secretariat)

1. On 13 October 1945 the Oberbuergermeister of Berlin submitted to the Allied Kommandatura a draft Ordinance on the above mentioned subject with the request that it be issued as a City Law. A temporary moratorium had already been authorised by the Magistrat, and this moratorium is in fact still in force (January 1946).

2. The Allied Commandants at their meeting on 21 November 1945 decided that this question could not be dealt with for the City of Berlin without taking into account arrangements which might be made in the rest of Germany, and agreed to submit the matter to the Allied Control Authority. The Oberbuergermeister was informed of this decision,

3. The question was referred by the Allied Secretariat on 15 December 1945 to the Finance Directorate for study and the submission of recommendations to the Coordinating Committee.

4. The Finance Directorate at its Seventeenth Meeting on 11 January 1946 reached the following conclusion (DFIN/M(46)2, Conclusion (15)):

- (a) agreed to inform the Coordinating Committee that there was no such moratorium operating in the rest of Germany and it was undesirable that separate treatment should be accorded to Berlin.

- (b) agreed to recommend to the Coordinating Committee that the request for a continuation of the existing temporary **mora-**  
**torium** in the City of Berlin should be refused and that the existing one should be lifted.

J. ST. J. ROOTHAM, Colonel

J. L. BAUDIER, Consul General

S. M. KUDRIAVTSEV, 1st Sec'y

H. A. GERHARDT, Colonel

Allied Secretariat

Approved at Berlin 26 January 1946

CORC/P(46)37

CONTROL COUNCIL

## LAW NO. 11

- REPEALING OF CERTAIN PROVISIONS OF THE GERMAN  
CRIMINAL LAW

The Control Council enacts as follows:

## ARTICLE I

The following provisions of the German Criminal Code of 15 May 1871, as amended, are hereby expressly repealed: Sections 2, 2b, 9, 10, 16 par. 3, 42a No. 5, 42k, 80 to 94 inclusive, 102, 103, 112, 134a, 134b, 140, 140a, 140b, 141a, 142, 143, 143a, 189 par. 3, 210a, 226b, 291, 353a, 370 No. 3.

## ARTICLE II

1. The following laws are hereby expressly repealed, together with all the supplementary and explanatory laws, ordinances and decrees:

- (a) Law concerning the Imposition and Execution of the Death Penalty (Gesetz ueber Verhaengung und Vollzug der Todesstrafe) of 29 March 1933 (RGBl I, 151).
- (b) Law Guaranteeing Legal Tranquility (Gesetz zur Gewaehrleistung des Rechtsfriedens), of 13 October 1933 (RGBl I, 723).
- (c) Law concerning Emergency Measures (Gesetz ueber Massnahmen der Staatsnotwehr) of 3 July 1934 (RGBl I, 529).
- (d) Ordinance concerning the Special Criminal Law in time of War and Special Emergency (Special Criminal Law in Wartime) (Verordnung ueber das Sonderstrafrecht im Krieg und bei besonderem Einsatz (Kriegssonderstrafrechtsverordnung)) of 17 August 1938 (RGBl 1939 I, 1455).

- (e) Ordinance on Extraordinary Measures concerning Radio (Verordnung ueber ausserordentliche Rundfunkmassnahmen) of 1 September 1939 (RGBl I, 1683).
- (f) Ordinance on Wrongdoers Against the People (Verordnung gegen Volksschaedlinge) of 5 September 1939 (RGBl I, 1679).
- (g) Ordinance supplementing Penal Provisions for the Protection of the Armed Force of the German People (Verordnung zur Ergaenzung der Strafvorschriften zum Schutz der Wehrkraft des deutschen Volkes) of 25 November 1939 (RGBl I, 2319).
- (h) Ordinance for the Protection of the Reich Labor Service (Verordnung zum Schutze des Reichsarbeitsdienstes) of 12 March 1940 (RGBl I, 485).
- (i) Ordinance for the Protection of the Metal Collection of the German People (Verordnung zum Schutze der Metallsammlung des deutschen Volkes) of 29 March 1940 (RGBl, 565).
- (j) Ordinance concerning the Administration of Criminal Law against Poles and Jews in the Annexed Eastern Provinces (Verordnung ueber die Strafrechtspflege gegen Polen und Juden in den eingegliederten Ostgebieten) of 4 December 1941 (RGBl I, 759).
- (k) Ordinance of the Fuehrer for Protection of the Collection of Winter Equipment for the Front (Verordnung des Fuehrers zum Schutz der Sammlung von Wintersachen fuer die Front) of 23 December 1941 (RGBl I, 797).
- (l) Ordinance of the Fuehrer for the Protection of the War Industry (Verordnung des Fuehrers zum Schutze der Ruestungswirtschaft) of 21 March 1942 (RGBl I, 165).

- (m) Ordinance for the Protection of Insignia of the Armed Forces (Verordnung ueber den Schutz der Waffenabzeichen der Wehrmacht) of 3 May 1942 (RGBl I, 277).
- (n) Ordinance for Securing the Waging of Total War (Verordnung zur Sicherung des totalen Kriegseinsatzes) of 25 August 1944 (RGBl I, 184).
- (o) Police Ordinance concerning Entering Ships in German Ports (Polizeiverordnung ueber das Betreten von Seeschiffen in deutschen Haefen) of 16 September 1944 (RGBl I, 223).
- (p) Ordinance for Securing Front Service (Verordnung zur Sicherung des Fronteinsatzes) of 26 January 1945 (RGBl I, 20).

2. Also repealed is Section 1 of the Law concerning Amendment to the Criminal Code (Sec. 1 des Gesetzes zur Aenderung des Reichsstrafgesetzbuchs) of 4 September 1941 (RGBl I, 549).

#### ARTICLE III

All references to the provisions of the Criminal Code and to the laws and enactments repealed by Articles I and II respectively, which may appear in any other legal enactment, as well as any criminal provisions which are inconsistent with this law, are also deprived of all legal effect.

#### ARTICLE IV

The abrogation of the provisions and enactments specified in Articles I and II does not revive any former laws which were repealed by the provisions and enactments which are hereby abrogated.

## ARTICLE V

The repeal of the sections of the Criminal Code enumerated in Article I of this law or of the laws and enactments enumerated in Article II of this law is without prejudice to the enactment of further legislation repealing or amending other sections of the Criminal Code or any other existing criminal laws.

## ARTICLE VI

Any persons applying or attempting to apply any provision or enactment repealed by this law will be liable to criminal prosecution.

Done at Berlin 30 January 1946  
Promulgated 1800 hours 4 February 1946

s/d H. B. ROBERTSON,  
Lieut. General  
for B. L. MONTGOMERY,  
Field Marshal

s/d L. KOELTZ,  
General de Corps d'Armee  
for P. KOENIG  
General de Corps d'Armee

s/d V. D. SOKOLOVSKY,  
Army General  
for G. ZHUKOV,  
Marshal of the Soviet Union

s/d JOSEPH T. McNARNEY  
General, U.S. Army

R E S T R I C T E D

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)  
Office of the Military Governor  
APO 742

AG 010.6 (LD)

6 May 1947

SUBJECT: Control Council Law No. 52 Amending Control Council Law No. 16

TO : Directors, Office of Military Government for Bavaria  
Office of Military Government for Württemberg-Baden  
Office of Military Government for Hesse  
Office of Military Government for Bremen  
Office of Military Government for Berlin Sector\*

\*Action subject to existing agreements with other occupying powers

1. Attached hereto is the text of Control Council Law No. 52, amending Control Council Law No. 16, Marriage Law, together with a German translation thereof. This Law was signed on 21 April 1947 at 1800 hours and came into force at 1800 hours on 29 April 1947.

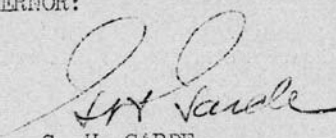
2. You will furnish copies of the Law to the German Land Ministers of Justice and of the Interior, so that they can furnish copies to the local authorities and issue the necessary instructions to the Registrars (Standesbeamten) and supervisory authorities (Aufsichtsbehoerden).

3. The instructions to be issued by the German Land Ministers shall provide for a procedure implementing paragraph 2, sentence 2, of the new Article 15(a), with regard to the recording of the marriages to which this Law is applicable, in the German records (Standesregister).

BY DIRECTION OF THE MILITARY GOVERNOR:

Incls: a/s

Telephone BERLIN 42456

  
G. H. GARDE  
Lieutenant Colonel, AGD  
Adjutant General

DISTRIBUTION "L"

R E S T R I C T E D

R E S T R I C T E D

ALLIED CONTROL AUTHORITY

CONTROL COUNCIL

LAW NO. 52

Amendment to Control Council Law No. 16 - Marriage Law

THE CONTROL COUNCIL ENACTS AS FOLLOWS:

ARTICLE I

Control Council Law No. 16 on marriages is amended by inserting a new Section 15(a) as follows:

- "1. As an exception to the provisions of Sections 11, 12, 13, 14, 15 and 17 of this law, a marriage between parties neither of whom is a German national, may be concluded before a person duly empowered by the Government of the country of which either party is a national, according to the form prescribed by the law of that country,
- "2. A certified copy of an entry of the marriage so concluded in the register of marriages, kept by the duly empowered person, shall be conclusive evidence of the celebration of the marriage. If such certified copy is furnished to the German Registrar of the district where the marriage took place, it shall be recorded and filed by him in his family register."

ARTICLE II

This Law shall come into force on the 8th day after its signature.

Done at Berlin 21 April 1947.

LUCIUS D. CLAY  
General

SHOLTO DOUGLAS  
Marshal of the Royal Air Force

P. KOENIG  
General d'Armee

P. A. KUROCHKIN  
Colonel General  
for V. SOKOLOVSKY  
Marshal of the Soviet Union

R E S T R I C T E D



R E S T R I C T E D

ALLIIERTE KONTROLLBEHOERDE

KONTROLLRAT

GESETZ NR. 52

Aenderung des Kontrollratgesetzes Nr. 16 - Ehegesetz

DER KONTROLLRAT ERLAESST DAS FOLGENDE GESETZ :

ARTIKEL I

Kontrollratgesetz Nr. 16 - Ehegesetz - wird durch Einfuegung eines neuen Paragraphen 15 (a) wie folgt geaendert:

- "1. Als Ausnahme von den Bestimmungen der Paragraphen 11, 12, 13, 14, 15 und 17 dieses Gesctzcs kann eine Ehe zwischen Verlobten, von denen keiner die deutsche Staatsangehoerigkeit besitzt, vor einer von der Regierung des Landes, dessen Staatsangehoerigkeit einer der Verlobten besitzt, ordnungsgemaess ermaechtigten Person in der von den Gesetzen dieses Landes vorgeschriebenen Form geschlossen werden.
- "2. Eine beglaubigte Abschrift der Eintragung der so geschlossenen Ehe in das Eheregister, das von der dazu ordnungsgemaess ermaechtigten Person gefuehrt wird, ist als schluessiger Beweis der Eheschliessung anzusehen. Der deutsche Standesbeamte des Bezirks, in dem die Eheschliessung stattfand, hat auf Grund der Vorlage einer solchen beglaubigten Abschrift eine Eintragung in das Familienbuch zu machen und die Abschrift zu den Akten zu nehmen."

ARTIKEL II

Dieses Gesetz tritt an achten Tag nach ' ~ ~ h Unterzeichnung in Kraft.

Ausgefertigt in Berlin, den 21. April 1947

(Die in den drei offiziellen Sprachen abgefassten Originaltexte dieses Gesetzes sind von LUCIUS D. CLAY, General, SHOLTO DOUGLAS, Marschall der Koeniglichen Luftwaffe, P. KOENIG, General der Armee, und P. A. KUROCHKIN, Generaloberst, Marschall der Sowjetunion, unterzeichnet.)

R E S T R I C T E D

CONTROL COUNCILPROVISION OF AIRFIELD FACILITIES TO THE  
SOVIET IN THE WESTERN ZONES OF GERMANY

## GENERAL SITUATION

1. By decision of the Potsdam Conference, the Soviet Union will receive from the Western zones of occupation in Germany 10% and 15% (25%) of surplus capital industrial equipment on reparations account. In order to facilitate the dismantling and removing of this equipment, the Soviets have requested airfield facilities in the Western zones of occupation. By the decision in sub-para.(b) para. 110 of the Minutes of the Thirteenth Meeting of the Allied Control Council on 30th November 1945, the Control Council "decided to refer the Soviet delegations proposal on the provision of airfields and the organisation of Soviet airfield detachments in the Western zones of Germany occupied by the Allies to the Air Directorate for study". The Air Directorate in turn referred the matter to the Committee on aviation.

2. The detailed Soviet proposals have been studied by the Committee on Aviation and the following are the agreed recommendations thereon.

## RECOMMENDATIONS

Airfields

3. The British, Americans and French will afford landing facilities to Soviet aircraft on airfields in the Western zones of Germany, to be bi-laterally agreed between the Soviet delegation and each nation concerned. While every endeavour will be made to provide these facilities in the areas required by the Soviets, this will depend upon circumstances, as only those airfields actually in use by the aviation of the country concerned can be made available. No new construction or special airfield engineering work can be undertaken to meet Soviet requirements,

4. Such airfield facilities will be afforded the Soviets both temporarily i.e., for the period of dismantling and removing same particular reparations plant, and also for a longer period to cover general requirements during the whole period of transferring reparations plant to the Soviet Union.

5. At both classes of airfields the Soviets will establish such airfield parties as may be necessary according to the circumstances of the case, and as are agreed with the nation concerned.

#### Accommodation

6. At all agreed airfields the Americans, French and British will afford Soviet aviation such hangarage and other technical accommodation as may be possible, bearing in mind the needs of their own aviation and the fact that many German airfields have been heavily bombed.

7. Suitable accommodation for Soviet personnel will be provided either on the airfields or as close to them as possible.

#### Mechanical Transport

8. The Soviets will provide all the vehicles that they require at any airfield at which they are provided facilities, except vehicles for refuelling or other special aviation purpose which will be provided by the nation concerned.

#### Supplies

9. The French, British and American will provide Soviet aircraft and mechanical transport with all necessary petrol and oil. The provision of rations and technical supplies, including spare parts, will depend upon circumstances, and will be subject to bi-lateral arrangements between the Soviets and the nation concerned.

Servicing

10. The British, Americans and French will not normally be able to provide personnel for the servicing of Soviet aircraft, mechanical transport or other equipment, but this will depend upon circumstances and will be subject to bi-lateral arrangements between the Soviets and the Nations concerned,

Communications

11. The Americans, French and British will provide all internal telephones required by the Soviets at the airfields where they are granted facilities. For external telephone communications the Soviets will use the normal "common user" network of the nation in whose territory the airfield is situated. No trunk lines can be allocated solely for Soviet use,

12. The Soviet will provide all point to point and ground to air W.T. and R.T. facilities that they require, Frequencies will be coordinated with the Signals staff of the Nation concerned. Wireless equipment for communication with aircraft will normally be located in the vicinity of the Control power of the airfield concerned.

Meteorological

13. The French, British and Americans will permit Soviet parties full access to their meteorological information.

Security

14. Normal guards and other security measures necessary at airfields at which the Soviets are granted facilities will be provided by the nation concerned. Special security measures will be subject to bi-lateral agreements between the Soviets and the nation concerned,

Passes, clearances and Documentation

15. Soviet personnel proceeding to airfields in the Western zones, will be cleared and documented through the Allied Inter-zonal facilities Section in the normal way. All necessary passes will be issued by the Inter-zonal Facilities Section.

16. Soviet aircraft will be cleared according to the normal procedure in force at the time. They will observe such air traffic and other regulations as may be agreed between the four powers and between the Soviets and the nation concerned.

Discipline

17. Soviet parties established on airfields in the Western zones will be lodger units on airfields under the control of the Air Forces of the other Allies. As such they will observe these local orders and directions that may be issued by the Airfield Commander concerned, with the object of maintaining the safety of aircraft and the security and good order of the airfield.

18. Outside the airfield boundaries, Soviet personnel will likewise observe such local regulations as may be in force, and will conform to the direction of the Military Police of the nation concerned.

General Conditions for Facilities

19. The airfield facilities required by the Soviets cannot be regarded as a unique case. It is inevitable that occasions will arise when similar facilities will be required by one or other of the four control powers. The above facilities are, therefore, afforded to the Soviets on the clear and agreed understanding that the Soviets will in a reciprocal manner afford air facilities to meet the requirements of the other three powers, and also that each of the Four Nations governing Germany shall assist the aviation of the other by the granting of like facilities and privileges as and when required.

Approved at Berlin on 30 January 1946

CONL/P(46)6

## COORDINATING COMMITTEE

RESPONSIBILITY OF THE PRISONERS OF WAR AND  
DISPLACED PERSONS DIRECTORATE FOR THE IMPLEMENTATION  
OF POTSDAM AGREEMENT

(Note by the Allied Secretariat)

1, CORC/P(45)2(Final) contained no allocation of responsibility by the Control Council to the PW & DP Directorate for the implementation of the decisions of POTSDAM. CORC/M(45)9, Conclusion (115) of the 22nd September 1945 assigned to the PW & DP Directorate the responsibility for recommendation on Section XIII - Orderly Transfer of German Populations from Poland, Czechoslovakia and Hungary.

2, Serial 1 of Appendix "I" to CONL/P(45)69 of 15th December 1945, "Time Table for the Implementation of Potsdam Agreement", (attached hereto as Annexure 'A') however, assigned to PW & DP, in addition, responsibility under Section IX of POTSDAM for the repatriation of Poles as follows:-

1a. Returning of Poles abroad wishing to return home,

1b. Repatriation plan for Poles in the British, American and French Zones of Occupation in Germany and Austria.

3. The Directorate of Prisoners of War and Displaced Persons accept 1b in as far as it applies to Polish civilians in Germany, but it does not consider that it is responsible for 1a. It therefore requests that Serial 1 "Measures" should be amended to read "Repatriation Plan for Polish civilians in the British, American and French Zones of Occupation in Germany."

4. The Directorate further requests that, as the Combined Repatriation Executive was in fact established in October 1945, the last column of Serial 3 of the same Appendix be amended to read "October 1945".

Approved at Berlin 29 January 1946

CORC/P(46)39

J. ST. 3, ROTHALM, Colonel  
J. L. BAUDIER, Consul General  
S. M. KUDRIAVTSEV, Counsellor  
H. A. GERHARDT, Colonel

Allied Secretariat

## COORDINATING COMMITTEE

STATEMENT OF BANKING ACCOUNTS HELD IN GERMANY  
BY NATIONALS OF THE UNITED NATIONS

With a view to undertaking effectively the protection of the interests of the ~~nationals~~ of the United Nations (actual or moral owners) who hold credit accounts *in* German **Banks**, it seems opportune to take the following steps immediately:

The Nationals of the United Nations who hold an account in a German bank are enabled if they so wish to demand a certified statement of their account from the bank where **this** account is kept, in order to establish their rights, The German banks, whether they are closed down or not, are required to **draw up** these statements upon receipt of a request made **simply** by the holders of the accounts or their rightful claimants, These demands **will** be made through appropriate official channels in the respective zones pending the establishment of postal facilities between the depositors and the bank.

Approved at Berlin on 1 February 1946

CORC/F(46)40



## COORDINATING COMMITTEE

Further Communications from the Allied Control Council  
to the Governments of Neutral Countries and United  
Nations on the Recall and Repatriation of German  
Officials, Agents and other Obnoxious Germans.

(Note by the Allied Secretariat)

1. On 10 September 1945 the Control Council passed a Resolution on the above subject which was communicated to all neutral Governments (CONL/F(45)26).
2. On 6 December 1945, the Coordinating Committee approved the despatch of a communication on similar Lines to the Governments of the United Nations (CORC/F(45)181).
3. At its Twentieth Meeting, on 24 January 1946, the Political Directorate approved further draft communications to neutral Governments and United Nations Governments, attached as Appendices 'A' and 'B' hereto, and agreed to submit them to the Coordinating Committee with the request that their despatch to the Governments of the countries concerned should be authorised.

J. ST. J. ROOTHAM, Colonel

J. L. BAUDIER, Consul General

S. M. KUDRIAVTSEV, Counsellor

H. A. GERHARDT, Colonel

Allied Secretariat

Approved at Berlin 29 January 1946

CORC/F(46)42

DRAFT NOTE FROM THE ALLIED CONTROL COUNCIL  
TO THE GOVERNMENTS OF NEUTRAL NATIONS  
REGARDING EXPULSION OF GERMAN OFFICIALS AND AGENTS

On 10 September 1945 the Allied Control Council for Germany adopted a resolution recalling from the neutral countries all German government officials, agents and their families. This resolution was communicated to the neutral countries with a request for their assistance in returning to Germany these officials and agents, as well as other obnoxious Germans and their families, whose presence abroad constitutes a danger in view of the possible future renewal of the German war effort.

Since the despatch to the neutral countries of the text of the above-mentioned resolution, certain delays in the expulsion of such Germans have occurred which are of concern to the Control Council. The Control Council would like to emphasize the formal nature of the order of recall and to point out that such German officials and agents now possess no authority whatsoever. Since the official capacities in which they were received are deprived of all basis, the Control Council considers that the governments of the neutral countries have an obligation to expel these officials and agents and are faced with a responsibility of which the Control Council cannot be Unmindful. The Control Council accordingly again calls for the assistance of the neutral governments concerned and it requests that the necessary measures for the return of the Germans affected by the resolution of 10 September 1945 be promptly initiated or brought to an early conclusion in cases where action has already been begun.

The Control Council would like to bring to the attention of the governments of the neutral nations a related matter of concern. Before and after the defeat of Germany many of the most obnoxious Germans, with the full consent of Nazi organisations, obtained the nationality of other countries for ulterior reasons. Obnoxious Germans are even today seeking in many countries to acquire local citizenship as a cloak to permit, through evasion of repatriation measures, continued residence abroad in the interest of future Nazi activities which it is the duty of all civilized nations to prevent.

The Control Council urges upon the governments of neutral countries a most careful scrutiny of all applications by Germans to acquire local nationality with a view to preventing the extension of such benefits to unworthy persons. In cases where such persons may previously have acquired non-German nationality, study is recommended of possible means of revoking that nationality and the privileges accruing from it. The Control Council is indicating its desire that diplomatic missions of the United Nations having knowledge of such cases bring them, on the Control Council's behalf, to the attention of the local government concerned. The Control Council hopes that all such information will be fully considered.

The above matter is likewise being brought to the attention of the governments of the United Nations.

Appendix 'A' to  
CORC/P(46)42

DRAFT NOTE FROM THE CONTROL COUNCIL  
TO THE GOVERNMENTS OF THE UNITED NATIONS

The Allied Control Council for Germany refers to its communication to the governments of the United Nations regarding the expulsion of German officials, agents and other obnoxious Germans and their families, and expresses the hope that; where such Germans are found in the national boundaries of any of the United Nations, the desired steps will be taken at an early date. The Control Council considers that the relationship of the United Nations in the war against Germany imposes a particular responsibility in this regard which it has the right to expect will be fully accepted and promptly discharged.

The Control Council also wishes to bring to the attention of the United Nations a related matter which is causing it concern. Before and after the defeat of Germany many of the most obnoxious Germans, with the full consent of Nazi organisations, obtained the nationality of other countries for ulterior reasons. Obnoxious Germans are even today seeking in many countries to acquire Local citizenship as a cloak to permit, through evasion of repatriation measures, continued residence abroad in the interest of future Nazi activities which it is the duty of all civilized nations to prevent.

The Control Council urges upon the governments of the United Nations a most careful scrutiny of all applications by Germans to acquire local nationality with a view to preventing the extension of such benefits to unworthy persons. In cases where such persons may previously have acquired non-German nationality, study is recommended of possible means of revoking that nationality and the privileges accruing from it. It is the desire of the Control Council that the diplomatic missions of the United Nations having knowledge of any such cases bring them, on the Control Council's behalf, to the attention of the local government concerned. The Control Council hopes that all such information will be fully considered,

The above matter is also being brought to the notice of the governments of the neutral nations in connection with the recall from these nations of German officials and agents as provided in the Council's resolution of 10 September 1945.

Appendix 'B' to  
CORC/P(46)42

## COORDINATING COMMITTEE

## GUIDING PRINCIPLES FOR THE MAINTENANCE OF HIGHWAYS

1. Only those Highways which are necessary for the needs of the Occupation Forces of the Allied Powers or the agreed German economy shall be maintained in good condition,

2. The supervision of repair of highways, including Autobahnen, by German Civil Administration is a zonal responsibility. Classification of highways and specifications for design, materials, and workmanship shall conform to policy promulgated by the Control Council operating through its Transport Directorate.

3. There shall be no reconstruction of the Highway network, except for the needs of the occupational forces or where required to meet the needs of the agreed German economy. Such work will be the responsibility of the Zone Commander, who will use only the resources of finance, labour and materials available in his zone.

4. No new road will be constructed *or* road under construction completed ~~with~~ without the prior approval of the Zone Commanders operating under the general policies of the Control Council.

Approved at Berlin on 7 February 1946

CORC/P(45)119 Revise

## COORDINATING COMMITTEE

USE OF INSTITUTIONS OF HIGHER LEARNING TO MEET THE  
NEEDS OF THE FOUR ZONES

It is recommended:

That all educational institutions, agencies and organisations, whose former functions were national in scope, and all institutions of higher learning, will remain for the present under the control and management of the respective zonal authorities, Zone Commanders will permit the free exchange of students and free access to faculties/courses of instruction.

Approved at Berlin 7 February 1946

CORC/P(46)49

## COORDINATING COMMITTEE

PROPOSALS SUBMITTED BY THE KOMMANDATURA, ON COFFEE AND TEA TAXES,  
LEVY OF A TOBACCO SURCHARGE AND ADDITIONAL TOBACCO TAX LEGISLATION.

## Mote by Allied Secretariat

By Conclusion 267 of CORC/M(45)20 the Finance Directorate was instructed to consider a letter from the Kommandatura regarding the increase of certain municipal taxes.

At its nineteenth meeting the Finance Directorate agreed to submit the following recommendations to the Coordinating Committee for approval:

A. Regulation concerning the taxation of coffee and tea

The acceptance of the proposal made by the Berlin City Council for the imposition of a consumption tax in Berlin of RM 10 per kilo (net) on coffee and RM 20 per kilo (net) on tea, as a temporary measure and subject to reconsideration by the Finance Directorate of the question of these taxes for the whole of Germany.

3. Decree concerning the levy of a tobacco surcharge tax for reconstruction

The rejection of the draft decree proposed by the Berlin City Council concerning the levy of a tobacco surcharge tax as such a levy would run counter to the overall taxation proposals now under consideration by the Finance Directorate.

C. Decree concerning additional rulings to the tobacco law

The acceptance of the draft decree proposed by the Berlin City Council for additional tobacco tax legislation since no additional taxation was involved.

J. L. BAUDIER, Consul General

S. M. KUDRLAVTSEV, Counsellor

H. A. GERHARDT, Colonel

J. St. J. ROOTHAM, Colonel

Allied Secretariat

Approved at Berlin 7. February 1946

CORC/F(46)50



## COORDINATING COMMITTEE

## LAW NO. 12

AMENDMENT OF INCOME TAX, CORPORATION TAX AND  
EXCESS PROFITS TAX LAW

The Control Council enacts as follows

## PART I - GENERAL PRINCIPLE

## Article I

All German tax laws shall be applied and administered without discrimination on account of race, creed, nationality or political convictions. Any legal provision which is inconsistent with this principle is repealed, in particular the rules which required the German tax laws to be construed and interpreted in accordance with the National Socialist spirit.

## PART II - RATES OF TAXATION

## Article II

## Income Tax - Tax Classes

1. For the computation of income tax the following Tax Classes are established.

## (a) Tax Class I

Tax Class I, shall comprise persons who were not married either at the beginning of the assessment period or for a minimum of four months during this period. Tax Class I does not include any such persons who fall within any of the other Tax Classes specified below.

## (b) Tax Class II

Tax Class II shall comprise the following persons, in so far as they do not fall within Tax Class III:-

- (i) Persons who were married at the beginning of the assessment period or for more than four months during this period, and
- (ii) persons who were not so married but who have completed their 65th year at least four months before the end of the assessment period.

## (c) Tax Class III

- (i) Tax Class III shall comprise persons who are entitled to a reduction for children (as indicated in clause (ii)) or to whom such reduction is granted on application (as indicated in clause (iii)).
- (ii) The taxpayer is entitled to a reduction for children as defined by existing German Law who comply with the following two requirements:-

1. The children must have belonged to the household of the taxpayer for at least four months during the assessment period or never been supported and brought up principally at the expense of the taxpayer during the assessment period. In the latter case the taxpayer must have borne the expense of supporting and bringing them up for at least four months;
2. The children must not have completed their 16th year during this period.

(iii) The taxpayer will, on application, be granted a reduction for children who have attained the age of 16 years, if they comply with the following two requirements:-

1. The children must for at least four months during the assessment period have been studying in an educational institution authorized by the Control Council or the appropriate Zone Commander and have been supported principally at the expense of the taxpayer during such time.
2. The children must not have completed their 21st year during the assessment period.

2. The provisions of this Article supersede Section 32 of the Einkommensteuergesetz and all enactments amending such Section.

3. The provisions of this Article will apply to the determination of the wage tax. Section 39 of the Einkommensteuergesetz is accordingly amended.

### Article III

#### Income Tax - General Increase of Rates

1. The rates of income tax which existed on 8 May 1945 are increased in accordance with the following general principles:-

(a) For persons in Tax Class I the rates of income tax are increased: -

(i) by 25% on salaries, wages and professional earnings;

(ii) by 35% on other types of income,

- (b) For persons in Tax Classes II and III, the increases set out in sub-paragraph (a) will apply, except that:-
- (i) there will be exempted from liability to income tax 600 Marks per year of the income of all persons in Tax Classes II and III;
  - (ii) there will also be exempted from liability to income tax 400 Marks per year of the income of all persons in Tax Class III in respect of each child for which a reduction is allowable under Article II above.
- (c) Where the introduction of the provision of sub-paragraph (b) operates in any instance to reduce instead of increase a taxpayer's liability, his liability shall be computed as a rule by adding 25% or 35% (as respectively provided in sub-paragraph (a) to the liability which would have existed had the provisions of this Law (other than Article 1 hereof) not been enacted.

2. These general principles apply to the determination of the wage tax.

3. The detailed application of these general principles is contained in Appendices 'A' and 'B' to this Law. These Appendices supersede the tables contained in Anlagen 1 and 2 to the Einkommensteuergesetz.

4. Section 40 of the Einkommensteuergesetz, which establishes special rates of wage tax for the various miscellaneous receipts (sonstige Bezuege) of employees, is repealed. Such receipts will be taxable at the rates applicable to other income.

5. Income tax assessments will be made upon all persons who are required to file an annual return of income by paragraph, 4 of Article XVI of this Law. Such persons will continue to receive the appropriate credit for the mounts deducted as tax from wages and other income. Section 46 of the Einkommensteuergesetz (as amended by Section 7 of the Steuervereinfachungs Verordnung of 14th September 1944) is amended accordingly,

#### Article IV

##### Corporation Tax - Increase in Tax Rates

1. The rates of corporation tax (Section 19(1) of the Koerperschaftsteuergesetz) will be as follows:-

- |     |                                  |       |
|-----|----------------------------------|-------|
| (a) | On Incomes up to 50,000 Marks    | - 35% |
| (b) | " " from 50,000 to 100,000 Marks | - 45% |
| (c) | " " " 100,000 to 500,000 Marks   | - 60% |
| (d) | " " above 500,000 Marks          | - 65% |

2. To avoid anomalies in marginal cases the following adjustment will be made. Where the income of a corporation falls within one of the income brackets specified in (b), (c) or (d) of paragraph 1 above, the amount of tax payable shall not exceed: -

- (a) the tax chargeable on the income at the top of the bracket next below that within which the income actually falls, plus
- (b) 90% of the amount by which the actual income exceeds that at the top of the bracket next below,

3. A detailed application of these provisions is contained in Appendix: C.

## Article V

## Deduction of Tax from Capital Yields

1. The rate of tax deduction as specified in Section 3 of the Kapitalertragsteuerverordnung (as amended) is fixed at 25% of the total capital yield.

2. Where a bank or insurance company receives on its own behalf capital yields from which tax has been deducted and the tax so deducted is in excess of the correct tax liability of such company, a refund of the amount overpaid shall be repayable to such company.

## Article VI

## Excess Profits Tax

The taxation of excess profits under the Gewinn Abfuhrungsverordnung will be subject to the following rule, namely:- that the aggregate sum of income tax, corporation tax and excess profits tax does not exceed 90% of the total net income.

## Article VII

## Tax on Directors' Fees

1. The special tax on the fees of members of Boards of Directors imposed by the Gesetz ueber die Erhebung einer Abgabe der Aufsichtsratsmitglieder of 28th March 1934 (as amended by the Law of 17th February 1939) is abolished.

2. Directors' fees which would have been subject to such special tax had this Law not been enacted, shall be subject to income tax at 65% which shall be payable by deduction at source.

3. Taxpayers who are required by paragraph 4 of Article XVI of this Law to file an annual return of income must include the gross amount of directors' fees received by them in such returns. They will be entitled to an appropriate credit for the amount deducted at source.

4 The Verordnung ueber den Steuerabzug von Aufsichts-  
ratsverguetungen of 31st March 1939 is amended in accordance  
with the provisions of this article.

### PART III - PROCEDURE FOR DETERMINING INCOMES

#### Article VIII

##### Allowances for losses

In levying income tax and excess profits tax upon  
the incomes of natural and juristic persons and in computing  
these taxes upon the income of such persons for past years, no  
credits or allowances for losses incurred in connection with  
or arising out of any of the following will be granted:-

- (a) War Contracts
- (b) Tho Public Debt
- (c) Destruction or damages caused by the war; or
- (d) Steuergutscheine.

#### Article IX

##### Income Tax on Persons engaged in Agriculture and Forestry

1. The income of farmers and foresters, who do not keep  
records shall, for the purposes of computing their income tax  
liability, be increased from 1/18th of the value of the agri-  
cultural or forestry property (as provided by Section 2 of the  
Verordnung ueber die Aufstellung von Durchschnittssaetzen fuer  
die Ermittlung des Gewinns aus Sard- und Forstwirtschaft of  
31st December 1936) to 1/12th of the value of such property.

2. The exemption allowed to farmers and foresters whose  
net income does not exceed 6000 Marks a year shall be 1000 Marks.  
Subsection (3) of Section 13 of the Einkommensteuergesetz is  
amended accordingly .

3. In the case of immigrants who have crossed the frontiers of Germany as now constituted, since 8 May 1945 and who are engaged in farming or forestry, and whose income does not exceed 6000 RM the exemption shall be 2000 RM. Such exemption shall continue for a period of 5 years as from 1 January 1946, or from the date of entry into Germany, whichever is the later. Such exemption shall cease to apply on the date when such persons cease to engage in farming or forestry.

4. In the case of persons who have settled on the land for the purpose of farming since 8 May 1945, and whose income does not exceed 6000 RM the exemption shall be 2000 RM. Such exemption shall continue for a period of 5 years as from 1 January 1946, or from the date of such settlement, whichever is the later, provided that such exemption shall not apply to persons who having once been eligible for this exemption and who have ceased to be so eligible subsequently re-settle on the land.

#### Article X

##### Tax Exempt Income

1. Subject to paragraph 2 of this Article the exemptions from liability to income tax granted to certain types of income by Section 3 of the Einkommensteuergesetz are abolished.

2. The following types of income still remain tax free:-

- (a) Income received from social insurance;
- (b) Income received from pensions;
- (c) Payments received by way of relief;

in so far as any of the foregoing are authorised by the Control Council or the appropriate Zone Commander.

#### Article XI

##### Allowances for Expenditure

1. The following portions of Section 9 of the Einkommensteuergesetz are repealed:-



- (a) Paragraph (3), which allows as professional expenditure, dues paid to any professional, occupational and trade organisation, the purpose of which is non-profit making;
- (b) Paragraph (4), which allows as professional expenditure the necessary expenses incurred by the taxpayer for travelling between his place of residence and his place of work,

2. Section 10 of the Einkommensteuergesetz is amended as follows:-

- (a) The existing paragraphs 2 and 3 of subsection (1) which list certain types of special expenditure (Sonderausgaben) are repealed. The following new paragraphs are inserted instead:-

"2. Social insurance contributions which by law are deductible from wages"

"3. Payments in respect of property tax"

- (b) In subsection (2) paragraph 3, the permissible total of deductions for special expenditure is reduced to 300 Marks per year for the taxpayer himself plus a further 300 Marks per year for his wife and each member of his family within the meaning of Section 10(3) - (6) of the Steueranpassungsgesetz.

## Article XII

### Sale of Enterprises

Profit accruing from the sale of enterprises or from the sale of shares in corporations or other companies (in so far as such profit falls within Sections 14, 16 and 17 of the Einkommensteuergesetz) must be included in the not income subject to taxation, irrespective of the amount of such profit. The exemptions contained in Section 14 (2), Section 16 (4) and (5) and Section 17 (3) and (4) of the Einkommensteuergesetz are abolished.

## Article XIII

## Income from Letting and Leasing

Every person paying rent or making any other payment under a lease, in respect of land, buildings or other immovable property Will submit a special quarterly report to the appropriate Finanzamt showing all the sums so paid and the person or persons to whom they are paid.

## Article XIV

## Extraordinary Income

1. Extraordinary income consisting of receipts representing compensation for an activity extending over a period of years (Section 34(2)1 of the Einkommensteuergesetz) shall be subject to income tax at the rates applicable to other income. Such extraordinary income may, for income tax purposes, be spread out and treated as the income of the years in which it was earned, provided that such spread out period does not exceed three years.

2. Sale profits within the meaning of Sections 14, 16 and 17 of the Einkommensteuergesetz (that is certain profits from the sale of enterprises, property, stocks, shares or bonds) shall no longer be regarded as extraordinary income within Section 34 of the said Law, but shall be subject to income tax at the rates applicable to other income.

3. Section 34 of the Einkommensteuergesetz is amended accordingly.

## Article XV

## Deduction at Source - Capital Yields Tax

1. The exemption from deduction of tax at source conferred on dividends upon preference shares in the Reichsbahn by Section 43(1)1 of the Einkommensteuergesetz and by Section 1(1)1 of the Kapitalertragsteuerverordnung is abolished.

2 The following additional capital yields are brought within the provisions of Section 1 of the Kapitalertragsteuerverordnung and declared to be subject to deduction of the tax at source:-

- (a) Interest on mortgages, debentures and loans of any limited or other company, any corporation, or any government or governmental body or agency (including the Reich and any Provinzen, Laender, Regierungsbezirke, Kreise or Gemeinden). Interest on fluctuating overdrafts or day to day advances from banks is excluded from this provision. The Control Council may grant exemptions from provisions of this subparagraph.
- (b) Interest paid or credited by any bank (including the Post Office, savings banks and other savings' institutions), where the total amount of the interest exceeds the sum of 250 Marks per year or a proportionate amount for any shorter period.

3. The exemptions from deduction of tax at source granted to any companies or corporations by Section 2 subsection (1)2 of the Kapitalertragsteuerverordnung and by Section 9 of the Koerperschaftssteuergesetz are abolished.

PART IV - PROCEDURE FOR CALCULATING TAXES,  
INCLUDING ADVANCED QUARTERLY PAYMENTS AND  
FILING OF TAX RETURNS

Article XVI

Tax Returns, Advance Payments (Income Tax  
and Corporation Tax)

1. The payment of advance instalments (Vorauszahlungen) of income tax and corporation tax shall be made on 10th April, 10th July, 10th October and 10th January. Section 35(1) of the Einkommensteuergesetz is amended accordingly.

2. The calculation of the mounts of advance instalments payable in each quarter shall be based upon the income of the preceding quarter. The provisions of Suction 35(2) of the Einkommensteuergesetz ana Section 24(1) of the Einkommensteuer-Durchfuehrungsverordnung (of 7th December 1941), which require such instalments to be calculated upon the basis of the tax determined in the last assessment, are accordingly amended.

3. Except as provided in this paragraph every taxpayer will, at the time he pays such advance instalment, file a return setting out the manner in which he has calculated the advance instalment (herein called a "quarterly return"). Such returns are not required from farmers and foresters who do not keep records and psrsons whose income for the preceding quarter does not exceed 1,000 Marks.

4. On or before 10th March in each year every taxpayer will file a return of all income received by him during the calendar year ending on the preceding 31st December (herein called an "annual return"). The following persons need not file such returns:-

- (a) All persons whose income from wages is less than 24,000 Marks per year and whose taxable income other than wages does not exceed 600 Marks per year;
- (b) Farmers and foresters who do not keep records and whose taxable income other thnn profits from their farming or forestry does not exceed 600 Marks per year;
- (c) Other persons whose taxable income does not exceed 600 Marks per year.

Section 15 of the Einkommensteuer-Durchfuehrungsverordnung is amended to give effect to the provisions of this paragraph.

5. On the basis of the annual returns made pursuant to paragraph 4 the Finanzaemter will recalculate the sum total of income or corporation tax for the entire year. Where as a result of such recalculation, an excess payment of tax is shown to have been made, such excess will be credited towards the liability of the taxpayer for the next year or repaid to the taxpayer at his option. Where an additional sum is shown to be due, such sum will be payable by the taxpayer not later than 14 days after the notification of the recalculation.

6. When the advance instalment actually paid for any quarter is shown to be 25% or more less than the correct tax finally calculated to be due for such quarter, the taxpayer will be required to pay, as a penalty, a sum equal to 15% of the tax finally calculated to be due for such quarter. In determining, whether such 25% or greater deficiency has occurred, any amounts overpaid in one quarter are to be credited on account of the tax payment for the following quarter.

7. The Finanzaemter are authorised, if in any case this is necessary, to check forthwith the accuracy of the information concerning the taxpayer's income furnished in the quarterly return made under paragraph 3 and to recalculate the tax payable, without waiting for the end of the year and the filing of the annual return.

## PART V - CONCLUDING PROVISIONS

### Article XVII

#### Repeals and Amendments

All other German taxation legislation inconsistent with this law is repealed, or amended pursuant to the provisions of this law,

## Article XVIII

**Effective Date**

The rates of taxation specified in this law will apply as from 1 January 1946.

Done at Berlin, the 11th day of February 1946

s/d P. KOENIG, General d'Armee

s/d G. ZHUKOV, Marshal of the  
Soviet Union

s/d JOSEPH T. MCNARNEY  
General U. S. Army

s/d H. M. BURELOW, Admiral

## APPENDIX "A"

## ASSESSSED INCOME TAX - Basic Table for 1946 (Veranlagte Einkommensteuer)

Yearly Income		Tax to be charged	
RM	0 - 600	NIL	
	600 - 1200	RM 11.00 plus 17% of the Excess over RM 600	600
	1200 - 2400	" 113 " 25% " " " " " "	1200
	2400 - 4800	" 413 " 50% " " " " " "	2400
	4800 - 9600	" 1613 " 55% " " " " " "	4800
	9600 - 13200	" 4253 " 60% " " " " " "	9600
	13200 - 15600	" 6413 " 70% " " " " " "	13200
	15600 - 18000	" 8093 " 80% " " " " " "	15600
	18000 - 24000	" 10013 " 85% " " " " " "	18000
	24000 - 60000	" 15113 " 90% " " " " " "	24000
	60000 - 100000	" 47513 " 95% " " " " " "	60000
	Over 100000	" 85513 " 95% " " " " " "	100000

Notes: 1. Before applying the basic table, incomes from wages, salaries and professional profits (Einkuenfte aus Loehnen, Gehaeltern und freien Berufen) will be reduced by 10% or by RM 1000, whichever is the less

2. The following exemptions will also be allowed before applying the basic table:

For persons in Tax Class II	- RM 600 per annum
" " " " " III ( 1 child)	- RM 1000 " "
" " " " " III (2 children)	- RM 1400 " "
" " " " " III (3 children)	- RM 1800 " "
" " " " " III (4 children)	- RM 2200 " "

For other persons in Tax Class III the exemption will be increased By RM 400 per annum for each child e.g. for 5 children the exemption will be RM 2600 - and so on.

3. The exemptions mentioned in note 2 will not be allowed and the basic table will not be used in the following:-

Persons in Tax Class	I	whose incomes do not exceed RM	
" " " "	II	" " " "	1500 yrly.
" " " "	III(1)	" " " "	exceed RM 4400 yrly.
" " " "	Classes III(2), III (3) & III (4)	" " " "	exceed RM 2400 yrly.
		" " " "	exceed RM 3200 yrly.

In these cases the tax will be charged on the total income less the deduction of 10% mentioned in note 1 (so far as the income includes wages salaries or professional profits) at the following rates:

For persons in Tax Class	I	- at the rate charged for 1945 in respect of the old Tax Class I
" " " "	II	- at the rate charged for 1945 in respect of the old Tax Class II
" " " "	III (1), (2), (3) & (4)	- at the rates charged for 1945 in respect of the old Tax Classes IV (1), (2), (3) & (4),

plus an addition of 35% in each case.

4. In order that taxpayers may be able to compute the quarterly payments on account due on 10 January, April, July and October, proportionate quarterly tables will be prepared from the main basic table for all incomes in Excess of RM 4000 yearly (RM 1000 quarterly).



## APPENDIX "B"

## WAGES TAX TABLE FOR 1946

<u>Wages</u> <u>for one</u> <u>month</u>		<u>Tax to be deducted</u>	<u>Tax Class I - Single Persons</u>						
RM	0 - 83	NIL							
	84 - 100	RM	0.58	plus 14%	of the excess	over RM	84		
	100 - 150	"	2.82	"	18%	"	"	"	100
	150 - 200	"	11.82	"	22%	"	"	"	150
	200 - 250	"	22.82	"	35%	"	"	"	200
	250 - 300	"	40.32	"	40%	"	"	"	250
	300 - 800	"	60.32	"	50%	"	"	"	300
	800 - 1100	"	310.32	"	55%	"	"	"	800
	1100 - 1200	"	475.32	"	60%	"	"	"	1100
	1200 - 1300	"	535.32	"	65%	"	"	"	1200
	1300 - 1600	"	600.32	"	75%	"	"	"	1300
	1600 - 2000	"	825.32	"	80%	"	"	"	1600
Over	2000		57% of the total wages						
<u>Tax Class II - Married Persons without Children</u>									
RM	0 - 94	NIL							
	95 - 200	RM	0.85	plus 13%	of the excess	over RM	95		
	200 - 250	"	16.60	"	24%	"	"	"	200
	250 - 450	"	28.60	"	40%	"	"	"	250
	450 - 850	"	108.60	"	50%	"	"	"	450
	850 - 1150	"	308.60	"	55%	"	"	"	850
	1150 - 1250	"	473.60	"	60%	"	"	"	1150
	1250 - 1350	"	533.60	"	65%	"	"	"	1250
	1350 - 1650	"	598.60	"	75%	"	"	"	1350
	1650 - 2000	"	823.60	"	80%	"	"	"	1650
Over	2000		55% of the total wages						

Wages  
for one  
month

Tax to be deducted      Tax Class III (1) - Persons  
with 1 Child

RM	0 -	133	NIL						
	134 -	150	RM	1.25	plus 8%	of the excess over	RM	134	
	150 -	233	"	2.53	"	10%	"	"	150
	233 -	283	"	10.83	"	23%	"	"	233
	283 -	383	"	22.33	"	40%	"	"	283
	383 -	883	"	62.33	"	50%	"	"	383
	883 -	1183	"	312.33	"	55%	"	"	883
	1183 -	1283	"	477.23	"	60%	"	"	1183
	1283 -	1383	"	537.23	"	65%	"	"	1283
	1383 -	1683	"	602.23	"	75%	"	"	1382
	1683 -	2000	"	827.23	"	80%	"	"	1683
Over	2000			54% of the total wages					

Tax Class III (2) - Persons  
with 2 Children

RM	0 -	156	NIL						
	157 -	200	RM	0.88	plus 10%	of the excess over	RM	157	
	200 -	266	"	5.18	"	12%	"	"	200
	266 -	316	"	13.10	"	20%	"	"	266
	316 -	416	"	23.10	"	40%	"	"	316
	416 -	916	"	63.10	"	50%	"	"	416
	916 -	1216	"	313.10	"	55%	"	"	916
	1216 -	1316	"	478.10	"	60%	"	"	1216
	1316 -	1416	"	538.10	"	65%	"	"	1316
	1416 -	1716	"	603.10	"	75%	"	"	1416
	1716 -	2000	"	828.10	"	80%	"	"	1716
Over	2000			53% of the total wages					

Wages  
for one  
month

Tax to be deducted

Tax Class III (3) - Persons  
with 3 Children

RM	0 -	210	NIL							
	211 -	300	RM	1.00	plus	13%	of the excess over	RM	211	
	300 -	350	"	12.57	"	20%	" " "	"	300	
	350 -	450	"	22.57	"	40%	" " "	"	350	
	450 -	950	"	62.57	"	50%	" " "	"	450	
	950 -	1250	"	312.57	"	55%	" " "	"	950	
	1250 -	1350	"	477.57	"	60%	" " "	"	1250	
	1350 -	1450	"	537.57	"	65%	" " "	"	1350	
	1450 -	1750	"	602.57	"	75%	" " "	"	1450	
	1750 -	2000	"	827.57	"	80%	" " "	"	1750	
Over	2000			51% of the total wages						

Tax Class III (4) - Persons  
with 4 Children

RM	0 -	266	NIL							
	267 -	383	RM	1.20	plus	10%	of the excess over	RM	267	
	383 -	483	"	2.80	"	20%	" " "	"	383	
	483 -	983	"	22.80	"	40%	" " "	"	483	
	983 -	1283	"	62.80	"	50%	" " "	"	983	
	1283 -	1383	"	312.80	"	55%	" " "	"	1283	
	1383 -	1483	"	477.80	"	60%	" " "	"	1383	
	1483 -	1783	"	537.80	"	65%	" " "	"	1483	
	1783 -	2000	"	602.80	"	75%	" " "	"	1783	
Over	2000			50% of the total wages						

<u>Wages</u> <u>for one</u> <u>month</u>		<u>Tax to be deducted</u>		<u>Tax Class III (5) - Persons</u> <u>with 5 Children</u>	
RM	0 - 299	NIL			
	300 - 316	RM	0.58	plus 12%	of the excess over RM 300
	316 - 366	"	2.50	" 18%	" " " " " 316
	366 - 416	"	11.50	" 22%	" " " " " 366
	416 - 516	"	22.50	" 40%	" " " " " 416
	516 - 1016	"	62.50	" 50%	" " " " " 516
	1016 - 1316	"	312.50	" 55%	" " " " " 1016
	1316 - 1416	"	477.50	" 60%	" " " " " 1316
	1416 - 1516	"	537.50	" 65%	" " " " " 1416
	1516 - 1816	"	602.50	" 75%	" " " " " 1516
	1816 - 2000	"	827.50	" 80%	" " " " " 1816
	Over 2000		49% of the total wages		

NOTES 1. For persons with more than 5 children the limits of each tax bracket shown in the table for Tax Class III (5) are increased by RM 33 per month for each child in excess of 5, and the rate of deduction for wages in excess of RM 2000 per month is reduced by 1% for each such child - - e.g. for Tax Class III (6) the scale will be:

RM 0 - 332) Tax to be deducted from  
332 - 349) and so on. Wages over RM 2000 is 48 %  
349 - 399)

2. The tables for each Tax Class for periods other than one month will be computed as follows:

For daily wages - 1/26th of the monthly scales.  
" half-daily wages - 1/52nd of the monthly scales.  
" weekly wages - 6/26ths of the monthly scales.  
" fortnightly wages - 12/26ths of the monthly scales.

## APPENDIX "C"

## MARGINAL ADJUSTMENTS IN THE CORPORATION TAX

Income	Corporation Tax
Up to 50,000 RM	35% of the total income
50,000 - 61,110 RM	17,500 RM $\neq$ 90% of the amount by which the income exceeds 50,000 RM.
61,000 - 100,000 RM	45% of the total income.
100,000 - 150,000 RM	45,000 RM $\neq$ 90% of the amount by which the income exceeds 100,000 RM.
150,000 - 500,000 RM	60% of the total income.
500,000 - 600,000 RM	300,000 RM $\neq$ 90% of the amount by which the income exceeds 500,000 RM
Over 600,000 RM	65% of the total income

## CONTROL COUNCIL

## LAW NO. 13

## Amendment of Property Tax Laws

THE CONTROL COUNCIL ENACTS AS FOLLOWS:

## Article I

The Gesetz ueber die Weitererhebung der Aufbringungs-umlage of 17 June 1936 and its subsidiary regulations are repealed.

## Article II

The tax exemptions (Freibetraege) for natural persons in respect of property tax will be limited to 10,000 RM for the taxpayer himself. The other exemptions Granted by Section 5 of the Vermoegensteuergesetz are abolished.

## Article III

The following annual rates of property tax are established in the place of the single rate specified in Section 8 of the Vermoegensteuergesetz:-

(a) For juristic persons subject to property tax liability (see Section 1 subsection (1) 2 and Section 2 subsection (1) 2 of the Vermoegensteuergesetz) :-

- (i) 2%, where the aggregate taxable property amounts in value to 500,000 RM or less;
- (ii) 2 1/2%, where the aggregate taxable property amounts to more than 500,000 RM in value.

(b) For natural persons :-

- (i) 1%, where the aggregate taxable property amounts in value to 50,000 RM or less, In the case of property used for agriculture or forestry of the same value, 1 1/2%.

- (ii) 1 1/2%, where the aggregate taxable property amounts in value to more than 50,000 RM, but not more than 500,000 RM;
- (iii) 2 1/2%, where the aggregate taxable property amounts in value to more than 500,000 RM.

#### Article IV

1. In determining the net income for purposes of corporation tax, sums paid in respect of property tax shall be allowable as a deductible expenditure (Abzugsfähige Ausgabe), Sections 11 and 12 of the Körperschaftsteuergesetz are amended accordingly.

2. In computing liability to income tax, sums paid in respect of property tax shall be allowable as a special expenditure (Sonderausgabe) within Section 10 of the Einkommensteuergesetz.

3. In determining the net income for purposes of excess profits tax, sums paid in respect of property tax shall be allowable as a deduction.

#### Article V

Property tax is leviable: -

- (a) Whether the taxpayer has any net income or not; and
- (b) Irrespective of the amount of any other taxes payable by the taxpayer.

#### Article VI

The amendments made to Section 22 of the Reichsbewertungsgesetz (which deals with new valuation of the Einheitswert in cases where the value has changed), by Section 11 of the Steuervereinfachungsverordnung of 14 September 1944 are repealed. Section 22 of the Reichsbewertungsgesetz in the form in which it existed immediately prior to 14 September 1944, is reinstated.

## Article VII

New principal assessments (Hauptveranlagungen) - (Section 12 of the Vermoegensteuergesetz) shall be made upon the property subject to tax. Such assessments shall be based on the value of such property on 1 January 1946. Account shall be taken of the provisions of Article VI of this law in making such new assessments.

## Article VIII

1. All natural persons subject to an unlimited tax liability, with total property of 10,000 RM or more must file a new property tax declaration showing the value of such property on 1 January 1946. Section 12 (1) I of the Durchfuehrungsverordnung zum Vermoegensteuergesetz is amended accordingly. All other natural persons and all juristic persons, required by Section 12 (1) II, (2) and (3) of such Durchfuehrungsverordnung to file a property tax declaration must file a new declaration showing the value on 1 January 1946 of the property liable to tax,

2. Persons required by paragraph 1 of this Article to file such a declaration shall be liable to the penalties provided by law, if they fail to do so or if they understate the value of the property liable to tax.

3. The German tax authorities will take the necessary steps to check such declarations.

## Article IX

All other German taxation legislation inconsistent with this law is repealed or amended in accordance with the provisions of this law.



## Article X

The rates of tax specified in this law will apply as from 1 January 1946.

Done at Berlin, the 11th day of February 1946

s/d P. KOENIG, General d'Armee

s/d G. ZHUKOV, Marshal of the  
Soviet Union

s/d JOSEPH T. MCNARNEY, General  
U. S. Army

s/d M. BURROW, Admiral

## CONTROL COUNCIL

## LAW NO. 14

## AMENDMENT OF MOTOR VEHICLE TAX LAWS

THE CONTROL COUNCIL ENACTS AS FOLLOWS:

## Article I

The following annual tax rates for the types of motor vehicle listed below, replace entirely those specified in Section 11 of the Kraftfahrzeugsteuergesetz:-

	For each 200 kg empty (Eigenge- wicht) weight or part thereof.	For each 100 cu. cm. of piston displacement or part thereof.
	RM	RM
1. Motor bicycles and tricycles.		12
2. Passenger motor cars excluding motor buses		18
3. Tractors without loading space:		
Empty (Eigengewicht) weight up to 2400 kg.	30	
Empty (Eigengewicht) weight over 2400 kg.	15	
4. All other vehicles, including motor buses and motor trucks: -		
Empty (Eigengewicht) weight up to 2400 kg.	45	
Empty (Eigengewicht) weight over 2400 kg.	15	

## Article II

- 1, The tax year begins on 1 January of each year,
- 2, Taxes on vehicles licensed prior to 1 July are payable at the full annual rate, Taxes on vehicles licensed on or after 1 July are payable at 50% of the full annual rate, The provisions of this paragraph supersede Section 13 (2) of the Kraftfahrzeugsteuergesetz.

## Article III

The exemptions from tax granted to certain Classes of motor vehicles by Section 2 of the Kraftfahrzeugsteuergesetz are abolished.

## Article IV

The following amendments are made to Section 3 of the Kraftfahrzeugsteuergesetz (which deals with tax free user (Steuerbefreites Halten)):-

- (a) In Subsection (2) the words "the armed forces or" are deleted and
- (b) Subsections (3), (4), and (5) are repealed.

## Article V

The Ordinance of 17 May 1938 which granted tax exemption to certain categories of motor vehicles is repealed.

## Article VI

All other German taxation legislation which is inconsistent with this law is repealed or amended in accordance with the provisions of this law.

## Article VII

The rates of taxes specified in this law will apply as from 1 January 1946.

Done at Berlin, the 11th day of February 1946.

s/d P. KOENIG, General d'Armee

s/d G. ZHUKOV, Marshal of the  
Soviet Union

s/d JOSEPH T. MCNARNEY,  
General U. S. Army

s/d M. BURROW, Admiral

for B. L. MONTGOMERY, Field Marshal

CONTROL COUNCIL  
LAW NO. 15  
AMENDMENT OF TURNOVER TAX LAWS

THE CONTROL COUNCIL ENACTS AS FOLLOWS:

Article I

1. Turnover tax rates are as follows:

- (a) General - 3%
- (b) Wholesale deliveries -  $3\frac{3}{4}\%$
- (c) Deliveries of agricultural and forestry produce -  $11\frac{1}{2}\%$
- (d) Enterprises where the total turnover in the preceding calendar year exceeds RM 1,000,000 -  $3\frac{3}{4}\%$

2. In pursuance of paragraph 1 of this Article, Section VII of the German Turnover Tax Law of 17 October 1934 (Umsatzsteuergesetz) is amended as follows:

- (a) In subsection (1) amend 2% to 3%
- (b) In subsection (2) amend 1% to  $11\frac{1}{2}\%$
- (c) In subsection (3) amend  $1\frac{1}{2}$  to  $3\frac{3}{4}\%$
- (d) In subsection (4) amend  $2\frac{1}{2}$  to  $3\frac{3}{4}\%$

3. For the purpose of the monthly declarations (Vorankündigungen), where the turnover does not exceed RM 75,000 per month, composite rates for enterprises with a mixed turnover are determined in accordance with existing practice (see Section 8 of the Tax Simplification Ordinance of 14 September 1944)

(Steuervereinfachungsverordnung) but will take account of the new rates of tax specified above. Where the turnover amounts to RM 75,000 per month or more, the said Section 8 will no longer apply and the tax must be computed for the monthly declaration in accordance with the actual rates of tax specified above in respect of each class of turnover.

4. When the final declaration (Abschlussanmeldung) is made, adjustment will be made so as to ensure that the correct rates of tax specified above have been correctly applied for each class of turnover and the amount of the tax will be determined accordingly. This applies whether or not the monthly turnover exceeds RM 75,000. The said Section 8 will no longer apply to final declarations and assessments.

#### Article II

1. All transactions between a parent enterprise and its subsidiaries or between two or more subsidiaries of the same parent enterprise are subject to turnover tax in all instances in which such transactions would be subject to tax if they took place between independent enterprises.

2. Section 2 subsection (2) of the Law of 17 October 1934 (Umsatzsteuergesetz), and Section 17 of the Carrying Out Ordinance (Durchfuhrungsbestimmungen zum Umsatzsteuergesetz) of 23 December 1938, and any other relevant provision of the turnover tax legislation are repealed or amended in pursuance of paragraph 1 of this Article.

#### Article III

1. The monthly declarations (Vorankmeldungen) and the monthly payment of turnover tax are made by all taxpayers except

- (a) Taxpayers whose monthly turnover tax is less than RM 50;
- (b) Farmers and Foresters who do not keep books.

2, Section 13 (1) of the Law of 17 October 1934  
(Umsatzsteuergesetz) is amended accordingly.

Article IV

All other German taxation legislation inconsistent  
with this Law is repealed or amended in pursuance of the pro-  
visions of this Law.

Article V

The rates of tax specified in this Law will apply  
as from 1st January 1946.

Done at Berlin 11 February 1946

s/d P. KOENIG,  
General d'Armee

s/d G. ZHUKOV  
Marshal of the Soviet Union

s/d JOSEPH T. MCNARNEY  
General, U.S. Army

s/d H. M. BURROUGH  
Admiral

COORDINATING COMMITTEE  
REPLY TO THE JUGOSLAV MILITARY MISSION

The suffering and losses sustained by the people of Yugoslavia during the period of German occupation occasion feelings of the deepest sympathy on the part of the members of the Control Council as well as of the Governments of the four nations which they represent.

Agreement has just been reached in the Control Council on the definition of Restitution. A procedure to implement it is being worked out now and will be made known to interested Governments in the near future.

Approved at Berlin 13 February 1946

CORC/P(46)58



## COORDINATING COMMITTEE

## RE-ESTABLISHMENT OF AN INTERNATIONAL POSTAL SERVICE

Memorandum by I.A. & C. Directorate

1. The I.A. & C. Directorate are agreed on the necessity for establishing a Postal Service between Germany and the outside world. Initially the service will have to be a restricted one and details are now being worked out by the Postal Subcommittee.

2. When agreement has been reached on matters of detail comprehensive proposals will be placed before the Coordinating Committee for approval. In the meantime it is recommended that the Coordinating Committee approve the following recommendation.

"The Institution of an international postal service for Germany is approved in principle. Target date for the institution of the service will be 1 April 1946 but the service will be put into effect earlier should this prove possible.

The I.A. & C. Directorate will in conjunction with other interested Directorates, and international Agencies prepare comprehensive proposals for the approval of the Coordinating Committee."

Approved at Berlin 13 February 1946

CORC/P(46)60

COORDINATING COMMITTEE  
POLICY CONCERNING THE REOPENING OF MUSEUMS IN GERMANY

It is proposed:

1, that, following the principles embodying the spirit of Democracy and Progress and with the object of encouraging scientific and cultural interests, the following categories of museums should be reopened:

- (a) the provincial museums of local interest, exhibiting the character, occupations and dress of the local population;
- (b) the museums of natural history and arts;
- (c) the museums dedicated to the memory of the great progressive benefactors of the German race;

2. that the exhibition for propaganda purposes in the museums, of objects, documents, etc. setting forth any anti-democratic, militaristic or racially prejudiced ideology, or suggesting ideas which, in essence or in spirit, are incompatible with democracy as applied to peoples or nations, shall be strictly forbidden.

Approved at Berlin 16 February 1946

CORC/P(46)61

COORDINATING COMMITTEE  
JOINT USE OF THE LIBRARY OF THE UNIVERSITY OF BERLIN

**It is recommended:**

That the **books** of the Library of the University of **Berlin** should be made available to all the accredited personnel of the **four occupying powers**.

Approved at Berlin 16 February 1946

CORC/P(46)62

## COORDINATING COMMITTEE

DRAFT REPORT TO THE COORDINATING COMMITTEE FROM THE POLITICAL  
DIRECTORATE ON THE ESTABLISHMENT OF INTERIM OFFICES FOR GERMAN  
AFFAIRS IN UNITED NATIONS AND NEUTRAL COUNTRIES

1. As a result of the capitulation of Germany, the authority which German Diplomatic and Consular Missions exercised over German nationals in foreign countries disappeared. Consequently in some countries German affairs are at present in the hands of the host Governments, while in others the diplomatic representatives of the Four Control Powers have appointed Committees composed of members of their staffs as a stop gap.
2. The United States Government, considering that this unsatisfactory state of affairs should not be allowed to continue, took the initiative in devising a scheme for the establishment of Interim Offices for German Affairs abroad. This scheme was discussed with the United Kingdom Government and was then raised in the Political Directorate by the United States member so that a plan might be worked out and submitted in final form to the Coordinating Committee.
3. In its present form the scheme envisages the establishment in a number of foreign countries of Interim Offices for German Affairs which would control local Germans and would perform certain essential quasi-consular functions for them. These would include the registration and recording of births, marriages and deaths, passport and property control, arrangements for repatriation and transmission of subsistence remittances, but they would not include the issue of travel documents (except to Germany) or property enquiries or protection or financial aid for Germans. United Nations Governments would operate these offices themselves in their territory, whereas in neutral and certain ex-enemy countries they would be directed by the local representatives of the Four Control Powers, or by the Allied Control Commissions in those countries. Each Control Power would make its own arrangements for carrying out these functions in its own territory.

4. During the discussions which have taken place in the Political Directorate on the detailed organisation of this scheme it has become clear that some form of central office in Berlin, acting as a subsidiary organisation under the Allied Control Authority, will be required to co-ordinate the work of the offices abroad, and to reply to the requests for guidance which will inevitably be received from them. While it would be contrary to Allied Policy to reconstruct the former German Foreign Office, the Directorate consider that a bureau organised on the following lines will be required.

5. The work of this bureau should be supervised by a committee composed of a diplomatic or consular officer from each of the four Control Powers which would meet at regular intervals. This committee would report to the Political Directorate and would form an integral part of the Allied Control Authority.

6. Under this committee would be a permanent Allied official (possibly with assistants) from one of the Control Powers who would act as the executive officer of the bureau and at the same time as secretary of the committee. He would be assisted by such Allied staff as was found necessary.

7. Under the authority and control of these Allied officials would be the minimum number of reliable German ex-officials and clerical staff capable of carrying out the work of the Bureau. On account of the denazification regulations these German officials would be of junior rank. It might, however, be possible to find trustworthy senior officials who had resigned from the German Foreign Service before or shortly after 1933 and who were acceptable to all four Control Powers.

8. Before proceeding further with the detailed planning necessary to implement a scheme as outlined above the Political Directorate would be glad to know whether the Coordinating Committee approves:

- (a) the principle of the plan for Interim Offices for German Affairs abroad as outlined in paragraph 3 above.
- (b) the principle of a Bureau in Berlin as outlined in paras 4, 5, 6 and 7 above.

## COORDINATING COMMITTEE

INDUSTRIES TO BE ELIMINATED OR RESTRICTED TO DOMESTIC  
REQUIREMENTS FOR INDUSTRIAL DISARMAMENT REASONS

The following agreements regarding measures of industrial disarmament apply only to the determination of the permitted level of industry for Germany in connection with the reparations programme. These agreements do not exclude other industrial disarmament measures which can and should be undertaken within the limitations of the level of industry finally agreed upon.

A. Production of the following will be entirely prohibited :-

- (1) War Materials as specifically defined by the appropriate quadripartite authority.
- (2) Sea-going ships (not interpreted to include small fishing vessels).
- (3) Magnesium
- (4) Primary aluminum and alumina for the purpose of producing aluminum.
- (5) Beryllium
- (6) Vanadium produced from Thomas slags.
- (7) Radio-active materials.
- (8) Hydrogen peroxyde above 50% strength.
- (9) Radio transmitting equipment.
- (10) Heavy agricultural tractors having a greater capacity than those defined in E (6).
- (11) Heavy machine tools of the size and type prohibited by E (1).

B. Production of the following ~~will be permitted~~ only until sufficient imports can be obtained:-

- (1) Synthetic gasoline and oil
- (2) Synthetic rubber
- (3) Ball and taper roller bearings.

C. Production of television reception equipment will be permitted only in specific plants under direct supervision and control.

D. Production of synthetic ammonia will be permitted until exports can be found to pay for required imports of nitrogen as well as for all other necessary imports. To the extent to which synthetic ammonia production is not eliminated, it will be limited to not more than that amount necessary to meet Germany's peacetime requirements.

E. Production of the following will be restricted to not more than that amount necessary to meet Germany's peacetime requirements:-

- (1) Machine tools, limited as regards type and size by the Allied Control Authority.
- (2) Heavy machinery and equipment (including Diesel engines).
- (3) Locomotives
- (4) Railroad rolling stock of standard gauges
- (5) Heavy chemicals, including but not limited to sulphuric acid, chlorine, calcium carbide, methanol, and hydrogen peroxyde below 50% strength
- (6) Agricultural tractors limited as regards capacity by the Allied Control Authority
- (7) Heavy construction equipment including heavy cranes and multiple bucket excavators.
- (8) Radio receiving sets having characteristics defined by the Allied Control Authority.
- (9) Automobiles, trucks and buses.
- (10) Raw optical glass.

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No new locomotives are to be built until after existing repairable locomotives have been repaired and locomotive requirements can no longer be met from such repaired locomotives. In the interim, locomotive manufacturing facilities which will be left in Germany are to be used for repair work.

Approved at Berlin 16 February 1946

CORC/P(46)44

## CONTROL COUNCIL

## LAW NO. 16

## MARRIAGE LAW

## Part One

## RIGHT TO CONTRACT MARRIAGE

## A. NUBILITY

## Section 1.

## Marriageable Age

1, A man shall not contract marriage before the completion of his twenty-first year, nor a woman before the completion of her sixteenth year,

2, The man and the woman can be exempted from this provision, but the man only if he has completed his eighteenth year and is no longer subject to parental authority, or under the care of a guardian.

## Section 2,

## Legal Incapacity

No one under legal incapacity may contract a marriage.

## Section 3.

## Consent of the legal representative and the competent tutor

1. A minor, or anyone whose legal capacity is limited on other grounds may only contract marriage with the consent of his legal representative.

2 If the legal representative is not, at the same time, responsible for the custody of the person of the minor, or if the responsibility for such custody is shared with another party, then the consent of the other party must also be obtained.



3. Should the Legal representative or the person having the right of custody withhold consent without sufficient reason, then, on the application of the betrothed party requiring permission, it may be supplied by the Judge of the Guardianship Court.

#### B. MARRIAGE PROHIBITIONS

##### Section 4.

##### Consanguinity and Affinity

1. A marriage may not be contracted between relations in a direct line, between full and half-brothers and sisters, nor between relations by marriage in a direct line, no matter whether the relationship is the result of legitimate or illegitimate birth.

2. Marriage may not be contracted between persons where one party has had sexual intercourse with parents, grandparents or descendants of the other party.

3. Exemption may be granted in respect of the prohibition against marriage of relatives by marriage.

##### Section 5.

##### Bigamy

No one may contract a marriage until his former marriage has been declared void or has been dissolved.

##### Section 6.

##### Adultery

1. A marriage may not be contracted between a person who has been divorced for adultery and the person with whom the adultery was committed, if the divorce judgment gives this act of adultery as the ground for the divorce,

2. Exemption from this provision may be granted and may only be refused if there are serious reasons against the contract-  
ion of the new marriage.

## Section 7.

## Adopted Children

A marriage shall not take place between an adopted child and its descendants on the one hand and the adopter on the other hand, so long as the legal status of this adoption continues.

## Section 8.

## Waiting Period

1. A woman shall not re-marry within ten months of the dissolution of her previous marriage or its declaration as null and void, unless she has meanwhile given birth to a child.

2. Exemptions may be granted in respect of this provision,

## Section 9.

## Clearing certificate from judge of the Guardianship Court

A person who has a legitimate child who is a minor or is under his guardianship, or a person who lives holding for a continuing period joint property with a descendant who is a minor or a ward, shall not marry before he has produced a certificate from the Guardianship Judge, to the effect that he has fulfilled all the duties incumbent on him in respect of the child or descendant, arising out of his re-marriage, or that he has no such obligations,

## Section 10.

## Certificate of nubility for Foreigners

1. Foreigners shall not contract marriage before they have produced a certificate from the domestic authorities of their native country stating that there are no legal impediments to the marriage in the law of that country,

2. Exemptions may be granted in respect of this provision,

## C. CONTRACTION OF MARRIAGE

## Section 11.

1. A marriage shall come into existence only if the ceremony has been performed before a registrar.

2. A registrar within the meaning of Subsection (1) also includes anyone who, though not a registrar, has publicly discharged the functions of registrar and entered the marriage in the family register.

## Section 12.

## Banns

1. The celebration of marriage shall be preceded by banns. The banns will lapse if the marriage does not take place within six months of their final publication,

2. The marriage can take place without banns if the dangerous illness of one of the contracting parties does not permit of postponement of the marriage.

3. Exemption from banns may be granted.

## Section 13.

## Form of Marriage Ceremony

1. The marriage is concluded by the contracting parties declaring personally and in the presence of each other before the registrar that they wish to marry each other.

2. The declarations cannot be subject to any conditions or to any stipulation as to time.

## Section 14.

## Marriage Ceremony

1. The Registrar shall, in the presence of two witnesses, ask the contracting parties individually, one after the other, whether they wish to marry each other, and after they have replied in the affirmative, shall state, in the name of the law, that they are now a legally united married couple,

2. The registrar shall enter the marriage in the family register.

## Section 15.

## Competence of the Registrar

1. The marriage shall be concluded before the competent registrar,

2. The competent registrar is the one in whose district one of the contracting parties is domiciled or usually resides. If these are several competent registrars, the choice rests with the contracting parties,

3. If neither of the contracting parties is domiciled or usually resides in this country, then the competent authority to conduct the marriage ceremony in this country is the registrar of the Registrar's Office I in Berlin or the Head Registrar's Offices in Munich, Baden-Baden and Hamburg.

4. With a written authorization from the competent registrar, the marriage can also be contracted before the registrar of another district.

## D. NULLITY OF THE MARRIAGE

## I. Ground for Nullity

## Section 16,

A marriage is void only in the cases set out in Sections 17 to 22 of this Law.

## Section 17.

## Lack of Form

1. A marriage is void if it has not taken place in the form prescribed in Section 13.

2. The marriage is, however, to be regarded as valid from the beginning if the married couple have lived together as man and wife for five years after contracting the marriage, or in the case of the previous death of one of them, up to the time of such death, but in any event for at least three years, unless before the end of the five years or at the time of the death of one of the parties, a nullity action has been started.

## Section 18.

## Legal incapacity and incapacity of judgment

1. A marriage is void if one of the parties at the time of the marriage was under legal incapacity, or was in a state of unconsciousness or his mental faculties were temporarily disturbed,

2. The marriage is, however, to be regarded as valid from the beginning, if the party affected, on recovering from his legal incapacity, his state of unconsciousness or the disturbance of his mental faculties intimates that he is willing to continue in the married state.

## Section 19.

## Marriage for the purpose of acquiring a name

1. A marriage is void if it has been contracted solely or primarily with the purpose of enabling the wife to bear the surname of the husband without the establishment of conjugal relations.

2. The marriage is, however, to be regarded as valid from the beginning, if the married couple have lived together as man and wife for five years after marriage, or in the case of the previous death of one of them, up to the time of such death, but in any event for at least three years, unless at the end of the five years, or at the time of the death of one of the parties, a nullity action has been started,

## Section 20.

## Bigamy

A marriage is void, if at the time of the marriage one of the contracting parties **was** lawfully married to a third party.

## Section 21.

Relationship by **consanguinity** and affinity

1, A marriage **is** void **if it was** contracted between relations by blood or marriage, **in violation** of the prohibition contained **in** Section 4.

2, A marriage between relations by marriage is, however, to **be** regarded as valid from the **beginning**, **if** exemption under the provision of Section 4 Subsection 3 is subsequently granted.

## Section 22.

## Adultery

1. A marriage is void **if it** was forbidden on **account** of adultery under Section 4.

2, The marriage **is**, however, to be regarded as **valid from** the beginning **if** subsequent exemption under the provision of Section 6 Subsection 2 is granted,

II. Assertion of **Nullity**

## Section 23.

No one can assert that a marriage is void so long as the marriage has not been declared void by a decision of the **Court**,

## Section 24.

## Right of Action

1. In cases of nullity the Public Prosecutor and each of the married parties, and, in case specified in Section 20, also the partner of the former marriage, may bring a nullity action. If the marriage has been dissolved, then only the Public Prosecutor can bring the action for nullity.

2. If both partners have died, an action of nullity can no longer be brought.

## III. Consequence of Nullity

## Section 25.

## Legal Status of the Children

1. A child born of a marriage which is void is regarded as legitimate to the extent to which it would have been legitimate if the marriage had been valid.

2. The right to the custody of the person of a child will be determined by applying the provisions which would be applicable in the case of divorce. The party who knew of its nullity at the time when the marriage was contracted is placed in the position of a party found guilty in divorce proceedings,

3. Any marriage partner who at the time of contracting the marriage had knowledge of its nullity is barred from the right of administration and usufruct of the child's property and from representing the child in legal matters pertaining to the child's property.

## Section 26.

Relationship between the marriage partners in  
respect of property rights

1. Even if only one of the marriage partners had no knowledge of the nullity of the marriage at the time when it was contracted, the provisions governing divorce with respect

to the property rights of the marital partners shall apply correspondingly. In such a case the partner who at the time that the marriage was contracted had knowledge of the nullity is to be considered as the guilty party.

2. A marriage partner who had no knowledge that the marriage was void at the time it was contracted may within six months of the marriage having been finally declared void, declare to the other partner that the consequences of nullity shall remain unaffected as regards their relationship and with respect to property rights. Where such a declaration is made, the provisions of Subsection I do not apply.

#### Section 27.

#### Protection of third parties acting in good faith

As against a third party a legal transaction between him and one of the marriage partners, or any court judgment in which they were involved, can be contested only if the marriage had been declared void at the time the legal transaction was concluded, or if the court action had been pending, or if the nullity was known to the third party.

### E. ANNULMENT OF THE MARRIAGE

#### I. General Provisions

#### Section 28.

Annulment of the marriage can be sought only in the cases specified in Sections 30 - 34 and 39 of this law.

#### Section 29.

A marriage is annulled by a decision of the Court. It is dissolved at the time when the judgment has come into force,



## II. Grounds for annulment

### Section 30

#### Lack of consent of the legal representative

1. A marriage partner can seek annulment of the marriage if, at the time of contracting the marriage or, in the case of Section 18, Subsection 2, at the time of confirmation, his legal capacity was limited and the consent of his legal representative to the marriage, or its confirmation, had not been given. So long as the marriage partner is limited in his legal capacity, only his legal representative can seek annulment of the marriage.

2. Annulment is inadmissible if the legal representative gives his consent to the marriage or if the marriage partner having his acquired legal capacity, has intimated his willingness to continue in the married state.

3. Where the legal representative withholds his consent, without sufficient grounds, the guardianship judge may on the application of one of the marriage partners, give his consent instead.

### Section 31.

#### Error regarding the celebration of marriage or regarding the identity of the other party

1. A marriage partner can seek annulment of the marriage if at the time of marriage he was not aware that a marriage was being celebrated or if though he was aware of it, was unwilling to declare his willingness to enter into the marriage. The same applies if the marriage partner has made an error with regard to the identity of the other partner,

2. Annulment is inadmissible if the marriage partner, after discovering his error, has intimated his willingness to continue in the married state.

### Section 32.

#### Error regarding the personal characteristics of the other partner

1, A marriage partner can seek annulment if at the time of the marriage he made an error regarding such personal characteristics of the other partner which, had he known the facts and intelligibly understood the essential meaning of marriage, would have deterred him from contracting the marriage.

2. Annulment is inadmissible if the partner, after discovering the error, has intimated his willingness to continue in the married state, or if his request for annulment would not, having regard to the manner in which the married life of the parties had hitherto been conducted appear to be morally justified,

### Section 33.

#### Wilful deceit

1, A marriage partner can sue for annulment of the marriage if, at the time of the marriage he was wilfully deceived regarding such circumstances which, had he known the state of affairs and intelligibly understood the essential meaning of marriage, would have deterred him from contracting the marriage,

2. Annulment is inadmissible if the deceit has been practised by a third party without the knowledge of the other marriage partner, or if the marriage partner, on discovering the deceit, has intimated his willingness to continue in the married state.

3. Annulment is inadmissible on the ground of deceit regarding financial circumstances.

### Section 34.

#### Threat

1, A marriage partner can sue annulment if he has been illegally induced by threats to contract the marriage.

2. Annulment is inadmissible if the marriage partner, after the duress resulting from such threats has ceased, has intimated his willingness to continue in the married state.

### III. Filing of Application for Annulment

#### Section 35.

##### Time limit for application

1. An application for annulment can be filed only within one year.

2. This period begins to run in cases under Section 30, at the time when the marriage or the confirmation of the marriage becomes known to the legal representative or when the marriage partner acquires unlimited legal capacity; in cases under Sections 31 - 33, at the time when the marriage partner discovers the error or deceit; in the case under Section 34, at the time when the duress ceases.

3. The running of the period is suspended while the marriage partner entitled to file such an application is prevented from so doing by circumstances beyond his control within the last six months of the period.

4. If a marriage partner entitled to file such an application is legally incapacitated and has no legal representative, the period does not come to an end until six months after the time when the married partner is capable of filing the application himself or when representation becomes available.

#### Section 36.

##### Failure on the part of the legal representative to file an application within the period

In the event of failure on the part of the legal representative of a legally incapacitated marriage partner to file the application for annulment within the prescribed time, the marriage partner himself can file the application for the annulment at any time within six months after his legal incapacity has ceased.

IV. Consequences of Annulment

Section 37.

1. The consequences of annulment of a marriage are governed by the provisions relating to the consequences of divorce.

2. In cases under Sections 30 - 32, the partner who, at the time of marriage, had knowledge of the grounds for annulment, is to be considered the guilty party; in cases under Sections 33 and 34, the marriage partner who committed, or had knowledge of the deceit or the threat, is to be considered the guilty party,

F. RE-MARRIAGE IN THE CASE OF DECLARATION OF DEATH

Section 38,

1. Where a marriage partner re-marries - the other partner having been declared dead - the new marriage is not void on the grounds that the partner declared dead is still alive, unless both partners to the new marriage knew at the time of marriage that he was still alive at the time he was declared dead.

2, The former marriage is dissolved by the new marriage. It remains dissolved even if the official declaration of death is annulled,

Section 39.

1, If the marriage partner declared to be dead is still alive, the former spouse can seek annulment of the new marriage unless he know at the time of marriage that the marriage partner declared to be dead was still alive at the time when he was officially declared dead.

2. If the former spouse avails himself of his right in accordance with Subsection 1, and if the new marriage is annulled, he can contract marriage, as long as the former marriage partner is still alive, only with the latter. In other respects the consequences of annulment are governed by Section 37.

Section 40.

If a marriage has been dissolved under Section 38, Subsection 2, the right to the custody of the person of a child of this marriage and the obligations of one of the parties to contribute towards the maintenance of that child are regulated in the same way as if the parties had been divorced without any declaration as to their guilt.

## Part Two

## LAW OF DIVORCE

## A. General Provisions

## Section 41

The marriage partners are divorced by a decision of the Court. A marriage is dissolved at the time when the judgment comes into force. The conditions under which divorce can be sought are set out in the following provisions.

## B. Grounds for divorce

## I. Divorce on grounds of guilt (violation of marriage duties)

## Section 42

## Adultery

1. A marriage partner can petition for divorce if the other partner has committed adultery,

2. He has no legal right to divorce if he consented to the adultery or if by his conduct he intentionally made it possible or facilitated it,

## Section 43.

## Other violations of marriage duties

A marriage partner can petition for divorce if the other partner, through serious violations of marriage duties or through disreputable or immoral conduct, is guilty of having disrupted the foundations of the marriage to such an extent that the restoration of common life in the true conjugal sense can no longer be expected. Any partner who has himself been guilty of such a violation cannot petition for divorce, if on a true assessment of the significance of marriage the nature of his violation does not morally justify his request for divorce, especially if there should be a connection between his violation and that of his partner,

11. Divorce on other grounds

Section 44.

Conduct due to mental derangement

A marriage partner can petition for divorce if, owing to the conduct of the other partner which cannot be considered as a violation of marriage duties because it arises from the mental derangement, the foundations of marriage have been disrupted to such an extent that restoration of common life in true conjugal sense can no longer be expected.

Section 45.

Mental Diseases

A Marriage partner can petition for divorce if the other partner is suffering from a mental disease which has reached such a stage as to make spiritual companionship impossible and unlikely to be restored.

Section 46,

Contagious and repulsive diseases

A marriage partner can petition for divorce if the other partner is suffering from a severe contagious or repulsive disease which cannot be expected to be cured or rendered innocuous within a reasonable time,

Section 47.

Prevention of Hardship

In cases under Sections 44 - 46, divorce is not admissible if the petition for divorce cannot be morally justified. As a rule this must be assumed if the dissolution of the marriage would cause exceptional hardship to the other partner, Whether this is the case depends on circumstances, in particular the duration of the marriage, the age of the marriage partners and the circumstances in which the disease was contracted.

## Section 48.

## Cessation of domestic life

1. If the marriage partners have not kept a common household for three years and if, owing to a deep-rooted, incurable disruption of marital relations, restoration of common life in the conjugal sense cannot be expected, either of the marriage partners can petition for a divorce,

2. If the action of the marriage partner seeking divorce wholly or predominantly caused such a disruption, the other partner can oppose the divorce. Such opposition must be disregarded if maintenance of the marriage does not appear to be morally justified on a true assessment of the significance of marriage and of the mutual conduct of both partners.

3. The petition for divorce must not be granted if on a true understanding of the interests of one or several minor children of this marriage, the maintenance of the marriage is required.

## C. Exclusion of the right to divorce

## Section 49.

## Condonation

The right to a divorce on the ground of guilt does not exist if from the conduct of the injured partner it can be inferred that he has condoned the violation or has not considered it to have disrupted the marriage.

## Section 50.

## Period of Limitation

1. The right to a divorce on the ground of guilt lapses if the marriage partner does not file a petition within six months. The period begins to run from the time when the ground for divorce becomes known to him. The period does not run while the partners ceased to keep a common household. If the guilty



party requires the other party to re-establish a common household or to file a divorce petition, the period begins to run from the date of the receipt of this demand,

2. Divorce is no longer admissible if ten years have elapsed from the date of the occurrence of the ground for divorce,

3. An application for judicial conciliation has the same effect as the filing of a petition for divorce provided the summons is issued without delay. The application loses this effect if the applicant does not appear at the conciliation hearing or the petition is not filed within three months of the conclusion of the conciliation proceedings.

4. Section 35, Subsections 3 and 4, are applicable to the six and three months periods of limitation.

#### Section 51.

Subsequent reliance on grounds for divorce in the case of divorces on grounds of guilt

1. After the expiry of the periods referred to in Section 50, a ground for divorce can still be pleaded during divorce proceedings if the period had not expired at the time of the filing of the petition,

2. Violations of marriage duties on which a divorce petition can no longer be based, may, even after the expiration of the periods of limitation specified in Section 50, be pleaded in support of a divorce petition based on other violations of marriage duties.

#### D. Findings of Guilt

#### Section 52.

Divorce on grounds of guilt

1. If a divorce is granted by reason of the guilt of the defendant, this must be stated in the judgment.

2. If the defendant has made counter-charges and a divorce is granted on account of the guilt of both partners to the marriage, then both are to be declared guilty. If the guilt of one party is substantially graver than that of the other party, then it must also be stated that his guilt outweighs that of the other party.

3. Even if no counter-charge is made, the joint guilt of the plaintiff must be declared on the application of the defendant if the divorce is granted owing to a violation on the part of the defendant, who at the time of filing the petition, or later, would himself have had grounds for divorce on account of guilt. In the event of the defendant at the time petition was filed having already forfeited his right, to seek divorce on grounds of guilt on the part of the plaintiff, the application must nevertheless be granted if this should be considered fair; Subsection 2, Sentence 2 of this Section and Subsection 3 of Section 50 shall apply correspondingly.

#### Section 53.

##### Divorce on other grounds

1. If a divorce is granted on the strength of a charge and counter-charge, and if only one of the marriage partners is found guilty, this must be stated in the judgment.

2. If the divorce is granted merely on the strength of the provisions contained in Sections 44 - 46 and 48, and if the defendant, at the time the petition was filed or later, could have petitioned for divorce on the ground of the plaintiff's guilt, the judgment, even if no counter-charge has been made, must on the application of the defendant state that the plaintiff has been found guilty. If the right of the defendant to petition for divorce on the ground of the plaintiff's guilt had already been forfeited at the time the petition was filed, the application must nevertheless be granted if this should appear to be fair. Section 50, Subsection 3 shall apply correspondingly.

## E, Consequences of Divorce

## I, Name of the divorced wife

## Section 54.

## Principle

The divorced wife retains the surname of her husband.

## Section 55.

## Resumption of a former name

1. A divorced wife may resume her maiden name by making a declaration before a registrar. The declaration requires public certification .

2. Similarly she may resume a former surname acquired through a previous marriage if there are descendants of that marriage. Resumption is inadmissible if the wife has been found wholly or predominantly guilty.

## Section 56.

## Refusal by the husband to allow retention of his name

1, If the wife has been found solely or predominantly guilty, the husband may, by declaration before a registrar, forbid her to retain his surname. This declaration requires public certification. The registrar must notify the wife of this declaration,

2. On the loss of her husband's name the wife resumes her maiden name.

## Section 57.

## Refusal by the Guardianship Court to allow retention of name

1. If after divorce the wife is found guilty of a serious lapse against her former husband, or if she, against his will, leads a disreputable or immoral life, the Guardianship Court may, upon application by the former husband, forbid her to retain his surname.

2. Subsection 1 is also applicable if the wife has resumed a surname acquired through a previous marriage under Section 55, Subsection 2.

3. The decision forbidding the retention of the name comes into force only after the decision has become final. The wife thereupon resumes her maiden name.

## II. Alimony

### e. Obligation to pay alimony in case of divorce on grounds of guilt

#### Section 58,

1. A husband who has been found solely or predominantly guilty must pay alimony to his divorced wife commensurate with the standard of their married life, in so far as the income from property and earnings from any occupation of the divorced wife are insufficient.

2. A wife who has been found solely or predominantly guilty must pay adequate alimony to her divorced husband in so far as he is incapable of supporting himself,

#### Section 59.

1. Should the payment of the alimony fixed in Section 58 impair the means for the reasonable maintenance of the married partner who has been found solely or predominantly guilty, having regard to any other obligations he may have, he need only pay so much as is equitable, having regard to the needs of the divorced couple and their circumstances as regards property or earnings from any occupation. If the person under the obligation of alimony has to support a minor unmarried child, or if remarried, to support the new marital partner, the needs and the economic circumstances of these persons are to be considered.

2. In the circumstances set out in Subsection 1, the husband is released from any obligation to pay alimony if the wife can provide for her own maintenance from income derived from her own property.

## Section 60.

In the event of both marriage partners having been found guilty but neither predominantly guilty, the marriage partner who cannot provide for his own maintenance may be awarded a contribution towards his maintenance if and in so far as this is equitable, having regard to the means and earnings of the other party to the marriage and of those relations who are under an obligation to provide maintenance under Section 63. The obligation to make such a contribution can be limited to a certain period. Section 59, Subsection 1, Sentence 2 shall apply correspondingly.

- b. Obligation to pay alimony in cases of divorce on other grounds

## Section 61.

1. If divorce was granted solely on one of the grounds specified in Sections 44 - 46 and 48, and if the judgment contains a finding of guilt, the provisions of Sections 58 and 59 shall apply.

2. If the judgment does not contain a finding of guilty, the married party petitioning for divorce must pay alimony to the other partner if and in so far as this is equitable, having regard to the means and earnings of the divorced couple and of those relations who are liable to provide maintenance for the party entitled under Section 63. Section 59, Subsection 1, Sentence 2 and Subsection 2 shall apply correspondingly.

- c. Mode of payment of alimony

## Section 62.

1. Alimony must be paid by means of regular cash payments. Payments have to be made monthly in advance. If it is apprehended that the debtor intends to evade his maintenance obligations, he must provide security. The manner in which security is to be provided is determined according to the circumstances.

2. The beneficiary may demand a lump sum in lieu of monthly payments if there is sufficient reason for this demand and if the debtor is not unfairly burdened thereby.

3. The debtor is liable for the fully monthly instalment even in the event of death of the beneficiary in the course of the month.

#### Section 63.

1. The divorced party who is under an obligation to pay alimony is liable to do so before the relatives of the beneficiary become liable. In so far, however, as the debtor's own reasonable maintenance would be imperilled taking into consideration his other obligations, the relations shall be liable in the first instance. So far as the divorced party has no claim to alimony against the other party, the relatives of the party entitled to maintenance must provide maintenance according to the general provisions concerning the liability for maintenance.

2. The relatives shall also be liable if legal proceedings in this country against the marriage party is liable are impossible or of considerable difficulty. In such a case the claim against the marriage partner is transferred to the relative who has provided the maintenance. The transfer cannot be relied upon to the disadvantage of the beneficiary,

#### Section 64.

The party entitled can claim arrears of payments or damages for non-fulfilment only from the time when the party liable defaulted or the court became seized of the claim for alimony; and in the case of periods exceeding one year prior to the date when the court was seized, only if it can be presumed that the party liable has purposely evaded payments.

d. Limitation and lapse of claims for alimony

#### Section 65.

Indigence due to the fault of the party entitled

1. A party entitled to alimony whose indigence is due to immoral conduct can claim alimony sufficient only for the bare necessities of life.

2. Additional requirements caused by any grave fault of the party entitled do not justify a claim to increased maintenance.

#### Section 66.

##### Forfeiture

The party entitled forfeits his claim to alimony if after divorce he becomes guilty of a serious lapse against the party liable or if against the wishes of the other party he leads a disreputable or immoral life.

#### Section 67.

##### Re-marriage of the party entitled

The obligation to pay alimony lapses on the re-marriage of the beneficiary.

#### Section 68.

##### Re-marriage of the party liable

In the event of the party liable re-marrying, the provisions of Section 1604 of the "Buergerliches Gesetzbuch" concerning the effect of the marriage property system on the obligation of maintenance shall apply correspondingly.

#### Section 69

##### Death of the Beneficiary

1. The claim to alimony expires with the death of the beneficiary. Only a claim for arrears of payments or damages for non-fulfilment, or a claim for amounts due to the beneficiary on the date of his death, remain valid after his death.

2. The party liable is responsible for funeral expenses in so far as this is equitable, and only if they cannot be recovered from their heirs.

## Section 70.

## Death of the party liable

1. On the death of the party liable the obligation to pay alimony is transferred to the heirs as a liability attaching to the inheritance.

2. The responsibility of the heir is not limited' by Section 59. The beneficiary must, however, submit to any reduction of payment which may appear equitable, having regard to the circumstances of the heir and the yield of the estate,

3. An obligation to contribute imposed on a party to the marriage by Section 60 lapses on the death of the party liable,

## e. Contribution towards the maintenance of children

## Section 71.

1. If one of the divorced parties has to provide maintenance for a child born of the marriage, the other party must make a contribution, commensurate with the income from his property and from the earnings of his occupation, towards the cost of such maintenance, in so far as this is not covered by the usufruct of the child's property. This claim is not transferable.

2. If the party liable to make that contribution has the custody of the person of the child, he may retain the contribution for the purpose of applying it to the maintenance of the child.

## f. Contracts in respect of alimony

## Section 72.

The marriage partners may enter into an agreement in respect of the obligation to pay alimony after the divorce. If such an agreement has been made before the judgment becomes final, it shall not be void merely because it facilitated or made possible the divorce; it shall, however, be void if the marriage partners in connection with it has relied on a ground for divorce which was non-existent or no longer exists; or if in other respects the contents of the agreement or other circumstances of the case indicate that the agreement is contrary to morality,



## g. Return of gifts

### Section 73.

1. In the case of one partner only having been found guilty, the other marriage partner may demand the return of gifts made by him during the period of their engagement or marriage, with the exception of gifts of no substantial, pecuniary or sentimental value. The provisions of Section 531 of the "Buergerliches Gesetzbuch" shall apply.

2. Such claims are inadmissible if a period of one year from the date when the divorce judgment became final has elapsed, or if either donor or recipient has died.

## III. Relationship to children

### Section 74.

#### Care of the child

1. Where in a divorce no agreement has been reached between the parties, the Guardianship Court decides to which of them shall be given the custody of the child or children of the marriage. Agreement between the parties must be submitted to the Guardianship Court for approval in the form of a written proposal within a period of two weeks from the time when the divorce became final.

2. If such an agreement is not submitted within the period specified in Subsection 1 or is not approved by the Guardianship Court; the latter shall make such an order as is consistent with the best interests of the child or children, having regard to all circumstances. For this purpose the Court may make personal contact with the children.

3. The divorce parties should be personally heard before such a decision is made. Such a hearing shall be dispensed with only if it cannot be arranged.

4. Custody shall be given to the party who has been found solely or predominantly guilty only if this is, for special reasons, in the best interests of the child or children.

5. The Guardianship Court may give the custody of the child to a curator if, for special reasons, the well-being of the child or the children requires this.

6. The Guardianship Court may vary its order at any time should it deem this advisable in the interest of the child or the children.

### Section 75.

#### Personal access to the children

1. The party who has not the custody of the child born of the marriage retains the right to have personal access to it,

2. The Guardianship Court may regulate in detail the manner in which the access is to take place. It can, for any period or permanently, forbid this access if this is for special reasons in the interest of the well-being of the child,

F. Right to separation after forfeiture of the right to a divorce

### Section 76.

When the right to divorce has been forfeited through condonation or through lapse of time, the rights and duties of such marital partners shall be the same as if the forfeited right to divorce had never existed.

## Part Three

### ACTIONS FOR MITIGATION OF HARDSHIP

### Section 77.

1. Judicial decisions relating to family rights based on such provisions of the "Gesetz zur Vereinheitlichung des Rechts der Eheschliessung und der Ehescheidung im Lande Oesterreich und im uebrigen Reichsgebiet", dated 6th July 1938, (RGBl I.p.807), which are contained neither in the Buergerliches Gesetzbuch nor in this law, and judicial decisions based solely or predominantly on racial, political or religious grounds may be contested by either of the parties injured by such a decision, as well as by

the children of the marriage or by the Public Prosecutor (action for mitigation of hardship).

2. The action for mitigation of hardship must be brought within two years of the coming into force of this law in the court which made the decision so contested. Where this is impossible or impracticable, the President of the Oberlandesgericht in whose district the contesting party is domiciled shall decide which court is competent to deal with the action.

3. The contesting party may in such an action claim compensation for material damage inequitably suffered by him and demand the removal or mitigation of such hardships as adversely affect his personal position,

4. No claim for restoration of a marriage which has been declared void or has been annulled or dissolved through divorce can be made.

5. The discretionary decision of the court should be guided by the principles of equity and should take into consideration all circumstances which have led to the disadvantage suffered by the contesting party. In particular it may award appropriate compensation for damage inequitably suffered during the period subsequent to the pronouncement of the decision contested and give the contesting party such rights as may be claimed under this law by the innocent party in a divorce suit.

6. In other respects the provisions of the "Zivilprozessordnung" shall apply to an action for the mitigation of hardship.

#### Part Four

#### ADDITIONAL PROVISIONS

#### Section 78.

The repeal of Sections 1303 - 1352, 1564 - 1587, 1608 Subsection 2, and Sections 1635 - 1637, 1699 - 1704, 1771, Subsection 2, Sentence 2, of the Buergerliches Gesetzbuch, Article II, Sections 1 and 2, of the Gesetz gegen Missbraeuche bei der Eheschliessung und der Annahme an Kindes Statt" dated 23rd November 1933 (RGBl I. p.979) and Article I of the "Gesetz ueber die Aenderung und Ergaenzung familienrechtlicher Vorschriften

und uebor die Rechtsstellung der Staatenlosen" dated 12 April, 1938, (RGBl I.p.380) is not affected by this law.

Section 79.

The "Gesetz zur Vereinheitlichung des Rechts der Eheschliessung und der Ehescheidung im Lande Oesterreich und im uebrigen Reichsgebiet" dated 6th July 1938 (RGBl I.p.807) is hereby repealed, All provisions of any carrying out laws, ordinances or decrees and of any other legislation which are inconsistent with the present law are also hereby repealed.

Section 80.

This law will become effective as from 1 March 1946.

Done at BERLIN, the 20th day of February 1946.

s/d P. KOENIG  
General do Corps d'Armee

s/d G. ZHUKOV  
Marshal of the Soviet Union

s/d JOSEPH T. McNARNEY  
General U.S. Army

s/d H. M. BURROUGH  
Admiral

## COORDINATING COMMITTEE

MEASURES FOR PREVENTING THE SPREAD OF INFECTION  
FROM ONE ZONE INTO ANOTHER DURING EXCHANGE OF EMIGRANTS

1. During the exchange between Allied Zones of German refugees and ex-Wehrmacht personnel there arises the danger of spreading infectious disease; in order to prevent this it is necessary to have a uniform system of counter epidemic measures which will be taken by the Allied Powers and the German self-government organisations .

2 The following measures are recommended with the object of preventing the spreading of infectious diseases:-

- (i) Camps must be set up for assembling refugees being remove? to another zone.
- (ii) Besides living accommodation, the camps must have facilities for isolating persons suffering from infectious disease, and for sanitary treatment, isolation wards, Laths, disinfection and de-infestati.cn,
- (iii) Constant medical supervision of the refugees is necessary in order to bring to light cases of infectious diseases as early as possible; for this the German self-government organisations must send doctors and nurses to each camp.
- (iv) The Camp Commandant and the doctor appointed by the German self-government organisation must be responsible for the sanitary maintenance of the camp and for the carrying out of counter-epidemic measures.
- (v) Persons suffering from or suspected of suffering from infectious diseases must be immediately isolated and then sent to hospital, from where they can be sent across the frontier of the zone only after complete recovery.

3. If there are cases of typhus, typhoid, paratyphoid and dysentery, the group of refugees who have been in contact with the sick persons must be placed in quarantine, for 14 days in the case of the typhoid group of diseases and 7 days in the case of dysentery.

They may be moved on only after the end of the quarantine period.

All prophylactic measures suitable for the types of diseases must be carried out in the quarantine group according to the instructions of the camp medical officer.

4. Any group of refugees and ex-Wehrmacht personnel crossing the zone frontier in a convoy, on a train, or on foot, must be accompanied to the frontier by medical personnel in the following proportion:

Up to 500 persons - 1 surgeon's assistant or nurse.

above 500 persons - 1 Doctor and 1 nurse with health passport in their charge.

The passport must contain the following data:

- (i) No. of refugees and ex-Wehrmacht personnel
- (ii) Town etc. or camp from which the refugees and ex-Wehrmacht personnel are travelling and date of departure from there.
- (iii) Whether there have been any cases of infectious diseases amongst the inhabitants of the town or camp before departure of the group and if so, which diseases.
- (iv) Whether there have been any cases of infectious diseases in the group en route; if so, the number of cases and treatment given.
- (v) Whether the group has been medically examined and disinfected before departure.

(vi) The health passport must be signed by the Commandant of the group or convoy and the doctor or doctor's assistant and must be produced for inspection at the frontier by the Allied Power receiving the emigrants.

5. The health passport must accompany the group or convoy to the final destination of the last remaining person.

The Directorate of Internal Affairs and Communications acknowledges its responsibility for providing the surgeons, nurses and health passports referred to in the paper.

6. It is specified that all measures envisaged in this document will apply to inter-zonal movements in Germany only. The transfer of minorities coming from Poland, Czechoslovakia, etc., does not fall under the competency of the Directorate of Internal Affairs and Communications. The application of these measures to non-German refugees would necessitate diplomatic intervention with the governments of the countries concerned and could not be put into effect by order of the Allied Control Authority for Germany.

Approved at Berlin 25 February 1946

CORC/F(46)72

## CONTROL COUNCIL

## LAW NO. 17

## AMENDMENT OF INHERITANCE TAX LAWS

## Article I

The present inheritance tax rates on acquisitions by persons in Tax Class V (see Section 9 of the Inheritance Tax Law of 22 August 1925 as amended by the Law of 16 October 1934 (Erbschaftssteuergesetz)) apply to acquisitions by persons in all other tax classes. Section 10 of the said law is mended accordingly.

## Article II

1. Sect 5.cn 17b of the said law, as amended, is further amended as follows:

- (a) In subsection (1), the tax exemption (Freibetrag) for acquisitions by persons in tax class I is reduced from RM 30,000 to RM 10,000;
- (b) In subsection (2), the tax immunity limit (Besteuerungsgrenze) for acquisitions by persons in tax classes III and IV is reduced from RM 2,000 to RM 500, and the limitation of the amount of tax payable by persons in classes III, IV, and V to 50% of the excess of the acquisition over such tax immunity limit is repealed.

2. Section 17 (a) of the said law is repealed.

## Article III

In addition to the exemptions specified in Article II, household effects (Hausrat) of such estate shall be exempt from tax irrespective of the Tax Class in which the person or persons acquiring them fall, up to a total value of 5,000 RM. If the value of such effects exceeds 5,000 RM, the exemption shall apply to the first 5,000 RM of the value thereof. The exemption shall be apportioned among the beneficiaries in accordance with the



actual division of such effects, Section 18 subsection (4) (a) of the law of 22 August 1925 as amended by the law of 16 October 1934 (Erbschaftssteuergesetz) is amended accordingly.

Article IV

All other German taxation legislation inconsistent with this law is repealed or mended in accordance with the provisions of this law.

Article V

The rates of tax specified in this Law will apply as from 1 January 1946.

Done at Berlin, the 28th day of February 1946.

s/d F. KOENIG  
General de Corps d'Armee

s/d G. ZHUKOV  
Marshal of the Soviet Union

s/d LUCIUS D. CLAY  
Lieutenant General, U.S.

s/d B. H. ROBERTSON  
for B. L. MONTGOMERY  
Field Marshal

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