

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The following provisions of the German Criminal Code of 15 May 1871, as amended, are hereby expressly repealed: Sections 2, 2b, 9, 10, 16 par. 3, 42a No. 5, 42k, 80 to 94 inclusive, 102, 103, 112, 134a, 134b, 140, 140a, 140b, 141a, 142, 143, 143a, 189 par. 3, 210a,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 The following laws are hereby expressly repealed, together with all the supplementary and explanatory laws, ordinances and decrees: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.

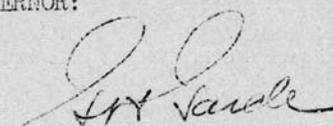
2. You will furnish copies of the Law to the German Land Ministers of Justice and of the Interior, so that they can furnish copies to the local authorities and issue the necessary instructions to the Registrars (Standesbeamten) and supervisory authorities (Aufsichtsbehoerden).

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.

RECOMMENDATIONSAirfields

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 organizations, 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 agricultural 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"). Tht 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 111 (4) - Persons
with 4 Children

RM	0 -	266	NIL								
	267 -	283	RM	1.20	plus	10%	of the excess over	RM	267		
	283 -	383	"	2.80	"	20%	" " "	"	283		
	383 -	483	"	22.80	"	40%	" " "	"	383		
	483 -	983	"	62.80	"	50%	" " "	"	483		
	983 -	1283	"	312.80	"	55%	" " "	"	983		
	1283 -	1383	"	477.80	"	60%	" " "	"	1283		
	1383 -	1483	"	537.80	"	65%	" " "	"	1383		
	1483 -	1783	"	602.80	"	75%	" " "	"	1483		
	1783 -	2000	"	827.80	"	80%	" " "	"	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 + 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 + 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 + 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