

CONTROL COUNCILLAW NO. 43Prohibition of the Manufacture, Import, Export, Transport
and Storage of War Materials

In order to prevent the rearming of Germany, the Control Council enacts as follows:

ARTICLE I

1. The manufacture, import, export, transport and storage of the war materials specified in Schedule A annexed hereto are prohibited. All existing stocks of such materials shall be destroyed, removed or converted to essential peacetime uses as soon as possible, according to the instructions of the appropriate Zone Commander (in Berlin, the appropriate Sector Commander).

2. Museum specimens and specimens of historic value are excluded from the provisions of Paragraph 1 of this Article.

3. The expression "war materials" specified in Schedule A includes components, accessories and spare parts of such materials, which are specially designed for military use.

ARTICLE II

The manufacture, import, transport and storage of the war materials specified in Schedule B annexed hereto shall be permitted only with the authority and under the control of the appropriate Zone Commander. The manufacture of the materials in this Schedule shall provide only for essential peacetime requirements; existing stocks of the materials in excess of such requirements shall be destroyed or removed according to the instructions of the appropriate Zone Commander. The export of materials specified in Schedule B may be permitted by authorization of the appropriate body of the Allied Control Authority.

ARTICLE III

The following materials shall be deemed to be within Schedule A, insofar as manufacture is concerned, and within Schedule B, insofar as import, transport, and storage are concerned:

(e) Arms and ammunition destined for authorized internal security services, and for other authorized purposes;

(b) Cryptographic machines and devices for cipher work for use in civil and authorized internal security services.

ARTICLE IV

1. Any person, organization, or group of persons, owning or controlling any existing stocks of the materials specified in Schedule A or Schedule B, shall file a written declaration of such materials with the appropriate Zone Commander within 90 days after the effective date of this law.

2. Any person being aware of the existence of such stocks which have not been declared to the appropriate Zone Commander shall himself declare them.

ARTICLE V

At the request of the interested Occupation Powers, the prohibited material listed in Schedule A may, as an exception, be listed in Schedule B by the Allied Control Authority, or by a body acting on their behalf, in cases where it will appear that such materials are destined for peacetime requirements and not designed specially for war purposes and are not dangerous in themselves.

ARTICLE VI

1. Any person violating, or attempting to violate any of the provisions of this law or of any regulations hereunder shall be liable to prosecution before a Military Government Court and upon conviction shall be subject to the following punishment with or without confiscation of his property in whole or in part:

- (a) Imprisonment (Gefängnis) for a term not exceeding five years;
- (b) Hard labor (Zuchthaus) for a term of not less than one year and not more than fifteen years;
- (c) In serious cases, hard labor for life, or death.

2. Any organization violating, or attempting to violate any of the provisions of this law or of any regulations hereunder shall be liable to prosecution before a Military Government Court and upon conviction shall be dissolved and its property confiscated by order of the Court.

ARTICLE VII

This Law shall come into force on the date of its publication.

Done at Berlin 20 December 1946.

JOSEPH T. MCNAMNEY
General

SHCITO DOUGLAS
Marshal of the Royal Air Force

P. KOEHLER
General de Corps d'Armee

F. A. KUROCHKIN
Colonel General
for V. LOKOLEVSKY
Marshal of the Soviet Union

The date of publication is 30 December 1946 at 1600 hours.
COM1/P(46)82(Final)
20 December 1946

SCHEDULE AGROUP I

- (a) All weapons including atomic means of warfare or apparatus of all calibres and natures capable of projecting lethal or destructive projectiles, liquids, gases or toxic substances, their carriages and mountings.
- (b) All projectiles for the above and their means of projection or propulsion. Examples of means of propulsion are cartridges, charges, etc.
- (c) All military means of destruction such as grenades, bombs, torpedoes, mines, depth mines, depth and demolition charges and self-propelled charges.
- (d) All military cutting or piercing weapons, (in French: white arms), (in Russian: cold arms), such as bayonets, swords, daggers and lances.

GROUP II

- (a) All vehicles specially equipped or designed for military purposes such as tanks, armored cars, tank-carrying trailers, armored railway rolling stock, etc;
- (b) Armor of all types for military purposes;
- (c) Harness specially designed for military purposes.

GROUP III

- (a) (i) Range-finding apparatus of all kinds for military purposes;
- (ii) Aiming, guiding, and computing devices for fire control;
- (iii) Locating devices of all kinds (particularly all devices for radio direction finding and all devices for radio detection);
- (iv) Instruments for assisting observation of fire or for the remote control of all moving objects.
- (b) All signalling and inter-communication equipment and installations specially designed for war purposes; all apparatus for radio interference.

- (c) Searchlights with mirror diameter of more than 45 cms.
- (d) Optical instruments of all kinds specially designed or intended for war purposes.
- (e) Survey and cartographic equipment and instruments of all kinds specially designed for war purposes. Military maps and equipment for using them.
- (f) Military Engineering tools, machinery and equipment such as special bridging material.
- (g) Personal military equipment and uniforms, and military insignia and decorations.
- (h) Cryptographic machines and devices used for cipher purposes.
- (i) All camouflage and dazzle devices,

Any of the materials listed in Group III, except for electronic devices such as radar, radiogoniometric and similar equipment, that have a normal peacetime use and are not specially designed for military use, are excluded from the provisions of paragraph 1, Article I of the Law.

GROUP IV

- (a) Warships of all classes. All ships and floating equipment specially designed for servicing warships. All ships with characteristics exceeding those required for normal peacetime uses; or designed or constructed for conversion into warships or for military use.
- (b) Special machinery, equipment and installations which in time of peace are normally used solely in warships.
- (c) Submersible craft of all kinds; submersible devices of all kinds, designed for military purposes. Special equipment pertaining to these craft and devices.
- (d) All military landing devices.
- (e) Material, equipment and installations for the military defense of coasts, harbors, etc.

GROUP V

- (a) Aircraft of all types, heavier or lighter than air; with or without means of propulsion, including kites, captive balloons, gliders, and model aircraft, and all auxiliary equipment, including aircraft engines and component parts, accessories, and spare parts specifically designed for aircraft use.
- (b) Ground equipment for servicing, testing, or aiding the operation of aircraft, such as catapults, winches and beacons; material for the rapid preparation of airfields, such as landing mats; special equipment used in conjunction with air photography; excluding, however, from the provisions of paragraph 1, Article I, of this law any such equipment and materials for landing fields and air beacons that have a normal peacetime use and are not specifically designed for military use as listed in Schedule B.

GROUP VI

All drawings, specifications, designs, models and reproductions directly relating to the development, manufacture, testing, or inspection of the war material, or to experiments or research in connection with war material.

GROUP VII

Machinery and other manufacturing equipment and tooling used for the development, manufacture, testing or inspection of the war material defined in this Schedule, and not capable of conversion to peacetime production.

GROUP VIII

- (a) The following War Chemicals:

High explosives, with the exception of those listed in Schedule B, Group VIIIc.

(NOTE: By "high explosives" is meant organic explosives used as fillings for shells, bombs, etc.)

THE ARMY LIBRARY
WASHINGTON, D. C.

Double base propellants (i.e. Nitrocellulose propellants containing nitroglycerine, diethylene-glycol dinitrate or analogous substances).

Single base propellants for any weapons except sporting weapons.

Nitroguanidine

Poison war gases (including liquids and solids customarily included in this term) with the exception of those listed in GROUP VIII b of Schedule B.

Rocket Fuels:

Hydrogen peroxide of above 37%
concentration
Hydrazine hydrate
Methyl nitrate

Highly toxic products from bacteriological or plant sources (with the exception of those bacteriological and plant products which are used for therapeutic purposes).

- (b) All special means for individual and collective defense used in peace exclusively by the armed forces, such as protective masks against toxic or lethal devices used for war, detection apparatus, etc.

GROUP IX

All apparatus, devices, and material specially designed for training and instructing personnel in the use, handling, manufacture or maintenance of war material.

SCHEDULE BGROUP I

- (a) Demolition charges used for public works, mines, quarries, etc., and their auxiliaries including explosives used for industrial purposes.
- (b) Explosive appliances for industrial and agricultural use, such as railway fog signals, life-saving rockets and equipment, devices specially designed for the humane killing of livestock, etc., and their accessories and means of operation.
- (c) Sporting weapons and ammunition for sporting weapons.

GROUP II

Non-cemented armor necessary for industrial purposes.

GROUP IV

Speed-boats.

GROUP V

- (a) Equipment and materials for landing fields and air beacons which have a normal peacetime use and are not specially designed for military use.

GROUP VIII

War Chemicals which are nevertheless required for peace economy.

- (a) High explosives:

- Trinitrotoluene
- Tetryl
- Pentaerythritol tetranitrate
- Picric acid
- Dinitrotoluene
- Nitroglycerine
- Initiating explosives
- Nitrocellulose
- Single-base propellants for sporting weapons

(b) Potential Poison War Gases:

Chlorine
Phosgene
Hydrocyanic acid
Chlorinated ketones
Halogenated carboxylic acids and their esters
Cyanogen halides
Iachrymatory halogen derivatives of hydrocarbons

(c) Other Chemicals:

Hydrogen peroxide having a concentration of 37% or
less
Liquid oxygen
Activated carbons
White Phosphorus
Incendiary compositions, e.g. Thermites
Smoke-producing substances, e.g.: titanium
tetrachloride and silicon tetrachloride.

CONTROL COUNCILReport to the Council of Foreign Ministers

(Note by the Allied Secretariat)

1. The Coordinating Committee at its 95th meeting on 19 December 1946 approved the proposal set forth below and agreed to submit it to the Control Council for approval.

a. The U.S. Delegation has been advised by the U.S. Secretary of State that the Council of Foreign Ministers has called upon the Allied Control Council for Germany to report by 25 February 1947 on the following subjects;

- (1) Work of the Control Council since its creation on the following points: Demilitarization, de-Nazification, democratization, economic problems, reparations;
- (2) The establishment of central administrations, and other problems connected with the political, economic and financial situation of Germany under quadripartite government;
- (3) liquidation of Prussia.

b. The U.S. Delegation proposes that the Control Council be informed that the Coordinating Committee is proceeding with the preparation of the report in anticipation of Control Council approval, and that the Control Council be requested to note and approve this action at its next meeting.

2. This paper is submitted for the approval of the Control Council at its 50th meeting on 20 December 1946. *)

H. A. GEMMELDT, Colonel

L. G. LINA, Brigadier

J. I. BAUDIER, Consul General

A. A. KUDRYAVTSEV, Major

Allied Secretariat
CCM/P(46)63

*) see page 204

21 December 1946

CON/1(46)35

CONTROL COUNCILMINUTES

(Meeting of 20 December 1946)

162. REPORT TO THE COUNCIL OF FOREIGN MINISTERS

The Meeting considered CON./P(46)83.

THE MEETING:

- (162) (a) approved CON/P(46)83, with the understanding that the French Delegation's position would be clarified by its Government:
- (b) instructed the Coordinating Committee to keep the Control Council informed of progress in the preparation of this report, and on 10 January 1947 to submit its plan for preparation of the report and its progress to date.

COORDINATING COMMITTEE

Allocation of Responsibilities for Report to Council
of Foreign Ministers

(Note by the Allied Secretariat)

1. The Council of Foreign Ministers has called upon the Allied Control Council for Germany to report by 25 February 1947 on the matters contained in COM/P(46)83, approved by the Control Council at its 50th Meeting on 20 December 1946.

2. The Coordinating Committee at its 96th Meeting on 21 December 1946 approved the following allocation of responsibilities to agencies of the Allied Control Authority. The Directorate assigned primary responsibility is instructed to consult the Directorates listed in parentheses but is also free to consult any other Directorate or agency of the Allied Control Authority which it considers advisable.

- a. Demilitarization (including Control of Research and of War Production) CSD-DEMI before 1 January 1947 (DEAV, DAIR, DIAC, DECO)
 - (1) Controlling Research and War Production DEMI (DECO)
- b. Denazification DIAC (DPOI, DIEG)
- c. Democratization (apart from Denazification) DIAC (DPOI, DEAN, DIEG)
- d. Economic Problems (apart from reparations) DECO (DEPT, DEAN, DIAC, DRDR, DEIN)
 - (1) level of Industry and Industrial Production - DECO
 - (2) liquidation of Economic War and Industrial Potential DECO (DEMI)
 - (3) Food and Rationing DECO
 - (4) Agriculture DECO
 - (5) Transportation DEPT
 - (6) Currency, Banking, Financial Reform, Prices, Wages DEIN (DEAN, DECO)
 - (7) Decartelization DECO
 - (8) Export and Import DECO
 - (9) Internal Trade DECO
- *) (10) Economic Unity DECO
 - (a) Aviation in Germany by Other than German Nationals CSD

- e. Reparations
 - (1) Policies DECO
 - (2) Valuations and Physical Removals DRDR
 - (3) Advance Deliveries DECO (DRDR)
 - (4) Reciprocal Deliveries DECO
 - (5) Drafting of Final Plan for Reparations DECO
- f. Central Administrations (History of Question) DPOI
- g. Other Problems
 - (1) Population Transfers DPOI
 - (2) Territorial Reorganization DIAC
- h. Liquidation of Prussia DIAC (DPOI)

3. The Members of the Coordinating Committee have agreed that each Zone Commander shall submit complete information for his Zone on the above questions concerning the implementation of Control Council laws, directives, orders and proclamations, and other necessary data on the status in the Zones and on progress achieved. This information is to be submitted as of 1 January 1947.

4. It was agreed that the above report is to be submitted to the Allied Secretariat by Wednesday, 5 February 1947 at the latest for approval at the next Coordinating Committee meeting following that date and for approval by the Control Council at its 20 February 1947 meeting.

5. This paper is circulated for information.

H. A. GERMHARDT, Colonel

R. G. EKHAM, Brigadier

J. I. BAUDIER, Consul General

A. A. RUDNIAVTSEV, Major

Allied Secretariat

Approved at DEWH
23 December 1946

JORC/P(46)410 Revise

Note: 1.

2. The U.S., French, and British Members of the Allied Secretariat agreed to retain as a sub-topic under paragraph 2 d (10) the following:

- '(a) Aviation in Germany by other than German Nationals OSD' and to add to paragraph 2 d (10),
- "(b) Interzonal Boundaries DECO (DIAC)".

3. The Soviet Member of the Allied Secretariat, basing his position on the discussion which took place in the Coordinating Committee, considered that paragraph 2 d (10) of CORC/P(46)410 Revise "Economic Unity" should not include any sub-topics, in as much as such subdivision of the subject would not be comprehensive and could only be determined by the Economic Directorate when drafting the detailed plan.

H. A. GERHARDT, Colonel

K. G. ECHAN, Brigadier

Corrigendum to
CORC/P(46)410 Revise
23 December 1946

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